

In the Senate of the United States,

September 29 (legislative day, September 17), 2008.

Resolved, That the bill from the House of Representatives (H.R. 6849) entitled “An Act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE***

2 ***ACRES.***

3 *(a) SUSPENSION OF PROHIBITION.—*

4 *(1) IN GENERAL.—Section 1101(d) of the Food,*

5 *Conservation, and Energy Act of 2008 (7 U.S.C.*

1 8711(d)) is amended by adding at the end the fol-
 2 lowing:

3 “(4) *SUSPENSION OF PROHIBITION.*—Paragraphs
 4 (1) through (3) shall not apply during the 2008 crop
 5 year.”.

6 (2) *PEANUTS.*—Section 1302(d) of the Food,
 7 Conservation, and Energy Act of 2008 (7 U.S.C.
 8 8752(d)) is amended by adding at the end the fol-
 9 lowing:

10 “(4) *SUSPENSION OF PROHIBITION.*—Paragraphs
 11 (1) through (3) shall not apply during the 2008 crop
 12 year.”.

13 (b) *EXTENSION OF 2008 SIGNUP FOR DIRECT PAY-*
 14 *MENTS AND COUNTER-CYCLICAL PAYMENTS.*—

15 (1) *IN GENERAL.*—Section 1106 of the Food,
 16 Conservation, and Energy Act of 2008 (7 U.S.C.
 17 8716) is amended by adding at the end the following:

18 “(f) *EXTENSION OF 2008 SIGNUP.*—

19 “(1) *IN GENERAL.*—Notwithstanding any other
 20 provision of law, the Secretary shall extend the 2008
 21 crop year deadline for the signup for benefits under
 22 this subtitle by producers on a farm with base acres
 23 of 10 acres or less until the later of—

24 “(A) November 14, 2008; or

1 “(B) the end of the 45-day period beginning
2 on the date of the enactment of this subsection.

3 “(2) *PENALTIES.*—The Secretary shall ensure
4 that no penalty with respect to benefits under this
5 subtitle or subtitle B is assessed against producers on
6 a farm described in paragraph (1) for failure to sub-
7 mit reports under this section or timely comply with
8 other program requirements as a result of compliance
9 with the extended signup deadline under that para-
10 graph.”.

11 (2) *PEANUTS.*—Section 1305 of the Food, Con-
12 servation, and Energy Act of 2008 (7 U.S.C. 8755) is
13 amended by adding at the end the following:

14 “(f) *EXTENSION OF 2008 SIGNUP.*—

15 “(1) *IN GENERAL.*—Notwithstanding any other
16 provision of law, the Secretary shall extend the 2008
17 crop year deadline for the signup for benefits under
18 this subtitle by producers on a farm with base acres
19 of 10 acres or less until the later of—

20 “(A) November 14, 2008; or

21 “(B) the end of the 45-day period beginning
22 on the date of the enactment of this subsection.

23 “(2) *PENALTIES.*—The Secretary shall ensure
24 that no penalty with respect to benefits under this
25 subtitle is assessed against producers on a farm de-

1 scribed in paragraph (1) for failure to submit reports
 2 under this section or timely comply with other pro-
 3 gram requirements as a result of compliance with the
 4 extended signup deadline under that paragraph.”.

5 (c) *OFFSETTING REDUCTION*.—Section 515(k)(1) of
 6 the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is
 7 amended by striking “2011” and inserting “2010, and not
 8 more than \$9,000,000 for fiscal year 2011”.

