73 rev.

AMENDMENT TO H.R. 2419, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

(Page and line numbers refer to the reported bill)

[COMMODITY TITLE]

In section 1103(f)(3), strike subparagraph (B) and insert the following new subparagraph:

1 (B) the final partial payment shall be
2 made the later of the following:
3 (i) As soon as practicable after the
4 end of the 12-month marketing year for
5 the covered commodity.
6 (ii) October 1 of the fiscal year start-
7 ing in the same calendar year as the end
8 of the marketing year.

In section 1104(h)(3), strike subparagraph (B) and insert the following new subparagraph:

9 (B) the final partial payment shall be
10 made the later of the following:
11 (i) As soon as practicable after the
12 end of the 12-month marketing year for
13 the covered commodity.

1 (ii) October 1 of the fiscal year start-
2 ing in the same calendar year as the end
3 of the marketing year.

Page 65, line 9, strike "4 cents" and insert "3 cents".

At the end of section 1407, add the following new subsection:

4 (d) REFUND OF ASSESSMENTS ON IMPORTED DAIRY
5 PRODUCTS.—Section 113(g) of the Dairy Production Sta-
6 bilization Act of 1983 (7 U.S.C. 4504(g)) is amended by
7 adding at the end the following:
8 "(7) REFUND OF ASSESSMENTS ON CERTAIN
9 IMPORTED PRODUCTS.—
10 "(A) IN GENERAL.—An importer is enti-
11 tled to a refund of any assessment paid under
12 this subsection on imported dairy products im-
13 ported under a contract entered into prior to
14 July 26, 2007.
15 "(B) EXPIRATION.—Refunds under para-
16 graph (A) shall expire one year after the date
17 of the enactment of the Farm, Nutrition, and
18 Bioenergy Act of 2007.".

Page 116, line 25, strike "16" and insert "18".

Page 117, line 19, strike "(2)(E)" and insert "(2)(C)".

Page 117, line 24, strike "institution" and "institutions".

[CONSERVATION TITLE]

Page 157, beginning line 22, strike subparagraph (C) relating to annual survey funding.

In section 2101, add at the end the following new subsection:

1 (j) EXCEPTIONS TO EARLY TERMINATION.—Section
2 1235(e)(2) of the Food Security Act of 1985 (16 U.S.C.
3 3835(e)(2)) is amended by adding at the end the following
4 new subparagraph:
5 "(D) Land enrolled under continuous
6 signup.".

In section 2102(e), strike paragraph (3) and insert the following new paragraph:

7 (3) by striking subsection (f) and inserting the
8 following new subsection:
9 "(f) COMPENSATION.—Compensation for easements
10 acquired by the Secretary under this subchapter shall be
11 made in cash in such amount as agreed to and specified
12 in the easement agreement. Lands may be enrolled

1 through the submission of bids under a procedure estab-
2 lished by the Secretary. Commendation may be provided
3 in not less than 5, nor more than 30, annual payments
4 of equal or unequal size, as agreed to by the owner and
5 the Secretary based on the following option that results
6 in the lowest amount of compensation to be paid by the
7 Secretary:

8 "(1) A percentage of the fair market value
9 based on the Uniform Standards for Professional
10 Appraisals Procedures, as determined by the Sec-
11 retary or a percentage of the market value deter-
12 mined by an area-wide market survey.

13 "(2) A geographic cap, prescribed in regulations
14 issued by the Secretary.

15 "(3) The offer made by the landowner."; and

Page 194, line 10, strike "or".

Page 194, line 11, strike the period and insert "; or".

Page 194, after line 11, insert the following new clause:

16 "(iv) improve watershed health.".

Page 206, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (e)):

1 "(d) AIR QUALITY.—Of the funds made available
2 under subsection (e)(1), the Secretary shall use
3 $10,000,000 for fiscal year 2008, $15,000,000 for fiscal
4 year 2009, $30,000,000 for fiscal year 2010, $40,000,000
5 for fiscal year 2011, and $55,000,000 for fiscal year 2012
6 to support air quality improvements to help producers
7 meet State and local regulatory requirements related to
8 air quality. Notwithstanding the requirements under sub-
9 sections (a) and (b), these funds shall be made available
10 to a State on the basis of air quality concerns facing that
11 producers in that State. The funds made available shall
12 be used to provide cost-share and incentive payments to
13 producers.".

Page 206, beginning line 24, strike paragraph (4).

Page 209, line 17, insert after "the Everglades," the following: "the Sacramento River watershed,".

Page 219, line 23, strike "or organizational purpose".

Page 220, line 2, strike "and technical ability".

Page 220, beginning line 9, strike subparagraph (C).

Page 221, beginning line 1, strike subparagraphs (F) and (G).

Page 221, line 12, insert after "eligible entity," the following: "other than a certified State,".

Page 222, line 19, strike "preserve" and insert "enforce".

