

110TH CONGRESS  
1ST SESSION

# H. R. 2401

To provide for greater access and opportunities for socially disadvantaged farmers, to create incentives for research, conservation, and market viability, to provide a healthy and just work environment for agricultural workers, to provide Americans with healthier food choices, to address hunger and poverty in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2007

Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. SERRANO, Mr. GRIJALVA, Ms. SOLIS, Mr. REYES, Mr. ORTIZ, Ms. VELÁZQUEZ, Mr. HINOJOSA, Mr. BECERRA, Mr. SIRES, Mr. FORTUÑO, Mr. RODRIGUEZ, Mr. PASTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CUELLAR, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. SALAZAR, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for greater access and opportunities for socially disadvantaged farmers, to create incentives for research, conservation, and market viability, to provide a healthy and just work environment for agricultural workers, to provide Americans with healthier food choices, to address hunger and poverty in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Nutrition and Opportunities for the Underserved and  
 6 Rural Incentives to Secure the Heartland Act of 2007”  
 7 or the “NOURISH Act of 2007”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
 9 this Act is as follows:

Sec. 1. Short title and table of contents.  
 Sec. 2. Findings.

TITLE I—POLICY TO PROMOTE INVOLVEMENT OF SOCIALLY  
 DISADVANTAGED FARMERS AND RANCHERS

Sec. 101. Establishment.  
 Sec. 102. Administration.  
 Sec. 103. Eligibility.  
 Sec. 104. Producer payment structure.  
 Sec. 105. Technical assistance.  
 Sec. 106. Duties of the Secretary.

TITLE II—REVIEW OF PENDING FORECLOSURES

Sec. 201. USDA Minority Producer Land Preservation Commission.  
 Sec. 202. Requirement that foreclosure notices include information about the  
 Commission.

TITLE III—OUTREACH, TRANSPARENCY, AND ACCOUNTABILITY

Sec. 301. Outreach, transparency, and accountability.  
 Sec. 302. Improved data requirements.  
 Sec. 303. Expansion of support for Hispanic-serving institutions.

TITLE IV—FARM WORKER AND COMPETITIVENESS PROVISIONS

Subtitle A—Pesticides

Sec. 401. Pesticides.

Subtitle B—Office of Farmworker Coordination

Sec. 411. Office of Farmworker Coordination.

Subtitle C—Major Disaster Assistance Programs

Sec. 421. Emergency grants to assist low-income migrant and seasonal farm-  
 workers.

Subtitle D—Agricultural Fair Practices

- Sec. 431. Agricultural fair practices.
- Sec. 432. Application.

TITLE V—CONSERVATION

- Sec. 501. Conservation access initiative to encourage greater participation by socially disadvantaged farmers and ranchers in conservation programs.
- Sec. 502. Other diversity provisions.
- Sec. 503. Conservation reserve program.
- Sec. 504. Reauthorization of and increased enrollment authority for grassland reserve program.
- Sec. 505. Environmental quality incentives program.
- Sec. 506. Reauthorization of and increased funding for wildlife habitat incentive program.
- Sec. 507. Integrated pest management initiative.
- Sec. 508. Value Added Funding and Technical Assistance.

TITLE VI—HEALTHY FOOD CHOICES

- Sec. 601. Findings.
- Sec. 602. Reauthorization of and increased funding for community food project competitive grants.
- Sec. 603. Expansion of Fresh Fruit and Vegetable Program.
- Sec. 604. Authorization level for farm-to-cafeteria activities.
- Sec. 605. Extension of WIC farmers' market nutrition program.
- Sec. 606. Senior farmers' market nutrition program.
- Sec. 607. Farmers' market promotion program.
- Sec. 608. Department of Defense and Department of Agriculture procurement of locally produced agricultural products.
- Sec. 609. Fruit and vegetable nutrition promotion program.
- Sec. 610. Use of "Dietary Guidelines for Americans" in special nutrition programs and school lunch programs.
- Sec. 611. Section 32 specialty crop purchases.
- Sec. 612. Administration of Food Stamp Program.

TITLE VII—PROMOTION OF NEW MARKETS AND FARM VIABILITY

- Sec. 701. National organic certification and transition cost share program.

TITLE VIII—RURAL REGIONAL INVESTMENT INITIATIVE

- Sec. 801. Rural regional investment initiative.
- Sec. 802. Rural regional entrepreneurship program.

TITLE IX—NUTRITION

- Sec. 901. Renaming the Food Stamp Program.

Subtitle A—Improving Benefit Adequacy

- Sec. 911. Strengthening the food purchasing power of low-income Americans.
- Sec. 912. Supporting working families with child care expenses.
- Sec. 913. Exclusion of combat-related military pay from countable income.
- Sec. 914. Increasing the minimum benefit.

Subtitle B—Improving Food Security and Simplifying Program Operations

- Sec. 921. Allowable countable resources.
- Sec. 922. Exclusion of retirement accounts from countable financial resources.
- Sec. 923. Exclusion of education accounts from countable financial resources.
- Sec. 924. Simplifying work requirement.
- Sec. 925. Fairness for legal immigrants.
- Sec. 926. Clarifying eligibility.
- Sec. 927. Ensuring proper screening.
- Sec. 928. Clarification of simplified administrative reporting requirement.

Subtitle C—Connecting Eligible Families and Individuals to Food Stamps

- Sec. 931. Facilitating simplified reporting.
- Sec. 932. State option for telephonic signature.
- Sec. 933. Reauthorization of Food Stamp Program and food distribution program on Indian reservations.
- Sec. 934. Access to benefits.
- Sec. 935. Outreach grants.
- Sec. 936. Improving program operations and program effectiveness.
- Sec. 937. Improving performance bonuses for States.
- Sec. 938. Supporting State efforts during natural disasters.
- Sec. 939. Addressing hunger in the Commonwealth of Puerto Rico.
- Sec. 940. Study on comparable access to food stamp benefits for Puerto Rico.
- Sec. 941. Expanding the use of food stamps at farmers' markets.

Subtitle D—Supporting the Emergency Food Bank Network and Other  
Community Partners

- Sec. 951. Commodities for the emergency food assistance program.
- Sec. 952. Accountable program administration.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

- 3 (1) Latinos are the fastest growing population
- 4 of new farmers, increasing by over 40,000 from
- 5 1992–2002. They run diversified operations largely
- 6 producing cattle, fresh fruit and vegetables and
- 7 other diverse products that are not covered by Fed-
- 8 eral agricultural programs. As a result, approxi-
- 9 mately 90 percent of Latino farmers and ranchers
- 10 do not benefit from the commodity program pay-
- 11 ments, which consume half of all farm spending.

1       These and other immigrant farmers represent the  
2       future of American Agriculture and with support  
3       can meet the growing demand from consumers for  
4       local and ethnic specialty crops, and protect fertile  
5       farmland from sprawling urban development.

6               (2) The loss of farmers and farmland for small  
7       and mid-sized farmers farming along the urban  
8       edge, especially Latino and other socially disadvan-  
9       taged farmers, who have experienced a long history  
10      of discrimination, is a growing threat to the future  
11      of American agriculture. Farms provide valuable en-  
12      vironmental benefits to our urban communities by  
13      preserving open space and the quality of our air and  
14      water and protecting wild life habitat. The 2007  
15      Farm Bill should ensure that small and mid-sized  
16      producers, particularly Latino and other socially dis-  
17      advantaged producers, have access to farmland pro-  
18      tection, conservation, research and other programs  
19      that ensure their viability, while providing incentives  
20      and support for beginning farmers.

21              (3) The Nation's 2.5 million migrant and sea-  
22      sonal farm workers produce the food found on the  
23      dinner tables of all Americans. Despite these con-  
24      tributions, farm workers suffer from the highest rate  
25      of toxic chemical injuries of any workers in the

1 United States and earn only \$10,000 to \$12,500 per  
2 year, working long hours under strenuous condi-  
3 tions. Thirteen states do not require farm workers to  
4 be covered by workers' compensation coverage for  
5 on-the-job injuries and only eight percent of farm  
6 workers reported that their employers provided them  
7 with any health insurance. Many farm workers also  
8 face substandard housing conditions due to high  
9 cost, physical deficiencies or over crowding. The  
10 2007 Farm Bill should improve farm worker safety  
11 and health, particularly as it relates to toxic pes-  
12 ticides and expanded research on farm worker health  
13 and safety.

14 (4) Current Federal farm policies also do too  
15 little to promote outreach and to serve Latino farm-  
16 ers and operators. Barriers include a failure to pro-  
17 vide service that is linguistically and culturally ap-  
18 propriate, a failure to recognize farm experience  
19 gained through work as a farm worker or as a farm-  
20 er in their nation of origin.

21 (5) As a growing sector within agriculture,  
22 Latino and other socially disadvantaged farmers  
23 need new programs to help them catch up with other  
24 farmers who have had access to more benefits and  
25 services, as well as policies and programs that will

1 hold United States Department of Agriculture ac-  
2 countable for provided equitable access to programs.

3 (6) A major problem facing low-income commu-  
4 nities and communities of color across the United  
5 States is lack of access to fresh fruits and vegetables  
6 and other healthy foods. Whether in their retail  
7 shops or school cafeterias', many Americans lack op-  
8 portunities to make healthy food choices-contributing  
9 to alarming increases in rates of obesity and diet re-  
10 lated disease. If current trends continue, one in  
11 three Caucasian children, and one in two African  
12 American and Latino children in America will have  
13 diabetes by the time they are eighteen. The 2007  
14 Farm Bill should help reverse the alarming trends of  
15 poor health and failing farms by linking the food ac-  
16 cess needs of consumers with the needs of specialty  
17 crop producers, through innovative nutrition, mar-  
18 keting and distribution programs.

19 (7) With hunger and food insecurity on the rise  
20 we must strengthen the safety-net for food insecure  
21 families. According to the United States Department  
22 of Agriculture, 38 million people in America live  
23 with hunger or the threat of hunger, including 14  
24 million children. Yet at the same time, a large per-  
25 centage of eligible families do not participate in the

1 Food Stamp Program. The Farm Bill must include  
2 a strong nutrition title that helps families in need  
3 put food on the table.

4 **TITLE I—POLICY TO PROMOTE**  
5 **INVOLVEMENT OF SOCIALLY**  
6 **DISADVANTAGED FARMERS**  
7 **AND RANCHERS**

8 **SEC. 101. ESTABLISHMENT.**

9 (a) ESTABLISHMENT.—The Secretary of Agriculture  
10 shall establish and carryout, for each of fiscal years 2008  
11 through 2013, a program to enhance the viability of mi-  
12 nority and socially disadvantaged farmer and ranchers  
13 who own or operate agricultural operations by assisting  
14 such farmer and ranchers to reduce their risks, improve  
15 their access to markets, and better utilize the programs  
16 and services of the Department of Agriculture.

17 (b) IMPROVED ACCESS.—One of the purposes of the  
18 program shall be to ensure the viability and success of mi-  
19 nority and socially disadvantaged farmers and ranchers by  
20 promoting the involvement of socially disadvantaged farm-  
21 ers and ranchers in the full range of services to ensure  
22 producer access to commodity, credit, risk management  
23 and disaster protection, conservation, marketing, nutri-  
24 tion, value-added, rural development, and other programs  
25 and services of the Department.



1 (c) ACCURATE REFLECTION OF CONTRIBUTIONS.—  
2 Another of the purposes of the program shall be to assure  
3 that the number and economic contributions of socially  
4 disadvantaged farmers and ranchers are accurately re-  
5 flected in the census of agriculture.

6 **SEC. 102. ADMINISTRATION.**

7 In order to implement the policies and programs es-  
8 tablished or modified under this title, the Secretary shall  
9 use the Risk Management Agency Office of Civil Rights  
10 and Community Outreach.

11 **SEC. 103. ELIGIBILITY.**

12 (a) IN GENERAL.—To be eligible to participate in  
13 programs made available under this title, a producer  
14 shall—

15 (1) be a socially disadvantaged farmer or ranch-  
16 er;

17 (2) be a producer who, as an owner, operator,  
18 landlord, tenant, sharecropper or enrolled member of  
19 an Indian tribe—

20 (A) shares in the risk of producing any  
21 crop or livestock; and

22 (B) is entitled to share in the crop or live-  
23 stock available for marketing from a farm (or  
24 would have shared had the crop or livestock

1           been produced) or produces more than 50 per-  
2           cent of the food needed for family consumption;

3           (3) submit to the Secretary, and obtain the ap-  
4           proval of the Secretary for, a risk management and  
5           market access plan that meets the minimum require-  
6           ments in section 104; and

7           (4) enter into a risk management and marker  
8           access contract with the Secretary to carry out the  
9           risk management and market access plan.

10          (b) DEFINITIONS.—In this title:

11           (1) SOCIALLY DISADVANTAGED.—The term “so-  
12           cially disadvantaged” means, with respect to a farm-  
13           er or rancher, that the farmer or rancher is a mem-  
14           ber of a socially disadvantaged group.

15           (2) SOCIALLY DISADVANTAGED GROUP DE-  
16           FINED.—The term “socially disadvantaged group”  
17           means a group whose members have been subjected  
18           to racial or ethnic prejudice because of their identity  
19           as members of a group without regard to their indi-  
20           vidual qualities.

21          **SEC. 104. PRODUCER PAYMENT STRUCTURE.**

22           (a) PRODUCER DEVELOPMENT PAYMENTS.—The  
23           Secretary is authorized to provide direct payments to the  
24           producers defined under section 103 if risk management  
25           and market access plans are implemented within any fiscal

1 year pursuant to a plan developed in a fiscal year prior  
2 to payment by the Secretary.

3 (b) ENROLLMENT PROCEDURE.—To enroll in this  
4 program, an eligible producer must—

5 (1) complete and maintain the practices in the  
6 qualification level in subsection (c)(1)(A);

7 (2) describe the tier of the risk management  
8 and market access plan, and the particular risk  
9 management and market access practices to be im-  
10 plemented in accordance with this subsection; and

11 (3) identify the qualified technical assistance  
12 provider who will serve as a liaison to the Depart-  
13 ment and supply technical assistance to assure com-  
14 pletion of the plan.

15 (c) PAYMENT STRUCTURE.—The Secretary shall  
16 make annual producer payments under this title for par-  
17 ticipation at 1 of the following levels for a period not to  
18 exceed a total of 7 years, as follows:

19 (1) QUALIFICATION LEVEL.—The qualification  
20 level payment shall be \$5,000 with \$2,500 paid up  
21 front if, within the first year, the producer—

22 (A) files an IRS schedule F or a qualified  
23 substitute for enrolled members of Indian  
24 Tribes;

1 (B) registers at the Farm Service Agency  
2 office as a farm or rancher, or informs the Sec-  
3 retary the reason for which registration was not  
4 allowed;

5 (C) signs up for any crop insurance or  
6 NAP programs for which the producer is quali-  
7 fied, or provides a plan to achieve qualification  
8 or inform the Secretary if no plan or program  
9 exists for the form of production on the farm  
10 or ranch; and

11 (D) receives technical assistance to be in-  
12 cluded in the Minority Farm Registry and com-  
13 plete the next Census of Agriculture.

14 The Secretary shall provide to the National Agri-  
15 culture Statistics Service information sufficient for  
16 inclusion of each producer who qualifies under this  
17 section in the next census of agriculture.

18 (2) FIRST TIER PAYMENTS.—First Tier pay-  
19 ments shall be \$10,000 annually for up to 3 years  
20 if the producer provides, develops, and implements a  
21 plan to complete at least two of following practices  
22 in each year:

23 (A) prepares a farm and home plan;

24 (B) prepares an estate plan;

1 (C) prepares risk management plan, in-  
2 cluding accessing family health insurance;

3 (D) prepares a conservation plan;

4 (E) enters into a contract for purchase or  
5 sale of farm land;

6 (F) acquires a computer, high-speed inter-  
7 net access, and software, and training in the  
8 use of these tools;

9 (G) prepares a plan to transition to an-  
10 other crop or crops;

11 (H) applies for at least one farm program  
12 of the Department; or

13 (I) other practices as determined by the  
14 Secretary.

15 (3) SECOND TIER PAYMENTS.—Second Tier  
16 payments shall be \$25,000 annually for up to 3  
17 years if the producer develops and implements a  
18 plan to complete at least 2 of the following practices  
19 in each year:

20 (A) mentor another farmer;

21 (B) seek nomination and election to a Con-  
22 servation District Board or FSA County Com-  
23 mittee;

1 (C) meet standards for Good Agricultural  
2 Practices, Organic Certification, or other mar-  
3 ket certifications;

4 (D) develop and implement a marketing  
5 plan or a business plan;

6 (E) access liability or other expanded in-  
7 surance, including revenue insurance;

8 (F) access farmers markets or improved  
9 marketing contracts;

10 (G) participate in farmers market nutri-  
11 tion, school food or other nutrition programs;

12 (H) develop and implement plan to meet  
13 regulatory requirements, including labor, work-  
14 ers compensation, and pesticide health and  
15 safety standards, livestock and animal ID;

16 (I) seek irrigation and other production as-  
17 sistance, land or waste management; or

18 (J) other practices as determined by the  
19 Secretary.

20 (4) THIRD TIER PAYMENTS.—Third Tier pay-  
21 ments shall be \$45,000 annually for up to 3 years  
22 if the producer develops and implements a plan to  
23 complete at least 2 of the following practices in each  
24 year:

1 (A) develop or participate in a cooperative  
2 or marketing association;

3 (B) develop a value-added enterprise;

4 (C) improve marketing, including develop-  
5 ment of brands and innovative forms of mar-  
6 keting by web or other means;

7 (D) develop infrastructure or processing;

8 (E) enhance the participation of a coopera-  
9 tive or a group of farmers in nutrition and  
10 health programs;

11 (F) construct or improve housing for farm-  
12 workers;

13 (G) enter into direct contracts to secure  
14 adequate labor to meet production needs;

15 (H) protect land use and development  
16 rights; or

17 (I) other practices as determined by the  
18 Secretary.

19 **SEC. 105. TECHNICAL ASSISTANCE.**

20 (a) IN GENERAL.—For each of fiscal years 2008  
21 through 2013, the Secretary shall provide technical assist-  
22 ance through qualified technical assistance providers to  
23 producers for the development and implementation of a  
24 risk management and market access plans at each tier.

1           (b) TECHNICAL ASSISTANCE PROVIDER.—In this  
2 section, the term “technical assistance provider” is an or-  
3 ganization or educational institutions that qualifies as an  
4 eligible entity under section 2501(e)(5) of the Food, Agri-  
5 culture, Conservation, and Trade Act of 1990 (7 U.S.C.  
6 2279(e)(5)).

7           (c) QUALIFIED TECHNICAL ASSISTANCE PRO-  
8 VIDER.—In this section, the term “qualified technical as-  
9 sistance provider” means a technical assistance provider  
10 that has been recognized by the Risk Management Agency  
11 as qualified to provide the service in this program. The  
12 term shall include the following:

13           (1) An 1890 institution or 1994 institution (as  
14 defined in section 2 of the Agricultural Research,  
15 Extension, and Education Reform Act of 1998 (7  
16 U.S.C. 7601)), including West Virginia State Col-  
17 lege.

18           (2) An Indian tribal community college or an  
19 Alaska Native cooperative college.

20           (3) An Hispanic-serving institution (as defined  
21 in section 1404 of the National Agricultural Re-  
22 search, Extension, and Teaching Policy Act of 1977  
23 (7 U.S.C. 3103)).

24           (4) Any other institution of higher education  
25 (as defined in section 101 of the Higher Education



1 Act of 1965 (20 U.S.C. 1001) that has dem-  
2 onstrated experience in providing agriculture edu-  
3 cation or other agriculturally related services to so-  
4 cially disadvantaged farmers or ranchers in a region.

5 (d) LIMITATIONS.—A qualified technical service pro-  
6 vider shall not receive payment for services in excess of—

7 (1) \$2,000, for services under section 104(c)(1);

8 (2) \$3,000, for services under section 104(c)(2);

9 (3) \$4,000, for services under section 104(c)(3);

10 or

11 (4) \$5,000, for services under section 104(c)(4).

12 **SEC. 106. DUTIES OF THE SECRETARY.**

13 (a) REGULATIONS.—Not later than 270 days after  
14 the date of enactment of this Act, the Secretary of Agri-  
15 culture shall promulgate regulations implementing the  
16 program provided in this title.

17 (b) STAFFING AND ADMINISTRATION.—The Sec-  
18 retary shall provide in the Risk Management Office of  
19 Civil Rights and Community Outreach not less than 10  
20 staff positions at headquarters, and such field staff for  
21 the Office as the Secretary deems necessary to implement  
22 this program in States where the number of applicants  
23 exceeds 500, to conduct the administration of the program  
24 provided in this title.

1 (c) DEPARTMENTAL COORDINATION.—The Secretary  
2 shall provide support for the Small Farms Emphasis Pro-  
3 gram established in the Department of Agriculture to  
4 work across agencies in the Department to assure coordi-  
5 nation of services among agencies for socially disadvan-  
6 taged farmers and ranchers under the program provided  
7 under this title, and in partnership with qualified technical  
8 assistance providers, to provide such coordination and  
9 training activities as necessary.

10 (d) FUNDING.—Of the funds of the Commodity Cred-  
11 it Corporation, the Secretary shall make available such  
12 sums as are necessary to carry out this title for each of  
13 fiscal years 2008 through 2013.

14 **TITLE II—REVIEW OF PENDING**  
15 **FORECLOSURES**

16 **SEC. 201. USDA MINORITY PRODUCER LAND PRESERVA-**  
17 **TION COMMISSION.**

18 (a) IN GENERAL.—The Secretary of Agriculture (in  
19 this section referred to as the “Secretary”) shall establish  
20 in the Department of Agriculture a commission to be  
21 known as the “USDA Minority Producer Land Preserva-  
22 tion Commission” (in this section referred to as the “Com-  
23 mission”).

24 (b) DUTIES.—

1           (1) REVIEW OF PENDING FORECLOSURE PRO-  
2           CEEDINGS OF THE DEPARTMENT OF AGRI-  
3           CULTURE.—

4           (A) ACTIONS TO BE TAKEN ON RECEIPT  
5           OF PETITION.—On receipt of a petition from a  
6           socially disadvantaged farmer or rancher (as  
7           defined in section 355(e)(2) of the Consolidated  
8           Farm and Rural Development Act) with respect  
9           to a foreclosure action of the Department of  
10          Agriculture that is pending with respect to a  
11          farm or ranch owned or operated by the peti-  
12          tioner—

13                   (i) the Commission shall—

14                           (I) commence an investigation of  
15                           the claims made in the petition; and

16                           (II) notify the Secretary that the  
17                           Commission has received the petition;  
18                           and

19                   (ii) the foreclosure action shall be sus-  
20                   pended, and interest shall not be payable  
21                   on any credit obligation of the petitioner  
22                   which is the subject of the foreclosure ac-  
23                   tion, until the earliest of—

24                           (I) the date the petitioner sub-  
25                           mits to the Commission a written re-

1                   quest to consider the petition to be  
2                   withdrawn;

3                   (II) the date the Commission de-  
4                   termines that the claims made in the  
5                   petition are without foundation or  
6                   that there has been no wrongdoing by  
7                   any governmental entity in the cir-  
8                   cumstances which gave rise to, or the  
9                   conduct of, the action;

10                  (III) the date the claims made in  
11                  the petition have been fully and finally  
12                  adjudicated in a court of competent  
13                  jurisdiction;

14                  (IV) the date the Commission  
15                  submits a final report to the Secretary  
16                  under subparagraph (C)(ii) with re-  
17                  spect to the petition; or

18                  (V) the date the Commission ter-  
19                  minates.