9 **SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.**

10 (a) *FEDERAL CROP INSURANCE ACT*.—

11 (1) *DEFINITIONS*.—Section 531(a) of the Federal
 12 Crop Insurance Act (7 U.S.C. 1531(a)) is amended—

13 (A) in paragraph (3)(B), by inserting
 14 “has” after “on a farm that”;

15 (B) in paragraph (4), by striking “section
 16 1102 of the Farm Security and Rural Invest-
 17 ment Act of 2002” and all that follows through
 18 the end of the paragraph and inserting “under—

19 “(i) section 1102 or 1302 of the Farm
 20 Security and Rural Investment Act of 2002
 21 (7 U.S.C. 7912, 7952);

22 “(ii) section 1102 or 1301(6) of the
 23 Food, Conservation, and Energy Act of
 24 2008 (7 U.S.C. 8712, 8751(6)); or

25 “(iii) a successor section.”;

1 (C) in paragraph (5)(B)(ii), by striking “,
2 the total loss” and all that follows through the
3 end of the paragraph and adding “the actual
4 production on the farm is less than 50 percent
5 of the normal production on the farm.”;

6 (D) in paragraph (7)—

7 (i) in subparagraph (A), by inserting
8 “for sale or on-farm livestock feeding (in-
9 cluding native grassland intended for
10 haying)” after “harvest”; and

11 (ii) in subparagraph (C), by inserting
12 “for sale” after “crop”;

13 (E) by redesignating paragraphs (2)
14 through (4), (5) through (12), and (13) through
15 (18) as paragraphs (3) through (5), (7) through
16 (14), and (16) through (21), respectively;

17 (F) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) *ACTUAL PRODUCTION ON THE FARM.*—The
20 term ‘actual production on the farm’ means the sum
21 of the value of all crops produced on the farm, as de-
22 termined under subsection (b)(6)(B).”;

23 (G) by inserting after paragraph (5) (as re-
24 designated by subparagraph (E)) the following:

1 “(6) *CROP OF ECONOMIC SIGNIFICANCE.*—*The*
 2 *term ‘crop of economic significance’ shall have the*
 3 *uniform meaning given the term by the Secretary for*
 4 *purposes of subsections (b)(1)(B) and (g)(6).’; and*

5 *(H) by inserting after paragraph (14) (as*
 6 *redesignated by subparagraph (E)) the following:*

7 “(15) *NORMAL PRODUCTION ON THE FARM.*—*The*
 8 *term ‘normal production on the farm’ means the sum*
 9 *of the expected revenue for all crops on the farm, as*
 10 *determined under subsection (b)(6)(A).’.*

11 (2) *SUPPLEMENTAL REVENUE ASSISTANCE PAY-*
 12 *MENTS.*—*Section 531(b) of the Federal Crop Insur-*
 13 *ance Act (7 U.S.C. 1531(b)) is amended—*

14 *(A) in paragraph (1)—*

15 *(i) by striking “(1) IN GENERAL.—The*
 16 *Secretary” and inserting the following:*

17 “(1) *PAYMENTS.*—

18 *“(A) IN GENERAL.—The Secretary”; and*

19 *(ii) by adding at the end the following:*

20 “(B) *CROP LOSS.*—*To be eligible for crop*
 21 *loss assistance under this subsection, the actual*
 22 *production on the farm for at least 1 crop of eco-*
 23 *nomie significance shall be reduced by at least*
 24 *10 percent due to disaster, adverse weather, or*
 25 *disaster-related conditions.’;*

(B) in paragraph (2), by adding at the end the following:

“(C) *EXCLUSION OF SUBSEQUENTLY PLANTED CROPS.*—In calculating the disaster assistance program guarantee under paragraph (3) and the total farm revenue under paragraph (4), the Secretary shall not consider the value of any crop that—

“(i) is produced on land that is not eligible for a policy or plan of insurance under subtitle A or assistance under the noninsured crop assistance program; or

“(ii) is subsequently planted on the same land during the same crop year as the crop for which disaster assistance is provided under this subsection, except in areas in which double-cropping is a normal practice, as determined by the Secretary.”;

(C) in paragraph (3)(A)(ii)(III)—

(i) in the matter before item (aa), by inserting “50 percent of” before “the higher of”; and

(ii) in item (aa), by striking “guarantee”;