At the end of subtitle C of title II, add the following new section:

1 **SEC. 2303. COMPREHENSIVE CONSERVATION PLANNING**
2 **FOR PUGET SOUND AREA.**

3 (a) COMPETITIVE GRANTS.—The Secretary of Agri-
4 culture shall carry out a competitive grant program for
5 the Puget Sound area to provide comprehensive conserva-
6 tion planning to address water quality. The Secretary shall
7 enter into cooperative agreements with State and local
8 governments, Indian tribes, or non-governmental entities
9 with a history of working with agricultural producers to
10 carry out such planning.

11 (b) ASSISTANCE.—In carrying out the program, the
12 Secretary may—

13 (1) provide project demonstration grants, pro-
14 vide technical assistance, and carry out information
15 and education programs to improve water quality in
16 the Puget Sound area by reducing soil erosion and
17 improving sediment control; and

1 (2) provide a priority for projects and activities
2 that directly reduce soil erosion or improve water
3 quality.
4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated $5,000,000 for each of fis-
6 cal years 2008 through 2012.

Page 238, line 13, strike "$1,500,000,000" and insert "$1,250,000,000".

Page 264, line 20, strike "section 501(c)(2)" and insert "section 501(c)(3)".

At the end of title II (page 272, after line 2), add the following new section:

7 **SEC. 2504. PILOT PROGRAM FOR FOUR-YEAR CROP ROTA-**
8 **TION FOR PEANUTS.**
9 (a) CONTRACT AUTHORITY.—The Secretary of Agri-
10 culture shall enter into a contract with a peanut producer
11 under which the producer will implement a four-year crop
12 rotation for peanuts.
13 (b) CONTRACT PAYMENTS.—Under the contract, the
14 Secretary shall pay to the producer a contract implemen-
15 tation payment, in an amount determined to be appro-
16 priate by the Secretary.
17 (c) FUNDING.—For each of fiscal years 2008 through
18 2012, the Secretary shall use the funds, facilities, and au-

1 thorities of the Commodity Credit Corporation to carry
2 out the provisions under this section, except that funding
3 of the pilot program may not exceed $10,000,000 in each
4 of such fiscal years.

[TRADE TITLE]

Page 274, strike line 1 and all that follows through line 4 and insert the following:

5 (e) FOOD AID CONSULTATIVE GROUP.—
6 (1) REPORT TO CONGRESS.—Section 205 of the
7 Agricultural Trade Development and Assistance Act
8 of 1954 (7 U.S.C. 1725) is amended—
9 (A) by redesignating subsection (f) as sub-
10 section (g); and
11 (B) by inserting after subsection (e) the
12 following new subsection:
13 "(f) REPORT TO CONGRESS.—
14 "(1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of the Farm, Nutri-
16 tion, and Bioenergy Act of 2007, and annually
17 thereafter until December 31, 2012, the Adminis-
18 trator of the United States Agency for International
19 Development, in close consultation with the Group,
20 shall submit to the appropriate congressional com-
21 mittees a report on efforts taken by the United

1 States Agency for International Development and
2 the Department of Agriculture to develop a strategy
3 under this section to achieve an integrated and effec-
4 tive food assistance program.

5 "(2) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES DEFINED.—In this subsection, the term 'ap-
7 propriate congressional committees' means—

8 "(A) the Committee on Foreign Affairs
9 and the Committee on Agriculture of the House
10 of Representatives; and

11 "(B) the Committee on Agriculture, Nutri-
12 tion, and Forestry of the Senate.".

13 (2) TERMINATION.—Such section is further
14 amended in subsection (g) (as redesignated by para-
15 graph (1)(A)) by striking "2007" and inserting
16 "2012".

Page 275, line 14, insert "paragraph" before "(1)".

Page 275, after line 14, insert the following new paragraph:

17 "(3) GOVERNMENT ACCOUNTABILITY OFFICE.—
18 Not later than 270 days after the date of the sub-
19 mission of the report under paragraph (2), the
20 Comptroller General of the United States shall sub-

1 mit to the appropriate congressional committees a
2 report that—
3 "(A) reviews and comments on the report
4 under paragraph (2); and
5 "(B) provides recommendations regarding
6 any additional actions necessary to improve the
7 monitoring and evaluation of assistance pro-
8 vided under this title.".

Page 275, line 15, strike "(3)" and insert "(4)".

Page 275, line 21, strike "(4)" and insert "(5)".

Page 276, line 3, strike the closing quotation marks and the period at the end.

Page 276, after line 3, insert the following:

9 "(6) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES DEFINED.—In this subsection, the term 'ap-
11 propriate congressional committees' means—
12 "(A) the Committee on Foreign Affairs
13 and the Committee on Agriculture of the House
14 of Representatives; and
15 "(B) the Committee on Agriculture, Nutri-
16 tion, and Forestry of the Senate.".

Page 276, after line 12, insert the following:

1 (1) by striking "Funds" and inserting "(A) IN
2 GENERAL.—Funds";

Page 276, line 13, strike "(1)" and insert "(2)".