20                  (B) MATTERS TO BE INVESTIGATED; REC-  
21                  COMMENDATIONS.—In investigating a petition,  
22                  the Commission shall—

23                   (i) determine whether (and if so, the  
24                   extent to which) conduct of the Federal  
25                   Government, or any State or local govern-

1 ment, contributed to the conditions leading  
2 to the foreclosure action;

3 (ii) determine whether the foreclosure  
4 action is being conducted in accordance  
5 with applicable laws and regulations; and

6 (iii) on the basis of the determina-  
7 tions, develop such recommendations as  
8 may be necessary and appropriate with re-  
9 spect to the petition.

10 (C) REPORTS TO THE SECRETARY.—

11 (i) PRELIMINARY REPORT.—Within  
12 60 (or, if the Commission needs more time,  
13 90) days after receipt of a petition, the  
14 Commission shall submit to the Secretary  
15 a report which contains the preliminary de-  
16 terminations and recommendations of the  
17 Commission with respect to the petition.

18 (ii) FINAL REPORT.—When the Com-  
19 mission completes its investigation of a pe-  
20 tition, the Commission shall submit to the  
21 Secretary a report which contains the final  
22 determinations and recommendations of  
23 the Commission with respect to the peti-  
24 tion.

1 (D) FORECLOSURE ACTION DEFINED.—In  
2 this paragraph, the term “foreclosure action”  
3 means any action or proceeding in the nature of  
4 foreclosure or acceleration of a credit obligation,  
5 and any similar action or proceeding.

6 (2) ANNUAL REPORTS TO THE CONGRESS.—  
7 The Commission shall submit annually to the Com-  
8 mittees on Agriculture and on Government Reform  
9 of the House of Representatives and the Committees  
10 on Agriculture, Nutrition, and Forestry and on  
11 Homeland Security and Government Affairs of the  
12 Senate a report that contains—

13 (A) a summary of the reports submitted  
14 under paragraph (1)(C)(ii) in the period cov-  
15 ered by the report; and

16 (B) such legislative and administrative rec-  
17 ommendations as may be necessary and appro-  
18 priate to improve the credibility, accuracy, and  
19 fairness of the process for foreclosing or taking  
20 other similar action on loans made by the De-  
21 partment of Agriculture.

22 (c) MEMBERSHIP.—

23 (1) NUMBER AND APPOINTMENT.—

24 (A) IN GENERAL.—Within 180 days after  
25 the date of the enactment of this Act, the Sec-

1           retary shall appoint 9 individuals to be the  
2           members of the Commission, as follows:

3                   (i) 3 members shall be appointed from  
4                   among those who represent the interests of  
5                   community-based organizations.

6                   (ii) 3 members shall be appointed  
7                   from among those who represent the inter-  
8                   ests of land grant colleges and universities.

9                   (iii) 3 members shall be appointed  
10                  from among those who represent the inter-  
11                  ests of local governments located in rural  
12                  areas.

13           (B) GEOGRAPHICAL DIVERSITY.—In mak-  
14           ing appointments to the Commission, the Sec-  
15           retary shall, to the extent practicable, ensure  
16           geographical diversity.

17           (C) POLITICAL AFFILIATION.—Not more  
18           than 4 members appointed to the Commission  
19           may be of the same political party.

20           (2) TERM OF OFFICE.—

21                   (A) LENGTH OF TERM.—

22                           (i) IN GENERAL.—Each Commission  
23                           member shall be appointed for a term of 3  
24                           years, subject to clause (ii).

25                           (ii) DISMISSAL.—

1 (I) CONFLICT OF INTEREST.—

2 The term of office of a Commission  
3 member shall cease on a determina-  
4 tion by the Secretary that continued  
5 service by the member would pose an  
6 unavoidable conflict of interest for the  
7 member.

8 (II) 3 MISSED MEETINGS.—The

9 term of office of a Commission mem-  
10 ber shall cease when the member has  
11 been absent from 3 Commission meet-  
12 ings, without being excused by the  
13 Secretary from attendance.

14 (B) LIMITATION ON NUMBER OF TERMS.—

15 The Secretary may not appoint an individual to  
16 be a Commission member more than twice.

17 (C) VACANCIES.—A vacancy in the Com-

18 mission shall be filled in the manner in which  
19 the original appointment was made.

20 (3) COMPENSATION.—To the extent or in the

21 amounts provided in advance in appropriation Acts,  
22 each Commission member shall be paid at a rate  
23 equal to the minimum rate of basic pay for GS-14  
24 of the General Schedule for each day (including



1 travel time) during which they are engaged in the  
2 actual performance of Commission duties.

3 (d) POWERS OF COMMISSION.—

4 (1) HEARINGS AND SESSIONS.—The Commis-  
5 sion may, for the purpose of carrying out this sec-  
6 tion, hold hearings, sit and act at times and places,  
7 take testimony, and receive evidence as the Commis-  
8 sion considers appropriate. The Commission may ad-  
9 minister oaths or affirmations to witnesses appear-  
10 ing before the Commission.

11 (2) OBTAINING OFFICIAL DATA.—The Commis-  
12 sion may secure directly from any department or  
13 agency of the United States information necessary  
14 to enable the Commission to carry out this section.  
15 On request of the Chairperson of the Commission,  
16 the head of that department or agency shall furnish  
17 that information to the Commission.

18 (3) EXPERTS AND CONSULTANTS.—The Chair-  
19 person of the Commission may procure temporary  
20 and intermittent services under section 3109(b) of  
21 title 5, United States Code.

22 (4) STAFF OF FEDERAL AGENCIES.—On re-  
23 quest of the Chairperson of the Commission, the  
24 head of any Federal department or agency may de-  
25 tail, on a reimbursable basis, any of the personnel

1 of that department or agency to the Commission to  
2 assist the Commission in carrying out this section.

3 (5) ADMINISTRATIVE SUPPORT SERVICES.—On  
4 request of the Chairman of the Commission, the Ad-  
5 ministrator of General Services shall provide to the  
6 Commission, on a reimbursable basis, the adminis-  
7 trative support services necessary for the Commis-  
8 sion to carry out this section.

9 (6) MAILS.—The Commission may use the  
10 United States mails in the same manner and under  
11 the same conditions as other departments and agen-  
12 cies of the United States.

13 (e) PROCEDURAL RULES.—

14 (1) CHAIRPERSON.—The Chairperson of the  
15 Commission shall be designated by the Secretary at  
16 the time of appointment.

17 (2) MEETINGS.—

18 (A) HOW CALLED.—The Commission shall  
19 meet at the call of the Chairperson.

20 (B) FREQUENCY.—While there is a case  
21 pending before the Commission, the Commission  
22 shall meet at regular intervals not less fre-  
23 quently than 10 times every 12 months.

24 (C) ADVANCE NOTICE.—Not less than 7  
25 days before a Commission meeting, the Com-

1 mission shall cause to have published in a local  
2 newspaper of record the location and time of  
3 the meeting.

4 (D) PUBLIC MEETINGS.—Each Commis-  
5 sion meeting shall be open to members of the  
6 public.

7 (E) QUORUM.—5 members of the Commis-  
8 sion shall constitute a quorum but a lesser  
9 number may hold hearings.

10 (3) RECORDS.—The Commission shall create  
11 and maintain a record of each Commission meeting,  
12 and shall make the record available for public in-  
13 spection.

14 (f) TERMINATION.—The Commission shall terminate  
15 9 years after the date of the enactment of this Act. Section  
16 14(a)(2)(B) of the Federal Advisory Committee Act (5  
17 U.S.C. App.; relating to the termination of advisory com-  
18 mittees) shall not apply to the Commission.

19 (g) REGULATIONS.—The Secretary shall prescribe  
20 such regulations as may be necessary to carry out this  
21 section.

22 (h) EFFECTIVE DATE.—This section shall be effec-  
23 tive October 1, 2007.

1 **SEC. 202. REQUIREMENT THAT FORECLOSURE NOTICES IN-**  
2 **CLUDE INFORMATION ABOUT THE COMMIS-**  
3 **SION.**

4 The Secretary of Agriculture shall include in any no-  
5 tice transmitted to a socially disadvantaged farmer or  
6 rancher (as defined in section 355(e)(2) of the Consoli-  
7 dated Farm and Rural Development Act) of any fore-  
8 closure action (as defined in section 201(b)(1)(D) of this  
9 Act) of the Department of Agriculture with respect to a  
10 farm or ranch owned or operated by the farmer or rancher  
11 information about the USDA Minority Producer Land  
12 Preservation Commission established under section 201 of  
13 this Act, including how to submit a petition to the Com-  
14 mission.

15 **TITLE III—OUTREACH, TRANS-**  
16 **PARENCY, AND ACCOUNT-**  
17 **ABILITY**

18 **SEC. 301. OUTREACH, TRANSPARENCY, AND ACCOUNT-**  
19 **ABILITY.**

20 Section 2501 of the Food, Agriculture, Conservation,  
21 and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended—

22 (1) in subsection (a)—

23 (A) by striking paragraph (2) and inserting  
24 the following:

1           “(2) REQUIREMENTS.—The outreach and tech-  
2           nical assistance program under paragraph (1) shall  
3           be used exclusively to—

4                   “(A) enhance coordination of the outreach,  
5                   technical assistance, and education efforts au-  
6                   thorized under various agriculture programs;  
7                   and

8                   “(B) assist the Secretary in—

9                           “(i) reaching socially disadvantaged  
10                           farmers and ranchers and prospective so-  
11                           cially disadvantaged farmers and ranchers  
12                           in a culturally and linguistically appro-  
13                           priate manner;

14                           “(ii) improving the participation of  
15                           these farmers in Department programs  
16                           (computed in accordance with section  
17                           2501A(c)); and

18                           “(iii) calling the attention of the Sec-  
19                           retary to gaps in programs and service de-  
20                           livery that have impeded the participation  
21                           of socially disadvantaged farmers and  
22                           ranchers or prospective socially disadvan-  
23                           taged farmers and ranchers.”; and

24                   (B) in paragraph (3)—

25                           (i) in subparagraph (A)—

1 (I) by striking “may” and insert-  
2 ing “shall”;

3 (II) by inserting “who meets the  
4 requirements of paragraph (2)” after  
5 “entity”; and

6 (III) by striking “information”  
7 and inserting “outreach”; and

8 (ii) by adding at the end the fol-  
9 lowing:

10 “(D) The Secretary shall provide auto-  
11 matic multi-year renewal of grants, contracts,  
12 and other agreements with an organization that  
13 received funding under this section before Jan-  
14 uary 1, 1993, that continues to fulfill the re-  
15 quirements as an eligible entity.”;

16 (2) in subsection (a)(4)—

17 (A) in subparagraph (A), by striking  
18 “\$25,000,000 for each of fiscal years 2002  
19 through 2007” and inserting “\$100,000,000  
20 for each of fiscal years 2008 through 2012”;  
21 and

22 (B) by adding at the end the following:

23 “(C) LIMITATION ON USE OF FUNDS FOR  
24 ADMINISTRATIVE EXPENSES.—Not more than 5  
25 percent of the amounts made available under

1           this paragraph for a fiscal year may be used for  
2           expenses of administering the program under  
3           this section.”;

4           (3) in subsection (b)(1), by striking “State co-  
5           operative extension services” and inserting “Natural  
6           Resource Conservation Service”; and

7           (4) in subsection (e)(5)(A)—

8                 (A) in clause (i), by inserting “represents  
9                 and” before “has demonstrated”;

10                (B) in clause (ii)—

11                   (i) by inserting “and on behalf of” be-  
12                   fore “socially”;

13                   (ii) by striking “2-year” and inserting  
14                   “5-year”; and

15                   (iii) by striking “and” at the end; and

16                 (C) by redesignating clause (iii) as clause

17                 (iv) and insertign after clause (ii) the following:

18                   “(iii) has a legitimate address and of-  
19                   fice, and a verifiable client or membership  
20                   list; and”.

21 **SEC. 302. IMPROVED DATA REQUIREMENTS.**

22           Section 2501A of the Food, Agriculture, Conserva-  
23           tion, and Trade Act of 1990 (7 U.S.C. 2279–1) is amend-  
24           ed by striking subsection (c) and inserting the following:

1       “(c) COMPILATION OF PROGRAM PARTICIPATION  
2 DATA.—

3               “(1) ANNUAL REQUIREMENT.—For each county  
4 and State in the United States, the Secretary of Ag-  
5 riculture shall compile annually program participa-  
6 tion rate data regarding socially disadvantaged  
7 farmers and ranchers by computing—

8                       “(A) actual numbers; and

9                       “(B) the participation rate of all farmers  
10 and ranchers according to race, ethnicity, and  
11 gender as a percentage of the total participation  
12 of all farmers and ranchers for each program of  
13 the Department of Agriculture established for  
14 farmers or ranchers.

15               “(2) ANNUAL REPORT.—The Secretary of Agri-  
16 culture shall provide the data required under sub-  
17 section (c)(1) in a searchable data base with a na-  
18 tional summary for each program and the number  
19 and rate of participation by program for each county  
20 and State.

21       “(d) AUTHORITY TO COLLECT DATA.—The heads of  
22 the agencies of the Department of Agriculture shall collect  
23 and transmit to the Secretary of Agriculture such data  
24 as may be necessary to enable the Secretary to carry out  
25 subsection (c)(1).



1       “(e) LIMITATIONS ON USE OF DATA.—The Secretary  
2 of Agriculture shall not disclose the names or individual  
3 data of any program participant. The data shall be used  
4 exclusively for the purposes authorized in subsection (a)  
5 and not for the evaluation of individual applications for  
6 assistance, except as otherwise provided.

7       “(f) DATA COMPILATION PROCEDURES.—The Sec-  
8 retary of Agriculture shall compile data under this section  
9 by using the technologies and systems of the National Ag-  
10 ricultural Statistical Service (NASS). NASS shall present  
11 the data, updated annually, as a searchable database, ag-  
12 gregated by program at the county, State, and national  
13 level. The presentation of the data shall allow comparisons  
14 at each such level to the number of farms at each such  
15 level in the most recent census of agriculture.”.

16 **SEC. 303. EXPANSION OF SUPPORT FOR HISPANIC-SERVING**  
17 **INSTITUTIONS.**

18       Section 1455(c) of the National Agricultural Re-  
19 search, Extension, and Teaching Policy Act of 1977 (7  
20 U.S.C. 3241(c)) is amended by striking “\$20,000,000 for  
21 each of fiscal years 1997 through 2007” and inserting  
22 “100,000,000 for each of fiscal years 2008 through  
23 2012”.

1     **TITLE IV—FARM WORKER AND**  
2     **COMPETITIVENESS PROVISIONS**  
3             **Subtitle A—Pesticides**

4     **SEC. 401. PESTICIDES.**

5             (a) RECORDKEEPING AND REPORTING.—

6                     (1) AMENDMENT.—Section 1491 of the Food,  
7             Agriculture, Conservation, and Trade Act of 1990 (7  
8             U.S.C. 136i–1) is amended to read as follows:

9     **“SEC. 1491. PESTICIDE RECORDKEEPING.**

10             “(a) REQUIREMENTS.—

11                     “(1) IN GENERAL.—The Secretary of Agri-  
12             culture, in consultation with the Administrator of  
13             the Environmental Protection Agency, shall require  
14             certified commercial applicators and private applica-  
15             tors of pesticides (whether for general use or re-  
16             stricted use) to maintain—

17                             “(A) records comparable to records main-  
18             tained by commercial applicators of pesticides,  
19             as required by the State in which the pesticide  
20             is used, or

21                             “(B) if there is no State requirement for  
22             the maintenance of records, records that con-  
23             tain the product and chemical name, the reg-  
24             istration number assigned to the pesticide  
25             under the Federal Insecticide, Fungicide, and

1           Rodenticide Act, amount, date and time of ap-  
2           plication, and location of application of each  
3           such pesticide used in agricultural production,  
4           for a period of 20 years after the pesticide is used.

5           “(2) PROVISION OF RECORDS TO CERTAIN PER-  
6           SONS.—Within 30 days of a pesticide application, a  
7           certified commercial applicator shall provide a copy  
8           of records maintained under paragraph (1) to the  
9           person for whom such application was provided.

10          “(3) PROVISION OF RECORDS TO SECRETARY.—  
11          Within 30 days of a pesticide application, a certified  
12          commercial applicator or private applicator shall  
13          provide a copy of records maintained under para-  
14          graph (1) to—

15                 “(A) any State agency designated by the  
16                 State for such purpose; and

17                 “(B) the Secretary of Agriculture.

18          “(4) MAINTENANCE BY SECRETARY.—

19                 “(A) REQUIREMENT.—Subject to subpara-  
20                 graph (B), the Secretary of Agriculture shall  
21                 maintain records submitted to the Secretary  
22                 under paragraph (3) for a period of at least 20  
23                 years after the pesticide is used.

24                 “(B) EXCEPTION.—The Secretary of Agri-  
25                 culture is not required to maintain records pur-

1           suant to subparagraph (A) if the Secretary de-  
2           termines that the State in which the pesticide  
3           is used will maintain such records for a period  
4           of at least 20 years after such use.

5           “(b) ACCESS TO RECORDS.—

6           “(1) IN GENERAL.—Upon request, records  
7           maintained under subsection (a) shall be made avail-  
8           able by applicators and by the Secretary of Agri-  
9           culture to the following:

10           “(A) A Federal or State agency that deals  
11           with pesticide use or any health, occupational  
12           safety, or environmental issue related to the use  
13           of pesticides.

14           “(B) Health care professionals treating  
15           persons who reasonably believe that they have  
16           been exposed to pesticides.

17           “(C) Agricultural workers who reasonably  
18           believe they have been exposed to pesticides,  
19           their immediate family members, and their rep-  
20           resentatives.

21           “(D) Researchers conducting studies on  
22           pesticides, occupational safety or health, or en-  
23           vironmental conditions.

24           “(2) AGENCIES.—In the case of Federal agen-  
25           cies, such access to records maintained under sub-

1 section (a) shall be through the Secretary of Agri-  
2 culture, or the Secretary's designee. State agency re-  
3 quests for access to records maintained under sub-  
4 section (a) shall be through the lead State agency so  
5 designated by the State.

6 “(3) HEALTH CARE PERSONNEL.—When a  
7 health professional determines that pesticide infor-  
8 mation maintained under this section is necessary to  
9 provide medical treatment or first aid to an indi-  
10 vidual who may have been exposed to pesticides for  
11 which the information is maintained, upon request  
12 applicators and the Secretary of Agriculture shall  
13 promptly provide applicable records maintained  
14 under subsection (a) and available label information  
15 to that health professional. In the case of an emer-  
16 gency, such records and information shall be pro-  
17 vided immediately.

18 “(4) AGRICULTURAL WORKERS.—When an ag-  
19 ricultural worker reasonably believes he or she has  
20 been exposed to pesticides, upon request applicators  
21 and the Secretary of Agriculture shall provide appli-  
22 cable records maintained under subsection (a) to  
23 such worker, the worker's family member, or the  
24 worker's representative within 5 business days of the

1 request. In the case of an emergency, such records  
2 shall be provided immediately.

3 “(5) RESEARCHERS.—When a researcher is  
4 conducting a study on a pesticide, occupational safe-  
5 ty or health, or environmental conditions, upon re-  
6 quest applicators and the Secretary of Agriculture  
7 shall provide applicable records maintained under  
8 subsection (a) to such researcher within 30 days of  
9 the request.

10 “(c) ACCESS TO CONTACT INFORMATION.—Upon re-  
11 quest, the person for whom a pesticide application was  
12 provided shall provide the name and contact information  
13 of the applicator to a health care professional described  
14 in subsection (b)(3) or an agricultural worker, family  
15 member, or representative described in subsection (b)(4).

16 “(d) SURVEYS AND ANALYSES.—Each Federal agen-  
17 cy described in subsection (b)(1)(A) shall conduct surveys  
18 and record the data from individual applicators to facili-  
19 tate statistical analysis for environmental and agronomic  
20 purposes, but in reports based on survey data the Federal  
21 agency shall not release data, including the location from  
22 which the data was derived, that would directly or indi-  
23 rectly reveal the identity of individual producers.

24 “(e) PENALTY.—The Secretary of Agriculture shall  
25 be responsible for the enforcement of subsections (a), (b),

1 and (c). A violation of subsection (a) or (b) by an appli-  
2 cator, or a violation of subsection (c) by a person described  
3 in such subsection, shall—

4           “(1) in the case of the first offense, be subject  
5           to a fine of not more than \$ 1,000; and

6           “(2) in the case of subsequent offenses, be sub-  
7           ject to a fine of not less than \$ 2,000 for each viola-  
8           tion, except that the penalty shall be less than  
9           \$1,000 if the Secretary determines that the appli-  
10          cator or person made a good faith effort to comply  
11          with such subsection.

12          “(f) FEDERAL OR STATE PROVISIONS.—The require-  
13          ments of this section shall not affect provisions of other  
14          Federal or State laws.

15          “(g) SURVEYS AND REPORTS.—The Secretary of Ag-  
16          riculture and the Administrator of the Environmental Pro-  
17          tection Agency shall survey the records maintained under  
18          subsection (a) to develop and maintain a database that  
19          is sufficient to enable the Secretary and the Administrator  
20          to publish comprehensive reports, at least on an annual  
21          basis, concerning agricultural and nonagricultural pes-  
22          ticide use. The Secretary and Administrator shall enter  
23          into a memorandum of understanding to define their re-  
24          spective responsibilities under this subsection in order to

1 avoid duplication of effort. Such reports shall be trans-  
2 mitted to Congress not later than April 1 of each year.

3 “(h) REGULATIONS.—The Secretary of Agriculture  
4 and the Administrator of the Environmental Protection  
5 Agency shall promulgate revised regulations on their re-  
6 spective areas of responsibility implementing this section  
7 not later than 180 days after the enactment of the NOUR-  
8 ISH Act of 2007.”.

9 (2) EFFECTIVE DATE.—The amendment made  
10 by paragraph (1) takes effect on the date that is  
11 180 days after the enactment of the NOURISH Act  
12 of 2007.

13 (b) INCLUSION OF LONG-TERM ADVERSE HEALTH  
14 EFFECTS IN LABELING.—Paragraph (2) of section 2(q)  
15 of the Federal Insecticide, Fungicide, and Rodenticide Act  
16 (7 U.S.C. 136(q)) is amended—

17 (1) in subparagraph (C), by striking “and” at  
18 the end;

19 (2) in subparagraph (D)(iii), by striking the pe-  
20 riod at the end and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(E) the pesticide is registered for an agri-  
23 cultural use and its labeling does not include in-  
24 formation on long-term adverse health effects  
25 associated with exposure to the pesticide, such



1 as cancer in individuals so exposed and their  
2 children, birth defects, adverse reproductive ef-  
3 fects such as infertility or still births, and neu-  
4 rological damage.”.

5 (c) RESEARCH BY CDC.—

6 (1) INCREASED RISKS AMONG FARM WORK-  
7 ERS.—

8 (A) IN GENERAL.—The Director of the  
9 Centers for Disease Control and Prevention  
10 shall conduct or support research on increased  
11 risks of cancer or birth defects among farm  
12 workers who have occupational exposure to pes-  
13 ticide and their children.

14 (B) AUTHORIZATION OF APPROPRIA-  
15 TIONS.—To carry out this paragraph, there is  
16 authorized to be appropriated \$5,000,000 for  
17 fiscal year 2008.

18 (2) BIOLOGICAL INDICATORS AND CLINICAL  
19 TESTS.—

20 (A) IN GENERAL.—The Director of the  
21 Centers for Disease Control and Prevention  
22 shall conduct or support research to identify ob-  
23 jective biological indicators, and to develop new  
24 and additional inexpensive clinical tests, to en-

1           able clinicians to diagnose overexposure to pes-  
2           ticides.