(D) in paragraph (4)—

- 1 *(i) in subparagraph (A)(i)—*
2 *(I) by striking subclauses (I) and*
3 *(II) and inserting the following:*
4 *“(I) the actual production by crop*
5 *on a farm for purposes of determining*
6 *losses under subtitle A or the non-*
7 *insured crop assistance program; and”;*
8 *and*
9 *(II) by redesignating subclause*
10 *(III) as subclause (II);*
11 *(ii) in subparagraph (B)—*
12 *(I) in clause (i), by striking*
13 *“and” at the end;*
14 *(II) in clause (ii), by striking the*
15 *period at the end and inserting “;*
16 *and”;* *and*
17 *(iii) by adding at the end the fol-*
18 *lowing:*
19 *“(iii) as the Secretary determines ap-*
20 *propriate, to reflect regional variations in a*
21 *manner consistent with the operation of the*
22 *crop insurance program under subtitle A*
23 *and the noninsured crop assistance pro-*
24 *gram.”;*
25 *(E) in paragraph (5)—*

1 (i) *in the matter preceding subpara-*
2 *graph (A), by striking “the sum obtained by*
3 *adding”;*

4 (ii) *in subparagraph (A)—*

5 (I) *in the matter preceding clause*
6 *(i), by striking “the product” and in-*
7 *serting “for each insurable commodity,*
8 *the product”;*

9 (II) *in clause (i), by striking*
10 *“greatest” and inserting “greater”;*

11 (III) *in clause (iii), by striking*
12 *“of the insurance price guarantee;*
13 *and” and inserting “of the price elec-*
14 *tion for the commodity used to cal-*
15 *culate an indemnity for an applicable*
16 *policy of insurance if an indemnity is*
17 *triggered; and”; and*

18 (iii) *in subparagraph (B)—*

19 (I) *in the matter preceding clause*
20 *(i), by striking “the product” and in-*
21 *serting “for each noninsurable crop,*
22 *the product”;*

23 (II) *in clause (i), by striking*
24 *“and” at the end;*

1 (III) by redesignating clause (ii)
 2 as clause (iii); and
 3 (IV) by inserting after clause (i)
 4 the following:

5 “(ii) the acreage planted or prevented
 6 from being planted for each crop; and”; and
 7 (F) by adding at the end the following:

8 “(6) *PRODUCTION ON THE FARM.*—

9 “(A) *NORMAL PRODUCTION ON THE*
 10 *FARM.*—*The normal production on the farm*
 11 *shall equal the sum of the expected revenue for*
 12 *each crop on a farm as determined under para-*
 13 *graph (5).*

14 “(B) *ACTUAL PRODUCTION ON THE FARM.*—
 15 *The actual production on the farm shall equal*
 16 *the sum obtained by adding—*

17 “(i) for each insurable commodity on
 18 the farm, the product obtained by multi-
 19 plying—

20 “(I) 100 percent of the price elec-
 21 tion for the commodity used to cal-
 22 culate an indemnity for an applicable
 23 policy of insurance if an indemnity is
 24 triggered; and

1 “(II) the quantity of the com-
 2 modity produced on the farm, adjusted
 3 for quality losses; and

4 “(ii) for each noninsurable commodity
 5 on a farm, the product obtained by multi-
 6 plying—

7 “(I) 100 percent of the noninsured
 8 crop assistance program established
 9 price for the commodity; and

10 “(II) the quantity of the com-
 11 modity produced on the farm, adjusted
 12 for quality losses.”.

13 (3) *WAIVER FOR SOCIALLY DISADVANTAGED, LIM-*
 14 *ITED RESOURCE, OR BEGINNING FARMER OR RANCH-*
 15 *ER.*—Section 531(d)(5)(B)(ii) of the Federal Crop In-
 16 surance Act (7 U.S.C. 1531(d)(5)(B)(ii)) is amended
 17 by striking “section” and inserting “subsection”.

