AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

113TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPT. 113–92
Part 3

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

SUPPLEMENTAL REPORT

TO ACCOMPANY

H.R. 1947

JUNE 12, 2013.—Committed to the Committee of the Whole House on the State of Union and ordered to be printed

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

113TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPT. 113–92
Part 3

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

SUPPLEMENTAL REPORT

TO ACCOMPANY

H.R. 1947

JUNE 12, 2013.—Committed to the Committee of the Whole House on the State of Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

81–436 WASHINGTON : 2013

113TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPT. 113–92 Part 3

FEDERAL AGRICULTURE REFORM AND RISK MANAGEMENT ACT OF 2013

JUNE 12, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LUCAS, from the Committee on Agriculture, submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 1947]

This supplemental report shows changes in existing law made by the bill (H.R. 1947), as reported. The material contained in this supplemental report was omitted in the report submitted on May 29, 2013 (H. Rept. 113–92, pt. 1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

* * * * * * *

TITLE I—COMMODITY PROGRAMS

* * * * * * *

Subtitle A—Direct Payments and Counter-Cyclical Payments

* * * * * * *

[SEC. 1103. AVAILABILITY OF DIRECT PAYMENTS.

[(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity (other than pulse crops), the Secretary shall make direct payments to producers on farms for which base acres and payment yields are established.

[(b) PAYMENT RATE.—Except as provided in section 1105, the payment rates used to make direct payments with respect to covered commodities for a crop year shall be as follows:

[(1) Wheat, $0.52 per bushel.

[(2) Corn, $0.28 per bushel.

[(3) Grain sorghum, $0.35 per bushel.

[(4) Barley, $0.24 per bushel.

[(5) Oats, $0.024 per bushel.

[(6) Upland cotton, $0.0667 per pound.

[(7) Long grain rice, $2.35 per hundredweight.

[(8) Medium grain rice, $2.35 per hundredweight.

[(9) Soybeans, $0.44 per bushel.

[(10) Other oilseeds, $0.80 per hundredweight.

[(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

[(1) The payment rate specified in subsection (b).

[(2) The payment acres of the covered commodity on the farm.

[(3) The payment yield for the covered commodity for the farm.

[(d) TIME FOR PAYMENT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

[(2) ADVANCE PAYMENTS.—

[(A) OPTION.—

[(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years to the producers on a farm.

[(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for a covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

[(B) MONTH.—

[(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

[(ii) OPTIONS.—The month selected may be any month during the period—

[(I) beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested; and

[(II) ending during the month within which the direct payment would otherwise be made.

[(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

[(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

[SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

[(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

[(b) EFFECTIVE PRICE.—

[(1) COVERED COMMODITIES OTHER THAN RICE.—Except as provided in paragraph (2), for purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

[(A) The higher of the following:

[(i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

[(ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

[(B) The payment rate in effect for the covered commodity under section 1103 for the purpose of making direct payments with respect to the covered commodity.

[(2) RICE.—In the case of long grain rice and medium grain rice, for purposes of subsection (a), the effective price for each type or class of rice is equal to the sum of the following:

[(A) The higher of the following:

[(i) The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.

[(ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

[(B) The payment rate in effect for the type or class of rice under section 1103 for the purpose of making direct payments with respect to the type or class of rice.

[(c) TARGET PRICE.—

[(1) 2008 CROP YEAR.—For purposes of the 2008 crop year, the target prices for covered commodities shall be as follows:

[(A) Wheat, $3.92 per bushel.

[(B) Corn, $2.63 per bushel.

[(C) Grain sorghum, $2.57 per bushel.

[(D) Barley, $2.24 per bushel.
[(E) Oats, $1.44 per bushel.
[(F) Upland cotton, $0.7125 per pound.
[(G) Long grain rice, $10.50 per hundredweight.
[(H) Medium grain rice, $10.50 per hundredweight.
[(I) Soybeans, $5.80 per bushel.
[(J) Other oilseeds, $10.10 per hundredweight.

[(2) 2009 CROP YEAR.—For purposes of the 2009 crop year, the target prices for covered commodities shall be as follows:
[(A) Wheat, $3.92 per bushel.
[(B) Corn, $2.63 per bushel.
[(C) Grain sorghum, $2.57 per bushel.
[(D) Barley, $2.24 per bushel.
[(E) Oats, $1.44 per bushel.
[(F) Upland cotton, $0.7125 per pound.
[(G) Long grain rice, $10.50 per hundredweight.
[(H) Medium grain rice, $10.50 per hundredweight.
[(I) Soybeans, $5.80 per bushel.
[(J) Other oilseeds, $10.10 per hundredweight.
[(K) Dry peas, $8.32 per hundredweight.
[(L) Lentils, $12.81 per hundredweight.
[(M) Small chickpeas, $10.36 per hundredweight.
[(N) Large chickpeas, $12.81 per hundredweight.

[(3) SUBSEQUENT CROP YEARS.—For purposes of each of the 2010 through 2012 crop years, the target prices for covered commodities shall be as follows:
[(A) Wheat, $4.17 per bushel.
[(B) Corn, $2.63 per bushel.
[(C) Grain sorghum, $2.63 per bushel.
[(D) Barley, $2.63 per bushel.
[(E) Oats, $1.79 per bushel.
[(F) Upland cotton, $0.7125 per pound.
[(G) Long grain rice, $10.50 per hundredweight.
[(H) Medium grain rice, $10.50 per hundredweight.
[(I) Soybeans, $6.00 per bushel.
[(J) Other oilseeds, $12.68 per hundredweight.
[(K) Dry peas, $8.32 per hundredweight.
[(L) Lentils, $12.81 per hundredweight.
[(M) Small chickpeas, $10.36 per hundredweight.
[(N) Large chickpeas, $12.81 per hundredweight.

[(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

[(1) the target price for the covered commodity; and

[(2) the effective price determined under subsection (b) for the covered commodity.

[(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

[(1) The payment rate specified in subsection (d).

[(2) The payment acres of the covered commodity on the farm.

[(3) The payment yield for the covered commodity for the farm.

[(f) TIME FOR PAYMENTS.—

[(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, beginning October 1, or as soon as practicable thereafter, after the end of the marketing year for the covered commodity, the Secretary shall make the counter-cyclical payments for the crop.

[(2) AVAILABILITY OF PARTIAL PAYMENTS.—

[(A) IN GENERAL.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

[(B) ELECTION.—

[(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments for a covered commodity under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for that covered commodity.

[(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

[(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

[(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for the covered commodity; and

[(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

[(4) AMOUNT OF PARTIAL PAYMENT.—

[(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crops of a covered commodity, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

[(B) FINAL PAYMENT.—The final payment for a covered commodity for a crop year shall be equal to the difference between—

[(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

[(ii) the amount of the partial payment made to the producers under subparagraph (A).

[(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

[SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

[(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

[(1) AVAILABILITY OF AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1202 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue election (referred to in this section as "ACRE") payments under this section for the initial crop year for which the election is made through the 2012 crop year.

[(2) LIMITATION.—

[(A) IN GENERAL.—The total number of planted acres for which the producers on a farm may receive ACRE payments under this section may not exceed the total base acreage for all covered commodities and peanuts on the farm.

[(B) ELECTION.—If the total number of planted acres to all covered commodities and peanuts of the producers on a farm exceeds the total base acreage of the farm, the producers on the farm may choose which planted acres to enroll in the program under this section.

[(3) ELECTION; TIME FOR ELECTION.—

[(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make each of the elections described in paragraph (1).

[(B) NOTICE REQUIREMENTS.—The notice shall include—

[(i) notice of the opportunity of the producers on a farm to make the election; and

[(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

[(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election made under paragraph (1).

[(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made the election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts on the farm, and to otherwise not have made the election described in paragraph (1), for the applicable crop years.

[(b) PAYMENTS REQUIRED.—

[(1) IN GENERAL.—In the case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

[(2) ACRE PAYMENT.—

[(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make ACRE payments available to the producers on a farm for each crop year if—

[(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

[(ii) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

[(B) INDIVIDUAL LOSS.—The Secretary shall make ACRE payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

[(i) the actual farm revenue for the crop year for the covered commodity or peanuts, as determined under subsection (e); is less than

[(ii) the farm ACRE benchmark revenue for the crop year for the covered commodity or peanuts, as determined under subsection (f).

[(3) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make ACRE payments beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

[(c) ACTUAL STATE REVENUE.—

[(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the amount of the actual State revenue for a crop year of a covered commodity or peanuts shall equal the product obtained by multiplying—

[(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

[(B) the national average market price for the crop year for the covered commodity or peanuts determined under paragraph (3).

[(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

[(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

[(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

[(3) NATIONAL AVERAGE MARKET PRICE.—For purposes of paragraph (1)(B), the national average market price for a crop

year for a covered commodity or peanuts in a State shall equal the greater of—

[(A) the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, as determined by the Secretary; or

[(B) the marketing assistance loan rate for the covered commodity or peanuts under section 1202 or 1307, as reduced under subsection (a)(1).

[(d) ACRE PROGRAM GUARANTEE.—

[(1) AMOUNT.—

[(A) IN GENERAL.—For purposes of subsection (b)(2)(A) and subject to subparagraph (B), the ACRE program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

[(i) the benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

[(ii) the ACRE program guarantee price for the crop year for the covered commodity or peanuts determined under paragraph (3).

[(B) MINIMUM AND MAXIMUM GUARANTEE.—In the case of each of the 2010 through 2012 crop years, the ACRE program guarantee for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 10 percent from the guarantee for the preceding crop year.

[(2) BENCHMARK STATE YIELD.—

[(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), subject to subparagraph (B), the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the average yield per planted acre for the covered commodity or peanuts in the State for the most recent 5 crop year yields, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

[(B) ASSIGNED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State (as determined by the Secretary), the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of—

[(i) previous average yields for a period of 5 crop years, excluding each of the crop years with the highest and lowest yields; or

[(ii) benchmark State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

[(3) ACRE PROGRAM GUARANTEE PRICE.—For purposes of paragraph (1)(A)(ii), the ACRE program guarantee price for a crop year for a covered commodity or peanuts in a State shall

be the simple average of the national average market price received by producers of the covered commodity or peanuts for the most recent 2 crop years, as determined by the Secretary.

[(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the acreage planted to a covered commodity or peanuts in the State is irrigated and at least 25 percent of the acreage planted to the covered commodity or peanuts in the State is not irrigated, the Secretary shall calculate a separate ACRE program guarantee for the irrigated and nonirrigated areas of the State for the covered commodity or peanuts.

[(e) ACTUAL FARM REVENUE.—For purposes of subsection (b)(2)(B)(i), the amount of the actual farm revenue for a crop year for a covered commodity or peanuts shall equal the amount determined by multiplying—

[(1) the actual yield for the covered commodity or peanuts of the producers on the farm; and

[(2) the national average market price for the crop year for the covered commodity or peanuts determined under subsection (c)(3).

[(f) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B)(ii), the farm ACRE benchmark revenue for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

[(1) the amount determined by multiplying—

[(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

[(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3); and

[(2) the amount of the per acre crop insurance premium required to be paid by the producers on the farm for the applicable crop year for the covered commodity or peanuts on the farm.

[(g) PAYMENT AMOUNT.—If ACRE payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under this section, the amount of the ACRE payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

[(1) the lesser of—

[(A) the difference between—

[(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

[(ii) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c); and

[(B) 25 percent of the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

[(2)(A) for each of the 2009 through 2011 crop years, 83.3 percent of the acreage planted or considered planted to the cov-

ered commodity or peanuts for harvest on the farm in the crop year; and

[(B) for the 2012 crop year, 85 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

[(3) the quotient obtained by dividing—

[(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; by

[(B) the benchmark State yield for the crop year, as determined under subsection (d)(2).]

* * * * * * *

Subtitle C—Peanuts

* * * * * * *

[SEC. 1303. AVAILABILITY OF DIRECT PAYMENTS FOR PEANUTS.

[(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

[(b) PAYMENT RATE.—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to $36 per ton.

[(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for peanuts for a crop year shall be equal to the product of the following:

[(1) The payment rate specified in subsection (b).

[(2) The payment acres on the farm.

[(3) The payment yield for the farm.

[(d) TIME FOR PAYMENT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments under this section before October 1 of the calendar year in which the crop is harvested.

[(2) ADVANCE PAYMENTS.—

[(A) OPTION.—

[(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for peanuts for any of the 2008 through 2011 crop years to the producers on a farm.

[(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for peanuts for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

[(B) MONTH.—

[(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

[(ii) OPTIONS.—The month selected may be any month during the period—

[(I) beginning on December 1 of the calendar year before the calendar year in which the crop of peanuts is harvested; and

[(II) ending during the month within which the direct payment would otherwise be made.

[(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

[(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

[SEC. 1304. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

[(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for peanuts, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres for peanuts are established if the Secretary determines that the effective price for peanuts is less than the target price for peanuts.

[(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

[(1) The higher of the following:

[(A) The national average market price for peanuts received by producers during the 12-month marketing year for peanuts, as determined by the Secretary.

[(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the applicable period under this subtitle.

[(2) The payment rate in effect for peanuts under section 1303 for the purpose of making direct payments.

[(c) TARGET PRICE.—For purposes of subsection (a), the target price for peanuts shall be equal to $495 per ton.

[(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

[(1) the target price for peanuts; and

[(2) the effective price determined under subsection (b) for peanuts.

[(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

[(1) The payment rate specified in subsection (d).

[(2) The payment acres on the farm.

[(3) The payment yield for the farm.

[(f) TIME FOR PAYMENTS.—

[(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for a crop of peanuts, beginning October 1, or as soon as practicable after the end of the marketing year, the Secretary shall make the counter-cyclical payments for the crop.

[(2) AVAILABILITY OF PARTIAL PAYMENTS.—

[(A) IN GENERAL.—If, before the end of the 12-month marketing year, the Secretary estimates that counter-cyclical payments will be required under this section for a crop year, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for the crop.

[(B) ELECTION.—

[(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for the crop.

[(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

[(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for any of the 2008 through 2010 crop years—

[(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for that crop; and

[(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for that crop.

[(4) AMOUNT OF PARTIAL PAYMENTS.—

[(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the crop year, as determined by the Secretary.

[(B) FINAL PAYMENT.—The final payment for a crop year shall be equal to the difference between—

[(i) the actual counter-cyclical payment to be made to the producers for that crop year; and

[(ii) the amount of the partial payment made to the producers under subparagraph (A).

[(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for that crop year.]

* * * * * * *

Subtitle E—Dairy

[SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

[(a) DEFINITION OF NET REMOVALS.—In this section, the term "net removals" means—

[(1) the sum of—

[(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

[(B) the quantity of the product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

[(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

[(b) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

[(c) PURCHASE PRICE.—To carry out subsection (b) during the period specified in that subsection, the Secretary shall purchase—

[(1) cheddar cheese in blocks at not less than $1.13 per pound;

[(2) cheddar cheese in barrels at not less than $1.10 per pound;

[(3) butter at not less than $1.05 per pound; and

[(4) nonfat dry milk at not less than $0.80 per pound.

[(d) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

[(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

[(2) CHEESE INVENTORIES IN EXCESS OF 200,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 10 cents per pound.

[(3) CHEESE INVENTORIES IN EXCESS OF 400,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

[(4) BUTTER INVENTORIES IN EXCESS OF 450,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

[(5) BUTTER INVENTORIES IN EXCESS OF 650,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the

purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

[(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 5 cents per pound.

[(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

[(e) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

[(f) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (c) that is available for unrestricted use in the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (c) for that commodity.]

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) * * *

* * * * * * *

(e) DURATION.—

(1) NEW CONTRACTS.—No forward price contract may be entered into under the program established under this section after September 30, [2012] *2018*.

(2) APPLICATION.—No forward contract entered into under the program may extend beyond September 30, [2015] *2021*.

* * * * * * *

[SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

[(a) DEFINITIONS.—In this section:

[(1) CLASS I MILK.—The term "Class I milk" means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

[(2) ELIGIBLE PRODUCTION.—The term "eligible production" means milk produced by a producer in a participating State.

[(3) FEDERAL MILK MARKETING ORDER.—The term "Federal milk marketing order" means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

[(4) PARTICIPATING STATE.—The term "participating State" means each State.

[(5) PRODUCER.—The term "producer" means an individual or entity that directly or indirectly (as determined by the Secretary)—

[(A) shares in the risk of producing milk; and

[(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

[(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

[(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

[(1) the payment quantity for the producer during the applicable month established under subsection (e);

[(2) the amount equal to—

[(A) $16.94 per hundredweight, as adjusted under subsection (d); less

[(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

[(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

[(B) for the period beginning October 1, 2008, and ending August 31, 2013, 45 percent; and

[(C) for the period beginning September 1, 2013, and thereafter, 34 percent.

[(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

[(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2013, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.

[(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2013, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

[(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate a National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 16% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

[(e) PAYMENT QUANTITY.—

[(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

[(2) LIMITATION.—

[(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

[(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

[(ii) for the period beginning October 1, 2008, and ending August 31, 2013, 2,985,000 pounds for each fiscal year; and

[(iii) effective beginning September 1, 2013, 2,400,000 pounds per fiscal year.

[(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

[(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

[(f) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

[(g) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2013.

[(h) DURATION OF CONTRACT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2013.

[(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

[(A) terminate the contract and allow the producer to retain any payments received under the contract; or

[(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.]

* * * * * * *

[SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

[(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a commission to be known as the "Federal Milk Marketing Order Review Commission" (referred to in this section as the "commission"), which shall conduct a comprehensive review and evaluation of—

[(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and

[(2) non-Federal milk marketing order systems.

[(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

[(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

[(2) enhancing the competitiveness of American dairy producers in world markets;

[(3) ensuring the competitiveness and transparency in dairy pricing;

[(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

[(5) simplifying the Federal milk marketing order system;

[(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and

[(7) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

[(c) MEMBERSHIP.—

[(1) COMPOSITION.—The commission shall consist of 14 members.

[(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

[(A) At least 1 member shall represent a national consumer organization.

[(B) At least 4 members shall represent land-grant universities or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics.

[(C) At least 1 member shall represent the food and beverage retail sector.

[(D) 4 dairy producers and 4 dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

[(3) CHAIR.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

[(4) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

[(5) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

[(d) REPORT.—

[(1) IN GENERAL.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

[(2) OPINIONS.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

[(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are nonbinding.

[(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

[(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend to carry out this section such funds as necessary from budget authority available to the Secretary.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

[(i) TERMINATION.—The commission shall terminate effective on the date of the submission of the report under subsection (d).]

* * * * * * *

Subtitle F—Administration

* * * * * * *

SEC. 1603. PAYMENT LIMITATIONS.

(a) * * *

* * * * * * *

(g) CONFORMING AMENDMENTS.—

(1) * * *

(2) Section 609(b)(1) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471g(b)(1)) is amended by inserting "(before the amendment made by section [1703(a)] *1603(a)* of the Food, Conservation, and Energy Act of 2008)" after "1985".

(3) Section 524(b)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(3)) is amended by inserting "(before the amendment made by section [1703(a)] *1603(a)* of the Food, Conservation, and Energy Act of 2008)" after "1308(5)))".

(4) Section 10204(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(c)(1)) is amended by inserting "(before the amendment made by section [1703(a)] *1603(a)* of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(5) Section 1271(c)(3)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(A)) is amended by inserting "(before the amendment made by section [1703(a)] *1603(a)* of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(6) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended by inserting "(before the amendment made by section [1703(a)] *1603(a)* of the Food, Conservation, and Energy Act of 2008)" before the period at the end.

* * * * * * *

SEC. 1621. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through [2012] *2018*.

* * * * * * *

Subtitle J—Miscellaneous Conservation Provisions

SEC. 2901. MISCELLANEOUS CONSERVATION PROVISION.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under [this Act or an amendment made by this Act] *this Act, an amendment made by this Act, the Federal Agriculture Reform and Risk Management Act of 2013, or an amendment made by the Federal Agriculture Reform and Risk Management Act of 2013* solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

TITLE III—TRADE

* * * * * * *

Subtitle C—Miscellaneous

* * * * * * *

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this [section $60,000,000 for the period of fiscal years 2008 through 2012.] *section—*

(1) $60,000,000 for the period of fiscal years 2008 through 2013; and

(2) $50,000,000 for the period of fiscal years 2014 through 2018.

* * * * * * *

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

* * * * * * *

PART III—PROGRAM OPERATIONS

* * * * * * *

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a)* * *

* * * * * * *

(C) CONFORMING CROSS-REFERENCES.—

(1) * * *

(2) DEFINITION REFERENCES.—

(A) * * *

* * * * * * *

(H) Section [531] *454* of the Social Security Act (42 U.S.C. 654) is amended by striking "section 3(h)" each place it appears and inserting "section 3(l)".

* * * * * * *

TITLE VI—RURAL DEVELOPMENT

* * * * * * *

Subtitle C—Miscellaneous

* * * * * * *

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) * * *

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

(1) * * *

* * * * * * *

(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[.]*; and*

(5) the sufficiency of infrastructure along waterways in the United States and the impact of such infrastructure on the movement of agricultural goods in terms of safety, efficiency and speed, as well as the benefits derived through upgrades and repairs to locks and dams.

* * * * * * *

TITLE VII—RESEARCH AND RELATED MATTERS

* * * * * * *

Subtitle D—Other Laws

* * * * * * *

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

[Title III of the Department of Agriculture Reorganization Act of 1994] *Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994* (Public Law 103–354; 108 Stat. 3238) is amended by adding at the end the following:

"SEC. 307. EXCHANGE OR SALE AUTHORITY.

"(a) * * *

* * * * * * *

SEC. 7409. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

[Title III of the Department of Agriculture Reorganization Act of 1994] *Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994* (Public Law 103–354; 108 Stat. 3238) (as amended by section 7408) is amended by adding at the end the following:

"SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

"(a) * * *

* * * * * * *

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

* * * * * * *

SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.

Except as otherwise specifically authorized by law and notwithstanding any other provision of law, the Federal land and facilities at El Reno, Oklahoma, administered by the Secretary (as of the date of enactment of this Act) as the Grazinglands Research Laboratory, shall not at any time, in whole or in part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part, for the [5-year period] *10-year period* beginning on the date of enactment of this Act.

* * * * * * *

SEC. 7506. BUDGET SUBMISSION AND FUNDING.

[(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term "competitive programs" includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.]

(a) DEFINITIONS.—In this section:

(1) COVERED PROGRAM.—The term "covered program" means—

(A) each research program carried out by the Agricultural Research Service or the Economic Research Service for which annual appropriations are requested in the annual budget submission of the President; and

(B) each competitive program carried out by the National Institute of Food and Agriculture for which annual appropriations are requested in the annual budget submission of the President.

(2) REQUEST FOR AWARDS.—The term "request for awards" means a funding announcement published by the National Institute of Food and Agriculture that provides detailed information on funding opportunities at the Institute, including the purpose, eligibility, restriction, focus areas, evaluation criteria, regulatory information, and instructions on how to apply for such opportunities.

* * * * * * *

(e) ADDITIONAL PRESIDENTIAL BUDGET SUBMISSION REQUIREMENT.—

(1) IN GENERAL.—Each year, the President shall submit to Congress, together with the annual budget submission of the President, the information described in paragraph (2) for each funding request for a covered program.

(2) INFORMATION DESCRIBED.—The information described in this paragraph includes—

(A) baseline information, including with respect to each covered program—

(i) the funding level for the program for the fiscal year preceding the year the annual budget submission of the President is submitted;

(ii) the funding level requested in the annual budget submission of the President, including any increase or decrease in the funding level; and

(iii) an explanation justifying any change from the funding level specified in clause (i) to the level specified in clause (ii);

(B) with respect to each covered program that is carried out by the Economic Research Service or the Agricultural Research Service, the location and staff years of the program;

(C) the proposed funding levels to be allocated to, and the expected publication date, scope, and allocation level for, each request for awards to be published under or associated with—

(i) each priority area specified in subsection (b)(2) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(2));

(ii) each research and extension project carried out under section 1621(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(a));

(iii) each grant to be awarded under section 1672B(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(a));

(iv) each grant awarded under section 412(d) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(d)); and

(v) each grant awarded under 7405(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(1)); or

(D) any other information the Secretary determines will increase congressional oversight with respect to covered programs.

(3) PROHIBITION.—Unless the President submits the information described in paragraph (2)(C) for a fiscal year, the President may not carry out any program during the fiscal year that is authorized under—

(A) subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b));

(B) section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811);

(C) section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b);

(D) section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632); or

(E) section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

(f) REPORT OF THE SECRETARY OF AGRICULTURE.—Each year on a date that is not later than the date on which the President submits the annual budget, the Secretary shall submit to Congress a report containing a description of the agricultural research, extension, and education activities carried out by the Federal Government during the fiscal year that immediately precedes the year for which the report is submitted, including—

(1) a review of the extent to which those activities—

(A) are duplicative or overlap within the Department of Agriculture; or

(B) are similar to activities carried out by—

(i) other Federal agencies;

(ii) the States (including the District of Columbia, the Commonwealth of Puerto Rico and other territories or possessions of the United States);

(iii) institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

(iv) the private sector; and

(2) for each report submitted under this section on or after January 1, 2013, a 5-year projection of national priorities with respect to agricultural research, extension, and education, taking into account domestic needs.

PART III—NEW GRANT AND RESEARCH PROGRAMS

[SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.

[(a) IN GENERAL.—The Secretary shall provide research and education grants, on a competitive basis—

[(1) to study the development of antibiotic-resistant bacteria, including—

[(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

[(B) the effect on antibiotic resistance from various drug use regimens; and

[(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

[(A) methods and practices of animal husbandry;

[(B) safe and effective alternatives to antibiotics;

[(C) the development of better veterinary diagnostics to improve decisionmaking; and

[(D) the identification of conditions or factors that affect antibiotic use on farms.

[(b) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

[SEC. 7522. FARM AND RANCH STRESS ASSISTANCE NETWORK.

[(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

[(b) ELIGIBLE PROGRAMS.—Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

[(1) farm telephone helplines and websites;

[(2) community education;

[(3) support groups;

[(4) outreach services and activities; and

[(5) home delivery of assistance, in a case in which a farm resident is homebound.

[(c) EXTENSION SERVICES.—Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

[SEC. 7523. SEED DISTRIBUTION.

[(a) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

[(b) PURPOSES.—The purposes of this program include—

[(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

[(A) individuals;

[(B) groups;

[(C) institutions;

[(D) governmental and nongovernmental organizations; and

[(E) such other entities as the Secretary may designate;

[(2) distribution of seeds to underserved communities, such as communities that experience—

[(A) limited access to affordable fresh vegetables;

[(B) a high rate of hunger or food insecurity; or

[(C) severe or persistent poverty.

[(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

[(d) SELECTION.—An eligible entity selected to receive a grant under subsection (a) shall have—

[(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

[(2) the ability to achieve the purpose of the seed distribution program.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.]

* * * * * * *

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) * * *

* * * * * * *

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.]

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2014 through 2018.

SEC. 7526. SUN GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) * * *

* * * * * * *

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) * * *

(B) [the Department of Energy] *other appropriate Federal agencies (as determined by the Secretary)*; and

* * * * * * *

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) * * *

(B) ACTIVITIES.—Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and [multistate—

[(i) research, extension, and education programs on technology development; and

[(ii) integrated research, extension, and education programs on technology implementation.] *integrated, multistate research, extension, and education programs on technology development and technology implementation.*

[(C) FUNDING ALLOCATION.—Of the amount of funds that is used to provide grants under subparagraph (A), the sun grant center or subcenter shall use—

[(i) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(i); and

[(ii) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(ii).]

[(D)] *(C)* ADMINISTRATION.—

(i) * * *

* * * * * * *

(d) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry [in accordance with paragraph (2)], the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and [gasification] *bioproducts* research priorities of the Department of Agriculture and [the Department of Energy] *other appropriate Federal agencies* at the State and regional levels.

[(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.]

[(3)] *(2)* FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

[(4)] *(3)* USE OF PLAN.—The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

* * * * * * *

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to [subsection (c)(1)(D)(i)] *subsection (c)(1)(C)(i)*; and

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through [2012] *2018*, of which not more than $4,000,000 for each fiscal year shall be made available to carry out subsection (e).

[SEC. 7527. STUDY AND REPORT ON FOOD DESERTS.

[(a) DEFINITION OF FOOD DESERT.—In this section, the term "food desert" means an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.

[(b) STUDY AND REPORT.—The Secretary shall carry out a study of, and prepare a report on, food deserts.

[(c) CONTENTS.—The study and report shall—

[(1) assess the incidence and prevalence of food deserts;

[(2) identify—

[(A) characteristics and factors causing and influencing food deserts; and

[(B) the effect on local populations of limited access to affordable and nutritious food; and

[(3) provide recommendations for addressing the causes and effects of food deserts through measures that include—

[(A) community and economic development initiatives;

[(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

[(C) improvements to Federal food assistance and nutrition education programs.

[(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

[(1) the Secretary of Health and Human Services;

[(2) the Administrator of the Small Business Administration;

[(3) the Institute of Medicine; and

[(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

[(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, 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 the report prepared under this section, including the findings and recommendations described in subsection (c).

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.]

* * * * * * *

[SEC. 7529. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

[(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institu-

tions of higher education to carry out agricultural and rural transportation research and education activities.

[(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs of agricultural producers and related rural businesses, including—

[(1) the transportation of biofuels; and

[(2) the export of agricultural products.

[(c) SELECTION CRITERIA.—

[(1) IN GENERAL.—The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

[(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

[(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

[(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

[(f) GRANT REVIEW.—A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)).

[(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.]

* * * * * * *

TITLE VIII—FORESTRY

* * * * * * *

Subtitle E—Miscellaneous Provisions

* * * * * * *

[SEC. 8402. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

[(a) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term "Hispanic-serving institution" has the meaning given

that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

[(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

[(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.]

* * * * * * *

TITLE IX—ENERGY

* * * * * * *

[SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

[(a) IN GENERAL.—The Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation (referred to in this section as the "Secretaries"), shall jointly conduct a study that includes—

[(1) an assessment of the infrastructure needs for expanding the domestic production, transport, and distribution of biofuels given current and likely future market trends;

[(2) recommendations for infrastructure needs and development approaches, taking into account cost and other associated factors; and

[(3) a report that includes—

[(A) a summary of infrastructure needs;

[(B) an analysis of alternative development approaches to meeting the needs described in subparagraph (A), including cost, siting, and other regulatory issues; and

[(C) recommendations for specific infrastructure development actions to be taken.

[(b) SCOPE OF STUDY.—

[(1) IN GENERAL.—In conducting the study described in subsection (a), the Secretaries shall address—

[(A) current and likely future market trends for biofuels through calendar year 2025;

[(B) current and future availability of feedstocks;

[(C) water resource needs, including water requirements for biorefineries;

[(D) shipping and storage needs for biomass feedstock and biofuels, including the adequacy of rural roads; and

[(E) modes of transportation and delivery for biofuels (including shipment by rail, truck, pipeline or barge) and associated infrastructure issues.

[(2) CONSIDERATIONS.—In addressing the issues described in paragraph (1), the Secretaries shall consider—

[(A) the effects of increased tank truck, rail, and barge transport on existing infrastructure and safety;

[(B) the feasibility of shipping biofuels through pipelines in existence as the date of enactment of this Act;

[(C) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

[(D) the implications of various biofuel blend levels on infrastructure needs;

[(E) the implications of various approaches to infrastructure development on resource use and conservation;

[(F) regional differences in biofuels infrastructure needs; and

[(G) other infrastructure issues, as determined by the Secretaries.

[(c) IMPLEMENTATION.—In carrying out this section, the Secretaries —

[(1) shall—

[(A) consult with individuals and entities with interest or expertise in the areas described in subsection (b);

[(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

[(C) submit to Congress the report required under subsection (a)(3), including—

[(i) in the Senate—

[(I) the Committee on Agriculture, Nutrition, and Forestry ;

[(II) the Committee on Commerce, Science, and Transportation;

[(III) the Committee on Energy and Natural Resources; and

[(IV) the Committee on Environment and Public Works; and

[(ii) in the House of Representatives—

[(I) the Committee on Agriculture;

[(II) the Committee on Energy and Commerce;

[(III) the Committee on Transportation and Infrastructure; and

[(IV) the Committee on Science and Technology; and

[(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

[SEC. 9003. RENEWABLE FERTILIZER STUDY.

[(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

[(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

[(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

[(B) the most promising processes and technologies for renewable fertilizer production;

[(C) the potential cost-competitiveness of renewable fertilizer; and

[(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

[(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.]

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

* * * * * * *

Subtitle A—Horticulture Marketing and Information

* * * * * * *

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through [2012] *2018*, to remain available until expended.

* * * * * * *

SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through [2012] *2018*, to remain available until expended.

* * * * * * *

Subtitle B—Pest and Disease Management

* * * * * * *

[SEC. 10202. NATIONAL CLEAN PLANT NETWORK.

[(a) IN GENERAL.—The Secretary shall establish a program to be known as the "National Clean Plant Network" (referred to in this section as the "Program").

[(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

[(1) produce clean propagative plant material; and

[(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

[(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

[(1) a State for a certified plant program of the State; and

[(2) private nurseries and producers.

[(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

[(1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

[(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

[(e) FUNDING.—

[(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

[(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out the Program $5,000,000 for fiscal year 2013.]

* * * * * * *

Subtitle D—Miscellaneous

* * * * * * *

[SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

[(a) GRANTS AUTHORIZED.—The Secretary may make grants under this section to an eligible entity described in subsection (b)—

[(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

[(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

[(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of, or any combination of:

[(1) State and local governments.

[(2) Grower cooperatives.

[(3) National, State, or regional organizations of producers, shippers, or carriers.

[(4) Other entities as determined to be appropriate by the Secretary.

[(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.]

* * * * * * *

TITLE XI—LIVESTOCK

* * * * * * *

[SEC. 11006. REGULATIONS.

[As soon as practicable, but not later than 2 years after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Secretary will consider in determining—

[(1) whether an undue or unreasonable preference or advantage has occurred in violation of such Act;

[(2) whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds under a poultry growing arrangement;

[(3) when a requirement of additional capital investments over the life of a poultry growing arrangement or swine production contract constitutes a violation of such Act; and

[(4) if a live poultry dealer or swine contractor has provided a reasonable period of time for a poultry grower or a swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.]

* * * * * * *

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

[SEC. 11016. INSPECTION AND GRADING.

[(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

[(1) by redesignating subsection (n) as subsection (o); and

[(2) by inserting after subsection (m) the following new subsection:

["(n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

["(1) catfish (as defined by the Secretary under paragraph (2) of section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w))); and

["(2) any additional species of farm-raised fish or farm-raised shellfish—

["(A) for which the Secretary receives a petition requesting such voluntary fee based grading; and

["(B) that the Secretary considers appropriate.".

[(b) INSPECTION.—

[(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

[(A) in section 1(w) (21 U.S.C. 601(w)) —

[(i) by striking "and" at the end of paragraph (1);

[(ii) by redesignating paragraph (2) as paragraph (3); and

[(iii) by inserting after paragraph (1) the following new paragraph:

["(2) catfish, as defined by the Secretary; and";

[(B) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

["SEC. 6. (a) IN GENERAL.—For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.

["(b) CATFISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment."; and

[(C) by adding at the end of title I the following new section:

["SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.".

[(2) EFFECTIVE DATE.—

[(A) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

[(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food

and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

[(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

[(A) staff years;

[(B) number of establishments;

[(C) volume expected to be produced at such establishments; and

[(D) any other information used in estimating the costs of implementing such amendments.]

* * * * * * *

TITLE XIV—MISCELLANEOUS

* * * * * * *

Subtitle B—Agricultural Security

* * * * * * *

CHAPTER 1—AGRICULTURAL SECURITY

* * * * * * *

SEC. 14112. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

(a) * * *

* * * * * * *

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.]

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

(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

SEC. 14113. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary [such sums as may be necessary] to carry out this [subsection for each of fiscal years 2008 through 2012.] *subsection—*

(A) such sums as are necessary for each of fiscal years 2008 through 2013; and

(B) $15,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There [is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.] *are authorized to be appropriated to carry out this subsection—*

(A) $25,000,000 for each of fiscal years 2008 through 2013; and

(B) $15,000,000 for each of fiscal years 2014 through 2018.

CHAPTER 2—OTHER PROVISIONS

SEC. 14121. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There [is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.] *are authorized to be appropriated to carry out this section—*

(1) $50,000,000 for each of fiscal years 2008 through 2013; and

(2) $15,000,000 for each of fiscal years 2014 through 2018.

SEC. 14122. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [sums as are necessary] to carry out this [section for each of fiscal years 2008 through 2012, to remain available until expended.] *section—*

(1) such sums as are necessary for each of fiscal years 2008 through 2013, to remain available until expended; and

(2) $5,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

Subtitle C—Other Miscellaneous Provisions

* * * * * * *

SEC. 14204. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) * * *

* * * * * * *

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.]

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

(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

(2) $10,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 14212. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

[(a) TEMPORARY PROHIBITION.—

[(1) IN GENERAL.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

[(2) EXCEPTION.—Paragraph (1) shall not apply to—

[(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

[(B) the relocation of an office within the same county in the course of routine leasing operations.]

(a) PROHIBITION ON CLOSURE OR RELOCATION OF OFFICES WITH HIGH WORKLOAD VOLUME.—The Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency in a State if the Secretary determines, after conducting the evaluation required under subsection (b)(1)(B), that the office has a high workload volume compared with other county offices in the State.

(b) LIMITATION ON CLOSURE; NOTICE.—

(1) LIMITATION.—[After the period referred to in subsection (a)(1), the Secretary] *The Secretary* shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of [the Farm Service Agency, to the maximum extent practicable] *the Farm Service Agency—*

(A) to the maximum extent practicable, first close any offices of the Farm Service Agency that—

[(A)] *(i)* are located less than 20 miles from another office of the Farm Service Agency; and

[(B)] *(ii)* have two or fewer permanent full-time employees[.] *as of the date of the enactment of this Act; and*

(B) conduct and complete an evaluation of all workload assessments for Farm Service Agency county offices that were open and operational as of January 1, 2012, during the period that begins on a date that is not later than 180 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013 and ends on the date that is 18 months after such date of enactment.

(2) NOTICE.—[After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—] *After carrying out each of the activities required under paragraph (1), the Secretary of Agriculture shall, before closing a county or field office of the Farm Service Agency—*

(A) not later than 30 days after the Secretary proposes to close such office, [the Secretary holds] *hold* a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, [the Secretary notifies] *notify* the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and

Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

* * * * * * *

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996

* * * * * * *

TITLE I—AGRICULTURAL MARKET TRANSITION ACT

* * * * * * *

Subtitle D—Other Commodities

CHAPTER 1—DAIRY

* * * * * * *

SEC. 143. CONSOLIDATION AND REFORM OF FEDERAL MILK MARKETING ORDERS.

(a) AMENDMENT OF ORDERS.—

(1) * * *

(2) INCLUSION OF CALIFORNIA AS SEPARATE ORDER.—Upon the petition and approval of California dairy producers in the manner provided in section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall designate the State of California as a separate Federal milk marketing order. The order covering California shall have the right to reblend and distribute order receipts to recognize quota value. *Subsection (b)(2) does not apply to the authority of the Secretary under this subsection.*

* * * * * * *

CHAPTER 2—SUGAR

* * * * * * *

SEC. 156. SUGAR PROGRAM.

(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

(1) * * *

* * * * * * *

(5) 18.75 cents per pound for raw cane sugar for [the 2012 crop year] *each of the 2012 through 2018 crop years*.

(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to—

(1) * * *

(2) a rate that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a) for each of the 2009 through [2012] *2018* crop years.

* * * * * * *

(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through [2012] *2018* crops of sugar beets and sugarcane.

Subtitle E—Administration

* * * * * * *

SEC. 164. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

(a) IN GENERAL.—Except as provided in subsection (b), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this title title I of the Farm Security and Rural Investment Act of 2002, [and title I of the Food, Conservation, and Energy Act of 2008] *title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Federal Agriculture Reform and Risk Management Act of 2013* unless the loan was obtained through a fraudulent representation by the producer.

(b) LIMITATIONS.—Subsection (a) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(1) * * *

* * * * * * *

(3) a failure or refusal to deliver a commodity in accordance with a program established under this title, title I of the Farm Security and Rural Investment Act of 2002, [and title I of the Food, Conservation, and Energy Act of 2008] *title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Federal Agriculture Reform and Risk Management Act of 2013*.

(c) ACQUISITION OF COLLATERAL.—In the case of a nonrecourse loan made under this title, title I of the Farm Security and Rural Investment Act of 2002, [and title I of the Food, Conservation, and Energy Act of 2008] *title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.), and title I of the Federal Agriculture Reform and Risk Management Act of 2013* or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), if the Commodity Credit Corporation acquires title to the unredeemed collateral, the Corporation shall be under no obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

* * * * * * *

Subtitle H—Miscellaneous Commodity Provisions

* * * * * * *

SEC. 196. ADMINISTRATION AND OPERATION OF NONINSURED CROP ASSISTANCE PROGRAM.

(a) OPERATION AND ADMINISTRATION OF PROGRAM.—

[(1) IN GENERAL.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection otherwise available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)). The Secretary shall carry out this section through the Consolidated Farm Service Agency (in this section referred to as the "Agency").]

(1) IN GENERAL.—

(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the "Agency").

(2) ELIGIBLE CROPS.—

(A) IN GENERAL.—In this section, the term "eligible crop" means each commercial crop or other agricultural commodity (except livestock)—

(i) for which catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is not available; [and]

(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and

[(ii)] *(iii)* that is produced for food or fiber.

(B) CROPS SPECIFICALLY INCLUDED.—The term "eligible crop" shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), sea grass and sea oats, camelina, *sweet sorghum, biomass sorghum,* and industrial crops.

* * * * * * *

(4) PROGRAM [INELIGIBILITY] *BENEFIT REDUCTION* RELATING TO CROP PRODUCTION ON NATIVE SOD.—

(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term "native sod" means land—

(i) * * *

(ii) that has never been tilled*, or the producer cannot substantiate that the ground has ever been tilled,* for the production of an annual crop as of the date of enactment of this paragraph.

(B) [INELIGIBILITY] *REDUCTION IN* FOR BENEFITS.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, [for benefits under—

[(I) this section; and

[(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).] *for—*

(I) benefits under this section;

(II) a portion of crop insurance premium subsidies under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) in accordance with subparagraph (C); and

(III) payments described in subsection (b) or (c) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

* * * * * * *

[(C) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.]

(C) ADMINISTRATION.—

(i) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in subparagraph (B)—

(I) subparagraph (B) shall apply to 65 percent of the transitional yield of the producer; and

(II) the crop insurance premium subsidy provided for the producer under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) shall be 50 percentage points less than the premium subsidy that would otherwise apply.

(ii) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this paragraph, a producer may not substitute yields for the native sod acreage.

(D) APPLICATION.—This paragraph shall only apply to native sod in the Prairie Pothole National Priority Area.

* * * * * * *

(d) PAYMENT.—[The Secretary] *Subject to subsection (l), the Secretary* shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

(1) * * *

* * * * * * *

(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent of the established yield for the eligible crop on the farm, computed by multiplying—

(A) the quantity that is not greater than 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

(I) harvested;

(II) planted but not harvested; or

(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

(A) the service fee required by subsection (k); and

(B) a premium for the applicable crop year that is equal to the product obtained by multiplying—

(i) the number of acres devoted to the eligible crop;

(ii) the established yield for the eligible crop, as determined by the Secretary under subsection (e);

(iii) the coverage level elected by the producer;

(iv) the average market price, as determined by the Secretary; and

(v) .0525.

(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

(4) PREMIUM PAYMENT AND APPLICATION DEADLINE.—

(A) PREMIUM PAYMENT.—A producer electing additional coverage under this subsection shall pay the premium amount owed for the additional coverage by September 30 of the crop year for which the additional coverage is purchased.

(B) APPLICATION DEADLINE.—The latest date on which additional coverage under this subsection may be elected shall be the application closing date described in subsection (b)(1).

(5) EFFECTIVE DATE.—Additional coverage under this subsection shall be available beginning with the 2015 crop.

* * * * * * *

TITLE V—AGRICULTURAL PROMOTION

Subtitle A—Commodity Promotion and Evaluation

SEC. 501. COMMODITY PROMOTION AND EVALUATION.

(a) * * *

* * * * * * *

[(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM ASSESSMENTS.—

[(1) IN GENERAL.—Notwithstanding any provision of a commodity promotion law, a person that produces and markets solely 100 percent organic products, and that does not produce any conventional or nonorganic products, shall be exempt from the payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)).

[(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).]

(e) EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM PROMOTION ORDER ASSESSMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of a commodity promotion law, a person that produces, handles, markets, or imports organic products may be exempt from the payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is certified as "organic" or "100 percent organic" (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation).

(2) SPLIT OPERATIONS.—The exemption described in paragraph (1) shall apply to the certified "organic" or '100 percent organic' (as defined in part 205 of title 7 of the Code of Federal Regulations (or a successor regulation) products of a producer, handler, or marketer regardless of whether the agricultural commodity subject to the exemption is produced, handled, or marketed by a person that also produces, handles, or markets conventional or nonorganic agricultural products, including conventional or nonorganic agricultural products of the same agricultural commodity as that for which the exemption is claimed.

(3) APPROVAL.—The Secretary shall approve the exemption of a person under this subsection if the person maintains a valid organic certificate issued under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(4) TERMINATION OF EFFECTIVENESS.—This subsection shall be effective until the date on which the Secretary issues an organic commodity promotion order in accordance with subsection (f).

(5) REGULATIONS.—The Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).

(f) ORGANIC COMMODITY PROMOTION ORDER.—

(1) DEFINITIONS.—In this subsection:

(A) CERTIFIED ORGANIC FARM.—The term "certified organic farm" has the meaning given the term in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

(B) COVERED PERSON.—The term "covered person" means a producer, handler, marketer, or importer of an organic agricultural commodity.

(C) DUAL-COVERED AGRICULTURAL COMMODITY.—The term "dual-covered agricultural commodity" means an agricultural commodity that—

(i) is produced on a certified organic farm; and

(ii) is covered under both—

(I) an organic commodity promotion order issued pursuant to paragraph (2); and

(II) any other agricultural commodity promotion order issued under section 514.

(2) AUTHORIZATION.—The Secretary may issue an organic commodity promotion order under section 514 that includes any agricultural commodity that—

(A) is produced or handled (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) and that is certified to be sold or labeled as "organic" or "100 percent organic" (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation)); or

(B) is imported with a valid organic certificate (as defined in such part).

(3) ELECTION.—If the Secretary issues an organic commodity promotion order described in paragraph (2), a covered person may elect, for applicable dual-covered agricultural commodities and in the sole discretion of the covered person, whether to be assessed under the organic commodity promotion order or another applicable agricultural commodity promotion order.

(4) REGULATIONS.—The Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).

* * * * * * *

TITLE VIII—RESEARCH, EXTENSION, AND EDUCATION

* * * * * * *

[SEC. 892. USE OF REMOTE SENSING DATA AND OTHER DATA TO ANTICIPATE POTENTIAL FOOD, FEED, AND FIBER SHORTAGES OR EXCESSES AND TO PROVIDE TIMELY INFORMATION TO ASSIST FARMERS WITH PLANTING DECISIONS.

[(a) FINDINGS.—Congress finds that—

[(1) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

[(2) remote sensing data can inform the agricultural community as to the condition of crops and the land that sustains those crops; and

[(3) remote sensing data and other data can be valuable, when received on a timely basis, in determining the need for additional plantings of a particular crop or a substitute crop.

[(b) INFORMATION DEVELOPMENT.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

[(c) COORDINATION.—The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to provide farmers and other prospective users with supply and demand information for food and fibers.

[(d) SUNSET.—The authorities provided by this section shall expire 5 years after the date of enactment of this Act.]

AGRICULTURAL ADJUSTMENT ACT OF 1938

* * * * * * *

TITLE III—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, MARKETING QUOTAS, AND MARKETING CERTIFICATES

* * * * * * *

SUBTITLE B—MARKETING QUOTAS

* * * * * * *

PART VII—FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR

* * * * * * *

SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) SUGAR ESTIMATES.—

(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through [2012] *2018* crop years for sugarcane and sugar beets, the Secretary shall estimate—

(A) * * *

* * * * * * *

SEC. 359f. PROVISIONS APPLICABLE TO PRODUCERS.

(a) * * *

* * * * * * *

(c) PROPORTIONATE SHARES OF CERTAIN ALLOTMENTS.—

(1) DEFINITION OF SEED.—

(A) * * *

(B) EXCLUSION.—The term "seed" does not include seed of a high-fiber cane variety dedicated to other uses, as determined by the Secretary.

* * * * * * *

SEC. 3591. PERIOD OF EFFECTIVENESS.

(a) IN GENERAL.—This part shall be effective only for the 2008 through [2012] *2018* crop years for sugar.

* * * * * * *

FOOD SECURITY ACT OF 1985

* * * * * * *

TITLE I—DAIRY

* * * * * * *

[DAIRY EXPORT INCENTIVE PROGRAM

[SEC. 153. (a) During the period beginning 60 days after the date of enactment of this Act and ending on December 31, 2012, the Commodity Credit Corporation shall establish and operate an export incentive program as described in this section for dairy products under section 5 of the Commodity Credit Corporation Charter Act.

[(b) The program established under subsection (a) shall provide for the Corporation to make payments, on a bid basis, to an entity that sells for export United States dairy products. The Secretary shall have sole discretion to accept or reject bids under such criteria as the Secretary deems appropriate.

[(c) The program shall be operated under such rules and regulations issued by the Secretary as the Secretary deems necessary to ensure, among other things, that—

[(1) payments may be made under the program only on the quantity of dairy products sold by an entity for export in any year that is in addition to, and not in place of, any export sales of dairy products that the entity would otherwise make in the absence of the program;

[(2) to the extent practicable, dairy products sold for export under the program will not displace commercial export sales of United States dairy products by other exporters;

[(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and

[(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.

[(d)(1) The regulations issued by the Secretary may provide for payments under the program to be made in cash or in commodities of equal value that are available in Commodity Credit Corporation stock.

[(2) If payments in commodities are authorized, such payments shall be made through the issuance of generic certificates redeemable in commodities.

[(3) If generic certificates issued in accordance with the program provided for by this section are exchanged for dairy products owned by the Commodity Credit Corporation, the regulations issued by the Secretary shall ensure that—

[(A) such dairy products, or an equal quantity of other dairy products, will be sold for export by the entity; and

[(B) any such export sales by the entity—

[(i) will be in addition to, and not in place of, export sales of dairy products that the entity would otherwise make under the program or in the absence of the program; and

[(ii) to the extent practicable, will not displace commercial export sales of United States dairy products by other exporters.

[(e)(1) The payments made under the program shall be made at a rate or rates established or approved by the Secretary, taking into consideration, among other things the type of product to be exported, the domestic price of dairy products, the world price of the dairy products, and any additional amount that may be required to assist in the development of world markets for United States dairy products.

[(2) Any such rate established or approved by the Secretary shall be published in the Federal Register or publicly announced through other appropriate means, and shall be at a level or levels as will encourage the exportation of United States dairy products by entities.

[(f) REQUIRED FUNDING.—

[(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.

[(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.]

* * * * * * *

TITLE X—GENERAL COMMODITY PROVISIONS

SEC. 1001. PAYMENT LIMITATIONS.

(a) * * *

[(b) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

[(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

[(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

[(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

[(i) the payment limit specified in subparagraph (A); less

[(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

[(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle A of title I of that Act for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

[(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments and counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) may not exceed the sum of—

[(A) $65,000; and

[(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

[(c) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR PEANUTS.—

[(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Food, Conservation, and Energy Act of 2008 for peanuts may not exceed—

[(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

[(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

[(i) the payment limit specified in subparagraph (A); less

[(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

[(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle C of title I of that Act for peanuts may not exceed $65,000.

[(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

[(A) $65,000; and

[(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).]

(b) LIMITATION ON PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

(1) IN GENERAL.—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under section 1101(c) of the Federal Agriculture Reform and Risk Management Act of 2013 and subsections (b) and (c) of section 1107 of such Act (other than peanuts) may not exceed $125,000.

(2) ADDITIONAL LIMITATION ON PAYMENTS RELATED TO UPLAND COTTON.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for each of the 2014 and 2015 crop years under section 1101(c) of the Federal Agriculture Reform and Risk Management Act of 2013 may not exceed $40,000.

(c) LIMITATION ON PAYMENTS FOR PEANUTS.—The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under subtitle A of title I of the Federal Agriculture Reform and Risk Management Act of 2013 for peanuts may not exceed $125,000.

(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008 *or title I of the Federal Agriculture Reform and Risk Management Act of 2013*.

* * * * * * *

(f) SPECIAL RULES.—

(1) * * *

* * * * * * *

(5) FEDERAL AGENCIES.—

(A) IN GENERAL.—Notwithstanding subsection (d), a Federal agency shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 [or title XII], *title I of the Federal Ag-*

riculture Reform and Risk Management Act of 2013, or title XII of this Act.

* * * * * * *

(6) STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 [or title XII]*, title I of the Federal Agriculture Reform and Risk Management Act of 2013, or title XII* of this Act.

* * * * * * *

SEC. 1001C. FOREIGN PERSONS MADE INELIGIBLE FOR PROGRAM BENEFITS.

Notwithstanding any other provision of law:

(a) IN GENERAL.—Any person who is not a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be ineligible to receive any type of loans or payments made available under title I of the Food, Conservation, and Energy Act of 2008, *title I of the Federal Agriculture Reform and Risk Management Act of 2013,* the Agricultural Market Transition Act, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), or under any contract entered into under title XII, with respect to any commodity produced, or land set aside from production, on a farm that is owned or operated by such person, unless such person is an individual who is providing land, capital, and a substantial amount of personal labor in the production of crops on such farm.

* * * * * * *

SEC. 1001D. ADJUSTED GROSS INCOME LIMITATION.

(a) DEFINITIONS.—

[(1) IN GENERAL.—In this section:

[(A) AVERAGE ADJUSTED GROSS INCOME.—The term "average adjusted gross income", with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

[(B) AVERAGE ADJUSTED GROSS FARM INCOME.—The term "average adjusted gross farm income", with respect to a person or legal entity, means the average of the portion of adjusted gross income of the person or legal entity that is attributable to activities related to farming, ranching, or forestry for the 3 taxable years described in subparagraph (A), as determined by the Secretary in accordance with subsection (c).

[(C) AVERAGE ADJUSTED GROSS NONFARM INCOME.—The term "average adjusted gross nonfarm income", with re-

spect to a person or legal entity, means the difference between—

[(i) the average adjusted gross income of the person or legal entity; and

[(ii) the average adjusted gross farm income of the person or legal entity.]

(1) AVERAGE ADJUSTED GROSS INCOME.—In this section, the term "average adjusted gross income", with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

(2) SPECIAL RULES FOR CERTAIN PERSONS AND LEGAL ENTITIES.—In the case of a legal entity that is not required to file a Federal income tax return or a person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under [subparagraph (A) or (B) of] paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income[, the average adjusted gross farm income, and the average adjusted gross nonfarm income] of the person or legal entity for purposes of this section.

(3) ALLOCATION OF INCOME.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income[, average adjusted gross farm income, and average adjusted gross nonfarm income] among the persons filing the return if—

(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income[, average adjusted gross farm income, and average adjusted gross nonfarm income] would have been declared and reported had the persons filed 2 separate returns; and

* * * * * * *

(b) [LIMITATIONS] *LIMITATIONS ON COMMODITY AND CONSERVATION PROGRAMS.*—

[(1) COMMODITY PROGRAMS.—

[(A) NONFARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

[(B) FARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 during a crop year, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

[(C) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

[(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 or an average crop rev-

enue election payment under subtitle A of title I of that Act.

[(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

[(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

[(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

[(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

[(2) CONSERVATION PROGRAMS.—

[(A) LIMITS.—

[(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income.

[(ii) EXCEPTION.—The Secretary may waive the limitation established under clause (i) on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.

[(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

[(i) A payment or benefit under title XII of this Act.

[(ii) A payment or benefit under title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223) or title II of the Food, Conservation, and Energy Act of 2008.

[(iii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).]

(1) LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in paragraph (2) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross income of the person or legal entity exceeds $950,000.

(2) COVERED BENEFITS.—Paragraph (1) applies with respect to a payment or benefit under subtitle A, B, or E of title I, or title II of the Federal Agriculture Reform and Risk Management Act of 2013, title II of the Farm Security and Rural Investment Act of 2002, title II of the Food, Conservation, and Energy Act of 2008, title XII of the Food Security Act of 1985, section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)), or section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

[(c) INCOME DETERMINATION.—

[(1) IN GENERAL.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

[(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

[(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish, and other aquacultural products used for food, honeybees, and other animals designated by the Secretary) and products produced by, or derived from, livestock;

[(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

[(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or environmental benefits;

[(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

[(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

[(G) the feeding, rearing, or finishing of livestock;

[(H) the sale of land that has been used for agriculture;

[(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) or title I of the Food, Conservation, and Energy Act of 2008;

[(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223), or title II of the Food, Conservation, and Energy Act of 2008;

[(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

[(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

[(M) risk management practices, including benefits received under a program authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

[(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

[(2) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service, to the

extent such income is not already included under paragraph (1).

[(3) SPECIAL RULE.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

[(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

[(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.]

[(d)] *(c)* ENFORCEMENT.—

(1) IN GENERAL.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income[, average adjusted gross farm income, and average adjusted gross nonfarm income] of the person or legal entity does not exceed the applicable limitation specified in that subsection; or

(B) information and documentation regarding the average adjusted gross income[, average adjusted gross farm income, and average adjusted gross nonfarm income] of the person or legal entity through other procedures established by the Secretary.

(2) DENIAL OF PROGRAM BENEFITS.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of applicable payments and benefits specified in [paragraphs (1)(C) and (2)(B) of subsection (b)] *subsection (b)(2)* to the person or legal entity, under similar terms and conditions as described in section 1001B.

* * * * * * *

[(e)] *(d)* COMMENSURATE REDUCTION.—In the case of a payment or benefit described in [paragraphs (1)(C) and (2)(B) of subsection (b)] *subsection (b)(2)* made in a crop, program, or fiscal year, as appropriate, to an entity, general partnership, or joint venture, the amount of the payment or benefit shall be reduced by an amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income[, average adjusted gross farm income, or average adjusted gross nonfarm income] in excess of the applicable limitation specified in subsection (b).