3                   (B) AUTHORIZATION OF APPROPRIA-  
4           TIONS.—To carry out this paragraph, there is  
5           authorized to be appropriated \$5,000,000 for  
6           fiscal year 2008.

7           (d) RESEARCH BY USDA.—

8                   (1) IN GENERAL.—The Secretary of Agriculture  
9           shall conduct or support research on alternatives to  
10          agricultural pesticides that have been associated  
11          with cancer, birth defects, adverse reproductive ef-  
12          fects, or severe neurological disorders in animal  
13          studies or epidemiological research.

14                   (2) AUTHORIZATION OF APPROPRIATIONS.—To  
15          carry out this subsection, there is authorized to be  
16          appropriated \$5,000,000 for fiscal year 2008.

17          (e) RESEARCH BY EPA.—

18                   (1) IN GENERAL.—The Administrator of the  
19          Environmental Protection Agency shall conduct or  
20          support research to develop field level tests to deter-  
21          mine when pesticide-treated fields are safe to reen-  
22          ter.

23                   (2) AUTHORIZATION OF APPROPRIATIONS.—To  
24          carry out this subsection, there is authorized to be  
25          appropriated \$7,500,000 for fiscal year 2008.

1     **Subtitle B—Office of Farmworker**  
2                     **Coordination**

3     **SEC. 411. OFFICE OF FARMWORKER COORDINATION.**

4             (a) ESTABLISHMENT.—The Secretary of Agriculture  
5 shall establish, within the Office of Civil Rights and Com-  
6 munity Outreach of the Risk Management Agency of the  
7 Department of Agriculture, an office of Farmworker Co-  
8 ordination, which shall be led by the USDA Farmworker  
9 Coordinator

10            (b) DUTIES.—The Secretary may delegate to the  
11 USDA Farmworker Coordinator responsibility for any or  
12 all of the following:

13                 (1) Administering the program established by  
14                 section 2281 of the Food, Agriculture, Conservation,  
15                 and Trade Act of 1990 (42 U.S.C. 5177a), as  
16                 amended by section 421, providing for emergency  
17                 grants to assist low-income migrant and seasonal  
18                 farmworkers.

19                 (2) Serving as a liaison to community based  
20                 non-profit organizations who represent and have at  
21                 least 3 years experience serving low income migrant  
22                 and seasonal farmworkers.

23                 (3) Conducting field visits in those areas the  
24                 Secretary considers to have the most risk of disas-

1       ters or the greatest concentration of farm workers,  
2       or both.

3               (4) Providing the Secretary with a regular as-  
4       sessment of all current Department of Agriculture  
5       programs that serve or affect low-income and mi-  
6       grant seasonal farmworkers, and of improvements  
7       that can be made to these programs and services.

8               (5) Coordinating with the Department and  
9       other Federal agencies to assure that farmworker  
10      needs are assessed and met during declared disas-  
11      ters and other emergencies.

12              (6) Coordinating with State and local agencies  
13      as needed in times of disaster to assure farmworker  
14      needs are assessed and met.

15              (7) Coordinating with the USDA Small Farms  
16      Working Groups, Outreach Coordinators, and other  
17      entities to better integrate farmworker perspectives,  
18      concerns and interests into the ongoing programs of  
19      the Department.

20              (8) Consulting with minority serving institu-  
21      tions referred to in section 105(c) on research, pro-  
22      gram improvements or agricultural education oppor-  
23      tunities that may assist low-income and migrant sea-  
24      sonal farmworkers

1           (9) Ensuring that necessary and appropriate  
2           components relating to migrant and seasonal farm-  
3           workers are properly incorporated into all strategic  
4           planning initiatives of the Department.

5           (10) Assuring that farmworkers have access to  
6           services and support to enter agriculture as pro-  
7           ducers.

8           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated such funds as are nec-  
10          essary for the efficient management of the Farmworker  
11          Coordination Office.

## 12                           **Subtitle C—Major Disaster** 13                           **Assistance Programs**

### 14   **SEC. 421. EMERGENCY GRANTS TO ASSIST LOW-INCOME MI-** 15                           **GRANT AND SEASONAL FARMWORKERS.**

16          Section 2281 of the Food, Agriculture, Conservation,  
17          and Trade Act of 1990 (42 U.S.C. 5177a) is amended  
18          to read as follows:

### 19   **“SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME** 20                           **MIGRANT AND SEASONAL FARMWORKERS.**

21          “(a) GRANTS AVAILABLE.—The Secretary of Agri-  
22          culture may make grants to public agencies or private or-  
23          ganizations with tax exempt status under section  
24          501(c)(3) of 1986 that have at least 5 years demonstrated  
25          experience in providing emergency services to low-income

1 migrant and seasonal farmworkers where the Secretary  
2 determines that a local, State or national emergency or  
3 disaster has caused low-income migrant or seasonal farm-  
4 workers to lose income, to be unable to work, or to stay  
5 home or return home in anticipation of work shortages.  
6 Emergency services to be provided with assistance received  
7 under this section shall be focused on aid to allow farm-  
8 workers to meet or access other resources to meet short-  
9 term emergency family needs for food, clothing, employ-  
10 ment, transportation and housing assistance necessary to  
11 allow low income and migrant seasonal farmworkers to re-  
12 main in the disaster area and may include such other  
13 types of assistance as the Secretary of Agriculture deter-  
14 mines to be necessary and appropriate.

15       “(b) LOW-INCOME MIGRANT OR SEASONAL FARM-  
16 WORKER DEFINED.—For the purposes of this section, the  
17 term ‘low-income migrant or seasonal farmworker’ means  
18 an individual—

19               “(1) who has, during any consecutive 12 month  
20       period within the preceding 24 month period, per-  
21       formed farm work for wages;

22               “(2) who has received not less than one-half of  
23       such individual’s total income, or been employed at  
24       least one-half of total work time in farm work; and

1           “(3) whose annual family income within the 12  
2           month period referred to in paragraph (1) does not  
3           exceed the higher of the poverty level or 70 percent  
4           of the lower living standard income level.

5           “(c) DISASTER FUND.—The Secretary shall maintain  
6           a disaster fund of \$2,000,000 to be used for immediate  
7           assistance for events described in subsection (a). Of the  
8           funds of the Commodity Credit Corporation, the Secretary  
9           shall make available such sums as are necessary to main-  
10          tain the disaster fund at \$2,000,000 for each of fiscal  
11          years 2008 through 2013.

12          “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-  
13          dition to the sums allocated in subsection (c), there are  
14          authorized to be appropriated such sums as may be nec-  
15          essary to carry out this section. The Secretary shall review  
16          the impact of disasters on low-income migrant or seasonal  
17          farmworkers in each disaster for which supplemental  
18          funds are requested in order to request additional funds  
19          to meet the needs described in subsection (a) with respect  
20          to such disaster.

21          “(e) ADMINISTRATION.—Not more than 10 percent  
22          of the funds provided under subsections (c) and (d) may  
23          be used by the Secretary to administer this section.”.

1           **Subtitle D—Agricultural Fair**  
 2                           **Practices**

3 **SEC. 431. AGRICULTURAL FAIR PRACTICES.**

4           The Agricultural Fair Practices Act of 1967 (7  
 5 U.S.C. 2301 et seq.) is amended to read as follows:

6 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

7           “(a) IN GENERAL.—This Act may be cited as the  
 8 ‘Agricultural Fair Practices Act of 1967’.

9           “(b) TABLE OF CONTENTS.—The table of contents  
 10 of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Definitions.

“TITLE I—AGRICULTURAL TRADE PRACTICES

“Sec. 101. Office of Special Counsel for Competition Matters.

“TITLE II—PROHIBITIONS ON ANY UNFAIR, UNJUSTLY DISCRIMI-  
 NATORY, OR DECEPTIVE ACT, DEVICE, OR ANTI-COMPETITIVE  
 PRACTICE IN AGRICULTURAL COMMERCE

“Sec. 201. Prohibitions involving crops.

“Sec. 202. Prohibitions involving producer associations and production con-  
 tracts.

“Sec. 203. Production contracts and marketing contracts.

“Sec. 204. Production contracts.

“Sec. 205. Authority of Secretary to promulgate rules and regulations.

“Sec. 206. Enforcement.

“Sec. 207. Effect on other laws.

“Sec. 208. Assignment of association dues and fees.

“Sec. 209. Severability.

11 **“SEC. 2. DEFINITIONS.**

12           “‘In this Act:

13                   “(1) AGRICULTURAL COMMODITY.—

14                           “(A) IN GENERAL.—Except as provided in  
 15                   subparagraph (B), the term ‘agricultural com-  
 16                   modity’ has the meaning given the term in sec-



1           tion 102 of the Agricultural Trade Act of 1978  
2           (7 U.S.C. 5602).

3           “(B) EXCEPTION.—In section 201, the  
4           term ‘agricultural commodity’—

5                     “(i) means a crop; and

6                     “(ii) does not include a perishable ag-  
7                     ricultural commodity, as that term is de-  
8                     fined in section 1(b) of the Perishable Ag-  
9                     ricultural Commodities Act, 1930 (7  
10                    U.S.C. 499a(b)).

11           “(2) AGRICULTURAL COOPERATIVE.—The term  
12           ‘agricultural cooperative’ means an association of  
13           persons engaged in the production, marketing, or  
14           processing of an agricultural commodity that meets  
15           the requirements of the Act entitled ‘An Act to au-  
16           thorize association of producers of agricultural prod-  
17           ucts’ (commonly known as the ‘Capper-Volstead  
18           Act’) (7 U.S.C. 291 et seq.).

19           “(3) ASSOCIATION OF PRODUCERS.—

20                     “(A) IN GENERAL.—The term ‘association  
21                     of producers’ means an association of producers  
22                     of agricultural commodities that engages in the  
23                     marketing, bargaining, shipping, or processing  
24                     of agricultural commodities or of agricultural  
25                     services.

1           “(B) INCLUSIONS.—The term ‘association  
2 of producers’ includes—

3           “(i) an organization dedicated to pro-  
4 moting the common interest and general  
5 welfare of producers of agricultural com-  
6 modities;

7           “(ii) a cooperative association (as de-  
8 fined in section 15(a) of the Agricultural  
9 Marketing Act (12 U.S.C. 1141j(a))); and

10           “(iii) an association described in the  
11 first section of the Act entitled ‘An Act to  
12 authorize association of producers of agri-  
13 cultural products’ (commonly known as the  
14 ‘Capper-Volstead Act’) (7 U.S.C. 291).

15           “(4) CAPITAL INVESTMENT.—The term ‘capital  
16 investment’ means an investment in—

17           “(A) a structure, such as a building or ma-  
18 nure storage structure; or

19           “(B) machinery or equipment associated  
20 with producing an agricultural commodity that  
21 has a useful life of more than 1 year.

22           “(5) COMMISSION MERCHANT.—The term ‘com-  
23 mission merchant’ means any person engaged in the  
24 business of receiving in interstate or foreign com-

1 merce any agricultural commodity for sale on com-  
2 mission.

3 “(6) CONTRACT LIVESTOCK FACILITY.—The  
4 term ‘contract livestock facility’ means a facility in  
5 which livestock or a product of live livestock is pro-  
6 duced under a production contract by a contract  
7 producer.

8 “(7) CONTRACTOR.—The term ‘contractor’  
9 means a person that, in accordance with a produc-  
10 tion contract, owns, or will own, an agricultural  
11 commodity that is produced by a contract producer.

12 “(8) CONTRACT PRODUCER.—The term ‘con-  
13 tract producer’ means a producer that produces an  
14 agricultural commodity under a production contract.

15 “(9) COVERED PERSON.—The term ‘covered  
16 person’ means a dealer, handler, contractor, proc-  
17 essor, or commission merchant.

18 “(10) CROP.—The term ‘crop’ means an agri-  
19 cultural commodity produced from a plant.

20 “(11) DEALER.—The term ‘dealer’ means any  
21 person engaged in the business of buying, selling, or  
22 marketing agricultural commodities in interstate or  
23 foreign commerce.

24 “(12) DEPARTMENT.—The term ‘Department’  
25 means the Department of Agriculture.

1           “(13) HANDLER.—The term ‘handler’ means  
2 any person engaged in the business or practice of—

3           “(A) acquiring agricultural commodities  
4 from producers or associations of producers for  
5 processing or sale;

6           “(B) grading, packaging, handling, storing,  
7 or processing agricultural commodities received  
8 from producers or associations of producers;

9           “(C) contracting or negotiating contracts  
10 or other arrangements, written or oral, with or  
11 on behalf of producers or associations of pro-  
12 ducers with respect to the production or mar-  
13 keting of any agricultural commodity; or

14           “(D) acting as an agent or broker for a  
15 handler in the performance of any function or  
16 act described in subparagraph (A), (B), or (C).

17           “(14) INVESTMENT REQUIREMENT.—The term  
18 ‘investment requirement’ means a provision in a pro-  
19 duction contract that requires a contract producer to  
20 make a capital investment associated with producing  
21 an agricultural commodity that, but for the produc-  
22 tion contract, the contract producer would not have  
23 made.

1           “(15) LIVESTOCK.—The term ‘livestock’ has  
2 the meaning given the term in section 602 of the  
3 Agricultural Act of 1949 (7 U.S.C. 1471).

4           “(16) MARKETING CONTRACT.—The term ‘mar-  
5 keting contract’ means a written agreement between  
6 a covered person and a producer for the purchase of  
7 an agricultural commodity produced or raised by the  
8 producer.

9           “(17) PERSON.—The term ‘person’ includes an  
10 individual, partnership, corporation, limited liability  
11 company, limited partnership, or association.

12           “(18) PROCESSOR.—The term ‘processor’  
13 means—

14           “(A) any person (other than an agricul-  
15 tural cooperative) engaged in the business of  
16 handling, preparing, or manufacturing (includ-  
17 ing slaughtering) an agricultural commodity or  
18 the products of an agricultural commodity for  
19 sale or marketing in interstate or foreign com-  
20 merce; and

21           “(B) an agricultural cooperative that han-  
22 dles, prepares, or manufactures (including  
23 slaughtering) agricultural commodities of its  
24 members’ own production.

25           “(19) PRODUCE.—The term ‘produce’ means—

1           “(A) to provide feed or services relating to  
2           the care and feeding of livestock, including  
3           milking dairy cattle and storing raw milk; or

4           “(B) to plant, raise, harvest, and store a  
5           crop, including preparing soil for planting and  
6           applying a fertilizer, soil conditioner, or pes-  
7           ticide to a crop.

8           “(20) PRODUCER.—The term ‘producer’ means  
9           a person engaged in the production of an agricul-  
10          tural commodity as a farmer, planter, rancher,  
11          dairyman, poultryman, or fruit, vegetable, or nut  
12          grower.

13          “(21) PRODUCTION CONTRACT.—

14               “(A) IN GENERAL.—The term ‘production  
15               contract’ means a written agreement that pro-  
16               vides for—

17                       “(i) the production of an agricultural  
18                       commodity by a contract producer; or

19                       “(ii) the provision of a management  
20                       service relating to the production of an ag-  
21                       ricultural commodity by a contract pro-  
22                       ducer.

23               “(B) INCLUSIONS.—The term ‘production  
24               contract’ includes—

1           “(i) a contract between a contractor  
2           and a contract producer for the production  
3           of an agricultural commodity; or

4           “(ii) a contract between a contractor  
5           and a contract producer for the provision  
6           of a management service in the production  
7           of an agricultural commodity.

8           “(22) SECRETARY.—The term ‘Secretary’  
9           means the Secretary of Agriculture.

10           **“TITLE I—AGRICULTURAL**  
11           **TRADE PRACTICES**

12           **“SEC. 101. OFFICE OF SPECIAL COUNSEL FOR COMPETI-**  
13           **TION MATTERS.**

14           “(a) ESTABLISHMENT.—

15           “(1) IN GENERAL.—There is established within  
16           the Department an office to be known as the ‘Office  
17           of Special Counsel for Competition Matters’.

18           “(2) DUTIES.—The Office shall—

19           “(A) investigate and prosecute violations of  
20           this Act and the Packers and Stockyards Act,  
21           1921 (7 U.S.C. 181 et seq.);

22           “(B) serve as a liaison between, and act in  
23           consultation with, the Department and the De-  
24           partment of Justice and the Federal Trade  
25           Commission with respect to competition and

1 trade practices in the food and agricultural sec-  
2 tor; and

3 “(C) maintain a staff of attorneys and  
4 other professionals with the appropriate exper-  
5 tise.

6 “(b) SPECIAL COUNSEL FOR COMPETITION MAT-  
7 TERS.—

8 “(1) IN GENERAL.—The Office shall be headed  
9 by the Special Counsel for Competition Matters, who  
10 shall be appointed by the President, by and with the  
11 advice and consent of the Senate.

12 “(2) PROSECUTORIAL AUTHORITY.—Notwith-  
13 standing title 28, United States Code, the Special  
14 Counsel for Competition Matters shall have the au-  
15 thority to bring any civil or administrative action au-  
16 thorized under this Act or the Packers and Stock-  
17 yards Act, 1921 (7 U.S.C. 181 et seq.).



1 **“TITLE II—PROHIBITIONS ON**  
2 **ANY UNFAIR, UNJUSTLY DIS-**  
3 **CRIMINATORY, OR DECEP-**  
4 **TIVE ACT, DEVICE, OR ANTI-**  
5 **COMPETITIVE PRACTICE IN**  
6 **AGRICULTURAL COMMERCE**

7 **“SEC. 201. PROHIBITIONS INVOLVING CROPS.**

8 “(a) PROHIBITION ON ANY UNFAIR, UNJUSTLY DIS-  
9 CRIMINATORY, OR DECEPTIVE ACT, DEVICE, OR ANTI-  
10 COMPETITIVE PRACTICE.—Any unfair, unjustly discrimi-  
11 natory, or deceptive act, device, or anti-competitive prac-  
12 tice in or affecting the marketing, receiving, purchasing,  
13 sale, or contracting for the production of any agricultural  
14 commodity by any covered person shall be unlawful.

15 “(b) OTHER UNLAWFUL ACTS.—It shall be unlawful  
16 for any covered person—

17 “(1) to make or give any undue or unreasonable  
18 preference or advantage to any particular person or  
19 locality in any respect, or subject any particular per-  
20 son or locality to any undue or unreasonable preju-  
21 dice or disadvantage in any respect;

22 “(2) to sell or otherwise transfer to or for any  
23 other person, or buy or otherwise receive from or for  
24 any other person, any article for the purpose or with  
25 the effect of manipulating or controlling prices, or of

1 creating a monopoly in the acquisition of, buying,  
2 selling, or dealing in, any article, or of restraining  
3 commerce;

4 “(3) to engage in any course of business or do  
5 any act for the purpose or with the effect or manip-  
6 ulating or controlling prices, or of creating a monop-  
7 oly in the acquisition of, buying, selling, or dealing  
8 in, any article, or of restraining commerce;

9 “(4) to conspire, combine, agree, or arrange  
10 with any other person—

11 “(A) to apportion territory for carrying on  
12 business;

13 “(B) to apportion purchases or sales of  
14 any article; or

15 “(C) to manipulate or control prices; or

16 “(5) to conspire, combine, agree, or arrange  
17 with any other person to do, or aid or abet the doing  
18 of, any act made unlawful by paragraph (1), (2),  
19 (3), or (4).

20 “(c) PUBLIC POLICY CONSIDERATIONS.—In deter-  
21 mining whether an act, device, or anti-competitive practice  
22 described in subsection (a) is unfair, a court may consider  
23 whether—

24 “(1) a reasonable person would consider the  
25 act, device, or practice unfair under the cir-

1       cumstances, whether or not the act, device, or prac-  
2       tice has previously been found unlawful; or

3               “(2) the act, device, or practice may violate  
4       standards established by Federal or State law (in-  
5       cluding common law and regulations).

6       **“SEC. 202. PROHIBITIONS INVOLVING PRODUCER ASSOCIA-**  
7                               **TIONS AND PRODUCTION CONTRACTS.**

8               “(a) ANY UNLAWFUL ACT INVOLVING PRODUCER  
9       ASSOCIATIONS AND PRODUCTION CONTRACTS.—It shall  
10      be unlawful for any covered person—

11              “(1)(A) to interfere with, restrain, or coerce  
12      any producer in the exercise of the right of the pro-  
13      ducer to join and belong to, or to refrain from join-  
14      ing or belonging to, an association of producers; or

15              “(B) to refuse to deal with any producer be-  
16      cause of the exercise of the right of the producer to  
17      join and belong to the association;

18              “(2) to discriminate against any producer with  
19      respect to price, quantity, quality, or other terms of  
20      purchase, acquisition, or other handling of an agri-  
21      cultural commodity because of the membership of  
22      the producer in, or the contract of the producer  
23      with, an association of producers;

24              “(3) to coerce or intimidate any producer to  
25      enter into, maintain, breach, cancel, or terminate a

1 membership agreement or marketing contract with  
2 an association of producers or a contract with a cov-  
3 ered person;

4 “(4) to pay or loan money, give any thing of  
5 value, or offer any other inducement or reward to a  
6 producer for refusing to or ceasing to belong to an  
7 association of producers;

8 “(5) to make false reports about the finances,  
9 management, or activities of an association of pro-  
10 ducers or covered persons;

11 “(6) to conspire, combine, agree, or arrange  
12 with any other person to do, or aid or abet the per-  
13 formance of, any act made unlawful by this Act;

14 “(7)(A) to interfere with the formation or ad-  
15 ministration of any association of producers; or

16 “(B) to contribute financial or other support to  
17 an association of producers; or

18 “(8) to fail to bargain in good faith with an as-  
19 sociation of producers.

20 “(b) ANY UNLAWFUL ACT IN PRODUCTION CON-  
21 TRACTS.—It shall be unlawful for a covered person that  
22 is a party to a production contract—

23 “(1) to fail to act in good faith with respect to  
24 the performance and enforcement of the production  
25 contract;

1           “(2) to fail to include 1 or more cover pages  
2 that disclose provisions of the production contract  
3 relating to—

4           “(A) duration;

5           “(B) termination;

6           “(C) renewal and renegotiation standards;

7           “(D) responsibility for environmental dam-  
8 age;

9           “(E) factors to be used in determining  
10 payment;

11           “(F) responsibility for obtaining and com-  
12 plying with Federal, State, and local permits;

13           “(G) assignability;

14           “(H) the applicable State law and venue;

15           “(I) the effect of oral modifications;

16           “(J) remedies for breach;

17           “(K) in the case of a livestock or poultry  
18 production contract, the minimum number of  
19 animals subject to the contract;

20           “(L) other rules or provisions incorporated  
21 in the contract by reference; and

22           “(M) any other terms that the Secretary  
23 determines to be appropriate for disclosure; or

24           “(3) to violate any of the requirements relating  
25 to production contracts under section 204.

1       “(c) PUBLIC POLICY CONSIDERATIONS.—In deter-  
2 mining whether an act, device, or anti-competitive practice  
3 described in section 201(a), with respect to the production  
4 of an agricultural commodity, is unfair, a court may con-  
5 sider whether—

6               “(1) a reasonable person would consider the  
7 act, device, or practice unfair under the cir-  
8 cumstances, whether or not the act, device, or prac-  
9 tice has previously been found unlawful; or

10              “(2) the act, device, or practice may violate  
11 standards established by Federal or State law (in-  
12 cluding common law and regulations).

13 **“SEC. 203. PRODUCTION CONTRACTS AND MARKETING**  
14 **CONTRACTS.**

15       “(a) CONFIDENTIALITY.—Any provision of a produc-  
16 tion contract or a marketing contract that requires that  
17 the production contract or marketing contract remain con-  
18 fidential is void, except as the provision applies to a trade  
19 secret to which section 552 of title 5, United States Code,  
20 applies.