18 (4) *TREE ASSISTANCE PROGRAM.*—Section
 19 531(f)(2)(A) of the Federal Crop Insurance Act (7
 20 U.S.C. 1531(f)(2)(A)) is amended by striking “the
 21 Secretary shall provide” and inserting “the Secretary
 22 shall use such sums as are necessary from the Trust
 23 Fund to provide”.

24 (5) *DE MINIMIS EXCEPTION TO RISK MANAGE-*
 25 *MENT PURCHASE REQUIREMENT.*—Section 531(g) of

1 *the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is*
 2 *amended by adding at the end the following:*

3 “(6) *DE MINIMIS EXCEPTION.*—

4 “(A) *IN GENERAL.*—*For purposes of assist-*
 5 *ance under subsection (b), at the option of an eli-*
 6 *gible producer on a farm, the Secretary shall*
 7 *waive paragraph (1)—*

8 “(i) *in the case of a portion of the total*
 9 *acreage of a farm of the eligible producer*
 10 *that is not of economic significance on the*
 11 *farm, as established by the Secretary; or*

12 “(ii) *in the case of a crop for which the*
 13 *administrative fee required for the purchase*
 14 *of noninsured crop disaster assistance cov-*
 15 *erage exceeds 10 percent of the value of that*
 16 *coverage.*

17 “(B) *TREATMENT OF ACREAGE.*—*The Sec-*
 18 *retary shall not consider the value of any crop*
 19 *exempted under subparagraph (A) in calculating*
 20 *the supplemental revenue assistance program*
 21 *guarantee under subsection (b)(3) and the total*
 22 *farm revenue under subsection (b)(4).”.*

23 (6) *RISK MANAGEMENT PURCHASE REQUIRE-*
 24 *MENT WAIVER FOR 2009 CROP YEAR.*—*Section 531(g)*

1 *of the Federal Crop Insurance Act (7 U.S.C. 1531(g))*
 2 *is amended—*

3 *(A) in paragraph (1)—*

4 *(i) in the matter preceding subpara-*
 5 *graph (A), by striking “(other than sub-*
 6 *section (c))” and inserting “(other than sub-*
 7 *sections (c) and (d))”; and*

8 *(ii) in subparagraph (A), by inserting*
 9 *“, excluding grazing land” after “producers*
 10 *on the farm”;*

11 *(B) in paragraph (2), by striking “grazed,*
 12 *planted,” and inserting “planted”;*

13 *(C) in paragraph (4), by striking “(4)” and*
 14 *all that follows through “In the case” and insert-*
 15 *ing the following:*

16 *“(4) WAIVERS FOR CERTAIN CROP YEARS.—*

17 *“(A) 2008 CROP YEAR.—In the case”; and*

18 *(D) by adding at the end the following:*

19 *“(B) 2009 CROP YEAR.—In the case of an*
 20 *insurable commodity or noninsurable commodity*
 21 *for the 2009 crop year that does not meet the re-*
 22 *quirements of paragraph (1) and the relevant*
 23 *crop insurance program sales closing date or*
 24 *noninsured crop assistance program fee payment*
 25 *date was prior to August 14, 2008, the Secretary*

1 *shall waive paragraph (1) if the eligible producer*
 2 *of the insurable commodity or noninsurable com-*
 3 *modity pays a fee in an amount equal to the ap-*
 4 *plicable noninsured crop assistance program fee*
 5 *or catastrophic risk protection plan fee required*
 6 *under paragraph (1) to the Secretary not later*
 7 *than 90 days after the date of enactment of this*
 8 *subparagraph.”.*

9 (7) *PAYMENT LIMITATIONS.*—Section 531(h) of
 10 *the Federal Crop Insurance Act (7 U.S.C. 1531) is*
 11 *amended by adding at the end the following:*

12 “(5) *TRANSITION RULE.*—Sections 1001, 1001A,
 13 *1001B, and 1001D of the Food Security Act of 1985*
 14 *(7 U.S.C. 1308 et seq.) as in effect on September 30,*
 15 *2007, shall continue to apply with respect to 2008*
 16 *crops.”.*