[(f)] *(e)* EFFECTIVE PERIOD.—This section shall apply only during the [2009 through 2012] *2014 through 2018* crop, program, or fiscal years, as appropriate.

* * * * * * *

TITLE XII—CONSERVATION

SUBTITLE A—DEFINITIONS

DEFINITIONS

SEC. 1201. (a) For purposes of subtitles A through [E] *I*:

(1) * * *

* * * * * * *

SUBTITLE B—HIGHLY ERODIBLE LAND CONSERVATION

SEC. 1211. PROGRAM INELIGIBILITY.

(a) IN GENERAL.—Except as provided in section 1212, and notwithstanding any other provision of law, any person who in any crop year produces an agricultural commodity on a field on which highly erodible land is [predominate] *predominant*, or designates land on which highly erodible land is [predominate] *predominant* to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, as determined by the Secretary shall be ineligible for—

(1) * * *

* * * * * * *

Subtitle D—Agricultural Resources Conservation Program

CHAPTER 1—[COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM] *CONSERVATION RESERVE*

Subchapter A—General Provisions

[SEC. 1230. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—During the 1996 through 2002 calendar years, the Secretary shall establish a comprehensive conservation enhancement program (referred to in this section as "CCEP") to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

[(2) MEANS.—The Secretary shall carry out the CCEP by—

[(A) providing for the long-term protection of environmentally sensitive land; and

[(B) providing technical and financial assistance to farmers and ranchers to—

[(i) improve the management and operation of the farms and ranches; and

[(ii) reconcile productivity and profitability with protection and enhancement of the environment.

[(3) PROGRAMS.—The CCEP shall consist of—

[(A) the conservation reserve program established under subchapter B;

[(B) the wetlands reserve program established under subchapter C; and

[(C) the environmental quality incentives program established under chapter 4.

[(b) ADMINISTRATION.—

[(1) IN GENERAL.—In carrying out the CCEP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter and chapter 4.

[(2) PRIOR ENROLLMENTS.—Acreage enrolled in the conservation reserve or wetlands reserve program prior to the date of enactment of this paragraph shall be considered to be placed into the CCEP.]

* * * * * * *

Subchapter B—Conservation Reserve

SEC. 1231. CONSERVATION RESERVE.

(a) IN GENERAL.—Through the [2012] *2018* fiscal year, the Secretary shall formulate and carry out a conservation reserve program under which land is enrolled through the use of contracts to assist owners and operators of land specified in subsection (b) to conserve and improve the soil, water, and wildlife resources of such land and to address issues raised by State, regional, and national conservation initiatives.

(b) ELIGIBLE LAND.—The Secretary may include in the program established under this subchapter—

(1) highly erodible cropland that—

(A) * * *

(B) the Secretary determines had a cropping history or was considered to be planted for 4 of the 6 years preceding [the date of enactment of the Food, Conservation, and Energy Act of 2008] *the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013* (except for land enrolled in the conservation reserve program as of that date);

[(2) marginal pasture land converted to wetland or established as wildlife habitat prior to November 28, 1990;]

[(3)] *(2)* marginal pasture land to be devoted to appropriate vegetation, including trees, in or near riparian areas, or devoted to similar water quality purposes (including marginal pastureland converted to wetland or established as wildlife habitat);

(3) grasslands that—

(A) contain forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

(B) are located in an area historically dominated by grasslands; and

(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition;

(4) cropland that is otherwise ineligible if the Secretary determines that—

(A) * * *

* * * * * * *

(C) the land will be devoted to newly established living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, or [filterstrips devoted to trees or shrubs] *filterstrips or riparian buffers devoted to trees, shrubs, or grasses*;

* * * * * * *

[(5) the portion of land in a field not enrolled in the conservation reserve in a case in which more than 50 percent of the land in the field is enrolled as a buffer, if—

[(A) the land is enrolled as part of the buffer; and

[(B) the remainder of the field is—

[(i) infeasible to farm; and

[(ii) enrolled at regular rental rates.]

(5) the portion of land in a field not enrolled in the conservation reserve in a case in which—

(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip, or more than 75 percent of the land in the field is enrolled as a conservation practice other than as a buffer or filterstrip; and

(B) the remainder of the field is—

(i) infeasible to farm; and

(ii) enrolled at regular rental rates.

(c) PLANTING STATUS OF CERTAIN LAND.—For purposes of determining the eligibility of land to be placed in the conservation reserve established under this subchapter, land shall be considered to be planted to an agricultural commodity during a crop year [if—

[(1) during the crop year, the land was devoted to a conserving use; or

[(2)(A) during the crop year or during any of the 2 years preceding the crop year, the land was enrolled in the water bank program; and

[(B) the contract of the owner or operator of the cropland expired or will expire in calendar year 2000, 2001, or 2002.] *if, during the crop year, the land was devoted to a conserving use.*

[(d) MAXIMUM ENROLLMENT.—The Secretary may maintain up to 39,200,000 acres in the conservation reserve at any 1 time during the 2002 through 2009 fiscal years (including contracts extended by the Secretary pursuant to section 1437(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3831 note; Public Law 101–624)). During fiscal years 2010, 2011, 2012, and 2013, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.]

(d) ENROLLMENT.—

(1) MAXIMUM ACREAGE ENROLLED.—The Secretary may maintain in the conservation reserve at any one time during—

(A) fiscal year 2014, no more than 27,500,000 acres;

(B) fiscal year 2015, no more than 26,000,000 acres;

(C) fiscal year 2016, no more than 25,000,000 acres;

(D) fiscal year 2017, no more than 24,000,000 acres; and

(E) fiscal year 2018, no more than 24,000,000 acres.

(2) GRASSLANDS.—

(A) LIMITATION.—For purposes of applying the limitations in paragraph (1), no more than 2,000,000 acres of the land described in subsection (b)(3) may be enrolled in the

program at any one time during the 2014 through 2018 fiscal years.

(B) PRIORITY.—In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.

(C) METHOD OF ENROLLMENT.—In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land on a continuous enrollment basis with one or more ranking periods.

(e) DURATION OF CONTRACT.—

(1) * * *

[(2) CERTAIN LAND.—

[(A) IN GENERAL.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter after October 1, 1990, and land devoted to such uses under contracts modified under section 1235A, the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.

[(B) HARDWOOD TREES.—In the case of land that is devoted to hardwood trees under a contract entered into under this subchapter prior to October 1, 1990, the Secretary may extend the contract for a term of not to exceed 5 years, as agreed to by the owner or operator of such land and the Secretary.

[(3) 1-YEAR EXTENSION.—In the case of a contract described in paragraph (1) the term of which expires during calendar year 2002, an owner or operator of land enrolled under the contract may extend the contract for 1 additional year.]

(2) SPECIAL RULE FOR CERTAIN LAND.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter, the owner or operator of the land may, within the limitations prescribed under paragraph (1), specify the duration of the contract.

(f) CONSERVATION PRIORITY AREAS.—

(1) DESIGNATION.—On application by the appropriate State agency, the Secretary shall designate [watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other] areas of special environmental sensitivity as conservation priority areas.

(2) ELIGIBLE [WATERSHEDS.—WATERSHEDS] *AREAS.—Areas* eligible for designation under this subsection shall include areas with actual and significant adverse water quality or habitat impacts related to agricultural production activities.

(3) EXPIRATION.—Conservation priority area designation under this subsection shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw [a watershed's designation—

[(A) on application by the appropriate State agency; or

[(B) in the case of an area covered by this subsection, if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.] *an area's designation if the Secretary finds that the area no*

longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.

* * * * * * *

[SEC. 1231A. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

[(a) DEFINITIONS.—In this section:

[(1) MERCHANTABLE TIMBER.—The term "merchantable timber" means timber on private nonindustrial forest land on which the average tree has a trunk diameter of at least 6 inches measured at a point no less than 4.5 feet above the ground.

[(2) PRIVATE NONINDUSTRIAL FOREST LAND.—The term "private nonindustrial forest land" includes State school trust land.

[(b) PROGRAM.—The Secretary shall carry out an emergency pilot program in States that the Secretary determines have suffered damage to merchantable timber in counties affected by hurricanes during the 2005 calendar year.

[(c) ELIGIBLE ACREAGE.—

[(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under paragraph (7), an owner or operator may enroll private nonindustrial forest land in the conservation reserve under this section.

[(2) DETERMINATION OF DAMAGES.—Eligibility for enrollment shall be limited to owners and operators of private nonindustrial forest land that have experienced a loss of 35 percent or more of merchantable timber in a county affected by hurricanes during the 2005 calendar year.

[(3) EXEMPTIONS.—Acreage enrolled in the conservation reserve under this section shall not count toward—

[(A) county acreage limitations described in section 1243(b); or

[(B) the maximum enrollment described in section 1231(d).

[(4) DUTIES OF OWNERS AND OPERATORS.—As a condition of entering into a contract under this section, during the term of the contract, the owner or operator of private nonindustrial forest land shall agree—

[(A) to restore the land, through site preparation and planting of similar species as existing prior to hurricane damages or to the maximum extent practicable with other native species, as determined by the Secretary; and

[(B) to establish temporary vegetative cover the purpose of which is to prevent soil erosion on the eligible acreage, as determined by the Secretary.

[(5) DUTIES OF THE SECRETARY.—

[(A) IN GENERAL.—In return for a contract entered into by an owner or operator of private nonindustrial forest land under this section, the Secretary shall provide, at the option of the landowner—

[(i) notwithstanding the limitation in section 1234(f)(1), a lump sum payment; or

[(ii) annual rental payments.

[(B) CALCULATION OF LUMP SUM PAYMENT.—The lump sum payment described in subparagraph (A)(i) shall be calculated using a net present value formula, as determined by the Secretary, based on the total amount a producer would receive over the duration of the contract.

[(C) CALCULATION OF ANNUAL RENTAL PAYMENTS.—The annual rental payment described in subparagraph (A)(ii) shall be equal to the average rental rate for conservation reserve contracts in the county in which the land is located.

[(D) ROLLING SIGNUP.—The Secretary shall offer a rolling signup for contracts under this section.

[(E) DURATION OF CONTRACTS.—A contract entered into under this section shall have a term of 10 years.

[(6) BALANCE OF NATURAL RESOURCES.—In determining the acceptability of contract offers under this section, the Secretary shall consider an equitable balance among the purposes of soil erosion prevention, water quality improvement, wildlife habitat restoration, and mitigation of economic loss.

[(7) FUNDING.—The Secretary shall use $504,100,000, to remain available until expended, of funds of the Commodity Credit Corporation to carry out this section.

[(8) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive.

[(9) REGULATIONS.—

[(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

[(B) PROCEDURE.—The promulgation of regulations and administration of this section shall be made without regard to—

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

[(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

[(iii) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

[(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.]

SEC. 1231B. [PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.] *FARMABLE WETLAND PROGRAM.*

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—During the 2008 through [2012] *2018* fiscal years, the Secretary shall carry out [a program] *a*

farmable wetland program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

* * * * * * *

(b) ELIGIBLE ACREAGE.—

(1) WETLAND AND RELATED LAND.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

(A) * * *

(B) on which a constructed wetland is to be developed that will receive [flow from a row crop agriculture drainage system] *surface and subsurface flow from row crop agricultural production* and is designed to provide nitrogen removal in addition to other wetland functions;

* * * * * * *

(c) PROGRAM LIMITATIONS.—

(1) ACREAGE LIMITATION.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

(A) * * *

(B) a total of [1,000,000] *750,000* acres.

* * * * * * *

SEC. 1232. DUTIES OF OWNERS AND OPERATORS.

(a) IN GENERAL.—Under the terms of a contract entered into under this subchapter, during the term of the contract, an owner or operator of a farm or ranch shall agree—

(1) * * *

* * * * * * *

(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, [except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)—

[(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

[(i) shall develop appropriate vegetation management requirements; and

[(ii) shall identify periods during which managed harvesting may be conducted;

[(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

[(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

[(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

[(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as—

[(I) climate, soil type, and natural resources;

[(II) the number of years that should be required between routine grazing activities; and

[(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

[(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

[(i) the location, size, and other physical characteristics of the land;

[(ii) the extent to which the land contains wildlife and wildlife habitat; and

[(iii) the purposes of the conservation reserve program under this subchapter;] *except as provided in subsection (b) or (c) of section 1233;*

* * * * * * *

[(b) CONSERVATION PLANS.—The plan referred to in subsection (a)(1)—

[(1) shall set forth—

[(A) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

[(B) the commercial use, if any, to be permitted on the land during the term; and

[(2) may provide for the permanent retirement of any existing cropland base and allotment history for the land.]

(b) CONSERVATION PLANS.—The plan referred to in subsection (a)(1) shall set forth—

(1) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

(2) the commercial use, if any, to be permitted on the land during the term.

* * * * * * *

[(d) RENTAL PAYMENT REDUCTION FOR CERTAIN AUTHORIZED USES OF ENROLLED LAND.—In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.]

[SEC. 1233. DUTIES OF THE SECRETARY.

[In return for a contract entered into by an owner or operator under section 1232, the Secretary shall—

[(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

[(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

[(A) the conversion of highly erodible cropland normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use; and

[(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently.]

SEC. 1233. DUTIES OF THE SECRETARY.

(a) COST-SHARE AND RENTAL PAYMENTS.—In return for a contract entered into by an owner or operator under the conservation reserve program, the Secretary shall—

(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

(A) the conversion of highly erodible cropland or other eligible lands normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use;

(B) the retirement of any base history that the owner or operator agrees to retire permanently; and

(C) the development and management of grasslands for multiple natural resource conservation benefits, including to soil, water, air, and wildlife.

(b) SPECIFIED ACTIVITIES PERMITTED.—The Secretary shall permit certain activities or commercial uses of land that is subject to a contract under the conservation reserve program in a manner that is consistent with a plan approved by the Secretary, as follows:

(1) Harvesting, grazing, or other commercial use of the forage in response to a drought or other emergency created by a natural disaster, without any reduction in the rental rate.

(2) Consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area), and in exchange for a reduction of not less than 25 percent in the annual rental rate for the acres covered by the authorized activity—

(A) managed harvesting and other commercial use (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

(i) shall develop appropriate vegetation management requirements; and

(ii) shall identify periods during which managed harvesting may be conducted, such that the frequency is not more than once every three years;

(B) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

(ii) shall identify the periods during which routine grazing may be conducted, such that the frequency is not more than once every two years, taking into consideration regional differences such as—

(I) climate, soil type, and natural resources;

(II) the number of years that should be required between routine grazing activities; and

(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

(C) the installation of wind turbines and associated access, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

(i) the location, size, and other physical characteristics of the land;

(ii) the extent to which the land contains wildlife and wildlife habitat; and

(iii) the purposes of the conservation reserve program under this subchapter.

(3) The intermittent and seasonal use of vegetative buffer practices incidental to agricultural production on lands adjacent to the buffer such that the permitted use does not destroy the permanent vegetative cover.

(c) AUTHORIZED ACTIVITIES ON GRASSLANDS.—For eligible land described in section 1231(b)(3), the Secretary shall permit the following activities:

(1) Common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality.

(2) Haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for critical bird species in the area.

(3) Fire presuppression, fire-related rehabilitation, and construction of fire breaks.

(4) Grazing-related activities, such as fencing and livestock watering.

(d) RESOURCE CONSERVING USE.—

(1) IN GENERAL.—Beginning on the date that is 1 year before the date of termination of a contract under the program, the Secretary shall allow an owner or operator to make conservation and land improvements that facilitate maintaining protection of enrolled land after expiration of the contract.

(2) CONSERVATION PLAN.—The Secretary shall require an owner or operator carrying out the activities described in paragraph (1) to develop and implement a conservation plan.

(3) RE-ENROLLMENT PROHIBITED.—Land improved under paragraph (1) may not be re-enrolled in the conservation reserve program for 5 years after the date of termination of the contract.

SEC. 1234. PAYMENTS.

(a) * * *

(b) FEDERAL PERCENTAGE OF COST SHARING PAYMENTS.—

(1) * * *

* * * * * * *

(3) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—

(A) APPLICABILITY.—This paragraph applies to—

(i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990; *and*

[(ii) land converted to such production under section 1235A; and]

[(iii)] *(ii)* land on which an owner or operator agrees to conduct thinning authorized by section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

* * * * * * *

(c) ANNUAL RENTAL PAYMENTS.—

(1) IN GENERAL.—In determining the amount of annual rental payments to be paid to owners and operators for converting highly erodible cropland *or other eligible lands* normally devoted to the production of an agricultural commodity to less intensive use, the Secretary may consider, among other things, the amount necessary to encourage owners or operators of highly erodible cropland *or other eligible lands* to participate in the program established by this subchapter.

[(2) METHOD OF DETERMINATION.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subchapter may be determined through—

[(A) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

[(B) such other means as the Secretary determines are appropriate.]

(2) METHODS OF DETERMINATION.—

(A) IN GENERAL.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subchapter may be determined through—

(i) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

(ii) such other means as the Secretary determines are appropriate.

(B) GRASSLANDS.—In the case of eligible land described in section 1231(b)(3), the Secretary shall make annual payments in an amount that is not more than 75 percent of the grazing value of the land covered by the contract.

* * * * * * *

[(d) CASH OR IN-KIND PAYMENTS.—

[(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter—

[(A) shall be made in cash or in commodities in such amount and on such time schedule as is agreed on and specified in the contract; and

[(B) may be made in advance of determination of performance.

[(2) METHOD OF PROVIDING IN-KIND PAYMENTS.—If the payment to an owner or operator is made with in-kind commodities, the payment shall be made by the Commodity Credit Corporation—

[(A) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the highly erodible cropland is located or at such other location as is agreed to by the Secretary and the owner or operator;

[(B) by the transfer of negotiable warehouse receipts; or

[(C) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner or operator to receive efficient and expeditious possession of the commodity.

[(3) CASH PAYMENTS.—

[(A) COMMODITY CREDIT CORPORATION STOCKS.—If stocks of a commodity acquired by the Commodity Credit Corporation are not readily available to make full payment in kind to the owner or operator, the Secretary may substitute full or partial payment in cash for payment in kind.

[(B) SPECIAL CONSERVATION RESERVE ENHANCEMENT PROGRAM.—Payments to an owner or operator under a special conservation reserve enhancement program described in subsection (f)(4) shall be in the form of cash only.]

(d) PAYMENT SCHEDULE.—

(1) IN GENERAL.—Except as otherwise provided in this section, payments under this subchapter shall be made in cash in such amount and on such time schedule as is agreed on and specified in the contract.

(2) ADVANCE PAYMENT.—Payments under this subchapter may be made in advance of determination of performance.

* * * * * * *

(f) PAYMENT LIMITATION FOR RENTAL PAYMENTS.—

(1) IN GENERAL.—The total amount of rental payments[, including rental payments made in the form of in-kind commodities,] received by a person or legal entity, directly or indirectly, under this subchapter for any fiscal year may not exceed $50,000.

[(3) OTHER PAYMENTS.—Rental payments received by an owner or operator shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under the Farm Security and Rural Investment Act of 2002.]

[(4)] *(2)* SPECIAL CONSERVATION RESERVE ENHANCEMENT PROGRAM.—

(A) * * *

* * * * * * *

SEC. 1235. CONTRACTS.

(a) * * *

* * * * * * *

(e) EARLY TERMINATION BY OWNER OR OPERATOR.—

(1) EARLY TERMINATION.—

(A) IN GENERAL.—[The Secretary] *During fiscal year 2014, the Secretary* shall allow a participant that entered into a contract under this subchapter [before January 1, 1995,] to terminate the contract at any time if the contract has been in effect for at least 5 years.

* * * * * * *

(2) CERTAIN LAND EXCEPTED.—The following land shall not be subject to an early termination of contract under this subsection:

(A) * * *

* * * * * * *

[(C) Other land of high environmental value (including wetland), as determined by the Secretary.]

(C) Land devoted to hardwood trees.

(D) Wildlife habitat, duck nesting habitat, pollinator habitat, upland bird habitat buffer, wildlife food plots, State acres for wildlife enhancement, shallow water areas for wildlife, and rare and declining habitat.

(E) Farmable wetland and restored wetland.

(F) Land that contains diversions, erosion control structures, flood control structures, contour grass strips, living snow fences, salinity reducing vegetation, cross wind trap strips, and sediment retention structures.

(G) Land located within a federally-designated wellhead protection area.

(H) Land that is covered by an easement under the conservation reserve program.

(I) Land located within an average width, according to the applicable Natural Resources Conservation Service field office technical guide, of a perennial stream or permanent water body.

(3) EFFECTIVE DATE.—The contract termination shall become effective [60 days after the date on which the owner or operator submits the notice required under paragraph (1)(C)] *upon approval by the Secretary*.

* * * * * * *

(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

(1) [DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer] *TRANSITION TO COVERED FARMER OR RANCHER.—In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer* or rancher or socially disadvan-

taged farmer or rancher (in this subsection referred to as a "covered farmer or rancher"), the Secretary shall—

(A) beginning on the date that is 1 year before the date of termination of the contract—

(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements*, including preparing to plant an agricultural crop*; and

* * * * * * *

(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which [the farmer or rancher] *the covered farmer or rancher* takes possession of the land through ownership or lease; and

(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in [section 1001A(b)(3)(B)] *section 1001* of this Act) of the covered farmer or rancher.

(2) REENROLLMENT.—The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that—

(A) is eligible for enrollment under the continuous signup [requirement of section 1231(h)(4)(B)] *option pursuant to section 1234(c)(2)(A)(ii)*; and

* * * * * * *

(g) FINAL YEAR OF CONTRACT.—The Secretary shall not consider an owner or operator to be in violation of a term or condition of the conservation reserve contract if—

(1) during the year prior to expiration of the contract, the land is enrolled in the conservation stewardship program; and

(2) the activity required under the conservation stewardship program pursuant to such enrollment is consistent with this subchapter.

(h) LAND ENROLLED IN AGRICULTURAL CONSERVATION EASEMENT PROGRAM.—The Secretary may terminate or modify a contract entered into under this subchapter if eligible land that is subject to such contract is transferred into the agricultural conservation easement program under subtitle H.

[SEC. 1235A. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

[(a) CONVERSION TO TREES.—

[(1) IN GENERAL.—The Secretary shall permit an owner or operator that has entered into a contract under this subchapter that is in effect on November 28, 1990, to convert areas of highly erodible cropland that are subject to the contract, and that are devoted to vegetative cover, from that use to hardwood trees, windbreaks, shelterbelts, or wildlife corridors.

[(2) TERMS.—

[(A) EXTENSION OF CONTRACT.—With respect to a contract that is modified under this section that provides for the planting of hardwood trees, windbreaks, shelterbelts,

or wildlife corridors, if the original term of the contract was less than 15 years, the owner or operator may extend the contract to a term of not to exceed 15 years.

[(B) COST SHARE ASSISTANCE.—The Secretary shall pay 50 percent of the cost of establishing conservation measures and practices authorized under this subsection for which the Secretary determines the cost sharing is appropriate and in the public interest.

[(b) CONVERSION TO WETLAND.—The Secretary shall permit an owner or operator that has entered into a contract under this subchapter that is in effect on November 28, 1990, to restore areas of highly erodible cropland that are devoted to vegetative cover under the contract to wetland if—

[(1) the areas are prior converted wetland;

[(2) the owner or operator of the areas enters into an agreement to provide the Secretary with a long-term or permanent easement under subchapter C covering the areas;

[(3) there is a high probability that the prior converted area can be successfully restored to wetland status; and

[(4) the restoration of the areas otherwise meets the requirements of subchapter C.

[(c) LIMITATION.—The Secretary shall not incur, through a conversion under this section, any additional expense on the acres, including the expense involved in the original establishment of the vegetative cover, that would result in cost share for costs under this section in excess of the costs that would have been subject to cost share for the new practice had that practice been the original practice.

[(d) CONDITION OF CONTRACT.—An owner or operator shall as a condition of entering into a contract under subsection (a) participate in the Forest Stewardship Program established under section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a).

[Subchapter C—Wetlands Reserve Program

[SEC. 1237. WETLANDS RESERVE PROGRAM.

[(a) ESTABLISHMENT AND PURPOSES.—

[(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

[(2) PURPOSES.—The purposes of the wetlands reserve program are to restore, protect, or enhance wetlands on private or tribal lands that are eligible under subsections (c) and (d).

[(b) ENROLLMENT CONDITIONS.—

[(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.

[(2) METHODS OF ENROLLMENT.—Subject to paragraph (3), the Secretary shall enroll acreage into the wetlands reserve program through the use of permanent easements, 30-year easements, restoration cost share agreements, or any combination of those options.

[(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

[(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

[(B) restoration cost-share agreements; or

[(C) any combination of the options described in subparagraphs (A) and (B).

[(c) ELIGIBILITY.—For purposes of enrolling land in the wetland reserve established under this subchapter during the 1991 through 2012 fiscal years, private or tribal land shall be eligible to be placed into such reserve if the Secretary, in consultation with the Secretary of the Interior at the local level, determines that—

[(1) such land maximizes wildlife benefits and wetland values and functions;

[(2) such land is—

[(A) farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except that converted wetland with respect to which the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; or

[(B) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland; and

[(3) the likelihood of the successful restoration of such land and the resultant wetland values merit inclusion of such land in the program taking into consideration the cost of such restoration.

[(d) OTHER ELIGIBLE LAND.—The Secretary may include in the wetland reserve established under this subchapter, together with land that is eligible under subsection (c), land that maximizes wildlife benefits and that is—

[(1) farmed wetland and adjoining lands, enrolled in the conservation reserve, with the highest wetland functions and values, and that are likely to return to production after they leave the conservation reserve;

[(2) other wetland of an owner that would not otherwise be eligible if the Secretary determines that the inclusion of such wetland in such easement would significantly add to the functional value of the easement; or

[(3) riparian areas that link wetlands that are protected by easements or some other device or circumstance that achieves the same purpose as an easement.

[(e) INELIGIBLE LAND.—The Secretary may not acquire easements on—

[(1) land that contains timber stands established under the conservation reserve under subchapter B; or

[(2) pasture land established to trees under the conservation reserve under subchapter B.

[(f) TERMINATION OF EXISTING CONTRACT.—The Secretary may terminate or modify an existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program established by this subchapter.

[SEC. 1237A. EASEMENTS AND AGREEMENTS.

[(a) IN GENERAL.—To be eligible to place land into the wetland reserve under this subchapter, the owner of such land shall enter into an agreement with the Secretary—

[(1) to grant an easement on such land to the Secretary;

[(2) to implement a wetland easement conservation plan as provided for in this section;

[(3) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to under this subchapter with respect to such lands; and

[(4) to provide a written statement of consent to such easement signed by those holding a security interest in the land.

[(b) TERMS OF EASEMENT.—An owner granting an easement under subsection (a) shall be required to provide for the restoration and protection of the functional values of wetland pursuant to a wetland easement conservation plan that—

[(1) permits—

[(A) repairs, improvements, and inspections on such land that are necessary to maintain existing public drainage systems if such land is subsequently restored to the condition required by the terms of the easement; and

[(B) landowners to control public access on the easement areas while identifying access routes to be used for wetland restoration activities and management and easement monitoring;

[(2) prohibits—

[(A) the alteration of wildlife habitat and other natural features of such land, unless specifically permitted by the plan;

[(B) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is permitted by the plan or is necessary—

[(i) to comply with Federal or State noxious weed control laws;

[(ii) to comply with a Federal or State emergency pest treatment program; or

[(iii) to meet habitat needs of specific wildlife species; and

[(C) any activities to be carried out on such participating landowner's or successor's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

[(D) the adoption of any other practice that would tend to defeat the purposes of this subchapter, as determined by the Secretary;

[(3) provides for the efficient and effective restoration of the functional values of wetlands; and

[(4) includes such additional provisions as the Secretary determines are desirable to carry out this subchapter or to facilitate the practical administration thereof.

[(c) RESTORATION PLANS.—The development of a restoration plan, including any compatible use, under this section shall be

made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.

[(d) COMPATIBLE USES.—Wetland reserve program lands may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the plan and consistent with the long-term protection and enhancement of the wetlands resources for which the easement was established.

[(e) TYPE AND LENGTH OF EASEMENT.—A conservation easement granted under this section—

[(1) shall be in a recordable form; and

[(2) shall be for 30 years, permanent, or the maximum duration allowed under applicable State laws.

[(f) COMPENSATION.—

[(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

[(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

[(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

[(C) the offer made by the landowner.

[(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (1) and specified in the easement agreement.

[(3) PAYMENT SCHEDULE FOR EASEMENTS.—

[(A) EASEMENTS VALUED AT $500,000 OR LESS.—For easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

[(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

[(4) RESTORATION AGREEMENT PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

[(5) ENROLLMENT PROCEDURE.—Lands may be enrolled under this subchapter through the submission of bids under a procedure established by the Secretary.

[(g) VIOLATION.—On the violation of the terms or conditions of the easement or related agreement entered into under subsection (a), the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, together with interest thereon as determined appropriate by the Secretary.

[(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

[(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

[(2) RESERVED RIGHTS PILOT PROGRAM.—

[(A) RESERVATION OF GRAZING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program for land in which a landowner may reserve grazing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grazing rights—

[(i) is compatible with the land subject to the easement;

[(ii) is consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

[(iii) complies with a conservation plan.

[(B) DURATION.—The pilot program established under this paragraph shall terminate on September 30, 2012.

[SEC. 1237B. DUTIES OF OWNERS.

[Under the terms of an agreement entered into under this subchapter, an owner and operator of the land that is subject to an easement under this subchapter shall agree to comply with the terms of the easement and related agreements and shall agree to the permanent retirement of any existing cropland base and allotment history for such land under any program administered by the Secretary.

[SEC. 1237C. DUTIES OF THE SECRETARY.

[(a) IN GENERAL.—In return for the granting of an easement by an owner under this subchapter, the Secretary shall—

[(1) share the cost of carrying out the establishment of conservation measures and practices, and the protection of the wetland functions and values, including necessary maintenance activities, as set forth in the plan to the extent that the Secretary determines that cost sharing is appropriate and in the public interest; and

[(2) provide necessary technical assistance to assist owners in complying with the terms and conditions of the easement and the plan.

[(b) COST-SHARE AND TECHNICAL ASSISTANCE.—

[(1) EASEMENTS.—Effective beginning October 1, 1996, in making cost-share payments under subsection (a)(1), the Secretary shall—

[(A) in the case of a permanent easement, pay the owner an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs; and

[(B) in the case of a 30-year easement, pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

[(2) RESTORATION COST-SHARE AGREEMENTS.—In making cost-share payments in connection with a restoration cost-share agreement entered into under section 1237A(h), the Sec-

retary shall pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs.

[(3) TECHNICAL ASSISTANCE.—The Secretary shall provide owners with technical assistance to assist owners in complying with the terms of easements and restoration cost-share agreements.

[(c) RANKING OF OFFERS.—

[(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

[(A) the conservation benefits of obtaining an easement or other interest in the land;

[(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

[(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

[(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

[(A) the extent to which the purposes of the easement program would be achieved on the land;

[(B) the productivity of the land; and

[(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.

[(d) EASEMENT PRIORITY.—In carrying out this subchapter, to the extent practicable, taking into consideration costs and future agricultural and food needs, the Secretary shall give priority to obtaining permanent conservation easements before shorter term conservation easements and, in consultation with the Secretary of the Interior, shall place priority on acquiring easements based on the value of the easement for protecting and enhancing habitat for migratory birds and other wildlife.

[SEC. 1237D. PAYMENTS.

[(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under this subchapter—

[(1) with respect to any cost sharing obligation as soon as possible after the obligation is incurred; and

[(2) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

[(b) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

[(c) PAYMENT LIMITATION.—

[(1) IN GENERAL.—The total amount of payments that a person or legal entity may receive, directly or indirectly, under this subchapter for any year may not exceed $50,000, except

such limitation shall not apply with respect to payments for perpetual or 30-year easements or under 30-year contracts.

[(2) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

[(3) OTHER PAYMENTS.—Easement payments received by an owner shall be in addition to, and not affect, the total amount of payments that such owner is otherwise eligible to receive under this Act, the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

[(d) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 902) shall affect any payment under this subchapter.

[SEC. 1237E. CHANGES IN OWNERSHIP; AGREEMENT MODIFICATION; TERMINATION.

[(a) LIMITATIONS.—No easement shall be created under this subchapter on land that has changed ownership during the preceding 7-year period unless—

[(1) the new ownership was acquired by will or succession as a result of the death of the previous owner;

[(2)(A) the ownership change occurred because of foreclosure on the land; and

[(B) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

[(3) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program established by this subchapter.

[(b) MODIFICATION; TERMINATION.—

[(1) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner under this subchapter if—

[(A) the current owner agrees to such modification; and

[(B) the Secretary determines that such modification is desirable—

[(i) to carry out this subchapter;

[(ii) to facilitate the practical administration of this subchapter; or

[(iii) to achieve such other goals as the Secretary determines are appropriate and consistent with this subchapter.

[(2) TERMINATION.—

[(A) IN GENERAL.—The Secretary may terminate an easement created with an owner under this subchapter if—

[(i) the current owner agrees to such termination; and

[(ii) the Secretary determines that such termination would be in the public interest.

[(B) NOTICE.—At least 90 days before taking any action to terminate under paragraph (A) all easements entered into under this subchapter, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

[SEC. 1237F. ADMINISTRATION, AND FUNDING.

[(a) DELEGATION OF EASEMENT ADMINISTRATION.—The Secretary may delegate any of the easement management, monitoring, and enforcement responsibilities of the Secretary to Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities.

[(b) REGULATIONS.—Not later than 180 days after the date of enactment of this subchapter, the Secretary shall issue such regulations as are necessary to carry out this subchapter.

[(c) PRAIRIE POTHOLE REGION SURVEY AND REALLOCATION.—

[(1) SURVEY.—The Secretary shall conduct a survey during fiscal year 2008 and each subsequent fiscal year for the purpose of determining interest and allocations for the Prairie Pothole Region to enroll eligible land described in section 1237(c)(2)(B).

[(2) ANNUAL ADJUSTMENT.—The Secretary shall make an adjustment to the allocation for an interested State for a fiscal year, based on the results of the survey conducted under paragraph (1) for the State during the previous fiscal year.]

CHAPTER 2—CONSERVATION SECURITY [AND FARMLAND PROTECTION]

* * * * * * *

[Subchapter B—Conservation Stewardship Program

[SEC. 1238D. DEFINITIONS

[In this subchapter:

[(1) CONSERVATION ACTIVITIES.—

[(A) IN GENERAL.—The term "conservation activities" means conservation systems, practices, or management measures that are designed to address a resource concern.

[(B) INCLUSIONS.—The term "conservation activities" includes—

[(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

[(ii) planning needed to address a resource concern.

[(2) CONSERVATION MEASUREMENT TOOLS.—The term "conservation measurement tools" means procedures to estimate the level of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

[(3) CONSERVATION STEWARDSHIP PLAN.—The term "conservation stewardship plan" means a plan that—

[(A) identifies and inventories resource concerns;

[(B) establishes benchmark data and conservation objectives;

[(C) describes conservation activities to be implemented, managed, or improved; and

[(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

[(4) PRIORITY RESOURCE CONCERN.—The term "priority resource concern" means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or area of the State.

[(5) PROGRAM.—The term "program" means the conservation stewardship program established by this subchapter.

[(6) RESOURCE CONCERN.—The term "resource concern" means a specific natural resource impairment or problem, as determined by the Secretary, that—

[(A) represents a significant concern in a State or region; and

[(B) is likely to be addressed successfully through the implementation of conservation activities by producers on land eligible for enrollment in the program.

[(7) STEWARDSHIP THRESHOLD.—The term "stewardship threshold" means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the quality and condition of a resource concern.

[SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

[(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2009 through 2014, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner—

[(1) by undertaking additional conservation activities; and

[(2) by improving, maintaining and managing existing conservation activities.

[(b) ELIGIBLE LAND.—

[(1) IN GENERAL.—Except as provided in subsection (c), the following land is eligible for enrollment in the program:

[(A) Private agricultural land (including cropland, grassland, prairie land, improved pastureland, rangeland, and land used for agro-forestry).

[(B) Agricultural land under the jurisdiction of an Indian tribe.

[(C) Forested land that is an incidental part of an agricultural operation.

[(D) Other private agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

[(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of

the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

[(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation of a producer, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

[(c) EXCLUSIONS.—

[(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not be eligible for enrollment in the program:

[(A) Land enrolled in the conservation reserve program.

[(B) Land enrolled in the wetlands reserve program.

[(C) Land enrolled in the grassland reserve program.

[(2) CONVERSION TO CROPLAND.—Land used for crop production after the date of enactment of the Food, Conservation, and Energy Act of 2008 that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

[(A) the land had previously been enrolled in the conservation reserve program;

[(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

[(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

[SEC. 1238F. STEWARDSHIP CONTRACTS.

[(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary for approval a contract offer that—

[(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least one resource concern; and

[(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 priority resource concern by the end of the stewardship contract by—

[(A) installing and adopting additional conservation activities; and

[(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

[(b) EVALUATION OF CONTRACT OFFERS.—

[(1) RANKING OF APPLICATIONS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall rank applications based on—

[(A) the level of conservation treatment on all applicable priority resource concerns at the time of application, based to the maximum extent practicable on conservation measurement tools;

[(B) the degree to which the proposed conservation treatment on applicable priority resource concerns effec-

tively increases conservation performance, based to the maximum extent possible on conservation measurement tools;

[(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

[(D) the extent to which other resource concerns, in addition to priority resource concerns, will be addressed to meet or exceed the stewardship threshold by the end of the contract period; and

[(E) the extent to which the actual and anticipated environmental benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers.

[(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

[(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

[(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

[(d) CONTRACT PROVISIONS.—

[(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

[(2) PROVISIONS.—The conservation stewardship contract of a producer shall—

[(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(e);

[(B) require the producer—

[(i) to implement during the term of the conservation stewardship contract the conservation stewardship plan approved by the Secretary;

[(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation stewardship contract; and

[(iii) not to engage in any activity during the term of the conservation stewardship contract on the eligible land covered by the contract that would interfere with the purposes of the conservation stewardship contract;

[(C) permit all economic uses of the land that—

[(i) maintain the agricultural nature of the land; and

[(ii) are consistent with the conservation purposes of the conservation stewardship contract;

[(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary; and

[(E) include such other provisions as the Secretary determines necessary to ensure the purposes of the program are achieved.

[(e) CONTRACT RENEWAL.—At the end of an initial conservation stewardship contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

[(1) demonstrates compliance with the terms of the existing contract; and

[(2) agrees to adopt new conservation activities, as determined by the Secretary.

[(f) MODIFICATION.—The Secretary may allow a producer to modify a stewardship contract if the Secretary determines that the modification is consistent with achieving the purposes of the program.

[(g) CONTRACT TERMINATION.—

[(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation stewardship contract if the Secretary determines that termination would not defeat the purposes of the program.

[(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

[(3) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

[(A) allow the producer to retain payments already received under the contract; or

[(B) require repayment, in whole or in part, of payments already received and assess liquidated damages.

[(4) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

[(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this chapter shall result in the termination of the contract with regard to that land.

[(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

[(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

[(ii) the transferee meets the eligibility requirements of the program.

[(h) 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 subchapter.

[(i) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a contract offer under this subchapter that includes—

[(1) on-farm conservation research and demonstration activities; and

[(2) pilot testing of new technologies or innovative conservation practices.

[SEC. 1238G. DUTIES OF THE SECRETARY.

[(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

[(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

[(2) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

[(3) develop reliable conservation measurement tools for purposes of carrying out the program.

[(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

[(1) primarily on each State's proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and

[(2) also on consideration of—

[(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

[(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

[(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

[(c) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

[(d) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable—

[(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and

[(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

[(e) CONSERVATION STEWARDSHIP PAYMENTS.—

[(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a payment under the program to compensate the producer for—

[(A) installing and adopting additional conservation activities; and

[(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

[(2) PAYMENT AMOUNT.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

[(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

[(B) Income forgone by the producer.

[(C) Expected environmental benefits as determined by conservation measurement tools.

[(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

[(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

[(B) conservation activities for which there is no cost incurred or income forgone to the producer.

[(4) TIMING OF PAYMENTS.—

[(A) IN GENERAL.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

[(B) ADDITIONAL ACTIVITIES.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.

[(f) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

[(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.

[(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

[(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

[(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term "resource-conserving crop rotation" means a crop rotation that—

[(A) includes at least 1 resource conserving crop (as defined by the Secretary);

[(B) reduces erosion;

[(C) improves soil fertility and tilth;

[(D) interrupts pest cycles; and

[(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

[(g) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $200,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.

[(h) REGULATIONS.—The Secretary shall promulgate regulations that—

[(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and

[(2) otherwise enable the Secretary to carry out the program.

[(i) DATA.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—

[(1) the installation and adoption of additional conservation activities and improvements to conservation activities in place on the operation of a producer at the time the conservation stewardship offer is accepted by the Secretary;

[(2) participation in research, demonstration, and pilot projects; and

[(3) the development and periodic assessment and evaluation of conservation plans developed under this subchapter.

[Subchapter C—Farmland Protection Program

[SEC. 1238H. DEFINITIONS.

[In this subchapter:

[(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

[(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

[(B) any organization that—

[(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

[(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

[(iii) is—

[(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

[(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.

[(2) ELIGIBLE LAND.—

[(A) IN GENERAL.—The term "eligible land" means land on a farm or ranch that is subject to a pending offer for purchase from an eligible entity and—

[(i) has prime, unique, or other productive soil;

[(ii) contains historical or archaeological resources; or

[(iii) the protection of which will further a State or local policy consistent with the purposes of the program.

[(B) INCLUSIONS.—The term "eligible land" includes, on a farm or ranch—

[(i) cropland;

[(ii) rangeland;

[(iii) grassland;

[(iv) pasture land;

[(v) forest land that—

[(I) contributes to the economic viability of an agricultural operation; or

[(II) serves as a buffer to protect an agricultural operation from development; and

[(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.

[(3) 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).

[(4) PROGRAM.—The term "program" means the farmland protection program established under section 1238I(a).

[SEC. 1238I. FARMLAND PROTECTION PROGRAM.

[(a) ESTABLISHMENT.—The Secretary shall establish and carry out a farmland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.

[(b) PURPOSE.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.

[(c) COST-SHARE ASSISTANCE.—

[(1) PROVISION OF ASSISTANCE.—The Secretary shall provide cost-share assistance to eligible entities for purchasing a conservation easement or other interest in eligible land.

[(2) FEDERAL SHARE.—The share of the cost provided by the Secretary for purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

[(3) NON-FEDERAL SHARE.—

[(A) SHARE PROVIDED BY ELIGIBLE ENTITY.—The eligible entity shall provide a share of the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the acquisition purchase price.

[(B) LANDOWNER CONTRIBUTION.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner

from which the conservation easement or other interest in land will be purchased.

[(d) DETERMINATION OF FAIR MARKET VALUE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, the fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity and approved by the Secretary.

[(e) BIDDING DOWN PROHIBITED.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the program.

[(f) CONDITION ON ASSISTANCE.—

[(1) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased using cost-share assistance provided under the program shall be subject to a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

[(2) CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary shall require the inclusion of a contingent right of enforcement for the Secretary in the terms of a conservation easement or other interest in eligible land that is purchased using cost-share assistance provided under the program.

[(g) AGREEMENTS WITH ELIGIBLE ENTITIES.—

[(1) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under subsection (c).

[(2) LENGTH OF AGREEMENTS.—An agreement under this subsection shall be for a term that is—

[(A) in the case of an eligible entity certified under the process described in subsection (h), a minimum of five years; and

[(B) for all other eligible entities, at least three, but not more than five years.

[(3) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

[(4) MINIMUM REQUIREMENTS.—An eligible entity shall be authorized to use its own terms and conditions, as approved by the Secretary, for conservation easements and other purchases of interests in land, so long as such terms and conditions—

[(A) are consistent with the purposes of the program;

[(B) permit effective enforcement of the conservation purposes of such easements or other interests; and

[(C) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

[(5) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement entered into under this subsection—

[(A) the agreement shall remain in force; and

[(B) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

[(h) CERTIFICATION OF ELIGIBLE ENTITIES.—

[(1) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

[(A) directly certify eligible entities that meet established criteria;

[(B) enter into long-term agreements with certified entities, as authorized by subsection (g)(2)(A); and

[(C) accept proposals for cost-share assistance to certified entities for the purchase of conservation easements or other interests in eligible land throughout the duration of such agreements.

[(2) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

[(A) a plan for administering easements that is consistent with the purpose of this subchapter;

[(B) the capacity and resources to monitor and enforce conservation easements or other interests in land; and

[(C) policies and procedures to ensure—

[(i) the long-term integrity of conservation easements or other interests in eligible land;

[(ii) timely completion of acquisitions of easements or other interests in eligible land; and

[(iii) timely and complete evaluation and reporting to the Secretary on the use of funds provided by the Secretary under the program.

[(3) REVIEW AND REVISION.—

[(A) REVIEW.—The Secretary shall conduct a review of eligible entities certified under paragraph (1) every three years to ensure that such entities are meeting the criteria established under paragraph (2).

[(B) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—

[(i) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

[(ii) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet the criteria established in paragraph (2).

[SEC. 1238J. FARM VIABILITY PROGRAM.

[(a) IN GENERAL.—The Secretary may provide to eligible entities identified by the Secretary grants for use in carrying out farm viability programs developed by the eligible entities and approved by the Secretary.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for each of fiscal years 2002 through 2012.

[Subchapter D—Grassland Reserve Program

[SEC. 1238N. GRASSLAND RESERVE PROGRAM.

[(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a grassland reserve program (referred to in this subchapter as the "program") for the purpose of assisting owners and operators in protecting grazing uses and related conservation values by restoring and conserving eligible land through rental contracts, easements, and restoration agreements.

[(b) ENROLLMENT OF ACREAGE.—

[(1) ACREAGE ENROLLED.—The Secretary shall enroll an additional 1,220,000 acres of eligible land in the program during fiscal years 2009 through 2012.

[(2) METHODS OF ENROLLMENT.—The Secretary shall enroll eligible land in the program through the use of;

[(A) a 10-year, 15-year, or 20-year rental contract;

[(B) a permanent easement; or

[(C) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under the law of that State.

[(3) LIMITATION.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—

[(A) 40 percent for rental contacts; and

[(B) 60 percent for easements.

[(4) ENROLLMENT OF CONSERVATION RESERVE LAND.—

[(A) PRIORITY.—Upon expiration of a contract under subchapter B of chapter 1 of this subtitle, the Secretary shall give priority for enrollment in the program to land previously enrolled in the conservation reserve program if—

[(i) the land is eligible land, as defined in subsection (c); and

[(ii) the Secretary determines that the land is of high ecological value and under significant threat of conversion to uses other than grazing.

[(B) MAXIMUM ENROLLMENT.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.

[(c) ELIGIBLE LAND DEFINED.—For purposes of the program, the term "eligible land" means private or tribal land that—

[(1) is grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

[(2) is located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—

[(A) could provide habitat for animal or plant populations of significant ecological value if the land—

[(i) is retained in its current use; or

[(ii) is restored to a natural condition;

[(B) contains historical or archaeological resources; or

[(C) would address issues raised by State, regional, and national conservation priorities; or

[(3) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

[SEC. 1238O. DUTIES OF OWNERS AND OPERATORS.

[(a) RENTAL CONTRACTS.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—

[(1) to comply with the terms of the contract and, when applicable, a restoration agreement;

[(2) to suspend any existing cropland base and allotment history for the land under another program administered by the Secretary; and

[(3) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties.

[(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

[(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q;

[(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

[(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

[(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

[(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

[(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

[(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

[(c) RESTORATION AGREEMENTS.—

[(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land shall agree to comply with the terms of a restoration agreement.

[(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

[(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

[(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

[(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

[(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

[(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

[(C) fire presuppression, rehabilitation, and construction of fire breaks; and

[(D) grazing related activities, such as fencing and livestock watering.

[(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

[(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

[(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

[(3) ADDITIONAL TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the purposes and administration of the program.

[(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

[(1) the contract or easement shall remain in force; and

[(2) the Secretary may require the owner or operator to refund all or part of any payments received under the program, with interest on the payments as determined appropriate by the Secretary.

[SEC. 1238P. DUTIES OF SECRETARY.

[(a) EVALUATION AND RANKING OF APPLICATIONS.—

[(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program.

[(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

[(A) grazing operations;

[(B) plant and animal biodiversity; and

[(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to uses other than grazing.

[(b) PAYMENTS.—

[(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

[(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

[(B) make payments to the owner or operator under a restoration agreement for the Federal share of the cost of restoration in accordance with paragraph (4).

[(2) RENTAL CONTRACT PAYMENTS.—

[(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall make annual payments during the term of the contract in an amount, subject to subparagraph (B), that is not more than 75 percent of the grazing value of the land covered by the contract.

[(B) PAYMENT LIMITATION.—Payments made under 1 or more rental contracts to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

[(3) EASEMENT PAYMENTS.—

[(A) IN GENERAL.—Subject to subparagraph (B), in return for the granting of an easement by an owner under the program, the Secretary shall make easement payments in an amount not to exceed the fair market value of the land less the grazing value of the land encumbered by the easement.

[(B) METHOD FOR DETERMINATION OF COMPENSATION.—In making a determination under subparagraph (A), the Secretary shall pay as compensation for a easement acquired under the program the lowest of—

[(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using—

[(I) the Uniform Standards of Professional Appraisal Practices; or

[(II) an area-wide market analysis or survey;

[(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

[(iii) the offer made by the landowner.

[(C) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

[(4) RESTORATION AGREEMENT PAYMENTS.—

[(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

[(B) PAYMENT LIMITATION.—Payments made under 1 or more restoration agreements to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

[(5) PAYMENTS TO OTHERS.—If an owner or operator who is entitled to a payment under the program dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner

as the Secretary determines is fair and reasonable in light of all the circumstances.

[SEC. 1238Q. DELEGATION OF DUTY.

[(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

[(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

[(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

[(b) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means—

[(1) an agency of State or local government or an Indian tribe; or

[(2) an organization that—

[(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

[(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

[(C) is described in—

[(i) paragraph (1) or (2) of section 509(a) of that Code; or

[(ii) in section 509(a)(3) of that Code, and is controlled by an organization described in section 509(a)(2) of that Code.

[(c) TRANSFER OF TITLE OF OWNERSHIP.—

[(1) TRANSFER.—The Secretary may transfer title of ownership to an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

[(A) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland;

[(B) the owner authorizes the eligible entity to hold or enforce the easement; and

[(C) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

[(2) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

[(3) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

[(A) has the relevant experience necessary, as appropriate for the application, to administer an easement on grassland, land that contains forbs, or shrubland;

[(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

[(C) has the resources necessary to effectuate the purposes of the charter.

[(d) COOPERATIVE AGREEMENTS.—

[(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under which an eligible entity shall use funds provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.

[(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

[(A) specify the qualification of the eligible entity to carry out the entity's responsibilities under the program, including acquisition, monitoring, enforcement, and implementation of management policies and procedures that ensure the long-term integrity of the easement protections;

[(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity;

[(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity's enforcement of the easement;

[(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

[(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

[(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

[(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to enable effective enforcement of the easements;

[(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity's share of the cost to purchase an easement; and

[(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

[(3) COST SHARING.—

[(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

[(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

[(C) PRIORITY.—The Secretary may accord a higher priority to proposals from eligible entities that leverage a greater share of the purchase price of the easement.

[(4) VIOLATION.—If an eligible entity violates the terms or conditions of a cooperative agreement entered into under this subsection—

[(A) the cooperative agreement shall remain in force; and

[(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the program, with interest on the payments as determined appropriate by the Secretary.

[(e) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.]

Subchapter B—Conservation Stewardship Program

SEC. 1238D. DEFINITIONS.

In this subchapter:

(1) AGRICULTURAL OPERATION.—The term "agricultural operation" means all eligible land, whether or not contiguous, that is—

(A) under the effective control of a producer at the time the producer enters into a contract under the program; and

(B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

(2) CONSERVATION ACTIVITIES.—

(A) IN GENERAL.—The term "conservation activities" means conservation systems, practices, or management measures.

(B) INCLUSIONS.—The term "conservation activities" includes—

(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

(ii) planning needed to address a priority resource concern.

(3) CONSERVATION STEWARDSHIP PLAN.—The term "conservation stewardship plan" means a plan that—

(A) identifies and inventories priority resource concerns;

(B) establishes benchmark data and conservation objectives;

(C) describes conservation activities to be implemented, managed, or improved; and

(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

(4) ELIGIBLE LAND.—

(A) IN GENERAL.—The term "eligible land" means—

(i) private or tribal land on which agricultural commodities, livestock, or forest-related products are produced; and

(ii) lands associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

(B) INCLUSIONS.—The term "eligible land" includes—

(i) cropland;

(ii) grassland;

(iii) rangeland;

(iv) pasture land;

(v) nonindustrial private forest land; and

(vi) other agricultural areas (including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock), as determined by the Secretary.

(5) PRIORITY RESOURCE CONCERN.—The term "priority resource concern" means a natural resource concern or problem, as determined by the Secretary, that—

(A) is identified at the national, State, or local level as a priority for a particular area of a State;

(B) represents a significant concern in a State or region; and

(C) is likely to be addressed successfully through the implementation of conservation activities under this program.

(6) PROGRAM.—The term "program" means the conservation stewardship program established by this subchapter.

(7) STEWARDSHIP THRESHOLD.—The term "stewardship threshold" means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource.

SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2014 through 2018, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns in a comprehensive manner—

(1) by undertaking additional conservation activities; and

(2) by improving, maintaining, and managing existing conservation activities.

(b) EXCLUSIONS.—

(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

(A) Land enrolled in the conservation reserve program, unless—

(i) the conservation reserve contract will expire at the end of the fiscal year in which the land is to be enrolled in the program; and

(ii) conservation reserve program payments for land enrolled in the program cease before the first program payment is made to the applicant under this subchapter.

(B) Land enrolled in a wetland easement through the agricultural conservation easement program.

(C) Land enrolled in the conservation security program.

(2) CONVERSION TO CROPLAND.—Eligible land used for crop production after October 1, 2013, that had not been planted,

considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

(A) the land had previously been enrolled in the conservation reserve program;

(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

SEC. 1238F. STEWARDSHIP CONTRACTS.

(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary a contract offer for the agricultural operation that—

(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, meets or exceeds the stewardship threshold for at least 2 priority resource concerns; and

(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

(A) installing and adopting additional conservation activities; and

(B) improving, maintaining, and managing existing conservation activities across the entire agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

(b) EVALUATION OF CONTRACT OFFERS.—

(1) RANKING OF APPLICATIONS.—In evaluating contract offers submitted under subsection (a), the Secretary shall rank applications based on—

(A) the level of conservation treatment on all applicable priority resource concerns at the time of application;

(B) the degree to which the proposed conservation activities effectively increase conservation performance;

(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

(D) the extent to which other priority resource concerns will be addressed to meet or exceed the stewardship threshold by the end of the contract period;

(E) the extent to which the actual and anticipated conservation benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers; and

(F) the extent to which priority resource concerns will be addressed when transitioning from the conservation reserve program to agricultural production.

(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the eligible land to be covered by the contract.

(d) CONTRACT PROVISIONS.—

(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

(2) REQUIRED PROVISIONS.—The conservation stewardship contract of a producer shall—

(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(d);

(B) require the producer—

(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

(C) permit all economic uses of the eligible land that—

(i) maintain the agricultural nature of the land; and

(ii) are consistent with the conservation purposes of the conservation stewardship contract;

(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary;

(E) include provisions requiring that upon the violation of a term or condition of the contract at any time the producer has control of the land—

(i) if the Secretary determines that the violation warrants termination of the contract—

(I) the producer shall forfeit all rights to receive payments under the contract; and

(II) the producer shall refund all or a portion of the payments received by the producer under the contract, including any interest on the payments, as determined by the Secretary; or

(ii) if the Secretary determines that the violation does not warrant termination of the contract, the producer shall refund or accept adjustments to the payments provided to the producer, as the Secretary determines to be appropriate;

(F) include provisions in accordance with paragraphs (3) and (4) of this section; and

(G) include any additional provisions the Secretary determines are necessary to carry out the program.

(3) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

(A) IN GENERAL.—At the time of application, a producer shall have control of the eligible land to be enrolled in the program. Except as provided in subparagraph (B), a change in the interest of a producer in eligible land covered by a contract under the program shall result in the termination of the contract with regard to that land.

(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in eligible land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee for the portion of the land transferred;

(ii) the transferee meets the eligibility requirements of the program; and

(iii) the Secretary approves the transfer of all duties and rights under the contract.

(4) MODIFICATION AND TERMINATION OF CONTRACTS.—

(A) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract with a producer if—

(i) the producer agrees to the modification or termination; and

(ii) the Secretary determines that the modification or termination is in the public interest.

(B) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract if the Secretary determines that the producer violated the contract.

(5) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

(A) allow the producer to retain payments already received under the contract; or

(B) require repayment, in whole or in part, of payments received and assess liquidated damages.

(e) CONTRACT RENEWAL.—At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period if the producer—

(1) demonstrates compliance with the terms of the initial contract;

(2) agrees to adopt and continue to integrate conservation activities across the entire agricultural operation, as determined by the Secretary; and

(3) agrees, by the end of the contract period—

(A) to meet the stewardship threshold of at least two additional priority resource concerns on the agricultural operation; or

(B) to exceed the stewardship threshold of two existing priority resource concerns that are specified by the Secretary in the initial contract.

SEC. 1238G. DUTIES OF THE SECRETARY.

(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

(2) identify not less than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

(3) establish a science-based stewardship threshold for each priority resource concern identified under paragraph (2).

(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

(1) primarily on each State's proportion of eligible land to the total acreage of eligible land in all States; and

(2) also on consideration of—

(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

(c) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2013, and ending on September 30, 2021, the Secretary shall, to the maximum extent practicable—

(1) enroll in the program an additional 8,695,000 acres for each fiscal year; and

(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

(d) CONSERVATION STEWARDSHIP PAYMENTS.—

(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide annual payments under the program to compensate the producer for—

(A) installing and adopting additional conservation activities; and

(B) improving, maintaining, and managing conservation activities in place at the agricultural operation of the producer at the time the contract offer is accepted by the Secretary.

(2) PAYMENT AMOUNT.—The amount of the conservation stewardship annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

(B) Income forgone by the producer.

(C) Expected conservation benefits.

(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

(G) Such other factors as determined appropriate by the Secretary.

(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

(B) conservation activities for which there is no cost incurred or income forgone to the producer.