Page 276, line 14, strike "and".

Page 276, line 15, strike "(2)" and insert "(3)".

Page 276, line 16, strike the period at the end and insert "; and".

Page 276, after line 16, insert the following:

3 (4) by adding at the end the following new sub-
4 paragraph:
5 "(B) ADDITIONAL PREPOSITIONING
6 SITES.—
7 "(i) FEASIBILITY ASSESSMENT.—On
8 or after the date of the enactment of the
9 Farm, Nutrition, and Bioenergy Act of
10 2007, the Administrator is authorized to
11 carry out assessments for the establish-
12 ment of not less than two sites to deter-
13 mine the feasibility of and costs associated
14 with using such sites for the purpose of
15 storing and handling agricultural commod-
16 ities for prepositioning in foreign countries.

1 "(ii) ESTABLISHMENT OF SITES.—
2 Based on the results of the assessments
3 carried out under clause (i), the Adminis-
4 trator is authorized to establish additional
5 sites for pre-positioning in foreign coun-
6 tries.
7 "(iii) AUTHORIZATION OF APPROPRIA-
8 TIONS.—To carry out this subparagraph,
9 there are authorized to be appropriated to
10 the Administrator such sums as may be
11 necessary for each of the fiscal years 2008
12 through 2012.".

Page 277, after line 16, insert the following:

13 (l) AUTHORIZATION OF APPROPRIATIONS.—Sub-
14 section (a) of section 412 of the Agricultural Trade Devel-
15 opment and Assistance Act of 1954 (7 U.S.C. 1736f) is
16 amended to read as follows:
17 "(a) AUTHORIZATION OF APPROPRIATIONS.—For
18 each of the fiscal years 2008 through 2012, there are au-
19 thorized to be appropriated to the President—
20 "(1) such sums as may be necessary to carry
21 out the concessional credit sales program established
22 under title I,

1 "(2) $2,500,000,000 to carry out the emer-
2 gency and non-emergency food assistance programs
3 under title II, and
4 "(3) such sums as may be necessary to carry
5 out the grant program established under title III,
6 including such amounts as may be required to make pay-
7 ments to the Commodity Credit Corporation to the extent
8 the Commodity Credit Corporation is not reimbursed
9 under the programs under this Act for the actual costs
10 incurred or to be incurred by such Corporation in carrying
11 out such programs.".

Page 277, strike line 17 and all that follows through line 20 and insert the following:

12 (m) MICRONUTRIENT FORTIFICATION PROGRAMS.—
13 (1) PURPOSE.—Subsection (a)(2)(C) of section
14 415 of the Agricultural Trade Development and As-
15 sistance Act of 1954 (7 U.S.C. 1736g-2) is amend-
16 ed—
17 (A) by striking "using the same mecha-
18 nism that was used to assess the micronutrient
19 fortification program in" and inserting "uti-
20 lizing recommendations from"; and
21 (B) by striking "with funds from the Bu-
22 reau for Humanitarian Response of the United
23 States Agency for International Development"

1 and inserting "with implementation by an inde-
2 pendent entity with proven impartiality and a
3 mechanism that incorporates the range of
4 stakeholders implementing programs under title
5 II of this Act as well as other food assistance
6 industry experts".
7 (2) TERMINATION OF AUTHORITY.—Subsection
8 (d) of such section is amended by striking "2007"
9 and inserting "2012".

Page 277, line 21, strike "(m)" and insert "(n)".

Page 278, line 19, strike "(n)" and insert "(o)".

Page 284, strike line 6 and all that follows through line 10 and insert the following:

10 **SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR**
11 **PROGRAM.**
12 (a) FOREIGN MARKET DEVELOPMENT COOPERATOR
13 PROGRAM.—Subsection (c) of section 702 of the Agricul-
14 tural Trade Act of 1978 (7 U.S.C. 5722) is amended by
15 striking "Committee on International Relations" and in-
16 serting "Committee on Foreign Affairs".
17 (b) FUNDING.—Subsection (a) of section 703 of such
18 Act (7 U.S.C. 5723) is amended by striking "2002
19 through 2007" and inserting "2008 through 2012".

Page 285, line 14, strike "International Relations" and insert "Foreign Affairs".

Page 287, after line 7, insert the following:

1 **SEC. 3015. REPORT ON EFFORTS TO IMPROVE PROCURE-**
2 **MENT PLANNING.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Adminis-
5 trator of the United States Agency for International De-
6 velopment and the Secretary of Agriculture shall submit
7 to the appropriate congressional committees a report on
8 efforts taken by both the United States Agency for Inter-
9 national Development and the Department of Agriculture
10 to improve planning for food and transportation procure-
11 ment, including efforts to eliminate bunching of food pur-
12 chases.