17 (b) *TRADE ACT OF 1974.*—

18 (1) *DEFINITIONS.*—Section 901(a) of the Trade
 19 *Act of 1974 (19 U.S.C. 2497(a)) is amended—*

20 (A) *in paragraph (3)(B), by inserting*
 21 *“has” after “on a farm that”;*

22 (B) *in paragraph (4), by striking “section*
 23 *1102 of the Farm Security and Rural Invest-*
 24 *ment Act of 2002” and all that follows through*
 25 *the end of the paragraph and inserting “under—*

1 “(i) section 1102 or 1302 of the Farm
2 Security and Rural Investment Act of 2002
3 (7 U.S.C. 7912, 7952);

4 “(ii) section 1102 or 1301(6) of the
5 Food, Conservation, and Energy Act of
6 2008 (7 U.S.C. 8712, 8751(6)); or

7 “(iii) a successor section.”;

8 (C) in paragraph (5)(B)(ii), by striking “,
9 the total loss” and all that follows through the
10 end of the paragraph and adding “the actual
11 production on the farm is less than 50 percent
12 of the normal production on the farm.”;

13 (D) in paragraph (7)—

14 (i) in subparagraph (A), by inserting
15 “for sale or on-farm livestock feeding (in-
16 cluding native grassland intended for
17 hayage)” after “harvest”; and

18 (ii) in subparagraph (C), by inserting
19 “for sale” after “crop”;

20 (E) by redesignating paragraphs (2)
21 through (4), (5) through (12), and (13) through
22 (18) as paragraphs (3) through (5), (7) through
23 (14), and (16) through (21), respectively;

24 (F) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) *ACTUAL PRODUCTION ON THE FARM.*—The
 2 term ‘actual production on the farm’ means the sum
 3 of the value of all crops produced on the farm, as de-
 4 termined under subsection (b)(6)(B).”;

5 (G) by inserting after paragraph (5) (as re-
 6 designated by subparagraph (E)) the following:

7 “(6) *CROP OF ECONOMIC SIGNIFICANCE.*—The
 8 term ‘crop of economic significance’ shall have the
 9 uniform meaning given the term by the Secretary for
 10 purposes of subsections (b)(1)(B) and (g)(6).”; and

11 (H) by inserting after paragraph (14) (as
 12 redesignated by subparagraph (E)) the following:

13 “(15) *NORMAL PRODUCTION ON THE FARM.*—The
 14 term ‘normal production on the farm’ means the sum
 15 of the expected revenue for all crops on the farm, as
 16 determined under subsection (b)(6)(A).”.

17 (2) *SUPPLEMENTAL REVENUE ASSISTANCE PAY-*
 18 *MENTS.*—Section 901(b) of the Trade Act of 1974 (19
 19 U.S.C. 2497(b)) is amended—

20 (A) in paragraph (1)—

21 (i) by striking “(1) *IN GENERAL.*—The
 22 Secretary” and inserting the following:

23 “(1) *PAYMENTS.*—

24 “(A) *IN GENERAL.*—The Secretary”; and

25 (ii) by adding at the end the following:

1 “(B) *CROP LOSS.*—*To be eligible for crop*
2 *loss assistance under this subsection, the actual*
3 *production on the farm for at least 1 crop of eco-*
4 *nommic significance shall be reduced by at least*
5 *10 percent due to disaster, adverse weather, or*
6 *disaster-related conditions.”;*

7 (B) in paragraph (2), by adding at the end
8 the following:

9 “(C) *EXCLUSION OF SUBSEQUENTLY PLANT-*
10 *ED CROPS.*—*In calculating the disaster assist-*
11 *ance program guarantee under paragraph (3)*
12 *and the total farm revenue under paragraph (4),*
13 *the Secretary shall not consider the value of any*
14 *crop that—*