(4) DELIVERY OF PAYMENTS.—In making payments under this subsection, the Secretary shall, to the extent practicable—

(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual payments in each fiscal year; and

(B) make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt or improve resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.

(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1) based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term "resource-conserving crop rotation" means a crop rotation that—

(A) includes at least 1 resource conserving crop (as defined by the Secretary);

(B) reduces erosion;

(C) improves soil fertility and tilth;

(D) interrupts pest cycles; and

(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

(f) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed $200,000 under all contracts entered into during fiscal years 2014 through 2018, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

(g) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

(h) 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 the program.

(i) REGULATIONS.—The Secretary shall promulgate regulations that—

(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and

(2) otherwise enable the Secretary to carry out the program.

* * * * * * *

[CHAPTER 3—ENVIRONMENTAL EASEMENT PROGRAM

[SEC. 1239. ENVIRONMENTAL EASEMENT PROGRAM.

[(a) ESTABLISHMENT.—The Secretary shall, during the 1991 through 1995 calendar years, formulate and carry out an environmental easement program (hereafter in this chapter referred to as the "easement program") in accordance with this chapter, through the acquisition of permanent easements or easements for the maximum term permitted under applicable State law from willing owners of eligible farms or ranches in order to ensure the continued long-term protection of environmentally sensitive lands or reduction in the degradation of water quality on such farms or ranches through the continued conservation and improvement of soil and water resources.

[(b) ELIGIBILITY; TERMINATION.—

[(1) IN GENERAL.—The Secretary may acquire easements under this section on land placed in the conservation reserve under this subtitle (other than such land that is likely to continue to remain out of production and that does not pose an off-farm environmental threat), land under the Water Bank Act (16 U.S.C. 1301), or other cropland that—

[(A) contains riparian corridors;

[(B) is an area of critical habitat for wildlife, especially threatened or endangered species; or

[(C) contains other environmentally sensitive areas, as determined by the Secretary, that would prevent a producer from complying with other Federal, State, or local environmental goals if commodities were to be produced on such land.

[(2) INELIGIBLE LAND.—The Secretary may not acquire easements on—

[(A) land that contains timber stands established under the conservation reserve under subtitle D; or

[(B) pasture land established to trees under the conservation reserve under subtitle D.

[(3) TERMINATION OF EXISTING CONTRACT.—The Secretary may terminate or modify any existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program established by this chapter.

[SEC. 1239A. DUTIES OF OWNERS; COMPONENTS OF PLAN.

[(a) DUTIES OF OWNERS.—

[(1) PLAN.—In conjunction with the creation of an easement on any lands under this chapter, the owner of the farm or ranch wherein such lands are located must agree to implement a natural resource conservation management plan under subsection (b) approved by the Secretary in consultation with the Secretary of the Interior.

[(2) AGREEMENT.—In return for the creation of an easement on any lands under this chapter, the owner of the farm or ranch wherein such lands are located must agree to the following:

[(A) To the creation and recordation of an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to under this chapter with respect to such lands.

[(B) To provide a written statement of consent to such easement signed by those holding a security interest in the land.

[(C) To comply with such additional provisions as the Secretary determines are desirable and are included in the easement to carry out this chapter or to facilitate the practical administration thereof.

[(D) To specify the location of any timber harvesting on land subject to the easement. Harvesting and commercial sales of Christmas trees and nuts shall be prohibited on such land, except that no such easement or related agreement shall prohibit activities consistent with customary forestry practices, such as pruning, thinning, or tree stand improvement on lands converted to forestry uses.

[(E) To limit the production of any agricultural commodity on such lands only to production for the benefit of wildlife.

[(F) Not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the easement unless specifically provided for in the easement or related agreement.

[(G) Not to adopt any other practice that would tend to defeat the purposes of this chapter, as determined by the Secretary.

[(3) VIOLATION.—On the violation of the terms or conditions of the easement or related agreement entered into under this section, the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under this chapter, together with interest thereon as determined appropriate by the Secretary.

[(b) COMPONENTS OF PLAN.—The natural resource conservation management plan referred to in subsection (a)(1) (hereafter referred to as the "plan")—

[(1) shall set forth—

[(A) the conservation measures and practices to be carried out by the owner of the land subject to the easement; and

[(B) the commercial use, if any, to be permitted on such land during the term of the easement; and

[(2) shall provide for the permanent retirement of any existing cropland base and allotment history for such land under any program administered by the Secretary.

[SEC. 1239B. DUTIES OF THE SECRETARY.

[In return for the granting of an easement by an owner under this chapter, the Secretary shall—

[(1) share the cost of carrying out the establishment of conservation measures and practices set forth in the plan for which the Secretary determines that cost sharing is appropriate and in the public interest;

[(2) pay for a period not to exceed 10 years annual easement payments in the aggregate not to exceed the lesser of—

[(A) $250,000; or

[(B) the difference in the value of the land with and without an easement;

[(3) provide necessary technical assistance to assist owners in complying with the terms and conditions of the easement and the plan; and

[(4) permit the land to be used for wildlife activities, including hunting and fishing, if such use is permitted by the owner.

[SEC. 1239C. PAYMENTS.

[(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under this chapter—

[(1) with respect to any cost sharing obligation as soon as possible after the obligation is incurred; and

[(2) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

[(b) COST SHARING PAYMENTS.—In making cost sharing payments to owners under this chapter, the Secretary may pay up to 100 percent of the cost of establishing conservation measures and practices pursuant to this chapter.

[(c) EASEMENT PAYMENTS; ACCEPTABILITY OF OFFERS.—

[(1) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount payable to owners in the form of easement payments under this chapter, and in making such determination may consider, among other things, the amount necessary to encourage owners to participate in the easement program.

[(2) ACCEPTABILITY OF OFFERS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

[(A) the extent to which the purposes of the easement program would be achieved on the land;

[(B) the productivity of the land; and

[(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.

[(d) FORM OF PAYMENT.—Except as otherwise provided in this section, payments under this chapter—

[(1) shall be made in cash in such amount and at such time as is agreed on and specified in the easement or related agreement; and

[(2) may be made in advance of a determination of performance.

[(e) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this chapter dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

[(f) PAYMENT LIMITATION.—

[(1) IN GENERAL.—The total amount of easement payments made to a person under this chapter for any year may not exceed $50,000.

[(2) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

[(3) OTHER PAYMENTS.—Easement payments received by an owner shall be in addition to, and not affect, the total amount of payments that such owner is otherwise eligible to receive under this Act, the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

[(4) STATE ENVIRONMENTAL ENHANCEMENT.—The provisions of this subsection that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note), shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under an environmental easement enhancement program carried out by that entity that has been approved by the Secretary. The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies thereof that the Secretary determines will advance the purposes of this chapter.

[(g) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 902) shall affect any payment under this chapter.

[SEC. 1239D. CHANGES IN OWNERSHIP; MODIFICATION OF EASEMENT.

[(a) LIMITATIONS.—No easement shall be created under this chapter on land that has changed ownership in the preceding 12 months unless—

[(1) the new ownership was acquired by will or succession as a result of the death of the previous owner;

[(2) the new ownership was acquired before January 1, 1990; or

[(3) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program established by this chapter.

[(b) MODIFICATION; TERMINATION.—

[(1) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner under this chapter if—

[(A) the current owner of the land agrees to such modification; and

[(B) the Secretary determines that such modification is desirable—

[(i) to carry out this chapter;

[(ii) to facilitate the practical administration of this chapter; or

[(iii) to achieve such other goals as the Secretary determines are appropriate and consistent with this chapter.

[(2) TERMINATION.—

[(A) IN GENERAL.—The Secretary may terminate an easement created with an owner under this chapter if—

[(i) the current owner of the land agrees to such termination; and

[(ii) the Secretary determines that such termination would be in the public interest.

[(B) NOTICE.—At least 90 days before taking any action to terminate under subparagraph (A) all easements entered into under this chapter, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.]

CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

SEC. 1240. PURPOSES.

The purposes of the environmental quality incentives program established by this chapter are to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits, by—

(1) * * *

* * * * * * *

(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; [and]

(B) developing and improving wildlife habitat; and

[(B)] *(C)* conserving energy; *and*

(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation prac-

tices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land[; and].

[(5) consolidating and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.]

* * * * * * *

SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

(a) ESTABLISHMENT.—During each of the 2002 through [2014] *2018* fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

(b) PRACTICES AND TERM.—

(1) * * *

[(2) TERM.—A contract under the program shall have a term that—

[(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

[(B) not to exceed 10 years.]

(2) TERM.—A contract under the program shall have a term that does not exceed 10 years.

* * * * * * *

(d) PAYMENTS.—

(1) * * *

* * * * * * *

(4) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher, *veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))),* or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

(i) * * *

* * * * * * *

[(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.]

(B) ADVANCE PAYMENTS.—

(i) IN GENERAL.—Not more than 50 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

(ii) RETURN OF FUNDS.—If funds provided in advance are not expended during the 90-day period beginning on the date of receipt of the funds, the funds shall

be returned within a reasonable time frame, as determined by the Secretary.

* * * * * * *

[(f) ALLOCATION OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.]

(f) ALLOCATION OF FUNDING.—

(1) LIVESTOCK.—For each of fiscal years 2014 through 2018, at least 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

(2) WILDLIFE HABITAT.—For each of fiscal years 2014 through 2018, 5 percent of the funds made available for payments under the program shall be targeted at practices benefitting wildlife habitat.

(g) FUNDING FOR [FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS] *INDIAN TRIBES*.—The Secretary may enter into alternative funding arrangements with [federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations)] *Indian tribes* if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal [or Native Corporation] member.

* * * * * * *

(j) WILDLIFE HABITAT INCENTIVE PRACTICE.—The Secretary shall provide payments to producers under the program for practices, including recurring practices for the term of the contract, that support the restoration, development, protection, and improvement of wildlife habitat on eligible land, including—

(1) upland wildlife habitat;

(2) wetland wildlife habitat;

(3) habitat for threatened and endangered species;

(4) fish habitat;

(5) habitat on pivot corners and other irregular areas of a field; and

(6) other types of wildlife habitat, as determined appropriate by the Secretary.

SEC. 1240C. EVALUATION OF APPLICATIONS.

(a) * * *

(b) PRIORITIZATION OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated [environmental] *conservation* benefits of the project;

* * * * * * *

(3) that best fulfill the [purpose of the environmental quality incentives program specified in section 1240(1)] *purposes of the program*; and

* * * * * * *

SEC. 1240D. DUTIES OF PRODUCERS.

To receive payments under the program, a producer shall agree—

(1) * * *

(2) not to conduct any practices on the [farm, ranch, or forest] *enrolled* land that would tend to defeat the purposes of the program;

* * * * * * *

[SEC. 1240G. LIMITATION ON PAYMENTS.

[(a) LIMITATION.—Subject to subsection (b), a person or legal entity may not receive, directly or indirectly, cost-share or incentive payments under this chapter that, in the aggregate, exceed $300,000 for all contracts entered into under this chapter by the person or entity during any six-year period, (excluding funding arrangements with federally recognized Native American Indian Tribes or Alaska Native Corporations under section 1240B(h)) regardless of the number of contracts entered into under this chapter by the person or entity.

[(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

[(1) waive the limitation otherwise applicable under subsection (a); and

[(2) raise the limitation to not more than $450,000 during any six-year period.]

SEC. 1240G. LIMITATION ON PAYMENTS.

A person or legal entity may not receive, directly or indirectly, cost share or incentive payments under this chapter that, in aggregate, exceed $450,000 for all contracts entered into under this chapter by the person or legal entity during the period of fiscal years 2014 through 2018, regardless of the number of contracts entered into under this chapter by the person or legal entity.

SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

(1) * * *

(2) USE.—The Secretary may provide grants under this subsection to governmental and non-governmental organizations and persons, on a competitive basis, to carry out projects that—

(A) * * *

* * * * * * *

(C) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section, such as market systems for pollution reduction and practices for the storage of carbon in soil[; and]*;*

(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops[.]*;*

(E) facilitate on-farm conservation research and demonstration activities; and

(F) facilitate pilot testing of new technologies or innovative conservation practices.

[(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—

[(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall provide payments under this subsection to producers to implement practices to address air quality concerns from agricultural operations and to meet Federal, State, and local regulatory requirements. The funds shall be made available on the basis of air quality concerns in a State and shall be used to provide payments to producers that are cost effective and reflect innovative technologies.

[(2) FUNDING.—Of the funds made available to carry out this chapter, the Secretary shall carry out this subsection using $37,500,000 for each of fiscal years 2009 through 2012.]

(b) REPORTING.—Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

(1) funding awarded;

(2) project results; and

(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.

[SEC. 1240I. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

[(a) DEFINITIONS.—In this section:

[(1) AGRICULTURAL WATER ENHANCEMENT ACTIVITY.—The term "agricultural water enhancement activity" includes the following activities carried out with respect to agricultural land:

[(A) Water quality or water conservation plan development, including resource condition assessment and modeling.

[(B) Water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dryland farming.

[(C) Water quality or quantity restoration or enhancement projects.

[(D) Irrigation system improvement and irrigation efficiency enhancement.

[(E) Activities designed to mitigate the effects of drought.

[(F) Related activities that the Secretary determines will help achieve water quality or water conservation benefits on agricultural land.

[(2) PARTNER.—The term "partner" means an entity that enters into a partnership agreement with the Secretary to carry out agricultural water enhancement activities on a regional basis, including—

[(A) an agricultural or silvicultural producer association or other group of such producers;

[(B) a State or unit of local government; or

[(C) a federally recognized Indian tribe.

[(3) PARTNERSHIP AGREEMENT.—The term "partnership agreement" means an agreement between the Secretary and a partner.

[(4) PROGRAM.—The term "program" means the agricultural water enhancement program established under subsection (b).

[(b) ESTABLISHMENT OF PROGRAM.—Beginning in fiscal year 2009, the Secretary shall carry out, in accordance with this section and using such procedures as the Secretary determines to be appropriate, an agricultural water enhancement program as part of the environmental quality incentives program to promote ground and surface water conservation and improve water quality on agricultural lands—

[(1) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

[(2) by entering into partnership agreements with partners, in accordance with subsection (c), on a regional level to benefit working agricultural land.

[(c) PARTNERSHIP AGREEMENTS.—

[(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

[(2) APPLICATIONS.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following:

[(A) A description of the geographical area to be covered by the partnership agreement.

[(B) A description of the agricultural water quality or water conservation issues to be addressed by the partnership agreement.

[(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

[(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

[(E) A description of the program resources, including payments the Secretary is requested to make.

[(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnership agreements.

[(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

[(A) identify producers participating in the project and act on their behalf in applying for the program;

[(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

[(C) conduct monitoring and evaluation of project effects; and

[(D) at the conclusion of the project, report to the Secretary on project results.

[(d) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities proposed by producers according to applicable requirements under the environmental quality incentives program.

[(e) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

[(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

[(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

[(A) include high percentages of agricultural land and producers in a region or other appropriate area;

[(B) result in high levels of applied agricultural water quality and water conservation activities;

[(C) significantly enhance agricultural activity;

[(D) allow for monitoring and evaluation; and

[(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer's operation.

[(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

[(A) include the conversion of agricultural land from irrigated farming to dryland farming;

[(B) leverage Federal funds provided under the program with funds provided by partners; and

[(C) assist producers in States with water quantity concerns, as determined by the Secretary.

[(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

[(A) accept qualified applications—

[(i) directly from partners applying on behalf of producers; or

[(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

[(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

[(f) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1240, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

[(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

[(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

[(g) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1001D(b)(2)(B) of this Act for participating producers if the Sec-

retary determines that the waiver is necessary to fulfill the objectives of the program.

[(h) PAYMENTS UNDER PROGRAM.—

[(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary to be necessary to achieve the purposes of the program described in subsection (b).

[(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

[(i) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

[(j) FUNDING.—

[(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

[(A) $73,000,000 for each of fiscal years 2009 and 2010;

[(B) $74,000,000 for fiscal year 2011; and

[(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

[(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available for regional agricultural water conservation activities under the program may be used to pay for the administrative expenses of partners.]

CHAPTER 5—OTHER CONSERVATION PROGRAMS

SEC. 1240M. CONSERVATION OF PRIVATE GRAZING LAND.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2002 through [2012] *2018*.

[SEC. 1240N. WILDLIFE HABITAT INCENTIVE PROGRAM.

[(a) IN GENERAL.—The Secretary, in consultation with the State technical committees established under section 1261, shall establish within the Natural Resources Conservation Service a program to be known as the wildlife habitat incentive program (referred to in this section as the "program") for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands.

[(b) COST-SHARE PAYMENTS.—

[(1) IN GENERAL.—Under the program, the Secretary shall make cost-share payments to owners of lands referred to in subsection (a) to develop—

[(A) upland wildlife habitat;

[(B) wetland wildlife habitat;

[(C) habitat for threatened and endangered species;

[(D) fish habitat; and

[(E) other types of wildlife habitat approved by the Secretary, including habitat developed on pivot corners and irregular areas.

[(2) INCREASED COST SHARE FOR LONG-TERM AGREEMENTS.—

[(A) IN GENERAL.—In a case in which the Secretary enters into an agreement or contract to protect and restore plant and animal habitat that has a term of at least 15 years, the Secretary may provide cost-share payments in addition to amounts provided under paragraph (1).

[(B) FUNDING LIMITATION.—The Secretary may use, for a fiscal year, not more than 25 percent of funds made available under section 1241(a)(7) for the fiscal year to carry out contracts and agreements described in subparagraph (A).

[(c) REGIONAL EQUITY.—In carrying out this section, the Secretary shall, to the maximum extent practicable, ensure that regional issues of concern relating to wildlife habitat are addressed in an appropriate manner.

[(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

[(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.]

SEC. 1240O. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) * * *

[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2012.]

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2008 through 2018.

(2) AVAILABILITY OF FUNDS.—In addition to funds made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use $5,000,000, to remain available until expended.

[SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

[(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the "program"), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

[(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

[(c) ASSISTANCE.—In carrying out the program, the Secretary may—

[(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

[(2) establish a priority for projects and activities that—

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

[(B) reduce soil loss in degraded rural watersheds; or

[(C) improve water quality for downstream watersheds.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.

[SEC. 1240Q. CHESAPEAKE BAY WATERSHED.

[(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term "Chesapeake Bay watershed" means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

[(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

[(1) improving water quality and quantity in the Chesapeake Bay watershed; and

[(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

[(c) CONSERVATION ACTIVITIES.—The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subtitle to assist producers in enhancing land and water resources—

[(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

[(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

[(A) retained in their current use; or

[(B) restored to their natural condition.

[(d) AGREEMENTS.—

[(1) IN GENERAL.—The Secretary shall—

[(A) enter into agreements with producers to carry out the purposes of this section; and

[(B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

[(2) SPECIAL CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

[(A) The Susquehanna River.

[(B) The Shenandoah River.

[(C) The Potomac River (including North and South Potomac).

[(D) The Patuxent River.

[(e) DUTIES OF THE SECRETARY.—In carrying out the purposes in this section, the Secretary shall—

[(1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and

[(2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

[(f) CONSULTATION.—The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

[(g) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).

[(h) FUNDING.—

[(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

[(A) $23,000,000 for fiscal year 2009;

[(B) $43,000,000 for fiscal year 2010;

[(C) $72,000,000 for fiscal year 2011; and

[(D) $50,000,000 for fiscal year 2012.

[(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.]

SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

(a) * * *

* * * * * * *

(f) FUNDING.—

(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012 *and $30,000,000 for the period of fiscal years 2014 through 2018*.

* * * * * * *

Subtitle E—Funding and Administration

SEC. 1241. COMMODITY CREDIT CORPORATION.

[(a) IN GENERAL.—For each of fiscal years 2002 through 2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under subtitle D (including the provision of technical assistance):

[(1) The conservation reserve program under subchapter B of chapter 1, including to the maximum extent practicable—

[(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1234(b) in connection with thinning ac-

tivities conducted on land described in subparagraph (A)(iii) of such paragraph; and

[(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

[(2) The wetlands reserve program under subchapter C of chapter 1.

[(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subchapter A of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

[(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subchapter B of chapter 2.

[(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

[(A) $97,000,000 in fiscal year 2008;

[(B) $121,000,000 in fiscal year 2009;

[(C) $150,000,000 in fiscal year 2010;

[(D) $175,000,000 in fiscal year 2011; and

[(E) $200,000,000 in each of fiscal years 2012 through 2014.

[(5) The grassland reserve program under subchapter D of chapter 2.

[(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

[(A) $1,200,000,000 in fiscal year 2008;

[(B) $1,337,000,000 in fiscal year 2009;

[(C) $1,450,000,000 in fiscal year 2010;

[(D) $1,588,000,000 in fiscal year 2011; and

[(E) $1,750,000,000 in each of fiscal years 2012 through 2014.

[(7) The wildlife habitat incentives program under section 1240N, using, to the maximum extent practicable—

[(A) $15,000,000 in fiscal year 2002;

[(B) $30,000,000 in fiscal year 2003;

[(C) $60,000,000 in fiscal year 2004; and

[(D) $85,000,000 in each of fiscal years 2005 through 2014.]

(a) ANNUAL FUNDING.—For each of fiscal years 2014 through 2018, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this title (including the provision of technical assistance):

(1) The conservation reserve program under subchapter B of chapter 1 of subtitle D, including, to the maximum extent practicable, $25,000,000 for the period of fiscal years 2014 through 2018 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

(2) The agriculture conservation easement program under subtitle H, using, to the maximum extent practicable—

(A) $425,000,000 in fiscal year 2014;

(B) $450,000,000 in fiscal year 2015;
(C) $475,000,000 in fiscal year 2016;
(D) $500,000,000 in fiscal year 2017; and
(E) $200,000,000 in fiscal year 2018.

(3) The conservation security program under subchapter A of chapter 2 of subtitle D, using such sums as are necessary to administer contracts entered into before September 30, 2008.

(4) The conservation stewardship program under subchapter B of chapter 2 of subtitle D.

(5) The environmental quality incentives program under chapter 4 of subtitle D, using, to the maximum extent practicable, $1,750,000,000 for each of fiscal years 2014 through 2018.

(b) AVAILABILITY OF FUNDS.—Amounts made available by subsection (a) shall be used by the Secretary to carry out the programs specified in such subsection for fiscal years 2014 through 2018 and shall remain available until expended. Amounts made available for the programs specified in such subsection during a fiscal year through modifications, cancellations, terminations, and other related administrative actions and not obligated in that fiscal year shall remain available for obligation during subsequent fiscal years, but shall reduce the amount of additional funds made available in the subsequent fiscal year by an amount equal to the amount remaining unobligated.

[(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

[(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

[(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.**]**

(c) TECHNICAL ASSISTANCE.—

(1) AVAILABILITY OF FUNDS.—Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively; and

(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

(2) REPORT.—Not later than December 31, 2013, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

(B) any other data relating to this subsection that would be helpful to such Committees.

[(c)] *(d)* RELATIONSHIP TO OTHER LAW.—The use of Commodity Credit Corporation funds under subsection (b) to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).

[(d) REGIONAL EQUITY.—

[(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1 of each fiscal year, the Secretary shall give priority for funding under the conservation programs under subtitle D (excluding the conservation reserve program under subchapter B of chapter 1, the wetlands reserve program under subchapter C of chapter 1, and the conservation security program under subchapter A of chapter 2) to approved applications in any State that has not received, for the fiscal year, an aggregate amount of at least $15,000,000 for those conservation programs.

[(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.]

* * * * * * *

(g) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—

(1) ASSISTANCE.—Of the funds made available for each of fiscal years 2009 through [2012] *2018* to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

(A) * * *

* * * * * * *

(4) PREFERENCE.—In providing assistance under paragraph (1), the Secretary shall give preference to a veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))) that qualifies under subparagraph (A) or (B) of paragraph (1).

(h) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Beginning in calendar year 2009, and each year thereafter, 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 semiannual report containing statistics by State related to enrollments in conservation programs under this subtitle, as follows:

(1) Payments made under the [wetlands reserve program] *agricultural conservation easement program* for easements valued at $250,000 or greater.

[(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

[(3) Payments made under the grassland reserve program valued at $250,000 or greater.]

[(4)] *(2)* Payments made under the environmental quality incentives program for land determined to have special environmental significance pursuant to section 1240G(b).

[(5)] *(3)* Payments made under the [agricultural water enhancement program] *regional conservation partnership program* subject to the waiver of adjusted gross income limitations pursuant to section [1240I(g)] *1271C(c)(3)*.

[(6)] *(4)* Waivers granted by the Secretary under section 1001D(b)(2) of this Act in order to protect environmentally sensitive land of special significance.

SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

(a) * * *

* * * * * * *

(h) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

(1) REVIEW REQUIRED.—The Secretary shall—

(A) review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of [the Food, Conservation, and Energy Act of 2008] *the Federal Agriculture Reform and Risk Management Act of 2013*;

* * * * * * *

(i) ADDRESSING CONCERNS OF [SPECIALITY] *SPECIALTY* CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

(1) * * *

* * * * * * *

[SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

[(a) ESTABLISHMENT OF INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the "Initiative") to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

[(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be—

[(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

[(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

[(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or

[(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

[(c) INITIATIVE PROGRAMS.—

[(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D.

[(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

[(A) Conservation reserve program.

[(B) Wetlands reserve program.

[(C) Farmland protection program

[(D) Grassland reserve program.

[(d) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

[(1) States and local governments.

[(2) Indian tribes.

[(3) Producer associations.

[(4) Farmer cooperatives.

[(5) Institutions of higher education.

[(6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

[(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

[(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

[(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

[(f) APPLICATIONS.—

[(1) REQUIRED INFORMATION.—An application to enter into a partnership agreement under the Initiative shall include the following:

[(A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

[(B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.

[(C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.

[(D) A description of the plan for monitoring, evaluating, and reporting on progress made towards achieving the objectives of the agreement.

[(E) Such other information that may be required by the Secretary.

[(2) PRIORITIES.—The Secretary shall give priority to applications for agreements that—

[(A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;

[(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

[(C) deliver high percentages of applied conservation to address water quality, water conservation, or State, regional, or national conservation initiatives;

[(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

[(E) meet other factors, as determined by the Secretary.

[(g) RELATIONSHIP TO COVERED PROGRAMS.—

[(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

[(2) ADJUSTMENT.—The Secretary may adjust the elements of any program specified in subsection (c)(1)—

[(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

[(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

[(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

[(i) FUNDING.—

[(1) RESERVATION.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

[(2) ALLOCATION REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

[(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

[(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

[(3) UNUSED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

[(4) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.]

SEC. 1244. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

(1) * * *

(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

(A) * * *

* * * * * * *

(E) Veteran farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e))).

* * * * * * *

(c) PLANS.—The Secretary shall, to the extent practicable, avoid duplication in—

(1) the conservation plans required for—

(A) highly erodible land conservation under subtitle B; *and*

(B) the conservation reserve program established under subchapter B of chapter 1 of subtitle D; ❚and❚

❚(C) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D; and❚

(2) the agricultural conservation easement program established under subtitle H; and

❚(2)❚ *(3)* the environmental quality incentives program established under chapter 4 of subtitle D.

(d) TENANT PROTECTION.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the programs established under subtitles B through D*, H, and I*.

* * * * * * *

(f) ACREAGE LIMITATIONS.—

(1) LIMITATIONS.—

(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the ❚programs administered under subchapters B and C of chapter 1 of subtitle D❚ *conservation reserve program established under subchapter B of chapter 1 of subtitle D and wetland easements under section 1265C*.

(B) EASEMENTS.—Not more than 10 percent of the cropland in a ❚country❚ *county* may be subject to ❚an easement acquired under subchapter C of chapter 1 of subtitle D❚ *a wetland easement under section 1265C*.

* * * * * * *

(3) WAIVER TO EXCLUDE CERTAIN ACREAGE.—The Secretary may grant a waiver to exclude acreage enrolled under ❚subsection (c)(2)(B) or (f)(4)❚ *subsection (c)(2)(A)(ii) or (f)(2)* of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

* * * * * * *

(5) CALCULATION.—In calculating the percentages described in paragraph (1), the Secretary shall include any acreage that was included in calculations of percentages made under such paragraph, as in effect on September 30, 2013, and that remains enrolled when the calculation is made after that date under paragraph (1).

* * * * * * *

(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND EFFECTIVENESS.—In administrating a conservation program under this title, the Secretary shall, to the maximum extent practicable—

(1) seek to reduce administrative burdens and costs to producers by streamlining conservation planning and program resources; and

(2) take advantage of new technologies to enhance efficiency and effectiveness.

(k) RELATION TO OTHER PAYMENTS.—Any payment received by an owner or operator under this title, including an easement payment or rental payment, shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under any of the following:

(1) This Act.

(2) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(3) The Federal Agriculture Reform and Risk Management Act of 2013.

(4) Any law that succeeds a law specified in paragraph (1), (2), or (3).

* * * * * * *

SEC. 1246. REGULATIONS.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to implement programs under this title, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 1244(f).

(b) RULEMAKING PROCEDURE.—The promulgation of regulations and administration of programs under this title—

(1) shall be carried out without regard to—

(A) the Statement of Policy of the Secretary effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(B) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

(2) shall be made as an interim rule effective on publication with an opportunity for notice and comment.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In promulgating regulations under this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Other Conservation Provisions

SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

(a) * * *

* * * * * * *

[(c) FUNDING SOURCE.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

[(2) EXCLUSIONS.—Funds made available to carry out the following programs may not be used to carry out the ACES program:

[(A) The conservation reserve program.
[(B) The wetlands reserve program.
[(C) The grassland reserve program.
[(D) The conservation stewardship program.]

(c) FUNDING.—

(1) IN GENERAL.—The Secretary may carry out the ACES program using funds made available to carry out each program under this title.

(2) EXCLUSION.—Funds made available to carry out the conservation reserve program may not be used to carry out the ACES program.

* * * * * * *

Subtitle G—State Technical Committees

SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

(a) * * *

(b) STANDARDS.—[Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop] *The Secretary shall review and update as necessary—*

(1) * * *

* * * * * * *

Subtitle H—Agricultural Conservation Easement Program

SEC. 1265. ESTABLISHMENT AND PURPOSES.

(a) ESTABLISHMENT.—The Secretary shall establish an agricultural conservation easement program for the conservation of eligible land and natural resources through easements or other interests in land.

(b) PURPOSES.—The purposes of the program are to—

(1) combine the purposes and coordinate the functions of the wetlands reserve program established under section 1237, the grassland reserve program established under section 1238N, and the farmland protection program established under section 1238I, as such sections were in effect on September 30, 2013;

(2) restore, protect, and enhance wetlands on eligible land;

(3) protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land; and

(4) protect grazing uses and related conservation values by restoring and conserving eligible land.

SEC. 1265A. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL LAND EASEMENT.—The term "agricultural land easement" means an easement or other interest in eligible land that—

(A) is conveyed for the purpose of protecting natural resources and the agricultural nature of the land; and

(B) permits the landowner the right to continue agricultural production and related uses subject to an agricultural land easement plan, as approved by the Secretary.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an agency of State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

(B) an organization that is—

(i) organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(ii) an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; or

(iii) described in—

(I) paragraph (1) or (2) of section 509(a) of that Code; or

(II) section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

(3) ELIGIBLE LAND.—The term "eligible land" means private or tribal land that is—

(A) in the case of an agricultural land easement, agricultural land, including land on a farm or ranch—

(i) that is subject to a pending offer for purchase of an agricultural land easement from an eligible entity;

(ii) that—

(I) has prime, unique, or other productive soil;

(II) contains historical or archaeological resources; or

(III) the protection of which will further a State or local policy consistent with the purposes of the program; and

(iii) that is—

(I) cropland;

(II) rangeland;

(III) grassland or land that contains forbs, or shrubland for which grazing is the predominate use;

(IV) pastureland; or

(V) nonindustrial private forest land that contributes to the economic viability of an offered parcel or serves as a buffer to protect such land from development;

(B) in the case of a wetland easement, a wetland or related area, including—

(i) farmed or converted wetlands, together with adjacent land that is functionally dependent on that land, if the Secretary determines it—

(I) is likely to be successfully restored in a cost effective manner; and

(II) will maximize the wildlife benefits and wetland functions and values, as determined by the

Secretary in consultation with the Secretary of the Interior at the local level;

(ii) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of—

(I) a closed basin lake and adjacent land that is functionally dependent upon it, if the State or other entity is willing to provide 50 percent share of the cost of an easement;

(II) a pothole and adjacent land that is functionally dependent on it;

(iii) farmed wetlands and adjoining lands that—

(I) are enrolled in the conservation reserve program;

(II) have the highest wetland functions and values, as determined by the Secretary; and

(III) are likely to return to production after they leave the conservation reserve program;

(iv) riparian areas that link wetlands that are protected by easements or some other device that achieves the same purpose as an easement; or

(v) other wetlands of an owner that would not otherwise be eligible, if the Secretary determines that the inclusion of such wetlands in a wetland easement would significantly add to the functional value of the easement; or

(C) in the case of either an agricultural land easement or wetland easement, other land that is incidental to land described in subparagraph (A) or (B), if the Secretary determines that it is necessary for the efficient administration of the easements under this program.

(4) PROGRAM.—The term "program" means the agricultural conservation easement program established by this subtitle.

(5) WETLAND EASEMENT.—The term "wetland easement" means a reserved interest in eligible land that—

(A) is defined and delineated in a deed; and

(B) stipulates—

(i) the rights, title, and interests in land conveyed to the Secretary; and

(ii) the rights, title, and interests in land that are reserved to the landowner.

SEC. 1265B. AGRICULTURAL LAND EASEMENTS.

(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall facilitate and provide funding for—

(1) the purchase by eligible entities of agricultural land easements and other interests in eligible land; and

(2) technical assistance to provide for the conservation of natural resources pursuant to an agricultural land easement plan.

(b) COST-SHARE ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall protect the agricultural use, including grazing, and related conservation values of eligible land through cost-share assistance to eligible entities for purchasing agricultural land easements.

(2) SCOPE OF ASSISTANCE AVAILABLE.—

(A) FEDERAL SHARE.—An agreement described in paragraph (4) shall provide for a Federal share determined by the Secretary of an amount not to exceed 50 percent of the fair market value of the agricultural land easement or other interest in land, as determined by the Secretary using—

(i) the Uniform Standards of Professional Appraisal Practice;

(ii) an area-wide market analysis or survey; or

(iii) another industry-approved method.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Under the agreement, the eligible entity shall provide a share that is at least equivalent to that provided by the Secretary.

(ii) SOURCE OF CONTRIBUTION.—An eligible entity may include as part of its share a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner if the eligible entity contributes its own cash resources in an amount that is at least 50 percent of the amount contributed by the Secretary.

(C) EXCEPTION.—In the case of grassland of special environmental significance, as determined by the Secretary, the Secretary may provide an amount not to exceed 75 percent of the fair market value of the agricultural land easement.

(3) EVALUATION AND RANKING OF APPLICATIONS.—

(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

(B) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

(i) protecting agricultural uses and related conservation values of the land; and

(ii) maximizing the protection of areas devoted to agricultural use.

(C) BIDDING DOWN.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

(A) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

(B) LENGTH OF AGREEMENTS.—An agreement shall be for a term that is—

(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of five years; and

(ii) for all other eligible entities, at least three, but not more than five years.

(C) MINIMUM TERMS AND CONDITIONS.—An eligible entity shall be authorized to use its own terms and conditions for

agricultural land easements so long as the Secretary determines such terms and conditions—

(i) are consistent with the purposes of the program;

(ii) permit effective enforcement of the conservation purposes of such easements;

(iii) include a right of enforcement for the Secretary, that may be used only if the terms of the easement are not enforced by the holder of the easement;

(iv) subject the land in which an interest is purchased to an agricultural land easement plan that—

(I) describes the activities which promote the long-term viability of the land to meet the purposes for which the easement was acquired;

(II) requires the management of grasslands according to a grasslands management plan; and

(III) includes a conservation plan, where appropriate, and requires, at the option of the Secretary, the conversion of highly erodible cropland to less intensive uses; and

(v) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

(D) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

(E) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement under this subsection—

(i) the Secretary may terminate the agreement; and

(ii) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

(A) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

(i) directly certify eligible entities that meet established criteria;

(ii) enter into long-term agreements with certified eligible entities; and

(iii) accept proposals for cost-share assistance for the purchase of agricultural land easements throughout the duration of such agreements.

(B) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

(i) a plan for administering easements that is consistent with the purpose of this subtitle;

(ii) the capacity and resources to monitor and enforce agricultural land easements; and

(iii) policies and procedures to ensure—

(I) the long-term integrity of agricultural land easements on eligible land;

(II) timely completion of acquisitions of such easements; and

(III) timely and complete evaluation and reporting to the Secretary on the use of funds provided under the program.

(C) REVIEW AND REVISION.—

(i) REVIEW.—The Secretary shall conduct a review of eligible entities certified under subparagraph (A) every three years to ensure that such entities are meeting the criteria established under subparagraph (B).

(ii) REVOCATION.—If the Secretary finds that the certified eligible entity no longer meets the criteria established under subparagraph (B), the Secretary may—

(I) allow the certified eligible entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

(II) revoke the certification of the eligible entity, if after the specified period of time, the certified eligible entity does not meet such criteria.

(c) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

(1) permanent easements; or

(2) easements for the maximum duration allowed under applicable State laws.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, if requested, to assist in—

(1) compliance with the terms and conditions of easements; and

(2) implementation of an agricultural land easement plan.

SEC. 1265C. WETLAND EASEMENTS.

(a) AVAILABILITY OF ASSISTANCE.—The Secretary shall provide assistance to owners of eligible land to restore, protect, and enhance wetlands through—

(1) wetland easements and related wetland easement plans; and

(2) technical assistance.

(b) EASEMENTS.—

(1) METHOD OF ENROLLMENT.—The Secretary shall enroll eligible land under this section through the use of—

(A) 30-year easements;

(B) permanent easements;

(C) easements for the maximum duration allowed under applicable State laws; or

(D) as an option for Indian tribes only, 30-year contracts (which shall be considered to be 30-year easements for the purposes of this subtitle).

(2) LIMITATIONS.—

(A) INELIGIBLE LAND.—The Secretary may not acquire easements on—

(i) land established to trees under the conservation reserve program, except in cases where the Secretary determines it would further the purposes of the program; and

(ii) farmed wetlands or converted wetlands where the conversion was not commenced prior to December 23, 1985.

(B) CHANGES IN OWNERSHIP.—No wetland easement shall be created on land that has changed ownership during the preceding 24-month period unless—

(i) the new ownership was acquired by will or succession as a result of the death of the previous owner;

(ii)(I) the ownership change occurred because of foreclosure on the land; and

(II) immediately before the foreclosure, the owner of the land exercises a right of redemption from the mortgage holder in accordance with State law; or

(iii) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program.

(3) EVALUATION AND RANKING OF OFFERS.—

(A) CRITERIA.—The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

(B) CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

(i) the conservation benefits of obtaining a wetland easement, including the potential environmental benefits if the land was removed from agricultural production;

(ii) the cost-effectiveness of each wetland easement, so as to maximize the environmental benefits per dollar expended;

(iii) whether the landowner or another person is offering to contribute financially to the cost of the wetland easement to leverage Federal funds; and

(iv) such other factors as the Secretary determines are necessary to carry out the purposes of the program.

(C) PRIORITY.—The Secretary shall place priority on acquiring wetland easements based on the value of the wetland easement for protecting and enhancing habitat for migratory birds and other wildlife.

(4) AGREEMENT.—To be eligible to place eligible land into the program through a wetland easement, the owner of such land shall enter into an agreement with the Secretary to—

(A) grant an easement on such land to the Secretary;

(B) authorize the implementation of a wetland easement plan developed for the eligible land under subsection (f);

(C) create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to;

(D) provide a written statement of consent to such easement signed by those holding a security interest in the land;

(E) comply with the terms and conditions of the easement and any related agreements; and

(F) permanently retire any existing base history for the land on which the easement has been obtained.

(5) TERMS AND CONDITIONS OF EASEMENT.—

(A) IN GENERAL.—A wetland easement shall include terms and conditions that—

(i) permit—

(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

(II) owners to control public access on the easement areas while identifying access routes to be used for restoration activities and management and easement monitoring;

(ii) prohibit—

(I) the alteration of wildlife habitat and other natural features of such land, unless specifically authorized by the Secretary;

(II) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is authorized by the Secretary or is necessary—

(aa) to comply with Federal or State noxious weed control laws;

(bb) to comply with a Federal or State emergency pest treatment program; or

(cc) to meet habitat needs of specific wildlife species;

(III) any activities to be carried out on the owner's or successor's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

(IV) the adoption of any other practice that would tend to defeat the purposes of the program, as determined by the Secretary;

(iii) provide for the efficient and effective establishment of wildlife functions and values; and

(iv) include such additional provisions as the Secretary determines are desirable to carry out the program or facilitate the practical administration thereof.

(B) VIOLATION.—On the violation of the terms or conditions of a wetland easement, the wetland easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under the program, together with interest thereon as determined appropriate by the Secretary.

(C) COMPATIBLE USES.—Land subject to a wetland easement may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the wetland easement plan developed for the land under subsection (f) and is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established.

(D) RESERVATION OF GRAZING RIGHTS.—The Secretary may include in the terms and conditions of a wetland ease-

ment a provision under which the owner reserves grazing rights if—

(i) the Secretary determines that the reservation and use of the grazing rights—

(I) is compatible with the land subject to the easement;

(II) is consistent with the historical natural uses of the land and the long-term protection and enhancement goals for which the easement was established; and

(III) complies with the wetland easement plan developed for the land under subsection (f); and

(ii) the agreement provides for a commensurate reduction in the easement payment to account for the grazing value, as determined by the Secretary.

(6) COMPENSATION.—

(A) DETERMINATION.—

(i) PERMANENT EASEMENTS.—The Secretary shall pay as compensation for a permanent wetland easement acquired under the program an amount necessary to encourage enrollment in the program, based on the lowest of—

(I) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practice or an area-wide market analysis or survey;

(II) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

(III) the offer made by the landowner.

(ii) 30-YEAR EASEMENTS.—Compensation for a 30-year wetland easement shall be not less than 50 percent, but not more than 75 percent, of the compensation that would be paid for a permanent wetland easement.

(B) FORM OF PAYMENT.—Compensation for a wetland easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under subparagraph (A).

(C) PAYMENT SCHEDULE.—

(i) EASEMENTS VALUED AT $500,000 OR LESS.—For wetland easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 10 annual payments.

(ii) EASEMENTS VALUED AT MORE THAN $500,000.—For wetland easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 10 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

(c) EASEMENT RESTORATION.—

(1) IN GENERAL.—The Secretary shall provide financial assistance to owners of eligible land to carry out the establishment of conservation measures and practices and protect wetland functions and values, including necessary maintenance ac-

tivities, as set forth in a wetland easement plan developed for the eligible land under subsection (f).

(2) PAYMENTS.—The Secretary shall—

(A) in the case of a permanent wetland easement, pay an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs, as determined by the Secretary; and

(B) in the case of a 30-year wetland easement, pay an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs, as determined by the Secretary.

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall assist owners in complying with the terms and conditions of wetland easements.

(2) CONTRACTS OR AGREEMENTS.—The Secretary may enter into 1 or more contracts with private entities or agreements with a State, non-governmental organization, or Indian tribe to carry out necessary restoration, enhancement, or maintenance of a wetland easement if the Secretary determines that the contract or agreement will advance the purposes of the program.

(e) WETLAND ENHANCEMENT OPTION.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetland enhancement option that the Secretary determines would advance the purposes of program.

(f) ADMINISTRATION.—

(1) WETLAND EASEMENT PLAN.—The Secretary shall develop a wetland easement plan for eligible lands subject to a wetland easement, which shall include practices and activities necessary to restore, protect, enhance, and maintain the enrolled lands.

(2) DELEGATION OF EASEMENT ADMINISTRATION.—The Secretary may delegate—

(A) any of the easement management, monitoring, and enforcement responsibilities of the Secretary to other Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities; and

(B) any of the easement management responsibilities of the Secretary to other conservation organizations if the Secretary determines the organization has the appropriate expertise and resources.

(3) PAYMENTS.—

(A) TIMING OF PAYMENTS.—The Secretary shall provide payment for obligations incurred by the Secretary under this section—

(i) with respect to any easement restoration obligation under subsection (c), as soon as possible after the obligation is incurred; and

(ii) with respect to any annual easement payment obligation incurred by the Secretary, as soon as possible after October 1 of each calendar year.

(B) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this section dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person or entity who renders or completes the re-

quired performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

SEC. 1265D. ADMINISTRATION.

(a) INELIGIBLE LAND.—The Secretary may not use program funds for the purposes of acquiring an easement on—

(1) lands owned by an agency of the United States, other than land held in trust for Indian tribes;

(2) lands owned in fee title by a State, including an agency or a subdivision of a State, or a unit of local government;

(3) land subject to an easement or deed restriction which, as determined by the Secretary, provides similar protection as would be provided by enrollment in the program; or

(4) lands where the purposes of the program would be undermined due to on-site or off-site conditions, such as risk of hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land uses.

(b) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to land that is currently enrolled in the conservation reserve program in a contract that is set to expire within 1 year and—

(1) in the case of an agricultural land easement, is grassland that would benefit from protection under a long-term easement; and

(2) in the case of a wetland easement, is a wetland or related area with the highest functions and value and is likely to return to production after the land leaves the conservation reserve program.

(c) SUBORDINATION, EXCHANGE, MODIFICATION, AND TERMINATION.—

(1) IN GENERAL.—The Secretary may subordinate, exchange, modify, or terminate any interest in land, or portion of such interest, administered by the Secretary, either directly or on behalf of the Commodity Credit Corporation under the program if the Secretary determines that—

(A) it is in the Federal Government's interest to subordinate, exchange, modify, or terminate the interest in land;

(B) the subordination, exchange, modification, or termination action—

(i) will address a compelling public need for which there is no practicable alternative; or

(ii) such action will further the practical administration of the program; and

(C) the subordination, exchange, modification, or termination action will result in comparable conservation value and equivalent or greater economic value to the United States.

(2) CONSULTATION.—The Secretary shall work with the owner, and eligible entity if applicable, to address any subordination, exchange, modification, or termination of the interest, or portion of such interest, in land.

(3) NOTICE.—At least 90 days before taking any termination action described in paragraph (1), the Secretary shall provide

written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) LAND ENROLLED IN CONSERVATION RESERVE PROGRAM.—The Secretary may terminate or modify a contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program.

(e) ALLOCATION OF FUNDS FOR AGRICULTURAL LAND EASEMENTS.—Of the funds made available under section 1241 to carry out the program for a fiscal year, the Secretary shall, to the extent practicable, use for agricultural land easements—

(1) no less than 40 percent in each of fiscal years 2014 through 2017; and

(2) no less than 50 percent in fiscal year 2018.

Subtitle I—Regional Conservation Partnership Program

SEC. 1271. ESTABLISHMENT AND PURPOSES.

(a) ESTABLISHMENT.—The Secretary shall establish a regional conservation partnership program to implement eligible activities on eligible land through—

(1) partnership agreements with eligible partners; and

(2) contracts with producers.

(b) PURPOSES.—The purposes of the program are as follows:

(1) To use covered programs to accomplish purposes and functions similar to those of the following programs, as in effect on September 30, 2013:

(A) The agricultural water enhancement program established under section 1240I.

(B) The Chesapeake Bay watershed program established under section 1240Q.

(C) The cooperative conservation partnership initiative established under section 1243.

(D) The Great Lakes basin program for soil erosion and sediment control established under section 1240P.

(2) To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land on a regional or watershed scale.

(3) To encourage eligible partners to cooperate with producers in—

(A) meeting or avoiding the need for national, State, and local natural resource regulatory requirements related to production on eligible land; and

(B) implementing projects that will result in the carrying out of eligible activities that affect multiple agricultural or nonindustrial private forest operations on a local, regional, State, or multi-State basis.

SEC. 1271A. DEFINITIONS.

In this subtitle:

(1) COVERED PROGRAM.—The term "covered program" means the following:

(A) The agricultural conservation easement program.

(B) The environmental quality incentives program.

(C) The conservation stewardship program.

(2) ELIGIBLE ACTIVITY.—The term "eligible activity" means any of the following conservation activities:

(A) Water quality or quantity conservation, restoration, or enhancement projects relating to surface water and groundwater resources, including—

(i) the conversion of irrigated cropland to the production of less water-intensive agricultural commodities or dryland farming; or

(ii) irrigation system improvement and irrigation efficiency enhancement.

(B) Drought mitigation.

(C) Flood prevention.

(D) Water retention.

(E) Air quality improvement.

(F) Habitat conservation, restoration, and enhancement.

(G) Erosion control and sediment reduction.

(H) Other related activities that the Secretary determines will help achieve conservation benefits.

(3) ELIGIBLE LAND.—The term "eligible land" means land on which agricultural commodities, livestock, or forest-related products are produced, including—

(A) cropland;

(B) grassland;

(C) rangeland;

(D) pastureland;

(E) nonindustrial private forest land; and

(F) other land incidental to agricultural production (including wetlands and riparian buffers) on which significant natural resource issues could be addressed under the program.

(4) ELIGIBLE PARTNER.—The term "eligible partner" means any of the following:

(A) An agricultural or silvicultural producer association or other group of producers.

(B) A State or unit of local government.

(C) An Indian tribe.

(D) A farmer cooperative.

(E) A water district, irrigation district, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.

(F) An institution of higher education.

(G) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

(i) local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or

(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

(5) PARTNERSHIP AGREEMENT.—The term "partnership agreement" means an agreement entered into under section 1271B between the Secretary and an eligible partner.

(6) PROGRAM.—The term "program" means the regional conservation partnership program established by this subtitle.

SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.

(a) PARTNERSHIP AGREEMENTS AUTHORIZED.—The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity on eligible land.

(b) LENGTH.—A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement one time for up to 12 months when an extension is necessary to meet the objectives of the program.

(c) DUTIES OF PARTNERS.—

(1) IN GENERAL.—Under a partnership agreement, the eligible partner shall—

(A) define the scope of a project, including—

(i) the eligible activities to be implemented;

(ii) the potential agricultural or nonindustrial private forest land operations affected;

(iii) the local, State, multi-State, or other geographic area covered; and

(iv) the planning, outreach, implementation, and assessment to be conducted;

(B) conduct outreach to producers for potential participation in the project;

(C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 1271C;

(D) leverage financial or technical assistance provided by the Secretary with additional funds to help achieve the project objectives;

(E) conduct an assessment of the project's effects; and

(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

(2) CONTRIBUTION.—An eligible partner shall provide a significant portion of the overall costs of the scope of the project that is the subject of the agreement entered into under subsection (a), as determined by the Secretary.

(d) APPLICATIONS.—

(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

(2) CRITERIA USED.—In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

(3) CONTENT.—An application to the Secretary shall include a description of—

(A) the scope of the project, as described in subsection (c)(1)(A);

(B) the plan for monitoring, evaluating, and reporting on progress made towards achieving the project's objectives;

(C) the program resources requested for the project, including the covered programs to be used and estimated funding needed from the Secretary;

(D) eligible partners collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and financial contribution; and

(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

(4) PRIORITY TO CERTAIN APPLICATIONS.—The Secretary may give a higher priority to applications that—

(A) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

(B) have a high percentage of eligible producers in the area to be covered by the agreement;

(C) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or national efforts;

(D) deliver high percentages of applied conservation to address conservation priorities or regional, State, or national conservation initiatives;

(E) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

(F) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

SEC. 1271C. ASSISTANCE TO PRODUCERS.

(a) IN GENERAL.—The Secretary shall enter into contracts with producers to provide financial and technical assistance to—

(1) producers participating in a project with an eligible partner, as described in section 1271B; or

(2) producers that fit within the scope of a project described in section 1271B or a critical conservation area designated under section 1271F, but who are seeking to implement an eligible activity on eligible land independent of a partner.

(b) TERMS AND CONDITIONS.—

(1) CONSISTENCY WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that the terms and conditions of a contract under this section are consistent with the applicable rules of the covered programs to be used as part of the project, as described in the application under section 1271B(d)(3)(C).

(2) ADJUSTMENTS.—Except with respect to statutory program requirements governing appeals, payment limitations, and conservation compliance, the Secretary may adjust the discretionary program rules of a covered program—

(A) μto provide a simplified application and evaluation process; and

(B) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the program.

(c) PAYMENTS.—

(1) IN GENERAL.—In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer in an amount determined by the Secretary to be necessary to achieve the purposes of the program.

(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary may provide payments to producers participating in a project that addresses water quantity concerns for a period of five years in an amount sufficient to encourage conversion from irrigated farming to dryland farming.

(3) WAIVER AUTHORITY.—To assist in the implementation of the program, the Secretary may waive the applicability of the limitation in section 1001D(b)(2) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

SEC. 1271D. FUNDING.

(a) AVAILABILITY OF FUNDS.—The Secretary shall use $100,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2014 through 2018 to carry out the program.

(b) DURATION OF AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

(c) ADDITIONAL FUNDING AND ACRES.—

(1) IN GENERAL.—In addition to the funds made available under subsection (a), the Secretary shall reserve 6 percent of the funds and acres made available for a covered program for each of fiscal years 2014 through 2018 in order to ensure additional resources are available to carry out this program.

(2) UNUSED FUNDS AND ACRES.—Any funds or acres reserved under paragraph (1) for a fiscal year from a covered program that are not obligated under this program by April 1 of that fiscal year shall be returned for use under the covered program.

(d) ALLOCATION OF FUNDING.—Of the funds and acres made available for the program under subsections (a) and (c), the Secretary shall allocate—

(1) 25 percent of the funds and acres to projects based on a State competitive process administered by the State Conservationist, with the advice of the State technical committee established under subtitle G;

(2) 50 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and

(3) 25 percent of the funds and acres to projects for the critical conservation areas designated under section 1271F.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available under the program may be used to pay for the administrative expenses of eligible partners.

SEC. 1271E. ADMINISTRATION.

(a) DISCLOSURE.—In addition to the criteria used in evaluating applications as described in section 1271B(d)(2), the Secretary shall make publicly available information on projects selected through the competitive process described in section 1271B(d)(1).

(b) REPORTING.—Not later than December 31, 2014, and every two years thereafter, 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 the status of projects funded under the program, including—

(1) the number and types of eligible partners and producers participating in the partnership agreements selected;

(2) the number of producers receiving assistance; and

(3) total funding committed to projects, including from Federal and non-Federal resources.

SEC. 1271F. CRITICAL CONSERVATION AREAS.

(a) IN GENERAL.—In administering funds under section 1271D(d)(3), the Secretary shall select applications for partnership agreements and producer contracts within critical conservation areas designated under this section.

(b) CRITICAL CONSERVATION AREA DESIGNATIONS.—

(1) PRIORITY.—In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

(A) includes multiple States with significant agricultural production;

(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;

(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

(D) would benefit from water quantity improvement, including improvement relating to—

(i) groundwater, surface water, aquifer, or other water sources; or

(ii) a need to promote water retention and flood prevention; or

(E) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement that could have a negative economic impact on agricultural operations within the area.

(2) LIMITATION.—The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

(2) RELATIONSHIP TO EXISTING ACTIVITY.—The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

(3) ADDITIONAL AUTHORITY.—For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.

* * * * * * *

TITLE XIII—CREDIT

* * * * * * *

NONPROFIT NATIONAL RURAL DEVELOPMNET AND FINANCE CORPORATIONS

SEC. 1323. (a) * * *

(b)(1) * * *

(2) All funds in, appropriated to, or repaid to the Rural Development Loan Fund, including those on deposit and available upon date of enactment, under sections 623 and 633 of the Community Economic Development Act of 1981 (42 U.S.C. 9801 et seq.) shall be transferred to the Secretary provided that—

(A) all funds on deposit and available on date of enactment shall be used for the purpose of making grants under paragraph (1) and shall remain available until expended; *and*

(B) notwithstanding any other provision of law, all loans to intermediary borrowers made prior to date of enactment, shall upon date of enactment, for the life of such loan, bear a rate of interest not to exceed that in effect upon the date of issuance of such loans**[**; and**]**.

[(C) notwithstanding paragraph (1), all funds other than funds to which subparagraph (A) applies shall be used by the Secretary to make loans—

[(i) to the entities;

[(ii) for the purposes; and

[(iii) subject to the terms and conditions;

specified in the first, second, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)). For purposes of this subparagraph, any reference in such sentences to the Secretary shall be deemed to be a reference to the Secretary of Agriculture.**]**

* * * * * * *

SECTION 902 OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000

SEC. 902. DEFINITIONS.

In this title:

(1) * * *

(2) AGRICULTURAL PROGRAM.—The term "agricultural commodity" means——

(A) * * *

* * * * * * *

[(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);**]**

[(E)**]** *(D)* any commercial export sale of agricultural commodities;or

[(F)] *(E)* any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

* * * * * * *

SECTION 3 OF PUBLIC LAW 90–484

SEC. 3. The authority granted under this Act shall expire on September 30, [2012] *2018*.

DAIRY PRODUCTION STABILIZATION ACT OF 1983

TITLE I—DAIRY

* * * * * * *

Subtitle B—Dairy Promotion Program

* * * * * * *

REQUIRED TERMS IN ORDERS

SEC. 113. Any order issued under this subtitle shall contain terms and conditions as follows:

(a) * * *

* * * * * * *

(e) BUDGETS.—

(1) * * *

(2) FOREIGN MARKET EFFORTS.—The order shall authorize the Board to expend in the maintenance and expansion of foreign markets an amount not to exceed the amount collected from United States producers for a fiscal year. Of those funds, for each of the 2002 through [2012] *2018* fiscal years, the Board's budget may provide for the expenditure of revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced or manufactured in the United States.

* * * * * * *

SECTION 767 OF THE CONSOLIDATED APPROPRIATIONS RESOLUTION, 2013

(Division A of Public Law 108–7)

SEC. 767. (a) Notwithstanding any other provision of law, for purposes of administering [sections 1101 and 1102 of Public Law 107–171] *subtitle A of title I of the Federal Agriculture Reform and Risk Management Act of 2013*, acreage planted to, or prevented from being planted to, popcorn shall be considered as acreage planted to, or prevented from being planted to, corn: *Provided,* That if a farm program payment yield for corn is otherwise established for a farm under [such section 1102] *such subtitle*, the same yield shall be used for the acreage on the farm planted to, or prevented from being planted to, popcorn: *Provided further,* That with respect to all

other farms, the farm program payment yield for such popcorn acreage shall be established by the Secretary on a fair and equitable basis to reflect the farm program payment yields for corn on similar farms in the area.