13 (b) CONTENTS.—The report required under sub-
14 section (a) should include, among other things, a descrip-
15 tion of efforts taken to—

16 (1) improve coordination of food purchases by
17 the United States Agency for International Develop-
18 ment and the Department of Agriculture;

19 (2) increase flexibility in procurement sched-
20 ules;

21 (3) increase utilization of historical analyses
22 and forecasting; and

1 (4) improve and streamline legal claims proc-
2 esses for resolving transportation disputes.
3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term "appropriate congres-
5 sional committees" means—
6 (1) the Committee on Foreign Affairs and the
7 Committee on Agriculture of the House of Rep-
8 resentatives; and
9 (2) the Committee on Agriculture, Nutrition,
10 and Forestry of the Senate.

11 **SEC. 3016. INTERNATIONAL DISASTER ASSISTANCE UNDER**
12 **THE FOREIGN ASSISTANCE ACT OF 1961.**

13 For each of the fiscal years 2008 through 2012, of
14 the amounts made available to carry out section 491 of
15 the Foreign Assistance Act of 1961 (22 U.S.C. 2292), not
16 less than $40,000,000 for each such fiscal year is author-
17 ized be made available for the purposes of famine preven-
18 tion and relief under such section.

[NUTRITION TITLE]

Page 301, beginning on line 18, strike "and Nutrition Act" and insert "Stamp".

Page 303, line 14, insert "a" after "in the event of".

Page 306, line 10, insert "(or fails to address)" after "addresses".

Page 310, line 25, strike "after paragraph" and insert "inserting after subsection".

Page 312, line 12, strike "redeem," and insert "redeem".

Page 319, line 17, strike "verification of" and insert "verification or".

Page 323, strike lines 4 and 5, and insert the following:

1 (ii) by striking "finding of a violation
2 and the" and inserting "finding of a viola-
3 tion,".

Page 323, line 22, strike "years." and insert "years".

Page 324, line 21, strike lines 19 through 21, and insert the following:

4 "(c) TREATMENT OF DISQUALIFICATION AND PEN-
5 ALTY DETERMINATIONS.—The action".

Page 325, line 24, insert "is" before "not upheld".

Page 330, line 19, strike "low income" and insert "low-income".

Page 332, line 14, insert "and particularly children, as well as the feasibility of replicating these programs in other locations" after " persons".

Page 333, after line 22, insert the following:

1 "(iv) strategies to improve the nutri-
2 tional value of food served during school
3 hours and during after-school hours;
4 "(v) innovative ways to provide sig-
5 nificant improvement to the health and
6 wellness of children;".

Page 333, line 23, strike "(iv)" and insert "(vi)".

Page 336, line 16, strike "paragraph" and insert "subsection".

Page 340, line 16, strike "Action" and insert "Act".

Page 345, line 22, strike "(a) AMENDMENT.—".

[CREDIT TITLE]

In section 304A(c)(2)(B) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 5001 of the bill, strike "$1,000,000" and insert "$1,000,000,000".

In section 310F(b)(1)(C) of the Consolidated Farm and Rural Development Act, as proposed to be added by

section 5004 of the bill, strike "be at" and insert "be, at".

At the end of subtitle A of title V, insert the following:

1 **SEC. 5005. LOANS TO PURCHASERS OF HIGHLY**
2 **FRACTIONED LANDS.**

3 Section 1 of Public Law 91–229 (25 U.S.C. 488) is
4 amended by adding at the end the following: "The Sec-
5 retary of Agriculture may make and insure loans as pro-
6 vided in section 309 of the Consolidated Farm and Rural
7 Development Act to eligible purchasers of highly
8 fractionated land pursuant to section 204(c) of the Indian
9 Land Consolidation Act. Section 4 of this Act shall not
10 apply to trust or restricted tribal or tribal corporation
11 property mortgaged pursuant to the preceding sentence.".

In section 1.9(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(a)(1)(C) of the bill, strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

In section 2.4(a)(4) of the Farm Credit Act of 1971, as proposed to be added by section 5031(b)(3) of the bill, strike "under this title to a person" and insert "to a person made eligible under this paragraph if the person is".

Strike section 5040.

[RURAL DEVELOPMENT TITLE]

In section 6009(a)(3), strike "subparagraphs (D) and (F)" and insert "subparagraph (D)", and strike "and" after the semicolon.

In section 6009(a)(4), strike "adding at the end" and insert "inserting after subparagraph (D) (as so redesignated)", and strike the period after the subparagraph (E) proposed to be added and insert "; and".

In subparagraph (E) of section 310B(e)(5) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6009(a)(4) of the bill, strike the period and insert "; and".

At the end of section 6009(a), insert the following:

1 (5) in subparagraph (F), by striking "greater
2 than" the 1st place it appears.

In section 310B(i)(2) of the Consolidated Farm and Rural Development Act, as proposed to be added by section 6011 of the bill, strike "the" after "help".

In section 601(c)(3)(A)(ii) of the Rural Electrification Act of 1936, as proposed to be added by section

6023(b)(2) of the bill, strike "services" and insert "service".

In section 601(l)(4)(A) of the Rural Electrification Act of 1936, as proposed to be added by section 6023(i) of the bill, strike "(b)" each place it appears and insert "(d)".