15 “(i) *is produced on land that is not el-*
16 *igible for a policy or plan of insurance*
17 *under the Federal Crop Insurance Act (7*
18 *U.S.C. 1501 et seq.) or assistance under the*
19 *noninsured crop assistance program; or*

20 “(ii) *is subsequently planted on the*
21 *same land during the same crop year as the*
22 *crop for which disaster assistance is pro-*
23 *vided under this subsection, except in areas*
24 *in which double-cropping is a normal prac-*
25 *tice, as determined by the Secretary.”;*

1 (C) in paragraph (3)(A)(ii)(III)—

2 (i) in the matter before item (aa), by
3 inserting “50 percent of” before “the higher
4 of”;

5 (ii) in item (aa), by striking “guar-
6 antee”;

7 (D) in paragraph (4)—

8 (i) in subparagraph (A)(i)—

9 (I) by striking subclauses (I) and
10 (II) and inserting the following:

11 “(I) the actual production by crop
12 on a farm for purposes of determining
13 losses under the Federal Crop Insur-
14 ance Act (7 U.S.C. 1501 et seq.) or the
15 noninsured crop assistance program;
16 and”;

17 (II) by redesignating subclause
18 (III) as subclause (II);

19 (ii) in subparagraph (B)—

20 (I) in clause (i), by striking
21 “and” at the end;

22 (II) in clause (ii), by striking the
23 period at the end and inserting “;
24 and”;

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) as the Secretary determines ap-
4 propriate, to reflect regional variations in a
5 manner consistent with the operation of the
6 Federal crop insurance program under the
7 Federal Crop Insurance Act (7 U.S.C. 1501
8 et seq.) and the noninsured crop assistance
9 program.”;

10 (E) in paragraph (5)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “the sum obtained by
13 adding”;

14 (ii) in subparagraph (A)—

15 (I) in the matter preceding clause
16 (i), by striking “the product” and in-
17 serting “for each insurable commodity,
18 the product”;

19 (II) in clause (i), by striking
20 “greatest” and inserting “greater”;

21 (III) in clause (iii), by striking
22 “of the insurance price guarantee;
23 and” and inserting “of the price elec-
24 tion for the commodity used to cal-
25 culate an indemnity for an applicable

1 *policy of insurance if an indemnity is*
 2 *triggered; and”; and*

3 *(iii) in subparagraph (B)—*

4 *(I) in the matter preceding clause*
 5 *(i), by striking “the product” and in-*
 6 *serting “for each noninsurable crop,*
 7 *the product”;*

8 *(II) in clause (i), by striking*
 9 *“and” at the end;*

10 *(III) by redesignating clause (ii)*
 11 *as clause (iii); and*

12 *(IV) by inserting after clause (i)*
 13 *the following:*

14 *“(ii) the acreage planted or prevented*
 15 *from being planted for each crop; and”; and*

16 *(F) by adding at the end the following:*

17 *“(6) PRODUCTION ON THE FARM.—*

18 *“(A) NORMAL PRODUCTION ON THE*
 19 *FARM.—The normal production on the farm*
 20 *shall equal the sum of the expected revenue for*
 21 *each crop on a farm as determined under para-*
 22 *graph (5).*

23 *“(B) ACTUAL PRODUCTION ON THE FARM.—*

24 *The actual production on the farm shall equal*
 25 *the sum obtained by adding—*

1 “(i) for each insurable commodity on
2 the farm, the product obtained by multi-
3 plying—

4 “(I) 100 percent of the price elec-
5 tion for the commodity used to cal-
6 culate an indemnity for an applicable
7 policy of insurance if an indemnity is
8 triggered; and

9 “(II) the quantity of the com-
10 modity produced on the farm, adjusted
11 for quality losses; and

12 “(ii) for each noninsurable commodity
13 on a farm, the product obtained by multi-
14 plying—

15 “(I) 100 percent of the noninsured
16 crop assistance program established
17 price for the commodity; and

18 “(II) the quantity of the com-
19 modity produced on the farm, adjusted
20 for quality losses.”.