[(b) This section shall take effect on October 1, 2003.**]**

(b) This section, as amended by section 1608(c) of the Federal Agriculture Reform and Risk Management Act of 2013, shall take effect beginning with the 2014 crop year.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT

* * * * * * *

SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

(a) * * *

* * * * * * *

(h) FUNDING.—

(1) FUNDS OF COMMODITY CREDIT CORPORATION.—In carrying out this section, of the funds of the Commodity Credit Corporation, the Secretary shall make available, to remain available until expended—

(A) * * *

* * * * * * *

(E) $65,000,000 for fiscal year 2007**[**; and**]***;*

(F) $0 for fiscal year 2008**[**.**]***;*

(G) $100,000,000 for fiscal year 2009, to be available until expended**[**.**]***; and*

(H) $250,000,000 for fiscal year 2014, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

(A) * * *

* * * * * * *

(E) $85,000,000 for each of fiscal years 2008 through **[**2012**]** *2018*.

* * * * * * *

FEDERAL CROP INSURANCE ACT

* * * * * * *

TITLE V—CROP INSURANCE

Subtitle A—Federal Crop Insurance Act

* * * * * * *

SEC. 502. PURPOSE AND DEFINITIONS.

(a) * * *

(b) DEFINITIONS.—As used in this subtitle:

(1) * * *

* * * * * * *

(3) BEGINNING FARMER OR RANCHER.—The term "beginning farmer or rancher" means a farmer or rancher who has not actively operated and managed a farm or ranch with a bona fide insurable interest in a crop or livestock as an owner-operator, landlord, tenant, or sharecropper for more than 5 crop years, as determined by the Secretary.

[(3)**]** *(4)* BOARD.—The term "Board" means the Board of Directors of the Corporation established under section 505(a).

[(4)**]** *(5)* CORPORATION.—The term "Corporation" means the Federal Crop Insurance Corporation established under section 503.

[(5)**]** *(6)* DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

[(6)**]** *(7)* LOSS RATIO.—The term "loss ratio" means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

[(7)**]** *(8)* ORGANIC CROP.—The term "organic crop" means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

[(8)**]** *(9)* SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

[(9)**]** *(10)* TRANSITIONAL YIELD.—The term "transitional yield" means the maximum average production per acre or equivalent measure that is assigned to acreage for a crop year by the Corporation in accordance with the regulations of the Corporation whenever the producer fails—

(A) * * *

* * * * * * *

(c) PROTECTION OF CONFIDENTIAL INFORMATION.—

(1) * * *

* * * * * * *

(4) INFORMATION.—

(A) REQUEST.—Subject to subparagraph (B), the Farm Service Agency shall, in a timely manner, provide to an agent or an approved insurance provider authorized by the producer any information (including Farm Service Agency Form 578s (or any successor form) or maps (or any corrections to those forms or maps) that may assist the agent or approved insurance provider in insuring the producer under a policy or plan of insurance under this subtitle.

(B) PRIVACY.—Except as provided in subparagraph (C), an agent or approved insurance provider that receives the information of a producer pursuant to subparagraph (A) shall treat the information in accordance with paragraph (1).

(C) SHARING.—Nothing in this section prohibits the sharing of the information of a producer pursuant to subparagraph (A) between the agent and the approved insurance provider of the producer.

* * * * * * *

SEC. 508. CROP INSURANCE.

(a) AUTHORITY TO OFFER INSURANCE.—

(1) * * *

* * * * * * *

(9) PREMIUM ADJUSTMENTS.—

(A) * * *

(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to—

(i) a payment authorized under subsection (b)(5)(B); *or*

[(ii) a performance-based discount authorized under subsection (d)(3); or]

[(iii)] *(ii)* a patronage dividend, or similar payment, that is paid—

(I) * * *

* * * * * * *

(C) PUBLICATION OF VIOLATIONS.—

(i) PUBLICATION REQUIRED.—Subject to clause (ii), the Corporation shall publish in a timely manner on the website of the Risk Management Agency information regarding each violation of this paragraph, including any sanctions imposed in response to the violation, in sufficient detail so that the information may serve as effective guidance to approved insurance providers, agents, and producers.

(ii) PROTECTION OF PRIVACY.—In providing information under clause (i) regarding violations of this paragraph, the Corporation shall redact the identity of the persons and entities committing the violations in order to protect their privacy.

* * * * * * *

(b) CATASTROPHIC RISK PROTECTION.—

(1) * * *

* * * * * * *

(5) ADMINISTRATIVE FEE.—

(A) * * *

* * * * * * *

(E) WAIVER OF FEE.—The Corporation shall waive the amounts required under this paragraph for limited resource farmers *and beginning farmers or ranchers*, as defined by the Corporation.

* * * * * * *

[(7) ELIGIBILITY FOR DEPARTMENT PROGRAMS.—

[(A) IN GENERAL.—Effective for the spring-planted 1996 and subsequent crops (and fall-planted 1996 crops at the option of the Secretary), to be eligible for any payment or

loan under the Agricultural Market Transition Act, for the conservation reserve program, or for any benefit described in section 371 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008f), a person shall—

[(i) obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

[(ii) provide a written waiver to the Secretary that waives any eligibility for emergency crop loss assistance in connection with the crop.

[(B) DEFINITION OF CROP OF ECONOMIC SIGNIFICANCE.—As used in this paragraph, the term "crop of economic significance" means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.]

[(8)] *(7)* LIMITATION DUE TO RISK.—The Corporation may limit catastrophic risk coverage in any county or area, or on any farm, on the basis of the insurance risk concerned.

[(9)] *(8)* TRANSITIONAL COVERAGE FOR 1995 CROPS.—Effective only for a 1995 crop planted or for which insurance attached prior to January 1, 1995, the Corporation shall allow producers of the crops until not later than the end of the 180-day period beginning on the date of enactment of the Federal Crop Insurance Reform Act of 1994 to obtain catastrophic risk protection for the crop. On enactment of such Act, a producer who made timely purchases of a crop insurance policy before the date of enactment of such Act, under the provisions of this subtitle then in effect, shall be eligible for the same benefits to which a producer would be entitled under comparable additional coverage under subsection (c).

[(10)] *(9)* SIMPLIFICATION.—

(A) * * *

* * * * * * *

[(11)] *(10)* LOSS ADJUSTMENT.—The rate for reimbursing an approved insurance provider or agent for expenses incurred by the approved insurance provider or agent for loss adjustment in connection with a policy of catastrophic risk protection shall not exceed 6 percent of the premium for catastrophic risk protection that is used to define loss ratio.

(c) GENERAL COVERAGE LEVELS.—

(1) * * *

* * * * * * *

[(3) YIELD AND LOSS BASIS.—A producer shall have the option of purchasing additional coverage based on an individual yield and loss basis or on an area yield and loss basis, if both options are offered by the Corporation.

[(4) LEVEL OF COVERAGE.—The level of coverage shall be dollar denominated and may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation). Not later than the beginning of the 1996 crop year, the Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).]

(3) YIELD AND LOSS BASIS OPTIONS.—A producer shall have the option of purchasing additional coverage based on—

(A)(i) an individual yield and loss basis; or

(ii) an area yield and loss basis;

(B) an individual yield and loss basis, supplemented with coverage based on an area yield and loss basis to cover a part of the deductible under the individual yield and loss policy, as described in paragraph (4)(C); or

(C) a margin basis alone or in combination with the coverages available in subparagraph (A) or (B).

(4) LEVEL OF COVERAGE.—

(A) DOLLAR DENOMINATION AND PERCENTAGE OF YIELD.—Except as provided in subparagraph (C), the level of coverage—

(i) shall be dollar denominated; and

(ii) may be purchased at any level not to exceed 85 percent of the individual yield or 95 percent of the area yield (as determined by the Corporation).

(B) INFORMATION.—The Corporation shall provide producers with information on catastrophic risk and additional coverage in terms of dollar coverage (within the allowable limits of coverage provided in this paragraph).

(C) SUPPLEMENTAL COVERAGE OPTION.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of the supplemental coverage option described in paragraph (3)(B), the Corporation shall offer producers the opportunity to purchase coverage in combination with a policy or plan of insurance offered under this subtitle that would allow indemnities to be paid to a producer equal to a part of the deductible under the policy or plan of insurance—

(I) at a county-wide level to the fullest extent practicable; or

(II) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

(ii) TRIGGER.—Coverage offered under paragraph (3)(B) and clause (i) shall be triggered only if the losses in the area exceed 10 percent of normal levels (as determined by the Corporation).

(iii) COVERAGE.—Subject to the trigger described in clause (ii), coverage offered under paragraph (3)(B) and clause (i) shall not exceed the difference between—

(I) 90 percent; and

(II) the coverage level selected by the producer for the underlying policy or plan of insurance.

(iv) INELIGIBLE CROPS AND ACRES.—Crops for which the producer has elected under section 1107(c)(1) of the Federal Agriculture Reform and Risk Management Act of 2013 to receive revenue loss coverage and acres that are enrolled in the stacked income protection plan under section 508B shall not be eligible for supplemental coverage under this subparagraph.

(v) CALCULATION OF PREMIUM.—Notwithstanding subsection (d), the premium for coverage offered under paragraph (3)(B) and clause (i) shall—

(I) be sufficient to cover anticipated losses and a reasonable reserve; and

(II) include an amount for operating and administrative expenses established in accordance with subsection (k)(4)(F).

* * * * * * *

(d) PREMIUMS.—

(1) * * *

(2) PREMIUM AMOUNTS.—The premium amounts for catastrophic risk protection under subsection (b) and additional coverage under subsection (c) shall be fixed as follows:

[(A) In the case of catastrophic risk protection, the amount of the premium shall be sufficient to cover anticipated losses and a reasonable reserve.]

(A) In the case of catastrophic risk protection, the amount of the premium established by the Corporation for each crop for which catastrophic risk protection is available shall be reduced by the percentage equal to the difference between the average loss ratio for the crop and 100 percent, plus a reasonable reserve.

* * * * * * *

[(3) PERFORMANCE-BASED DISCOUNT.—The Corporation may provide a performance-based premium discount for a producer of an agricultural commodity who has good insurance or production experience relative to other producers of that agricultural commodity in the same area, as determined by the Corporation.]

[(4)] *(3)* BILLING DATE FOR PREMIUMS.—Effective beginning with the 2012 reinsurance year, the Corporation shall establish August 15 as the billing date for premiums.

(e) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—

(1) * * *

(2) AMOUNT OF PAYMENT.—Subject to paragraph (3), the amount of the premium to be paid by the Corporation shall be as follows:

(A) * * *

* * * * * * *

(H) In the case of the supplemental coverage option authorized in subsection (c)(4)(C), the amount shall be equal to the sum of—

(i) 65 percent of the additional premium associated with the coverage; and

(ii) the amount determined under subsection (c)(4)(C)(vi)(II), subject to subsection (k)(4)(F), for the coverage to cover operating and administrative expenses.

* * * * * * *

(5) ENTERPRISE AND WHOLE FARM UNITS.—

[(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion

of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).]

(A) IN GENERAL.—The Corporation may pay a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).

* * * * * * *

(D) NONIRRIGATED CROPS.—Beginning with the 2014 crop year, the Corporation shall make available separate enterprise units for irrigated and nonirrigated acreage of crops in counties.

* * * * * * *

(8) PREMIUM FOR BEGINNING FARMERS OR RANCHERS.—Notwithstanding any other provision of this subsection regarding payment of a portion of premiums, a beginning farmer or rancher shall receive premium assistance that is 10 percentage points greater than premium assistance that would otherwise be available under paragraphs (2) (except for subparagraph (A) of that paragraph), (5), (6), and (7) for the applicable policy, plan of insurance, and coverage level selected by the beginning farmer or rancher.

* * * * * * *

(g) YIELD DETERMINATIONS.—

(1) * * *

(2) YIELD COVERAGE PLANS.—

(A) * * *

(B) ASSIGNED YIELD.—If the producer does not provide satisfactory evidence of the yield of a commodity under subparagraph (A), the producer shall be assigned—

(i) a yield that is not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements; [or]

(ii) a yield determined by the Corporation, in the case of—

(I) * * *

* * * * * * *

(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm[.]*; or*

(iii) if the producer is a beginning farmer or rancher who was previously involved in a farming or ranching operation, including involvement in the decision-making or physical involvement in the production of the crop or livestock on the farm, for any acreage obtained by the beginning farmer or rancher, a yield that is the higher of—

(I) the actual production history of the previous producer of the crop or livestock on the acreage determined under subparagraph (A); or

(II) a yield of the producer, as determined in clause (i).

* * * * * * *

(E) SOURCES OF YIELD DATA.—To determine yields under this paragraph, the Corporation—

(i) shall use county data collected by the Risk Management Agency or the National Agricultural Statistics Service, or both; or

(ii) if sufficient county data is not available, may use other data considered appropriate by the Secretary.

* * * * * * *

(4) ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.—

(A) * * *

(B) ELECTION TO USE PERCENTAGE OF TRANSITIONAL YIELD.—If, for one or more of the crop years used to establish the producer's actual production history of an agricultural commodity, the producer's recorded or appraised yield of the commodity was less than **[**60**]** *70* percent of the applicable transitional yield, as determined by the Corporation, the Corporation shall, at the election of the producer—

(i) * * *

(ii)*(I)* replace each excluded yield with a yield equal to **[**60**]** *70* percent of the applicable transitional yield**[**.**]***; or*

(II) in the case of beginning farmers or ranchers, replace each excluded yield with a yield equal to 80 percent of the applicable transitional yield.

* * * * * * *

(h) SUBMISSION OF POLICIES AND MATERIALS TO BOARD.—

[(1) IN GENERAL.—In addition**]**

(1) AUTHORITY TO SUBMIT.—

(A) IN GENERAL.—In addition to any standard forms or policies that the Board may require be made available to producers under subsection (c), a person (including an approved insurance provider, a college or university, a cooperative or trade association, or any other person) may prepare for submission or propose to the Board—

[(A)**]** *(i)* other crop insurance policies and provisions of policies; and

[(B)**]** *(ii)* rates of premiums for multiple peril crop insurance pertaining to wheat, soybeans, field corn, and any other crops determined by the Secretary.

(B) REVIEW AND SUBMISSION BY CORPORATION.—The Corporation shall review any policy developed under section 522(c) or any pilot program developed under section 523 and submit the policy or program to the Board under this subsection if the Corporation, at the sole discretion of the Corporation, finds that the policy or program—

(i) will likely result in a viable and marketable policy consistent with this subsection;

(ii) would provide crop insurance coverage in a significantly improved form; and

(iii) adequately protects the interests of producers.

* * * * * * *

(3) REVIEW AND APPROVAL BY THE BOARD.—**[**A policy**]**

(A) IN GENERAL.—A policy or other material submitted to the Board under this subsection shall be reviewed by the Board and, if the Board finds that the interests of producers are adequately protected and that any premiums charged to the producers are actuarially appropriate, shall be approved by the Board for reinsurance and for sale by approved insurance providers to producers as an additional choice at actuarially appropriate rates and under appropriate terms and conditions. The Corporation may enter into more than 1 reinsurance agreement with the approved insurance provider simultaneously to facilitate the offering of the new policies.

(B) SPECIFIED REVIEW AND APPROVAL PRIORITIES.—In reviewing policies and other materials submitted to the Board under this subsection for approval, the Board—

(i) shall make the development and approval of a revenue policy for peanut producers a priority so that a revenue policy is available to peanut producers in time for the 2014 crop year;

(ii) shall make the development and approval of a margin coverage policy for rice producers a priority so that a margin coverage policy is available to rice producers in time for the 2014 crop year; and

(iii) may approve a submission that is made pursuant to this subsection that would, beginning with the 2014 crop year, allow producers that purchase policies in accordance with subsection (e)(5)(A) to separate enterprise units by risk rating for acreage of crops in counties.

* * * * * * *

(k) REINSURANCE.—

(1) * * *

* * * * * * *

(4) RATE.—

(A) * * *

* * * * * * *

(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance widely available as of the date of enactment of this subparagraph *or authorized under subsection (c)(4)(C) or section 508B* shall be 12 percent of the premium used to define loss ratio for that reinsurance year.

* * * * * * *

(o) CROP PRODUCTION ON NATIVE SOD.—

(1) DEFINITION OF NATIVE SOD.—In this subsection, the term "native sod" means land—

(A) * * *

(B) that has never been tilled*, or the producer cannot substantiate that the ground has ever been tilled,* for the production of an annual crop as of the date of enactment of this subsection.

(2) [INELIGIBILITY FOR] *REDUCTION IN* BENEFITS.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, [for benefits under—

[(i) this subtitle; and

[(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).] *for—*

(i) a portion of crop insurance premium subsidies under this subtitle in accordance with paragraph (3);

(ii) benefits under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(iii) payments described in subsection (b) or (c) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

* * * * * * *

[(3) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.]

(3) ADMINISTRATION.—

(A) IN GENERAL.—During the first 4 crop years of planting on native sod acreage by a producer described in paragraph (2)—

(i) paragraph (2) shall apply to 65 percent of the transitional yield of the producer; and

(ii) the crop insurance premium subsidy provided for the producer under this subtitle shall be 50 percentage points less than the premium subsidy that would otherwise apply.

(B) YIELD SUBSTITUTION.—During the period native sod acreage is covered by this subsection, a producer may not substitute yields for the native sod acreage.

(4) APPLICATION.—This subsection shall only apply to native sod in the Prairie Pothole National Priority Area.

* * * * * * *

SEC. 508B. STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.

(a) AVAILABILITY.—Beginning not later than the 2014 crop of upland cotton, the Corporation shall make available to producers of upland cotton an additional policy (to be known as the "Stacked Income Protection Plan"), which shall provide coverage consistent with the Group Risk Income Protection Plan (and the associated Harvest

Revenue Option Endorsement) offered by the Corporation for the 2011 crop year.

(b) REQUIRED TERMS.—The Corporation may modify the Stacked Income Protection Plan on a program-wide basis, except that the Stacked Income Protection Plan shall comply with the following requirements:

(1) Provide coverage for revenue loss of not less than 10 percent and not more than 30 percent of expected county revenue, specified in increments of 5 percent. The deductible is the minimum percent of revenue loss at which indemnities are triggered under the plan, not to be less than 10 percent of the expected county revenue.

(2) Be offered to producers of upland cotton in all counties with upland cotton production—

(A) at a county-wide level to the fullest extent practicable; or

(B) in counties that lack sufficient data, on the basis of such larger geographical area as the Corporation determines to provide sufficient data for purposes of providing the coverage.

(3) Be purchased in addition to any other individual or area coverage in effect on the producer's acreage or as a stand-alone policy, except that if a producer has an individual or area coverage for the same acreage, the maximum coverage available under the Stacked Income Protection Plan shall not exceed the deductible for the individual or area coverage.

(4) Establish coverage based on—

(A) the expected price established under existing Group Risk Income Protection or area wide policy offered by the Corporation for the applicable county (or area) and crop year; and

(B) an expected county yield that is the higher of—

(i) the expected county yield established for the existing area-wide plans offered by the Corporation for the applicable county (or area) and crop year (or, in geographic areas where area-wide plans are not offered, an expected yield determined in a manner consistent with those of area-wide plans); or

(ii) the average of the applicable yield data for the county (or area) for the most recent 5 years, excluding the highest and lowest observations, from the Risk Management Agency or the National Agricultural Statistics Service (or both) or, if sufficient county data is not available, such other data considered appropriate by the Secretary.

(5) Use a multiplier factor to establish maximum protection per acre (referred to as a "protection factor") of not less than the higher of the level established on a program wide basis or 120 percent.

(6) Pay an indemnity based on the amount that the expected county revenue exceeds the actual county revenue, as applied to the individual coverage of the producer. Indemnities under the Stacked Income Protection Plan shall not include or overlap the amount of the deductible selected under paragraph (1).

(7) In all counties for which data are available, establish separate coverage levels for irrigated and non-irrigated practices.

(c) PREMIUM.—Notwithstanding section 508(d), the premium for the Stacked Income Protection Plan shall—

(1) be sufficient to cover anticipated losses and a reasonable reserve; and

(2) include an amount for operating and administrative expenses established in accordance with section 508(k)(4)(F).

(d) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—Subject to section 508(e)(4), the amount of premium paid by the Corporation for all qualifying coverage levels of the Stacked Income Protection Plan shall be—

(1) 80 percent of the amount of the premium established under subsection (c) for the coverage level selected; and

(2) the amount determined under subsection (c)(2), subject to section 508(k)(4)(F), for the coverage to cover administrative and operating expenses.

(e) RELATION TO OTHER COVERAGES.—The Stacked Income Protection Plan is in addition to all other coverages available to producers of upland cotton.

SEC. 508C. PEANUT REVENUE CROP INSURANCE.

(a) IN GENERAL.—Effective beginning with the 2014 crop year, the Risk Management Agency and the Corporation shall make available to producers of peanuts a revenue crop insurance program for peanuts.

(b) EFFECTIVE PRICE.—Subject to subsection (c), for purposes of the revenue crop insurance program and the multiperil crop insurance program under this Act, the effective price for peanuts shall be equal to the Rotterdam price index for peanuts, as adjusted to reflect the farmer stock price of peanuts in the United States.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—The effective price for peanuts established under subsection (b) may be adjusted by the Risk Management Agency and the Corporation to correct distortions.

(2) ADMINISTRATION.—If an adjustment is made under paragraph (1), the Risk Management Agency and the Corporation shall—

(A) make the adjustment in an open and transparent manner; and

(B) 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 reasons for the adjustment.

* * * * * * *

SEC. 515. PROGRAM COMPLIANCE AND INTEGRITY.

(a) * * *

* * * * * * *

(c) RECONCILING PRODUCER INFORMATION.—**[**The Secretary**]**

(1) IN GENERAL.—The Secretary shall develop and implement a coordinated plan for the Corporation and the Farm Service Agency to reconcile all relevant information received by the Corporation or the Farm Service Agency from a producer who

obtains crop insurance coverage under this subtitle. [Beginning with]

(2) FREQUENCY.—Beginning with the 2001 crop year, the Secretary shall require that the Corporation and the Farm Service Agency reconcile such producer-derived information on at least an annual basis in order to identify and address any discrepancies.

(3) CORRECTIONS.—

(A) IN GENERAL.—In addition to the corrections permitted by the Corporation as of the date of enactment of the Federal Agriculture Reform and Risk Management Act of 2013, the Corporation shall allow an agent or an approved insurance provider, subject to subparagraph (B)—

(i) within a reasonable amount of time following the applicable sales closing date, to correct unintentional errors in information that is provided by a producer for the purpose of obtaining coverage under any policy or plan of insurance made available under this subtitle to ensure that the eligibility information is correct;

(ii) within a reasonable amount of time following—

(I) the acreage reporting date, to correct unintentional errors in factual information that is provided by a producer after the sales closing date to reconcile the information with the information reported by the producer to the Farm Service Agency; or

(II) the date of any subsequent correction of data by the Farm Service Agency made as a result of the verification of information; and

(iii) at any time, to correct unintentional errors that were made by the Farm Service Agency or an agent or approved insurance provider in transmitting the information provided by the producer to the approved insurance provider or the Corporation.

(B) LIMITATION.—In accordance with the procedures of the Corporation, correction to the information described in clauses (i) and (ii) of subparagraph (A) may only be made if the corrections do not allow the producer—

(i) to avoid ineligibility requirements for insurance;

(ii) to obtain, enhance, or increase an insurance guarantee or indemnity, or avoid premium owed, if a cause of loss exists or has occurred before any correction has been made; or

(iii) to avoid an obligation or requirement under any Federal or State law.

(C) EXCEPTION TO LATE FILING SANCTIONS.—Any corrections made pursuant to this paragraph shall not be subject to any late filing sanctions authorized in the reinsurance agreement with the Corporation.

* * * * * * *

(j) INFORMATION MANAGEMENT.—

[(1) SYSTEMS UPGRADES.—The Secretary shall upgrade the information management systems of the Corporation used in the administration and enforcement and this subtitle. In upgrading the systems, the Secretary shall ensure that new hard-

ware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purpose of this section.]

(1) SYSTEMS MAINTENANCE AND UPGRADES.—

(A) IN GENERAL.—The Secretary shall maintain and upgrade the information management systems of the Corporation used in the administration and enforcement of this subtitle.

(B) REQUIREMENT.—

(i) IN GENERAL.—In maintaining and upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purposes of this section.

(ii) ACREAGE REPORT STREAMLINING INITIATIVE PROJECT.—As soon as practicable, the Secretary shall develop and implement an acreage report streamlining initiative project to allow producers to report acreage and other information directly to the Department.

* * * * * * *

(k) FUNDING.—

[(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2010, and not more than $9,000,000 for fiscal year 2011.]

(1) INFORMATION TECHNOLOGY.—

(A) IN GENERAL.—For purposes of subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than—

(i)(I) for fiscal year 2014, $25,000,000; and

(II) for each of fiscal years 2015 through 2018, $10,000,000; or

(ii) if the Acreage Crop Reporting Streamlining Initiative (ACRSI) project is substantially completed by September 30, 2015, not more than $15,000,000 for each of the fiscal years 2015 through 2018.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the substantial completion of the Acreage Crop Reporting Streamlining Initiative (ACRSI) project not later than July 1, 2015.

* * * * * * *

SEC. 522. RESEARCH AND DEVELOPMENT.

(a) * * *

(b) REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.—

(1) * * *

(2) ADVANCE PAYMENTS.—

(A) * * *

* * * * * * *

(E) APPROVAL.—The Board may approve up to [50 percent] *75 percent* of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of such payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

(i) * * *

* * * * * * *

(c) RESEARCH AND DEVELOPMENT [CONTRACTING] AUTHORITY.—

(1) AUTHORITY.—The Corporation [may enter into contracts to carry out research and development to] *may conduct activities or enter into contracts to carry out research and development to maintain or improve existing policies or develop new policies to*—

(A) * * *

* * * * * * *

(2) UNDERSERVED AGRICULTURAL COMMODITIES AND AREAS.—

(A) AUTHORITY.—The Corporation may *conduct research and development or* enter into contracts under procedures prescribed by the Corporation with qualified persons to carry out research and development for policies that promote the purposes of paragraph (1).

(B) CONSULTATION.—Before *conducting research and development or* entering into a contract under subparagraph (A), the Corporation shall consult with groups representing producers of agricultural commodities that would be served by the policies that are the subject of the research and development.

* * * * * * *

(5) USE OF RESULTING POLICIES.—The Corporation may offer any policy developed under this subsection that is approved by the Board *after expert review in accordance with section 505(e)*.

(6) RESEARCH AND DEVELOPMENT PRIORITIES.—The Corporation shall establish as one of the highest research and development priorities of the Corporation the development of [a pasture, range, and forage program] *policies that increase participation by producers of underserved agricultural commodities, including sweet sorghum, biomass sorghum, rice, peanuts, sugarcane, alfalfa, and specialty crops*.

* * * * * * *

(17) MARGIN COVERAGE FOR CATFISH.—

(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to conduct research and development regarding a policy to insure producers against reduction in the margin between the market value of catfish and selected costs incurred in the production of catfish.

(B) ELIGIBILITY.—Eligibility for the policy described in subparagraph (A) shall be limited to freshwater species of catfish that are propagated and reared in controlled or selected environments.

(C) IMPLEMENTATION.—The Board shall review the policy described in subparagraph (B) under subsection 508(h) and approve the policy if the Board finds that the policy—

(i) will likely result in a viable and marketable policy consistent with this subsection;

(ii) would provide crop insurance coverage in a significantly improved form;

(iii) adequately protects the interests of producers; and

(iv) the proposed policy meets other requirements of this subtitle determined appropriate by the Board.

(18) BIOMASS AND SWEET SORGHUM ENERGY CROP INSURANCE POLICIES.—

(A) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding—

(i) a policy to insure biomass sorghum that is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

(ii) a policy to insure sweet sorghum that is grown for a purpose described in clause (i).

(B) RESEARCH AND DEVELOPMENT.—Research and development with respect to each of the policies required in subparagraph (A) shall evaluate the effectiveness of risk management tools for the production of biomass sorghum or sweet sorghum, including policies and plans of insurance that—

(i) are based on market prices and yields;

(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather indices, including excessive or inadequate rainfall, to protect the interest of crop producers; and

(iii) provide protection for production or revenue losses, or both.

(19) STUDY ON SWINE CATASTROPHIC DISEASE PROGRAM.—

(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring swine producers for a catastrophic event.

(B) REPORT.—Not later than 1 year after the date of the 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).

(20) WHOLE FARM DIVERSIFIED RISK MANAGEMENT INSURANCE PLAN.—

(A) IN GENERAL.—The Corporation shall conduct activities or enter into contracts to carry out research and development to develop a whole farm risk management insur-

ance plan, with a liability limitation of $1,250,000, that allows a diversified crop or livestock producer the option to qualify for an indemnity if actual gross farm revenue is below 85 percent of the average gross farm revenue or the expected gross farm revenue that can reasonably be expected of the producer, as determined by the Corporation.

(B) ELIGIBLE PRODUCERS.—The Corporation shall permit producers (including direct-to-consumer marketers and producers servicing local and regional and farm identity-preserved markets) who produce multiple agricultural commodities, including specialty crops, industrial crops, livestock, and aquaculture products, to participate in the plan in lieu of any other plan under this subtitle.

(C) DIVERSIFICATION.—The Corporation may provide diversification-based additional coverage payment rates, premium discounts, or other enhanced benefits in recognition of the risk management benefits of crop and livestock diversification strategies for producers that grow multiple crops or that may have income from the production of livestock that uses a crop grown on the farm.

(D) MARKET READINESS.—The Corporation may include coverage for the value of any packing, packaging, or any other similar on-farm activity the Corporation determines to be the minimum required in order to remove the commodity from the field.

(E) REPORT.—Not later than 2 years 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 and feasibility of the research and development conducted under this paragraph, including an analysis of potential adverse market distortions.

(21) STUDY ON POULTRY CATASTROPHIC DISEASE PROGRAM.—

(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine the feasibility of insuring poultry producers for a catastrophic event.

(B) REPORT.—Not later than 1 year after the date of the 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).

(22) POULTRY BUSINESS INTERRUPTION INSURANCE POLICY.—

(A) AUTHORITY.—The Corporation shall offer to enter into a contract or cooperative agreement with a university or other legal entity to carry out research and development regarding a policy to insure the commercial production of poultry against business interruptions caused by integrator bankruptcy.

(B) RESEARCH AND DEVELOPMENT.—As part of the research and development conducted pursuant to a contract or cooperative agreement entered into under subparagraph (A), the entity shall—

(i) evaluate the market place for business interruption insurance that is available to poultry growers;

(ii) determine what statutory authority would be necessary to implement a business interruption insurance through the Corporation;

(iii) assess the feasibility of a policy or plan of insurance offered under this subtitle to insure against losses due to the bankruptcy of an business integrator; and

(iv) analyze the costs to the Federal Government of a Federal business interruption insurance program for poultry growers.

(C) DEFINITIONS.—In this paragraph, the terms "poultry" and "poultry grower" have the meanings given those terms in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

(D) DEADLINE FOR CONTRACT OR COOPERATIVE AGREEMENT.—Not later than six months after the date of the enactment of this paragraph, the Corporation shall enter into the contract or cooperative agreement required by subparagraph (A).

(E) DEADLINE FOR COMPLETION OF RESEARCH AND DEVELOPMENT.—Not later than one year after the date of the 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 research and development conducted pursuant to the contract or cooperative agreement entered into under subparagraph (A).

(23) 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).

[(17)**]** *(24)* RELATION TO LIMITATIONS.—A policy developed under this subsection may be prepared without regard to the limitations of this subtitle, including—

(A) * * *

* * * * * * *

(d) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—

[(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities.]

(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of either—

(A) increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities; or

(B) improving analysis tools and technology regarding compliance or identifying and using innovative compliance strategies.

* * * * * * *

(e) FUNDING.—

(1) * * *

(2) CONTRACTING.—

[(A) AUTHORITY.—] *(A) CONDUCTING AND CONTRACTING FOR RESEARCH AND DEVELOPMENT.*—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to *conduct research and development and* carry out contracting and partnerships under subsections (c) and (d) not more than $12,500,000 for fiscal year 2008 and each subsequent fiscal year.

(B) UNDERSERVED STATES.—Of the amount made available under subparagraph (A) for a fiscal year, the Corporation shall use not more than $5,000,000 for the fiscal year to *conduct research and development and* carry out contracting for research and development to carry out the purpose described in subsection (c)(1)(A).

(3) UNUSED FUNDING.—If the Corporation determines that the amount available [to provide either reimbursement payments or contract payments] under this section for a fiscal year is not needed for such purposes, the Corporation may use—

(A) * * *

* * * * * * *

[(4) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—

[(A) NEW POLICIES.—Notwithstanding subsection (d), on and after October 1, 2000, the Corporation shall not conduct research and development for any new policy for an agricultural commodity offered under this subtitle.

[(B) EXISTING POLICIES.—Any policy developed by the Corporation under this subtitle before that date may continue to be offered for sale to producers.]

SEC. 523. PILOT PROGRAMS.

(a) GENERAL PROVISIONS.—

(1) AUTHORITY.—Except as otherwise provided in this section, the Corporation may*, at the sole discretion of the Corporation,* conduct a pilot program submitted to and approved by the Board under section 508(h), or that is developed under subsection (b) or section 522, to evaluate whether a proposal or new risk management tool tested by the pilot program is suitable for the marketplace and addresses the needs of producers of agricultural commodities.

* * * * * * *

[(5) EVALUATION.—

[(A) REQUIREMENT.—After the completion of any pilot program under this section, the Corporation shall evaluate the pilot program and 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 the operations of the pilot program.

[(B) EVALUATION AND RECOMMENDATIONS.—The report shall include an evaluation by the Corporation of the pilot program and the recommendations of the Corporation with respect to implementing the program on a national basis.]

* * * * * * *

SEC. 524. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

(a) * * *

(b) AGRICULTURAL MANAGEMENT ASSISTANCE.—

(1) * * *

(2) USES.—A producer may use financial assistance provided under this subsection to—

(A) * * *

[(B) plant trees to form windbreaks or to improve water quality;]

[(C)] *(B)* mitigate financial risk through production or marketing diversification [or resource conservation practices], including—

[(i) soil erosion control;]

[(ii)] *(i)* integrated pest management;

[(iii)] *(ii)* organic farming; or

[(iv)] *(iii)* to develop and implement a plan to create marketing opportunities for the producer, including through value-added processing;

[(D)] *(C)* enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

[(E)] *(D)* enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

[(F)] *(E)* conduct any other activity relating to an activity described in subparagraphs (A) through (E), as determined by the Secretary.

* * * * * * *

(4) COMMODITY CREDIT CORPORATION.—

(A) * * *

[(B) FUNDING.—

[(i) IN GENERAL.—Except as provided in clause (ii), the Commodity Credit Corporation shall make available to carry out this subsection not less than $10,000,000 for each fiscal year.

[(ii) EXCEPTION FOR CERTAIN FISCAL YEARS.—For each of fiscal years 2008 through 2014, the Commodity Credit Corporation shall make available to carry out this subsection $15,000,000.]

(B) FUNDING.—The Commodity Credit Corporation shall make available to carry out this subsection not less than $10,000,000 for each fiscal year.

(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

(i) [50] *30* percent to carry out subparagraphs [(A), (B), and (C)] *(A) and (B)* of paragraph (2) through the Natural Resources Conservation Service;

* * * * * * *

(iii) [40] *60* percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.

Subtitle B—Supplemental Agricultural Disaster Assistance

SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) * * *

* * * * * * *

(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) * * *

* * * * * * *

(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

[(A) ELIGIBLE LOSSES.—]

[(i) IN GENERAL.—An eligible]

(A) ELIGIBLE LOSSES.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

[(I)] *(i)* is native or improved pastureland with permanent vegetative cover; or

[(II)] *(ii)* is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

[(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).]

* * * * * * *

FOOD FOR PEACE ACT

* * * * * * *

TITLE II—EMERGENCY AND PRIVATE ASSISTANCE PROGRAMS

SEC. 201. GENERAL AUTHORITY.

The President shall establish a program under this title *(to be implemented by the Administrator)* to provide agricultural commodities to foreign countries on behalf of the people of the United States to—

(1) * * *

* * * * * * *

[(7) promote economic and nutritional security by increasing educational, training, and other productive activities.**]**

Such program shall be implemented by the Administrator.**]**

(7) build resilience to mitigate and prevent food crises and reduce the future need for emergency aid.

SEC. 202. PROVISION OF AGRICULTURAL COMMODITIES.

(a) * * *

* * * * * * *

(e) SUPPORT FOR ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—Of the funds made available in each fiscal year under this title to the Administrator, not less than 7.5 percent nor more than **[**13 percent**]** *11 percent* of the funds shall be made available in each fiscal year to eligible organizations described in subsection (d), to assist the organizations in—

(A) * * *

* * * * * * *

(h) FOOD AID QUALITY.—

(1) IN GENERAL.—**[**The Administrator shall use funds made available for fiscal year 2009**]** *In consultation with the Secretary, the Administrator shall use funds made available for fiscal year 2013* and subsequent fiscal years to carry out this title *to establish a mechanism*—

(A) * * *

(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; **[**and**]**

[(C) to test prototypes.**]**

(C) to evaluate, as necessary, the use of current and new agricultural commodities and products thereof in different program settings and for particular recipient groups, including the testing of prototypes;

(D) to establish and implement appropriate protocols for quality assurance of food products procured by the Secretary for food aid programs; and

(E) to periodically update program guidelines on the recommended use of agricultural commodities and food prod-

ucts in food aid programs to reflect findings from the implementation of this subsection and other relevant information.

(2) ADMINISTRATION.—[The Administrator] *In consultation with the Secretary, the Administrator—*

(A) * * *

* * * * * * *

(3) FUNDING LIMITATION.—Of the funds made available under [section 207(f), for fiscal years 2009 through 2011, not more than $4,500,000 may be used to carry out this subsection.] *section 207(f)—*

(A) for fiscal years 2009 through 2013, not more than $4,500,000 may be used to carry out this subsection; and

(B) for fiscal years 2014 through 2018, not more than $1,000,000 may be used to carry out this subsection.

* * * * * * *

SEC. 204. LEVELS OF ASSISTANCE.

(a) MINIMUM LEVELS.—

(1) MINIMUM ASSISTANCE.—Except as provided in paragraph (3), the Administrator shall make agricultural commodities available for food distribution under this title in an amount that for each of fiscal years 2008 through [2012] *2018* is not less than 2,500,000 metric tons.

(2) MINIMUM NON-EMERGENCY ASSISTANCE.—Of the amounts specified in paragraph (1), and except as provided in paragraph (3), the Administrator shall make agricultural commodities available for non-emergency food distribution through eligible organizations under section 202 in an amount that for each of fiscal years 2008 through [2012] *2018* is not less than 1,875,000 metric tons.

* * * * * * *

SEC. 205. FOOD AID CONSULTATIVE GROUP.

(a) * * *

(b) MEMBERSHIP.—The Group shall be composed of—

(1) * * *

* * * * * * *

(6) representatives from agricultural producer groups in the United States; [and]

(7) representatives from the United States agricultural processing sector involved in providing agricultural commodities for programs under this Act; and

[(7)] *(8)* representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act.

* * * * * * *

(d) CONSULTATIONS.—[In preparing regulations, handbooks, or guidelines implementing this title, or significant revisions thereto, the Administrator shall provide such proposals to the Group for review and comment.]

(1) CONSULTATION IN ADVANCE OF ISSUANCE OF IMPLEMENTATION REGULATIONS, HANDBOOKS, AND GUIDELINES.—Not later than 45 days before a proposed regulation, handbook, or guide-

line implementing this title, or a proposed significant revision to a regulation, handbook, or guideline implementing this title, becomes final, the Administrator shall provide the proposal to the Group for review and comment. The Administrator shall consult and, when appropriate (but at least twice per year), meet with the Group regarding such proposed regulations, handbooks, guidelines, or revisions thereto prior to the issuance of such.

(2) CONSULTATION REGARDING FOOD AID QUALITY EFFORTS.—The Administrator shall seek input from and consult with the Group on the implementation of section 202(h).

* * * * * * *

(f) TERMINATION.—The Group shall terminate on December 31, [2012] *2018*.

* * * * * * *

SEC. 207. ADMINISTRATION.

(a) * * *

* * * * * * *

(c) REGULATIONS *AND GUIDANCE*.—

(1) IN GENERAL.—The Administrator shall promptly issue all necessary regulations and make revisions to agency guidelines with respect to changes in the operation or implementation of the program established under this title. *Not later than 270 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013, the Administrator shall issue all regulations and revisions to agency guidance necessary to implement the amendments made to this title by such Act.*

(2) REQUIREMENTS.—The Administrator shall develop regulations *and guidance* with the intent of—

(A) * * *

* * * * * * *

(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

(1) * * *

(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

(A) * * *

* * * * * * *

(D) the evaluation of monetization programs; *and*

(E) early warning assessments and systems to help prevent famines[; and].

[(F) upgraded information technology systems.]

[(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

[(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the date of submission of the report under paragraph (3), the Comptroller General of the United

States shall submit to the appropriate committees of Congress a report that contains—

[(A) a review of, and comments addressing, the report described in paragraph (3); and

[(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.]

[(5)] *(3)* CONTRACT AUTHORITY.—

(A) * * *

* * * * * * *

[(6)] *(4)* FUNDING.—

(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through [2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.] *2013, and up to $10,000,000 of such funds for each of fiscal years 2014 through 2018.*

(B) LIMITATIONS.—

(i) IN GENERAL.—Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through [2012] *2018*, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

* * * * * * *

SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, in addition to amounts otherwise available to carry out this section, $8,000,000 for each of fiscal years 2001 through [2012] *2018*, to remain available until expended.

* * * * * * *

TITLE IV—GENERAL AUTHORITIES AND REQUIREMENTS

* * * * * * *

SEC. 403. GENERAL PROVISIONS.

(a) * * *

(b) IMPACT ON LOCAL FARMERS AND ECONOMY.—The Secretary or the Administrator, as appropriate, shall ensure that the importation of United States agricultural commodities and the use of local currencies for development purposes will not have a disruptive impact on the farmers or the local economy of the recipient country.

The Secretary or the Administrator, as appropriate, shall seek information, as part of the regular proposal and submission process, from implementing agencies on the potential benefits to the local economy of sales of agricultural commodities within the recipient country.

* * * * * * *

(e) WORLD PRICES.—

(1) * * *

(2) SALE PRICE.—Sales of agricultural commodities described in paragraph (1) shall be made at a [reasonable market price] *fair market value* in the economy where the agricultural commodity is to be sold, as determined by the Secretary or the Administrator, as appropriate.

(3) COORDINATION ON ASSESSMENTS.—The Secretary and the Administrator shall coordinate in assessments to carry out paragraph (1) and in the development of approaches to be used by implementing agencies for determining the fair market value described in paragraph (2).

* * * * * * *

(m) REPORT ON USE OF FUNDS.—Not later than 180 days after the date of the enactment of the Federal Agriculture Reform and Risk Management Act of 2013, and annually thereafter, the Administrator shall submit to Congress a report—

(1) specifying the amount of funds (including funds for administrative costs, indirect cost recovery, and internal transportation, storage and handling, and associated distribution costs) provided to each eligible organization that received assistance under this Act in the previous fiscal year; and

(2) describing how those funds were used by the eligible organization.

* * * * * * *

SEC. 407. ADMINISTRATIVE PROVISIONS.

(a) * * *

* * * * * * *

(c) TITLE II AND III PROGRAM.—

(1) * * *

* * * * * * *

(4) PREPOSITIONING.—

(A) IN GENERAL.—Funds made available for fiscal years 2001 through [2012] *2018* to carry out titles II and III may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that [for each such fiscal year not more than $10,000,000 of such funds] *for each of fiscal years 2001 through 2013 not more than $10,000,000 of such funds and for each of fiscal years 2014 through 2018 not more than $15,000,000 of such funds* may be used to store agricultural commodities for prepositioning in foreign countries.

[(B) ADDITIONAL PREPOSITIONING SITES.—

[(i) FEASIBILITY ASSESSMENTS.—The Administrator may carry out assessments for the establishment of

not less than 2 sites to determine the feasibility of, and costs associated with, using the sites to store and handle agricultural commodities for prepositioning in foreign countries.

[(ii) ESTABLISHMENT OF SITES.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.]

(B) ADDITIONAL PREPOSITIONING SITES.—The Administrator may establish additional sites for prepositioning in foreign countries or change the location of current sites for prepositioning in foreign countries after conducting, and based on the results of, assessments of need, the availability of appropriate technology for long-term storage, feasibility, and cost.

* * * * * * *

(f) ANNUAL REPORTS.—

(1) ANNUAL REPORT REGARDING [AGRICULTURAL TRADE] *FOOD AID* PROGRAMS AND ACTIVITIES.—

(A) * * *

(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

(i) * * *

(ii) a general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies) *and the total number of beneficiaries of the project and the activities carried out through such project*;

(iii) a statement describing the quantity of agricultural commodities made available to*, and the total number of beneficiaries in,* each country pursuant to—

(I) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); [and]

(II) the Food for Progress Act of 1985 (7 U.S.C. 1736o); *and*

(III) the McGovern-Dole International Food for Education and Child Nutrition Program established by section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1);

* * * * * * *

SEC. 408. EXPIRATION DATE.

No agreements to finance sales or to provide other assistance under this Act shall be entered into after December 31, [2012] *2018*.

* * * * * * *

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) [for fiscal year 2008 and each fiscal year thereafter, $2,500,000,000] *$2,500,000,000 for each of fiscal years 2008 through 2013 and $2,000,000,000 for each of fiscal years 2014*

through 2018 to carry out the emergency and nonemergency food assistance programs under title II; and

* * * * * * *

(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

[(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $375,000,000 for fiscal year 2009, $400,000,000 for fiscal year 2010, $425,000,000 for fiscal year 2011, and $450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.]

(1) FUNDS AND COMMODITIES.—For each of fiscal years 2014 through 2018, of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $400,000,000 shall be expended for nonemergency food assistance programs under such title.

* * * * * * *

SEC. 415. MICRONUTRIENT FORTIFICATION PROGRAMS.

(a) IN GENERAL.—

(1) * * *

(2) PURPOSE.—The purpose of a program shall be to—

(A) * * *

(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities[, using recommendations included in the report entitled "Micronutrient Compliance Review of Fortified Public Law 480 Commodities", published in October 2001, with implementation by independent entities with proven experience and expertise in food aid commodity quality enhancements].

* * * * * * *

(c) TERMINATION OF AUTHORITY.—The authority to carry out programs established under this section shall terminate on September 30, [2012] *2018*.

* * * * * * *

TITLE V—FARMER-TO-FARMER PROGRAM

SEC. 501. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) * * *

* * * * * * *

(d) MINIMUM FUNDING.—Notwithstanding any other provision of law, in addition to any funds that may be specifically appropriated to carry out this section, not less than the greater of $10,000,000 or 0.5 percent of the amounts made available for each of fiscal years 2008 through [2012] *2013, and not less than the greater of $15,000,000 or 0.5 percent of the amounts made available for each*

of fiscal years 2014 through 2018, to carry out this Act shall be used to carry out programs under this section, with—

(1) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2008 through [2012] *2018* to carry out the programs under this section—

(A) * * *

* * * * * * *

AGRICULTURAL TRADE ACT OF 1978

* * * * * * *

TITLE II—AGRICULTURAL EXPORT PROGRAMS

* * * * * * *

Subtitle B—Implementation

SEC. 211. FUNDING LEVELS.

(a) * * *

(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through [2012] *2018* credit guarantees under section 202(a) in an amount equal to but not more than the lesser of—

(1) * * *

* * * * * * *

(c) MARKET ACCESS PROGRAMS.—

(1) IN GENERAL.—The Commodity Credit Corporation or the Secretary shall make available for market access activities authorized to be carried out by the Commodity Credit Corporation under section 203—

(A) in addition to any funds that may be specifically appropriated to implement a market access program, not more than $90,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, $110,000,000 for fiscal year 2003, $125,000,000 for fiscal year 2004, $140,000,000 for fiscal year 2005, and $200,000,000 for each of fiscal years 2008 through [2012] *2018*, of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation; and

* * * * * * *

TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

* * * * * * *

SEC. 703. FUNDING.

(a) IN GENERAL.—To carry out this title, the Secretary shall use funds of the Commodity Credit Corporation, or commodities of the Commodity Credit Corporation of a comparable value, in the amount of $34,500,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

FOOD FOR PROGRESS ACT OF 1985

* * * * * * *

TITLE XI—TRADE

Subtitle A—Public Law 480 and Use of Surplus Commodities in International Programs

* * * * * * *

FOOD FOR PROGRESS

SEC. 1110. (a) * * *

* * * * * * *

(f) PROVISION OF ELIGIBLE COMMODITIES TO DEVELOPING COUNTRIES.—(1) * * *

* * * * * * *

(3) No funds of the Corporation in excess of $40,000,000 (exclusive of the cost of eligible commodities) may be used for each of fiscal years 1996 through [2012] *2018* to carry out this section with respect to eligible commodities made available under section 416(b) of the Agricultural Act of 1949 unless authorized in advance in appropriation Acts.

* * * * * * *

[(6) PROJECT IN MALAWI.—

[(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi—

[(i) to promote sustainable agriculture; and

[(ii) to increase the number of women in leadership positions.

[(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.]

(g) MINIMUM TONNAGE.—Subject to subsection (f)(3), not less than 400,000 metric tons of eligible commodities may be provided under this section for the program for each of fiscal years 2002 through [2012] *2018*.

* * * * * * *

(k) EFFECTIVE AND TERMINATION DATES.—This section shall be effective during the period beginning October 1, 1985, and ending December 31, [2012] *2018*.

(l) ADMINISTRATIVE EXPENSES.—(1) To enhance the development of private sector agriculture in countries receiving assistance under this section the President may, in each of the fiscal years 1996 through [2012] *2018*, use in addition to any amounts or eligible commodities otherwise made available under this section for such activities, not to exceed $$15,000,000 (or, in the case of fiscal year 1999, $12,000,000) of Corporation funds (or eligible commodities of an equal value owned by the Corporation), to provide assistance in the administration, sale, and monitoring of food assistance programs, and to provide technical assistance for monetization programs, to strengthen private sector agriculture in recipient countries.

* * * * * * *

BILL EMERSON HUMANITARIAN TRUST ACT

* * * * * * *

TITLE III—BILL EMERSON HUMANITARIAN TRUST

* * * * * * *

SEC. 302. ESTABLISHMENT OF COMMODITY TRUST.

(a) * * *

(b) COMMODITIES OR FUNDS IN TRUST.—

(1) * * *

(2) REPLENISHMENT OF TRUST.—

(A) * * *

(B) FUNDS.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

(i) with respect to fiscal years 2000 through [2012] *2018* from funds made available to carry out the Food for Peace Act (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(1) and (f)(2), except that, of such funds, not more than $20,000,000 may be expended for this purpose in each of the fiscal years 2000 through [2012] *2018*;

* * * * * * *

(h) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority to replenish stocks of eligible commodities to maintain the trust established under this section shall terminate on September 30, [2012] *2018*.

(2) DISPOSAL OF ELIGIBLE COMMODITIES.—Eligible commodities remaining in the trust after September 30, [2012] *2018*, shall be disposed of by release for use in providing for emergency humanitarian food needs in developing countries as provided in this section.

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990

* * * * * * *

TITLE XV—AGRICULTURAL TRADE

* * * * * * *

SEC. 1542. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.

(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through [2012] *2018* not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.

* * * * * * *

(d) E (KIKA) DE LA GARZA AGRICULTURAL FELLOWSHIP PROGRAM.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall establish a program, to be known as the "E (Kika) de la Garza Agricultural Fellowship Program", to develop agricultural markets in emerging markets and to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and emerging markets, as follows:

(1) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—

(A) IN GENERAL.—

(i) ESTABLISHMENT OF PROGRAM.—For each of the fiscal years 1991 through [2012] *2018*, the Secretary of Agriculture (hereafter in this section referred to as the "Secretary"), in order to develop, maintain, or expand markets for United States agricultural exports, is directed to make available to emerging markets the expertise of the United States to make assessments of the food and rural business systems needs of such democracies, make recommendations on measures necessary to enhance the effectiveness of the systems, including potential reductions in trade barriers, and identify and carry out specific opportunities and projects to enhance the effectiveness of those systems.

* * * * * * *

TITLE XVI—RESEARCH

* * * * * * *

Subtitle B—Sustainable Agriculture Research and Education

* * * * * * *

CHAPTER 1—BEST UTILIZATION OF BIOLOGICAL APPLICATIONS

* * * * * * *

SEC. 1624. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated [$40,000,000 for each fiscal year] to carry out this chapter *$40,000,000 for each of fiscal years 2013 through 2018*. Of amounts appropriated to carry out this chapter for a fiscal year, not less than $15,000,000, or not less than two thirds of any such appropriation, whichever is greater, shall be used to carry out sections 1621 and 1622.

CHAPTER 2—INTEGRATED MANAGEMENT SYSTEMS

SEC. 1627. INTEGRATED MANAGEMENT SYSTEMS.

(a) * * *

* * * * * * *

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year $20,000,000 to carry out this section through the National Institute of Food and Agriculture.]

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section through the National Institute of Food and Agriculture $20,000,000 for each of fiscal years 2013 through 2018.

CHAPTER 3—SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM

SEC. 1628. TECHNICAL GUIDES AND HANDBOOKS.

(a) * * *

* * * * * * *

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.]

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

(1) such sums as are necessary for fiscal year 2013; and

(2) $5,000,000 for each of fiscal years 2014 through 2018.

SEC. 1629. NATIONAL TRAINING PROGRAM.

(a) * * *

* * * * * * *

[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each fiscal year to carry out the National Training Program.]

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the National Training Program $20,000,000 for each of fiscal years 2013 through 2018.

Subtitle C—National Genetic Resources Program

* * * * * * *

SEC. 1635. DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [such funds as may be necessary] to carry out this [subtitle for each of the fiscal years 1991 through 2012.] *subtitle—*

(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

(2) $1,000,000 for each of fiscal years 2014 through 2018.

[Subtitle D—National Agricultural Weather Information System

[SEC. 1637. SHORT TITLE AND PURPOSES.

[(a) SHORT TITLE.—This subtitle may be cited as the "National Agricultural Weather Information System Act of 1990".

[(b) PURPOSES.—The purposes of this subtitle are—

[(1) to provide a nationally coordinated agricultural weather information system, based on the participation of universities, State programs, Federal agencies, and the private weather consulting sector, and aimed at meeting the weather and climate information needs of agricultural producers;

[(2) to facilitate the collection, organization, and dissemination of advisory weather and climate information relevant to agricultural producers, through the participation of the private sector and otherwise;

[(3) to provide for research and education on agricultural weather and climate information, aimed at improving the quality and quantity of weather and climate information available to agricultural producers, including research on short-term forecasts of thunderstorms and on extended weather forecasting techniques and models;

[(4) to encourage, where feasible, greater private sector participation in providing agricultural weather and climate information, to encourage private sector participation in educating and training farmers and others in the proper utilization of agricultural weather and climate information, and to strengthen their ability to provide site-specific weather forecasting for farmers and the agricultural sector in general; and

[(5) to ensure that the weather and climate data bases needed by the agricultural sector are of the highest scientific accuracy and thoroughly documented, and that such data bases are easily accessible for remote computer access.

[SEC. 1638. AGRICULTURAL WEATHER OFFICE.

[(a) ESTABLISHMENT OF THE OFFICE AND ADMINISTRATION OF THE SYSTEM.—

[(1) ESTABLISHMENT REQUIRED.—The Secretary of Agriculture shall establish in the Department of Agriculture an Agricultural Weather Office to plan and administer the National Agricultural Weather Information System. The system shall be comprised of the office established under this section and the activities of the State agricultural weather information systems described in section 1640.

[(2) DIRECTOR.—The Secretary shall appoint a Director to manage the activities of the Agricultural Weather Office and to

advise the Secretary on scientific and programmatic coordination for climate, weather, and remote sensing.

[(b) AUTHORITY.—The Secretary, acting through the Office, may undertake the following activities to carry out this subtitle:

[(1) Enter into cooperative projects with the National Weather Service to—

[(A) support operational weather forecasting and observation useful in agriculture;

[(B) sponsor joint workshops to train agriculturalists about the optimum utilization of agricultural weather and climate data;

[(C) jointly develop improved computer models and computing capacity; and

[(D) enhance the quality and availability of weather and climate information needed by agriculturalists.

[(2) Obtain standardized weather observation data collected in near real time through State agricultural weather information systems.

[(3) Make, through the National Institute of Food and Agriculture, competitive grants under subsection (c) for research in atmospheric sciences and climatology.

[(4) Make grants to eligible States under section 1640 to plan and administer State agricultural weather information systems.

[(5) Coordinate the activities of the Office with the weather and climate research activities of the National Institute of Food and Agriculture, the National Academy of Sciences, the National Science Foundation Atmospheric Services Program, and the National Climate Program.

[(6) Encourage private sector participation in the National Agricultural Weather Information System through mutually beneficial cooperation with the private sector, particularly in generating weather and climatic data useful for site-specific agricultural weather forecasting.

[(c) COMPETITIVE GRANTS PROGRAM.—

[(1) GRANTS AUTHORIZED.—With funds allocated to carry out this subsection, the Secretary of Agriculture may make grants to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations and corporations, and individuals to carry out research in all aspects of atmospheric sciences and climatology that can be shown to be important in both a basic and developmental way to understanding, forecasting, and delivering agricultural weather information.

[(2) COMPETITIVE BASIS.—Grants made under this subsection shall be made on a competitive basis.

[(d) PRIORITY.—In selecting among applications for grants under subsection (c), the Secretary shall give priority to proposals which emphasize—

[(1) techniques and processes that relate to weather-induced agricultural losses, and to improving the advisory information on weather extremes such as drought, floods, freezes, and storms well in advance of their actual occurrence;

[(2) the improvement of site-specific weather data collection and forecasting; or

[(3) the impact of weather on economic and environmental costs in agricultural production.

[SEC. 1640. STATE AGRICULTURAL WEATHER INFORMATION SYSTEMS.

[(a) ADVISORY PROGRAM GRANTS.—

[(1) GRANTS REQUIRED.—With funds allocated to carry out this section, the Secretary of Agriculture shall make grants to not fewer than 10 eligible States to plan and administer, in cooperation with persons described in paragraph (2), advisory programs for State agricultural weather information systems.