21       “(b) ARBITRATION.—If a livestock or poultry con-  
22 tract or marketing contract provides for the use of arbitra-  
23 tion to resolve a controversy under the livestock or poultry  
24 contract or marketing contract, arbitration may be used  
25 to settle the controversy only if, after the controversy

1 arises, both parties consent in writing to use arbitration  
2 to settle the controversy.

3 **“SEC. 204. PRODUCTION CONTRACTS.**

4 “(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL  
5 PRODUCTION CONTRACTS.—

6 “(1) IN GENERAL.—A contract producer may  
7 cancel a production contract by mailing a cancella-  
8 tion notice to the contractor not later than the later  
9 of—

10 “(A) the date that is 3 business days after  
11 the date on which the production contract is ex-  
12 ecuted; or

13 “(B) any cancellation date specified in the  
14 production contract.

15 “(2) DISCLOSURE.—A production contract shall  
16 clearly disclose—

17 “(A) the right of the contract producer to  
18 cancel the production contract;

19 “(B) the method by which the contract  
20 producer may cancel the production contract;  
21 and

22 “(C) the deadline for canceling the produc-  
23 tion contract.

24 “(b) PRODUCTION CONTRACTS INVOLVING INVEST-  
25 MENT REQUIREMENTS.—

1           “(1) APPLICABILITY.—This subsection applies  
2 only to a production contract between a contract  
3 producer and a contractor if, but for the production  
4 contract, the contract producer would not have made  
5 a capital investment of \$100,000 or more.

6           “(2) RESTRICTIONS ON CONTRACT TERMI-  
7 NATION.—

8           “(A) NOTICE OF TERMINATION.—Except  
9 as provided in subparagraph (C), a contractor  
10 shall not terminate or cancel a production con-  
11 tract unless the contractor provides the contract  
12 producer with written notice of the intention of  
13 the contractor to terminate or cancel the pro-  
14 duction contract at least 180 days before the ef-  
15 fective date of the termination or cancellation.

16           “(B) REQUIREMENTS.—The written notice  
17 required under subparagraph (A) shall include  
18 alleged causes of the termination.

19           “(C) EXCEPTIONS.—A contractor may ter-  
20minate or cancel a production contract without  
21 notice as required under subparagraph (A) if  
22 the basis for the termination or cancellation  
23 is—

24           “(i) a voluntary abandonment of the  
25 contractual relationship by the contract



1 producer, such as a complete failure of the  
2 contract producer to perform under the  
3 production contract;

4 “(ii) the conviction of the contract  
5 producer of an offense of fraud or theft  
6 committed against the contractor; or

7 “(iii) the natural end of the produc-  
8 tion contract in accordance with the terms  
9 of the production contract.

10 “(D) RIGHT TO CURE.—

11 “(i) IN GENERAL.—If, not later than  
12 180 days after the date on which the con-  
13 tract producer receives written notice  
14 under subparagraph (A), the contract pro-  
15 ducer remedies each cause of the breach of  
16 contract alleged in the written notice, the  
17 contractor may not terminate or cancel a  
18 production contract under this paragraph.

19 “(ii) NO ADMISSION OF BREACH.—  
20 The remedy or attempt to remedy the  
21 causes for the breach of contract by the  
22 contract producer under clause (i) does not  
23 constitute an admission of breach of con-  
24 tract.

1       “(c) ADDITIONAL CAPITAL INVESTMENTS IN PRO-  
2   DUCTION CONTRACTS.—

3               “(1) IN GENERAL.—A covered person shall not  
4       require a contract producer to make additional cap-  
5       ital investments in connection with a production con-  
6       tract that exceed the initial investment requirements  
7       of the production contract.

8               “(2) EXCEPTIONS.—Notwithstanding para-  
9       graph (1), a covered person may require additional  
10      capital investments if—

11              “(A) the additional capital investments are  
12      offset by reasonable additional consideration,  
13      including compensation or a modification to the  
14      terms of the production contract; and

15              “(B) the contract producer agrees in writ-  
16      ing that there is acceptable and satisfactory  
17      consideration for the additional capital invest-  
18      ment.

19   **“SEC. 205. AUTHORITY OF SECRETARY TO PROMULGATE**  
20                           **RULES AND REGULATIONS.**

21       “The Secretary, acting through the Special Counsel  
22   for Competition Matters, may promulgate such rules and  
23   regulations as are necessary to carry out this Act and the  
24   Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.),  
25   including rules and regulations—

1           “(1) relating to unfair, unjustly discriminatory,  
2           or deceptive acts, devices, or anti-competitive prac-  
3           tices in agriculture;

4           “(2) that define with specificity any act, device,  
5           or practice that is to be prohibited as unfair, un-  
6           justly discriminatory, or any deceptive act, device, or  
7           anti-competitive practice in agriculture under section  
8           201 or 202; and

9           “(3) to prevent any unfair, unjustly discrimina-  
10          tory, or deceptive act, device, or anti-competitive  
11          practice from occurring in agriculture.

12   **“SEC. 206. ENFORCEMENT.**

13          “(a) CIVIL ACTIONS BY THE SECRETARY AGAINST  
14   COVERED PERSONS.—In any case in which the Secretary  
15   has reasonable cause to believe that any covered person  
16   has engaged in any act or practice that violates this Act,  
17   the Secretary may bring a civil action in the United States  
18   district court of the jurisdiction of residence of the covered  
19   person by filing a complaint requesting preventive relief,  
20   including an application for a permanent or temporary in-  
21   junction, restraining order, or other order, against the cov-  
22   ered person.

23          “(b) CIVIL ACTIONS AGAINST COVERED PERSONS.—

24               “(1) PREVENTIVE RELIEF.—

1           “(A) IN GENERAL.—In any case in which  
2 any covered person has engaged, or there are  
3 reasonable grounds to believe that any covered  
4 person is about to engage, in any act or prac-  
5 tice prohibited by this Act, a civil action for  
6 preventive relief, including an application for a  
7 permanent or temporary injunction, restraining  
8 order, or other order, may be instituted by the  
9 person aggrieved in the United States district  
10 court of the jurisdiction of residence of the ag-  
11 grieved person.

12           “(B) SECURITY.—The court may provide  
13 that no restraining order or preliminary injunc-  
14 tion shall issue unless security is provided by  
15 the applicant, in such sum as the court deter-  
16 mines to be appropriate, for the payment of  
17 such costs and damages as may be incurred or  
18 suffered by any party that is found to have  
19 been wrongfully enjoined or restrained.

20           “(2) DAMAGES.—

21           “(A) IN GENERAL.—Any person injured in  
22 the business or property of the person by rea-  
23 son of any violation of, or combination or con-  
24 spiracy to violate, this Act may bring a civil ac-  
25 tion in the United States district court of the

1 jurisdiction of residence of the injured person  
2 or any State court of competent jurisdiction to  
3 recover—

4 “(i) damages sustained by the person  
5 as a result of the violation; and

6 “(ii) any additional penalty that the  
7 court may allow, but not more than \$1,000  
8 per violation.

9 “(B) LIMITATION ON ACTIONS.—A civil ac-  
10 tion under subparagraph (A) shall be barred  
11 unless commenced within 4 years after the  
12 cause of action accrues.

13 “(3) ATTORNEYS’ FEES.—In any action com-  
14 menced under paragraph (1) or (2), the court may  
15 allow the prevailing party the costs of the litigation,  
16 including reasonable attorneys’ fees.

17 “(c) JURISDICTION OF DISTRICT COURTS.—Not later  
18 than 4 years after the date on which a violation of this  
19 Act occurs, an action to enforce this Act may be brought  
20 in—

21 “(1) the United States district court of the ju-  
22 risdiction of residence of the aggrieved person, not-  
23 withstanding the fact that an aggrieved person has  
24 not exhausted all administrative or other remedies  
25 provided by law; or

1           “(2) any other court of competent jurisdiction  
2           in the State of residence of the aggrieved person.

3           “(d) CHOICE OF LAW, JURISDICTION, AND VENUE.—

4           “(1) CHOICE OF LAW.—Any provision in a pro-  
5           duction contract requiring the application of the law  
6           of a State other than the State in which the pro-  
7           ducer resides is void and unenforceable.

8           “(2) JURISDICTION.—A covered person that en-  
9           ters into a production contract with a producer shall  
10          be subject to personal jurisdiction in the State in  
11          which the producer resides.

12          “(3) VENUE.—Venue shall be determined on  
13          the basis of the residence of the producer.

14          “(e) LIABILITY FOR ACTS OF AGENTS.—In the con-  
15          struction and enforcement of this Act, the act, omission,  
16          or failure of any officer, agent, or person acting for or  
17          employed by any other person within the scope of the em-  
18          ployment or office of the officer, agent, or person, shall  
19          be considered to be the act, omission, or failure of the  
20          other person.

21          **“SEC. 207. EFFECT ON OTHER LAWS.**

22          “(a) STATE LAWS.—

23          “(1) IN GENERAL.—Subject to paragraph (2),  
24          this Act does not annul, alter, or affect, or exempt  
25          any person subject to this Act from complying with,

1 the law of any State with respect to trade practices  
2 in agriculture.

3 “(2) EXCEPTION.—

4 “(A) IN GENERAL.—This Act annuls, al-  
5 ters, or affects, or exempts a person from, a  
6 State law referred to in paragraph (1) to the  
7 extent the State law is inconsistent with this  
8 Act.

9 “(B) INCONSISTENCY.—For the purposes  
10 of this paragraph, a State law is not incon-  
11 sistent with this Act if the protection that the  
12 law affords any producer is greater than the  
13 protection provided to a producer by this Act.

14 “(b) STATE COURTS.—This Act does not deprive a  
15 State court of jurisdiction under a State law dealing with  
16 the same subject as this Act.

17 “(c) RELATIONSHIP TO OTHER LAWS.—The Packers  
18 and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) and the  
19 Perishable Agricultural Commodities Act, 1930 (7 U.S.C.  
20 499a et seq.) shall control if there is a conflict between  
21 those Acts and section 206.

22 **“SEC. 208. ASSIGNMENT OF ASSOCIATION DUES AND FEES.**

23 “(a) IN GENERAL.—A producer of an agricultural  
24 commodity or service may execute, as a clause in a produc-  
25 tion contract or a marketing contract, an assignment of

1 dues or fees to, or the deduction of a sum to be retained  
2 by, an association of producers authorized by contract to  
3 represent the producer, under which assignment a covered  
4 person shall—

5           “(1) deduct a portion of the amount to be paid  
6 for products or services of the producer under a pro-  
7 duction contract or a marketing contract; and

8           “(2) pay, on behalf of the producer, the portion  
9 over to the association as dues or fees or a sum to  
10 be retained by the association.

11       “(b) DUTY OF COVERED PERSON.—After a covered  
12 person receives notice from a producer of an assignment  
13 under subsection (a), the covered person shall—

14           “(1) deduct the amount authorized by the as-  
15 signment from the amount paid for any agricultural  
16 commodity sold by the producer or for any service  
17 rendered under any production contract or mar-  
18 keting contract; and

19           “(2) on payment to producers for the product  
20 or service, pay the amount over to the association or  
21 the assignee of the association.

22 **“SEC. 209. SEVERABILITY.**

23       “‘If any provision of this Act or application of any  
24 provision of this Act is held invalid, the remainder of this



1 Act and the application of the provision to other persons  
2 and circumstances shall not be affected by the invalidity.”.

3 **SEC. 432. APPLICATION.**

4 The amendment made by section 101 applies to any  
5 contract entered into on or after the date of enactment  
6 of this Act.

7 **TITLE V—CONSERVATION**

8 **SEC. 501. CONSERVATION ACCESS INITIATIVE TO ENCOUR-**  
9 **AGE GREATER PARTICIPATION BY SOCIALLY**  
10 **DISADVANTAGED FARMERS AND RANCHERS**  
11 **IN CONSERVATION PROGRAMS.**

12 (a) DEFINITIONS.—In this section:

13 (1) SOCIALLY DISADVANTAGED GROUP.—The  
14 term “socially disadvantaged group” means a group  
15 of persons whose members have been subjected to  
16 racial or ethnic prejudice because of their identity as  
17 members of a group without regard to their indi-  
18 vidual qualities.

19 (2) SOCIALLY DISADVANTAGED FARMER OR  
20 RANCHER.—The term “socially disadvantaged farm-  
21 er or rancher” means a farmer or rancher who is a  
22 member of a socially disadvantaged group.

23 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
24 ty” means any of the following:

1           (A) Any community-based organization,  
2 network, or coalition of community-based orga-  
3 nizations that—

4           (i) has demonstrated experience in  
5 providing agricultural education or other  
6 agriculturally related services to socially  
7 disadvantaged farmers or ranchers;

8           (ii) has provided to the Secretary of  
9 Agriculture documentary evidence of work  
10 with socially disadvantaged farmers or  
11 ranchers for not less than a five-year pe-  
12 riod preceding the submission of an appli-  
13 cation for assistance under this section;  
14 and

15           (iii) does not engage in activities pro-  
16 hibited under section 501(c)(3) of the In-  
17 ternal Revenue Code of 1986.

18           (B) An Indian tribe (as defined in section  
19 4 of the Indian Self-Determination and Edu-  
20 cation Assistance Act (25 U.S.C. 450b)) or a  
21 national tribal organization that has dem-  
22 onstrated experience in providing agriculture  
23 education or other agriculturally related serv-  
24 ices to socially disadvantaged farmers or ranch-  
25 ers in a region.

1           (C) An 1890 institution or 1994 institu-  
2           tion (as defined in section 2 of the Agricultural  
3           Research, Extension, and Education Reform  
4           Act of 1998 (7 U.S.C. 7601)), including West  
5           Virginia State College.

6           (D) An Indian tribal community college or  
7           an Alaska Native cooperative college.

8           (E) An Hispanic-serving institution (as de-  
9           fined in section 1404 of the National Agricul-  
10          tural Research, Extension, and Teaching Policy  
11          Act of 1977 (7 U.S.C. 3103)).

12          (F) Any other institution of higher edu-  
13          cation (as defined in section 101 of the Higher  
14          Education Act of 1965 (20 U.S.C. 1001)) that  
15          has demonstrated experience in providing agri-  
16          culture education or other agriculturally related  
17          services to socially disadvantaged farmers or  
18          ranchers in a region.

19          (b) INITIATIVE.—With respect to all programs au-  
20          thorized or amended by this title, the Secretary of Agri-  
21          culture shall establish a conservation initiative for socially  
22          disadvantaged farmers or ranchers. With respect to such  
23          programs that serve an Indian tribe, the Secretary shall  
24          be required to pay the costs of office space to carry out  
25          conservation functions authorized under this section.

1 (c) SPECIAL RULE FOR COST-SHARE PAYMENTS.—  
2 Notwithstanding the actual cost sharing requirements im-  
3 posed by a program authorized or amended by this title,  
4 the Secretary of Agriculture may pay up to 100 percent  
5 of the costs incurred by a socially disadvantaged farmer  
6 or rancher to participate in the program.

7 (d) OUTREACH AND ASSISTANCE.—The Secretary of  
8 Agriculture shall carry out an outreach and technical as-  
9 sistance program to encourage and assist socially dis-  
10 advantaged farmers or ranchers to participate equitably  
11 in the full range of agricultural programs authorized or  
12 amended by this title.

13 (e) GRANTS AND CONTRACTS.—The Secretary of Ag-  
14 riculture may make grants to, and enter into contracts  
15 and other agreements with, an eligible entity to provide  
16 information and technical assistance to socially disadvan-  
17 taged farmers or ranchers so that they can participate eq-  
18 uitably in the full range of agricultural programs author-  
19 ized or amended by this title.

20 (f) RELATIONSHIP TO OTHER LAW.—The authority  
21 to carry out this section shall be in addition to any other  
22 authority provided in this or any other Act.

23 (g) FUNDING.—The Secretary of Agriculture may re-  
24 serve up to 10 percent of the funds provided for a fiscal  
25 year for financial assistance under the conservation pro-

1 grams under subtitle D of title XII of the Food Security  
2 Act of 1985 (16 U.S.C. 3830 et seq.) to carry out this  
3 section.

4 **SEC. 502. OTHER DIVERSITY PROVISIONS.**

5 Each conservation program would be amended in  
6 order to accomplish the following:

7 (1) Increase funding and expand opportunities  
8 in the NRCS Small Farm Initiative for socially dis-  
9 advantaged farmers and ranchers.

10 (2) Global cost share across programs should be  
11 established at or above 95 percent for socially dis-  
12 advantaged farmers and ranchers, and provisions  
13 should be adopted to allow up-front payments to  
14 these farmers.

15 (3) Catch up provisions including percentage  
16 set asides should be provided to fill in gaps in sup-  
17 port for socially disadvantaged farmers and ranchers  
18 should be included to provide assistance in key areas  
19 such as irrigation.

20 **SEC. 503. CONSERVATION RESERVE PROGRAM.**

21 (a) EXTENSION.—

22 (1) FUNDING EXTENSION.—Section 1241(a) of  
23 the Food Security Act of 1985 (16 U.S.C. 3841(a))  
24 is amended—

1 (A) in the matter preceding paragraph (1),  
2 by striking “2007” and inserting “2013”; and

3 (B) in paragraph (1), by striking “The”  
4 and inserting “For each of fiscal years 2002  
5 through 2013, the”.

6 (2) CONFORMING AMENDMENTS.—Section 1231  
7 of such Act (16 U.S.C. 3831) is amended—

8 (A) in subsection (a), by striking “2007”  
9 and inserting “2013”;

10 (B) in subsection (d), by striking “2007”  
11 and inserting “2013”;

12 (C) in subsection (e)(3), by striking  
13 “2002” and inserting “2008”; and

14 (D) in subsection (h)(1), by striking  
15 “2007” and inserting “2013”.

16 (b) ELIGIBLE LAND.—Section 1231(b) of such Act  
17 (16 U.S.C. 3831(b)) is amended—

18 (1) by striking the period at the end of para-  
19 graph (1) and inserting a semicolon;

20 (2) by striking “or” at the end of paragraph  
21 (4)(C);

22 (3) by striking the period at the end of para-  
23 graph (5) and inserting “; or”; and

24 (4) by adding at the end the following new  
25 paragraphs:

1           “(6) marginal pasture land or hay land that is  
2 otherwise ineligible, if the land is to be devoted to  
3 native vegetation appropriate to the locale and—

4           “(A) will provide suitable habitat for State  
5 or federally listed threatened or endangered  
6 species or species determined by the Secretary  
7 of the Interior to be species of concern; or

8           “(B) will contribute to the restoration of  
9 an endangered ecosystem or rare and declining  
10 forest ecosystem, as defined by the Secretary.”.

11       (c) ENROLLMENT GOALS.—Section 1231(d) of such  
12 Act (16 U.S.C. 3831(d)) is amended—

13           (1) by striking “The Secretary” and inserting:

14           “(1) ACREAGE AUTHORIZED.—The Secretary”;

15       and

16           (2) by adding at the end the following new  
17 paragraph:

18           “(2) ENROLLMENT GOALS.—For the period be-  
19 ginning on the date of the enactment of this para-  
20 graph and ending on December 31, 2013, the Sec-  
21 retary shall establish a goal—

22           “(A) to enroll not less than 7,000,000  
23 acres of eligible land, including land to be de-  
24 voted to the restoration of rare and declining  
25 forests, through the continuous enrollment pro-

1           gram and the conservation reserve enhancement  
2           program; and

3                   “(B) to maintain enrollment of at least  
4           7,800,000 acres in the Prairie Pothole Region  
5           National Conservation Priority Area.”.

6           (d) **CONTRACTS TO RESTORE RARE AND DECLINING**  
7 **FORESTS.**—(d) Section 1231(e)(2) of such Act (16 U.S.C.  
8 3831(e)(2)) is amended by adding at the end the following  
9 new subparagraph:

10                   “(C) **RARE AND DECLINING FORESTS.**—In  
11           the case of land to be devoted to the restoration  
12           of rare and declining forest ecosystems, as de-  
13           termined by the Secretary, the Secretary may  
14           enter into contracts of more than 15 years.”.

15           (e) **BALANCE OF NATURAL RESOURCE PURPOSES.**—  
16 Section 1231(j) of such Act (16 U.S.C. 3831(j)) is amend-  
17 ed—

18                   (1) by striking “In determining” and inserting  
19           the following:

20                   “(1) **EQUITABLE BALANCE OF CONSERVATION**  
21 **PURPOSES.**—In determining”;

22                   (2) by striking the period at the end and insert-  
23           ing “, but need not balance all conservation purposes  
24           with respect to each particular contract offer.”; and



1           (3) by adding at the end the following new  
2 paragraph:

3           “(2) WILDLIFE.—In considering the extent to  
4 which a contract offer will achieve the conservation  
5 purposes of the program related to wildlife habitat,  
6 the Secretary shall consider the extent to which the  
7 contract offer will contribute to increased popu-  
8 lations of wildlife, including waterfowl, nongame  
9 grassland birds and neotropical migrants, and assist  
10 in the recovery of at-risk species.”.

11       (f) DUTIES OF PARTICIPANTS.—Section 1232(a) of  
12 such Act (16 U.S.C. 3832(a)) is amended—

13           (1) in paragraph (4)—

14               (A) by redesignating subparagraphs (A)  
15 and (B) as subparagraphs (B) and (C), respec-  
16 tively; and

17               (B) by inserting before subparagraph (B),  
18 as so redesignated, the following new subpara-  
19 graph:

20               “(A) approved vegetative cover shall not  
21 include vegetative cover inappropriate to the lo-  
22 cale;”;

23           (2) by redesignating paragraphs (5) through  
24 (10) as paragraphs (6) through (11), respectively;

1           (3) by inserting after paragraph (4) the fol-  
2           lowing new paragraph:

3           “(5) to undertake appropriate management ac-  
4           tivities on the land as needed throughout the term  
5           of the contract to achieve the purposes of the con-  
6           servation reserve program;” and

7           (4) in subparagraph (A)(i)(II) of paragraph (8),  
8           as so redesignated, by inserting after “may be con-  
9           ducted” the following: “, taking into account grass-  
10          land types and species, location, weather conditions,  
11          and other factors that determine to what extent har-  
12          vesting and grazing activities will advance the con-  
13          servation purposes of the program”.

14          (g) CONSERVATION PLAN.—Section 1232(b)(1) of  
15          such Act (16 U.S.C. 3832(b)(1)) is amended—

16          (1) in subparagraph (A), by striking “; and”  
17          and inserting “, including appropriate management  
18          activities required by subsection (a)(5);” and

19          (2) by adding at the end the following new sub-  
20          paragraph:

21                 “(C) criteria for conducting any commer-  
22                 cial use to be permitted, including criteria for  
23                 managed harvesting and grazing specifying fre-  
24                 quency, timing, number of animal units, per-  
25                 centage of field, and other criteria to ensure

1           that managed harvesting and grazing advances  
2           the conservation purposes of the program;  
3           and”.

4           (h) COST-SHARE AND MANAGEMENT ASSISTANCE.—  
5 Section 1234(b) of such Act (16 U.S.C. 3834(b)) is  
6 amended—

7           (1) in paragraph (1), by inserting before the pe-  
8           riod at the end the following: “, except that the Sec-  
9           retary shall pay 75 percent of the cost of estab-  
10          lishing bottomland hardwood trees and longleaf  
11          pine”; and

12          (2) by adding at the end the following new  
13          paragraph:

14                 “(6) MANAGEMENT COSTS.—The Secretary  
15          shall pay 75 percent of the cost of management ac-  
16          tivities, including the use of prescribed fire, control  
17          of invasive species, and native understory restoration  
18          on land devoted to trees, that are required under a  
19          contract entered into under this subchapter, subject  
20          to such limits as the Secretary may establish.”.