[RESEARCH TITLE]

Page 456, line 10, strike "(c)" and insert "(e)".

Page 456, lines 14 and 15, strike "or otherwise administered".

Page 456, lines 17 and 18, strike "except as provided under subsection (a)(14)".

Page 458, line 7, insert "and universities" after "colleges".

Page 459, line 2, insert "AND UNIVERSITY" before the period.

Page 459, line 3, insert "and university" before the quotation marks.

Page 459, line 4, strike "a" and insert "an".

Page 459, line 5, strike "as defined" and all that follows through line 7 and insert "; and".

Page 459, strike lines 8 through 10, and insert the following:

1 (b) offers associate, bachelor's, or other ac-
2 credited degree programs in agricultural related
3 fields, as determined by the Secretary.

Page 470, lines 9 and 10, strike "(8) and (12)" and insert "(7) and (11)".

Page 474, line 17, insert "for Research, Education, and Economics" after "Secretary".

Page 477, line 21, insert ", except that section 401(b)(3) of such Act shall not be repealed and shall remain in effect" before the period.

Page 477, line 24, strike "(c)" and insert "(d)".

Page 495, line 10, insert "to" before "acquire".

Page 497, line 10, strike "as defined" and all that follows through line 12, and insert "; and".

Page 497, line 15, insert ", as determined by the Secretary" before the period.

Page 498, line 17, strike "of Agriculture".

Page 499, lines 13 and 14, strike "of the Treasury".

Page 500, line 7, strike "section" and insert "paragraph".

Page 501, line 24, strike "of Agriculture".

Page 502, line 4, strike "of Agriculture".

Page 502, line 12, insert "EXTENSION" after "(b)".

Page 502, line 18, strike "section 4" and insert "subparagraph (D)".

Page 504, line 3, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 7, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 504, line 11, insert ", as defined in section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3289)" after "universities".

Page 506, line 1, strike "**RESEARCH FACILITIES**" and insert "**ASSISTANCE PROGRAMS**" (and conform the table of contents accordingly).

Page 507, after line 6, insert the following (and conform the table of contents accordingly):

1 **SEC. 7234. HISPANIC SERVING INSTITUTIONS.**

2 The text of section 1404 of the Research Act of 1977
3 is amended to read as follows: "The term 'Hispanic Serv-
4 ing Institution' has the meaning given that term in section
5 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C.
6 1101a(a)(5).".

7 **SEC. 7235. SPECIALTY CROPS POLICY RESEARCH INSTI-**
8 **TUTE.**

9 Section 1419A of the National Agricultural Research,
10 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
11 3155) is amended by adding at the end the following:

12 "(e) SPECIALTY CROPS POLICY RESEARCH INSTI-
13 TUTE.—

14 "(1) ESTABLISHMENT.—The Food Agricultural
15 Policy Research Institute shall establish a satellite
16 institute, called the Specialty Crops Policy Research
17 Institute, hereinafter referred to as the Institute, at
18 accredited research universities within States with
19 significant specialty crop industries to fulfill the ob-
20 jectives described in subsection (e)(3) of this section.

21 "(2) MANAGEMENT.—The Institute shall be co-
22 ordinated and managed by an appointed university
23 and will have the discretion to coordinate and facili-

1 tate the Institute's economic and policy research ac-
2 tivities and those of additional member universities
3 and institutions.

4 "(3) INSTITUTE OBJECTIVES.—Consistent with
5 the provisions of subsections (a) and (c) of this sec-
6 tion, the Institute shall—

7 "(A) produce and disseminate analysis of
8 the specialty crop sector, including the impact
9 of changes in domestic and international mar-
10 kets, production, new product technologies,
11 web-based risk management tools, alternative
12 policies and macroeconomic conditions on spe-
13 cialty crop production, use, farm and retail
14 prices, and farm income and financial stability
15 from a national, regional, and farm-level per-
16 spective; and

17 "(B) produce and disseminate an annual
18 review of the economic state of the specialty
19 crop industry nationally, regionally, and by-
20 state.

21 "(4) AUTHORIZATION OF APPROPRIATION.—
22 There are authorized to be appropriated such sums
23 as are necessary in each fiscal year through 2012 to
24 carry out this section.".

Page 521, line 12, insert "section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998" after "with".

Page 522, line 19, insert "note" after "1621".

Page 523, line 13, strike "and".

Page 523, after line 14, insert the following:

1 (G) policy and marketing; and
2 (H) specialty crop pollination;

Page 531, line 12, strike "and".

Page 531, line 14, strike the period and insert "; and".

Page 531, after line 14, insert the following:

3 (3) in subsection (c), by striking "such sums
4 may be used to pay" and all that follows through
5 "work.".

Page 531, strike lines 15 through 25.

Page 533, strike "1444 and".

Page 541, strike lines 11 through 17.

[FORESTRY TITLE]

Page 548, beginning line 4, strike subparagraph (E).