[(2) PERSONS DESCRIBED.—The persons referred to in paragraph (1) are the Director of the Agricultural Weather Office, the Director of the National Institute of Food and Agriculture, and other persons as appropriate (such as the directors of the appropriate State agricultural experiment stations and State extension programs).

[(b) CONSULTATION.—For purposes of selecting among applications submitted by States for grants under this section, the Secretary shall consult with the Director.

[(c) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under this section, the chief executive officer of a State shall submit to the Secretary an application that contains—

[(1) assurances that the State will expend such grant to plan and administer a State agricultural weather system that will—

[(A) collect observational weather data throughout the State and provide such data to the National Weather Service and the Agricultural Weather Office;

[(B) develop methods for packaging information received from the national system for use by agricultural producers (with State Cooperative Extension Services and the private sector to serve as the primary conduit of agricultural weather forecasts and climatic information to producers); and

[(C) develop programs to educate agricultural producers on how to best use weather and climate information to improve management decisions; and

[(2) such other assurances and information as the Secretary may require by rule.

[SEC. 1641. FUNDING.

[(a) ALLOCATION OF FUNDS.—

[(1) COOPERATIVE WORK.—Not less than 15 percent and not more than 25 percent of the funds appropriated for a fiscal year to carry out this subtitle shall be used for cooperative work with the National Weather Service entered into under section 1638(b)(1).

[(2) COMPETITIVE GRANTS PROGRAM.—Not less than 15 percent and not more than 25 percent of such funds shall be used by the National Institute of Food and Agriculture for a competitive grants program under section 1638(c).

[(3) WEATHER INFORMATION SYSTEMS.—Not less than 25 percent and not more than 35 percent of such funds shall be divided equally between the participating States selected for that fiscal year under section 1640.

[(4) OTHER PURPOSES.—The remaining funds shall be allocated for use by the Agricultural Weather Office and the Na-

tional Institute of Food and Agriculture in carrying out generally the provisions of this subtitle.

[(b) LIMITATIONS ON USE OF FUNDS.—Funds provided under the authority of this subtitle shall not be used for the construction of facilities. Each State or agency receiving funds shall not use more than 30 percent of such funds for equipment purchases. Any use of the funds in facilitating the distribution of agricultural and climate information to producers shall be done with consideration for the role that the private meteorological sector can play in such information delivery.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this subtitle for each of the fiscal years 2008 through 2012.]

Subtitle H—Miscellaneous Research Provisions

* * * * * * *

[SEC. 1670. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

[(a) DEFINITIONS.—In this section:

[(1) DEVELOPMENT CENTER.—The term "development center" means—

[(A) the North Central Regional Center for Rural Development;

[(B) the Northeast Regional Center for Rural Development or its designee;

[(C) the Southern Rural Development Center; and

[(D) the Western Rural Development Center or its designee.

[(2) EXTENSION PROGRAM.—The term "extension program" means the rural electronic commerce extension program established under subsection (b).

[(3) MICROENTERPRISE.—The term "microenterprise" means a commercial enterprise that has 5 or fewer employees, 1 or more of whom own the enterprise.

[(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture.

[(5) SMALL BUSINESS.—The term "small business" has the meaning given the term "small-business concern" by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

[(b) ESTABLISHMENT.—The Secretary shall establish a rural electronic commerce extension program to expand and enhance electronic commerce practices and technology to be used by small businesses and microenterprises in rural areas.

[(c) GRANTS.—

[(1) IN GENERAL.—The Secretary shall carry out the program established under subsection (b) by making—

[(A) grants to each of the development centers; and

[(B) competitive grants to land-grant colleges and universities (or consortia of land-grant colleges and universities) and to colleges and universities (including community colleges) with agricultural or rural development programs—

[(i) to develop and facilitate innovative rural electronic commerce business strategies; and

[(ii) to assist small businesses and microenterprises in identifying, adapting, implementing, and using electronic commerce business practices and technologies.

[(2) ELIGIBILITY.—The selection criteria established for grants awarded under paragraph (1)(B) shall include—

[(A) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small businesses and microenterprises;

[(B) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

[(C) in the case of a land-grant college or university, the extent of participation of the land-grant college or university in the extension program (including any economic benefits that would result from that participation);

[(D) the percentage of funding and in-kind commitments from non-Federal sources that would be needed by and available for a proposed project or activity under the extension program; and

[(E) the extent of participation of low-income and minority businesses or microenterprises in a proposed project or activity under the extension program.

[(3) NON-FEDERAL SHARE.—

[(A) IN GENERAL.—As a condition of the receipt of funds under this section, a development center or grant applicant shall agree to obtain from non-Federal sources (including State, local, nonprofit, or private sector sources) contributions of an amount equal to 50 percent of the grant amount.

[(B) FORM.—The non-Federal share required under subparagraph (A) may be provided in the form of in-kind contributions.

[(C) EXCEPTION.—The non-Federal share required under subparagraph (A) may be reduced to 25 percent if the grant recipient serves low-income or minority-owned businesses or microenterprises, as determined by the Secretary.

[(d) REPORT.—Not later than 2 years after the date of enactment of this section, 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 that describes—

[(1) the policies, practices, and procedures used to assist rural communities in efforts to adopt and use electronic commerce techniques; and

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2002 through 2007, of which not less than ⅓ of the amount made available for each fiscal year shall be used to carry out activities under subsection (c)(1)(A).

[SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

[(a) GOALS.—The goals of this section are—

[(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

[(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

[(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

[(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

[(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

[(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

[(7) to encourage international partnerships with each partner country responsible for financing its own strategy for agricultural genome research.

[(b) DUTIES OF SECRETARY.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct a research initiative (to be known as the "Agricultural Genome Initiative") for the purpose of—

[(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

[(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

[(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal pathogens and diseases causing economic hardship;

[(4) ensuring future genetic improvement of agriculturally important species;

[(5) supporting preservation of diverse germplasm;

[(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future;

[(7) reducing the economic impact of plant pathogens on commercially important crop plants; and

[(8) otherwise carrying out this section.

[(c) GRANTS AND COOPERATIVE AGREEMENTS.—

[(1) AUTHORITY.—The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318).

[(2) COMPETITIVE BASIS.—A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

[(d) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of a grant or cooperative agreement under this section.

[(e) MATCHING OF FUNDS.—

[(1) GENERAL REQUIREMENT.—If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

[(2) WAIVER.—The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

[(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

[(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

[(f) CONSULTATION WITH NATIONAL ACADEMY OF SCIENCES.—The Secretary may use funds made available under this section to consult with the National Academy of Sciences regarding the administration of the Agricultural Genome Initiative.]

SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the "Secretary") may make competitive grants to support research and extension activities specified in [subsections (e) through (i)] *subsections (e) and (f)*. The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(b) ADMINISTRATION.—

(1) * * *

(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in [subsections (e) through (i)] *subsections (e) and (f)*, the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

* * * * * * *

[(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

[(1) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

[(2) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying, improving, and eventually commercializing, alfatoxin controls in corn and other affected agricultural products and crops.

[(3) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

[(4) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

[(5) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

[(6) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

[(7) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

[(8) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

[(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

[(B) transferring the results of the research for use by agricultural producers.

[(9) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

[(10) WOOD USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

[(11) WETLANDS USE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better use of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

[(12) FOOD SAFETY, INCLUDING PATHOGEN DETECTION AND LIMITATION, RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of

pathogens (including hepatitis A and E. coli 0157:H7) in domestic and imported foods.

[(13) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

[(14) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

[(15) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including Lymantria dispar (commonly known as the "gypsy moth"), that contribute to significant agricultural, economic, or environmental harm.

[(16) TOMATO SPOTTED WILT VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

[(17) GENETICALLY MODIFIED AGRICULTURE PRODUCTS (GMAP) RESEARCH.—Research grants may be made under this section for the purposes of providing unbiased, science-based evaluation of the risks and benefits to the public and the environment of specific genetically modified plant and animal products. Grants may be used to form interdisciplinary teams to review and conduct research on scientific, social, economic, and ethical issues during the review process, to answer questions raised by the release of new genetically modified agriculture products, to conduct fundamental studies on the health and environmental safety of genetically modified agriculture products (including quantitative risk assessment, the effect of specific genetically modified agriculture products on human health, and gene flow studies), to communicate the risk of genetically modified agriculture products through extension and education programs, and to engage the public and industry in relevant issues.

[(18) LAND USE MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purposes of evaluating the environmental benefits of land use management tools such as those provided in the Farmland Protection Program.

[(19) WATER AND AIR QUALITY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better understanding agricultural impacts to air and water quality and means to address them.

[(20) REVENUE AND INSURANCE TOOLS RESEARCH AND EXTENSION.—Research and extension grants may be made under this

section for the purposes of better understanding the impact of revenue and insurance tools on farm income.

[(21) AGROTOURISM RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better understanding the economic, environmental, and food systems impacts of agrotourism.

[(22) NITROGEN-FIXATION BY PLANTS.—Research and extension grants may be made under this section for the purpose of enhancing the nitrogen-fixing ability and efficiency of legumes, developing new varieties of legumes that fix nitrogen more efficiently, and developing new varieties of other commercially important crops that potentially are able to fix nitrogen.

[(23) ENVIRONMENT AND PRIVATE LANDS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of researching the use of computer models to aid in assessment of best management practices on a watershed basis, working with government, industry, and private landowners to help craft industry-led solutions to identified environmental issues, researching and monitoring water, air, or soil environmental quality to aid in the development of new approaches to local environmental concerns, and working with local, State, and federal officials to help craft effective environmental solutions that respect private property rights and agricultural production realities.

[(24) LIVESTOCK DISEASE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying possible livestock disease threats, educating the public regarding livestock disease threats, training persons to deal with such threats, and conducting related research.

[(25) PLANT GENE EXPRESSION.—Research grants may be made under this section for the purpose of plant gene expression research to accelerate the application of basic plant genomic science to the development and testing of new varieties of enhanced food crops, crops that can be used as renewable energy sources, and other alternative uses of agricultural crops.

[(26) ANIMAL INFECTIOUS DISEASES RESEARCH.—Research and extension grants may be made under this section for the purpose of developing prevention and control methodologies for animal infectious diseases (including evaluation under field conditions in countries in which an animal disease occurs) such as laboratory tests for quicker detection of infected animals and presence of disease, prevention strategies (including vaccination programs), and rapid diagnostic techniques for animal disease agents considered to be risks for agricultural bioterrorism attack.

[(27) PROGRAM TO COMBAT CHILDHOOD OBESITY.—Research and extension grants may be made under this section to institutions of higher education with demonstrated capacity in basic and clinical obesity research, nutrition research, and community health education research to develop and evaluate community-wide strategies that catalyze partnerships between families and health care, education, recreation, mass media,

and other community resources to reduce the incidence of childhood obesity.

[(28) INTEGRATED PEST MANAGEMENT.—Research and extension grants may be made under this section to coordinate and improve research, education, and outreach on, and implementation on farms of, integrated pest management.

[(29) SUGARCANE GENETICS.—Research grants may be made under this section for the purpose of maintaining acceptable yields under reduced production inputs, implementing marker-assisted breeding strategies and other basic plant genomic technologies to screen for improved plant resistance to diseases, weeds, and insects toward minimizing pesticide use, enhancing food, fiber and energy production, and developing varieties for maximum performance under prevailing conditions, including management for improved soil and water conservation.

[(30) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

[(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

[(32) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health.

[(33) SYNTHETIC GYPSUM.—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

[(34) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

[(35) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

[(36) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

[(37) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and

maintenance) and environmental protection and enhancement relating to turfgrass production.

[(38) AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.—Research and extension grants may be made under this section—

[(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

[(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

[(39) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

[(40) DEER INITIATIVE.—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

[(41) PASTURE-BASED BEEF SYSTEMS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

[(42) AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.—Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

[(43) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

[(44) BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

[(45) AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.—Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

[(46) TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to

support tropical and subtropical agricultural research, including pest and disease research, at the land-grant institutions in the Caribbean and Pacific regions.

[(47) VIRAL HEMORRHAGIC SEPTICEMIA.—Research and extension grants may be made under this section to study—

[(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as "VHS") on freshwater fish throughout the natural and expanding range of VHS; and

[(B) methods for transmission and human-mediated transport of VHS among waterbodies.

[(48) FARM AND RANCH SAFETY.—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

[(A) on-site farm or ranch safety reviews;

[(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

[(C) agricultural safety education and training.

[(49) WOMEN AND MINORITIES IN STEM FIELDS.—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

[(50) ALFALFA AND FORAGE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

[(51) FOOD SYSTEMS VETERINARY MEDICINE.—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

[(52) BIOCHAR RESEARCH.—Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of co-production with bioenergy, and the value of soil enhancements and soil carbon sequestration.

[(f) IMPORTED FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION.—

[(1) TASK FORCE.—The Secretary shall establish a task force pursuant to subsection (b)(2) regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals under this subsection in consultation with the task force.

[(2) INITIAL GRANTS.—

[(A) REQUEST FOR PROPOSALS.—The Secretary shall publish a request for proposals for grants for research or dem-

onstration projects related to the control, management, and possible eradication of imported fire ants.

[(B) SELECTION.—Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

[(3) SUBSEQUENT GRANTS.—

[(A) EVALUATION OF INITIAL GRANTS.—If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

[(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

[(4) SELECTION AND SUBMISSION OF NATIONAL PLAN.—

[(A) EVALUATION OF SUBSEQUENT GRANTS.—If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

[(B) SELECTION.—On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

[(C) SUBMISSION.—The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.]

[(g)] *(e)* FORMOSAN TERMITE RESEARCH AND ERADICATION.—

(1) * * *

* * * * * * *

[(h)] *(f)* POLLINATOR PROTECTION.—

(1) RESEARCH AND EXTENSION.—

(A) * * *

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2008 through [2012] *2018*.

(2) DEPARTMENT OF AGRICULTURE CAPACITY AND INFRASTRUCTURE.—

(A) * * *

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through [2012] *2018*.

(3) HONEY BEE PEST AND PATHOGEN SURVEILLANCE.—There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program $2,750,000 for each of fiscal years 2008 through [2012] *2018*.

(4) ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.—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 an annual report describing the progress made by the Department of Agriculture in—

(A) investigating the cause or causes of honey bee colony collapse *and honey bee health disorders*; and

(B) finding appropriate strategies*, including best management practices* to reduce colony loss.

[(i) REGIONAL CENTERS OF EXCELLENCE.—

[(1) ESTABLISHMENT.—The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

[(2) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

[(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

[(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

[(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

[(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

[(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

[(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine).]

[(j)] *(g)* AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through [2012] *2018*.

[SEC. 1672A. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

[(a) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture (referred to in this section as the "Secretary") may make competitive grants to support research and extension activities specified in subsection (e). The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

[(b) ADMINISTRATION.—

[(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

[(2) USE OF TASK FORCES.—To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e), the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of $1,000 for any fiscal year in connection with each task force established under this paragraph.

[(c) MATCHING FUNDS REQUIRED.—

[(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

[(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

[(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

[(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

[(d) PRIORITY.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give priority to those grant proposals that involve—

[(1) the cooperation of multiple entities; and

[(2) States or regions with a high concentration of livestock, dairy, or poultry operations.

[(e) NUTRIENT MANAGEMENT RESEARCH AND EXTENSION AREAS.—

[(1) ANIMAL WASTE AND ODOR MANAGEMENT.—Research and extension grants may be made under this section for the purpose of—

[(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;

[(B) investigating the unique microbiology of specific animal wastes, such as swine waste and dairy and beef cattle waste, to develop improved methods to effectively manage air and water quality; and

[(C) conducting information workshops to disseminate the results of the research.

[(2) WATER QUALITY AND AQUATIC ECOSYSTEMS.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus Pfiesteria and other microorganisms that are a threat to human or animal health.

[(3) RURAL AND URBAN INTERFACE.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

[(4) ANIMAL FEED.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

[(5) ALTERNATIVE USES AND RENEWABLE ENERGY.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.]

SEC. 1672B. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) * * *

* * * * * * *

[(e) FUNDING.—On October 1, 2003, and each October 1 thereafter through October 1, 2007, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $3,000,000 to the Secretary of Agriculture for this section.]

(e) FARM BUSINESS MANAGEMENT ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give a priority to grant proposals found in the review process to be scientifically meritorious using the same criteria the Secretary uses to give priority to grants under section 1672D(b).

(f) FUNDING.—

(1) MANDATORY FUNDING FOR FISCAL YEARS 2009 THROUGH [2012] *2018*.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) $18,000,000 for fiscal year 2009; [and]

(B) $20,000,000 for each of fiscal years 2010 through 2012[.]*; and*

(C) $20,000,000 for each of fiscal years 2014 through 2018.

(2) DISCRETIONARY FUNDING FOR FISCAL YEARS [2009 THROUGH 2012] *2014 THROUGH 2018*.—In addition to amounts

made available under paragraph (1), there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years [2009 through 2012] *2014 through 2018*.

* * * * * * *

[SEC. 1672C. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

[(a) ESTABLISHMENT AND PURPOSE.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the "Initiative") for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

[(b) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

[(c) AGRICULTURAL BIOENERGY FEEDSTOCK RESEARCH AND EXTENSION AREAS.—

[(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

[(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

[(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

[(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

[(i) plant genetics and breeding;

[(ii) crop production;

[(iii) soil and water science;

[(iv) use of agricultural waste; and

[(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

[(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

[(2) SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

[(A) the capabilities and experiences of the applicant, including—

[(i) research in actual field conditions; and

[(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

[(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

[(C) the need for regional diversity among feedstocks;

[(D) the importance of developing multiyear data relevant to the production of biomass feedstock crops;

[(E) the extent to which the project involves direct participation of agricultural producers;

[(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

[(G) such other factors as the Secretary may determine.

[(d) ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

[(1) improving on-farm renewable energy production;

[(2) encouraging efficient on-farm energy use;

[(3) promoting on-farm energy conservation;

[(4) making a farm or ranch energy-neutral; and

[(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

[(e) BEST PRACTICES DATABASE.—The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

[(1) the production potential of a variety of biomass crops; and

[(2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

[(f) ADMINISTRATION.—

[(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to making grants under this section.

[(2) CONSULTATION AND COORDINATION.—The Secretary shall—

[(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

[(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

[(i) unnecessary duplication of effort is eliminated or minimized; and

[(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

[(3) GRANT PRIORITY.—The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

[(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

[(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

[(A) to be scientifically meritorious; and
[(B) that involve cooperation—
[(i) among multiple entities; and
[(ii) with agricultural producers.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.]

SEC. 1672D. FARM BUSINESS MANAGEMENT.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [such sums as are necessary to carry out this section.] *to carry out this section—*

(1) such sums as are necessary for fiscal year 2013; and

(2) $5,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 1673. CENTERS OF EXCELLENCE.

(a) FUNDING PRIORITIES.—The Secretary shall prioritize centers of excellence established for specific agricultural commodities for the receipt of funding for any competitive research or extension program administered by the Secretary.

(b) COMPOSITION.—A center of excellence is composed of 1 or more of the eligible entities specified in subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)) that provide financial or in-kind support to the center of excellence.

(c) CRITERIA FOR CENTERS OF EXCELLENCE.—

(1) REQUIRED EFFORTS.—The criteria for consideration to be recognized as a center of excellence shall include efforts—

(A) to ensure coordination and cost effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities; and

(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues.

(2) ADDITIONAL EFFORTS.—Where practicable, the criteria for consideration to be recognized as a center of excellence shall include efforts to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, and NLGCA Institutions).

* * * * * * *

[SEC. 1676. RED MEAT SAFETY RESEARCH CENTER.

[(a) ESTABLISHMENT OF CENTER.—The Secretary of Agriculture shall award a grant, on a competitive basis, to a research facility described in subsection (b) to establish a red meat safety research center.

[(b) ELIGIBLE RESEARCH FACILITY DESCRIBED.—A research facility eligible for a grant under subsection (a) is a research facility that—

[(1) is part of a land-grant college or university, or other federally supported agricultural research facility, located in close proximity to a livestock slaughter and processing facility; and

[(2) is staffed by professionals with a wide diversity of scientific expertise covering all aspects of meat science.

[(c) RESEARCH CONDUCTED.—The red meat safety research center established under subsection (a) shall carry out research related to general food safety, including—an

[(1) the development of intervention strategies that reduce microbiological contamination of carcass surfaces;

[(2) research regarding microbiological mapping of carcass surfaces; and

[(3) the development of model hazard analysis and critical control point plans.

[(d) ADMINISTRATION OF FUNDS.—The Secretary of Agriculture shall administer funds appropriated to carry out this section.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for fiscal year 1997 to carry out this section.]

* * * * * * *

SEC. 1680. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there [is] *are* authorized to be appropriated to carry out this [section $6,000,000 for each of fiscal years 1999 through 2012.] *section—*

(A) $6,000,000 for each of fiscal years 1999 through 2013; and

(B) $3,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

TITLE XXIII—RURAL DEVELOPMENT

* * * * * * *

Subtitle D—Enhancing Human Resources

CHAPTER 1—TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS

SEC. 2335A. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this chapter [$100,000,000 for each of fiscal years 1996 through 2012] *$65,000,000 for each of fiscal years 2014 through 2018.*

* * * * * * *

Subtitle G—Rural Revitalization Through Forestry

Chapter 1—Forestry Rural Revitalization

SEC. 2371. FORESTRY RURAL REVITALIZATION.

(a) * * *

* * * * * * *

(d) RURAL REVITALIZATION TECHNOLOGIES.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

Subtitle H—Miscellaneous Provisions

SEC. 2381. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

(a) * * *

* * * * * * *

(e) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $500,000 for each of the fiscal years 1991 through [2012] *2018*.

* * * * * * *

TITLE XXV—OTHER RELATED PROVISIONS

SEC. 2501. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS *AND VETERAN FARMERS AND RANCHERS*.

(a) OUTREACH AND ASSISTANCE.—

(1) PROGRAM.—The Secretary of Agriculture shall carry out an outreach and technical assistance program to encourage and assist socially disadvantaged farmers and ranchers *and veteran farmers or ranchers*—

(A) * * *

* * * * * * *

(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

(A) * * *

(B) to assist the Secretary in—

(i) reaching current and prospective socially disadvantaged farmers or ranchers *and veteran farmers or ranchers* in a linguistically appropriate manner; and

* * * * * * *

(4) FUNDING.—

(A) FISCAL YEARS 2009 THROUGH [2012] *2018*.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(i) $15,000,000 for fiscal year 2009; [and]

(ii) $20,000,000 for each of fiscal years 2010 through 2012[.]*; and*

(iii) $10,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2014 through 2018.

(b) DESIGNATION OF FEDERAL PERSONNEL.—

(1) * * *

(2) ADDITIONAL PERSONNEL.—In counties or regions in which the number of socially disadvantaged farmers and ranchers *or veteran farmers and ranchers* exceeds 25 percent of the total number of farmers and ranchers in the county or region, the Secretary shall designate additional personnel to implement the policies and programs established or modified in accordance with this section.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than September 30, 1992, and every two years thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, regarding—

(A) the efforts of the Secretary to enhance participation by *veteran farmers or ranchers and* members of socially disadvantaged groups in agricultural programs;

* * * * * * *

(2) CONTENTS.—In addition to the information specified in paragraph (1), the report required by paragraph (1) shall include—

(A) a comparison of the participation goals and the actual participation rates of *veteran farmers or ranchers and* members of socially disadvantaged groups in each agricultural program;

* * * * * * *

(e) DEFINITIONS.—

(1) * * *

* * * * * * *

(5) ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(A) Any community-based organization, network, or coalition of community-based organizations that—

(i) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers *and veteran farmers or ranchers*;

(ii) has provided to the Secretary documentary evidence of work with, and on behalf of, socially disadvantaged farmers or ranchers *and veteran farmers*

or ranchers during the 3-year period preceding the submission of an application for assistance under subsection (a); and

* * * * * * *

(7) VETERAN FARMER OR RANCHER.—The term "veteran farmer or rancher" means a farmer or rancher who served in the active military, naval, or air service, and who was discharged or released from the service under conditions other than dishonorable.

* * * * * * *

(i) SOCIALLY DISADVANTAGED FARMERS AND RANCHERS POLICY RESEARCH CENTER.—The Secretary shall award a grant to a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, to establish a policy research center to be known as the "Socially Disadvantaged Farmers and Ranchers Policy Research Center" for the purpose of developing policy recommendations for the protection and promotion of the interests of socially disadvantaged farmers and ranchers.

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

* * * * * * *

TITLE III—TRADE

* * * * * * *

SEC. 3107. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

(a) * * *

* * * * * * *

(d) GENERAL AUTHORITIES.—The Secretary shall [to]—

(1) * * *

* * * * * * *

(l) FUNDING.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

(a) * * *

(b) PURPOSE.—The program shall provide direct assistance through public and private sector projects and technical assistance to remove, resolve, or mitigate sanitary and phytosanitary and [related barriers to trade] *technical barriers to trade*.

* * * * * * *

(e) FUNDING.—

(1) * * *

(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) * * *

* * * * * * *

(C) $8,000,000 for fiscal year 2010; *and*

[(D) $9,000,000 for fiscal year 2011; and

[(E) $9,000,000 for fiscal year 2012.]

(D) $9,000,000 for each of fiscal years 2011 through 2018.

* * * * * * *

TITLE IV—NUTRITION PROGRAMS

* * * * * * *

Subtitle D—Miscellaneous

* * * * * * *

SEC. 4402. [SENIORS] FARMERS' MARKET NUTRITION PROGRAM.

[(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program $20,600,000 for each of fiscal years 2008 through 2012.]

(a) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the farmers market nutrition program $20,600,000 for each of fiscal years 2014 through 2018.

(2) ADDITIONAL FUNDING.—There is authorized to be appropriated such sums as are necessary to carry out this subsection for each of the fiscal years specified in paragraph (1).

(b) PROGRAM PURPOSES.—The purposes of the [seniors] farmers' market nutrition program are—

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers' markets, roadside stands, and community supported agriculture programs to low-income seniors*, and low-income families who are determined to be at nutritional risk*;

* * * * * * *

(c) STATE GRANTS AND OTHER ASSISTANCE.—The Secretary shall carry out the Program through grants and other assistance provided in accordance with agreements made with States, for implementation through State agencies and local agencies, that include provisions—

(1) for the issuance of coupons or vouchers to participating individuals;

(2) establishing an appropriate annual percentage limitation on the use of funds for administrative costs; and

(3) specifying other terms and conditions as the Secretary deems appropriate to encourage expanding the participation of small scale farmers in Federal nutrition programs.

[(c)] *(d)* EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible [seniors] farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.

[(d)] *(e)* PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the [seniors] farmers' market nutrition program.

[(e)] *(f)* REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the [seniors] farmers' market nutrition program.

[(f)] *(g)* FEDERAL LAW NOT APPLICABLE.—Section 920 of the Electronic Fund Transfer Act shall not apply to electronic benefit transfer systems established under this section.

[SEC. 4403. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

[(a) ESTABLISHMENT.—The Secretary of Agriculture may establish, in not more than 5 States, for a period not to exceed 4 years for each participating State, a pilot program to increase the domestic consumption of fresh fruits and vegetables.

[(b) PURPOSE.—

[(1) IN GENERAL.—Subject to paragraph (2), the purpose of the program shall be to provide funds to States solely for the purpose of assisting eligible public and private sector entities with cost-share assistance to carry out demonstration projects—

[(A) to increase fruit and vegetable consumption; and

[(B) to convey related health promotion messages.

[(2) LIMITATION.—Funds made available to a State under the program shall not be used to disparage any agricultural commodity.

[(c) SELECTION OF STATES.—

[(1) IN GENERAL.—In selecting States to participate in the program, the Secretary shall take into consideration, with respect to projects and activities proposed to be carried out under the program—

[(A) experience in carrying out similar projects or activities;

[(B) innovative approaches; and

[(C) the ability of the State to promote and track increases in levels of fruit and vegetable consumption.

[(2) ENHANCEMENT OF EXISTING STATE PROGRAMS.—The Secretary may use the pilot program to enhance existing State programs that are consistent with the purpose of the pilot program specified in subsection (b).

[(d) ELIGIBLE PUBLIC AND PRIVATE SECTOR ENTITIES.—

[(1) IN GENERAL.—A participating State shall establish eligibility criteria under which the State may select public and private sector entities to carry out demonstration projects under the program.

[(2) LIMITATION.—No funds made available to States under the program shall be provided by a State to any foreign for-profit corporation.

[(e) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds provided under this section shall be 50 percent.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2012.]

* * * * * * *

TITLE VI—RURAL DEVELOPMENT

* * * * * * *

Subtitle E—Miscellaneous

* * * * * * *

SEC. 6402. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

(a) * * *

* * * * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section [$6,000,000 for each of fiscal years 2008 through 2012] *$1,000,000 for each of fiscal years 2014 through 2018.*

* * * * * * *

TITLE VII—RESEARCH AND RELATED MATTERS

* * * * * * *

Subtitle D—New Authorities

* * * * * * *

SEC. 7405. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) * * *

* * * * * * *

(c) GRANTS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers, including programs and services (as appropriate) relating to—

[(A) mentoring, apprenticeships, and internships;

[(B) resources and referral;

[(C) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;

[(D) innovative farm and ranch transfer strategies;

[(E) entrepreneurship and business training;

[(F) model land leasing contracts;

[(G) financial management training;

[(H) whole farm planning;

[(I) conservation assistance;

[(J) risk management education;

[(K) diversification and marketing strategies;

[(L) curriculum development;

[(M) understanding the impact of concentration and globalization;

[(N) basic livestock and crop farming practices;

[(O) the acquisition and management of agricultural credit;

[(P) environmental compliance;

[(Q) information processing; and

[(R) other similar subject areas of use to beginning farmers or ranchers.]

(A) basic livestock, forest management, and crop farming practices;

(B) innovative farm, ranch, and private, nonindustrial forest land transfer strategies;

(C) entrepreneurship and business training;

(D) financial and risk management training (including the acquisition and management of agricultural credit);

(E) natural resource management and planning;

(F) diversification and marketing strategies;

(G) curriculum development;

(H) mentoring, apprenticeships, and internships;

(I) resources and referral;

(J) farm financial benchmarking;

(K) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;

(L) agricultural rehabilitation and vocational training for veterans; and

(M) other similar subject areas of use to beginning farmers or ranchers.

* * * * * * *

(7) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental [and community-based organizations], *community-based organizations, and school-based agricultural educational organizations* with expertise in new agricultural producer training and outreach.

[(8) SET-ASIDE.—Not less than 25 percent of funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of—

[(A) limited resource beginning farmers or ranchers (as defined by the Secretary);

[(B) socially disadvantaged beginning farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); and

[(C) farmworkers desiring to become farmers or ranchers.]

(8) MILITARY VETERAN BEGINNING FARMERS AND RANCHERS.—

(A) IN GENERAL.—Not less than 5 percent of the funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of military veteran beginning farmers and ranchers.

(B) COORDINATION PERMITTED.—A recipient of a grant under this section using the grant as described in subparagraph (A) may coordinate with a recipient of a grant under section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) in addressing the needs of military veteran beginning farmers and ranchers with disabilities.

* * * * * * *

(11) LIMITATION ON INDIRECT COSTS.—A recipient of a grant under this section may not use more than 10 percent of the funds provided by the grant for the indirect costs of carrying out the initiatives described in paragraph (1).

* * * * * * *

(h) FUNDING.—

(1) MANDATORY FUNDING FOR FISCAL YEARS 2009 THROUGH [2012] *2018*.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) $18,000,000 for fiscal year 2009; [and]

(B) $19,000,000 for each of fiscal years 2010 through 2012[.]*; and*

(C) $20,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS [2008 THROUGH 2012] *2014 THROUGH 2018*.—In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years [2008 through 2012] *2014 through 2018*.

* * * * * * *

SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

(a) * * *

* * * * * * *

(d) FUNDING.—

(1) * * *

(2) DISCRETIONARY FUNDING FOR FISCAL YEARS [2008 THROUGH 2012] *2014 THROUGH 2018*.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than $5,000,000 for each of fiscal years [2008 through 2012] *2014 through 2018*, to remain available until expended.

* * * * * * *

[SEC. 7409. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

[Not later than 1 year after funds are made available to carry out this section, the Secretary shall submit to Congress a report that—

[(1) describes—

[(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department;

[(B) the extent to which producers and handlers of organic agricultural products are surveyed for ideas for research and promotion;

[(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers; and

[(D) the implementation of initiatives that directly benefit organic producers and handlers; and

[(2) evaluates industry and other proposals for improving the treatment of certified organic agricultural products under Federal marketing orders, including proposals to target additional resources for research and promotion of organic products and to differentiate between certified organic and other products in new or existing volume limitations or other orderly marketing requirements.

[SEC. 7410. REPORT ON GENETICALLY MODIFIED PEST-PROTECTED PLANTS.

[It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary should—

[(1) review the recommendations of the Committee on Genetically Modified Pest-Protected Plants of the Board on Agriculture and Natural Resources of the National Research Council made during 2000 and the Committee on Environmental Impacts Associated with Commercialization of Transgenic Plants made during 2002, concerning food safety, ecological research, monitoring needs for transgenic crops with plant incorporated protectants, and the environmental effects of transgenic plants; and

[(2) 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 actions taken to implement those recommendations by agencies within the Department, including agencies that develop or implement programs or objectives relating to marketing, regulation, food safety, research, education, or economics.

[SEC. 7411. STUDY OF NUTRIENT BANKING.

[(a) IN GENERAL.—The Secretary may conduct a study to evaluate nutrient banking for the purpose of enhancing the health and viability of watersheds in areas with large concentrations of animal producing units.

[(b) COMPONENTS.—In conducting any study under subsection (a), the Secretary shall evaluate the costs, needs, and means by which litter may be collected and distributed outside the applicable watershed to reduce potential point source and nonpoint source phosphorous pollution.

[(c) REPORT.—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 that describes the results of any study conducted under subsection (a).]

* * * * * * *

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

* * * * * * *

SEC. 8002. ESTABLISHMENT OF FOREST LAND ENHANCEMENT PROGRAM.

[(a) PURPOSES.—The purposes of this section are—

[(1) to strengthen the commitment of the Secretary of Agriculture to sustainable forest management to enhance the productivity of timber, fish and wildlife habitat, soil and water quality, wetland, recreational resources, and aesthetic values of forest land; and

[(2) to establish a coordinated and cooperative Federal, State, and local sustainable forestry program for the establishment, management, maintenance, enhancement, and restoration of forests on nonindustrial private forest land.]

* * * * * * *

TITLE IX—ENERGY

SEC. 9001. DEFINITIONS.

Except as otherwise provided, in this title:

(1) * * *

* * * * * * *

[(4) BIOBASED PRODUCT.—The term "biobased product" means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

[(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

[(B) an intermediate ingredient or feedstock.]

(4) BIOBASED PRODUCT.—

(A) IN GENERAL.—The term "biobased product" means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

(i) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

(ii) an intermediate ingredient or feedstock.

(B) INCLUSION.—The term "biobased product", with respect to forestry materials, includes forest products that meet biobased content requirements, notwithstanding the market share the product holds, the age of the product, or whether the market for the product is new or emerging.

* * * * * * *

(9) FOREST PRODUCT.—

(A) IN GENERAL.—The term "forest product" means a product made from materials derived from the practice of forestry or the management of growing timber.

(B) INCLUSIONS.—The term "forest product" includes—

(i) pulp, paper, paperboard, pellets, lumber, and other wood products; and

(ii) any recycled products derived from forest materials.

[(9)] *(10)* 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).

[(10)] *(11)* INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

[(11)] *(12)* INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term "intermediate ingredient or feedstock" means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

[(12)] *(13)* RENEWABLE BIOMASS.—The term "renewable biomass" means—

(A) * * *

* * * * * * *

[(13)] *(14)* RENEWABLE ENERGY.—The term "renewable energy" means energy derived from—

(A) * * *

* * * * * * *

(15) RENEWABLE ENERGY SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "renewable energy system" means a system that—

(i) produces usable energy from a renewable energy source; and

(ii) may include distribution components necessary to move energy produced by such system to the initial point of sale.

(B) LIMITATION.—A system described in subparagraph (A) may not include a mechanism for dispensing energy at retail.

[(14)] *(16)* SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

* * * * * * *

SEC. 9002. BIOBASED MARKETS PROGRAM.

(a) * * *

* * * * * * *

[(h) FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for biobased products testing and labeling as required to carry out this section—

[(A) $1,000,000 for fiscal year 2008; and

[(B) $2,000,000 for each of fiscal years 2009 through 2012.

[(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there]

(h) FUNDING.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2009 through [2013] *2018*.

SEC. 9003. BIOREFINERY ASSISTANCE.

(a) * * *

* * * * * * *

(c) ASSISTANCE.—The Secretary shall make available [to eligible entities—

[(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

[(2) guarantees for loans] *to eligible entities guarantees for loans* made to fund the development, construction, and retrofitting of commercial-scale biorefineries using eligible technology.

[(d) GRANTS.—

[(1) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (c)(1) on a competitive basis.

[(2) SELECTION CRITERIA.—

[(A) IN GENERAL.—In approving grant applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

[(B) FEASIBILITY.—In approving a grant application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

[(C) SCORING SYSTEM.—In determining the priority scoring system, the Secretary shall consider—

[(i) the potential market for the advanced biofuel and the byproducts produced;

[(ii) the level of financial participation by the applicant, including support from non-Federal and private sources;

[(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

[(iv) whether the applicant is proposing to work with producer associations or cooperatives;

[(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

[(vi) the potential for rural economic development;

[(vii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;

[(viii) whether the project can be replicated; and

[(ix) scalability for commercial use.

[(3) COST SHARING.—

[(A) LIMITS.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1) shall not exceed an amount equal to 30 percent of the cost of the project.

[(B) FORM OF GRANTEE SHARE.—

[(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or material.

[(ii) LIMITATION.—The amount of the grantee share that is made in the form of material shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).]

[(e)] *(d)* LOAN GUARANTEES.—

(1) SELECTION CRITERIA.—

(A) * * *

* * * * * * *

(C) SCORING SYSTEM.—In determining the priority scoring system for loan guarantees under [subsection (c)(2)] *subsection (c)*, the Secretary shall consider—

(i) * * *

* * * * * * *

(2) LIMITATIONS.—

(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—The principal amount of a loan guaranteed under [subsection (c)(2)] *subsection (c)* may not exceed $250,000,000.

(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—

(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a loan guaranteed under [subsection (c)(2)] *subsection (c)* shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

(ii) OTHER DIRECT FEDERAL FUNDING.—The amount of a loan guaranteed for a project under [subsection (c)(2)] *subsection (c)* shall be reduced by the amount of other direct Federal funding that the eligible entity receives for the same project.

(iii) AUTHORITY TO GUARANTEE THE LOAN.—The Secretary may guarantee up to 90 percent of the principal and interest due on a loan guaranteed under [subsection (c)(2)] *subsection (c)*.

(C) LOAN GUARANTEE FUND DISTRIBUTION.—Of the funds made available for loan guarantees for a fiscal year under [subsection (h)] *subsection (g)*, 50 percent of the funds shall be reserved for obligation during the second half of the fiscal year.

[(f)] *(e)* CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

[(g)] *(f)* CONDITION ON PROVISION OF ASSISTANCE.—

(1) * * *

* * * * * * *

[(h)] *(g)* FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan

guarantees under this section, to remain available until expended—

[(A) $75,000,000 for fiscal year 2009; and

[(B) $245,000,000 for fiscal year 2010.

[(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there] *(1) FISCAL YEARS 2009 THROUGH 2013.—There* is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2014 through 2018.

SEC. 9004. REPOWERING ASSISTANCE.

(a) * * *

* * * * * * *

(d) FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section $35,000,000 for fiscal year 2009, to remain available until expended.

[(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there] *(1) FISCAL YEARS 2009 THROUGH 2013.—There* is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018.

SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

(a) * * *

* * * * * * *

(g) FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

[(A) $55,000,000 for fiscal year 2009;

[(B) $55,000,000 for fiscal year 2010;

[(C) $85,000,000 for fiscal year 2011; and

[(D) $105,000,000 for fiscal year 2012.

[(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there] *(1) FISCAL YEARS 2009 THROUGH 2013.—There* is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

(a) * * *

* * * * * * *

(d) FUNDING.—

[(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

[(2) AUTHORIZATION OF APPROPRIATIONS.—] *(1) FISCAL YEAR 2013.*—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2014 through 2018.

SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

(a) * * *

* * * * * * *

(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

(1) * * *

(2) TIERED APPLICATION PROCESS.—In carrying out this subsection, the Secretary shall establish a three-tiered application, evaluation, and oversight process that varies based on the cost of the proposed project with the process most simplified for projects referred to in subparagraph (A), more comprehensive for projects referred to in subparagraph (B), and most comprehensive for projects referred to in subparagraph (C). The three tiers for such process shall be as follows:

(A) TIER 1.—Projects for which the cost of the project funded under this subsection is not more than $80,000.

(B) TIER 2.—Projects for which the cost of the project funded under this subsection is more than $80,000 but less than $200,000.

(C) TIER 3.—Projects for which the cost of the project funded under this subsection is $200,000 or more.

[(2)] *(3)* AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

(A) * * *

* * * * * * *

[(3) FEASIBILITY STUDIES.—

[(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

[(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

[(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.]

* * * * * * *

(g) FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

[(A) $55,000,000 for fiscal year 2009;

[(B) $60,000,000 for fiscal year 2010;

[(C) $70,000,000 for fiscal year 2011; and

[(D) $70,000,000 for fiscal year 2012.

[(2) AUDIT AND TECHNICAL ASSISTANCE FUNDING.—

[(A) IN GENERAL.—Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

[(B) OTHER USE.—Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

[(3) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there] *(1) FISCAL YEARS 2009 THROUGH 2013.—There* is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $45,000,000 for each of fiscal years 2014 through 2018.

SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

(a) * * *

* * * * * * *

(h) FUNDING.—

[(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

[(A) $20,000,000 for fiscal year 2009;

[(B) $28,000,000 for fiscal year 2010;

[(C) $30,000,000 for fiscal year 2011; and

[(D) $40,000,000 for fiscal year 2012.

[(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there] *(1) FISCAL YEARS 2009 THROUGH 2013.—There* is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) * * *

(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

(1) IN GENERAL.—

(A) PURCHASES AND SALES.—For each of the 2008 through [2013] *2018* crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of pro-

ducing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

* * * * * * *

(2) NOTICE.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, [2013] *2018*, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

* * * * * * *

SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) * * *

* * * * * * *

[(6) ELIGIBLE MATERIAL.—

[(A) IN GENERAL.—The term "eligible material" means renewable biomass.

[(B) EXCLUSIONS.—The term "eligible material" does not include—

[(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title;

[(ii) animal waste and byproducts (including fats, oils, greases, and manure);

[(iii) food waste and yard waste; or

[(iv) algae.]

[(7)] *(6)* PRODUCER.—The term "producer" means an owner or operator of contract acreage that is physically located within a BCAP project area.

[(8)] *(7)* PROJECT SPONSOR.—The term "project sponsor" means—

(A) * * *

* * * * * * *

(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance [Program to—

[(1) support the establishment] *Program to support the establishment* and production of eligible crops for conversion to bioenergy in selected BCAP project areas[; and].

[(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.]

(c) BCAP PROJECT AREA.—

(1) * * *

(2) SELECTION OF PROJECT AREAS.—

(A) * * *

(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

(i) * * *

* * * * * * *

(viii) the range of eligible crops among project areas[; and]*;*

(ix) existing project areas that have received funding under this section and the continuation of funding of such project areas to advance the maturity of such project areas; and

[(ix)] *(x)* any additional information, as determined by the Secretary.

* * * * * * *

(5) PAYMENTS.—

(A) * * *

* * * * * * *

(C) AMOUNT OF ANNUAL PAYMENTS.—

(i) * * *

(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

(I) * * *

* * * * * * *

[(III) the producer receives a payment under subsection (d);]

[(IV)] *(III)* the producer violates a term of the contract; or

[(V)] *(IV)* there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

[(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

[(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

[(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

[(B) a person with the right to collect or harvest eligible material.

[(2) PAYMENTS.—

[(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

[(i) collection;

[(ii) harvest;

[(iii) storage; and

[(iv) transportation to a biomass conversion facility.

[(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton provided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

[(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an

eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.]

[(e)] *(d)* REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, 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 the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

[(f)] *(e)* FUNDING.—

[(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

[(2) FISCAL YEAR 2013.—

[(A) IN GENERAL.—]

(1) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2013.

(2) FISCAL YEARS 2014 THROUGH 2018.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2014 through 2018.

[(B)] *(3)* MULTIYEAR CONTRACTS.—For each multiyear contract entered into by the Secretary during a fiscal year under [this paragraph] *this subsection*, the Secretary shall ensure that sufficient funds are obligated from the amounts appropriated for that fiscal year to fully cover all payments required by the contract for all years of the contract.

* * * * * * *

SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to [carry out this section $5,000,000 for each of fiscal years 2009 through 2013.] *carry out this section—*

(1) $5,000,000 for each of fiscal years 2009 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

TITLE X—MISCELLANEOUS

* * * * * * *

Subtitle E—Animal Health Protection

* * * * * * *

SEC. 10409A. NATIONAL ANIMAL HEALTH LABORATORY NETWORK.

(a) IN GENERAL.—The Secretary shall enter into contracts, grants, cooperative agreements, or other legal instruments with eligible laboratories for any of the following purposes:

(1) To enhance the capability of the Secretary to detect, and respond in a timely manner to, emerging or existing threats to

animal health and to support the protection of public health, the environment, and the agricultural economy of the United States.

(2) To provide the capacity and capability for standardized—

(A) test procedures, reference materials, and equipment;

(B) laboratory biosafety and biosecurity levels;

(C) quality management system requirements;

(D) interconnected electronic reporting and transmission of data; and

(E) evaluation for emergency preparedness.

(3) To coordinate the development, implementation, and enhancement of national veterinary diagnostic laboratory capabilities, with special emphasis on surveillance planning and vulnerability analysis, technology development and validation, training, and outreach.

(b) ELIGIBILITY.—An eligible laboratory under this section is a diagnostic laboratory meeting specific criteria developed by the Secretary, in consultation with State animal health officials and State and university veterinary diagnostic laboratories.

(c) PRIORITY.—To the extent practicable and to the extent capacity and specialized expertise may be necessary, the Secretary shall give priority to existing Federal, State, and university facilities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle G—Specialty Crops

* * * * * * *

SEC. 10603. PURCHASE OF SPECIALTY CROPS.

(a) * * *

(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through **[**2012**]** *2018*.

(c) PILOT GRANT PROGRAM FOR PURCHASE OF FRESH FRUITS AND VEGETABLES.—

(1) IN GENERAL.—Using amounts made available to carry out subsection (b), the Secretary of Agriculture shall conduct a pilot program under which the Secretary will give not more than five participating States the option of receiving a grant in an amount equal to the value of the commodities that the participating State would otherwise receive under this section for each of fiscal years 2014 through 2018.

(2) USE OF GRANT FUNDS.—A participating State receiving a grant under this subsection may use the grant funds solely to purchase fresh fruits and vegetables for distribution to schools and service institutions in the State that participate in the food service programs under the Richard B. Russell National School

Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) SELECTION OF PARTICIPATING STATES.—The Secretary shall select participating States from applications submitted by the States.

(4) REPORTING REQUIREMENTS.—

(A) SCHOOL AND SERVICE INSTITUTION REQUIREMENT.—Schools and service institutions in a participating State shall keep records of purchases of fresh fruits and vegetables made using the grant funds and report such records to the State.

(B) STATE REQUIREMENT.—Each participating State shall submit to the Secretary a report on the success of the pilot program in the State, including information on—

(i) the amount and value of each type of fresh fruit and vegetable purchased by the State; and

(ii) the benefit provided by such purchases in conducting the school food service in the State, including meeting school meal requirements.

[(c)] *(d)* DEFINITIONS.—In this section, the terms "fruits", "vegetables", and "other specialty food crops" shall have the meaning given the terms by the Secretary of Agriculture.

* * * * * * *

[SEC. 10606. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

[(a) IN GENERAL.—The Secretary of Agriculture (acting through the Agricultural Marketing Service) shall establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

[(b) FEDERAL SHARE.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

[(2) MAXIMUM AMOUNT.—The maximum amount of a payment made to a producer or handler under this section shall be $750.

[(c) REPORTING.—Not later than March 1 of each year, 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 that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.

[(d) FUNDING.—

[(1) MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $22,000,000 for the period of fiscal years 2008 through 2012.

[(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section $22,000,000 for fiscal year 2013, to remain available until expended.]

* * * * * * *

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

* * * * * * *

TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

* * * * * * *

Subtitle A—General Reorganization Authorities

* * * * * * *

SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

(3) serve as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

(4) advocate on behalf of veterans in interactions with employees of the Department.

* * * * * * *

Subtitle B—Farm and Foreign Agricultural Services

SEC. 225. UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of [Under Secretary of Agriculture for Farm and Foreign Agricultural Services] *Under Secretary of Agriculture for Farm Services*.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of [Under Secretary of Agriculture for Farm and Foreign Agricultural Services] *Under Secretary of Agriculture for Farm Services* authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the [Under Secretary of Agriculture for Farm and Foreign Agricultural Services] *Under Secretary of Agriculture for Farm Services* those functions under the jurisdiction of the Department that are related to farm [and foreign agricultural] services.

(2) ADDITIONAL FUNCTIONS.—The [Under Secretary of Agriculture for Farm and Foreign Agricultural Services] *Under Secretary of Agriculture for Farm Services* shall perform such other functions as may be required by law or prescribed by the Secretary.

* * * * * * *

SEC. 225A. UNDER SECRETARY OF AGRICULTURE FOR FOREIGN AGRICULTURAL SERVICES.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Foreign Agricultural Services.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Foreign Agricultural Services under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Foreign Agricultural Services those functions under the jurisdiction of the Department that are related to foreign agricultural services.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Foreign Agricultural Services shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on the date of the enactment of this section and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) or section 225(b) to the successor position authorized under subsection (a) or section 225(a) if the Secretary establishes the position, and the official occupies the new position, with 180 days after the date of the enactment of this section (or such later date set by the Secretary if litigation delays rapid succession).

* * * * * * *

SEC. 226B. OFFICE OF ADVOCACY AND OUTREACH.

(a) * * *

* * * * * * *

(f) FARMWORKER COORDINATOR.—

(1) * * *

* * * * * * *

[(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.]

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) such sums as are necessary for each of fiscal years 2009 through 2013; and

(B) $2,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle D—Food, Nutrition, and Consumer Services

* * * * * * *

SEC. 242. HEALTHY FOOD FINANCING INITIATIVE.

(a) PURPOSE.—The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers to overcome the higher costs and initial barriers to entry in underserved areas.

(b) DEFINITIONS.—In this section:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "community development financial institution" has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(2) INITIATIVE.—The term "Initiative" means the Healthy Food Financing Initiative established under subsection (c)(1).

(3) NATIONAL FUND MANAGER.—The term "national fund manager" means a community development financial institution that is—

(A) in existence on the date of enactment of this section; and

(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

(i) raising private capital;

(ii) providing financial and technical assistance to partnerships; and

(iii) funding eligible projects to attract fresh, healthy food retailers to underserved areas, in accordance with this section.

(4) PARTNERSHIP.—The term "partnership" means a regional, State, or local public-private partnership that—

(A) is organized to improve access to fresh, healthy foods;

(B) provides financial and technical assistance to eligible projects; and

(C) meets such other criteria as the Secretary may establish.

(5) PERISHABLE FOOD.—The term "perishable food" means a staple food that is fresh, refrigerated, or frozen.

(6) QUALITY JOB.—The term "quality job" means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

(7) STAPLE FOOD.—

(A) IN GENERAL.—The term "staple food" means food that is a basic dietary item.

(B) INCLUSIONS.—The term "staple food" includes—

(i) bread;

(ii) flour;

(iii) fruits;

(iv) vegetables; and

(v) meat.

(c) INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—

(i) IN GENERAL.—In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).

(ii) USE OF FUNDS.—Funds provided to an entity pursuant to clause (i) shall be used—

(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;

(II) to provide grants for eligible projects or partnerships;

(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and

(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.

(B) ELIGIBLE PROJECTS.—Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—

(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and

(ii) to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(C) PRIORITIES.—In carrying out the Initiative, priority shall be given to projects that—

(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and

(ii) include 1 or more of the following characteristics:

(I) The project will create or retain quality jobs for low-income residents in the community.

(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.

(III) In areas served by public transit, the project is accessible by public transit.

(IV) The project involves women- or minority-owned businesses.

(V) The project receives funding from other sources, including other Federal agencies.

(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $125,000,000, to remain available until expended.

* * * * * * *

Subtitle F—Research, Education, and Economics

SEC. 251. UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

(a) * * *

* * * * * * *

(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) * * *

* * * * * * *

(D) COMPETITIVE PROGRAM.—The term "competitive program" means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) * * *

* * * * * * *

[(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990.

[(xii) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness,

viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.]

[(xiii)] *(xi)* Other programs that are competitive programs, as determined by the Secretary.

* * * * * * *

Subtitle J—Miscellaneous Reorganization Provisions

* * * * * * *

SEC. 296. TERMINATION OF AUTHORITY.

(a) * * *

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) * * *

* * * * * * *

(6) the authority of the Secretary to establish in the Department, under section 251—

(A) * * *

* * * * * * *

(C) the National Institute of Food and Agriculture; [or]

(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B[.]*;*

(8) the authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Foreign Agricultural Services in accordance with section 225A;

(9) the authority of the Secretary to establish and carry out the Health Food Financing Initiative under section 242;

(10) the authority of the Secretary to establish in the Office of the Secretary the Office of Tribal Relations in accordance with section 309; and

(11) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.

* * * * * * *

FOOD AND NUTRITION ACT OF 2008

* * * * * * *

DEFINITIONS

SEC. 3. As used in this Act, the term:

(a) * * *

* * * * * * *

(g) "Coupon" means any coupon, stamp, type of certificate, authorization card, cash or check issued in lieu of a [coupon,] *coupon*.

* * * * * * *

(k) "Food" means (1) any food or food product for home consumption except alcoholic beverages, tobacco, [and] hot foods or hot food products ready for immediate consumption other than those au-

thorized pursuant to clauses (3), (4), (5), (7), (8), and (9) of this subsection, *and any deposit fee in excess of amount of the State fee reimbursement (if any) required to purchase any food or food product contained in a returnable bottle or can, regardless of whether such fee is included in the shelf price posted for such food or food product,* (2) seeds and plants for use in gardens to produce food for the personal consumption of the eligible household, (3) in the case of those persons who are sixty years of age or over or who receive supplemental security income benefits or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act, and their spouses, meals prepared by and served in senior citizens' centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices *subject to section 9(h)*, and meals prepared for and served to residents of federally subsidized housing for the elderly, (4) in the case of persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise so disabled that they are unable adequately to prepare all of their meals, meals prepared for and delivered to them (and their spouses) at their home by a public or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices *subject to section 9(h)*, (5) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs, (6) in the case of certain eligible households living in Alaska, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter, and not firearms, ammunition, and explosives) if the Secretary determines that such households are located in an area of the State where it is extremely difficult to reach stores selling food and that such households depend to a substantial extent upon hunting and fishing for subsistence, (7) in the case of disabled or blind recipients of benefits under title I, II, X, XIV, or XVI of the Social Security Act, **[**or are**]** *and* individuals described in paragraphs (2) through (7) of subsection (j), who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section, meals prepared and served under such arrangement, (8) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served, by such shelters, and (9) in the case of households that do not reside in permanent dwellings and households that have no fixed mailing addresses, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate State or local agency) that feeds such individuals and by private establishments that contract with the appropriate agency of the State to offer meals for such individuals at concessional prices *subject to section 9(h)*.

[(l) "Food stamp program" means the program operated pursuant to the provisions of this Act.]

[(m)] *(l)* "Homeless individual" means—

(1) * * *

* * * * * * *

[(n)] *(m)*(1) * * *

* * * * * * *

[(o)] *(n)* "Reservation" means the geographically defined area or areas over which a tribal organization exercises governmental jurisdiction.

[(p)] *(o)* "Retail food store" means—

(1) an establishment or house-to-house trade route that sells food for home preparation and consumption and—

(A) offers for sale, on a continuous basis, a variety of foods in each of the 4 categories of staple foods specified in subsection (r)(1), including perishable foods in [at least 2] *at least 3* of the categories; or

* * * * * * *

(3) a store purveying the hunting and fishing equipment described in subsection (k)(6); [and]

(4) any private nonprofit cooperative food purchasing venture, including those in which the members pay for food purchased prior to the receipt of such food[.]*; and*

(5) a governmental or private nonprofit food purchasing and delivery service that—

(A) purchases food for, and delivers such food to, individuals who are—

(i) unable to shop for food; and

(ii)(I) not less than 60 years of age; or

(II) physically or mentally handicapped or otherwise disabled;

(B) clearly notifies the participating household at the time such household places a food order—

(i) of any delivery fee associated with the food purchase and delivery provided to such household by such service; and

(ii) that a delivery fee cannot be paid with benefits provided under supplemental nutrition assistance program; and

(C) sells food purchased for such household at the price paid by such service for such food and without any additional cost markup.

[(q)] *(p)* "Secretary" means the Secretary of Agriculture.

[(r)] *(q)*(1) * * *

* * * * * * *

[(s)] *(r)* "State" means the fifty States, the District of Columbia, Guam, the Virgin Islands of the United States, and the reservations of an Indian tribe whose tribal organization meets the requirements of this Act for participation as a State agency.

[(t)] *(s)* "State agency" means (1) the agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within such State, and in those States where such assist-

ance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs, and (2) the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 4(b) of this Act or a supplemental nutrition assistance program under section 11(d) of this Act.

(t) "Supplemental nutritional assistance program" means the program operated pursuant to this Act.