21          (i) ACCEPTANCE OF CONTRACT OFFERS.—Section  
22 1234(c)(3) of such Act (16 U.S.C. 3834(c)(3)) is amend-  
23 ed—

24                 (1) by striking “In determining” and inserting  
25          the following:

1           “(A) MAXIMIZING ENVIRONMENTAL BENE-  
2           FITS.—In determining”;

3           (2) by striking “may” and all that follows  
4           through “take into consideration” and inserting  
5           “shall take into consideration”;

6           (3) by striking “benefits; and” and inserting  
7           “benefits. The Secretary shall establish criteria for  
8           the acceptance of contract offers that will maximize  
9           environmental benefits, including criteria related to  
10          the characteristics of the land that is the subject of  
11          the contract offer, its location, proposed cover and  
12          proposed management practices.”;

13          (4) by striking “(B) establish” and inserting  
14          the following:

15                 “(B) FLEXIBILITY.—The Secretary may  
16                 establish”;

17          (5) by striking “abated.” and inserting “abated,  
18          in order to more effectively address specific State or  
19          regional resource concerns and conservation prior-  
20          ities, including restoration of rare and declining for-  
21          est ecosystems.”; and

22          (6) by adding at the end the following new sub-  
23          paragraph:

24                 “(C) RELATIONSHIP TO OTHER CONSERVA-  
25                 TION PROGRAMS.—In the enrollment of land in

1 the conservation reserve established under this  
2 subchapter, the Secretary shall give a priority  
3 to land that cannot produce comparable envi-  
4 ronmental benefits if maintained in agricultural  
5 production and enrolled in the environmental  
6 quality incentives program or other program de-  
7 signed to assist producers in improving the en-  
8 vironmental performance of working agricul-  
9 tural land.”.

10 (j) CONSERVATION RESERVE ENHANCEMENT PRO-  
11 GRAM.—Section 1234(f)(1) of such Act is (16 U.S.C.  
12 3834(f)) is amended by adding at the end the following  
13 new sentence: “The Secretary may waive this payment  
14 limitation for persons participating in a conservation re-  
15 serve enhancement program if the Secretary determines  
16 such a waiver is necessary to achieve the objectives of the  
17 conservation reserve enhancement program.”.

18 **SEC. 504. REAUTHORIZATION OF AND INCREASED ENROLL-**  
19 **MENT AUTHORITY FOR GRASSLAND RESERVE**  
20 **PROGRAM.**

21 (a) EXTENSION AND FUNDING.—Section 1241(a) of  
22 the Food Security Act of 1985 (16 U.S.C. 3841(a)) is  
23 amended by striking paragraph (5) and inserting the fol-  
24 lowing new paragraph:

1           “(5) For each of fiscal years 2002 through  
2           2013, the grassland reserve program under sub-  
3           chapter C of chapter 2.”.

4           (b) ENROLLMENT GOALS AND LIMITATION ON USE  
5 OF RENTAL AGREEMENTS.—Section 1238N(b) of such  
6 Act (16 U.S.C. 3838N(b)) is amended—

7           (1) in paragraph (1), by striking “2,000,000  
8           acres” and inserting “10,000,000 acres”; and

9           (2) by striking paragraph (3) and inserting the  
10          following new paragraphs:

11          “(3) LIMITATION ON USE OF RENTAL AGREE-  
12          MENTS.—Of the total number of acres enrolled in  
13          the program at any one time through the methods  
14          described in paragraph (2)(A), not more than 30  
15          percent of the acres shall be enrolled through the  
16          use of rental agreements described in clause (i) of  
17          such paragraph.

18          “(4) ENROLLMENT GOAL.—For the period be-  
19          ginning on the date of the enactment of this para-  
20          graph and ending on December 31, 2013, the Sec-  
21          retary shall establish a goal to enroll not less than  
22          2,000,000 acres of native grasslands in the pro-  
23          gram.”.

24          (c) ENROLLMENT OF CONSERVATION RESERVE PRO-  
25          GRAM LAND.—Section 1238N of such Act (16 U.S.C.

1 3838N) is amended by adding at the end the following  
2 new subsection:

3 “(d) ENROLLMENT OF CONSERVATION RESERVE  
4 PROGRAM LAND.—

5 “(1) ENROLLMENT AUTHORIZED.—Subject to  
6 the eligibility requirements of subsection (c) and all  
7 other requirements of this subchapter, land enrolled  
8 in the conservation reserve program may be enrolled  
9 in the grassland reserve program if the Secretary de-  
10 termines that the land is of high ecological value and  
11 under significant threat of conversion to other uses.

12 “(2) MAXIMUM ENROLLMENT.—The enrollment  
13 of conservation reserve program land under this sub-  
14 section shall not exceed 50 percent of the total num-  
15 ber of acres enrolled in the grassland reserve pro-  
16 gram in a given fiscal year.

17 “(3) PROHIBITION ON DUPLICATION OF PAY-  
18 MENTS.—Land enrolled in the grassland reserve pro-  
19 gram under this subsection shall no longer be eligi-  
20 ble for payments under the conservation reserve pro-  
21 gram.”.

22 (d) EQUITY FOR PASTURE-BASED OPERATIONS.—  
23 Section 1238N of such Act (16 U.S.C. 3838N) is further  
24 amended by inserting after subsection (d), as added by  
25 subsection (c), the following new subsection:

1       “(e) EQUITY FOR PASTURE-BASED OPERATIONS.—  
2 Consistent with the other requirements of the program,  
3 the Secretary shall implement the program in a manner  
4 that ensures that, to the greatest extent practicable, land-  
5 owners operating pasture-based systems have an equal op-  
6 portunity to enroll in the program.”.

7       (e) BIODIVERSITY.—Section 1238O of such Act (16  
8 U.S.C. 3838o) is amended—

9           (1) by redesignating subsections (d) and (e) as  
10 subsections (e) and (f), respectively; and

11           (2) by adding at the end the following new sub-  
12 section:

13       “(f) BIODIVERSITY.—In emphasizing support for bio-  
14 diversity consistent with the requirements of subsection  
15 (c), the Secretary shall give priority to agreements and  
16 easements that protect and restore habitat for rare,  
17 threatened, endangered, and candidate species or further  
18 the goals and objectives of the State’s comprehensive wild-  
19 life conservation strategy.”.

20       (f) SPECIAL GRASSLANDS RESERVE ENHANCEMENT  
21 PROGRAM.—Section 1238P of such Act (16 U.S.C.  
22 3838p) is amended by adding at the end the following new  
23 subsection:

24       “(e) SPECIAL GRASSLANDS RESERVE ENHANCE-  
25 MENT AGREEMENTS.—



1           “(1) AGREEMENTS.—The Secretary may enter  
2 into a special grasslands reserve enhancement agree-  
3 ment with a State under which the Secretary will  
4 make payments to the State or political subdivisions  
5 or agencies of the State to advance the purposes of  
6 the grassland reserve program in the State.

7           “(2) PAYMENT LIMITATIONS.—Section 1305(d)  
8 of the Omnibus Budget Reconciliation Act of 1987  
9 (7 U.S.C. 1308 note; Public Law 100–203) shall not  
10 apply to payments received by a State or political  
11 subdivision or agency thereof in connection with an  
12 agreement entered into under subsection (a).”.

13 **SEC. 505. ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
14 **GRAM.**

15 (a) EXTENSION.—

16 (1) FUNDING EXTENSION AND INCREASE.—  
17 Section 1241(a) of the Food Security Act of 1985  
18 (16 U.S.C. 3841(a)) is amended by striking para-  
19 graph (6) and inserting the following new para-  
20 graph:

21           “(6) The environmental quality incentives pro-  
22 gram under chapter 4, using, to the maximum ex-  
23 tent practicable—

24                   “(A) \$1,400,000,000 in fiscal year 2008;

25                   “(B) \$1,600,000,000 in fiscal year 2009;

1           “(C) \$1,800,000,000 in each of fiscal  
2 years 2010 and 2011; and

3           “(D) \$2,000,000,000 in fiscal year 2012.”.

4           (2) CONFORMING AMENDMENTS.—Chapter 4 of  
5 subtitle D of title XII of such Act is amended—

6           (A) in section 1240B(a)(1) (16 U.S.C.  
7 3839aa–2(a)(1)), by striking “2007” and in-  
8 serting “2012”; and

9           (B) in subsection 1240G (16 U.S.C.  
10 3839aa–7), by striking “2007” and inserting  
11 “2012”.

12           (b) DEMONSTRATION OF STRUCTURAL AND LAND  
13 MANAGEMENT PRACTICES.—

14           (1) ELIGIBILITY.—Section 1240B(a)(2) of the  
15 Food Security Act of 1985 (16 U.S.C. 3839aa–  
16 (a)(2)) is amended—

17           (A) by striking “and” at the end of sub-  
18 paragraph (A);

19           (B) by striking the period at the end of  
20 subparagraph (B) and inserting “; and”; and

21           (C) by adding at the end the following new  
22 subparagraph:

23           “(C) a producer that demonstrates a struc-  
24 tural or land management practice, including  
25 project monitoring, measurement, outreach, or

1 education shall be eligible to receive cost-share  
2 or incentive payments.”.

3 (2) CONFORMING AMENDMENTS.—(A) Section  
4 1240(3) of such Act (16 U.S.C. 3839aa(3)) is  
5 amended by striking “and maintain” and inserting  
6 “, maintain, and demonstrate”.

7 (B) Section 1240F(1) of such Act (16 U.S.C.  
8 3839aa–6(1)) is amended by striking “and imple-  
9 menting” and inserting “, implementing, or dem-  
10 onstrating”.

11 (c) PREDATOR DETERRENCE.—Section 1240B(a) of  
12 the Food Security Act of 1985 (16 U.S.C. 3839aa–(a))  
13 is amended by adding at the end the following paragraph:

14 “(3) PREDATOR DETERRENCE.—A producer  
15 that implements practices or other measures as part  
16 of a system of proactive predator deterrence for  
17 large carnivores, including the use of range riders,  
18 removal of carcasses, and installation of electric  
19 fencing around calving areas, shall be eligible to re-  
20 ceive cost-share or incentive payments under this  
21 chapter.”.

22 (d) BIDDING DOWN.—Section 1240B(c) of the Food  
23 Security Act of 1985 (16 U.S.C. 3839aa–2(c)) is amended  
24 by inserting before the period at the end the following:  
25 “, except that this prohibition does not relieve the Sec-

1 retary of the obligation to ensure that cost-effectiveness  
2 is prioritized in the evaluation of offers and payments, as  
3 provided by section 1240C(1)”.

4 (e) INCENTIVE PAYMENT RATES.—Section 1240B(e)  
5 of the Food Security Act of 1985 (16 U.S.C. 3839aa–  
6 2(e)(2)) is amended—

7 (1) in paragraph (1), by adding at the end the  
8 following new sentence: “The Secretary shall estab-  
9 lish different rates to accommodate variation in the  
10 cost of practices and product value.”; and

11 (2) by adding at the end the following new  
12 paragraph:

13 “(3) RATES FOR COMPONENT PRACTICES.—The  
14 Secretary shall develop additional incentive payment  
15 rates for components of a practice that promotes  
16 residue, nutrient, pest, invasive species, or air qual-  
17 ity management. The amount and rate of incentive  
18 payments for a component practice shall be scaled  
19 according to the anticipated level of impact of that  
20 practice on the priority resource concerns, such that  
21 more advanced management practices that yield  
22 greater environmental benefit will receive higher  
23 payments.”.

24 (f) ALLOCATION OF FUNDING.—Section 1240B(g) of  
25 the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g))

1 is amended by adding at the end the following new sen-  
2 tence: “When making initial allocations of funds to States  
3 to make cost-share and incentive payments under this  
4 chapter, the Secretary shall consider to what degree pro-  
5 ducers in each State are under pressure to comply with  
6 existing local, State, or Federal environmental regulations,  
7 or may have to comply with such regulations in the fu-  
8 ture.”.

9 (g) EVALUATION OF APPLICATIONS FOR COST-  
10 SHARE PAYMENTS AND INCENTIVE PAYMENTS.—Section  
11 1240C of the Food Security Act of 1985 (16 U.S.C.  
12 3839aa–3) is amended to read as follows:

13 **“SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-**  
14 **SHARE PAYMENTS AND INCENTIVE PAY-**  
15 **MENTS.**

16 “(a) PRIORITIES AND CRITERIA.—In evaluating ap-  
17 plications for cost-share payments and incentive pay-  
18 ments, the Secretary shall—

19 “(1) prioritize applications based on how effec-  
20 tively and comprehensively designated resource con-  
21 cerns are addressed;

22 “(2) prioritize applications based on their over-  
23 all level of cost-effectiveness to ensure that the con-  
24 servation practices, systems, and approaches pro-  
25 posed are the most efficient means of producing the

1 proposed project’s anticipated environmental bene-  
2 fits;

3 “(3) reward higher levels of environmental per-  
4 formance, such as advanced levels of management  
5 within management practices; and

6 “(4) develop criteria for evaluating applications  
7 that will ensure that national, State, and local con-  
8 servation priorities are effectively addressed.

9 “(b) WILDLIFE.—In evaluating applications for cost-  
10 share payments and incentive payments related to projects  
11 intended primarily to improve wildlife habitat, the Sec-  
12 retary, in addition to meeting the requirements of sub-  
13 section (a), shall give priority to applications that protect  
14 and restore habitat for rare, threatened, endangered, and  
15 candidate species or further the goals and objectives of  
16 the State comprehensive wildlife conservation strategy.”.

17 (h) SUPPORT FOR PROGRAM PLANS.—Section 1240F  
18 of the Food Security Act of 1985 (16 U.S.C. 3839aa–6)  
19 is amended—

20 (1) by striking “and” at the end of paragraph  
21 (1);

22 (2) by striking the period at the end of para-  
23 graph (2) and inserting “; and”; and

24 (3) by adding at the end the following new  
25 paragraph:

1           “(3) developing partnerships with other agen-  
2           cies and contracting with technical assistance pro-  
3           viders to supplement Department expertise and  
4           staffing capacity as necessary.”.

5           (i) CONSERVATION INNOVATION GRANTS.—Section  
6 1240H of the Food Security Act of 1985 (16 U.S.C.  
7 3839aa–8) is amended—

8           (1) in subsection (a), by striking “may” and in-  
9           serting “shall”;

10          (2) in subsection (b)—

11           (A) by striking “may” and inserting  
12           “shall”;

13           (B) in paragraph (2)—

14           (i) by striking “and” at the end of  
15           subparagraph (A); and

16           (ii) by adding at the end the following  
17           new subparagraph:

18           “(C) alternative energy projects, such as  
19           solar and wind power energy systems and con-  
20           version of equipment to run on bio-fuels, to re-  
21           duce greenhouse gas emissions and reliance on  
22           fossil fuels in farm operations;”;

23           (C) by striking the period at the end of  
24           paragraph (3) and inserting “; and”; and

1 (D) by adding at the end the following new  
2 paragraph:

3 “(4) include a plan for technology transfer.”;

4 (3) by adding at the end the following new sub-  
5 sections:

6 “(d) TECHNOLOGY TRANSFER.—To the maximum  
7 extent practicable, the Secretary shall ensure efficient, ef-  
8 fective transfer of innovative technologies and approaches  
9 demonstrated through projects that receive funding under  
10 this section.

11 “(e) FUNDING.—Of the amounts made available  
12 under section 1241(a)(6) to carry out this chapter, the  
13 Secretary shall use to carry out this section—

14 “(1) \$40,000,000 for fiscal year 2008;

15 “(2) \$50,000,000 for fiscal year 2009;

16 “(3) \$60,000,000 for fiscal year 2010; and

17 “(4) \$75,000,000 for each of fiscal years 2011  
18 and 2012.”.

19 (j) FUNDING UNDER GROUND AND SURFACE WATER  
20 CONSERVATION PROGRAM.—Section 1240I of the Food  
21 Security Act of 1985 (16 U.S.C. 3839aa–9) is amended  
22 by striking subsection (c) and inserting the following new  
23 subsection:

24 “(b) FUNDING.—The Secretary shall use  
25 \$100,000,000 of the funds of the Commodity Credit Cor-



1 poration to carry out this section for each of fiscal years  
2 2008 through 2012. These funds are in addition to  
3 amounts made available under section 1241(a)(6) to carry  
4 out this chapter.”.

5 (k) AIR QUALITY IMPROVEMENT AND PERFORMANCE  
6 INCENTIVES FOR STATES.—Chapter 4 of subtitle D of  
7 title XII of such Act is amended by adding at the end  
8 the following new sections:

9 **“SEC. 1240J. AIR QUALITY IMPROVEMENT.**

10 “(a) AVAILABILITY OF COST-SHARE PAYMENTS AND  
11 INCENTIVE PAYMENTS.—In carrying out this chapter, the  
12 Secretary shall promote air quality by providing cost-share  
13 payments and incentive payments to individual producers  
14 to address air quality concerns associated with agriculture.

15 “(b) ELIGIBLE PRACTICES, COST-SHARE.—

16 “(1) REDUCTION OF EMISSIONS OF CRITERIA  
17 POLLUTANTS AND AIRBORNE TOXINS.—In addition  
18 to practices eligible for cost-share payments under  
19 this chapter, the Secretary shall provide cost-share  
20 payments to producers under this section for mobile  
21 or stationary equipment, including engines, used in  
22 an agricultural operation that will reduce emissions  
23 of criteria pollutants and airborne toxins.

24 “(2) CONSIDERATIONS.—In evaluating applica-  
25 tions for cost-share assistance for equipment de-

1 scribed in paragraph (1), the Secretary shall  
2 prioritize assistance for equipment that—

3 “(A) is the most cost-effective in address-  
4 ing air quality concerns; and

5 “(B) will assist producers in meeting State  
6 or local regulatory requirements related to air  
7 quality.

8 “(c) LOCATIONS.—In order for producers to receive  
9 payments under this section, a project must be located in  
10 a county—

11 “(1) that is in non-attainment for ambient air  
12 quality standards for ozone, particulate matter, or  
13 both;

14 “(2) in which there is air quality degradation,  
15 recognized by a State or local regulating agency, to  
16 which agricultural emissions significantly contribute;  
17 or

18 “(3) in which the Secretary determines that  
19 pesticide drift is a priority concern.

20 “(d) PRIORITY.—The Secretary shall give priority to  
21 projects that—

22 “(1) involve multiple producers implementing  
23 eligible conservation activities in a coordinated way  
24 to promote air quality; or

1           “(2) are designed to encourage broad adoption  
2 of innovative approaches, including approaches in-  
3 volving the use of innovative technologies and inte-  
4 grated pest management, so long as the technologies  
5 do not have the unintended consequence of compro-  
6 mising other environmental goals.

7           “(e) FUNDING.—

8           “(1) AMOUNTS.—The Secretary shall use funds  
9 of the Commodity Credit Corporation to carry out  
10 this section in the following amounts:

11                   “(A) \$25,000,000 for fiscal year 2008;

12                   “(B) \$45,000,000 for fiscal year 2009;

13                   “(C) \$60,000,000 for fiscal year 2010;

14                   “(D) \$75,000,000 for fiscal year 2011;

15           and

16                   “(E) \$100,000,000 for fiscal year 2012.

17           “(2) RELATION TO OTHER FUNDS.—The funds  
18 made available under paragraph (1) are in addition  
19 to amounts made available under section 1241(a)(6)  
20 to carry out this chapter.

21 **“SEC. 1240K. PERFORMANCE INCENTIVES FOR STATES.**

22           “(a) HIGH LEVEL OF PERFORMANCE BONUS.—For  
23 each of fiscal years 2008 through 2012, 20 percent of the  
24 funds made available under this chapter shall be reserved  
25 by the Secretary for bonus allocations to States that dem-

1 onstrate a high level of performance in implementing the  
2 environmental quality incentives program.

3 “(b) SPECIAL CONSIDERATIONS.— In evaluating  
4 State performance under subsection (a), the Secretary  
5 shall reward States that—

6 “(1) consistently meet the requirements of sec-  
7 tion 1240C in evaluating offers and payments;

8 “(2) dedicate a portion of their annual environ-  
9 mental quality incentives program allocation to  
10 multi-producer cooperative efforts to address specific  
11 resource concerns;

12 “(3) demonstrate effective and efficient pro-  
13 gram delivery, including the provision of adequate  
14 technical assistance to all program participants  
15 through appropriate staffing and through coopera-  
16 tion with other Federal, State, Tribal, and local  
17 agencies, for-profit and nonprofit organizations, and  
18 individuals with demonstrated expertise in the plan-  
19 ning and implementation of conservation practices,  
20 systems, and approaches;

21 “(4) collaborate with other Federal and State  
22 agencies, local governments, educational institutions,  
23 and for-profit and nonprofit organizations to evalu-  
24 ate the environmental outcomes associated with im-

1       plementation of the environmental quality incentives  
2       program;

3               “(5) ensure broad participation in State Tech-  
4       nical Committees; and

5               “(6) ensure that priorities established at the  
6       State level are effectively addressed by local work  
7       groups.”.

8       **SEC. 506. REAUTHORIZATION OF AND INCREASED FUNDING**  
9                       **FOR WILDLIFE HABITAT INCENTIVE PRO-**  
10                      **GRAM.**

11       (a) **EXTENSION AND FUNDING.**—Section 1241(a)(7)  
12       of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7))  
13       is amended by striking subparagraphs (A) through (D)  
14       and inserting the following new subparagraphs:

15                       “(A) \$85,000,000 in fiscal year 2007;

16                       “(B) \$100,000,000 in fiscal year 2008;

17                       “(C) \$140,000,000 in fiscal year 2009;

18                       “(D) \$200,000,000 in each of fiscal years  
19       2010 and 2011; and

20                       “(E) \$300,000,000 in each of fiscal years  
21       2012 and 2013.”.

22       (b) **FUNDING SET-ASIDE FOR LONG-TERM AGREE-**  
23       **MENTS.**—Section 1240N(b)(2) of such Act (16 U.S.C.  
24       3839bb–1(b)(2)) is amended by striking subparagraph  
25       (B) and inserting the following:

1           “(B) FUNDS FOR LONG-TERM AGREE-  
2           MENTS.—To the maximum extent practicable,  
3           the Secretary shall use 25 percent of the funds  
4           made available under section 1241(a)(7) for a  
5           fiscal year to carry out during that fiscal year  
6           contracts and agreements described in subpara-  
7           graph (A).”.

8           (c) INCENTIVE PAYMENTS AND PROGRAM PRIOR-  
9           ITIES.—Section 1240N of such Act (16 U.S.C. 3839bb-  
10          1) is amended by adding at the end the following new sub-  
11          section:

12          “(d) INCENTIVE PAYMENTS AND PROGRAM PRIOR-  
13          ITIES.—

14                 “(1) PRIORITIES.—In carrying out this section,  
15                 the Secretary shall give priority to agreements and  
16                 contracts that will—

17                         “(A) protect or restore habitat for a feder-  
18                         ally or State-listed rare, threatened, endan-  
19                         gered, and candidate species; or

20                         “(B) further the goals and objectives of a  
21                         State’s comprehensive wildlife conservation  
22                         strategy.

23                 “(2) INCENTIVE PAYMENTS FOR CERTAIN  
24                 AGREEMENTS AND APPLICATIONS.—In a case in  
25                 which the Secretary enters into an agreement or

1 contract described in paragraph (1), the Secretary  
2 may provide incentive payments to landowners under  
3 the agreement or contract, including the cost of  
4 management activities needed during the term of the  
5 agreement or contract.”.