21 (3) *WAIVER FOR SOCIALLY DISADVANTAGED, LIM-*
22 *ITED RESOURCE, OR BEGINNING FARMER OR RANCH-*
23 *ER.*—Section 901(d)(5)(B)(ii) of the Trade Act of
24 1974 (19 U.S.C. 2497(d)(5)(B)(ii)) is amended by
25 striking “section” and inserting “subsection”.

1 (4) *TREE ASSISTANCE PROGRAM.*—Section
 2 901(f)(2)(A) of the Trade Act of 1974 (19 U.S.C.
 3 2497(f)(2)(A)) is amended by striking “the Secretary
 4 shall provide” and inserting “the Secretary shall use
 5 such sums as are necessary from the Trust Fund to
 6 provide”.

7 (5) *DE MINIMIS EXCEPTION TO RISK MANAGE-*
 8 *MENT PURCHASE REQUIREMENT.*—Section 901(g) of
 9 the Trade Act of 1974 (19 U.S.C. 2497(g)) is amend-
 10 ed by adding at the end the following:

11 “(6) *DE MINIMIS EXCEPTION.*—

12 “(A) *IN GENERAL.*—For purposes of assist-
 13 ance under subsection (b), at the option of an eli-
 14 gible producer on a farm, the Secretary shall
 15 waive paragraph (1)—

16 “(i) in the case of a portion of the total
 17 acreage of a farm of the eligible producer
 18 that is not of economic significance on the
 19 farm, as established by the Secretary; or

20 “(ii) in the case of a crop for which the
 21 administrative fee required for the purchase
 22 of noninsured crop disaster assistance cov-
 23 erage exceeds 10 percent of the value of that
 24 coverage.

“(B) *TREATMENT OF ACREAGE.*—*The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).*”.

(6) *RISK MANAGEMENT PURCHASE REQUIREMENT WAIVER FOR 2009 CROP YEAR.*—*Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended—*

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “(other than subsection (c))” and inserting “(other than subsections (c) and (d))”; and

(ii) in subparagraph (A), by inserting “, excluding grazing land” after “producers on the farm”;

(B) in paragraph (2), by striking “grazed, planted,” and inserting “planted”;

(C) in paragraph (4), by striking “(4)” and all that follows through “In the case” and inserting the following:

“(4) WAIVERS FOR CERTAIN CROP YEARS.—

“(A) 2008 CROP YEAR.—In the case”; and

1 (D) by adding at the end the following:

2 “(B) 2009 CROP YEAR.—In the case of an
3 insurable commodity or noninsurable commodity
4 for the 2009 crop year that does not meet the re-
5 quirements of paragraph (1) and the relevant
6 crop insurance program sales closing date or
7 noninsured crop assistance program fee payment
8 date was prior to August 14, 2008, the Secretary
9 shall waive paragraph (1) if the eligible producer
10 of the insurable commodity or noninsurable com-
11 modity pays a fee in an amount equal to the ap-
12 plicable noninsured crop assistance program fee
13 or catastrophic risk protection plan fee required
14 under paragraph (1) to the Secretary not later
15 than 90 days after the date of enactment of this
16 subparagraph.”.

17 (7) PAYMENT LIMITATIONS.—Section 901(h) of
18 the Trade Act of 1974 (19 U.S.C. 2497(h)) is amend-
19 ed by adding at the end the following:

20 “(5) TRANSITION RULE.—Sections 1001, 1001A,
21 1001B, and 1001D of the Food Security Act of 1985
22 (7 U.S.C. 1308 et seq.) as in effect on September 30,

- 1 *2007, shall continue to apply with respect to 2008*
- 2 *crops.”.*

Attest:

Secretary.

110TH CONGRESS
2D SESSION

H.R. 6849

AMENDMENT