* * * * * * *

ESTABLISHMENT OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 4. (a) Subject to the availability of funds appropriated under section 18 of this Act, the Secretary is authorized to formulate and administer a supplemental nutrition assistance program under which, at the request of the State agency, eligible households within the State shall be provided an opportunity to obtain a more nutritious diet through the issuance to them of an allotment, except that a State may not participate in the supplemental nutrition assistance program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with benefits issued under this Act. The benefits so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the supplemental nutrition assistance program. [benefits] *Benefits* issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

(1) * * *

* * * * * * *

(6) TRADITIONAL AND LOCALLY-GROWN FOOD FUND.—

(A) * * *

* * * * * * *

(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

ELIGIBLE HOUSEHOLDS

SEC. 5. (a) Participation in the supplemental nutrition assistance program shall be limited to those households whose incomes and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Notwithstanding any other provisions of this Act except [sections 6(b), 6(d)(2), and 6(g)] *subsections (b), (d)(2), (g), and (r) of section 6* and section 3(n)(4), [households in which each member receives benefits] *households in which each member receives cash assistance* under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601

et seq.), supplemental security income benefits under title XVI of the Social Security Act, or aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act, shall be eligible to participate in the supplemental nutrition assistance program. Except for sections 6, 16(e)(1), and section 3(n)(4), households in which each member receives benefits under a State or local general assistance program that complies with standards established by the Secretary for ensuring that the program is based on income criteria comparable to or more restrictive than those under subsection (c)(2), and not limited to one-time emergency payments that cannot be provided for more than one consecutive month, shall be eligible to participate in the supplemental nutrition assistance program. Assistance under this program shall be furnished to all eligible households who make application for such participation.

* * * * * * *

(e) DEDUCTIONS FROM INCOME.—

(1) * * *

* * * * * * *

(5) EXCESS MEDICAL EXPENSE DEDUCTION.—

(A) * * *

* * * * * * *

(C) EXCLUSION OF MEDICAL MARIJUANA.—The Secretary shall promulgate rules to ensure that medical marijuana is not treated as a medical expense for purposes of this paragraph.

(6) EXCESS SHELTER EXPENSE DEDUCTION.—

(A) * * *

* * * * * * *

(C) STANDARD UTILITY ALLOWANCE.—

(i) IN GENERAL.—In computing the excess shelter expense deduction, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary*, subject to clause (iv)*, except that a State agency may use an allowance that does not fluctuate within a year to reflect seasonal variations.

* * * * * * *

(iv) AVAILABILITY OF ALLOWANCE TO RECIPIENTS OF ENERGY ASSISTANCE.—

[(I) IN GENERAL.—Subject to subclause (II), if a State agency elects to use a standard utility allowance that reflects heating or cooling costs, the standard utility allowance shall be made available to households receiving a payment, or on behalf of which a payment is made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if the household still incurs out-of-pocket heating or cooling expenses in excess of any assistance paid on behalf of the household to an energy provider.]

(I) IN GENERAL.—Subject to subclause (II), if a State agency elects to use a standard utility allowance that reflects heating and cooling costs, the standard utility allowance shall be made available to households that received a payment, or on behalf of which a payment was made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if in the current month or in the immediately preceding 12 months, the household either received such payment, or such payment was made on behalf of the household, that was greater than $20 annually, as determined by the Secretary.

* * * * * * *

(i)(1) * * *
(2)(A) * * *

* * * * * * *

(D) Any sponsor of an alien, and such alien, shall be jointly and severably liable for an amount equal to any overpayment made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to provide correct information under the provisions of this section, except where such sponsor was without fault, or where good cause for such failure existed. Any such overpayment which is not repaid shall be recovered in accordance with the provisions of [section 13(b)(2)] *section 13(b)* of this Act.

* * * * * * *

(j) Notwithstanding subsections (a) through (i), a State agency shall consider a household member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.), aid to the aged, blind, or disabled under title I, II, X, XIV, or XVI of such Act (42 U.S.C. 301 et seq.), [or who receives benefits under a State program] *or who receives cash assistance under a State program* funded under part A of title IV of the Act (42 U.S.C. 601 et seq.) to have satisfied the resource limitations prescribed under subsection (g).

(k)(1) * * *

* * * * * * *

(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—

(A) ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in [paragraph (2)(H)] *paragraph (2)(G)*) to provide energy assistance to a household shall be considered money payable directly to the household.

* * * * * * *

ELIGIBILITY DISQUALIFICATIONS

SEC. 6. (a) * * *

* * * * * * *

(d) CONDITIONS OF PARTICIPATION.—

(1) * * *

* * * * * * *

(4) EMPLOYMENT AND TRAINING.—

(A) * * *

(B) For purposes of this Act, an "employment and training program" means a program that contains one or more of the following components, except that the State agency shall retain the option to apply employment requirements prescribed under this subparagraph to a program applicant at the time of application:

(i) * * *

* * * * * * *

(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.

(F)(i) * * *

* * * * * * *

(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).

* * * * * * *

(e) No individual who is a member of a household otherwise eligible to participate in the supplemental nutrition assistance program under this section shall be eligible to participate in the supplemental nutrition assistance program as a member of that or any other household if the individual is enrolled at least half-time in an institution of higher education, unless the individual—

(1) * * *

* * * * * * *

(3) is assigned to or placed in an institution of higher education through or in compliance with the requirements of—

(A) * * *

(B) an employment and training program under this [section;] *section, subject to the condition that the course or program of study—*

(i) is part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) that may be completed in not more than 4 years at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)); or

(ii) is limited to remedial courses, basic adult education, literacy, or English as a second language;

* * * * * * *

(r) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

(1) IN GENERAL.—Any household in which a member receives substantial lottery or gambling winnings, as determined by the Secretary, shall lose eligibility for benefits immediately upon receipt of the winnings.

(2) DURATION OF INELIGIBILITY.—A household described in paragraph (1) shall remain ineligible for participation until the household meets the allowable financial resources and income eligibility requirements under subsections (c), (d), (e), (f), (g), (i), (k), (l), (m), and (n) of section 5.

(3) AGREEMENTS.—As determined by the Secretary, each State agency, to the maximum extent practicable, shall establish agreements with entities responsible for the regulation or sponsorship of gaming in the State to determine whether individuals participating in the supplemental nutrition assistance program have received substantial lottery or gambling winnings.

SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) * * *

* * * * * * *

(f) ALTERNATIVE BENEFIT DELIVERY.—

(1) * * *

[(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.]

(2) IMPOSITION OF COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require participating retailers (including restaurants participating in a State option restaurant program intended to serve the elderly, disabled, and homeless) to pay 100 percent of the costs of acquiring, and arrange for the implementation of, electronic benefit transfer point-of-sale equipment and supplies.

(B) EXEMPTIONS.—The Secretary may exempt from subparagraph (A)—

(i) farmers' markets and other direct-to-consumer markets, military commissaries, nonprofit food buying cooperatives, and establishments, organizations, programs, or group living arrangements described in paragraphs (5), (7), and (8) of section 3(k); and

(ii) establishments described in paragraphs (3), (4), and (9) of section 3(k), other than restaurants participating in a State option restaurant program.

* * * * * * *

(4) TERMINATION OF MANUAL VOUCHERS.—

(A) IN GENERAL.—Effective beginning on the effective date of this paragraph, except as provided in subparagraph (B), no State shall issue manual vouchers to a household that receives supplemental nutrition assistance under this Act or allow retailers to accept manual vouchers as payment, unless the Secretary determines that the manual vouchers are necessary, such as in the event of an electronic benefit transfer system failure or a disaster situation.

(B) EXEMPTIONS.—The Secretary may exempt categories of retailers or individual retailers from subparagraph (A) based on criteria established by the Secretary.

(5) UNIQUE IDENTIFICATION NUMBER REQUIRED.—In an effort to enhance the antifraud protections of the program, the Secretary shall require all parties providing electronic benefit

transfer services to provide for and maintain a unique business identification and a unique terminal identification number information through the supplemental nutrition assistance program electronic benefit transfer transaction routing system. In developing the regulations implementing this paragraph, the Secretary shall consider existing commercial practices for other point-of-sale debit transactions. The Secretary shall issue proposed regulations implementing this paragraph not earlier than 2 years after the date of enactment of this paragraph.

* * * * * * *

(h) ELECTRONIC BENEFIT TRANSFERS.—

(1) * * *

* * * * * * *

(3) In the case of a system described in paragraph (1) in which participation is not optional for households, the Secretary shall not approve such a system unless—

(A) * * *

(B) any special equipment necessary to allow households to purchase food with the benefits issued under this Act [is operational—

[(i) in the case of a participating retail food store in which coupons are used to purchase 15 percent or more of the total dollar amount of food sold by the store (as determined by the Secretary), at all registers in the store; and]

[(ii) in the case of other participating stores,] *is operational* at a sufficient number of registers to provide service that is comparable to service provided individuals who are not members of households receiving supplemental nutrition assistance program benefits, as determined by the Secretary.

* * * * * * *

(8) REPLACEMENT [CARD FEE] *OF CARDS*.—[A State]

(A) FEES.—A State agency may collect a charge for replacement of an electronic benefit transfer card by reducing the monthly allotment of the household receiving the replacement card.

(B) PURPOSEFUL LOSS OF CARDS.—

(i) IN GENERAL.—Subject to terms and conditions established by the Secretary in accordance with clause (ii), if a household makes excessive requests for replacement of the electronic benefit transfer card of the household, the Secretary may require a State agency to decline to issue a replacement card to the household unless the household, upon request of the State agency, provides an explanation for the loss of the card.

(ii) REQUIREMENTS.—The terms and conditions established by the Secretary shall provide that—

(I) the household be given the opportunity to provide the requested explanation and meet the requirements under this paragraph promptly;

(II) after an excessive number of lost cards, the head of the household shall be required to review program rights and responsibilities with State

agency personnel authorized to make determinations under section 5(a); and

(III) any action taken, including actions required under section 6(b)(2), other than the withholding of the electronic benefit transfer card until an explanation described in subclause (I) is provided, shall be consistent with the due process protections under section 6(b) or 11(e)(10), as appropriate.

(C) PROTECTING VULNERABLE PERSONS.—In implementing this paragraph, a State agency shall act to protect homeless persons, persons with disabilities, victims of crimes, and other vulnerable persons who lose electronic benefit transfer cards but are not intentionally committing fraud.

(D) EFFECT ON ELIGIBILITY.—While a State may decline to issue an electronic benefits transfer card until a household satisfies the requirements under this paragraph, nothing in this paragraph shall be considered a denial of, or limitation on, the eligibility for benefits under section 5.

* * * * * * *

[(12)**]** *(13)* INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.

(14) DEMONSTRATION PROJECTS ON ACCEPTANCE OF BENEFITS OF MOBILE TRANSACTIONS.—

(A) IN GENERAL.—The Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores, farmers markets, and other direct producer-to-consumer marketing outlets to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

(B) DEMONSTRATION PROJECTS.—To be eligible to participate in a demonstration project under subsection (a), a retail food store, farmers market, or other direct producer-to-consumer marketing outlet shall submit to the Secretary for approval a plan that includes—

(i) a description of the technology;

(ii) the manner by which the retail food store, farmers market or other direct producer-to-consumer marketing outlet will provide proof of the transaction to households;

(iii) the provision of data to the Secretary, consistent with requirements established by the Secretary, in a manner that allows the Secretary to evaluate the impact of the demonstration on participant access, ease of use, and program integrity; and

(iv) such other criteria as the Secretary may require.

(C) DATE OF COMPLETION.—The demonstration projects under this paragraph shall be completed and final reports submitted to the Secretary by not later than July 1, 2016.

(D) REPORT TO CONGRESS.—The Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes a finding, based

on the data provided under subparagraph (C) whether or not implementation in all States is in the best interest of the supplemental nutrition assistance program.

* * * * * * *

APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 9. (a)(1) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem benefits under the supplemental nutrition assistance program and for the approval of those applicants whose participation will effectuate the purposes of the supplemental nutrition assistance program. In determining the qualifications of applicants, there shall be considered among such other factors as may be appropriate, the following: (A) the nature and extent of the food business conducted by the applicant; (B) the volume of benefit transactions which may reasonably be expected to be conducted by the applicant food store or wholesale food concern**[**; and (C)**]***; (C) whether the applicant is located in an area with significantly limited access to food; and (D)* the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval. No retail food store or wholesale food concern of a type determined by the Secretary, based on factors that include size, location, and type of items sold, shall be approved to be authorized or reauthorized for participation in the supplemental nutrition assistance program unless an authorized employee of the Department of Agriculture, a designee of the Secretary, or, if practicable, an official of the State or local government designated by the Secretary has visited the store or concern for the purpose of determining whether the store or concern should be approved or reauthorized, as appropriate.

* * * * * * *

(g) EBT SERVICE REQUIREMENT.—An approved retail food store shall provide adequate EBT service as described in section 7(h)(3)(B).

(h) PRIVATE ESTABLISHMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), no private establishment that contracts with a State agency to offer meals at concessional prices as described in paragraphs (3), (4), and (9) of section 3(k) may be authorized to accept and redeem benefits unless the Secretary determines that the participation of the private establishment is required to meet a documented need in accordance with section 11(e)(24).

(2) EXISTING CONTRACTS.—

(A) IN GENERAL.—If, on the day before the effective date of this subsection, a State has entered into a contract with a private establishment described in paragraph (1) and the Secretary has not determined that the participation of the private establishment is necessary to meet a documented need in accordance with section 11(e)(24), the Secretary shall allow the operation of the private establishment to continue without that determination of need for a period not to exceed 180 days from the date on which the Secretary

establishes determination criteria, by regulation, under section 11(e)(24).

(B) JUSTIFICATION.—If the Secretary determines to terminate a contract with a private establishment that is in effect on the effective date of this subsection, the Secretary shall provide justification to the State in which the private establishment is located for that termination.

(3) REPORT TO CONGRESS.—Not later than 90 days after September 30, 2014, and 90 days after the last day of each fiscal year thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of a program under this subsection using any information received from States under section 11(e)(24) as well as any other information the Secretary may have relating to the manner in which benefits are used.

SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

Regulations issued pursuant to this Act shall provide for the redemption of benefits accepted by retail food stores through approved wholesale food concerns or through financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or which are insured under the Federal Credit Union Act and have retail food stores or wholesale food concerns in their field of membership, with the cooperation of the Treasury Department, except that retail food stores defined in section 3(p)(4) shall be authorized to redeem their members' food benefits prior to receipt by the members of the food so purchased, *agricultural producers who market agricultural products directly to consumers shall be authorized to redeem benefits for the initial cost of the purchase of a community-supported agriculture share,* and publicly operated community mental health centers or private nonprofit organizations or institutions which serve meals to narcotics addicts or alcoholics in drug addiction or alcoholic treatment and rehabilitation programs, public and private nonprofit shelters that prepare and serve meals for battered women and children, and public or private nonprofit group living arrangements that serve meals to disabled or blind residents shall not be authorized to redeem benefits through financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the Federal Credit Union Act. Notwithstanding the preceding sentence, a center, organization, institution, shelter, group living arrangement, or establishment described in that sentence may be authorized to redeem benefits through a financial institution described in that sentence if the center, organization, institution, shelter, group living arrangement, or establishment is equipped with 1 or more point-of-sale devices and is operating in an area in which an electronic benefit transfer system described in section 7(h) has been implemented. No financial institution may impose on or collect from a retail food store a fee or other charge for the redemption of benefits that are submitted to the financial institution in a manner consistent with the requirements, other than any requirements relating to cancellation of benefits, for the presentation of coupons by financial institutions to the Federal Reserve banks.

SEC. 11. ADMINISTRATION.

(a) * * *

* * * * * * *

(e) The State plan of operation required under subsection (d) of this section shall provide, among such other provisions as may be required by regulation—

(1) * * *

* * * * * * *

(22) the guidelines the State agency uses in carrying out section 6(i); **[**and**]**

(23) if a State elects to carry out a Simplified Supplemental Nutrition Assistance Program under section 26, the plans of the State agency for operating the program, including—

(A) * * *

* * * * * * *

(C) a description of the method by which the State agency will carry out a quality control system under section 16(c)**[**.**]***; and*

(24) if the State elects to carry out a program to contract with private establishments to offer meals at concessional prices, as described in paragraphs (3), (4), and (9) of section 3(k)—

(A) the plans of the State agency for operating the program, including—

(i) documentation of a need that eligible homeless, elderly, and disabled clients are underserved in a particular geographic area;

(ii) the manner by which the State agency will limit participation to only those private establishments that the State determines necessary to meet the need identified in clause (i); and

(iii) any other conditions the Secretary may prescribe, such as the level of security necessary to ensure that only eligible recipients participate in the program; and

(B) a report by the State agency to the Secretary annually, the schedule of which shall be established by the Secretary, that includes—

(i) the number of households and individual recipients authorized to participate in the program, including any information on whether the individual recipient is elderly, disabled, or homeless; and

(ii) an assessment of whether the program is meeting an established need, as documented under subparagraph (A)(i).

* * * * * * *

[(p) STATE VERIFICATION OPTION.—Notwithstanding any other provision of law, in carrying out the supplemental nutrition assistance program, a State agency shall not be required to use an income and eligibility or an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b–7).**]**

(p) STATE VERIFICATION OPTION.—In carrying out the supplemental nutrition assistance program, a State agency shall be re-

quired to use an income and eligibility, or an immigration status, verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b–7), in accordance with standards set by the Secretary.

* * * * * * *

(v) DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

(1) DATA EXCHANGE STANDARDS.—

(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this Act.

(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

(C) OTHER REQUIREMENTS.—In designating data exchange standards under this subsection, the Secretary shall, to the extent practicable, incorporate—

(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

(2) DATA EXCHANGE STANDARDS FOR REPORTING.—

(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

(ii) be consistent with and implement applicable accounting principles; and

(iii) be capable of being continually upgraded as necessary.

(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this subsection, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.

SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

(a) * * *

(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification under subsection (a) shall be—

(1) * * *

* * * * * * *

(3) permanent upon—

(A) * * *

* * * * * * *

(C) a finding of the sale of firearms, ammunition, explosives, or controlled substance (as defined in section 802 of title 21, United States Code) for coupons, except that the Secretary shall have the discretion to impose a civil penalty of up to $20,000 for each violation (except that the amount of ⟦civil money penalties⟧ *civil penalties* imposed for violations occurring during a single investigation may not exceed $40,000) in lieu of disqualification under this subparagraph if the Secretary determines that there is substantial evidence (including evidence that neither the ownership nor management of the store or food concern was aware of, approved, benefited from, or was involved in the conduct or approval of the violation) that the store or food concern had an effective policy and program in effect to prevent violations of this Act; and

* * * * * * *

(g) DISQUALIFICATION OF RETAILERS WHO ARE DISQUALIFIED UNDER THE WIC PROGRAM.—

(1) IN GENERAL.—The Secretary shall issue regulations providing criteria for the disqualification under this Act of an approved retail food store or a wholesale food concern that is disqualified from accepting benefits under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 ⟦(7 U.S.C. 1786)⟧ *(42 U.S.C. 1786)*.

* * * * * * *

(i) PILOT PROJECTS TO IMPROVE FEDERAL-STATE COOPERATION IN IDENTIFYING AND REDUCING FRAUD IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as determined by the Secretary, pilot projects to test innovative Federal-State partnerships to identify, investigate, and reduce retailer fraud in the supplemental nutrition assistance program, including allowing States to operate retail Food Store investigation programs.

(2) SELECTION CRITERIA.—Pilot projects shall be selected based on criteria the Secretary establishes, which shall include—

(A) enhancing existing efforts by the Secretary to reduce retailer fraud;

(B) requiring participant States to maintain their overall level of effort at addressing recipient fraud, as determined by the Secretary, prior to participation in the pilot project;

(C) collaborating with other law enforcement authorities as necessary to carry out an effective pilot project;

(D) commitment of the participant State agency to follow Federal rules and procedures with respect to retailer investigations; and

(E) the extent to which a State has committed resources to recipient fraud and the relative success of those efforts.

(3) EVALUATION.—

(A) The Secretary shall evaluate the projects selected under this subsection to measure the impact of the pilot projects.

(B) Such evaluation shall include—

(i) each pilot project's impact on increasing the Secretary's capacity to address retailer fraud;

(ii) the effectiveness of the pilot projects in identifying, preventing and reducing retailer fraud; and

(iii) the cost effectiveness of such pilot projects.

(4) REPORT TO CONGRESS.—Not later than September 30, 2017, 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 that includes a description of the results of each pilot project, including an evaluation of the impact of the project on retailer fraud and the costs associated with each pilot project.

(5) FUNDING.—Any costs incurred by the State to operate the pilot projects in excess of the amount expended under this Act for retailer fraud in the respective State in the previous fiscal year shall not be eligible for Federal reimbursement under this Act.

* * * * * * *

VIOLATIONS AND ENFORCEMENT

SEC. 15. (a) * * *

(b)(1) Subject to the provisions of paragraph (2) of this subsection, whoever knowingly uses, transfers, acquires, alters, or possesses benefits in any manner contrary to this Act or the regulations issued pursuant to this Act shall, if such benefits are of a value of $5,000 or more, be guilty of a felony and shall be fined not more than $250,000 or imprisoned for not more than twenty years, or both, and shall, if such benefits are of a value of $100 or more, but less than $5,000, or if the item used, transferred, acquired, altered, or possessed is [an benefit] *a benefit* that has a value of $100 or more, but less than $5,000, be guilty of a felony and shall, upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, and, upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than $10,000 or, if such benefits are of a value of less than $100, or if the item used, transferred, acquired, altered, or processed is [an benefit] *a benefit* that has a value of less than $100, shall be guilty of a misdemeanor, and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more

than one year and may also be fined not more than $1,000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the supplemental nutrition assistance program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

* * * * * * *

ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

SEC. 16. (a) Subject to subsection (k), the Secretary is authorized to pay to each State agency an amount equal to 50 per centum of all administrative costs involved in each State agency's operation of the supplemental nutrition assistance program, which costs shall include, but not be limited to, the cost of (1) the certification of applicant households, (2) the acceptance, storage, protection, control, and accounting of benefits after their delivery to receiving points within the State, (3) the issuance of benefits to all eligible households, (4) informational activities relating to the supplemental nutrition assistance program, including those undertaken under section 11(e)(1)(A), but not including recruitment activities *designed to persuade an individual to apply for program benefits or that promote the program via television, radio, or billboard advertisements*, (5) fair hearings, (6) automated data processing and information retrieval systems subject to the conditions set forth in subsection (g), (7) supplemental nutrition assistance program investigations and prosecutions, and (8) implementing and operating the immigration status verification system established under section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)): *Provided,* That the Secretary is authorized at the Secretary's discretion to pay any State agency administering the supplemental nutrition assistance program on all or part of an Indian reservation under section 11(d) of this Act or in a Native village within the State of Alaska identified in section 11(b) of Public Law 92–203[, as amended.] such amounts for administrative costs as the Secretary determines to be necessary for effective operation of the supplemental nutrition assistance program, as well as to permit each State to retain 35 percent of the value of all funds or allotments recovered or collected pursuant to sections 6(b) and 13(c) and 20 percent of the value of any other funds or allotments recovered or collected, except the value of funds or allotments recovered or collected that arise from an error of a State agency. The officials responsible for making determinations of ineligibility under this Act shall not receive or benefit from revenues retained by the State under the provisions of this subsection.

* * * * * * *

[(d) BONUSES FOR STATES THAT DEMONSTRATE HIGH OR MOST IMPROVED PERFORMANCE.—

[(1) FISCAL YEARS 2003 AND 2004.—

[(A) GUIDANCE.—With respect to fiscal years 2003 and 2004, the Secretary shall establish, in guidance issued to State agencies not later than October 1, 2002—

[(i) performance criteria relating to—

[(I) actions taken to correct errors, reduce rates of error, and improve eligibility determinations; and

[(II) other indicators of effective administration determined by the Secretary; and

[(ii) standards for high and most improved performance to be used in awarding performance bonus payments under subparagraph (B)(ii).

[(B) PERFORMANCE BONUS PAYMENTS.—With respect to each of fiscal years 2003 and 2004, the Secretary shall—

[(i) measure the performance of each State agency with respect to the criteria established under subparagraph (A)(i); and

[(ii) subject to paragraph (3), award performance bonus payments in the following fiscal year, in a total amount of $48,000,000 for each fiscal year, to State agencies that meet standards for high or most improved performance established by the Secretary under subparagraph (A)(ii).

[(2) FISCAL YEARS 2005 AND THEREAFTER.—

[(A) REGULATIONS.—With respect to fiscal year 2005 and each fiscal year thereafter, the Secretary shall—

[(i) establish, by regulation, performance criteria relating to—

[(I) actions taken to correct errors, reduce rates of error, and improve eligibility determinations; and

[(II) other indicators of effective administration determined by the Secretary;

[(ii) establish, by regulation, standards for high and most improved performance to be used in awarding performance bonus payments under subparagraph (B)(ii); and

[(iii) before issuing proposed regulations to carry out clauses (i) and (ii), solicit ideas for performance criteria and standards for high and most improved performance from State agencies and organizations that represent State interests.

[(B) PERFORMANCE BONUS PAYMENTS.—With respect to fiscal year 2005 and each fiscal year thereafter, the Secretary shall—

[(i) measure the performance of each State agency with respect to the criteria established under subparagraph (A)(i); and

[(ii) subject to paragraph (3), award performance bonus payments in the following fiscal year, in a total amount of $48,000,000 for each fiscal year, to State agencies that meet standards for high or most improved performance established by the Secretary under subparagraph (A)(ii).

[(3) PROHIBITION ON RECEIPT OF PERFORMANCE BONUS PAYMENTS.—A State agency shall not be eligible for a performance bonus payment with respect to any fiscal year for which the State agency has a liability amount established under subsection (c)(1)(C).

[(4) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to award a performance bonus payment under this subsection shall not be subject to administrative or judicial review.]

* * * * * * *

(h) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—

(A) AMOUNTS.—To carry out employment and training programs, the Secretary shall reserve for allocation to State agencies, to remain available for 15 months, from funds made available for each fiscal year under section 18(a)(1), [$90,000,000 for each fiscal year, except that for fiscal year 2013, the amount shall be $79,000,000] *$79,000,000 for each fiscal year*.

* * * * * * *

[(5) The Secretary shall monitor the employment and training programs carried out by State agencies under section 6(d)(4) to measure their effectiveness in terms of the increase in the numbers of household members who obtain employment and the numbers of such members who retain such employment as a result of their participation in such employment and training programs.]

(5)(A) IN GENERAL.—The Secretary shall monitor the employment and training programs carried out by State agencies under section 6(d)(4) and assess their effectiveness in—

(i) preparing members of households participating in the supplemental nutrition assistance program for employment, including the acquisition of basic skills necessary for employment; and

(ii) increasing the numbers of household members who obtain and retain employment subsequent to their participation in such employment and training programs.

(B) REPORTING MEASURES.—The Secretary, in consultation with the Secretary of Labor, shall develop reporting measures that identify improvements in the skills, training education or work experience of members of households participating in the supplemental nutrition assistance program. Measures shall be based on common measures of performance for federal workforce training programs, so long as they reflect the challenges facing the types of members of households participating in the supplemental nutrition assistance program who participate in a specific employment and training component. The Secretary shall require that each State employment and training plan submitted under section 11(3)(19) identify appropriate reporting measures for each of their proposed components that serve at least 100 people. Such measures may include:

(i) the percentage and number of program participants who received employment and training services and are in unsubsidized employment subsequent to the receipt of those services;

(ii) the percentage and number of program participants who obtain a recognized postsecondary credential, including a registered apprenticeship, or a regular secondary school diploma or its recognized equivalent, while partici-

pating in or within 1 year after receiving employment and training services;

(iii) the percentage and number of program participants who are in an education or training program that is intended to lead to a recognized postsecondary credential, including a registered apprenticeship or on-the-job training program, a regular secondary school diploma or its recognized equivalent, or unsubsidized employment;

(iv) subject to the terms and conditions set by the Secretary, measures developed by each State agency to assess the skills acquisition of employment and training program participants that reflect the goals of their specific employment and training program components, which may include, but are not limited to—

(I) the percentage and number of program participants who are meeting program requirements in each component of the State's education and training program; and

(II) the percentage and number of program participants who are gaining skills likely to lead to employment as measured through testing, quantitative or qualitative assessment or other method; and

(v) other indicators as approved by the Secretary.

(C) STATE REPORT.—Each State agency shall annually prepare and submit to the Secretary a report on the State's employment and training program that includes the numbers of supplemental nutrition assistance program participants who have gained skills, training, work or experience that will increase their ability to obtain regular employment using measures identified in subparagraph (B).

(D) MODIFICATIONS TO THE STATE EMPLOYMENT AND TRAINING PLAN.—Subject to the terms and conditions established by the Secretary, if the Secretary determines that the state agency's performance with respect to employment and training outcomes is inadequate, the Secretary may require the State agency to make modifications to their employment and training plan to improve such outcomes.

(E) PERIODIC EVALUATION.—

(i) IN GENERAL.—Subject to terms and conditions established by the Secretary, not later than October 1, 2016, and not less frequently than once every 5 years thereafter, the Secretary shall conduct a study to review existing practice and research to identify employment and training program components and practices that—

(I) effectively assist members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment, and

(II) are best integrated with statewide workforce development systems.

(ii) REPORT TO CONGRESS.—The Secretary shall submit a report that describes the results of the study under clause (i) to the Committee on Agriculture in the House of Rep-

resentatives, and the Committee on Agriculture, Nutrition and Forestry in the Senate.

* * * * * * *

RESEARCH, DEMONSTRATION, AND EVALUATIONS

SEC. 17. (a) * * *

* * * * * * *

(l) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—States, State agencies, local agencies, institutions, facilities such as data consortiums, and contractors participating in programs authorized under this Act shall cooperate with officials and contractors acting on behalf of the Secretary in the conduct of evaluations and studies under this Act and shall submit information at such time and in such manner as the Secretary may require.

(m) PILOT PROJECTS TO REDUCE DEPENDENCY AND INCREASE WORK EFFORT IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to identify best practices for employment and training programs under this Act to raise the number of work registrants who obtain unsubsidized employment, increase their earned income, and reduce their reliance on public assistance, including but not limited to the supplemental nutrition assistance program.

(2) SELECTION CRITERIA.—Pilot projects shall be selected based on criteria the Secretary establishes, that shall include—

(A) enhancing existing employment and training programs in the State;

(B) agreeing to participate in the evaluation described in paragraph (3), including making available data on participants' employment activities and post-participation employment, earnings, and public benefit receipt;

(C) collaborating with the State workforce board and other job training programs in the State and local area;

(D) the extent to which the pilot project's components can be easily replicated by other States or political subdivisions; and

(E) such additional criteria that ensure that the pilot projects—

(i) target a variety of populations of work registrants, including childless adults, parents, and individuals with low skills or limited work experience;

(ii) are selected from a range of existing employment and training programs including programs that provide—

(I) section 20 workfare;

(II) skills development for work registrants with limited employment history;

(III) post-employment support services necessary for maintaining employment; and

(IV) education leading to a recognized postsecondary credential, registered apprenticeship, or secondary school diploma or its equivalent;

(iii) are located in a range of geographic areas, including rural, urban, and Indian reservations; and

(iv) include participants who are exempt and not exempt under section (6)(d)(2).

(3) EVALUATION.—The Secretary shall provide for an independent evaluation of projects selected under this subsection to measure the impact of the pilot projects on the ability of each pilot project target population to find and retain employment that leads to increased household income and reduced dependency, compared to what would have occurred in the absence of the pilot project.

(4) REPORT TO CONGRESS.—By September 30, 2017, 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 that includes a description of—

(A) the results of each pilot project, including an evaluation of the impact of the project on the employment, income, and public benefit receipt of the targeted population of work registrants;

(B) the Federal, State, and other costs of each pilot project;

(C) the planned dissemination of the reports' findings with State agencies; and

(D) the steps and funding necessary to incorporate components of pilot projects that demonstrate increased employment and earnings into State employment and training programs.

(5) FUNDING.—From amounts made available to under section 18(a)(1), the Secretary shall make $10,000,000 available for each of the fiscal years 2014, 2015, and 2016 to carry out this subsection. Such amounts shall remain available until expended.

(6) USE OF FUNDS.—

(A) Funds provided under this subsection for pilot projects shall be used only for—

(i) pilot projects that comply with the provisions of this Act;

(ii) the costs and administration of the pilot projects;

(iii) the costs incurred in providing information and data to the independent evaluation under paragraph (3); and

(iv) the costs of the evaluation under paragraph (3).

(B) Funds made available under this subsection may not be used to supplant non-Federal funds used for existing employment and training activities.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 18. (a)(1) To carry out this Act, there are authorized to be appropriated such sums as are necessary for each of fiscal years 2008 through [2012] *2018*. Not to exceed one-fourth of 1 per centum of the previous year's appropriation is authorized in each such

fiscal year to carry out the provisions of section 17 of this Act, subject to paragraph (3).

* * * * * * *

(e) Funds collected from claims against households or State agencies, including claims collected pursuant to [sections 7(f)] *section 7(f)*, subsections (g) and (h) of section 11, subsections (b) and (c) of section 13, and section 16(c)(1), claims resulting from resolution of audit findings, and claims collected from households receiving overissuances, shall be credited to the supplemental nutrition assistance program appropriation account for the fiscal year in which the collection occurs. Funds provided to State agencies under section 16(c) of this Act shall be paid from the appropriation account for the fiscal year in which the funds are provided.

* * * * * * *

(g) BAN ON RECRUITMENT AND PROMOTION ACTIVITIES.—(1) Except as provided in paragraph (2), no funds authorized to be appropriated under this Act shall be used by the Secretary for—

(A) recruitment activities designed to persuade an individual to apply for supplemental nutrition assistance program benefits;

(B) television, radio, or billboard advertisements that are designed to promote supplemental nutrition assistance program benefits and enrollment; or

(C) any agreements with foreign governments designed to promote supplemental nutrition assistance program benefits and enrollment.

(2) Paragraph (1)(B) shall not apply to programmatic activities undertaken with respect to benefits made available in response to a natural disaster.

(h) BAN ON RECRUITMENT BY ENTITIES THAT RECEIVE FUNDS.—The Secretary shall issue regulations that forbid entities that receive funds under this Act to compensate any person for conducting outreach activities relating to participation in, or for recruiting individuals to apply to receive benefits under, the supplemental nutrition assistance program if the amount of such compensation would be based on the number of individuals who apply to receive such benefits.

SEC. 19. CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.

(a) PAYMENTS TO GOVERNMENTAL ENTITIES.—

(1) * * *

(2) BLOCK GRANTS.—

(A) * * *

(B) PAYMENTS TO COMMONWEALTH OF PUERTO RICO.—

(i) * * *

* * * * * * *

(iii) LIMITATION ON USE OF FUNDS.—None of the funds made available to the Commonwealth of Puerto Rico under this subparagraph may be used to provide nutrition assistance in the form of cash benefits.

* * * * * * *

MINNESOTA FAMILY INVESTMENT PROJECT

SEC. 22. (a) * * *

(b) REQUIRED TERMS AND CONDITIONS OF THE PROJECT.—The application submitted by the State under subsection (a) shall provide an assurance that the Project shall satisfy all of the following requirements:

(1) * * *

* * * * * * *

(10)(A) * * *

(B)(i) Following the standards specified in subparagraph (C), the State shall ensure that benefits under the supplemental nutrition assistance program are provided to participating families in case the Project is terminated or to participating families or family members that are determined ineligible for the Project because of income, resources, or change in household composition, if such families or individuals are determined eligible for the supplemental nutrition assistance program. [Food benefits] *Benefits* shall be issued to eligible families and individuals described in this clause retroactive to the date of termination from the Project; and

* * * * * * *

SEC. 25. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY FOOD PROJECT.—In this section, the term "community food project" means a community-based project that—

(A) * * *

(B) is designed—

(i)(I) * * *

(II) to increase the self-reliance of communities in providing for the food needs of the communities; [and]

(III) to promote comprehensive responses to local food, farm, and nutrition issues; [or] *and*

(IV) to provide incentives for the consumption of fruits and vegetables among low-income individuals; or

* * * * * * *

(b) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) * * *

* * * * * * *

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than $10,000,000 for fiscal year 2014 and each fiscal year thereafter. Of the amount made available under this subparagraph for each such fiscal year, $5,000,000 shall be available to carry out subsection (a)(1)(B)(I)(IV).

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section, the funds transferred under subparagraph (A) without further appropriation.

(C) MAINTENANCE OF FUNDING.—The funding provided under subparagraph (A) shall supplement (and not supplant) other Federal funding made available to the Secretary to carry out this section.

* * * * * * *

SEC. 26. SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) * * *

* * * * * * *

(f) RULES AND PROCEDURES.—

(1) * * *

* * * * * * *

(3) REQUIREMENTS.—In operating a Program, a State or political subdivision shall comply with the requirements of—

(A) * * *

* * * * * * *

(C) [subsection] *subsections* (b) and (d) of section 8;

* * * * * * *

SEC. 27. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) PURCHASE OF COMMODITIES.—

(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years [2008 through 2012] *2013 through 2018*, the Secretary shall purchase a dollar amount described in paragraph (2) of a variety of nutritious and useful commodities of the types that the Secretary has the authority to acquire through the Commodity Credit Corporation or under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (7 U.S.C. 612c), and distribute the commodities to States for distribution in accordance with section 214 of the Emergency Food Assistance Act of 1983 [(Public Law 98–8; 7 U.S.C. 612c note)] *(7 U.S.C. 7515)*.

(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

[(A) for fiscal year 2008, $190,000,000;

[(B) for fiscal year 2009, $250,000,000; and]

(A) for fiscal year 2013, $265,750,000;

(B) for fiscal year 2014 the dollar amount of commodities specified in subparagraph (A) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2012 and June 30, 2013, and subsequently increased by $20,000,000;

(C) for each of fiscal years [2010 through 2012, the dollar amount of commodities specified in] *2015 through 2018, the total amount of commodities under* subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, [2008] *2013*, and June 30 of the immediately preceding fiscal year.

(3) FUNDS AVAILABILITY.—For purposes of the funds described in this subsection, the Secretary shall—

(A) make the funds available for 2 fiscal years; and

(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.

* * * * * * *

SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) * * *

(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices *and physical activity* consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

* * * * * * *

(d) FUNDING.—

(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

(A) * * *

* * * * * * *

(D) for fiscal year 2014, ⟦$401,000,000;⟧ *$375,000,000; and*

⟦(E) for fiscal year 2015, $407,000,000; and⟧

⟦(F) for fiscal year 2016⟧ *(E) for fiscal year 2015* and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

* * * * * * *

SEC. 29. RETAILER TRAFFICKING.

(a) PURPOSE.—The purpose of this section is to provide the Department of Agriculture with additional resources to prevent trafficking in violation of this Act by strengthening recipient and retailer program integrity. Additional funds are provided to supplement the Department's payment accuracy, and retailer and recipient integrity activities.

(b) FUNDING.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section not less than $5,000,000 for fiscal year 2014 and each fiscal year thereafter.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1) without further appropriation.

(3) MAINTENANCE OF FUNDING.—The funding provided under paragraph (1) shall supplement (and not supplant) other Federal funding for programs carried out under this Act.

* * * * * * *

PUBLIC LAW 102–551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENT OF HEALTH CARE SERVICES AND EDUCATIONAL SERVICES THROUGH TELECOMMUNICATIONS.

(a) * * *

(b) EXTENSION OF CHAPTER 1.—Notwithstanding any other provision of law, chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), including the amendments made by this section, shall be effective until September 30, [2012] *2018*.

* * * * * * *

PUBLIC LAW 87–788

(Commonly known as the McIntire-Stennis Cooperative Forestry Act)

* * * * * * *

SEC. 8. The term "State" as used in this Act shall include Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Commonwealth of the Northern Mariana Islands*.

LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

* * * * * * *

TITLE XXVI—LOW-INCOME HOME ENERGY ASSISTANCE

* * * * * * *

APPLICATIONS AND REQUIREMENTS

SEC. 2605. (a) * * *

* * * * * * *

(f)(1) * * *

(2) For purposes of paragraph (1) of this subsection and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))—

(A) the full amount of such payments or allowances shall be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly to, or indirectly for the benefit of, such household*, except that, for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such payments or allowances were greater than $20 annually, con-*

sistent with section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C. 2014(e)(6)(C)(iv)(I)), as determined by the Secretary of Agriculture; and

* * * * * * *

EMERGENCY FOOD ASSISTANCE ACT OF 1983

TITLE II—EMERGENCY FOOD ASSISTANCE ACT OF 1983

* * * * * * *

SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

OLDER AMERICANS ACT OF 1965

* * * * * * *

TITLE V—COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT

* * * * * * *

SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND [FOOD STAMP PROGRAMS] *SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM*.

Funds received by eligible individuals from projects carried out under the program established under this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

* * * * * * *

SECTION 3803 OF TITLE 31, UNITED STATES CODE

§ 3803. Hearing and determinations

(a) * * *

* * * * * * *

(c)(1) * * *

(2)(A) * * *

* * * * * * *

(C) For purposes of this subsection, the term "benefits" means—

(i) * * *

* * * * * * *

(vii) benefits under the supplemental nutrition assistance program (as defined in [section 3(l)] *section 3(s)* of the Food and Nutrition Act of 2008);

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

* * * * * * *

TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

* * * * * * *

SEC. 115. DENIAL OF ASSISTANCE AND BENEFITS FOR CERTAIN DRUG-RELATED CONVICTIONS.

(a) IN GENERAL.—An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))) shall not be eligible for—

(1) * * *

(2) benefits under the food stamp program (as defined in [section 3(l)] *section 3(s)* of the Food Stamp Act of 1977) or any State program carried out under the Food Stamp Act of 1977.

(b) EFFECTS ON ASSISTANCE AND BENEFITS FOR OTHERS.—

(1) * * *

(2) BENEFITS UNDER THE FOOD STAMP ACT OF 1977.—The amount of benefits otherwise required to be provided to a household under the food stamp program (as defined in [section 3(l)] *section 3(s)* of the Food Stamp Act of 1977), or any State program carried out under the Food Stamp Act of 1977, shall be determined by considering the individual to whom subsection (a) applies not to be a member of such household, except that the income and resources of the individual shall be considered to be income and resources of the household.

* * * * * * *

(e) DEFINITIONS OF STATE.—For purposes of this section, the term "State" has the meaning given it—

(1) * * *

(2) in section 3(s) of the Food Stamp Act of 1977, when referring to the food stamp program (as defined in [section 3(l)] *section 3(s)* of the Food Stamp Act of 1977) or any State program carried out under the Food Stamp Act of 1977.

* * * * * * *

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

* * * * * * *

COMMODITY DISTRIBUTION PROGRAM

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary may, during fiscal years 2008 through [2012] *2018*, purchase and distribute sufficient agricultural commodities with funds appropriated from the general fund of the Treasury to maintain the traditional level of assistance for food assistance programs as are authorized by law, including but not limited to distribution to institutions (including hospitals and facilities caring for needy infants and children), supplemental feeding programs serving women, infants, and children or elderly persons, or both, wherever located, disaster areas, summer camps for children, the United States Trust Territory of the Pacific Islands, and Indians, whenever a tribal organization requests distribution of federally donated foods pursuant to section 4(b) of the [Food Stamp Act of 1977] *Food and Nutrition Act of 2008* (section 2013(b) of this title). In providing for commodity distribution to Indians, the Secretary shall improve the variety and quantity of commodities supplied to Indians in order to provide them an opportunity to obtain a more nutritious diet.

* * * * * * *

COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 5. (a) GRANTS PER ASSIGNED CASELOAD SLOT.—

(1) IN GENERAL.—In carrying out the program under section 4 (referred to in this section as the "commodity supplemental food program"), for each of fiscal years 2008 through [2012] *2018*, the Secretary shall provide to each State agency from funds made available to carry out that section (including any such funds remaining available from the preceding fiscal year), a grant per assigned caseload slot for administrative costs incurred by the State agency and local agencies in the State in operating the commodity supplemental food program.

(2) AMOUNT OF GRANTS.—

(A) * * *

(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through [2012] *2018*, the amount of each grant per assigned caseload slot shall be equal to the amount of the grant per assigned caseload slot for the preceding fiscal year, adjusted by the percentage change between—

(i) * * *

* * * * * * *

(d)(1) * * *

(2) Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the extent that the Commodity Credit Corporation inventory levels permit, provide not less than 9,000,000 pounds of cheese and not less than 4,000,000 pounds of nonfat dry milk in each of fiscal years 2008 through [2012] *2018* to the Secretary of Agriculture. The Secretary shall use such

amounts of cheese and nonfat dry milk to carry out the commodity supplemental food program before the end of each fiscal year.

* * * * * * *

[(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

[(1) low-income persons aged 60 and older; or

[(2) women, infants, and children.]

(g) ELIGIBILITY.—Except as provided in subsection (m), the States shall only provide assistance under the commodity supplemental food program to low-income individuals aged 60 and older.

* * * * * * *

(i) Each State agency administering a commodity supplemental food program serving elderly persons shall ensure that written information is provided on at least one occasion to each elderly participant in or applicant for the commodity supplemental food program for the elderly concerning—

(1) food stamps provided under the [Food Stamp Act of 1977] *Food and Nutrition Act of 2008* (7 U.S.C. 2011 et seq.);

* * * * * * *

(l) USE OF APPROVED FOOD SAFETY TECHNOLOGY.—

(1) * * *

(2) PROGRAMS.—A program referred to in paragraph (1) is a program authorized under—

(A) * * *

(B) the [Food Stamp Act of 1977] *Food and Nutrition Act of 2008* (7 U.S.C. 2011 et seq.);

* * * * * * *

(m) PHASE-OUT.—Notwithstanding any other provision of law, an individual who receives assistance under the commodity supplemental food program on the day before the effective date of this subsection shall continue to receive that assistance until the date on which the individual no longer qualifies for assistance under the eligibility criteria for the program in effect on the day before the effective date of this subsection.

* * * * * * *

SOCIAL SECURITY ACT

* * * * * * *

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES

* * * * * * *

PART D—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

* * * * * * *

FEDERAL PARENT LOCATOR SERVICE

SEC. 453. (a) * * *

* * * * * * *

(j) INFORMATION COMPARISONS AND OTHER DISCLOSURES.—

(1) * * *

* * * * * * *

(10) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF [FOOD STAMP] *SUPPLEMENTAL NUTRITION ASSISTANCE* PROGRAMS.—

(A) * * *

* * * * * * *

TITLE XI—GENERAL PROVISIONS, PEER REVIEW, AND ADMINISTRATIVE SIMPLIFICATION

PART A—GENERAL PROVISIONS

* * * * * * *

INCOME AND ELIGIBILITY VERIFICATION SYSTEM

SEC. 1137. (a) In order to meet the requirements of this section, a State must have in effect an income and eligibility verification system which meets the requirements of subsection (d) and under which—

(1) * * *

* * * * * * *

(5) adequate safeguards are in effect so as to assure that—

(A) * * *

(B) the information is adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Secretary of Health and Human Services, or, in the case of the unemployment compensation program, the Secretary of Labor, or, in the case of the [food stamp] *supplemental nutrition assistance* program, the Secretary of Agriculture, or in the case of information released pursuant to section 6103(l) of the Internal Revenue Code of 1954, the Secretary of the Treasury;

* * * * * * *

(b) The programs which must participate in the income and eligibility verification system are—

(1) * * *

* * * * * * *

(4) the [food stamp program under the Food Stamp Act of 1977] *supplemental nutrition assistance program under the Food and Nutrition Act of 2008*; and

* * * * * * *

TITLE XVI—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

* * * * * * *

PART B—PROCEDURAL AND GENERAL PROVISIONS

PAYMENTS AND PROCEDURES

Payment of Benefits

SEC. 1631. (a) * * *

* * * * * * *

CONCURRENT SSI AND [FOOD STAMP] *SUPPLEMENTAL NUTRITION ASSISTANCE* APPLICATIONS BY INSTITUTIONALIZED INDIVIDUALS

(n) The Commissioner of Social Security and the Secretary of Agriculture shall develop a procedure under which an individual who applies for supplemental security income benefits under this title shall also be permitted to apply at the same time for participation in the supplemental nutrition assistance program authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

* * * * * * *

AGRICULTURE AND FOOD ACT OF 1981

* * * * * * *

TITLE XI—MISCELLANEOUS

* * * * * * *

DISTRIBUTION OF SURPLUS COMMODITIES; SPECIAL NUTRITION PROJECTS

SEC. 1114. (a)(1) * * *

(2)(A) For each of fiscal years 2008 through [2012] *2018*, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies. The expense of reprocessing shall be paid by such eligible recipient agencies.

* * * * * * *

COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987

* * * * * * *

SEC. 3. COMMODITY DISTRIBUTION PROGRAM REFORMS.

(a) COMMODITIES SPECIFICATIONS.—

(1) * * *

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) * * *

[(B) the program established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b));]

(B) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));

* * * * * * *

(3) ADVISORY COUNCIL.—(A) * * *

* * * * * * *

(D) The council shall report annually to the Secretary of Agriculture, [the Committee on Education and Labor] *the Committee on Education and the Workforce* and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

* * * * * * *

(b) DUTIES OF SECRETARY WITH RESPECT TO PROVISION OF COMMODITIES.—With respect to the provision of commodities to recipient agencies, the Secretary shall—

(1) before the end of the 270-day period beginning on the date of the enactment of this Act —

(A) implement a system to provide recipient agencies with options with respect to package sizes and forms of such commodities, based on information received from such agencies under subsection (f)(2), taking into account the duty of the Secretary—

(i) * * *

(ii) to purchase surplus agriculture commodities through [section 32 of the Agricultural Adjustment Act (7 U.S.C. 601 et seq.)] *section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)*; and

* * * * * * *

(e) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall provide by regulation for—

(A) * * *

* * * * * * *

(D) delivery schedules for the distribution of commodities and products that are consistent with the needs of eligible recipient agencies, taking into account the duty of the Secretary—

(i) * * *

* * * * * * *

(iii) to make direct purchases of agricultural commodities and other foods for distribution to recipient agencies under—

(I) * * *

[(II) the program established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and]

(II) the program established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b));

* * * * * * *

(k) REPORT.—Not later than January 1, 1989, the Secretary shall submit to [the Committee on Education and Labor] *the Committee*

on Education and the Workforce and the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implementation and operation of this section.

* * * * * * *

SEC. 17. [COMMODITY DONATIONS.] *COMMODITY DONATIONS AND PROCESSING.*

(a) * * *

* * * * * * *

(c) PROCESSING.—For any program included in subsection (b), the Secretary may, notwithstanding any other provision of State or Federal law relating to the procurement of goods and services—

(1) retain title to commodities delivered to a processor, on behalf of a State (including a State distributing agency and a recipient agency), until such time as end products containing such commodities, or similar commodities as approved by the Secretary, are delivered to a State distributing agency or to a recipient agency; and

(2) promulgate regulations to ensure accountability for commodities provided to a processor for processing into end products, and to facilitate processing of commodities into end products for use by recipient agencies. Such regulations may provide that—

(A) a processor that receives commodities for processing into end products, or provides a service with respect to such commodities or end products, in accordance with its agreement with a State distributing agency or a recipient agency, provide to the Secretary a bond or other means of financial assurance to protect the value of such commodities; and

(B) in the event a processor fails to deliver to a State distributing agency or a recipient agency an end product in conformance with the processing agreement entered into under this Act, the Secretary take action with respect to the bond or other means of financial assurance pursuant to regulations promulgated under this paragraph and distribute any proceeds obtained by the Secretary to one or more State distributing agencies and recipient agencies as determined appropriate by the Secretary.

SEC. 18. DEFINITIONS.

For purposes of this Act:

[(1) The term "donated commodities" means agricultural commodities and their products that are donated by the Secretary to recipient agencies.

[(2) The term "entitlement commodities" means agricultural commodities and their products that are donated and charged by the Secretary against entitlements established under programs authorized by statute to receive such commodities.]

(1) The term "commodities" means agricultural commodities and their products that are donated by the Secretary for use by recipient agencies.

(2) The term "end product" means a food product that contains processed commodities.

* * * * * * *

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

* * * * * * *

SEC. 19. [FRESH] FRUIT AND VEGETABLE PROGRAM.

(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free [fresh] fruits and vegetables available in elementary schools (referred to in this section as the "program").

(b) PROGRAM.—A school participating in the program shall make free [fresh] fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

* * * * * * *

(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free [fresh] fruits and vegetables under the program.

* * * * * * *

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

* * * * * * *

TITLE III—AGRICULTURAL CREDIT

* * * * * * *

SUBTITLE A—REAL ESTATE LOANS

* * * * * * *

SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

[(a) IN GENERAL.—The] *(a) IN GENERAL.—*

(1) ELIGIBILITY REQUIREMENTS.—The Secretary may make and insure loans under this subtitle to farmers and ranchers in the United States, and to farm cooperatives and private domestic corporations, partnerships, joint operations, trusts, and limited liability companies*, and such other legal entities as the Secretary deems appropriate,* that are controlled by farmers and ranchers and engaged primarily and directly in farming or ranching in the United States, subject to the conditions specified in this section. To be eligible for such loans, applicants who are individuals, or, in the case of cooperatives, corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities*, individuals holding a majority interest in such entity, must [(1)] *(A)* be citizens of the United States, [(2)] *(B)* for direct loans only, have either training or farming experience that the Secretary determines is sufficient to assure reasonable

prospects of success in the proposed farming operations, taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences, [(3)] *(C)* be or will become owner-operators of not larger than family farms (or in the case of cooperatives, corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities* in which a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary, such individuals must be or will become either owners or operators of not larger than a family farm and at least one such individual must be or will become an operator of not larger than a family farm or, in the case of holders of the entire interest who are related by blood or marriage and all of whom are or will become farm operators, the ownership interest of each such holder separately constitutes not larger than a family farm, even if their interests collectively constitute larger than a family farm, as defined by the Secretary), and [(4)] *(D)* be unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. In addition to the foregoing requirements of this section, in the case of corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities*, the family farm requirement of clause [(3)] *(C)* of the preceding sentence shall apply as well to the farm or farms in which the entity has an ownership and operator interest and the requirement of clause [(4)] *(D)* of the preceding sentence shall apply as well to the entity in the case of cooperatives, corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities*.

(2) SPECIAL DEEMING RULES.—

(A) ELIGIBILITY OF CERTAIN OPERATING-ONLY ENTITIES.—An entity that is or will become only the operator of a family farm is deemed to meet the owner-operator requirements of paragraph (1) if the individuals that are the owners of the family farm own more than 50 percent (or such other percentage as the Secretary determines is appropriate) of the entity.

(B) ELIGIBILITY OF CERTAIN EMBEDDED ENTITIES.—An entity that is an owner-operator described in paragraph (1), or an operator described in subparagraph (A) of this paragraph that is owned, in whole or in part, by other entities, is deemed to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.

(b) DIRECT LOANS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may make a direct loan under this subtitle only to a farmer or rancher who has participated in the business operations of a

farm or ranch for not less than 3 years *or has other acceptable experience for a period of time, as determined by the Secretary,* and—

(A) * * *

* * * * * * *

SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

(a) * * *

* * * * * * *

(c) ELIGIBILITY.—

(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies*, or such other legal entities as the Secretary deems appropriate,* that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in ❚paragraphs (1) and (2) of section 302(a)❚ *clauses (A) and (B) of section 302(a)(1)*.

* * * * * * *

(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be ❚75 percent❚ *90 percent* of the principal amount of the loan.

* * * * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through ❚2012❚ *2018*, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.

* * * * * * *

SEC. 306. (a)(1) * * *

(2) WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.—

(A) * * *

(B) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

(i) * * *

* * * * * * *

(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $30,000,000 for each of fiscal years ❚2008 through 2012❚ *2014 through 2018*.

* * * * * * *

(11) RURAL BUSINESS OPPORTUNITY GRANTS.—

(A) * * *

* * * * * * *

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph

[$15,000,000 for each of fiscal years 2008 through 2012] *$15,000,000 for each of fiscal years 2014 through 2018.*

* * * * * * *

(19) COMMUNITY FACILITIES GRANT PROGRAM.—

(A) * * *

* * * * * * *

[(C) RESERVATION OF FUNDS FOR CHILD DAY CARE FACILITIES.—

[(i) IN GENERAL.—For each fiscal year, not less than 10 percent of the funds made available to carry out this paragraph shall be reserved for grants to pay the Federal share of the cost of developing and constructing day care facilities for children in rural areas.

[(ii) RELEASE.—Funds reserved under clause (i) for a fiscal year shall be reserved only until June 1 of the fiscal year.]

* * * * * * *

[(22) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

[(A) IN GENERAL.—The Secretary shall establish a national rural water and wastewater circuit rider program that is based on the rural water circuit rider program of the National Rural Water Association that (as of the date of enactment of this paragraph) receives funding from the Secretary, acting through the Rural Utilities Service.

[(B) RELATIONSHIP TO EXISTING PROGRAM.—The program established under subparagraph (A) shall not affect the authority of the Secretary to carry out the circuit rider program for which funds are made available under the heading "RURAL COMMUNITY ADVANCEMENT PROGRAM" in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (115 Stat. 719).

[(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $25,000,000 for fiscal year 2008 and each fiscal year thereafter.]

(22) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

(A) IN GENERAL.—The Secretary shall continue a national rural water and wastewater circuit rider program that—

(i) is consistent with the activities and results of the program conducted before the date of enactment of this paragraph, as determined by the Secretary; and

(ii) receives funding from the Secretary, acting through the Rural Utilities Service.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal year 2014 and each fiscal year thereafter.

* * * * * * *

(24) LOAN GUARANTEES FOR WATER, WASTEWATER, AND ESSENTIAL COMMUNITY FACILITIES LOANS.—

(A) * * *

* * * * * * *

(C) UTILIZATION OF LOAN GUARANTEES FOR COMMUNITY FACILITIES.—The Secretary shall consider the benefits to communities that result from using loan guarantees in the Community Facilities Program and to the maximum extent possible utilize guarantees to enhance community involvement.

(25) TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.—

(A) * * *

* * * * * * *

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph **[**$10,000,000 for each of fiscal years 2008 through 2012**]** *$5,000,000 for each of fiscal years 2014 through 2018.*

(26) ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.—

(A) IN GENERAL.—The Secretary may make grants to public bodies and private nonprofit corporations, such as States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts and Indian tribes on Federal and State reservations which will serve rural areas for the purpose of enabling them to provide to associations described in this subsection technical assistance and training, with respect to essential community facilities programs authorized under this subsection, to—

(i) assist communities in identifying and planning for community facility needs;

(ii) identify public and private resources to finance community facilities needs;

(iii) prepare reports and surveys necessary to request financial assistance to develop community facilities;

(iv) prepare applications for financial assistance;

(v) improve the management, including financial management, related to the operation of community facilities; or

(vi) assist with other areas of need identified by the Secretary.

(B) SELECTION PRIORITY.—In selecting recipients of grants under this paragraph, the Secretary shall give priority to private, nonprofit, or public organizations that have experience in providing technical assistance and training to rural entities.