6 (d) FISH HABITAT.—Section 1240N of such Act (16  
7 U.S.C. 3839bb–1) is further amended by inserting after  
8 subsection (d), as added by subsection (c), the following  
9 new subsection:

10 “(e) DEVELOPMENT OF FISH HABITAT.—

11 “(1) PURPOSES OF COST-SHARE PAYMENTS.—  
12 Subsection (b)(1)(D) authorizes the Secretary to  
13 make cost-share payments to landowners to develop  
14 fish habitat. The development of fish habitat using  
15 such cost-share payments may include activities—

16 “(A) to protect streamside areas, including  
17 through the installation of riparian fencing and  
18 improved stream crossings;

19 “(B) to repair in-stream habitat;

20 “(C) to improve water flows and water  
21 quality, including through channel restoration;

22 “(D) to initiate watershed management  
23 and planning in areas in which streams are in  
24 a degraded condition due to past agricultural or  
25 forestry practices; and

1           “(E) to undertake other types of stream  
2           habitat improvement approved by the Secretary.

3           “(2) PRIORITY PROJECTS.—When considering  
4           applications describing projects to protect or restore  
5           fish habitat, the Secretary shall give priority to ap-  
6           plicants who will use the cost-share payments to  
7           carry out a project—

8           “(A) to remove a small dam or in-stream  
9           structure;

10          “(B) to improve fish passage, including  
11          through culvert repair and maintenance;

12          “(C) to protect streamside areas;

13          “(D) to improve water flows, including  
14          through irrigation efficiency improvements; or

15          “(E) to improve in-stream flow quality or  
16          timing or temperature regimes.

17          “(3) PRIORITY FOR PROJECTS INCLUDING UP-  
18          LAND IMPROVEMENTS.—In addition to the priority  
19          projects described in paragraph (2), to ensure that  
20          projects intended to protect or restore fish habitat  
21          also address the causes of stream habitat degrada-  
22          tion, the Secretary shall give priority among applica-  
23          tions describing such projects to applicants who  
24          demonstrate that upland improvements associated  
25          with the stream habitat improvement, including ero-



1 sion and nutrient management have been, or will be,  
2 carried out.”.

3 **SEC. 507. INTEGRATED PEST MANAGEMENT INITIATIVE.**

4 (a) INITIATIVE REQUIRED.—The Secretary of Agri-  
5 culture shall implement an integrated pest management  
6 initiative in priority areas identified by the Secretary pur-  
7 suant to subsection (b) for the purpose of assisting agri-  
8 cultural producers operating in a priority area to comply  
9 with pest management regulations and alleviate the need  
10 for additional regulations regarding pest management ac-  
11 tivities.

12 (b) IDENTIFICATION OF PRIORITY AREAS.—

13 (1) IDENTIFICATION.—The Secretary of Agri-  
14 culture shall identify priority areas where the adop-  
15 tion by agricultural producers of integrated pest  
16 management practices and approaches offers the  
17 greatest potential benefit to producers seeking to  
18 comply with pest management regulations and allevi-  
19 ate the need for additional regulations regarding  
20 pest management activities. At a minimum, priority  
21 areas shall include agricultural lands dominated by  
22 the production of specialty crops and agricultural  
23 lands where agricultural pest management activities  
24 are regulated for the purpose of mitigating specific  
25 impacts to human health or the environment, such

1 as an area in which pollutants exceed authorized  
2 total maximum daily load or an air quality non-at-  
3 tainment area.

4 (2) CONSULTATION.—The Secretary shall iden-  
5 tify priority areas in consultation with the Environ-  
6 mental Protection Agency, the United States Geo-  
7 logical Service, the United States Fish and Wildlife  
8 Service, agricultural producers, appropriated State  
9 agencies, and other interested persons.

10 (c) ACTIVITIES IN PRIORITY AREAS.—

11 (1) EXPEDITED APPROVAL OF MANAGEMENT  
12 PRACTICES.—The Secretary of Agriculture shall de-  
13 velop the best-available integrated pest management  
14 practices for the primary agricultural commodities  
15 and significant pests in each priority area identified  
16 under subsection (b) and expedite approval of these  
17 practices for implementation by agricultural pro-  
18 ducers.

19 (2) IMPROVED EVALUATION OF MANAGEMENT  
20 PLANS.—The Secretary shall develop and make  
21 available criteria to enable staff of the Natural Re-  
22 sources Conservation Service and agricultural pro-  
23 ducers operating in priority areas identified under  
24 subsection (b) to effectively compare pest manage-  
25 ment plans, considering relative risks and potential

1 benefits to multiple resources of concern, including  
2 air, surface water, ground water, bees and other pol-  
3 linators, wildlife, and worker safety.

4 (3) TECHNICAL ASSISTANCE.—The Secretary  
5 may enter in cooperative agreements, memorandums  
6 of understanding, and contracts for services with  
7 technical service providers, other agencies, and non-  
8 Federal organizations, as necessary, to assist in pro-  
9 viding technical assistance regarding integrated pest  
10 management planning and implementation to pro-  
11 ducers operating in priority areas identified under  
12 subsection (b).

13 (4) MARKETING.—The Secretary may market  
14 the availability of integrated pest management tools  
15 and training to agricultural producers in the priority  
16 areas identified under subsection (b).

17 (5) PROGRAM INTEGRATION.—The Secretary  
18 shall set goals for integrating the integrated pest  
19 management initiative with the environmental qual-  
20 ity incentives program established under chapter 4  
21 of subtitle D of title XII of the Food Security Act  
22 of 1985 (16 U.S.C. 3839aa et seq.) and other con-  
23 servation programs in each priority area identified  
24 under subsection (b), including indicators of the ex-  
25 tent to which these programs fund integrated pest

1 management practices and the extent to which sup-  
2 ported integrated pest management practices reduce  
3 pesticide use and risk.

4 (d) ANNUAL REPORT.—The Secretary of Agriculture  
5 shall submit to Congress an annual report on the inte-  
6 grated pest management initiative, including progress in  
7 meeting the program integration goals set under sub-  
8 section (c)(5).

9 (e) FUNDING.—The Secretary of Agriculture may use  
10 funds provided for the conservation security program and  
11 environmental quality incentives program under subtitle D  
12 of title XII of the Food Security Act of 1985 (16 U.S.C.  
13 3830 et seq.) to implement the integrated pest manage-  
14 ment initiative.

15 **SEC. 508. VALUE ADDED FUNDING AND TECHNICAL ASSIST-**  
16 **ANCE.**

17 Socially disadvantaged farmers and ranchers have  
18 not been able to take advantage of grant funding under  
19 the existing value added competitive grant program. Add-  
20 ing on-farm value to existing farm products is critical to  
21 these largely small-scale and diverse producers in order  
22 to expand their access to new and emerging markets. The  
23 existing value added program will be amended to provide  
24 for legislative set asides of at least 10 percent targeted  
25 to socially disadvantaged farmers and ranchers in a na-

1 tional pool with a peer review process similar to that used  
2 in the cooperative development program. Increased fund  
3 should be provided for the program. These funds should  
4 also prioritize projects benefiting small and mid-sized  
5 growers.

6           **TITLE VI—HEALTHY FOOD**  
7                           **CHOICES**

8   **SEC. 601. FINDINGS.**

9           Congress finds the following:

10                   (1) Fruits and vegetables offer consumers a  
11                   healthy and nutritious product that is recognized as  
12                   critical to the prevention of heart disease, stroke,  
13                   and some cancers and other chronic diseases, the re-  
14                   duction of obesity and diabetes, and the maintenance  
15                   of overall good health.

16                   (2) Proper nutrition is critical in promoting  
17                   good health, preventing disease, and improving qual-  
18                   ity of life.

19                   (3) Agriculture policies and related domestic  
20                   and international nutrition assistance programs  
21                   should support incentives and key strategies that  
22                   help Americans reach national health goals and ulti-  
23                   mately reduce health care costs.

1 **SEC. 602. REAUTHORIZATION OF AND INCREASED FUNDING**  
2 **FOR COMMUNITY FOOD PROJECT COMPETI-**  
3 **TIVE GRANTS.**

4 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Section  
5 25(b) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b))  
6 is amended—

7 (1) in paragraph (1) by striking “From  
8 amounts made available to carry out this Act, the  
9 Secretary may” and inserting “The Secretary shall”;  
10 and

11 (2) by striking paragraph (2) and inserting the  
12 following:

13 “(2) **FUNDING AMOUNTS.**—From amounts  
14 made available to carry out this Act, the Secretary  
15 shall use \$30,000,000 for each of fiscal years 2008  
16 through 2013 to make grants under this section.”.

17 (b) **PREFERENCE FOR CERTAIN PROJECTS.**—Section  
18 25(d) of the Food Stamp Act of 1977 (7 U.S.C. 2034(d))  
19 is amended—

20 (1) in paragraph (3) by striking “or” at the  
21 end;

22 (2) in paragraph (4) by striking the period at  
23 the end and inserting “; or” ; and

24 (3) by adding at the end the following:

25 “(5) serve special project needs in areas of—

1           “(A) transportation and processing for ex-  
2           panding institutional and emergency food serv-  
3           ice demand for local food;

4           “(B) retail access to healthy foods in un-  
5           derserved markets;

6           “(C) integration of urban and metro-area  
7           food production in food projects; and

8           “(D) technical assistance for youth, so-  
9           cially disadvantaged individuals, and limited re-  
10          source groups.”.

11          (c) MATCHING FUNDS REQUIREMENTS.—Section  
12          25(e)(1) of the Food Stamp Act of 1977 (7 U.S.C.  
13          2034(e)(1)) is amended by striking “50” and inserting  
14          “75”.

15          (d) TERM OF GRANT.—Section 25(f)(2) of the Food  
16          Stamp Act of 1977 (7 U.S.C. 2034(f)(2)) is amended by  
17          striking “3” and inserting “5”.

18          (e) FUNDING.—Section 25(h)(4) of the Food Stamp  
19          Act of 1977 (7 U.S.C. 2034(h)(4)) is amended—

20                 (1) by striking “fiscal years 2003 through  
21                 2007” and inserting “fiscal years 2008 through  
22                 2013”; and

23                 (2) by striking “\$200,000” and inserting  
24                 “\$500,000”.

1 **SEC. 603. EXPANSION OF FRESH FRUIT AND VEGETABLE**  
2 **PROGRAM.**

3 Section 18 of the Richard B. Russell National School  
4 Lunch Act (42 U.S.C. 1769) is amended in subsection  
5 (g)—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph  
8 (A), by striking “July 2004” and inserting  
9 “July 2007”; and

10 (B) by amending subparagraphs (A) and  
11 (B) to read as follows:

12 “(A) 100 elementary or secondary schools  
13 in each State;

14 “(B) additional elementary or secondary  
15 schools in each State in proportion to the stu-  
16 dent population of the State; and”;

17 (2) in paragraph (3)(A), by striking “paragraph  
18 (1)(B)” and inserting “paragraph (1)”;

19 (3) in paragraph (5), in each of subparagraphs  
20 (A) and (B), by striking “2008” and inserting  
21 “2011”; and

22 (4) in paragraph (6)(B)—

23 (A) in clause (i)—

24 (i) by striking “October 1, 2004, and  
25 on each October 1 thereafter,” and insert-



1 ing “October 1, 2007, and on each October  
2 1 thereafter,”; and

3 (ii) by striking “\$9,000,000” and in-  
4 sserting “\$300,000,000”; and

5 (B) by adding at the end the following:

6 “(iii) ADMINISTRATIVE EXPENSES.—  
7 For fiscal year 2008 and each succeeding  
8 fiscal year, of the amount available to  
9 carry out this subsection, the Secretary  
10 may reserve not more than 1 percent of  
11 that amount for administrative expenses in  
12 carrying out this subsection.

13 “(iv) STATE ADMINISTRATIVE  
14 COSTS.—For fiscal year 2008 and each  
15 succeeding fiscal year, of the amount re-  
16 ceived by a State to carry out this sub-  
17 section, the State may use not more than  
18 5 percent of that amount for administra-  
19 tive expenses in carrying out this sub-  
20 section. To be eligible to use such funds  
21 for such expenses, the State must submit  
22 to the Secretary a plan indicating how the  
23 State intends to use such funds.

24 “(v) FEDERAL REQUIREMENTS.—The  
25 Secretary shall establish requirements to

1 be followed by States in administering this  
2 subsection. The initial set of requirements  
3 shall be established not later than 1 year  
4 after the date of the enactment of this  
5 clause.”.

6 **SEC. 604. AUTHORIZATION LEVEL FOR FARM-TO-CAFE-**  
7 **TERIA ACTIVITIES.**

8 Section 18 of the Richard B. Russell National School  
9 Lunch Act (42 U.S.C. 1769) is amended in subsection  
10 (i)(2) by striking “such sums as are necessary” and all  
11 that follows through the period at the end and inserting  
12 “to carry out this subsection \$20,000,000 for each of fis-  
13 cal years 2008 through 2013.”.

14 **SEC. 605. EXTENSION OF WIC FARMERS’ MARKET NUTRI-**  
15 **TION PROGRAM.**

16 Section 17(m)(9)(A) of the Child Nutrition Act of  
17 1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

18 (1) in clause (i), by striking “2009” and insert-  
19 ing “2013”; and

20 (2) by striking clause (ii) and inserting the fol-  
21 lowing:

22 “(ii) **MANDATORY FUNDING.**—Of the  
23 funds of the Commodity Credit Corpora-  
24 tion, the Secretary shall make available to  
25 carry out this subsection \$20,000,000 for



1           “(4) to promote the transition to organic and  
2 other environmentally beneficial food production sys-  
3 tems.”; and

4           (3) by adding at the end the following new sub-  
5 section:

6           “(d) **ELIGIBLE PARTICIPANTS; BENEFIT LEVELS.—**

7 The regulations required by subsection (c)—

8           “(1) shall allow for participation by farmers’  
9 markets, and roadside stands, community supported  
10 agriculture programs; and

11           “(2) shall not limit the ability of State or re-  
12 gional programs to set benefit levels per individual  
13 senior.”.

14 **SEC. 607. FARMERS’ MARKET PROMOTION PROGRAM.**

15           Section 6 of the Farmer-to-Consumer Direct Mar-  
16 keting Act of 1976 (7 U.S.C. 3005) is amended by strik-  
17 ing subsections (d) and (e) and inserting the following:

18           “(d) **CRITERIA AND GUIDELINES.—**

19           “(1) **IN GENERAL.—**The Secretary shall estab-  
20 lish criteria and guidelines for the submission, eval-  
21 uation, and funding of proposed projects under the  
22 Program.

23           “(2) **PRIORITY.—**The Secretary shall prioritize  
24 for funding projects that will support, encourage, or

1 promote the transition to organic and other environ-  
2 mentally beneficial forms of agricultural production.

3 “(e) FUNDING.—The Secretary shall use  
4 \$25,000,000 of funds of the Commodity Credit Corpora-  
5 tion to carry out this section in each of the fiscal years  
6 2008 through 2013, of which \$5,000,000 shall be used  
7 to support the use of electronic benefit transfers at farm-  
8 ers’ markets.”.

9 **SEC. 608. DEPARTMENT OF DEFENSE AND DEPARTMENT OF**  
10 **AGRICULTURE PROCUREMENT OF LOCALLY**  
11 **PRODUCED AGRICULTURAL PRODUCTS.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Locally procured agricultural products, as  
14 compared to products transported from distant  
15 sources—

16 (A) are often harvested closer to full ripe-  
17 ness and can have higher nutritional quality;

18 (B) can have improved ripeness, taste, or  
19 selection, which can increase rates of consump-  
20 tion of agricultural products; and

21 (C) are more efficient to store, distribute,  
22 and package.

23 (2) Use of local produce—

24 (A) reduces dependence upon foreign oil by  
25 reducing fuel consumption rates associated with

1 the production or transportation of agricultural  
2 products;

3 (B) can help to improve the ability of those  
4 using the procurement system to provide edu-  
5 cation on nutrition, farming, sustainability, en-  
6 ergy efficiency, and the importance of local pur-  
7 chases to the local economy;

8 (C) helps to maintain a robust logistics  
9 network for agricultural product procurement;  
10 and

11 (D) promotes farm, business, and economic  
12 development by accessing local markets.

13 (3) Section 9(j) of the Richard B. Russell Na-  
14 tional School Lunch Act (42 U.S.C. 1758(j)) directs  
15 the Secretary of Agriculture to encourage institu-  
16 tions participating in the school lunch program es-  
17 tablished under that Act and the school breakfast  
18 program established by section 4 of the Child Nutri-  
19 tion Act of 1966 (42 U.S.C. 1773) to purchase, in  
20 addition to other food purchases, locally produced  
21 foods, to the maximum extent practicable and appro-  
22 priate.

23 (b) DEPARTMENT OF DEFENSE GEOGRAPHIC PRO-  
24 CUREMENT PREFERENCE.—Notwithstanding any other  
25 provision of law, the Department of Defense may use a

1 geographic preference to purchase locally produced agri-  
2 cultural products for—

3 (1) the Defense Supply Center Philadelphia;

4 (2) the Department of Defense Farm to School  
5 Program;

6 (3) the Department of Defense Fresh Fruit and  
7 Vegetable Program;

8 (4) the service academies;

9 (5) Department of Defense domestic dependant  
10 schools;

11 (6) other Department of Defense schools under  
12 chapter 108 of title 10, United States Code;

13 (7) commissary and exchange stores; and

14 (8) morale, welfare, and recreation facilities op-  
15 erated by the Department of Defense

16 (c) DEPARTMENT OF AGRICULTURE AND RELATED  
17 ENTITIES GEOGRAPHIC PROCUREMENT PREFERENCE.—

18 Notwithstanding any other provision of law, the Depart-  
19 ment of Agriculture, schools, local educational agencies,  
20 and other entities may use a geographic preference to pur-  
21 chase locally produced agricultural products for—

22 (1) the school breakfast program established by  
23 section 4 of the Child Nutrition Act of 1966 (42  
24 U.S.C. 1773);

1           (2) the school lunch program established under  
2           the Richard B. Russell National School Lunch Act  
3           (42 U.S.C. 1751 et seq.);

4           (3) the summer food service program for chil-  
5           dren established under section 13 of the Richard B.  
6           Russell National School Lunch Act (42 U.S.C.  
7           1761); and

8           (4) the child and adult care food program es-  
9           tablished under section 17 of the Richard B. Russell  
10          National School Lunch Act (42 U.S.C. 1766).

11          (d) ADDITION OF GEOGRAPHIC PREFERENCE.—In  
12          the case of the purchase of agricultural products for a pro-  
13          gram or entity described in subsection (b) or (c), the local  
14          food service director or other entity making the purchase  
15          may include the geographic preference provided by such  
16          subsections in bid specifications and may select a bid in-  
17          volving locally produced agricultural products, even if that  
18          bid is not the lowest bid.

19          (e) REPORTING.—A school, local educational agency,  
20          or other entity participating in one or more of the pro-  
21          grams described in subsection (c) shall report to the Sec-  
22          retary of Agriculture if the school, local educational agen-  
23          cy, or other entity pays more than 10 percent more than  
24          the lowest bid to purchase locally produced agricultural  
25          products in accordance with this section.



1 (f) REVIEW.—The Secretary of Defense and the Sec-  
2 retary of Agriculture shall periodically review the use of  
3 the geographic preference provided by this section to pre-  
4 vent fraud or abuse.

5 **SEC. 609. FRUIT AND VEGETABLE NUTRITION PROMOTION**  
6 **PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Agriculture, act-  
8 ing through the Administrator of the Agricultural Mar-  
9 keting Service, shall establish and carry out a program  
10 to provide assistance to eligible trade organizations de-  
11 scribed in subsection (c) to increase the consumption of  
12 fruits and vegetables in the United States to meet Federal  
13 health guidelines.

14 (b) REQUIREMENTS FOR PARTICIPATION.—To be eli-  
15 gible for assistance under this section, an organization  
16 shall—

17 (1) be an eligible trade organization;

18 (2) prepare and submit a plan to increase the  
19 consumption of fruits and vegetables in the United  
20 States to the Administrator of the Agricultural Mar-  
21 keting Service that meets any guidelines governing  
22 such plans established by the Administrator; and

23 (3) meet any other requirements established by  
24 the Administrator.

1 (c) ELIGIBLE TRADE ORGANIZATIONS.—An eligible  
2 trade organization under this section shall be—

3 (1) a nonprofit fruit and vegetable trade organi-  
4 zations in the United States;

5 (2) a nonprofit State or regional fruit and vege-  
6 table organization;

7 (3) a fruit and vegetable agricultural coopera-  
8 tive in the United States;

9 (4) a commodity board or commission in the  
10 United States; or

11 (5) a small business engaged in the fruit and  
12 vegetable industry in the United States.

13 (d) MATCHING FUNDS.—Assistance provided under  
14 this section shall not exceed—

15 (1) in the case of an organization described in  
16 paragraphs (1) through (4) of subsection (c), 90  
17 percent of the cost of the plan to increase the con-  
18 sumption of fruits and vegetables in the United  
19 States submitted under subsection (b)(2); and

20 (2) in the case of an organization described in  
21 subsection (c)(5), 50 percent of the cost of the plan  
22 to increase the consumption of fruits and vegetables  
23 in the United States submitted under subsection  
24 (b)(2).

1 (e) FUNDING.—Of the funds available to the Com-  
2 modity Credit Corporation, the Administrator of the Agri-  
3 cultural Marketing Service shall use \$100,000,000 in each  
4 of fiscal years 2008 through 2011 to carry out this sec-  
5 tion.

6 **SEC. 610. USE OF “DIETARY GUIDELINES FOR AMERICANS”**  
7 **IN SPECIAL NUTRITION PROGRAMS AND**  
8 **SCHOOL LUNCH PROGRAMS.**

9 Section 9(a) of the Richard B. Russell National  
10 School Lunch Act (42 U.S.C. 1758(a)) is amended by add-  
11 ing at the end the following:

12 “(5) ALLOCATIONS TO BE BASED ON DIETARY  
13 GUIDELINES.—For school year 2007 and each school  
14 year thereafter, the Secretary shall ensure that allo-  
15 cations of food and food ingredients offered in school  
16 nutrition programs under this Act and the Child  
17 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are  
18 based on the most recent Dietary Guidelines for  
19 Americans.”.

20 **SEC. 611. SECTION 32 SPECIALTY CROP PURCHASES.**

21 (a) MINIMUM LEVEL OF PURCHASES.—Section 32 of  
22 the Act of August 24, 1935 (7 U.S.C. 612e) is amended  
23 in the sixth sentence by inserting after “and their prod-  
24 ucts” the following: “, and, for each of fiscal years 2008  
25 through 2012, the Secretary of Agriculture shall devote

1 not less than \$400,000,000 of sums appropriated under  
2 this section to purchases of non-basic agricultural com-  
3 modities, such as fruits, vegetables, and other specialty  
4 food crops”.

5 (b) **EXPANSION OF DOD FRESH PROGRAM.**—Such  
6 section is further amended by inserting after the sixth sen-  
7 tence, as amended by subsection (a), the following new  
8 sentence: “Of the funds specified in the preceding sen-  
9 tence, the Secretary of Agriculture shall expend not less  
10 than \$50,000,000 for fiscal year 2008, \$75,000,000 for  
11 both fiscal years 2009 and 2010, \$100,000,000 for fiscal  
12 year 2011, and \$125,000,000 for fiscal year 2012 for the  
13 purchase of fresh fruits and vegetables for distribution to  
14 schools and service institutions in accordance with section  
15 6(a) of the Richard B. Russell National School Lunch Act  
16 (42 U.S.C. 1755(a)).”.