Page 549, beginning line 1, strike clause (viii) and insert the following new clause:

1 "(viii) A representative from a State
2 Technical Committee established under
3 section 1261 of the Food Security Act of
4 1985 (16 U.S.C. 3861).".

Page 549, line 24, strike "sections 8005 and 8006" and insert "sections 8006 and 8007".

Page 551, line 14, strike "three" and insert "3".

Page 557, after line 2, insert the following new subsection (and redesignate the subsequent subsection as subsection (d)):

5 (c) DEFINITION OF HISPANIC-SERVING INSTITU-
6 TION.—In this section, the term "Hispanic-serving institu-
7 tion" has the meaning given that term in section
8 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C.
9 1101a(a)(5)).

[ENERGY TITLE]

Page 564, after line 19 insert the following new paragraph:

1 (5) in paragraph (2)(B) of subsection (f) (as so
2 redesignated)—
3 (A) in clause (viii), by striking "and" at
4 the end;
5 (B) in clause ix, by striking "approaches."
6 and inserting "approaches; and"; and
7 (C) by adding at the end the following new
8 clause:
9 "(x) whether the impact the distribu-
10 tion of funds would have on existing manu-
11 facturing and other facilities that utilize
12 similar feedstocks would be minimal.".

Page 597, after line 25 insert the following new paragraph:

13 (E) by adding at the end the following new
14 paragraph:
15 "(8) RENEWAL OF CONTRACTS.—When consid-
16 ering the renewal of a contract under this section,
17 the Secretary shall review such contract to deter-
18 mine whether the production of bioenergy at the fa-
19 cility under contract is economically viable and re-
20 consider the need for the contract based on that de-
21 termination.".

In section 9002, strike subsection (d) and insert the following new subsection:

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Para-
2 graph (1) of section 9002(k) of the Farm Security and
3 Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is
4 amended to read as follows:
5 "(1) AUTHORIZATION OF APPROPRIATIONS.—
6 "(A) FEDERAL PROCUREMENT.—There
7 are authorized to be appropriated $1,000,000
8 for each of fiscal years 2008 through 2013 to
9 implement the provisions of this section other
10 than subsection (h).
11 "(B) LABELING.—There are authorized to
12 be appropriated $1,000,000 for each of fiscal
13 years 2008 through 2013 to implement sub-
14 section (h) of this section.".

[In section 9002(f), strike paragraph (3).]

Strike section 9014.

[HORTICULTURE TITLE]

Section 10102 is amended by adding at the end the following new subsection:

15 (e) DEFINITION OF STATE.—Section 3(2) of the Spe-
16 cialty Crops Competitiveness Act of 2004 (Public Law

1 108-465; 7 U.S.C. 1621 note) is amended by striking
2 "and the Commonwealth of Puerto Rico" and inserting
3 "the Commonwealth of Puerto Rico, Guam, American
4 Samoa, the United States Virgin Islands, and the Com-
5 monwealth of the Northern Mariana Islands".

In section 209(e)(2) of the Agricultural Marketing Act of 1946, as proposed to be added by section 10108 of the bill, strike "authorized" and insert "authorize".

In section 10201(j), strike "fo" and insert "of".

In section 7407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(b)), as amended by section 10302 of the bill, strike "of funds of the Commodity" and insert "of the funds of the Commodity".

In the heading of section 10404, strike "**FARMERS' MARKET PROMOTION PROGRAM**" and insert "**FARMER MARKETING ASSISTANCE PROGRAM**".

Section 6(f)(1) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404 of the bill, is amended by striking "Secretary of Agriculture use" and inserting "Secretary of Agriculture shall use".

Section 6(f)(1)(A) of the Farmer-to-Consumer Direct Marketing Act of 1976, as added by section 10404

of the bill, is amended by striking "fiscals year" and inserting "fiscal years".

At the end of subtitle E of title X add the following new section:

1 **SEC. ___. HEALTHY FOOD URBAN ENTERPRISE DEVELOP-**
2 **MENT PROGRAM.**
3 (a) FINDINGS.—Congress finds the following:
4 (1) It is in the public interest that agricultural
5 producers, including small and mid-sized family
6 farms and ranches, socially disadvantaged farmers
7 and ranchers, and beginning farmers and ranchers
8 have access to local and regional processors and dis-
9 tributors to foster competitive markets and improve
10 farm and ranch profitability.
11 (2) Improving producer access to processing,
12 distribution, and other marketing services can sig-
13 nificantly enhance consumer access to affordable lo-
14 cally and regionally-produced foods.
15 (3) Increasing the availability of locally and re-
16 gionally-produced food is especially in important for
17 improving food access in underserved communities.
18 (b) PURPOSE.—The purpose of this section is to sup-
19 port farm and ranch income by significantly enhancing a
20 producer's share of the final retail product price through
21 improved access to competitive processing and distribution