(C) FUNDING.—Not less than 3 nor more than 5 percent of any funds appropriated to carry out each of the essential community facilities grant, loan and loan guarantee programs as authorized under this subsection for any fiscal year shall be reserved for grants under this paragraph.

* * * * * * *

SEC. 306A. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

(a) * * *

* * * * * * *

(i) FUNDING.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section ❚$35,000,000 for each of fiscal years 2008 through 2012❚ *$27,000,000 for each of fiscal years 2014 through 2018*.

* * * * * * *

SEC. 306E. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section ❚$10,000,000 for each of fiscal years 2008 through 2012❚ *$5,000,000 for each of fiscal years 2014 through 2018*.

SEC. 307. (a) * * *

* * * * * * *

❚(d) With respect to a farm ownership loan made after the date of the enactment of this subsection, unless appraised values of the rights to oil, gas, or other minerals are specifically included as part of the appraised value of collateral securing the loan, the rights to oil, gas, or other minerals located under the property shall not be considered part of the collateral securing the loan. Nothing in this subsection shall prevent the inclusion of, as part of the collateral securing the loan, any payment or other compensation the borrower may receive for damages to the surface of the collateral real estate resulting from the exploration for or recovery of minerals.❚

❚(e)❚ *(d)* The Secretary may not—

(1) * * *

* * * * * * *

SEC. 310B. ASSISTANCE FOR RURAL ENTITIES.

(a) LOANS TO PRIVATE BUSINESS ENTERPRISES.—

(1) * * *

(2) LOAN PURPOSES.—The Secretary may make and insure loans to public, private, or cooperative organizations organized for profit or nonprofit and private investment funds that invest primarily in cooperative organizations, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to individuals for the purposes of—

(A) improving, developing, or financing business, industry, and employment *including working capital* and improving the economic and environmental climate in rural communities, including pollution abatement and control;

* * * * * * *

(e) RURAL COOPERATIVE DEVELOPMENT GRANTS.—

(1) * * *

* * * * * * *

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection [$50,000,000 for each of fiscal years 2008 through 2012] *$40,000,000 for each of fiscal years 2014 through 2018*.

* * * * * * *

(g) BUSINESS AND INDUSTRY DIRECT AND GUARANTEED LOANS.—

(1) * * *

* * * * * * *

(7) INTANGIBLE ASSETS.—In determining whether a cooperative organization is eligible for a guaranteed business and industry loan, the Secretary may consider the market value of a properly appraised brand name, patent, or trademark of the cooperative. *In the discretion of the Secretary, if the Secretary determines that the action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government, the Secretary may take account receivables as security for the obligations entered into in connection with loans and a borrower may use account receivables as collateral to secure a loan made or guaranteed under this subsection.*

* * * * * * *

(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

(A) * * *

(B) LOAN AND LOAN GUARANTEE PROGRAM.—

(i) * * *

* * * * * * *

(v) RESERVATION OF FUNDS.—

(I) IN GENERAL.—For each of fiscal years 2008 through [2012] *2018*, the Secretary shall reserve not less than 5 percent *and not more than 7 percent* of the funds made available to carry out this subsection to carry out this subparagraph.

* * * * * * *

SEC. 310D. (a) The Secretary is authorized to make and insure loans for any of the purposes referred to in section 303(a), or paragraphs (1) through (5) of section 304(a), to farmers and ranchers in the United States who (1) are citizens of the United States, (2) meet the requirements of paragraphs (2) through (4) of section 302, (3) are unable to obtain sufficient credit under section 302 to finance their actual needs, (4) are owners or operators of small or family farms (including new owners or operators), (5) are farmers or ranchers with a low income, and (6) demonstrate a need to maximize their income from farming or ranching operations. The Secretary is also authorized to make such loans to any farm cooperative or private domestic corporation or partnership*, or such other legal entities as the Secretary deems appropriate,* that is controlled by farmers and ranchers and engaged primarily and directly in farming or ranching in the United States if all of its members, stockholders, [or partners] *partners, or owners*, as applicable, are

citizens of the United States and the entity and all such members, stockholders, [or partners] *partners, or owners* meet the requirements of paragraphs (2) through (6) of the preceding sentence.

* * * * * * *

SEC. 310E. DOWN PAYMENT LOAN PROGRAM.

(a) * * *

(b) LOAN TERMS.—

(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

(A) * * *

* * * * * * *

(C) [$500,000] *$667,000*.

* * * * * * *

[(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be 4 percent.]

* * * * * * *

SEC. 310H. INTERMEDIARY RELENDING PROGRAM.

(a) IN GENERAL.—The Secretary shall make loans to the entities, for the purposes, and subject to the terms and conditions specified in the 1st, 2nd, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)).

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For loans under subsection (a), there are authorized to be appropriated to the Secretary not more than $10,000,000 for each of fiscal years 2014 through 2018.

SUBTITLE B—OPERATING LOANS

SEC. 311. PERSONS ELIGIBLE FOR LOANS.

[(a) IN GENERAL.—The] *(a) IN GENERAL.—*

(1) ELIGIBILITY REQUIREMENTS.—The Secretary may make and insure loans under this subtitle to farmers and ranchers in the United States, and to farm cooperatives and private domestic corporations, partnerships, joint operations, trusts, and limited liability companies*, and such other legal entities as the Secretary deems appropriate,* that are controlled by farmers and ranchers and engaged primarily and directly in farming or ranching in the United States, subject to the conditions specified in this section. To be eligible for such loans, applicants who are individuals, or, in the case of cooperatives, corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities*, individuals holding a majority interest in such entity, must [(1)] *(A)* be citizens of the United States, [(2)] *(B)* for direct loans only, have either training or farming experience that the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operations, taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences, [(3)] *(C)* be or will become operators of not larger than family farms (or in the case of cooperatives, corporations, partnerships, joint operations, trusts, [and limited liability companies] *limited liability companies, and such other legal entities* in which a ma-

jority interest is held by individuals who are related by blood or marriage, as defined by the Secretary, such individuals must be or will become either owners or operators of not larger than a family farm and at least one such individual must be or will become an operator of not larger than a family farm or, in the case of holders of the entire interest who are related by blood or marriage and all of whom are or will become farm operators, the ownership interest of each such holder separately constitutes not larger than a family farm, even if their interests collectively constitute larger than a family farm, as defined by the Secretary), and ⟦(4)⟧ *(D)* be unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. In addition to the foregoing requirements of this subsection, in the case of corporations, partnerships, joint operations, trusts, ⟦and limited liability companies⟧ *limited liability companies, and such other legal entities*, the family farm requirement of clause ⟦(3)⟧ *(C)* of the preceding sentence shall apply as well to the farm or farms in which the entity has an operator interest and the requirement of clause ⟦(4)⟧ *(D)* of the preceding sentence shall apply as well to the entity in the case of cooperatives, corporations, partnerships, joint operations, trusts, ⟦and limited liability companies⟧ *limited liability companies, and such other legal entities*.

(2) SPECIAL DEEMING RULE.—An entity that is an operator described in paragraph (1) that is owned, in whole or in part, by other entities, is deemed to meet the direct ownership requirement imposed under paragraph (1) if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.

(b)(1) Loans may also be made under this subtitle without regard to the requirements of clauses (2) and (3) of subsection (a) to youths ⟦who are rural residents⟧ to enable them to operate enterprises in connection with their participation in 4–H Clubs, Future Farmers of America, and similar organizations.

* * * * * * *

(5) The Secretary may, on a case by case basis, waive the personal liability of a borrower for a loan made under this subsection if any default on the loan was due to circumstances beyond the control of the borrower.

(c) DIRECT LOANS.—

(1) * * *

⟦(2) YOUTH LOANS.—In this subsection, the term "direct operating loan" shall not include a loan made to a youth under subsection (b).⟧

(2) EXCEPTIONS.—In this subsection, the term "direct operating loan" shall not include—

(A) a loan made to a youth under subsection (b); or

(B) a microloan made to a beginning farmer or rancher or a veteran farmer or rancher (as defined in section

2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

* * * * * * *

SEC. 312. PURPOSES OF LOANS.

(a) IN GENERAL.—A direct loan *(including a microloan, as defined by the Secretary)* may be made under this subtitle only for—

(1) * * *

* * * * * * *

SEC. 313. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

(a) * * *

* * * * * * *

(c) MICROLOANS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish a program to make or guarantee microloans.

(2) LIMITATION.—The Secretary shall not make or guarantee a microloan under this subsection that exceeds $35,000 or that would cause the total principal indebtedness outstanding at any 1 time for microloans made under this chapter to any 1 borrower to exceed $70,000.

(3) APPLICATIONS.—To the maximum extent practicable, the Secretary shall limit the administrative burdens and streamline the application and approval process for microloans under this subsection.

(4) COOPERATIVE LENDING PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with community-based and nongovernmental organizations, State entities, or other intermediaries, as the Secretary determines appropriate—

(i) to make or guarantee a microloan under this subsection; and

(ii) to provide business, financial, marketing, and credit management services to borrowers.

(B) REQUIREMENTS.—Before contracting with an entity described in subparagraph (A), the Secretary—

(i) shall review and approve—

(I) the loan loss reserve fund for microloans established by the entity; and

(II) the underwriting standards for microloans of the entity; and

(ii) establish such other requirements for contracting with the entity as the Secretary determines necessary.

* * * * * * *

SEC. 316. (a)(1) * * *

(2) The interest rate on *a microloan to a beginning farmer or rancher or veteran farmer or rancher (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) or* any loan (other than a guaranteed loan) to a low income, limited resource borrower under this subtitle shall not be—

(A) * * *

* * * * * * *

SUBTITLE C—EMERGENCY LOANS

SEC. 321. (a) The Secretary shall make and insure loans under this subtitle only to the extent and in such amounts as provided in advance in appropriation Acts to (1) established farmers or ranchers (including equine farmers or ranchers), or persons engaged in aquaculture, who are citizens of the United States and who are [owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a purpose under subtitle B)] *(in the case of farm ownership loans in accordance with subtitle A) owner-operators or operators, or (in the case of loans for a purpose under subtitle B) operators* of not larger than family farms, and (2) farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies*, or such other legal entities as the Secretary deems appropriate* (A) that are engaged primarily in farming or ranching (including equine farming or ranching) or aquaculture, and (B) in which a majority interest is held by individuals who are citizens of the United States and who are [owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a purpose under subtitle B)] *(in the case of farm ownership loans in accordance with subtitle A) owner-operators or operators, or (in the case of loans for a purpose under subtitle B) operators* of not larger than family farms (or in the case of such cooperatives, corporations, partnerships, joint operations, trusts, or limited liability companies*, or other legal entities* in which a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary, such individuals must be either owners or operators of not larger than a family farm and at least one such individual must be an operator of not larger than a family farm), where the Secretary finds that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a quarantine imposed by the Secretary under the Plant Protection Act or the animal quarantine laws (as defined in section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990), a natural disaster in the United States, or a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loan and are not able to obtain sufficient credit elsewhere. In addition to the foregoing requirements of this subsection, in the case of farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, [and limited liability companies,] *limited liability companies, and such other legal entities* the family farm requirement of the preceding sentence shall apply as well to all farms in which the entity has an [ownership and operator] *ownership or operator* interest (in the case of loans for a purpose under subtitle A) or an operator interest (in the case of loans for a purpose under subtitle B). The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has found that farming, ranching, or aquaculture operations have been substantially affected by a

quarantine imposed by the Secretary under the Plant Protection Act or the animal quarantine laws (as defined in section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990), a natural disaster in the United States, or a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The Secretary shall accept applications for assistance under this subtitle from persons affected by such a quarantine or natural disaster at any time during the eight-month period beginning (A) on the date on which the Secretary determines that farming, ranching, or aquaculture operations have been substantially affected by such quarantine or natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be. *An entity that is an owner-operator or operator described in this subsection is deemed to meet the direct ownership requirement imposed under this subsection if at least 75 percent of the ownership interests of each embedded entity of such entity is owned directly or indirectly by the individuals that own the family farm.*

* * * * * * *

SUBTITLE D—ADMINISTRATIVE PROVISIONS

SEC. 331. (a) * * *

* * * * * * *

(d) RURAL COLLEGE COORDINATED STRATEGY.—The Secretary shall develop a coordinated strategy across the relevant programs within the Rural Development mission areas to serve the specific, local needs of rural communities when making investments in rural community colleges and technical colleges through other current authorities. During the development of a coordinated strategy, the Secretary shall consult with groups representing rural-serving community colleges and technical colleges to coordinate critical investments in rural community colleges and technical colleges involved in workforce training. Nothing in this subsection shall be construed to provide a priority for funding within current authorities. The Secretary shall use the coordinated strategy and information developed for the strategy to more effectively serve rural communities with respect to investments in community colleges and technical colleges.

* * * * * * *

SEC. 333. In connection with loans made or insured under this title, the Secretary shall [require]—

(1) *require* the applicant (A) to certify in writing, and the Secretary shall determine, that he is unable to obtain sufficient credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, and (B) to furnish an appropriate written financial statement;

(2) except with respect to a loan under section 306, 310B, or 314*, require*—

(A) * * *

* * * * * * *

(3) except for guaranteed loans, *require* an agreement by the borrower that if at any time it shall appear to the Secretary that the borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source (or, in the case of a borrower under section 310D of this title, the borrower may be able to obtain a loan under section 302 of this title), at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request by the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary or the insured lender, or both, and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan;

(4) *require* such provision for supervision of the borrower's operations as the Secretary shall deem necessary to achieve the objectives of the loan and protect the interests of the United States; **[**and**]**

(5) *require* the application of a person who is a veteran of any war, as defined in section 101(12) of title 38, United States Code, for a loan under subtitle A or B to be given preference over a similar application from a person who is not a veteran of any war, if the applications are on file in a county or area office at the same time**[**.**]***; and*

(6) with respect to water and waste disposal direct and guaranteed loans provided under section 306, encourage, to the maximum extent practicable, private or cooperative lenders to finance rural water and waste disposal facilities by—

(A) maximizing the use of loan guarantees to finance eligible projects in rural communities where the population exceeds 5,500;

(B) maximizing the use of direct loans to finance eligible projects in rural communities where the impact on rate payers will be material when compared to financing with a loan guarantee;

(C) establishing and applying a materiality standard when determining the difference in impact on rate payers between a direct loan and a loan guarantee;

(D) in the case of projects that require interim financing in excess of $500,000, requiring that such projects initially seek such financing from private or cooperative lenders; and

(E) determining if an existing direct loan borrower can refinance with a private or cooperative lender, including with a loan guarantee, prior to providing a new direct loan.

SEC. 333A. (a) * * *

* * * * * * *

(h) SIMPLIFIED APPLICATION FORMS.—Except as provided in subsection (g)(2) of this section, the Secretary shall, to the maximum extent practicable, develop a simplified application process, including a single page application where possible, for grants and relending authorized under sections 306, 306C, 306D, 306E, 310B(b), 310B(c), 310B(e), 310B(f), 310H, 379B, and 379E.

SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

(a) * * *

* * * * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

SEC. 343. (a) As used in this title:

(1) * * *

* * * * * * *

(11) The term "qualified beginning farmer or rancher" means an applicant, regardless of whether the applicant is participating in a program under section 310E—

(A) * * *

* * * * * * *

(C) in the case of a cooperative, corporation, partnership, or joint operation, *or such other legal entity as the Secretary deems appropriate,* who has members, stockholders, partners, [or joint operators] *joint operators, or owners* who are all related to one another by blood or marriage;

(D)(i) in the case of an owner and operator of a farm or ranch, who—

(I) * * *

(II)(aa) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, *or such other legal entity,* has members, stockholders, partners, [or joint operators] *joint operators, or owners*, materially and substantially participate in the operation of the farm or ranch; and

* * * * * * *

(ii) in the case of an applicant seeking to own and operate a farm or ranch, who—

(I) * * *

(II)(aa) in the case of a loan made to a cooperative, corporation, partnership, or joint operation, *or such other legal entity,* will have members, stockholders, partners, [or joint operators] *joint operators, or owners*, materially and substantially participate in the operation of the farm or ranch; and

* * * * * * *

(F) who does not own land or who, directly or through interests in family farm corporations, owns land, the aggregate acreage of which does not exceed 30 percent of the [median acreage] *average acreage* of the farms or ranches, as the case may be, in the county in which the farm or ranch operations of the applicant are located, as reported in the most recent census of agriculture, except that this subparagraph shall not apply to a loan made or guaranteed under subtitle B; and

* * * * * * *

SEC. 346. (a) * * *

(b) AUTHORIZATION FOR LOANS.—

(1) IN GENERAL.—The Secretary may make or guarantee loans under subtitles A and B from the Agricultural Credit Insurance Fund provided for in section 309 for not more than $4,226,000,000 for each of fiscal years 2008 through [2012] *2018*, of which, for each fiscal year—

(A) * * *

* * * * * * *

(2) BEGINNING FARMERS AND RANCHERS.—

(A) DIRECT LOANS.—

(i) FARM OWNERSHIP LOANS.—

(I) * * *

* * * * * * *

(III) PRIORITY.—In order to maximize the number of borrowers served under this clause, the Secretary—

(aa) shall give priority to applicants who apply under the down payment loan program under section 310E or joint financing arrangements under section 307(a)(3)(D); and

(bb) may offer other financing options under this subtitle to applicants only if the Secretary determines that down payment or other participation loan options are not a viable approach for the applicants.

(ii) OPERATING LOANS.—Of the amounts made available under paragraph (1) for direct operating loans, the Secretary shall reserve for qualified beginning farmers and ranchers—

(I) * * *

* * * * * * *

(III) for each of fiscal years 2008 through [2012] *2018*, an amount that is not less than 50 percent [of the total amount].

* * * * * * *

SEC. 359. BORROWER TRAINING.

(a) * * *

* * * * * * *

(c) ELIGIBILITY FOR LOANS.—

(1) * * *

(2) LOAN CONDITIONS.—The need of a borrower who satisfies the criteria set out in [section 302(a)(2) or 311(a)(2)] *section 302(a)(1)(B) or 311(a)(1)(B)* for management assistance under this section shall not be cause for denial of eligibility of the borrower for a direct loan under this title.

* * * * * * *

SEC. 375. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) * * *

* * * * * * *

(e) REVOLVING FUND.—

(1) * * *

* * * * * * *

(6) FUNDING.—

(A) * * *

* * * * * * *

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

SEC. 379B. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

(a) * * *

* * * * * * *

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.]

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 379E. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

(a) * * *

* * * * * * *

(d) FUNDING.—

(1) * * *

(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section [$40,000,000 for each of fiscal years 2009 through 2012] *$20,000,000 for each of fiscal years 2014 through 2018*.

* * * * * * *

Subtitle F—Delta Regional Authority

* * * * * * *

SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle [$30,000,000 for each of fiscal years 2008 through 2012] *$12,000,000 for each of fiscal years 2014 through 2018*, to remain available until expended.

* * * * * * *

SEC. 382N. TERMINATION OF AUTHORITY.

This subtitle and the authority provided under this subtitle expire on October 1, [2012] *2018*.

Subtitle G—Northern Great Plains Regional Authority

* * * * * * *

SEC. 383N. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle [$30,000,000 for each of fiscal years 2008 through 2012] *$2,000,000 for each of fiscal years 2014 through 2018*, to remain available until expended.

* * * * * * *

SEC. 383O. TERMINATION OF AUTHORITY.

The authority provided by this subtitle terminates effective October 1, [2012] *2018*.

Subtitle H—Rural Business Investment Program

* * * * * * *

SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle [$50,000,000 for the period of fiscal years 2008 through 2012] *$20,000,000 for each of fiscal years 2014 through 2018*.

* * * * * * *

SECTION 506 OF THE AGRICULTURAL CREDIT ACT OF 1987

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $7,500,000 for each of the fiscal years 1988 through [2015] *2018*.

SECTION 1 OF PUBLIC LAW 91–229

SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

(a) * * *

(b) HIGHLY FRACTIONATED LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land [pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c))] *or to intermediaries in order to establish revolving loan funds for the purchase of highly fractionated land*.

* * * * * * *

RURAL ELECTRIFICATION ACT OF 1936

TITLE I

* * * * * * *

SEC. 2. GENERAL AUTHORITY OF THE SECRETARY OF AGRICULTURE.

(a) LOANS.—The Secretary of Agriculture (referred to in this Act as the "Secretary") is authorized and empowered to make loans in

the several States and Territories of the United States for rural electrification and for the purpose of furnishing and improving electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy efficiency *(including relending for this purpose as provided in section 4)* and conservation programs, and on-grid and off-grid renewable energy systems.

* * * * * * *

SEC. 4. (a) The Secretary is authorized and empowered, from the sums hereinbefore authorized, to make loans for rural electrification to persons, corporations, States, Territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts and cooperative, nonprofit, or limited-dividend associations organized under the laws of any State or Territory of the United States, for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing and improving of electric service to persons in rural areas, including by assisting electric borrowers to implement demand side management, energy efficiency *(including relending to ultimate consumers for this purpose by borrowers enumerated in the proviso in this section)* and conservation programs, and on-grid and off-grid renewable energy systems, and loans, from funds available under section 3, to cooperative associations and municipalities for the purpose of enabling said cooperative associations, and municipalities to the extent that such indebtedness was incurred with respect to electric transmission and distribution lines or systems or portions thereof serving persons in rural areas, to discharge or refinance long-term debts owned by them to the Tennessee Valley Authority on account of loans made or credit extended under the terms of the Tennessee Valley Authority Act of 1933, as amended: *Provided,* That the Secretary, in making such loans, shall give preference to States, Territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts, and cooperative, nonprofit, or limited-dividend associations, the projects of which comply with the requirements of this Act.

* * * * * * *

SEC. 5. FEES FOR CERTAIN LOAN GUARANTEES.

(a) IN GENERAL.—For electrification baseload generation loan guarantees, the Secretary shall, at the request of the borrower, charge an upfront fee to cover the costs of the loan guarantee.

(b) FEE.—The fee described in subsection (a) for a loan guarantee shall be equal to the costs of the loan guarantee (within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C))).

(c) LIMITATION.—Funds received from a borrower to pay the fee described in this section shall not be derived from a loan or other debt obligation that is made or guaranteed by the Federal Government.

* * * * * * *

TITLE III

* * * * * * *

SEC. 313. CUSHION OF CREDIT PAYMENTS PROGRAM.

(a) * * *

(b) USES OF CUSHION OF CREDIT PAYMENTS.—

(1) * * *

(2) RURAL ECONOMIC DEVELOPMENT SUBACCOUNT.—

(A) * * *

(B) GRANTS.—The Secretary *(acting through the Rural Utilities Service)* is authorized, from the interest differential sums credited this subaccount and from any other funds made available thereto, to provide grants or zero interest loans to borrowers under this Act for the purpose of promoting *energy efficiency (including relending to ultimate consumers for this purpose),* rural economic development and job creation projects, including funding for project feasibility studies, start-up costs, incubator projects, and other reasonable expenses for the purpose of fostering rural development.

* * * * * * *

SEC. 313A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) * * *

* * * * * * *

(f) TERMINATION.—The authority provided under this section shall terminate on September 30, ⟦2012⟧ *2018*.

* * * * * * *

SEC. 315. EXPANSION OF 911 ACCESS.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone loans for each of fiscal years 2008 through ⟦2012⟧ *2018*.

* * * * * * *

TITLE VI—RURAL BROADBAND ACCESS

SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) * * *

* * * * * * *

(c) LOANS AND LOAN GUARANTEES.—

(1) * * *

⟦(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider.⟧

(2) PRIORITIES.—In making or guaranteeing loans under paragraph (1), the Secretary shall give—

(A) the highest priority to applicants that offer to provide broadband service to the greatest proportion of households

that, prior to the provision of the broadband service, had no incumbent service provider; and

(B) priority to applicants that offer in their applications to provide broadband service not predominantly for business service, but where at least 25 percent of customers in the proposed service territory are commercial interests.

(d) ELIGIBILITY.—

(1) * * *

* * * * * * *

(5) NOTICE REQUIREMENT.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

(A) * * *

(B) each area proposed to be served by the applicant; **[**and**]**

(C) the estimated number of households without terrestrial-based broadband service in those areas**[**.**]***;*

(D) the amount and type of support requested; and

(E) a list of the census block groups or tracts proposed to be so served.

* * * * * * *

(8) ADDITIONAL PROCESS.—The Secretary shall establish a process under which an incumbent service provider which, as of the date of the publication of notice under paragraph (5) with respect to an application submitted by the provider, is providing broadband service to a remote rural area, may (but shall not be required to) submit to the Secretary, not less than 15 and not more than 30 days after that date, information regarding the broadband services that the provider offers in the proposed service territory, so that the Secretary may assess whether the application meets the requirements of this section with respect to eligible projects.

(e) BROADBAND SERVICE.—

(1) * * *

* * * * * * *

(3) REQUIREMENT.—In considering the technology needs of customers in a proposed service territory, the Secretary shall take into consideration the upgrade or replacement cost for the construction or acquisition of facilities and equipment in the territory.

* * * * * * *

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through **[**2012**]** *2018*, to remain available until expended.

* * * * * * *

(l) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, **[**2012**]** *2018*.

* * * * * * *

AGRICULTURAL RISK PROTECTION ACT OF 2000

TITLE II—AGRICULTURAL ASSISTANCE

* * * * * * *

SUBTITLE C—RESEARCH

[SEC. 221. CARBON CYCLE RESEARCH.

[(a) IN GENERAL.—To the extent funds are made available for this purpose, the Secretary shall provide a grant to the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, acting through Kansas State University, to develop, analyze, and implement, through the land grant universities described in subsection (b), carbon cycle research at the national, regional, and local levels.

[(b) LAND GRANT UNIVERSITIES.—The land grant universities referred to in subsection (a) are the following:

[(1) Colorado State University.

[(2) Iowa State University.

[(3) Kansas State University.

[(4) Michigan State University.

[(5) Montana State University.

[(6) Purdue University.

[(7) Ohio State University.

[(8) Texas A&M University.

[(9) University of Nebraska.

[(c) USE.—Land grant universities described in subsection (b) shall use funds made available under this section—

[(1) to conduct research to improve the scientific basis of using land management practices to increase soil carbon sequestration, including research on the use of new technologies to increase carbon cycle effectiveness, such as biotechnology and nanotechnology;

[(2) to enter into partnerships to identify, develop, and evaluate agricultural best practices, including partnerships between—

[(A) Federal, State, or private entities; and

[(B) the Department of Agriculture;

[(3) to develop necessary computer models to predict and assess the carbon cycle;

[(4) to estimate and develop mechanisms to measure carbon levels made available as a result of—

[(A) voluntary Federal conservation programs;

[(B) private and Federal forests; and

[(C) other land uses;

[(5) to develop outreach programs, in coordination with Extension Services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers; and

[(6) to collaborate with the Great Plains Regional Earth Science Application Center to develop a space-based carbon cycle remote sensing technology program to—

[(A) provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions;

[(B) assess and model agricultural carbon sequestration; and

[(C) develop commercial products.

[(d) COOPERATIVE RESEARCH.—

[(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in cooperation with departments and agencies participating in the U.S. Global Change Research Program (which may use any of their statutory authorities) and with eligible entities, may carry out research to promote understanding of—

[(A) the flux of carbon in soils and plants (including trees); and

[(B) the exchange of other greenhouse gases from agriculture.

[(2) ELIGIBLE ENTITIES.—Research under this subsection may be carried out through the competitive awarding of grants and cooperative agreements to colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 1303)).

[(3) COOPERATIVE RESEARCH PURPOSES.—Research conducted under this subsection shall encourage collaboration among scientists with expertise in the areas of soil science, agronomy, agricultural economics, forestry, and other agricultural sciences to focus on—

[(A) developing data addressing carbon losses and gains in soils and plants (including trees) and the exchange of methane and nitrous oxide from agriculture;

[(B) understanding how agricultural and forestry practices affect the sequestration of carbon in soils and plants (including trees) and the exchange of other greenhouse gases, including the effects of new technologies such as biotechnology and nanotechnology;

[(C) developing cost-effective means of measuring and monitoring changes in carbon pools in soils and plants (including trees), including computer models;

[(D) evaluating the linkage between federal conservation programs and carbon sequestration;

[(E) developing methods, including remote sensing, to measure the exchange of carbon and other greenhouse gases sequestered, and to evaluate leakage, performance, and permanence issues; and

[(F) assessing the applicability of the results of research conducted under this subsection for developing methods to account for the impact of agricultural activities (including forestry) on the exchange of greenhouse gases.

[(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2002 through 2007.

[(e) EXTENSION PROJECTS.—

[(1) IN GENERAL.—The Secretary, in cooperation with departments and agencies participating in the U.S. Global Change Research Program (which may use any of their statutory authorities), and local extension agents, experts from institutions of higher education that offer a curriculum in agricultural and biological sciences, and other local agricultural or conservation

organizations, may implement extension projects (including on-farm projects with direct involvement of agricultural producers) that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and the exchange of greenhouse gas emissions from agriculture which demonstrate the feasibility of methods of measuring and monitoring—

[(A) changes in carbon content and other carbon pools in soils and plants (including trees); and

[(B) the exchange of other greenhouse gases.

[(2) EXTENSION PROJECT RESULTS.—The Secretary may disseminate to farmers, ranchers, private forest landowners, and appropriate State agencies in each State information concerning—

[(A) the results of projects under this subsection; and

[(B) the manner in which the methods used in the projects might be applicable to the operations of the farmers, ranchers, private forest landowners, and State agencies.

[(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2002 through 2007.

[(f) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available for this section may be used by the Secretary to pay administrative costs incurred in carrying out this section.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.]

* * * * * * *

SUBTITLE D—AGRICULTURAL MARKETING

SEC. 231. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

(a) * * *

(b) GRANT PROGRAM.—

(1) * * *

* * * * * * *

(7) FUNDING.—

(A) MANDATORY FUNDING.—On October 1, [2008] *2013*, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection [$15,000,000] *$50,000,000*, to remain available until expended.

(B) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977

* * * * * * *

TITLE XIV—NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977

* * * * * * *

Subtitle A—Findings, Purposes, and Definitions

* * * * * * *

DEFINITIONS

SEC. 1404. When used in this title:

(1) * * *

* * * * * * *

[(5) The term "cooperating forestry schools" means those institutions eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962.]

(5) COOPERATING FORESTRY SCHOOL.—

(A) IN GENERAL.—The term "cooperating forestry school" means an institution—

(i) that is eligible to receive funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), commonly known as the McIntire-Stennis Act of 1962; and

(ii) with respect to which the Secretary has not received a declaration of the intent of that institution to not be considered a cooperating forestry school.

(B) TERMINATION OF DECLARATION.—A declaration of the intent of an institution to not be considered a cooperating forestry school submitted to the Secretary shall be in effect until September 30, 2018.

* * * * * * *

(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

(A) IN GENERAL.—The term "Hispanic-serving agricultural colleges and universities" means colleges or universities [that]—

(i) *that* qualify as Hispanic-serving institutions; [and]

(ii) *that* offer associate, bachelors, or other accredited degree programs in agriculture-related fields[.]*; and*

(iii) with respect to which the Secretary has not received a statement of the declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university.

* * * * * * *

(C) TERMINATION OF DECLARATION OF INTENT.—A declaration of the intent of a college or university to not be considered a Hispanic-serving agricultural college or university submitted to the Secretary shall be in effect until September 30, 2018.

* * * * * * *

Subtitle B—Coordination and Planning of Agricultural Research, Extension, and Teaching

* * * * * * *

SEC. 1408. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) * * *

* * * * * * *

(c) DUTIES.—The Advisory Board shall—

(1) * * *

* * * * * * *

(3) review and make recommendations to the Under Secretary of Agriculture for Research, Education, and Economics on the research, extension, education, and economics portion of the draft strategic plan required under section 306 of title 5, United States Code; **[**and**]**

(4) review the mechanisms of the Department of Agriculture for technology assessment (which should be conducted by qualified professionals) for the purposes of—

(A) * * *

* * * * * * *

(C) the development of mechanisms for the assessment of emerging public and private agricultural research and technology transfer initiatives**[**.**]***; and*

(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.

* * * * * * *

(h) TERMINATION.—The Advisory Board shall remain in existence until September 30, **[**2012**]** *2018*.

SEC. 1408A. SPECIALTY CROP COMMITTEE.

(a) * * *

* * * * * * *

(c) ANNUAL COMMITTEE REPORT.—Not later than 180 days after the establishment of the specialty crops committee, and annually thereafter, the specialty crops committee shall submit to the Advisory Board a report containing the findings of its study under subsection (a). The specialty crops committee shall include in each report recommendations regarding the following:

(1) **[**Measures**]** *Programs* designed to improve the efficiency, productivity, and profitability of specialty crop production in the United States.

[(2) Measures designed to improve competitiveness in research, extension, and economics programs affecting the specialty crop industry.**]**

[(3) Programs that would**]** *(2) Research, extension, and teaching programs designed to improve competitiveness in the specialty crop industry, including programs that would—*

(A) * * *

* * * * * * *

(D) develop new products and new uses of specialty crops*, including improving the quality and taste of processed specialty crops*;

* * * * * * *

(G) improve *the remote sensing and the* mechanization of production practices; and

* * * * * * *

[(4)**]** *(3)* Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

[(5)**]** *(4)* Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.

* * * * * * *

Subtitle C—Agricultural Research and Education Grants and Fellowships

* * * * * * *

SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENTITY.—The term "qualified entity" means—

(A) a for-profit or nonprofit entity located in the United States that, or an individual who, operates a veterinary clinic providing veterinary services—

(i) in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)); and

(ii) in a veterinarian shortage situation;

(B) a State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

(C) a college or school of veterinary medicine accredited by the American Veterinary Medical Association;

(D) a university research foundation or veterinary medical foundation;

(E) a department of veterinary science or department of comparative medicine accredited by the Department of Education;

(F) a State agricultural experiment station; or

(G) a State, local, or tribal government agency.

(2) VETERINARIAN SHORTAGE SITUATION.—The term "veterinarian shortage situation" means a veterinarian shortage situation as determined by the Secretary under section 1415A.

(b) ESTABLISHMENT.—

(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that carry out programs or activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.

(2) ELIGIBILITY REQUIREMENTS.—A qualified entity shall be eligible to receive a grant described in paragraph (1) if the enti-

ty carries out programs or activities that the Secretary determines will—

(A) substantially relieve veterinarian shortage situations;

(B) support or facilitate private veterinary practices engaged in public health activities; or

(C) support or facilitate the practices of veterinarians who are providing or have completed providing services under an agreement entered into with the Secretary under section 1415A(a)(2).

(c) AWARD PROCESSES AND PREFERENCES.—

(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program established under this section, the Secretary shall—

(A) use an appropriate application and evaluation process, as determined by the Secretary; and

(B) seek the input of interested persons.

(2) COORDINATION PREFERENCE.—In selecting recipients of grants to be used for any of the purposes described in subsection (d)(1), the Secretary shall give a preference to qualified entities that provide documentation of coordination with other qualified entities, with respect to any such purpose.

(3) CONSIDERATION OF AVAILABLE FUNDS.—In selecting recipients of grants to be used for any of the purposes described in subsection (d), the Secretary shall take into consideration the amount of funds available for grants and the purposes for which the grant funds will be used.

(4) NATURE OF GRANTS.—A grant awarded under this section shall be considered to be a competitive research, extension, or education grant.

(d) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a qualified entity may use funds provided by a grant awarded under this section to relieve veterinarian shortage situations and support veterinary services for any of the following purposes:

(A) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

(B) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in section 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

(C) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

(D) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and

other health professionals needed to strengthen veterinary programs and enhance food safety.

(E) To provide technical assistance for the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under this section or section 1415A.

(2) QUALIFIED ENTITIES OPERATING VETERINARY CLINICS.—A qualified entity described in subsection (a)(1)(A) may only use funds provided by a grant awarded under this section to establish or expand veterinary practices, including—

(A) equipping veterinary offices;

(B) sharing in the reasonable overhead costs of such veterinary practices, as determined by the Secretary; or

(C) establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

(e) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

(1) TERMS OF SERVICE REQUIREMENTS.—

(A) IN GENERAL.—Funds provided through a grant made under this section to a qualified entity described in subsection (a)(1)(A) and used by such entity under subsection (d)(2) shall be subject to an agreement between the Secretary and such entity that includes a required term of service for such entity (including a qualified entity operating as an individual), as prospectively established by the Secretary.

(B) CONSIDERATIONS.—In establishing a term of service under subparagraph (A), the Secretary shall consider only—

(i) the amount of the grant awarded; and

(ii) the specific purpose of the grant.

(2) BREACH REMEDIES.—

(A) IN GENERAL.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the qualified entity referred to in paragraph (1)(A), including repayment or partial repayment of the grant funds, with interest.

(B) WAIVER.—The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that such qualified entity demonstrates extreme hardship or extreme need.

(C) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under this paragraph shall—

(i) be credited to the account available to carry out this section; and

(ii) remain available until expended without further appropriation.

(f) PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.—Except as provided in subsection (d)(2), funds made available for grants under this section may not be used—

(1) to construct a new building or facility; or

(2) to acquire, expand, remodel, or alter an existing building or facility, including site grading and improvement and architect fees.

(g) REGULATIONS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall promulgate regulations to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for fiscal year 2014 and each fiscal year thereafter, to remain available until expended.

SEC. 1417. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) * * *

* * * * * * *

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this ⟦section $60,000,000 for each of the fiscal years 1990 through 2012.⟧ *section—*

(1) $60,000,000 for each of fiscal years 1990 through 2013; and

(2) $40,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 1419A. *AGRICULTURAL AND FOOD* POLICY RESEARCH CENTERS.

(a) IN GENERAL.—Consistent with this section, the ⟦Secretary may make grants, competitive grants, and special research grants to, and enter into cooperative agreements and other contracting instruments with,⟧ *Secretary shall, acting through the Office of the Chief Economist, make competitive grants to, or enter into cooperative agreements with,* policy research centers described in subsection (b) *with a history of providing unbiased, nonpartisan economic analysis to Congress* to conduct research and education programs that are objective, operationally independent, and external to the Federal Government and that concern the effect of public policies and trade agreements on—

(1) * * *

* * * * * * *

(b) ELIGIBLE RECIPIENTS.—State agricultural experiment stations, colleges and universities, ⟦other research institutions and organizations (including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center), private organizations, corporations, and individuals shall be eligible⟧ *and other public research institutions and organizations shall be eligible* to apply for funding under subsection (a).

(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give a preference to policy research centers that have extensive databases, models, and demonstrated experience in providing Congress with agricultural market projections, rural development analysis, agricultural policy analysis, and baseline projections at the farm, multiregional, national, and international levels.

⟦(c)⟧ *(d)* ACTIVITIES.—Under this section, funding may be provided for disciplinary and interdisciplinary research and education concerning policy research activities consistent with this section, including activities that—

(1) * * *

* * * * * * *

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2012.]

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

(1) such sums as are necessary for each of fiscal years 1996 through 2013; and

(2) $5,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle D—National Food and Human Nutrition Research and Extension Program

* * * * * * *

[SEC. 1424. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

[(a) AUTHORITY OF SECRETARY.—The Secretary may establish, and award grants for projects for, a multi-year research initiative on human nutrition intervention and health promotion.

[(b) EMPHASIS OF INITIATIVE.—In administering human nutrition research projects under this section, the Secretary shall give specific emphasis to—

[(1) coordinated longitudinal research assessments of nutritional status;

[(2) the implementation of unified, innovative intervention strategies; and

[(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;

to identify and solve problems of nutritional inadequacy and contribute to the maintenance of health, well-being, performance, and productivity of individuals, thereby reducing the need of the individuals to use the health care system and social programs of the United States.

[(c) ADMINISTRATION OF FUNDS.—The Administrator of the Agricultural Research Service shall administer funds made available to carry out this section to ensure a coordinated approach to health and nutrition research efforts.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through 2012.

[SEC. 1424A. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

[(a) FINDINGS.—Congress finds the following:

[(1) Although medical researchers in recent years have demonstrated that there are several naturally occurring compounds in many vegetables and fruits that can aid in the prevention of certain forms of cancer, coronary heart disease, stroke, and atherosclerosis, there has been almost no research conducted to enhance these compounds in food plants by modern breeding and molecular genetic methods.

[(2) By linking the appropriate medical and agricultural research scientists in a highly-focused, targeted research program, it should be possible to develop new varieties of vegetables and fruits that would provide greater prevention of diet-

related diseases that are a major cause of death in the United States.

[(b) PILOT RESEARCH PROGRAM.—The Secretary shall conduct, through the National Institute of Food and Agriculture, a pilot research program to link major cancer and heart and other circulatory disease research efforts with agricultural research efforts to identify compounds in vegetables and fruits that prevent these diseases. Using information derived from such combined research efforts, the Secretary shall assist in the development of new varieties of vegetables and fruits having enhanced therapeutic properties for disease prevention.

[(c) AGREEMENTS.—The Secretary shall carry out the pilot program through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State governmental entities. The Secretary shall enter into the agreements on a competitive basis.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 1997 through 2012 to carry out the pilot program.]

SEC. 1425. NUTRITION EDUCATION PROGRAM.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through [2012] *2018*.

* * * * * * *

Subtitle E—Animal Health and Disease Research

* * * * * * *

[APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS

[SEC. 1433. (a) There are authorized to be appropriated such funds as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed $25,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year. Funds appropriated under this section shall be used: (1) to meet expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39–40, as amended; 7 U.S.C. 331); (2) for administrative planning and direction; and (3) to purchase equipment and supplies necessary for conducting such research.]

SEC. 1433. APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to support continuing animal health and disease research programs at eligible institutions—

(A) $25,000,000 for each of fiscal years 1991 through 2013; and

(B) $15,000,000 for each of fiscal years 2014 through 2018.

(2) USE OF FUNDS.—Funds made available under this section shall be used—

(A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the Act of March 4, 1940 (7 U.S.C. 331);

(B) for administrative planning and direction; and

(C) to purchase equipment and supplies necessary for conducting the research described in subparagraph (A).

* * * * * * *

[APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS

[SEC. 1434. (a) There are authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being, but not to exceed $35,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

[(b) Notwithstanding the provisions of section 1435 of this title, funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to State agricultural experiment stations, colleges and universities (including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601))), other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

[(c) In order to establish a national allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease, food safety, and animal well-being problems of national or regional significance. Such lists shall be prepared after consultation with the Advisory Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary and the Advisory Board shall consider the following factors:

[(1) any health or disease problem which causes or may cause significant economic losses to any part of the livestock production industry;

[(2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public;

[(3) issues of animal well-being related to production methods that will improve the housing and management of animals to improve the well-being of livestock production species;

[(4) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and

[(5) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

[(d) Without regard to any consultation under subsection (c), the Secretary shall, to the extent feasible, award grants on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

[(e) In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.

[(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subtitle.]

* * * * * * *

MATCHING FUNDS

SEC. 1438. No funds in excess of $100,000[, exclusive of the funds provided for research on specific national or regional animal health and disease problems under the provisions of section 1434 of this title,] shall be paid by the Federal Government to any State under this subtitle during any fiscal year in excess of the amount from non-Federal sources made available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health and disease research. The Secretary is authorized to make such payments in excess of $100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health and disease research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health and disease research in any fiscal year sums as least equal to the amount for which it is certified, the difference between the Federal matching funds available and the funds made available to and budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary among other eligible institutions of the same State, if there are any which qualify therefor, and, if there are none, the Secretary shall reapportion such difference among the other States.

* * * * * * *

Subtitle G—1890 Land-Grant College Funding

* * * * * * *

SEC. 1447. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture for the purposes of carrying out the provisions of this section, $25,000,000 for each of fiscal years 2002 through [2012] *2018*, and such sums shall remain available until expended.

* * * * * * *

SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT *AND SUPPORT TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH* AT INSULAR AREA LAND-GRANT [INSTITUTIONS] *COLLEGES AND UNIVERSITIES*.

[(a) PURPOSE.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.]

(a) PURPOSE.—It is the intent of Congress to assist the land-grant colleges and universities in the insular areas in efforts to—

(1) acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research; and

(2) support tropical and subtropical agricultural research, including pest and disease research.

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2008 through [2012] *2018*.

[SEC. 1448. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

[(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary of Agriculture may make a competitive grant to five national research and training virtual centers located at colleges (or a consortia of such colleges) eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, that—

[(1) have been designated by the Secretary for the fiscal years 1991 through 1995, or fiscal years 1996 through 2012, as national research and training virtual centers; and

[(2) have the best demonstrable capacity, as determined by the Secretary, to provide administrative leadership as—

[(A) a National Center for Goat Research and Training;

[(B) a National Center for Agricultural Engineering Development, Research, and Training;

[(C) a National Center for Water Quality and Agricultural Production Research and Training;

[(D) a National Center for Sustainable Agriculture Research and Training; and

[(E) a National Center for Domestic and International Trade and Development Research and Training.

[(b) USE OF GRANTS.—A grant made under subsection (a) may be expended by a center to—

[(1) pay expenses incurred in conducting research for which the center was designated;

[(2) print and disseminate the results of such research;

[(3) plan, administer, and direct such research; and

[(4) alter or repair buildings necessary to conduct such research.

[(c) PRIORITY.—In making a grant determination under subsection (a), the Secretary shall give priority to those centers that—

[(1) will assure dissemination of information between eligible institutions described in subsection (a) and among agricultural producers; and

[(2) will attract students and needed professionals in the food and agricultural sciences.

[(d) PAYMENTS.—(1) Under the terms of a grant made under subsection (a), funds appropriated under subsection (f) for a fiscal year shall be paid (upon vouchers approved by the Secretary) to a center receiving the grant in equal quarterly installments beginning on or about the first day of October of such year.

[(2) Not later than 60 days after the end of each fiscal year for which funds are paid under this section to a center, the research director of such center shall submit to the Secretary a detailed statement of the disbursements in such fiscal year of funds received by such center under this section.

[(3) If any of the funds received by a center under this section are misapplied, lost, or diminished by any action or contingency on the part of the center—

[(A) the center shall replace such funds; and

[(B) the Secretary shall not distribute to such center any other funds under this subsection until such funds are replaced.

[(e) PROHIBITED USES OF FUNDS.—Funds provided under this section may not be used—

[(1) to acquire or construct a building; or

[(2) to pay the overhead costs of the college (or consortia of colleges) receiving the grant.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1991 through 2012 for grants under this section.

[(g) CENTER DEFINED.—For purposes of this section, the term "center" means a national research and training virtual center that receives a grant under this subsection.

[(h) COORDINATION OF CENTER ACTIVITIES.—(1) The center designated under subsection (a)(2)(C) shall coordinate its activities with the water quality research activities conducted under subtitle G of title XIV of the Food, Agriculture, Conservation, and Trade Act of 1990.

[(2) The center designated under subsection (a)(2)(D) shall coordinate its activities with the sustainable agriculture research and education program established under subtitle B of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990.]

* * * * * * *

Subtitle H—Programs for Hispanic-Serving Institutions

SEC. 1455. EDUCATION GRANTS PROGRAMS FOR HISPANIC-SERVING INSTITUTIONS.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section $40,000,000 for each of fiscal years 1997 through [2012] *2018*.

SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) * * *

* * * * * * *

(e) COMPETITIVE GRANTS PROGRAM.—

[(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.]

(1) IN GENERAL.—The Secretary shall establish a competitive grants program—

(A) to fund fundamental and applied research and extension at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science; and

(B) to award competitive grants to Hispanic-serving agricultural colleges and universities to provide for training in the food and agricultural sciences of Hispanic agricultural workers and Hispanic youth working in the food and agricultural sciences.

* * * * * * *

Subtitle I—International Research, Extension, and Teaching

* * * * * * *

SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

(a) * * *

* * * * * * *

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2012.]

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

(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

(2) $5,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle K—Funding and Miscellaneous Provisions

* * * * * * *

[SEC. 1462A. RESEARCH EQUIPMENT GRANTS.

[(a) IN GENERAL.—The Secretary may make competitive grants for the acquisition of special purpose scientific research equipment for use in the food and agricultural sciences programs of eligible institutions described in subsection (b).

[(b) ELIGIBLE INSTITUTIONS.—The Secretary may make a grant under this section to—

[(1) a college or university; or

[(2) a State cooperative institution.

[(c) MAXIMUM AMOUNT.—The amount of a grant made to an eligible institution under this section may not exceed $500,000.

[(d) PROHIBITION ON CHARGE OF EQUIPMENT AS INDIRECT COSTS.—The cost of acquisition or depreciation of equipment purchased with a grant under this section shall not be—

[(1) charged as an indirect cost against another Federal grant; or

[(2) included as part of the indirect cost pool for purposes of calculating the indirect cost rate of an eligible institution.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2012.]

AUTHORIZATION FOR APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL RESEARCH PROGRAMS

SEC. 1463. (a) Notwithstanding any authorization for appropriations for agricultural research in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purposes of carrying out the provisions of this title, except sections 1417, 1420, and the competitive grants program provided for in section 1414, and except that the authorization for moneys provided under the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i), is excluded and is provided for in subsection (b) of this section, such sums as may be necessary for each of fiscal years 1991 through [2012] *2018*.

(b) Notwithstanding any authorization for appropriations for agricultural research at State agricultural experiment stations in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purpose of conducting agricultural research at State agricultural experiment stations pursuant to the Act of March 2, 1887 (24 Stat. 440–442, as amended; 7 U.S.C. 361a–361i), such sums as may be necessary for each of fiscal years 1991 through [2012] *2018*.

(c) Notwithstanding any other provision of law effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the Secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 (7 U.S.C. 450i); the animal health research program provided for under [sections 1433 and 1434] *section 1433* of this title; the native latex research program provided for in the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178 et seq.); and the research provided for under various statutes for which funds are appropriated under the Agricultural Research heading or a successor heading, shall be appropriated for research at State agricultural experiment stations pursuant to the provision of the Act of March 2, 1887.

AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION

SEC. 1464. Notwithstanding any authorization for appropriations for the Cooperative Extension Service in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purposes of carrying out the extension programs of the Department of Agriculture such sums as may be necessary for each of fiscal years 1991 through [2012] *2018*.

* * * * * * *

SEC. 1469. AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.

(a) IN GENERAL.—Except as provided elsewhere in this Act or any other Act of Congress—

(1) * * *

(2) the Secretary shall provide that each recipient of assistance under this title shall submit an annual report, at such times and on such forms as the Secretary shall prescribe, stating the accomplishments of projects (on a project-by-project basis) for which such assistance was used and accounting for the use of all such assistance. If the Secretary determines that any portion of funds made available under this title has been lost or applied in a manner inconsistent with the provisions of this title or regulations issued thereunder the recipient of such funds shall reimburse the Federal Government for the funds lost or so applied, and the Secretary shall not make available to such recipient any additional funds under this Act until the recipient has so reimbursed the Federal Government; *and*

[(3) the Secretary may retain up to 4 percent of amounts made available for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and]

[(4)] *(3)* the Secretary shall establish appropriate criteria for grant and assistance approval and necessary regulations pertaining thereto.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the Secretary may retain not more than 4 percent of amounts made available for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act.

(2) EXCEPTIONS.—The limitation on administrative expenses under paragraph (1) shall not apply to peer panel expenses under subsection (d) or any other provision of law related to the administration of agricultural research, extension, and teaching assistance programs that contains a limitation on administrative expenses that is less than the limitation under paragraph (1).

(c) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

(1) FORMER AGRICULTURAL RESEARCH FACILITIES OF THE DEPARTMENT.—To the maximum extent practicable, the Secretary, for purposes of supporting ongoing research and information dissemination activities, including supporting research and those activities through co-locating scientists and other technical personnel, sharing of laboratory and field equipment, and

providing financial support, shall enter into grants, contracts, cooperative agreements, or other legal instruments with former Department of Agriculture agricultural research facilities.

(2) AGREEMENTS WITH AGRICULTURAL RESEARCH ORGANIZATIONS.—The Secretary, for purposes of receiving from a non-Federal agricultural research organization support for agricultural research, including staffing, laboratory and field equipment, or direct financial assistance, may enter into grants, contracts, cooperative agreements, or other legal instruments with a non-Federal agricultural research organization, the operation of which is consistent with the research mission and programs of an agricultural research facility of the Department of Agriculture.

[(b)**]** *(d)* COMMUNITY FOOD PROJECTS.—The Secretary may retain, for the administration of community food projects under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034), 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

[(c)**]** *(e)* PEER PANEL EXPENSES.—Notwithstanding any other provision of law regarding a competitive research, education, or extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

[(d)**]** *(f)* DEFINITION OF IN-KIND SUPPORT.—In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term "in-kind support", with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.

* * * * * * *

SUPPLEMENTAL AND ALTERNATIVE CROPS

SEC. 1473D. (a) Notwithstanding any other provision of law, during the period beginning October 1, 1986, and ending September 30, **[**2012**]** *2018*, the Secretary shall develop and implement a research project for the development of supplemental and alternative crops, using such funds as are appropriated to the Secretary each fiscal year under this title.

* * * * * * *

(c)(1) The Secretary shall **[**use such research funding, special or competitive grants, or other means, as the Secretary determines,**]** *make competitive grants* to further the purposes of this section in the implementation of a comprehensive and integrated program.

* * * * * * *

(e) There are authorized to be appropriated to carry out this section—

(1) such sums as are necessary for fiscal year 2013; and

(2) $1,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

Subtitle L—Aquaculture

* * * * * * *

AQUACULTURE ASSISTANCE PROGRAMS

SEC. 1475. (a) * * *

(b) GRANTS.—The Secretary may make *competitive* grants to—

(1) * * *

* * * * * * *

[AUTHORIZATION FOR APPROPRIATIONS

[SEC. 1477. There is authorized to be appropriated $7,500,000 for each of the fiscal years 1991 through 2012. Funds appropriated under this section or section 1476 may not be used to acquire or construct a building.]

SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $7,500,000 for each of fiscal years 1991 through 2013; and

(2) $5,000,000 for each of fiscal years 2014 through 2018.

(b) PROHIBITION ON USE.—Funds made available under this section may not be used to acquire or construct a building.

Subtitle M—Rangeland Research

* * * * * * *

APPROPRIATIONS

SEC. 1483. (a) There are authorized to be appropriated, to implement the provisions of this [subtitle, such sums not to exceed $10,000,000 for each of the fiscal years 1991 through 2012.] *subtitle—*

(1) $10,000,000 for each of fiscal years 1991 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle N—Biosecurity

SEC. 1484. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts for agricultural research, extension, and education under this Act, there are authorized to be appropriated for agricultural research, education, and extension activities for biosecurity planning and [response such sums as are necessary for each of fiscal years 2002 through 2012.] *response—*

(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

(2) $10,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

Subtitle O—Institutions of Higher Education in Insular Areas

* * * * * * *

SEC. 1490. DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.

(a) IN GENERAL.—The Secretary may make competitive [or non-competitive] grants to eligible institutions in insular areas to strengthen the capacity of such institutions to carry out distance food and agricultural education programs using digital network technologies.

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this [section such sums as may be necessary for each of fiscal years 2002 through 2012.] *section—*

(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

SEC. 1491. RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [such sums as are necessary for each of the fiscal years 2002 through 2012 to carry out this section.] *to carry out this section—*

(1) such sums as are necessary for each of fiscal years 2002 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

Subtitle P—General Provisions

SEC. 1492. MATCHING FUNDS REQUIREMENT.

(a) IN GENERAL.—The recipient of a competitive grant that is awarded by the Secretary under a covered law shall provide funds, in-kind contributions, or a combination of both, from sources other than funds provided through such grant in an amount at least equal to the amount of such grant.

(b) EXCEPTION.—The matching funds requirement under subsection (a) shall not apply to grants awarded—

(1) to a research agency of the Department of Agriculture;

(2) to an entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971(f)(1)(C))), including a partner of such entity.

(c) COVERED LAW.—In this section, the term "covered law" means each of the following provisions of law:

(1) This title.

(2) Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.).

(3) The Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601 et seq.).

(4) Part III of subtitle E of title VII of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 3202 et seq.).

(5) The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i).

COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT

SEC. 2. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

(a) * * *

(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

(1) * * *

(2) PRIORITY AREAS.—The competitive grants program established under this subsection shall address the following areas:

(A) PLANT HEALTH AND PRODUCTION AND PLANT PRODUCTS.—Plant systems, including—

(i) * * *

* * * * * * *

(vi) unproved nutrient qualities of plant products; **[**and**]**

(vii) new food and industrial uses of plant products**[**.**]***; and*

(viii) plant-based foods that are major sources of nutrients of concern (as determined by the Secretary).

(B) ANIMAL HEALTH AND PRODUCTION AND ANIMAL PRODUCTS.—Animal systems, including—

(i) * * *

* * * * * * *

(vii) improved nutrient qualities of animal products and uses; **[**and**]**

(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture**[**.**]***;*

(ix) the research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for pests and diseases (especially zoonotic diseases) in wildlife reservoirs presenting a potential concern to public health or domestic livestock and pests and diseases in minor species (including deer, elk, and bison); and

(x) the identification of animal drug needs and the generation and dissemination of data for safe and effective therapeutic applications of animal drugs for minor species and minor uses of such drugs in major species.

(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

(i) * * *

(ii) links between diet and health*, including the effects of plant-based foods that are major sources of nutrients of concern on diet and health*;

(iii) bioavailability of nutrients*, including plant-based foods that are major sources of nutrients of concern*;

(iv) postharvest physiology and practices*, including postharvest practices conducted with respect to plant-based foods that are major sources of nutrients of concern*; and

(v) improved processing technologies*, including improving the functionality of plant-based foods that are major sources of nutrients of concern*.

(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

(i) * * *

* * * * * * *

(iv) the effectiveness of conservation practices and technologies designed to address nutrient losses and improve water quality;

[(iv)] *(v)* global climate effects on agriculture;

[(v)] *(vi)* forestry; and

[(vi)] *(vii)* biological diversity.

* * * * * * *

(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, *economics,* and policy, including—

(i) * * *

* * * * * * *

(v) the economic costs, benefits, and viability of producers adopting conservation practices and technologies designed to improve water quality;

[(v)] *(vi)* technology assessment; and

[(vi)] *(vii)* new approaches to rural development, including rural entrepreneurship.

* * * * * * *

(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

(A) * * *

* * * * * * *

(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); [and]

(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector[.]*; and*

(F) establish procedures under which a commodity board established under a commodity promotion law (as such term is defined under section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a))) or a State commodity board (or other equivalent State entity) may directly submit to the Secretary proposals for requests for applications to specifically address particular issues related to the priority areas specified in paragraph (2).