17 **SEC. 612. ADMINISTRATION OF FOOD STAMP PROGRAM.**

18 Section 11(e)(1)(A) of the Food Stamp Act of 1977  
19 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting “, and  
20 provide food stamp nutrition education” after “program”.

1 **TITLE VII—PROMOTION OF NEW**  
2 **MARKETS AND FARM VIABILITY**

3 **SEC. 701. NATIONAL ORGANIC CERTIFICATION AND TRAN-**  
4 **SITION COST SHARE PROGRAM.**

5 Section 10606 of the Farm Security and Rural In-  
6 vestment Act of 2002 (7 U.S.C. 6523) is amended to read  
7 as follows:

8 **“SEC. 10606. NATIONAL ORGANIC CERTIFICATION AND**  
9 **TRANSITION COST SHARE PROGRAM.**

10 “(a) IN GENERAL.—Of the funds of the Commodity  
11 Credit Corporation, the Secretary of Agriculture (acting  
12 through the Natural Resources Conservation Service) shall  
13 use \$80,000,000 for each of fiscal years 2008 through  
14 2013 to establish a national organic certification and tran-  
15 sition cost-share program to assist producers and handlers  
16 of agricultural products in obtaining certification under  
17 the national organic production program established under  
18 the Organic Foods Production Act of 1990 (7 U.S.C. 6501  
19 et seq.) and to assist producers and handlers in making  
20 the transition to organic production under the such pro-  
21 gram.

22 “(b) CERTIFICATION COSTS.—

23 “(1) IN GENERAL.—The Secretary shall pay  
24 under this section a portion of the costs incurred by  
25 a producer or handler in obtaining certification

1 under the national organic production program, as  
2 certified to and approved by the Secretary.

3 “(2) MAXIMUM AMOUNT.—The amount of a  
4 payment made to a producer or handler for certifi-  
5 cation under this section shall be \$750 per year.

6 “(3) FUNDING.—Of the funds made available  
7 under subsection (a), the Secretary (acting through  
8 the Agricultural Marketing Service) shall use  
9 \$25,000,000 for each of the fiscal years 2008  
10 through 2013 to share up to 75 percent of the cost  
11 of certification.

12 “(c) ACCREDITATION AND ENFORCEMENT COSTS.—  
13 Of the funds made available under subsection (a), the Sec-  
14 retary (acting through the Agricultural Marketing Serv-  
15 ice) shall use \$5,000,000 for each of the fiscal years 2008  
16 through 2013 to fund the accreditation and enforcement  
17 programs operated by the National Organic Program to  
18 implement the accreditation and enforcement provisions of  
19 the Organic Foods Production Act of 1990.

20 “(d) REIMBURSEMENTS FOR INFRASTRUCTURE NEC-  
21 ESSARY TO IMPLEMENT ORGANIC PRACTICE STAND-  
22 ARDS.—

23 “(1) ESTABLISHMENT.—Not later than 180  
24 days after the date of the enactment of this Act, the  
25 Secretary shall establish a program to reimburse

1 producers and handlers for the costs of transition to  
2 organic production.

3 “(2) PROGRAM.—Under the program estab-  
4 lished under paragraph (1), the Secretary (acting  
5 through the Natural Resources Conservation Serv-  
6 ice) shall use \$50,000,000 for each of the fiscal  
7 years 2008 through 2013 to assist producers and  
8 handlers developing and implementing infrastructure  
9 and practices necessary to transition land and ani-  
10 mals to meet the requirements of the Organic Food  
11 Production Act of 1990.

12 “(3) PLAN SUBMISSION.—The Secretary may  
13 only reimburse a producer or handler under this sec-  
14 tion if the producer or handler submits to the Sec-  
15 retary an organic transition plan that contains the  
16 expected costs for infrastructure and practices, the  
17 environmental and economic benefits derived from  
18 the infrastructure or implementing organic practice  
19 standards, and a demonstration of the existence of  
20 a market or the reasonable expectation of a future  
21 market for the products to be produced or handled.

22 “(4) APPROPRIATE INFRASTRUCTURE AND  
23 PRACTICE STANDARDS.—The Secretary shall only re-  
24 imburse producers and handlers under this sub-  
25 section for the costs of the following:

1           “(A) Organic practices and activities dur-  
2           ing transition to certified organic production  
3           consistent with an approved plan to transition  
4           to certified organic production.

5           “(B) Farm infrastructure necessary to im-  
6           plement organic practice standards, including  
7           livestock watering facilities and fencing, so long  
8           as such infrastructure is consistent with an ap-  
9           proved plan to transition to certified organic  
10          production.

11          “(C) Organic livestock welfare measures,  
12          so long as such infrastructure or practices and  
13          activities are necessary to implement an organic  
14          practice standard and are consistent with an  
15          approved plan to transition to certified organic  
16          production.

17          “(D) Advanced organic practices consistent  
18          with approved certified organic production.

19          “(E) Technical assistance, including the  
20          costs of developing an approved transition plan  
21          under this section.

22          “(F) Other measures the Secretary, after  
23          consultation with the National Organic Stand-  
24          ards Board, determines are appropriate.



1           “(5) ORGANIC TRANSITION TECHNICAL AD-  
2           VICE.—The Secretary shall consult with the Na-  
3           tional Organic Standards Board regarding the ele-  
4           ments of an approved organic transition plan and to  
5           identify and recommend ways that the Secretary  
6           may generally use the resources provided for pro-  
7           grams under subtitle D of title XII of the Food Se-  
8           curity Act of 1985 (16 U.S.C. 3830 et seq.) to facili-  
9           tate transition to organic production, including the  
10          resources provided by the Environmental Quality In-  
11          centives Program and the Conservation Security  
12          Program.

13          “(6) MAXIMUM AMOUNT FOR TRANSITION RE-  
14          IMBURSEMENT.—Except as provided in (A) and (B),  
15          the maximum amount of reimbursement paid to a  
16          producer or handler for transition to organic produc-  
17          tion under this section shall be \$10,000 per fiscal  
18          year.

19          “(A) SPECIALTY CROPS.—In the case of an  
20          individual or entity who annually produces  
21          three or more types of specialty crops, the indi-  
22          vidual or entity may not receive, directly or in-  
23          directly, cost-share or incentive payments under  
24          this section that, in the aggregate, exceed

1           \$20,000 per year, for a period not to exceed  
2           four years.

3           “(B) DAIRY.—In the case of an individual  
4           or entity whose principal farming enterprise is  
5           dairy, the individual or entity may not receive,  
6           directly or indirectly, cost-share or incentive  
7           payments under this section that, in the aggregate,  
8           exceed \$20,000 per year, for a period not  
9           to exceed four years.

10          “(7) ELIGIBLE FISCAL YEARS.—A producer or  
11          handler may only receive payments—

12                 “(A) in four fiscal years; and

13                 “(B) after the first payment, in the fiscal  
14                 year in which such payment was made and the  
15                 three subsequent fiscal years.

16          “(8) TRANSITION REIMBURSEMENTS.—A certified  
17          organic producer or handler under the national  
18          organic production program shall be eligible for reimbursement  
19          to make the transition to organic production  
20          for new lands and livestock.

21          “(9) SUSPENSION AUTHORITY.—To ensure orderly  
22          and continued growth in organic farming—

23                 “(A) prior to each fiscal year and no later  
24                 than October 1st of each year, the Secretary  
25                 shall publish organic commodity specific assess-

1           ments analyzing the domestic production and  
2           consumption, import and export organic market  
3           demand and growth potential for each organic  
4           commodity and the anticipated number and  
5           total amount of new reimbursements for the fol-  
6           lowing year affecting each commodity; and

7           “(B) the Secretary shall not enroll new  
8           producers under this subsection if, for any par-  
9           ticular agricultural commodity, any new pro-  
10          ducers would produce an increased amount of  
11          that agricultural commodity that the Secretary  
12          finds is reasonably anticipated to affect the con-  
13          tinuing economic viability of farmers currently  
14          certified under the national organic production  
15          program or would create unreasonable geo-  
16          graphic disparities in the distribution of reim-  
17          bursements provided under this section.

18          “(10) APPEALS.—An applicant seeking transi-  
19          tion assistance under this section has the right to  
20          appeal an adverse decision by Secretary with regard  
21          to an application for assistance, as provided in sec-  
22          tion 275 of the Department of Agriculture Reorga-  
23          nization Act of 1994 (7 U.S.C. 6995).

24          “(e) TECHNICAL AND EDUCATIONAL ASSISTANCE.—

25          Of the funds made available under subsection (a) for a

1 fiscal year, the Secretary shall use not less than  
 2 \$15,000,000 to provide technical and educational assist-  
 3 ance to producers and handlers to carry out this section,  
 4 including entering into cooperative agreements with quali-  
 5 fied entities to implement the transition to organic produc-  
 6 tion.

7 “(f) REPORTING.—Not later than March 1 of each  
 8 year, the Secretary shall submit to Congress and the Na-  
 9 tional Organic Standards Board a report detailing State-  
 10 by-State expenditures on certification, including the num-  
 11 ber of producers and handlers served by the program, and  
 12 State-by-State expenditures on transition assistance, in-  
 13 cluding the number of producers and handlers served by  
 14 the program, the practices implemented, an assessment of  
 15 the impacts of the program on organic production, and  
 16 recommended reforms, if any.”

17 **TITLE VIII—RURAL REGIONAL**  
 18 **INVESTMENT INITIATIVE**

19 **SEC. 801. RURAL REGIONAL INVESTMENT INITIATIVE.**

20 (a) DEFINITION OF ELIGIBLE AREA.—Section 385B  
 21 of the Consolidated Farm and Rural Development Act (7  
 22 U.S.C. 2009dd–1) is amended by striking paragraph (3)  
 23 and inserting the following:

24 “(3) ELIGIBLE AREA.—The term ‘eligible area’  
 25 means a nonmetropolitan county that, based on in-

1 formation contained in the 2000 decennial census,  
2 has a population that resides in areas more than 50  
3 percent of which are classified as rural by the Sec-  
4 retary.”.

5 (b) COMPOSITION OF REGIONAL BOARDS.—Section  
6 385C(b)(2)(A) of the Consolidated Farm and Rural Devel-  
7 opment Act (7 U.S.C. 2009dd–2(b)(2)(A)) is amended by  
8 striking clauses (vi) and (vii) and inserting the following:

9 “(vi) academic institutions, including  
10 community colleges;

11 “(vii) faith-based organizations;

12 “(viii) other entities and organiza-  
13 tions, as determined by the Regional  
14 Board; and

15 “(ix) consortia of entities and organi-  
16 zations described in clauses (i) through  
17 (viii).”.

18 (c) COMPOSITION OF NATIONAL BOARD ON RURAL  
19 AMERICA.—Section 385D(b)(1)(A) of the Consolidated  
20 Farm and Rural Development Act (7 U.S.C. 2009dd–  
21 3(b)(1)(A)) is amended by striking clauses (iv) through  
22 (vii) and inserting the following:

23 “(iv) representatives of State and  
24 local governments;

1 “(v) representatives of the rural phil-  
2 anthropic community;

3 “(vi) representatives of Indian tribes  
4 (as defined in section 4 of the Indian Self-  
5 Determination and Education Assistance  
6 Act (25 U.S.C. 450b));

7 “(vii) representatives of nonprofit or-  
8 ganizations;

9 “(viii) representatives of academic in-  
10 stitutions, including community colleges;  
11 and

12 “(ix) representatives of such other en-  
13 tities or organizations as the Secretary  
14 considers to be appropriate.”.

15 (d) AMOUNT OF GRANTS.—Section 385E of the Con-  
16 solidated Farm and Rural Development Act (7 U.S.C.  
17 2009dd-4) is amended—

18 (1) in subsection (a), by striking  
19 “\$100,000,000” and inserting “\$200,000,000 each  
20 year”; and

21 (2) in subsection (b)—

22 (A) in the matter before paragraph (1), by  
23 inserting “each year” after “shall use”;

24 (B) in paragraph (1), by striking  
25 “\$8,000,000” and inserting “\$20,000,000”;

1 (C) in paragraph (2)—

2 (i) by striking “\$87,000,000” and in-  
3 sserting “\$135,000,000”; and

4 (ii) by striking “and” at the end;

5 (D) by redesignating paragraph (3) as  
6 paragraph (4); and

7 (E) by inserting after paragraph (2) the  
8 following:

9 “(3) not less than \$40,000,000 to carry out  
10 section 385I; and”.

11 (e) RURAL STRATEGIC INVESTMENT PLANNING  
12 GRANTS.—Section 385F of the Consolidated Farm and  
13 Rural Development Act (7 U.S.C. 2009dd–5) is amend-  
14 ed—

15 (1) by striking subsection (c) and inserting the  
16 following:

17 “(c) PREFERENCES.—In awarding planning grants,  
18 the National Board shall give a preference to planning  
19 grants that will be used—

20 “(1) to address community capacity building  
21 and community sustainability;

22 “(2) to incorporate other Federal agency devel-  
23 opment plans; or

24 “(3) to leverage available public and private as-  
25 sets.”; and

1           (2) in subsection (d), by striking “\$100,000”  
2           and inserting “\$250,000”.

3           (f) INNOVATION GRANTS.—Section 385G of the Con-  
4           solidated Farm and Rural Development Act (7 U.S.C.  
5           2009dd–6) is amended—

6           (1) in subsection (a), by inserting “to be admin-  
7           istered by the Office of Rural Development” after  
8           “innovation grants”;

9           (2) in subsection (d)(7), by inserting “, includ-  
10          ing poverty alleviation” before the period at the end;  
11          and

12          (3) in subsection (e)—

13                 (A) by redesignating paragraph (4) as  
14                 paragraph (5); and

15                 (B) by inserting after paragraph (3) the  
16                 following:

17                 “(4) NON-FEDERAL ORGANIZATIONS.—A Re-  
18                 gional Board may select 1 or more non-Federal or-  
19                 ganizations to manage and use innovation grants ap-  
20                 proved and awarded under this section.”.

21           **SEC. 802. RURAL REGIONAL ENTREPRENEURSHIP PRO-**  
22           **GRAM.**

23           Subtitle I of the Consolidated Farm and Rural Devel-  
24           opment Act (7 U.S.C. 2009dd et seq.) is amended by add-  
25           ing at the end the following:



1 **“SEC. 385I. RURAL REGIONAL ENTREPRENEURSHIP PRO-**  
2 **GRAM.**

3 “(a) DEFINITION OF RURAL ENTREPRENEUR.—The  
4 term ‘rural entrepreneur’ means a microentrepreneur, or  
5 prospective microentrepreneur—

6 “(1) the principal place of business of which is  
7 in an eligible area; and

8 “(2) that is unable to obtain sufficient training,  
9 technical assistance, or microcredit elsewhere, as de-  
10 termined by the Secretary.

11 “(b) PROGRAM.—The Secretary shall establish a  
12 rural regional entrepreneurship program under which the  
13 Secretary shall provide grants to stimulate rural entrepre-  
14 neurship and provide technical assistance, research, and  
15 evaluation to rural entrepreneurs.

16 “(c) BLOCK GRANTS.—

17 “(1) IN GENERAL.—From amounts made avail-  
18 able under subsection (f), the Secretary shall use  
19 \$15,000,000 for each fiscal year to make block  
20 grants to States in accordance with this subsection.

21 “(2) AMOUNT OF GRANT.—A grant to a State  
22 under this subsection for any fiscal year shall be in  
23 an amount that is, as determined by the National  
24 Board—

25 “(A) not more than \$400,000; and

26 “(B) not less than \$200,000.

1           “(3) COST SHARE.—To be eligible to receive a  
2           grant under this subsection, a State shall match any  
3           grant funds received under this subsection with an  
4           equal or greater amount of non-Federal funds.

5           “(4) USE OF FUNDS.—A State shall use funds  
6           received under this subsection to support multi-coun-  
7           ty entrepreneurship development systems focused on  
8           eligible areas in consultation with the RUPRI Cen-  
9           ter for Rural Entrepreneurship.

10          “(d) COMPETITIVE REGIONAL ENTREPRENEURSHIP  
11          GRANTS.—

12                 “(1) IN GENERAL.—From amounts made avail-  
13                 able under subsection (f), the Secretary shall—

14                         “(A) transfer \$15,000,000 for each fiscal  
15                         year to the National Board to make regional  
16                         entrepreneurship grants to rural entrepreneurs  
17                         through a competitive application process; and

18                         “(B) use at least \$10,000,000 to make  
19                         grants to successful applicants identified as re-  
20                         gional intermediaries under subsection (e)(3).

21                 “(2) ADMINISTRATION.—The Under Secretary  
22                 for Rural Development shall administer grants  
23                 under this subsection.

24                 “(e) CENTER FOR RURAL ENTREPRENEURSHIP.—

1           “(1) IN GENERAL.—From amounts made avail-  
2           able under subsection (f), the Secretary shall trans-  
3           fer \$10,000,000 for each fiscal year to the RUPRI  
4           Center for Rural Entrepreneurship (referred to in  
5           this subsection as the ‘Center’) for use in accordance  
6           with this subsection.

7           “(2) RESEARCH, EVALUATION, AND DATA COL-  
8           LECTION AND ANALYSIS.—

9           “(A) IN GENERAL.—Of the amount trans-  
10           ferred to the Center under paragraph (1), the  
11           Center shall use \$5,000,000 for each fiscal year  
12           to carry out research, evaluation, and data col-  
13           lection and analysis programs, of which not less  
14           than \$500,000 for each fiscal year shall be used  
15           to enter into contracts, in accordance with a na-  
16           tional research agenda approved by the Na-  
17           tional Board, with each of—

18                   “(i) the regional rural development  
19                   centers described in section 1670(a) of the  
20                   Food, Agriculture, Conservation, and  
21                   Trade Act of 1990 (7 U.S.C. 5923(a));  
22                   and

23                   “(ii) the Economic Research Service.

1           “(B) COORDINATION AND FOCUS OF PRO-  
2 GRAMS.—The programs carried out under this  
3 paragraph shall—

4                   “(i) be coordinated by the Center  
5 across a broad range of higher education  
6 institutions and research organizations;  
7 and

8                   “(ii) focus on providing insights and  
9 creating opportunities for sustained entre-  
10 preneurship development in rural areas of  
11 the United States.

12           “(3) REGIONAL INTERMEDIARIES.—Of the  
13 amount transferred to the Center under paragraph  
14 (1), the Center shall use \$4,000,000 for each fiscal  
15 year to establish and maintain a nationwide network  
16 of regional intermediaries with the capacity and  
17 tools—

18                   “(A) to provide effective entrepreneurship  
19 development information, training, and tech-  
20 nical assistance to rural regions and commu-  
21 nities in the United States; and

22                   “(B) to enhance the effectiveness of orga-  
23 nizations that provide direct technical assist-  
24 ance and training services to rural entre-  
25 preneurs.

1           “(4) MANAGEMENT ACTIVITIES AND RE-  
2           PORTS.—Of the amount transferred to the Center  
3           under paragraph (1), the Center shall use  
4           \$1,000,000 for each fiscal year—

5                   “(A) to enhance and sustain the capacity  
6                   and ability of the Center to direct and manage  
7                   the programs and activities described in para-  
8                   graphs (1), (2), and (3); and

9                   “(B) to submit—

10                           “(i) to the National Board, an annual  
11                           report that describes those programs and  
12                           activities carried out during the year cov-  
13                           ered by the report; and

14                           “(ii) to the Secretary, an annual re-  
15                           port that describes the state of entrepre-  
16                           neurship in the United States during the  
17                           year covered by the report.

18           “(5) AVAILABILITY OF FUNDS; CONTRACTS.—

19                   “(A) AVAILABILITY OF FUNDS.—Funds  
20                   made available under this subsection shall re-  
21                   main available until expended, including for any  
22                   purpose under this section.

23                   “(B) CONTRACTS.—Each contract entered  
24                   into by the Center and an individual or entity

1 shall be based on the performance of the indi-  
2 vidual or entity.

3 “(f) FUNDING.—Of funds made available under sec-  
4 tion 385E(b)(3), for each of fiscal years 2008 through  
5 2012, the Secretary shall use to carry out this section  
6 \$40,000,000, to remain available until expended.”.

## 7 **TITLE IX—NUTRITION**

### 8 **SEC. 901. RENAMING THE FOOD STAMP PROGRAM.**

9 (a) AMENDMENT.— Section 3(h) of the Food Stamp  
10 Act of 1977 (7 U.S.C. 2012(h)) is amended by striking  
11 “Food stamp program” and inserting “Secure Nutrition  
12 Access Program”.

13 (b) REFERENCES.—Any reference to the food stamp  
14 program in any law, regulation, document, paper, or other  
15 record of the United States shall be deemed to be a ref-  
16 erence to the Secure Nutrition Access Program.

## 17 **Subtitle A—Improving Benefit** 18 **Adequacy**

### 19 **SEC. 911. STRENGTHENING THE FOOD PURCHASING** 20 **POWER OF LOW-INCOME AMERICANS.**

21 Section 5(e)(1) of the Food Stamp Act of 1977 (7  
22 U.S.C. 2014(e)(1)) is amended—

23 (1) in subparagraph (A)(ii) by striking “not  
24 less than \$134” and all that follows to the end of

1 the clause and inserting the following: “not less  
2 than—

3 “(I) for fiscal year 2008, \$150,  
4 \$256, \$212, and \$132, respectively;

5 “(II) for fiscal year 2009, \$170,  
6 \$291, \$240, and \$150, respectively;

7 “(III) for fiscal year 2010, \$180,  
8 \$308, \$254, and \$159, respectively;

9 “(IV) for fiscal year 2011, \$201,  
10 \$344, \$284, and \$177, respectively;  
11 and

12 “(V) for each fiscal year there-  
13 after, an amount that is equal to the  
14 amount from the previous fiscal year  
15 adjusted to the nearest lower dollar  
16 increment to reflect changes in the  
17 Consumer Price Index for all urban  
18 consumers published by the Bureau of  
19 Labor Statistics, for items other than  
20 food, for the twelve months ending the  
21 preceding June 30.”; and

22 (2) in subparagraph (B)(ii) by striking “not  
23 less than \$269.” and inserting the following: “not  
24 less than—

25 “(I) for fiscal year 2008, \$301;

1 “(II) for fiscal year 2009, \$341;

2 “(III) for fiscal year 2010, \$361;

3 “(IV) for fiscal year 2011, \$404;

4 and

5 “(V) for each fiscal year there-

6 after, an amount that is equal to the

7 amount from the previous fiscal year

8 adjusted to the nearest lower dollar

9 increment to reflect changes in the

10 Consumer Price Index for all urban

11 consumers published by the Bureau of

12 Labor Statistics, for items other than

13 food, for the twelve months ending the

14 preceding June 30.”.

15 **SEC. 912. SUPPORTING WORKING FAMILIES WITH CHILD**

16 **CARE EXPENSES.**

17 Section 5(e)(3)(A) of the Food Stamp Act of 1977

18 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the

19 maximum allowable level of which shall be \$200 per month

20 for each dependent child under 2 years of age and \$175

21 per month for each other dependent,”.

22 **SEC. 913. EXCLUSION OF COMBAT-RELATED MILITARY PAY**

23 **FROM COUNTABLE INCOME.**

24 Section 5(d) of the Food Stamp Act of 2007 (7

25 U.S.C. 2014(d)) is amended—



1           (1) by striking “ and (18)”, and inserting  
2           “(18)”, and

3           (2) by inserting before the period at the end the  
4           following:

5           “and (19) any additional payment received under chapter  
6           5 of title 37, United States Code, by a member of the  
7           United States Armed Forces deployed to a designated  
8           combat zone for the duration of the member’s deployment  
9           if the additional pay is the result of deployment to or while  
10          serving in a combat zone, and it was not received imme-  
11          diately prior to serving in the combat zone”.