1 systems which deliver affordable, locally and regionally
2 produced foods to consumers, and improve food access in
3 underserved communities.
4 (c) DEFINITIONS.—In this section:
5 (1) ELIGIBLE ENTITY.—The term "eligible enti-
6 ty" includes—
7 (A) a small or midsized processor, dis-
8 tributor, wholesaler, or retail food outlet;
9 (B) a group of producers operating as a le-
10 gally recognized marketing alliance;
11 (C) a producer-owned cooperative;
12 (D) a nonprofit organization;
13 (E) an economic development or commu-
14 nity development corporation;
15 (F) a unit of State or local government;
16 and
17 (G) an academic institution.
18 (2) INDIAN TRIBE.—The term "Indian tribe"
19 has the meaning given the term in section 4 of the
20 Indian Self-Determination and Education Assistance
21 Act (25 U.S.C. 450b).
22 (3) SECRETARY.—The term "Secretary" means
23 the Secretary of Agriculture.
24 (4) SOCIALLY DISADVANTAGED FARMER OR
25 RANCHER.—The term "socially disadvantaged farm-

1 er or rancher'' has the meaning given the term in
2 section 355(e) of the Consolidated Farm and Rural
3 Development Act (7 U.S.C. 2003(e)).
4 (5) UNDERSERVED COMMUNITY.—The term
5 ''underserved community'' includes any community
6 that may have, as determined by the Secretary—
7 (A) limited access to affordable, healthy
8 foods, including fresh fruits and vegetables, in
9 grocery retail stores or farmer-to-consumer di-
10 rect markets;
11 (B) high incidences of diet-related diseases,
12 including obesity;
13 (C) high rates of hunger or food insecurity;
14 or
15 (D) severe or persistent poverty in urban
16 or rural communities, including Indian tribal
17 communities.
18 (d) GRANT PROGRAM.—
19 (1) ESTABLISHMENT.—The Secretary, acting
20 through the head of the market services branch of
21 the Agricultural Marketing Service, shall establish a
22 program under which the Secretary shall provide
23 grants, on a competitive basis, to eligible entities to
24 conduct enterprise feasibility studies (including stud-

1 ies of consumer preference), in accordance with the
2 purpose of this section.
3 (2) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible entity shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary may require.
8 (3) COORDINATION WITH OTHER AGENCIES.—
9 In carrying out the program under this subsection,
10 the Secretary shall coordinate, with respect to the
11 development of the program and reviews of grant
12 applications, with—
13 (A) the Cooperative State Research, Edu-
14 cation, and Extension Service; and
15 (B) the Rural Business Cooperative Serv-
16 ice.
17 (4) PRIORITY.—In providing grants under this
18 subsection, the Secretary shall give priority to appli-
19 cations with proposed projects that—
20 (A) include features effectively targeting
21 participation by socially disadvantaged farmers
22 or ranchers or beginning farmers or ranchers;
23 (B) increase employment opportunities in
24 underserved communities;

1 (C) support small and mid-sized farm via-
2 bility and increase farming opportunities; or
3 (D) establish and maintain satisfactory en-
4 vironmental and labor standards, including
5 worker protection.
6 (5) MAXIMUM AMOUNT.—The amount of a
7 grant provided under this subsection shall not exceed
8 $250,000.
9 (6) TERM.—A grant provided under this sub-
10 section shall have a term of not more than 3 years.
11 (7) REPORTS.—
12 (A) IN GENERAL.—Each eligible entity
13 that receives a grant under this subsection shall
14 submit to the Secretary an annual report de-
15 scribing the results and progress of each feasi-
16 bility study to ensure sufficient progress is
17 achieved with respect to the goals of the
18 projects carried out by the eligible entity.
19 (B) PUBLIC AVAILABILITY.—The Secretary
20 shall ensure that any information contained in
21 a report under subparagraph (A) relating to
22 consumer preference or producer availability is
23 made available to the public.
24 (8) FUNDING.—There are authorized to be ap-
25 propriated such sums as are necessary for each of

1 fiscal years 2008 through 2012 to carry out this sec-
2 tion.
3 (e) GRANT PROGRAM REQUIREMENTS.—
4 (1) TECHNICAL ASSISTANCE AND OUTREACH.—
5 (A) IN GENERAL.—The Secretary shall—
6 (i) provide to the public information
7 relating to the grant programs under this
8 section; and
9 (ii) provide technical assistance to—
10 (I) socially disadvantaged farm-
11 ers or ranchers;
12 (II) Indian tribal organizations;
13 (III) low-income populations; and
14 (IV) other underserved commu-
15 nities and producers.
16 (B) SERVICE PROVIDERS.—In carrying out
17 subparagraph (A), the Secretary may enter into
18 contracts, on a competitive basis, with entities
19 that, as determined by the Secretary—
20 (i) demonstrate experience in serving
21 socially disadvantaged farmers or ranchers
22 and other underserved communities and
23 producers;
24 (ii) include, in the governance struc-
25 ture of the entity, 2 or more members rep-