* * * * * * *

(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

(A) * * *

* * * * * * *

(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; **[**and**]**

(D) to improve research, extension, and education capabilities in States (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels**[**.**]***; and*

(E) to eligible entities to carry out the specific research proposals submitted under procedures established under paragraph (4)(F).

(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

(A) * * *

* * * * * * *

(G) private organizations **[**or corporations**]***, foundations, or corporations*;

* * * * * * *

(9) MATCHING FUNDS *FOR EQUIPMENT GRANTS*.—

[(A) EQUIPMENT GRANTS.—**]**

[(i)**]** *(A)* IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

[(ii)**]** *(B)* WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest ⅓ of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single

research project or is usable in more than 1 research project.

[(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (5)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

[(i) commodity-specific; and

[(ii) not of national scope.]

* * * * * * *

(11) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through [2012] *2018*, of which—

(i) * * *

* * * * * * *

(e) INTER-REGIONAL RESEARCH PROJECT NUMBER 4.—(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this subsection as the "IR–4 Program") to assist in the collection of residue and efficacy data in support of—

(A) the registration or reregistration of [minor use pesticides] *pesticides for minor agricultural use and for use on specialty crops (as defined in section 3 of the Specialty Crop Competitiveness Act of 2004 (7 U.S.C. 1621 note)* under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

* * * * * * *

(4) As part of carrying out the IR–4 Program, the Secretary shall—

(A) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use *and for use on specialty crops*;

(B) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods; [and]

(C) prioritize potential pest management technology for minor agricultural use and for use on specialty crops;

(D) conduct research to develop the data necessary to facilitate pesticide registrations, reregistrations, and associated tolerances;

(E) assist in removing trade barriers caused by residues of pesticides registered for minor agricultural use and for use on domestically grown specialty crops;

(F) assist in the registration and reregistration of pest management technologies for minor agricultural use and for use on specialty crops; and

[(C)] *(G)* coordinate with other programs within the Department of Agriculture and the Environmental Protection Agency designed to develop and promote biological and other alternative control measures.

* * * * * * *

[(k) EMPHASIS ON SUSTAINABLE AGRICULTURE.—The Secretary of Agriculture shall ensure that grants made under subsections (b) and (c) are, where appropriate, consistent with the development of systems of sustainable agriculture. For purposes of this section, the term "sustainable agriculture" has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).]

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

* * * * * * *

TITLE I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

* * * * * * *

SEC. 103. RELEVANCE AND MERIT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION FUNDED BY THE DEPARTMENT.

(a) REVIEW OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

(1) * * *

(2) [MERIT REVIEW OF EXTENSION] *RELEVANCE AND MERIT REVIEW OF RESEARCH, EXTENSION,* AND EDUCATION GRANTS.—

(A) ESTABLISHMENT OF PROCEDURES.—The Secretary shall establish procedures that provide for *relevance and* merit review of each agricultural [extension or education] *research, extension, or education* grant administered, on a competitive basis, by the National Institute of Food and Agriculture.

(B) CONSULTATION WITH ADVISORY BOARD.—The Secretary shall consult with the Advisory Board in establishing the merit review procedures *on a continuous basis*.

* * * * * * *

TITLE IV—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

* * * * * * *

SEC. 406. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through [2012] *2018*.

[SEC. 407. COORDINATED PROGRAM OF RESEARCH, EXTENSION, AND EDUCATION TO IMPROVE VIABILITY OF SMALL AND MEDIUM SIZE DAIRY, LIVESTOCK, AND POULTRY OPERATIONS.

[(a) PROGRAM AUTHORIZED.—The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as "operations").

[(b) COMPONENTS.—To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

[(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

[(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

[(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies (including improved use of energy inputs), reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

[(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

[(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

[(c) ADMINISTRATION.—The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the National Institute of Food and Agriculture and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.]

SEC. 408. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT, TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDICA.

(a) * * *

* * * * * * *

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999 through 2012.]

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

(1) such sums as may be necessary for each of fiscal years 1999 through 2013; and

(2) $7,500,000 for each of fiscal years 2014 through 2018.

[SEC. 409. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

[(a) ESTABLISHMENT.—The Secretary of Agriculture, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne's disease in livestock.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2003 through 2012.]

SEC. 410. GRANTS FOR YOUTH ORGANIZATIONS.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this [section such sums as are necessary for each of fiscal years 2008 through 2012.] *section—*

(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

(2) $3,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

(a) * * *

(b) ESTABLISHMENT.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

(1) research in plant breeding, genetics, [and genomics] *genomics, and other methods* to improve crop characteristics, such as—

(A) * * *

* * * * * * *

(3) efforts to improve production efficiency, *handling and processing,* productivity, and profitability over the long term (including specialty crop policy and marketing);

* * * * * * *

[(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.]

(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award competitive grants on the basis of—

(1) an initial scientific peer review conducted by a panel of subject matter experts from Federal agencies, non-Federal entities, and the specialty crop industry; and

(2) a final funding determination made by the Secretary based on a review and ranking for merit, relevance, and impact conducted by a panel of specialty crop industry representatives for the specific specialty crop.

* * * * * * *

(h) FUNDING.—

[(1) MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012.—Of the funds]

(1) MANDATORY FUNDING.—

(A) FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2008 and $50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

(B) SUBSEQUENT FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(i) $50,000,000 for fiscal years 2014 and 2015;

(ii) $55,000,000 for fiscal years 2016 and 2017; and

(iii) $65,000,000 for fiscal year 2018 and each fiscal year thereafter.

(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS [2008 THROUGH 2012] *2014 THROUGH 2018*.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years [2008 through 2012] *2014 through 2018*.

* * * * * * *

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Existing Authorities

* * * * * * *

SEC. 604. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through [2012] *2018*.

* * * * * * *

Subtitle B—New Authorities

* * * * * * *

[SEC. 612. NATIONAL SWINE RESEARCH CENTER.

[Subject to the availability of appropriations to carry out this section, or through a reprogramming of funds provided for swine research to carry out this section pursuant to established procedures, during the period beginning on the date of enactment of this Act and ending December 31, 1998, the Secretary of Agriculture, acting through the Agricultural Research Service, may accept as a gift, and administer, the National Swine Research Center located in Ames, Iowa.]

* * * * * * *

SEC. 614. OFFICE OF PEST MANAGEMENT POLICY.

(a) * * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated [such sums as are necessary] to carry out this [section for each of fiscal years 1999 through 2012.] *section—*

(1) such sums as are necessary for each of fiscal years 1999 through 2013; and

(2) $3,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

[Subtitle C—Studies

[SEC. 631. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

[(a) EVALUATION.—The Secretary of Agriculture shall conduct a performance evaluation to determine whether federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

[(b) CONTRACT.—The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

[(c) GUIDELINES FOR PERFORMANCE MEASUREMENT.—The contractor selected under subsection (b) shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103–62) and amendments made by that Act.

[SEC. 632. STUDY OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

[(a) STUDY.—Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

[(b) REQUIREMENTS.—The study shall—

[(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

[(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

[(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

[(4) examine the system of competitive grants for agricultural research, extension, and education.

[(c) REPORTS.—The Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

[(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b), including any appropriate recommendations; and

[(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b), including the recommendations developed under paragraph (3) of subsection (b) and other appropriate recommendations.]

* * * * * * *

CRITICAL AGRICULTURAL MATERIALS ACT

* * * * * * *

SEC. 16. (a) There are authorized to be appropriated to the Secretary of Agriculture [such sums as are necessary] to carry out this [Act in each of the fiscal years 1991 through 2012.] *Act—*

(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

(2) $2,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994

* * * * * * *

PART C—1994 INSTITUTIONS

* * * * * * *

SEC. 532. DEFINITION.

As used in this part, the term "1994 Institutions" means any one of the following colleges:

* * * * * * *

(1) Aaniih Nakoda College.
[(1)] *(2)* Bay Mills Community College.
[(2)] *(3)* Blackfeet Community College.
[(3)] *(4)* Cankdeska Cikana Community College.
[(8)] *(5)* Chief Dull Knife [Memorial] College.
(6) College of the Muscogee Nation.
[(4)] *(7)* College of Menominee Nation.
[(5) Crownpoint Institute of Technology.]
[(6)] *(8)* D-Q University.
[(7)] *(9)* Dine College.
[(9)] *(10)* Fond du Lac Tribal and Community College.
[(10) Fort Belknap College.]

* * * * * * *

[(34)] *(14)* Ilisagvik College.

[(14)] *(15)* Institute of American Indian and Alaska Native Culture and Arts Development.

(16) Keweenaw Bay Ojibwa Community College.

[(15)] *(17)* Lac Courte Oreilles Ojibwa Community College.

[(16)] *(18)* Leech Lake Tribal College.

[(17)] *(19)* Little Big Horn College.

[(18)] *(20)* Little Priest Tribal College.

(21) Navajo Technical College.

[(19)] *(22)* Nebraska Indian Community College.

[(20)] *(23)* Northwest Indian College.

[(21)] *(24)* Oglala Lakota College.

[(22)] *(25)* Saginaw Chippewa Tribal College.

[(24)] *(26)* Salish Kootenai College.

[(25)] *(27)* Sinte Gleska University.

[(26)] *(28)* Sisseton Wahpeton [Community] College.

[(27) Si Tanka/Huron University.]

[(28)] *(29)* Sitting Bull College.

[(29)] *(30)* Southwestern Indian Polytechnic Institute.

[(30)] *(31)* Stone Child College.

[(23)] *(32)* Tohono O'odham Community College.

[(31)] *(33)* Turtle Mountain Community College.

[(32)] *(34)* United Tribes Technical College.

[(33)] *(35)* White Earth Tribal and Community College.

SEC. 533. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1996 through [2012] *2018*. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

* * * * * * *

SEC. 535. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) * * *

(b) IN GENERAL.—

(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through [2012] *2018*, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, such sums as are necessary for each of fiscal years 2002 through [2012] *2018*.

SEC. 536. RESEARCH GRANTS.

(a) * * *

(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement [with at least 1 other land-

grant college or university (exclusive of another 1994 Institution).] *with—*

(1) the Agricultural Research Service of the Department of Agriculture; or

(2) at least 1—

(A) other land-grant college or university (exclusive of another 1994 Institution);

(B) non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

(C) cooperating forestry school (as defined in that section).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through [2012] *2018*. Amounts appropriated shall remain available until expended.

RESEARCH FACILITIES ACT

* * * * * * *

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1996 through [2012] *2018* for the study, plan, design, structure, and related costs of agricultural research facilities under this Act.

* * * * * * *

RENEWABLE RESOURCES EXTENSION ACT OF 1978

* * * * * * *

APPROPRIATIONS AUTHORIZATION

SEC. 6. There is authorized to be appropriated to carry out this Act $30,000,000 for each of fiscal years 2002 through [2012] *2018*. Generally, States shall be eligible for funds appropriated under this Act according to the respective capabilities of their private forests and rangelands for yielding renewable resources and relative needs for such resources identified in the periodic Renewable Resource Assessment provided for in section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 and the periodic appraisal of land and water resources provided for in section 5 of the Soil and Water Resources Conservation Act of 1977.

* * * * * * *

EFFECTIVE DATE

SEC. 8. The provisions of this Act shall be effective for the period beginning October 1, 1978, and ending September 30, [2012] *2018*.

NATIONAL AQUACULTURE ACT OF 1980

* * * * * * *

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 10. For purposes of carrying out the provisions of this Act, there are authorized to be appropriated—

(1) to the Department of Agriculture, $1,000,000 for each of fiscal years 1991 through [2012] *2018*;

(2) to the Department of Commerce, $1,000,000 for each of fiscal years 1991 through [2012] *2018*; and

(3) to the Department of Interior, $1,000,000 for each of fiscal years 1991 through [2012] *2018*.

Funds authorized by this section shall be in addition to, and not in lieu of, funds authorized by any other Act.

* * * * * * *

FEDERAL CROP INSURANCE REFORM AND DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

* * * * * * *

TITLE III—MISCELLANEOUS

* * * * * * *

SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

(a) * * *

* * * * * * *

(b) REQUIREMENTS.—

(1) * * *

* * * * * * *

(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

(A) on the date that is [5 years] *10 years* after the date of enactment of this section; or

* * * * * * *

(d) ADMINISTRATION.—

(1) * * *

(2) REPORTS.—Not later than [1, 3, and 5 years] *6, 8, and 10 years* after the date of enactment of this section, 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 describing the implementation of the program under this section, including—

(A) a copy of each lease entered into pursuant to this section; and

(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.

* * * * * * *

SEC. 309. OFFICE OF TRIBAL RELATIONS.

The Secretary shall establish in the Office of the Secretary an Office of Tribal Relations to advise the Secretary on policies related to Indian tribes.

SECTION 6 OF THE ACT OF MARCH 4, 1927

(An Act Authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes.)

SEC. 6. CONCESSIONS, FEES, AND VOLUNTARY SERVICES.

(a) IN GENERAL.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the Secretary of Agriculture, in furtherance of the mission of the National Arboretum, may—

[(1) negotiate agreements granting concessions at the National Arboretum to nonprofit scientific or educational organizations the interests of which are complementary to the mission of the National Arboretum, except that the net proceeds of the organizations from the concessions shall be used exclusively for research and educational work for the benefit of the National Arboretum;]

(1) negotiate agreements for the National Arboretum with nonprofit scientific or educational organizations, the interests of which are complementary to the mission of the National Arboretum, or nonprofit organizations that support the purpose of the National Arboretum, except that the net proceeds of the organizations from the agreements shall be used exclusively for research and educational work for the benefit of the National Arboretum and the operation and maintenance of the facilities of the National Arboretum, including enhancements, upgrades, restoration, and conservation;

* * * * * * *

(d) RECOGNITION OF DONORS.—A non-profit organization that entered into an agreement under subsection (a)(1) may recognize donors if that recognition is approved in advance by the Secretary. In considering whether to approve such recognition, the Secretary shall broadly exercise the discretion of the Secretary to the fullest extent allowed under Federal law in effect on the date of the enactment of this subsection.

* * * * * * *

COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

* * * * * * *

SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

(a) * * *

* * * * * * *

(c) COORDINATION.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

(1) * * *

* * * * * * *

(4) applicable Federal land management agencies; [and]

(5) as feasible, appropriate military installations where the voluntary participation and management of private or State-owned or other public forestland is able to support, promote, and contribute to the missions of such installations; and

[(5)] *(6)* for purposes of the Forest Legacy Program under section 7, the State lead agency designated by the Governor.

* * * * * * *

[SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—The Secretary of Agriculture shall establish a forest land enhancement program—

[(A) to provide financial assistance to State foresters; and

[(B) to encourage the long-term sustainability of nonindustrial private forest lands in the United States by assisting the owners of nonindustrial private forest lands, through State foresters, in more actively managing the nonindustrial private forest lands and related resources of those owners through the use of State, Federal, and private sector resource management expertise, financial assistance, and educational programs.

[(2) COORDINATION AND CONSULTATION.—The Secretary, acting through State foresters, shall implement the program—

[(A) in coordination with the State Forest Stewardship Coordinating Committees; and

[(B) in consultation with other Federal, State, and local natural resource management agencies, institutions of higher education, and a broad range of private sector interests.

[(b) PROGRAM OBJECTIVES.—In implementing the program, the Secretary shall target resources to achieve the following objectives:

[(1) Investing in practices to establish, restore, protect, manage, maintain, and enhance the health and productivity of the nonindustrial private forest lands in the United States for timber, habitat for flora and fauna, soil, water, and air quality, wetlands, and riparian buffers.

[(2) Ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide environmental benefits.

[(3) Reducing the risks and helping restore, recover, and mitigate the damage to forests caused by fire, insects, invasive species, disease, and damaging weather.

[(4) Increasing and enhancing carbon sequestration opportunities.

[(5) Enhancing implementation of agroforestry practices.

[(6) Maintaining and enhancing the forest landbase and leverage State and local financial and technical assistance to

owners that promote the same conservation and environmental values.

[(7) Preserving the aesthetic quality of nonindustrial private forest lands and providing opportunities for outdoor recreation.

[(c) STATE PRIORITY PLAN.—

[(1) DEVELOPMENT.—The State Forester and State Forest Stewardship Coordinating Committee of a State shall jointly develop and submit to the Secretary a State priority plan that is intended to promote forest management objectives in that State.

[(2) REPORT.—Not later than September 30, 2006, each State that implemented a State priority plan shall submit to the Secretary a report describing the status of all activities and practices funded under the program as of that date.

[(d) OWNER ELIGIBILITY FOR ASSISTANCE.—

[(1) ELIGIBILITY CRITERIA.—To be eligible for cost-share assistance under the program, an owner of nonindustrial private forest lands shall agree—

[(A) to develop and implement, in cooperation with a State forester, another State official, or a professional resources manager, a management plan that—

[(i) except as provided in paragraph (2) or (3), provides for the treatment of not more than 1,000 acres of nonindustrial private forest lands;

[(ii) is approved by the State forester; and

[(iii) addresses site specific activities and practices; and

[(B) to implement approved activities and practices in a manner consistent with the management plan for a period of not less than 10 years, unless the State forester approves a modification to the plan.

[(2) PUBLIC BENEFIT EXCEPTION.—The Secretary may increase the acreage limitation specified in paragraph (1)(A)(i) to not more than 5,000 acres for an owner of nonindustrial private forest lands if the Secretary, in consultation with the State forester, determines that significant public benefits will accrue as a result of the provision of cost-share assistance under the program for the treatment of the additional acreage.

[(3) PLAN DEVELOPMENT EXCEPTION.—An owner may receive cost-share assistance under the program for the purpose of developing a management plan under subsection (e) that provides for the treatment of acreage in excess of the acreage limitations specified in paragraphs (1)(A)(i) and (2), except that the owner's eligibility for cost-share assistance to implement approved activities and practices under the management plan remains subject to the acreage limitation specified in paragraph (1)(A)(i) or, if the Secretary makes the determination described in paragraph (2), the acreage limitation specified in that paragraph.

[(e) MANAGEMENT PLAN.—

[(1) SUBMISSION AND CONTENT.—An owner of nonindustrial private forest lands that seeks to participate in the program shall submit to the State forester of the State in which the lands are located a management plan that—

[(A) identifies and describes projects and activities to be carried out by the owner to protect or enhance soil, water, air, range and aesthetic quality, recreation, timber, water, wetland, or fish and wildlife resources on the lands in a manner that is compatible with the objectives of the owner;

[(B) addresses any criteria established by the State and the applicable Committee; and

[(C) meets the other requirements of this section.

[(2) LANDS COVERED.—At a minimum, the management plan shall apply to those portions of the nonindustrial private forest lands of the owner on which any project or activity funded under the program will be carried out. In a case in which a project or activity may affect acreage outside the portion of the land on which the project or activity is carried out, the management plan shall apply to all lands of the owner that are in forest cover and may be affected by the project or activity.

[(f) APPROVED ACTIVITIES.—

[(1) STATE LIST.—The Secretary shall develop for each State a list of approved forest activities and practices eligible for cost-share assistance that meets the purposes of the program. The Secretary shall develop the list for a State in consultation with the State forester and the Committee for that State.

[(2) TYPES OF ACTIVITIES.—Approved activities and practices under paragraph (1) may consist of activities and practices for the following purposes:

[(A) The establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes.

[(B) The sustainable growth and management of forests for timber production.

[(C) The restoration, use, and enhancement of forest wetland and riparian areas.

[(D) The protection of water quality and watersheds through—

[(i) the planting of trees in riparian areas; and

[(ii) the enhanced management and maintenance of native vegetation on land vital to water quality.

[(E) The management, maintenance, restoration, or development of habitat for plants, fish, and wildlife.

[(F) The control, detection, monitoring, and prevention of the spread of invasive species and pests on nonindustrial private forest lands.

[(G) The restoration of nonindustrial private forest land affected by invasive species and pests.

[(H) The conduct of other management activities, such as the reduction of hazardous fuels, that reduce the risks to forests posed by, and that restore, recover, and mitigate the damage to forests caused by, fire or any other catastrophic event, as determined by the Secretary.

[(I) The development of management plans;

[(J) The conduct of energy conservation and carbon sequestration activities.

[(K) The conduct of other activities approved by the Secretary, in consultation with the State forester and the appropriate Committees.

[(g) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—

[(1) IN GENERAL.—In the case of an eligible owner that has an approved management plan, the Secretary shall share the cost of implementing the approved activities and practices that the Secretary determines are appropriate.

[(2) RATE.—The Secretary shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making those payments.

[(3) MAXIMUM COST SHARE.—The Secretary shall not make cost-share payments under this subsection to an owner in an amount in excess of 75 percent, or a lower percentage as determined by the State forester, of the total cost to the owner to implement the approved activities and practices under the management plan.

[(4) AGGREGATE PAYMENT LIMIT.—The Secretary shall determine the maximum aggregate amount of cost-share payments that an owner may receive under the program.

[(5) CONSULTATION.—The Secretary shall make determinations under this subsection in consultation with the State forester.

[(h) RECAPTURE.—

[(1) IN GENERAL.—The Secretary shall establish and implement a mechanism to recapture payments made to an owner in the event that the owner fails to implement an approved activity or practice specified in the management plan for which the owner received cost-share payments.

[(2) ADDITIONAL REMEDY.—The remedy provided in paragraph (1) is in addition to any other remedy available to the Secretary.

[(i) DISTRIBUTION OF COST-SHARE FUNDS.—The Secretary, acting through the State foresters, shall distribute funds available for cost sharing under the program only after giving appropriate consideration to the following factors:

[(1) The public benefits that would result from the distribution.

[(2) The total acreage of nonindustrial private forest lands in each State.

[(3) The potential productivity of those lands, as determined by the Secretary.

[(4) The number of owners eligible for cost sharing in each State.

[(5) The opportunities to enhance nontimber resources on those lands, including—

[(A) the protection of riparian buffers and forest wetland;

[(B) the preservation of fish and wildlife habitat;

[(C) the enhancement of soil, air, and water quality; and

[(D) the preservation of aesthetic quality and opportunities for outdoor recreation.

[(6) The anticipated demand for timber and nontimber resources in each State.

[(7) The need to improve forest health to minimize the damaging effects of catastrophic fire, insects, disease, or weather.

[(8) The need and demand for agroforestry practices in each State.

[(9) The need to maintain and enhance the forest landbase.

[(10) The need for afforestation, reforestation, and timber stand improvement.

[(j) AVAILABILITY OF FUNDS.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to carry out the Program during the period beginning on the date of enactment of the Farm Security and Rural Investment Act of 2002 and ending on September 30, 2007.

[(k) DEFINITIONS.—In this section:

[(1) NONINDUSTRIAL PRIVATE FOREST LANDS.—The term "nonindustrial private forest lands" means rural lands, as determined by the Secretary, that—

[(A) have existing tree cover or are suitable for growing trees; and

[(B) are owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe, or entity has definitive decisionmaking authority over the lands.

[(2) COMMITTEE.—The terms "State Forest Stewardship Coordinating Committee" and "Committee" means a State Forest Stewardship Coordinating Committee established under section 19(b).

[(3) 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).

[(4) OWNER.—The term "owner" means an owner of nonindustrial private forest land.

[(5) PROGRAM.—The term "program" means the forest land enhancement program established by this section.

[(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

[(7) STATE FORESTER.—The term "State forester" means the director or other head of a State Forestry Agency or equivalent State official.]

* * * * * * *

[SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

[(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term "nonindustrial private forest land" means rural land, as determined by the Secretary, that—

[(1) has existing tree cover or that is suitable for growing trees; and

[(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

[(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service and (where appropriate) through the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or cooperative extension officials at land

grant colleges and universities and 1890 institutions for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

[(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

[(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

[(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

[(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

[(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

[(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

[(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

[(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

[(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

[(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

[(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

[(A) which shall be—

[(i) administered by the Forest Service; and

[(ii) implemented by State foresters or equivalent State officials in participating States; and

[(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

[(2) WATERSHED FORESTRY PROJECTS.—The State forester, an equivalent State official of a participating State, or a Cooperative Extension official at a land grant college or university or 1890 institution, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

[(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, wa-

tershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

[(A) the use of trees as solutions to water quality problems in urban and rural areas;

[(B) community-based planning, involvement, and action through State, local, and nonprofit partnerships;

[(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

[(D) watershed-scale forest management activities and conservation planning; and

[(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

[(ii) the establishment of riparian vegetative buffers.

[(4) COST-SHARING.—

[(A) FEDERAL SHARE.—

[(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

[(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

[(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

[(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

[(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

[(A) lead statewide programs; and

[(B) coordinate watershed-level projects.

[(e) DISTRIBUTION.—

[(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

[(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

[(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

[(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

[(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

[(B) the miles of riparian buffer needed;

[(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

[(D) the number of owners of nonindustrial private forest land in each State; and

[(E) water quality cost savings that can be achieved through forest watershed management.

[(f) WILLING OWNERS.—

[(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

[(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.]

SEC. 7. FOREST LEGACY PROGRAM.

(a) * * *

* * * * * * *

[(m) APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.]

(m) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

(1) such sums as are necessary for fiscal year 2013; and

(2) $55,000,000 for each of fiscal years 2014 through 2018.

SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) * * *

* * * * * * *

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.]

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

(1) such sums as are necessary for fiscal year 2013; and

(2) $1,500,000 for each of fiscal years 2014 through 2018.

* * * * * * *

[SEC. 18. COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

[(a) FINDINGS AND PURPOSES.—

[(1) Findings.—Congress finds that—

[(A) the health and vitality of the domestic forest products industry is important to the well-being of the economy of the United States;

[(B) the domestic forest products industry has a significant potential for expansion in both domestic and foreign markets;

[(C) many small-sized to medium-sized forest products firms lack the tools that would enable them to meet the in-

creasing challenge of foreign competition in domestic and foreign markets; and

[(D) a new cooperative forest products marketing program will improve the competitiveness of the United States forest products industry.

[(2) PURPOSES.—The purposes of this section are to—

[(A) provide direct technical assistance to the United States forest products industry to improve marketing activities;

[(B) provide cost-share grants to States to support State and regional forest products marketing programs; and

[(C) target assistance to small-sized and medium-sized producers of solid wood and processed wood products, including pulp.

[(b) PROGRAM AUTHORITY.—

[(1) IN GENERAL.—The Secretary shall establish a cooperative national forest products marketing program under this Act that provides—

[(A) technical assistance to States, landowners, and small-sized to medium-sized forest products firms on ways to improve domestic and foreign markets for forest products; and

[(B) grants of financial assistance with matching requirements to the States to assist in State and regional forest products marketing efforts targeted to aid small-sized to medium-sized forest products firms and private, nonindustrial forest landowners.

[(2) INTERSTATE COOPERATIVE AGREEMENTS.—Grant agreements shall encourage the establishment of interstate cooperative agreements by the States for the purpose of promoting the development of domestic and foreign markets for forest products.

[(c) LIMITATIONS.—

[(1) COOPERATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary shall cooperate with Federal departments and agencies to avoid the duplication of efforts and to increase program efficiency.

[(2) DOMESTIC PROGRAM.—The program authorized under this section shall be carried out within the United States and not be extended to Department of Agriculture activities in foreign countries.

[(d) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1991, to carry out this section.

[(e) PROGRAM REPORT.—The Secretary shall report to Congress annually on the activities taken under the marketing program established under this section. A final report including recommendations for program changes and the need and desirability of the reauthorization of this authority, and required levels of funding, shall be submitted to Congress not later than September 30, 1990.]

* * * * * * *

HEALTHY FORESTS RESTORATION ACT OF 2003

* * * * * * *

TITLE III—WATERSHED FORESTRY ASSISTANCE

* * * * * * *

[SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

[(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary"), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

[(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

[(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

[(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

[(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

[(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

[(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

[(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

[(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

[(c) WATERSHED FORESTRY PROGRAM.—

[(1) IN GENERAL.—The Secretary shall establish a watershed forestry program in cooperation with Indian tribes.

[(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

[(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

[(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by dem-

onstrating the value of trees and forests to watershed health and condition through—

[(A) the use of trees as solutions to water quality problems;

[(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

[(C) watershed-scale forest management activities and conservation planning;

[(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

[(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

[(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

[(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

[(d) DISTRIBUTION.—The Secretary shall devote—

[(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

[(2) the remainder of the funds to deliver technical assistance, education, and planning in the field to Indian tribes.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.]

* * * * * * *

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

* * * * * * *

SEC. 508. FUNDING.

(a) [IN GENERAL] *FISCAL YEARS 2009 THROUGH 2013*.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

(b) FISCAL YEARS 2014 THROUGH 2018.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $9,750,000 for each of fiscal years 2014 through 2018.

(c) ADDITIONAL SOURCE OF FUNDS.—In addition to funds appropriated pursuant to the authorization of appropriations in subsection (b) for a fiscal year, the Secretary may use such amount of the funds appropriated for that fiscal year to carry out the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.) as the Secretary determines necessary to cover the cost of technical assistance, management, and enforcement responsibilities for land en-

rolled in the healthy forests reserve program pursuant to subsections (a) and (b) of section 504.

[(b)] *(d)* DURATION OF AVAILABILITY.—The funds made available under subsection (a) shall remain available until expended.

* * * * * * *

SECTION 322 OF THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

[SEC. 322. FOREST SERVICE DECISIONMAKING AND APPEALS REFORM.

[(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.) and shall modify the procedure for appeals of decisions concerning such projects.

[(b) NOTICE AND COMMENT.—

[(1) NOTICE.—Prior to proposing an action referred to in subsection (a), the Secretary shall give notice of the proposed action, and the availability of the action for public comment by—

[(A) promptly mailing notice about the proposed action to any person who has requested it in writing, and to persons who are known to have participated in the decisionmaking process; and,

[(B)(i) in the case of an action taken by the Chief of the Forest Service, publishing notice of action in the Federal Register; or

[(ii) in the case of any other action referred to in subsection (a), publishing notice of the action in a newspaper of general circulation that has previously been identified in the Federal Register as the newspaper in which notice under this paragraph may be published.

[(2) COMMENT.—The Secretary shall accept comments on the proposed action within 30 days after publication of the notice in accordance with paragraph (1).

[(c) RIGHT TO APPEAL.—Not later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a), a person who was involved in the public comment process under subsection (b) through submission of written or oral comments or by otherwise notifying the Forest Service of their interest in the proposed action may file an appeal.

[(d) DISPOSITION OF AN APPEAL.—

[(1) INFORMAL DISPOSITION.—

[(A) IN GENERAL.—Subject to subparagraph (B), a designated employee of the Forest Service shall offer to meet with each individual who files an appeal in accordance with subsection (c) and attempt to dispose of the appeal.

[(B) TIME AND LOCATION OF THE MEETING.—Each meeting in accordance with subparagraph (A) shall take place—

[(i) not later than 15 days after the closing date for filing an appeal; and

[(ii) at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

[(2) FORMAL REVIEW.—If the appeal is not disposed of in accordance with paragraph (1), an appeals review officer designated by the Chief of the Forest Service shall review the appeal and recommend in writing, to the official responsible for deciding the appeal, the appropriate disposition of the appeal. The official responsible for deciding the appeal shall then decide the appeal. The appeals review officer shall be a line officer at least at the level of the agency official who made the initial decision on the project or activity that is under appeal, who has not participated in the initial decision and will not be responsible for implementation of the initial decision after the appeal is decided.

[(3) TIME FOR DISPOSITION.—Disposition of appeals under this subsection shall be completed not later than 30 days after the closing date for filing of an appeal, provided that the Forest Service may extend the closing date by an additional 15 days.

[(4) If the Secretary fails to decide the appeal within the 45-day period, the decision on which the appeal is based shall be deemed to be a final agency action for the purpose of chapter 7 of title 5, United States Code.

[(e) STAY.—Unless the Chief of the Forest Service determines that an emergency situation exists with respect to a decision of the Forest Service, implementation of the decision shall be stayed during the period beginning on the date of the decision—

[(1) for 45 days, if an appeal is not filed, or

[(2) for an additional 15 days after the date of the disposition of an appeal under this section, if the agency action is deemed final under subsection (d)(4).]

GLOBAL CLIMATE CHANGE PREVENTION ACT OF 1990

* * * * * * *

TITLE XXIV—GLOBAL CLIMATE CHANGE

* * * * * * *

SEC. 2405. OFFICE OF INTERNATIONAL FORESTRY.

(a) * * *

* * * * * * *

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1996 through 2012 such sums as are necessary to carry out this section.]

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated—

(1) such sums as are necessary for each of fiscal years 1996 through 2013; and

(2) $6,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

SECTION 347 OF THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

STEWARDSHIP END RESULT CONTRACTING PROJECTS

SEC. 347. (a) IN GENERAL.—Until September 30, [2013] *2018*, the Forest Service and the Bureau of Land Management, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

* * * * * * *

(c) AGREEMENTS OR CONTRACTS.—

(1) * * *

* * * * * * *

(6) CONTRACT FOR SALE OF PROPERTY.—At the discretion of the Secretary of Agriculture, a contract entered into by the Forest Service under this section may be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

* * * * * * *

FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978

* * * * * * *

RESEARCH AUTHORIZATION

SEC. 3. (a) * * *

* * * * * * *

(d) HIGH PRIORITY FORESTRY AND RANGELAND RESEARCH AND EDUCATION.—

(1) * * *

(2) PRIORITIES.—The research and education priorities include the following:

(A) * * *

* * * * * * *

(F) Science and technology transfer, through the Forest Products Laboratory, to demonstrate the beneficial characteristics of wood as a green building material, including investments in life cycle assessment for wood products.

* * * * * * *

RESEARCH FACILITIES AND COOPERATION

SEC. 4. (a) * * *

* * * * * * *

(e) 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 an annual report describing, for the period covered by the report—

(1) the research conducted in furtherance of the research and education priority specified in section 3(d)(2)(F);

(2) the number of buildings the Forest Service has built with wood as the primary structural material; and

(3) the investments made by the Forest Service in green building wood promotion.

* * * * * * *

NATIONAL FOREST MANAGEMENT ACT OF 1976

* * * * * * *

TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS

SEC. 14. (a) * * *

* * * * * * *

[(g) Designation, marking when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.]

(g) Designation, including but not limited to, marking when necessary, designation by description, or designation by prescription, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof. Designation by prescription and designation by prescription shall be considered valid methods for designation, and may be supervised by use of post-harvest cruise, sample weight scaling, or other methods determined by the Secretary to be appropriate.

* * * * * * *

FARMER-TO-CONSUMER DIRECT MARKETING ACT OF 1976

* * * * * * *

SEC. 6. FARMERS' MARKET *AND LOCAL FOOD* PROMOTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the "Farmers' Market *and Local Food* Promotion Program" (referred to in this section as the "Program"), to make grants to eligible entities for projects to establish, expand, and promote [farmers' markets and to promote] direct producer-to-consumer marketing[.] *and assist in the development of local food business enterprises.*

[(b) PROGRAM PURPOSES.—

[(1) IN GENERAL.—The purposes of the Program are—

[(A) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers' markets, roadside stands, community-supported agriculture

programs, agri-tourism activities, and other direct producer-to-consumer market opportunities; and

[(B) to develop, or aid in the development of, new farmers' markets, roadside stands, community-supported agriculture programs, agri-tourism activities, and other direct producer-to-consumer marketing opportunities.

[(2) LIMITATIONS.—An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.]

(b) PROGRAM PURPOSES.—The purposes of the Program are to increase domestic consumption of, and consumer access to, locally and regionally produced agricultural products by assisting in the development, improvement, and expansion of—

(1) domestic farmers' markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities; and

(2) local and regional food business enterprises that process, distribute, aggregate, and store locally or regionally produced food products.

(c) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program if the entity is—

(1) an agricultural cooperative *or other agricultural business entity* or a producer network or association*, including a community supported agriculture network or association*;

* * * * * * *

(e) FUNDS REQUIREMENTS FOR ELIGIBLE ENTITIES.—

(1) MATCHING FUNDS.—An entity receiving a grant under this section for a project to carry out a purpose described in subsection (b)(2) shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to 25 percent of the total cost of such project.

(2) LIMITATION ON USE OF FUNDS.—An eligible entity may not use a grant or other assistance provided under this section for the purchase, construction, or rehabilitation of a building or structure.

[(e)] *(f)* FUNDING.—

(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) * * *

(B) $5,000,000 for each of fiscal years 2009 through 2010; [and]

(C) $10,000,000 for each of fiscal years 2011 and 2012[.]*; and*

(D) $30,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

[(3) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) or (2) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.]

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018.

(4) USE OF FUNDS.—Of the funds made available to carry out this section for a fiscal year, 50 percent of such funds shall be used for the purposes described in paragraph (1) of subsection (b) and 50 percent of such funds shall be used for the purposes described in paragraph (2) of such subsection.

(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the total amount made available to carry out this section for a fiscal year may be used for administrative expenses.

[(4)] *(6)* INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

[(5) LIMITATION.—Funds described in paragraph (3)—

[(A) may not be used for the ongoing cost of carrying out any project; and

[(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.]

* * * * * * *

ORGANIC FOODS PRODUCTION ACT OF 1990

* * * * * * *

TITLE XXI—ORGANIC CERTIFICATION

* * * * * * *

SEC. 2122. ADMINISTRATION.

(a) * * *

* * * * * * *

(c) MODERNIZATION AND TECHNOLOGY UPGRADE FOR NATIONAL ORGANIC PROGRAM.—The Secretary shall modernize database and technology systems of the national organic program.

SEC. 2122A. INVESTIGATION AND ENFORCEMENT.

(a) EXPEDITED ADMINISTRATIVE HEARING.—The Secretary shall establish an expedited administrative hearing procedure under which the Secretary may suspend or revoke the organic certification of a producer or handler or the accreditation of a certifying agent in accordance with subsection (d). Such a hearing may be conducted in addition to a hearing conducted pursuant to section 2120.

(b) INVESTIGATION.—

(1) IN GENERAL.—The Secretary may take such investigative actions as the Secretary considers to be necessary to carry out this title—

(A) to verify the accuracy of any information reported or made available under this title; and

(B) to determine, with regard to actions, practices, or information required under this title, whether a person covered by this title has committed a violation of this title.

(2) INVESTIGATIVE POWERS.—The Secretary may administer oaths and affirmations, subpoena witnesses, compel attendance

of witnesses, take evidence, and require the production of any records required to be maintained under section 2112(d) or 2116(c) that are relevant to the investigation.

(c) UNLAWFUL ACT.—It shall be unlawful and a violation of this title for any person covered by this title—

(1) to refuse to provide information required by the Secretary under this title; or

(2) to violate—

(A) a suspension or revocation of the organic certification of a producer or handler; or

(B) a suspension or revocation of the accreditation of a certifying agent.

(d) ENFORCEMENT.—

(1) SUSPENSION.—

(A) IN GENERAL.—The Secretary may, after notice and opportunity for an expedited administrative hearing, suspend the organic certification of a producer, handler or the accreditation of a certifying agent if—

(i) the Secretary, during such expedited administrative hearing, proved that—

(I) in the case of a producer or handler, the producer or handler—

(aa) has recklessly committed a violation of a term, condition, or requirement of the organic plan to which the producer or handler is subject; or

(bb) has recklessly committed, or is recklessly committing, a violation of this title; or

(II) in the case of a certifying agent, the agent has recklessly committed, or is recklessly committing, a violation of this title; or

(ii) the producer, handler, or certifying agent has waived such expedited administrative hearing.

(B) ISSUANCE OF SUSPENSION.—A suspension issued under this paragraph shall be issued not later than five days after the date on which—

(i) the expedited administrative hearing referred to in clause (i) of subparagraph (A) concludes; or

(ii) the Secretary receives notice of the waiver referred to in clause (ii) of such subparagraph.

(C) DURATION OF SUSPENSION.—The period of a suspension issued under this paragraph shall be not more than 90 days, beginning on the date on which the Secretary issues the suspension.

(D) CURING OF VIOLATIONS.—

(i) IN GENERAL.—The Secretary may not issue a suspension of a certification or accreditation under this paragraph if the producer, handler, or certifying agent subject to such suspension—

(I) before the date on which the suspension would otherwise have been issued, cures, or corrects the deficiency giving rise to, the violation for which the certification or accreditation would have been suspended; or

(II) within a reasonable timeframe (as determined by the Secretary), enters into a settlement with the Secretary regarding a deficiency referred to in subclause (I).

(ii) DURING SUSPENSION.—The Secretary shall terminate the suspension of an organic certification or accreditation issued under this paragraph if the producer, handler, or certifying agent subject to such suspension cures the violation for which the certification or accreditation was suspended under this paragraph before the date on which the period of the suspension ends.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary may, after notice and opportunity for an expedited administrative hearing under this section and an expedited administrative appeal under section 2121, revoke the organic certification of a producer or handler, or the accreditation of a certifying agent if—

(i) the Secretary, during such hearing, proved that—

(I) in the case of a producer or handler, the producer or handler—

(aa) has knowingly committed an egregious violation of a term, condition, or requirement of the organic plan to which the producer or handler is subject; or

(bb) has knowingly committed, or is knowingly committing, an egregious violation of this title; or

(II) in the case of a certifying agent, the agent has knowingly committed, or is knowingly committing, an egregious violation of this title; or

(ii) the producer, handler, or certifying agent has waived such expedited administrative hearing and such an expedited administrative appeal.

(B) INITIATION OF REVOCATION PROCEEDINGS.—

(i) IN GENERAL.—If the Secretary finds, during an investigation or during the period of a suspension under paragraph (1), that a producer, handler, or certifying agent has knowingly committed an egregious violation of this title, the Secretary shall initiate revocation proceedings with respect to such violation not later than 30 days after the date on which the producer, handler, or certifying agent receives notice of such finding in accordance with clause (ii). The Secretary may not initiate revocation proceedings with respect to such violation after the date on which that 30-day period ends.

(ii) NOTICE.—Not later than five days after the date on which the Secretary makes the finding described in clause (i), the Secretary shall provide to the producer, handler, or certifying agent notice of such finding.

(e) APPEAL.—

(1) SUSPENSIONS.—

(A) IN GENERAL.—The suspension of a certification or accreditation under subsection (d)(1) by the Secretary may be appealed to a United States district court in accordance

with section 2121(b) not later than 30 business days after the date on which the person subject to such suspension receives notice of the suspension.

(B) SUSPENSION FINAL AND CONCLUSIVE.—A suspension of a certification or accreditation under subsection (d)(1) by the Secretary shall be final and conclusive—

(i) in the case of a suspension that is appealed under subparagraph (A) within the 30-day period specified in such subparagraph, on the date on which judicial review of such suspension is complete; or

(ii) in the case of a suspension that is not so appealed, the date on which such 30-day period ends.

(2) REVOCATIONS.—

(A) IN GENERAL.—The revocation of a certification or an accreditation under subsection (d)(2) by the Secretary may be appealed to a United States district court in accordance with section 2121(b) not later than 30 business days after the date on which the person subject to such revocation receives notice of the revocation.

(B) REVOCATION FINAL AND CONCLUSIVE.—A revocation of a certification or an accreditation under subsection (d)(2) by the Secretary shall be final and conclusive—

(i) in the case of a revocation that is appealed under subparagraph (A) within the 30-day period specified in such subparagraph, on the date on which judicial review of such revocation is complete; or

(ii) in the case of a revocation that is not so appealed, the date on which such 30-day period ends.

(3) STANDARDS FOR REVIEW OF SUSPENSIONS AND REVOCATIONS.—A suspension or revocation of a certification or an accreditation under subsection (d) shall be reviewed in accordance with the standards of review specified in section 706(2) of title 5, United States Code.

(f) NONCOMPLIANCE.—

(1) IN GENERAL.—If a person covered by this title fails to obey a revocation of a certification or an accreditation under subsection (d)(2) after such revocation has become final and conclusive or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of such revocation.

(2) ENFORCEMENT.—If the court determines that the revocation was lawfully made and duly served and that the person violated the revocation, the court shall enforce the revocation.

(3) CIVIL PENALTY.—If the court finds that the person violated the revocation of a certification or an accreditation under subsection (d)(2), the person shall be subject to one or more of the penalties provided in subsections (a) and (b) of section 2120.

(g) VIOLATION OF THIS TITLE DEFINED.—In this section, the term "violation of this title" means a violation specified in section 2120.

SEC. 2123. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national

organic program established under this title, there are authorized to be appropriated—

(1) * * *

* * * * * * *

[(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.]

(6) $11,000,000 for each of fiscal years 2014 through 2018.

* * * * * * *

COMMODITY PROMOTION, RESEARCH, AND INFORMATION ACT OF 1996

* * * * * * *

TITLE V—AGRICULTURAL PROMOTION

* * * * * * *

Subtitle B—Issuance of Orders for Promotion, Research, and Information Activities Regarding Agricultural Commodities

* * * * * * *

SEC. 513. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" means—

(A) * * *

* * * * * * *

(E) the products of natural stone;

(F) products, as a class, that are produced on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)) and that are certified to be sold or labeled as "organic" or "100 percent organic" (as defined in part 205 of title 7, Code of Federal Regulations or a successor regulation));

[(E)] *(G)* other commodities raised or produced on farms, as determined appropriate by the Secretary; and

[(F)] *(H)* products processed or manufactured from products specified in the preceding subparagraphs, as determined appropriate by the Secretary.

* * * * * * *

SPECIALTY CROPS COMPETITIVENESS ACT OF 2004

* * * * * * *

TITLE I—STATE ASSISTANCE FOR SPECIALTY CROPS

SEC. 101. SPECIALTY CROP BLOCK GRANTS.

(a) AVAILABILITY AND PURPOSE OF GRANTS.—Using the funds made available under [subsection (j)] *subsection (l)*, the Secretary of Agriculture shall make grants to States for each of the fiscal years 2005 through [2012] *2018* to be used by State departments of agriculture solely to enhance the competitiveness of specialty crops.

[(b) GRANTS BASED ON VALUE OF PRODUCTION.—Subject to subsection (c), the amount of the grant for a fiscal year to a State under this section shall bear the same ratio to the total amount made available under subsection (j) for that fiscal year as the value of specialty crop production in the State during the preceding calendar year bears to the value of specialty crop production during the preceding calendar year in all States whose application for a grant for that fiscal year is accepted by the Secretary under subsection (f).]

(b) GRANTS BASED ON VALUE AND ACREAGE.—Subject to subsection (c), for each State whose application for a grant for a fiscal year that is accepted by the Secretary under subsection (f), the amount of the grant for such fiscal year to the State under this section shall bear the same ratio to the total amount made available under subsection (l)(1) for such fiscal year as—

(1) the average of the most recent available value of specialty crop production in the State and the acreage of specialty crop production in the State, as demonstrated in the most recent Census of Agriculture data; bears to

(2) the average of the most recent available value of specialty crop production in all States and the acreage of specialty crop production in all States, as demonstrated in the most recent Census of Agriculture data.

* * * * * * *

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State department of agriculture shall prepare and submit, for approval by the Secretary of Agriculture, an application at such time, in such a manner, and containing such information as the Secretary shall require by regulation, including—

(1) * * *

(2) an assurance that the State will comply with the requirements of the plan; [and]

(3) an assurance that grant funds received under this section shall supplement the expenditure of State funds in support of specialty crops grown in that State, rather than replace State funds[.]*; and*

(4) an assurance that any grant funds received under this section that are used for equipment or capital-related research costs determined to enhance the competitiveness of specialty crops—

(A) shall be supplemented by the expenditure of State funds in an amount that is not less than 50 percent of such costs during the fiscal year in which such costs were incurred; and

(B) shall be completely replaced by State funds on the day after the date on which such fiscal year ends.

* * * * * * *

(j) MULTISTATE PROJECTS.—Not later than 180 days after the effective date of the Federal Agriculture Reform and Risk Management Act of 2013, the Secretary of Agriculture shall issue guidance for the purpose of making grants to multistate projects under this section for projects involving—

(1) food safety;

(2) plant pests and disease;

(3) research;

(4) crop-specific projects addressing common issues; and

(5) any other area that furthers the purposes of this section, as determined by the Secretary.

(k) ADMINISTRATION.—

(1) DEPARTMENT.—The Secretary of Agriculture may not use more than 3 percent of the funds made available to carry out this section for a fiscal year for administrative expenses.

(2) STATES.—A State receiving a grant under this section may not use more than 8 percent of the funds received under the grant for a fiscal year for administrative expenses.

[(j)**]** *(l)* FUNDING.—**[**Of the funds**]**

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

[(1)**]** *(A)* $10,000,000 for fiscal year 2008;

[(2)**]** *(B)* $49,000,000 for fiscal year 2009; **[**and**]**

[(3)**]** *(C)* $55,000,000 for each of fiscal years 2010 through 2012**[**.**]***;*

(D) $72,500,000 for fiscal years 2014 through 2017; and

(E) $85,000,000 for fiscal year 2018.

(2) MULTISTATE PROJECTS.—Of the funds made available under paragraph (1), the Secretary may use to carry out subsection (j), to remain available until expended—

(A) $1,000,000 for fiscal year 2014;

(B) $2,000,000 for fiscal year 2015;

(C) $3,000,000 for fiscal year 2016;

(D) $4,000,000 for fiscal year 2017; and

(E) $5,000,000 for fiscal year 2018.

* * * * * * *

EXPORT APPLE ACT

* * * * * * *

SEC. 4. **[**Apples in**]** *(A) Apples in* less than carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this Act.

(b) Apples may be shipped to Canada in bulk bins without complying with the provisions of this Act.

* * * * * * *

SEC. 9. That when used in this Act—

(1) * * *

* * * * * * *

(5) The term "bulk bin" means a bin that contains a quantity of apples weighing more than 100 pounds.

* * * * * * *

AGRICULTURAL ADJUSTMENT ACT

TITLE I—AGRICULTURAL ADJUSTMENT

* * * * * * *

PART 2—COMMODITY BENEFITS

* * * * * * *

SEC. 8e. (a) Subject to the provisions of subsections (c) and (d) and notwithstanding any other provision of law, whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of this Act contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes, raisins, olives (other than Spanish-style green olives), *olive oil,* prunes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, filberts, table grapes, eggplants, kiwifruit, nectarines, clementines, plums, pistachios, apples, or caneberries (including raspberries, blackberries, and loganberries) produced in the United States the importation into the United States of any such commodity, other than dates for processing, during the period of time such order is in effect shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder: *Provided,* That this prohibition shall not apply to such commodities when shipped into continental United States from the Commonwealth of Puerto Rico or any Territory or possession of the United States where this Act has force and effect: *Provided further,* That whenever two or more such marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of any such commodity, other than dates for processing, shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition. Such prohibition shall not become effective until after the giving of such notice as the Secretary of Agriculture determines reasonable, which shall not be less than three days. In determining the amount of notice that is reasonable in the case of tomatoes the Secretary of Agriculture shall give due consideration to the time required for their transportation and entry into the United States after picking. Whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to an im-

ported commodity is not practicable because of variations in characteristics between the domestic and imported commodity he shall establish with respect to the imported commodity, other than dates for processing, such grade, size, quality, and maturity restrictions by varieties, types, or other classifications as he finds will be equivalent or comparable to those imposed upon the domestic commodity under such order. The Secretary of Agriculture may promulgate such rules and regulations as he deems necessary, to carry out the provisions of this section. Any person who violates any provision if this section or of any rule, regulation, or order promulgated hereunder shall be subject to a forfeiture in the amount prescribed in section 8a(5) or, upon conviction, a penalty in the amount prescribed in section 8c(14) of the Act, or to both such forfeiture and penalty.

* * * * * * *

SECTION 420 OF THE PLANT PROTECTION ACT

SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

(a) * * *

* * * * * * *

(e) NATIONAL CLEAN PLANT NETWORK.—

(1) IN GENERAL.—The Secretary shall establish a program to be known as the "National Clean Plant Network" (referred to in this subsection as the "Program").

(2) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services—

(A) to produce clean propagative plant material; and

(B) to maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(3) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(A) a State for a certified plant program of the State; and

(B) private nurseries and producers.

(4) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(A) consult with—

(i) State departments of agriculture; and

(ii) land-grant colleges and universities and NLGCA Institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

(B) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(5) FUNDING FOR FISCAL YEAR 2013.—There is authorized to be appropriated to carry out the Program $5,000,000 for fiscal year 2013.

[(e)] *(f)* FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(1) * * *

* * * * * * *

(3) $50,000,000 for fiscal year 2011; [and]

(4) $50,000,000 for fiscal year 2012 [and each fiscal year thereafter.]*;*

(5) $62,500,000 for fiscal years 2014 through 2017; and

(6) $75,000,000 for fiscal year 2018.

(g) RELATIONSHIP TO OTHER LAW.—The use of Commodity Credit Corporation funds under this section to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).

(h) USE OF FUNDS FOR CLEAN PLANT NETWORK.—Of the funds made available under subsection (f) to carry out this section for a fiscal year, not less than $5,000,000 shall be available to carry out the national clean plant network under subsection (e).

* * * * * * *

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

* * * * * * *

SEC. 3. REGISTRATION OF PESTICIDES.

(a) * * *

* * * * * * *

(f) MISCELLANEOUS.—

(1) * * *

* * * * * * *

(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.

* * * * * * *

SEC. 17. IMPORTS AND EXPORTS.

(a) * * *

* * * * * * *

(c) IMPORTATION OF PESTICIDES AND DEVICES.—The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon the Administrator's request, samples of pesticides or devices which are being imported into the United States, giving notice to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination

of a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or the environment, the pesticide or device may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any pesticide or device refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe. The Secretary of the Treasury may deliver to the consignee such pesticide or device pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such pesticide or device, together with the duty thereon, and on refusal to return such pesticide or device for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond. All charges for storage, cartage, and labor on pesticides or devices which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. *Solely for purposes of notifications of arrival upon importation, for purposes of this subsection, seed, including treated seed, shall not be considered a pesticide or device. Nothing in this subsection shall be construed as precluding or limiting the authority of the Secretary of Agriculture, with respect to the importation or movement of plants, plant products, or seeds, under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Federal Seed Act (7 U.S.C. 1551 et seq.).*

* * * * * * *

FEDERAL WATER POLLUTION CONTROL ACT

* * * * * * *

TITLE IV—PERMITS AND LICENSES

* * * * * * *

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

SEC. 402. (a) * * *

* * * * * * *

(s) DISCHARGES OF PESTICIDES.—

(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

(i) the discharge would not have occurred but for the violation; or

(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

(B) Stormwater discharges subject to regulation under subsection (p).

(C) The following discharges subject to regulation under this section:

(i) Manufacturing or industrial effluent.

(ii) Treatment works effluent.

(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.

* * * * * * *

SECTION 508 OF THE FEDERAL CROP INSURANCE ACT OF 1938

SEC. 508. CROP INSURANCE.

(a) * * *

* * * * * * *

(k) REINSURANCE.—

(1) * * *

* * * * * * *

(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

(A) * * *

* * * * * * *

(E) 2011 REINSURANCE YEAR.—

(i) * * *

* * * * * * *

(iii) EQUITABLE RELIEF FOR SPECIALTY CROP POLICIES.—

(I) IN GENERAL.—For each of the 2011 through 2015 reinsurance years, in addition to the total amount of funding for reimbursement of administrative and operating costs that is otherwise required to be made available in each such reinsurance year pursuant to an agreement entered into by the Corporation, the Corporation shall use $41,000,000 to provide additional reimbursement with respect to eligible insurance contracts for any agricultural commodity that is not eligible for a benefit under subtitles A, B or C of title I of the Federal Agriculture Reform and Risk Management Act of 2013.

(II) TREATMENT.—Additional reimbursements made under this clause shall be included as part of the base level of administrative and operating expense reimbursement to which any limit on compensation to persons involved in the direct sale

and service of any eligible crop insurance contract required under an agreement entered into by the Corporation is applied.

(III) RULE OF CONSTRUCTION.—Nothing in this clause shall be construed as statutory assent to the limit described in subclause (II).

(F) BUDGET.—

(i) IN GENERAL.—The Board shall ensure that any Standard Reinsurance Agreement negotiated under subparagraph (A)(ii), as compared to the previous Standard Reinsurance Agreement—

(I) to the maximum extent practicable, shall be budget neutral; and

(II) in no event, may significantly depart from budget neutrality.

(ii) USE OF SAVINGS.—To the extent that any budget savings is realized in the renegotiation of a Standard Reinsurance Agreement under subparagraph (A)(ii), and the savings are determined not to be a significant departure from budget neutrality under clause (i), the savings shall be used to increase the obligations of the Corporation under subsections (e)(2) or (k)(4) or section 523.

* * * * * * *

(p) COVERAGE LEVELS BY PRACTICE.—Beginning with the 2015 crop year, a producer that produces an agricultural commodity on both dry land and irrigated land may elect a different coverage level for each production practice.

SECTION 901 OF THE TRADE ACT OF 1974

SEC. 901. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) * * *

* * * * * * *

(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) * * *

* * * * * * *

(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

[(A) ELIGIBLE LOSSES.—

[(i) IN GENERAL.—An eligible]

(A) ELIGIBLE LOSSES.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

[(I)] *(i)* is native or improved pastureland with permanent vegetative cover; or

[(II)] *(ii)* is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

[(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D

of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).]

* * * * * * *

ANIMAL HEALTH PROTECTION ACT

* * * * * * *

TITLE X—MISCELLANEOUS

* * * * * * *

Subtitle E—Animal Health Protection

* * * * * * *

SEC. 10405. EXPORTATION.

(a) * * *

* * * * * * *

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated—

(A) $1,500,000 for each of fiscal years 2008 through [2012] *2018* to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

(B) such sums as may be necessary for each of fiscal years 2008 through [2012] *2018* to carry out this section.

* * * * * * *

ANIMAL WELFARE ACT

* * * * * * *

SEC. 26. (a) SPONSORING OR EXHIBITING AN ANIMAL IN AN ANIMAL FIGHTING VENTURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture[.] *or to knowingly attend or knowingly cause a minor to attend an animal fighting venture.*

* * * * * * *

DUPLICATIVE PROGRAMS CLARIFICATION

This bill reauthorizes the USDA's Water and Waste Disposal program, the Emergency Food Assistance Program (TEFAP) and the Commodity Supplemental Food Program (CSFP) all of which GAO has listed as duplicative programs.

The GAO report found no overlap in duplicate funding between the Water and Waste disposal program and the EPA's Drinking Water and Clean Water State Revolving Funds but did identify the potential for communities to complete duplicate funding applications and related documents when applying for funding from both the EPA programs and the USDA program.

The 2011 GAO report listed TEFAP and CSFP as duplicative because they help ensure access to nutritious food, as does the Supplemental Nutrition Assistance Program (SNAP, formerly the food stamp program).

○