12          **SEC. 914. INCREASING THE MINIMUM BENEFIT.**

13          Section 8(a) of the Food Stamp Act of 1977 (7  
14          U.S.C. 2017(a)) is amended by striking “be \$10 per  
15          month.” and inserting “be—

16                 “(1) for fiscal year 2008, 10 percent of the  
17          thrifty food plan for a household containing one  
18          member, as determined by the Secretary under sec-  
19          tion 3(o);

20                 “(2) for fiscal year 2009, 13 percent of the  
21          thrifty food plan for a household containing one  
22          member, as determined by the Secretary under sec-  
23          tion 3(o);

24                 “(3) for fiscal year 2010, 15 percent of the  
25          thrifty food plan for a household containing one

1 member, as determined by the Secretary under sec-  
2 tion 3(o);

3 “(4) for fiscal year 2011, 18 percent of the  
4 thrifty food plan for a household containing one  
5 member, as determined by the Secretary under sec-  
6 tion 3(o);

7 “(5) for fiscal year 2012 and each fiscal year  
8 thereafter, 20 percent of the thrifty food plan for a  
9 household containing one member, as determined by  
10 the Secretary under section 3(o).”.

11 **Subtitle B—Improving Food Secu-**  
12 **urity and Simplifying Program**  
13 **Operations**

14 **SEC. 921. ALLOWABLE COUNTABLE RESOURCES.**

15 Section 5(g) of the Food Stamp Act of 1977 (7  
16 U.S.C. 2014(g)) is amended—

17 (1) by striking “(g)(1) The Secretary” and in-  
18 serting the following:

19 “(g) ALLOWABLE FINANCIAL RESOURCES.—

20 “(1) TOTAL AMOUNT.—

21 “(A) IN GENERAL.—The Secretary”;

22 (2) in subparagraph (A) (as designated by  
23 paragraph (1))—

1 (A) by striking “\$2,000” and inserting  
2 “\$3,700 (as adjusted in accordance with sub-  
3 paragraph (B))”; and

4 (B) by striking “\$3,000” and inserting  
5 “\$5,500 (as adjusted in accordance with sub-  
6 paragraph (B))”; and

7 (3) by adding at the end the following:

8 “(B) ADJUSTMENT FOR INFLATION.—

9 “(i) IN GENERAL.—Beginning on Oc-  
10 tober 1, 2008, and each October 1 there-  
11 after, the amounts in subparagraph (A)  
12 shall be adjusted to the nearest \$100 in-  
13 crement to reflect changes for the 12-  
14 month period ending the preceding June in  
15 the Consumer Price Index for All Urban  
16 Consumers published by the Bureau of  
17 Labor Statistics of the Department of  
18 Labor.

19 “(ii) REQUIREMENT.—Each adjust-  
20 ment under clause (i) shall be based on the  
21 unrounded amount for the prior 12-month  
22 period.”.

1 **SEC. 922. EXCLUSION OF RETIREMENT ACCOUNTS FROM**  
2 **COUNTABLE FINANCIAL RESOURCES.**

3 (a) ACCOUNTS.—Section 5(g)(2)(B)(v) of the Food  
4 Stamp Act of 1977 (7 U.S.C. 2014(g)(2)(B)(v)) is amend-  
5 ed by striking “or retirement account (including an indi-  
6 vidual account)” and inserting “account”.

7 (b) MANDATORY AND DISCRETIONARY EXCLU-  
8 SIONS.—Section 5(g) of the Food Stamp Act of 1977 (7  
9 U.S.C. 2014(g)) is amended by adding at the end the fol-  
10 lowing:

11 “(7) EXCLUSION OF RETIREMENT ACCOUNTS  
12 FROM COUNTABLE FINANCIAL RESOURCES.—

13 “(A) MANDATORY EXCLUSIONS.—The Sec-  
14 retary shall exclude from financial resources  
15 under this subsection the value of any funds in  
16 a plan, contract, or account, described in sec-  
17 tions 401(a), 403(a), 403(b), 408, 408A,  
18 457(b), and 501(c)(18) of the Internal Revenue  
19 Code of 1986 and the value of funds in a Fed-  
20 eral Thrift Savings Plan account as provided in  
21 section 8439 of title 5, United States Code.

22 “(B) DISCRETIONARY EXCLUSIONS.—The  
23 Secretary may exclude from financial resources  
24 under this subsection the value of any other re-  
25 tirement plans, contracts, or accounts (as deter-  
26 mined by the Secretary through regulation).”.

1 **SEC. 923. EXCLUSION OF EDUCATION ACCOUNTS FROM**  
2 **COUNTABLE FINANCIAL RESOURCES.**

3 Section 5(g) of the Food Stamp Act of 1977 (7  
4 U.S.C. 2014(g), as amended by section 922, is amended  
5 by adding at the end the following:

6 “(8) EXCLUSION OF EDUCATION ACCOUNTS  
7 FROM COUNTABLE FINANCIAL RESOURCES.—

8 “(A) MANDATORY EXCLUSIONS.—The Sec-  
9 retary shall exclude from financial resources  
10 under this subsection the value of any funds in  
11 a qualified tuition program described in section  
12 529 of the Internal Revenue Code of 1986 or  
13 in a Coverdell education savings account under  
14 section 530 of that Code.

15 “(B) DISCRETIONAL EXCLUSIONS.—The  
16 Secretary may exclude from financial resources  
17 under this subsection the value of any other  
18 education programs, contracts, or accounts (as  
19 determined by the Secretary through regula-  
20 tion.”.

21 **SEC. 924. SIMPLIFYING WORK REQUIREMENT.**

22 Section 6(o) of the Food Stamp Act of 1977 (7  
23 U.S.C. 2015(o)) is amended—

24 (1) in paragraph (1)(C) by deleting “, other  
25 than a job search program or a job search training  
26 program”;

1 (2) in paragraph (2)—

2 (A) by striking “36” and replacing it with  
3 “12”; and

4 (B) by striking “3” and replacing it with  
5 “6”; and

6 (3) by striking paragraph (5) and inserting:

7 “(5) SUBSEQUENT ELIGIBILITY.—Individuals  
8 denied eligibility under paragraph (2) shall regain  
9 eligibility to participate in the food stamp program  
10 if the State agency determines, pursuant to stand-  
11 ards promulgated by the Secretary, that the individ-  
12 uals have been supporting themselves through work.  
13 An otherwise eligible individual who regains eligi-  
14 bility under this provision may participate as long as  
15 the State agency expects the individual to qualify  
16 under paragraph (3), (4), or (6) and for an addi-  
17 tional six-month period when such individual does  
18 not comply with such paragraphs.”.

19 **SEC. 925. FAIRNESS FOR LEGAL IMMIGRANTS.**

20 Notwithstanding sections 401(a), 402(a), and 403(a)  
21 of the Personal Responsibility and Work Opportunity Rec-  
22 onciliation Act of 1996 (8 U.S.C. 1611(a), 1612(a),  
23 1613(a)) and section 6(f) of the Food Stamp Act of 1977  
24 (7 U.S.A. 2015(f)), persons who are lawfully residing in  
25 the United States shall be not be ineligible for food stamps

1 on the basis of their immigration status or date of entry  
2 into the United States.

3 **SEC. 926. CLARIFYING ELIGIBILITY.**

4 Section 421 of the Personal Responsibility and Work  
5 Opportunity Reconciliation Act of 1996 (8 U.S.C.  
6 1631(d)(3)) is amended —

7 (1) by striking “to the extent that a qualified  
8 alien is eligible under section 1612(a)(2)(J) of this  
9 title.” and

10 (2) inserting, “to the extent that a child is a  
11 member of the food stamp household.”.

12 **SEC. 927. ENSURING PROPER SCREENING.**

13 Section 11(e)(2)(B) of the Food Stamp Act of 1977  
14 (7 U.S.C. 2020(e)(2)(B)) is amended—

15 (1) by redesignating clauses (vi) and (vii) as  
16 clauses (vii) and (viii); and

17 (2) by inserting after clause (v) the following:

18 “(vi) shall provide a method for imple-  
19 menting of section 421 of the Personal Re-  
20 sponsibility and Work Opportunity Rec-  
21 onciliation Act of 1996 (8 U.S.C. 1631)  
22 that does not require any unnecessary in-  
23 formation from persons who may be ex-  
24 empt from that provision;”.

1 **SEC. 928. CLARIFICATION OF SIMPLIFIED ADMINISTRATIVE**  
2 **REPORTING REQUIREMENT.**

3 Section 11(a) of the Food Stamp Act of 1977 (7  
4 U.S.C. 2020(a)) is amended by adding at the end “The  
5 administrative reporting requirement under 8 U.S.C.  
6 1631(e)(2) shall be satisfied by the submission of an ag-  
7 gregate report on the numbers of such exceptions granted  
8 each year.”.

9 **Subtitle C—Connecting Eligible**  
10 **Families and Individuals to**  
11 **Food Stamps**

12 **SEC. 931. FACILITATING SIMPLIFIED REPORTING.**

13 Section 6(c) of the Food Stamp Act of 1977 (7  
14 U.S.C. 2015(c)(1)(A)) is amended—

15 (1) in paragraph (1)(A), by—

16 (A) striking “reporting by” and inserting  
17 “reporting”;

18 (B) inserting “for periods shorter than  
19 four months by” after the clause designations  
20 in clauses (i) and (ii); and

21 (C) inserting “by” after the clause des-  
22 ignation in clause (iii);

23 (2) in paragraph (3), by—

24 (A) striking “Reports required to be filed  
25 monthly under paragraph (1)” and inserting



1 “Except as provided in paragraph (1)(D)(ii),  
2 periodic reports filed under paragraph (1)”;

3 (B) striking “required to be filed month-  
4 ly”;

5 (C) striking “subject matter included in  
6 such reports” and inserting “such households”;  
7 and

8 (D) inserting after the third sentence the  
9 following: “The State agency shall not be re-  
10 quired to act on information about such house-  
11 hold received from any source between such  
12 periodic reports unless the information clearly  
13 indicates that the household is not eligible, sub-  
14 ject to standards established by the Secretary,  
15 or the household requests an increase in bene-  
16 fits.”.

17 **SEC. 932. STATE OPTION FOR TELEPHONIC SIGNATURE.**

18 Section 11(e)(2)(C) of the Food Stamp Act of 1977  
19 (7 U.S.C. 2020(e)(2)(C)) is amended by inserting at the  
20 end: “A State agency may establish a system by which  
21 an applicant household may sign an application through  
22 a recorded verbal assent over the telephone. Any such sys-  
23 tem shall—

1           “(i) record for future reference the  
2 household member’s verbal assent and the  
3 information to which assent was given;

4           “(ii) include effective safeguards  
5 against impersonation, identity theft, or in-  
6 vasions of privacy;

7           “(iii) not deny or interfere with the  
8 right of the household to apply in writing;

9           “(iv) promptly send the household  
10 member a written copy of the signed appli-  
11 cation, with instructions on a simple proce-  
12 dure for correcting any errors or omis-  
13 sions;

14           “(v) comply with paragraph (1)(B);

15           “(vi) satisfy all requirements for a  
16 signature on an application under this Act  
17 and other laws applicable to the food and  
18 nutrition assistance program, with the date  
19 on which the household member provides  
20 verbal assent effective as the date of appli-  
21 cation for all purposes; and

22           “(vii) comply with such other stand-  
23 ards as the Secretary may establish.”.

1 **SEC. 933. REAUTHORIZATION OF FOOD STAMP PROGRAM**  
2 **AND FOOD DISTRIBUTION PROGRAM ON IN-**  
3 **DIAN RESERVATIONS.**

4 (a) **FOOD STAMP EMPLOYMENT AND TRAINING.**—  
5 Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C.  
6 2025(h)(1)) is amended

7 (1) in subparagraph (A)(vi)(II) by striking  
8 “2002 through 2007” and inserting “2008 through  
9 2012”; and

10 (2) in subparagraph (E)(i) by striking “2002  
11 through 2007” and inserting “2008 through 2012”.

12 (b) **REDUCTIONS IN PAYMENTS FOR ADMINISTRA-**  
13 **TIVE COSTS.**—Section 16(k)(3) of the Food Stamp Act  
14 of 1977 (7 U.S.C. 2025(k)(3)) is amended—

15 (1) in the first sentence of subparagraph (A),  
16 by striking “2007” and inserting “2012”; and

17 (2) in subparagraph (B)(ii) by striking “2007”  
18 and inserting “2012”.

19 (c) **CASH PAYMENT PILOT PROJECTS.**—Section  
20 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C.  
21 2026(b)(1)(B)(vi)) is amended by striking “2007” and in-  
22 serting “2012”.

23 (d) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
24 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C.  
25 2027(a)(1)) is amended in the first sentence by striking

1 “2003 through 2007” and inserting “2008 through  
2 2012”.

3 (e) CONSOLIDATED BLOCK GRANTS FOR PUERTO  
4 RICO AND AMERICAN SAMOA.—Section 19(a)(2) of the  
5 Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)) is amend-  
6 ed in subparagraph (A)(ii) by striking “2007” and insert-  
7 ing “2012”.

8 (f) COMMODITY DISTRIBUTION PROGRAM.—Section  
9 4(a) of the Agriculture and Consumer Protection Act of  
10 1973 (7 U.S.C. 612c note) is amended in the first sen-  
11 tence by striking “2007” and inserting “2012”.

12 **SEC. 934. ACCESS TO BENEFITS.**

13 Section 7 of the Food Stamp Act of 1977 (7 U.S.C.  
14 2016) is amended by inserting at the end the following:

15 “(k) No State agency shall establish any additional  
16 requirements or conditions on households to receive bene-  
17 fits, other than those specified in this section.”.

18 **SEC. 935. OUTREACH GRANTS.**

19 Section 11(t)(1) of the Food Stamp Act of 2007 (7  
20 U.S.C. 2020(t)(1)) is amended by striking “For each of  
21 fiscal years” and all that follows through \$5,000,000, and  
22 inserting “For each of fiscal years 2008 through 2012,  
23 the Secretary shall use not more than \$15,000,000”.

1 **SEC. 936. IMPROVING PROGRAM OPERATIONS AND PRO-**  
2 **GRAM EFFECTIVENESS.**

3 Section 17 of the Food Stamp Act of 1977 (7.U.S.C.  
4 2026) is amended by adding at the end the following:

5 “(k) RESEARCH TO IMPROVE PROGRAM OPERATION  
6 EFFECTIVENESS.—

7 “(1) For each of fiscal years 2008 through  
8 2010, the Secretary shall use no less than  
9 \$9,000,000 of funds made available under Section  
10 18(a)(1) to conduct research and demonstration  
11 projects in support of the Food Stamp Act.

12 “(2) Of the funds provided in paragraph (1), no  
13 less than \$4,000,000 in each fiscal year shall be  
14 used to conduct research and studies on how to im-  
15 prove the effectiveness of food stamp program oper-  
16 ations by increasing access for eligible households,  
17 reducing State agency and household administrative  
18 burdens, and improving program integrity. Such  
19 studies may evaluate the most effective—

20 “(A) use of verification;

21 “(B) telephonic and internet applications;

22 “(C) call centers;

23 “(D) efforts to retain eligible households at  
24 recertification; and

25 “(E) methods of providing food stamps to  
26 working households, seniors, legal immigrants,

1 and households with limited English proficient  
2 households, particularly in areas and States  
3 that have experienced rapid growth in their  
4 non-English speaking populations.”.

5 **SEC. 937. IMPROVING PERFORMANCE BONUSES FOR**  
6 **STATES.**

7 Section 16(d)(2)(B)(ii) of the Food Stamp Act of  
8 1977 (7 U.S.C. 2025(d)) is amended by—

9 (1) inserting “through fiscal year 2007” after  
10 “each fiscal year”; and

11 (2) inserting at the end “For each of fiscal  
12 years 2008 and thereafter, \$68,000,000 shall be  
13 available under this clause for performance bonus  
14 payments.”.

15 **SEC. 938. SUPPORTING STATE EFFORTS DURING NATURAL**  
16 **DISASTERS.**

17 Section 5(h) of the Food Stamp Act of 1977 (7  
18 U.S.C. 2014(h)) is amended by adding at the end the fol-  
19 lowing:

20 “(4) In lieu of the payments section 16(a)  
21 would otherwise require, the Secretary shall pay  
22 each State agency an amount equal to 90 per cen-  
23 tum of administrative costs allowable under section  
24 16(a) for costs related to planning and operating

1 disaster food stamp programs under this sub-  
2 section.”.

3 **SEC. 939. ADDRESSING HUNGER IN THE COMMONWEALTH**  
4 **OF PUERTO RICO.**

5 Section 19(a)(2)(A) of the Food Stamp Act of 1977  
6 (7 U.S.C. 2028(a)(2)(A)) is amended by—

7 (1) in clause (i) by striking “2003, \$1,401,000”  
8 and inserting “2008, \$1,761,000”; and

9 (2) in clause (ii) by striking “2004” and all  
10 that follows through “preceding fiscal year.” and in-  
11 serting the following:

12 “2009 through 2012, the amount specified  
13 in clause (i), as adjusted by the sum of the  
14 percentage by which the thrifty food plan  
15 has been adjusted under section 3(o)(4)  
16 between June 30, 2007 and June 30 of the  
17 immediately preceding fiscal year and the  
18 percentage by which the Census Bureau  
19 estimates that the total population of the  
20 Commonwealth of Puerto Rico has grown  
21 for the same period.”.

22 **SEC. 940. STUDY ON COMPARABLE ACCESS TO FOOD STAMP**  
23 **BENEFITS FOR PUERTO RICO.**

24 Section 19 of the Food Stamp Act of 1977 (7 U.S.C.  
25 2028) is amended by inserting at the end the following:

1       “(e) The Secretary shall conduct a study of the feasi-  
2 bility and effects of defining the Commonwealth of Puerto  
3 Rico to be a State under section 3(m), in lieu of the block  
4 grant under this section. The study shall include—

5               “(1) an assessment of the administrative, finan-  
6 cial management, and other changes that would be  
7 required by the Commonwealth to establish a com-  
8 parable Food Stamp program;

9               “(2) a discussion of the appropriate program  
10 rules under the other sections of the Act, such as  
11 benefit levels under section 3(o), income eligibility  
12 standards under section 5(c), and deduction levels  
13 under section 5(e), for the Commonwealth to estab-  
14 lish a comparable Food Stamp program;

15               “(3) an estimate of the impact on Federal and  
16 Commonwealth benefit and administrative costs;

17               “(4) an estimate of the impact of the Food  
18 Stamp program on hunger and food insecurity  
19 among low-income Puerto Ricans, and

20               “(5) such other findings as the Secretary deems  
21 appropriate.”.

22 **SEC. 941. EXPANDING THE USE OF FOOD STAMPS AT FARM-**  
23 **ERS’ MARKETS.**

24       Section 25 of the Food Stamp Act of 1977 (7 U.S.C.  
25 2034) is amended by adding at the end the following:



1       “(i) GRANTS TO EXPAND THE NUMBER OF FARM-  
2       ERS’ MARKETS THAT ACCEPT FOOD STAMP BENEFITS.—

3               “(1) IN GENERAL.—For each of fiscal years  
4       2008 through 2010, the Secretary shall use not  
5       more than \$5,000,000 of funds made available  
6       under section 18(a)(1) to make grants to pay 100  
7       percent of the costs of eligible entities approved by  
8       the Secretary to carry out projects to expand the  
9       number of farmers’ markets that accept food stamp  
10      benefits by—

11               “(A) providing equipment and training  
12              necessary for markets to accept food stamp  
13              benefits;

14               “(B) educating and providing technical as-  
15              sistance to farmers and farmers’ market opera-  
16              tors about the process and benefits of accepting  
17              food stamp benefits; or

18               “(C) other activities deemed appropriate  
19              by the Secretary.

20               “(2) LIMITATION.—A grant made under this  
21              subsection shall not be made for the cost of the on-  
22              going cost of carrying out any project.

23               “(3) ELIGIBLE ENTITIES.—To be eligible to re-  
24              ceive a grant under this subsection, an entity shall  
25              be—

1           “(A) a State agency administering the  
2           Food Stamp Program;

3           “(B) a State or local government; or

4           “(C) a private nonprofit entity that coordi-  
5           nates farmers markets in or within a State and  
6           that operates in cooperation with State or local  
7           government.

8           “(4) SELECTION OF ELIGIBLE ENTITIES.—The  
9           Secretary—

10           “(A) shall develop criteria for the selection  
11           of eligible entities to receive grants under this  
12           subsection; and

13           “(B) may give preference to any eligible  
14           entity that consists of a partnership between a  
15           government entity and a non-governmental enti-  
16           ty.”.

17           **Subtitle D—Supporting the Emer-**  
18           **gency Food Bank Network and**  
19           **Other Community Partners**

20           **SEC. 951. COMMODITIES FOR THE EMERGENCY FOOD AS-**  
21           **SISTANCE PROGRAM.**

22           Section 27(a) of the Food Stamp Act of 1977 (7  
23           U.S.C. 2036(a)) is amended—

1 (1) by striking “(a) PURCHASE OF COMMOD-  
2 ITIES.—” and all that follows through “through  
3 2007” and inserting the following:

4 “(a) PURCHASE OF COMMODITIES.—

5 “(1) IN GENERAL.—As provided in paragraph  
6 (2), for each of fiscal years 2008 through 2012”;

7 (2) by striking “\$140,000,000 of”; and

8 (3) by inserting at the end:

9 “(2) AMOUNTS.—The following amounts are  
10 made available to carry out this subsection:

11 “(A) for fiscal year 2008, \$250,000,000;

12 and

13 “(B) for each of fiscal years 2009 through  
14 2012, the dollar amount of commodities avail-  
15 able in the immediately preceding fiscal year  
16 adjusted by the percentage by which the thrifty  
17 food plan has been adjusted under section  
18 3(o)(4) between June 30, 2007 and June 30 of  
19 the immediately preceding fiscal year.”.

20 **SEC. 952. ACCOUNTABLE PROGRAM ADMINISTRATION.**

21 (a) PROHIBITION.—Section 11(e)(6)(B) of the Food  
22 and Nutrition Assistance Act of 2007 (7 U.S.C.  
23 2020(e)(6)(B)) is amended to read as follows:

24 “(B) only State employees employed in ac-  
25 cordance with the current standards for a Merit

1 System of Personnel Administration, or any  
2 standards later prescribed by the Office of Per-  
3 sonnel Management pursuant to section 208 of  
4 the Intergovernmental Personnel Act of 1970  
5 (42 U.S.C. 4728) modifying or superseding  
6 such standards relating to the establishment  
7 and maintenance of personnel standards on a  
8 merit basis, shall—

9 “(i) represent the State agency in any  
10 communications with a prospective appli-  
11 cant, applicant, or recipient household;

12 “(ii) participate in making any deter-  
13 minations relating to a household’s sub-  
14 stantive or procedural compliance with the  
15 requirements of this Act or implementing  
16 regulations, including the adequacy of the  
17 household’s application or of verification or  
18 other information the household has sub-  
19 mitted in support of that application; or

20 “(iii) perform any other acts or par-  
21 ticipate in making any other determina-  
22 tions required under this subsection;”.

23 (b) WAIVERS.—Section 17(b)(1)(B)(iv)(III)(ff) of the  
24 Food and Nutrition Assistance Act of 2007 (7 U.S.C.

1 2026(b)(1)(B)(iv)(III)(ff)) is amended in inserting “or  
2 11(e)(6)(B)” before the semicolon.

3 (c) PROJECTS.—Section 26(f)(3)(E) of the Food and  
4 Nutrition Assistance Act of 2007 (7 U.S.C.  
5 2035(f)(3)(E)) is amended by inserting “(6)(B)” after  
6 “paragraphs”.

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