1 resenting the targeted communities served
2 by the entity; and
3 (iii) will share information developed
4 or used by the entity with—
5 (I) researchers;
6 (II) practitioners; and
7 (III) other interested parties.
8 (2) LIMITATIONS.—For purposes of the pro-
9 grams under this section, the Secretary—
10 (A) shall not give preference to any entity
11 based on an agricultural commodity produced
12 or supported by the entity; and
13 (B) shall encourage, to the maximum ex-
14 tent practicable, projects that use infrastructure
15 efficiently for more than 1 agricultural product.
16 (3) REPORT.—Not less frequently than once
17 each year, the Secretary shall submit to Congress a
18 report that describes the programs (including the
19 level of participation in each program) under this
20 section, including information relating to—
21 (A) projects carried out under this section;
22 (B) characteristics of the agricultural pro-
23 ducers and communities served by the projects;
24 (C) the benefits of the projects;
25 (D) data necessary to comply with—

1 (i) section 2501A of the Food, Agri-
2 culture, Conservation, and Trade Act of
3 1990 (7 U.S.C. 2279–1); or
4 (ii) section 8(b)(5)(B) of the Soil Con-
5 servation and Domestic Allotment Act (16
6 U.S.C. 590h(b)(5)); and
7 (E) outreach and technical assistance ac-
8 tivities carried out by the Secretary under para-
9 graph (1).

Strike section 10401.

[MISCELLANEOUS TITLE]

Strike section 11105.

Page 683, line 23, strike "production" and insert "production.".

Page 684, strike line 5 through page 685, line 9 and insert the following:

10 "(3) YIELD DETERMINATION BASED ON COUN-
11 TY ACTUAL PRODUCTION HISTORY.—If an agricul-
12 tural commodity ineligible for insurance as described
13 in paragraph (2) is planted for 4 years, beginning
14 with the fifth year in which the commodity is plant-
15 ed, the producer of the commodity may procure crop
16 insurance for the commodity under this title. The

1 yield for such crop insurance shall be determined
2 only—
3 "(A) by using the actual production history
4 for the farm; and
5 "(B) for each year in which the farm does
6 not have an actual production history, by using
7 the average actual production history for the
8 commodity in the county in which the farm is
9 located.".

Page 685, line 20: strike "that" and insert "than".

At the end of subtitle A of title XI (page 687, after line 19), add the following new section:

10 **SEC. 11013. NATIONAL DROUGHT COUNCIL.**
11 (a) DEFINITIONS.—In this section:
12 (1) COUNCIL.—The term "Council" means the
13 National Drought Council established by this sec-
14 tion.
15 (2) CRITICAL SERVICE PROVIDER.—The term
16 "critical service provider" means an entity that pro-
17 vides power, water (including water provided by an
18 irrigation organization or facility), sewer services, or
19 wastewater treatment.

1 (3) DROUGHT.—The term "drought" means a
2 natural disaster that is caused by a deficiency in
3 precipitation—
4 (A) that may lead to a deficiency in sur-
5 face and subsurface water supplies (including
6 rivers, streams, wetlands, ground water, soil
7 moisture, reservoir supplies, lake levels, and
8 snow pack); and
9 (B) that causes or may cause—
10 (i) substantial economic or social im-
11 pacts; or
12 (ii) physical damage or injury to indi-
13 viduals, property, or the environment.
14 (4) FUND.—The term "Fund" means the
15 Drought Assistance Fund established by this section.
16 (5) INDIAN TRIBE.—The term "Indian tribe"
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b).
20 (6) INTERSTATE WATERSHED.—The term
21 "interstate watershed" means a watershed that tran-
22 scends State or Tribal boundaries, or both.
23 (7) LEAD FEDERAL COORDINATING AGEN-
24 CIES.—The term "Lead Federal coordinating agen-

1 cies'' means the Federal departments and agencies
2 identified pursuant to this section.
3 (8) MEMBER.—The term ''member'', with re-
4 spect to the National Drought Council, means a
5 member of the Council specified or appointed under
6 this section or, in the absence of the member, the
7 member's designee.
8 (9) MITIGATION.—The term ''mitigation''
9 means a short- or long-term action, program, or pol-
10 icy that is implemented in advance of or during a
11 drought to minimize any risks and impacts of
12 drought.
13 (10) NEIGHBORING COUNTRY.—The term
14 ''neighboring country'' means Canada and Mexico.
15 (11) OFFICE.—The term ''Office'' means the
16 National Office of Drought Preparedness established
17 under this section.
18 (12) SECRETARY.—The term ''Secretary''
19 means the Secretary of Agriculture.
20 (13) STATE.—The term ''State'' means the sev-
21 eral States, the District of Columbia, American
22 Samoa, Guam, the Commonwealth of the Northern
23 Mariana Islands, the Commonwealth of Puerto Rico,
24 and the United States Virgin Islands.

1 (14) TRIGGER.—The term "trigger" means the
2 thresholds or criteria that must be satisfied before
3 mitigation or emergency assistance may be provided
4 to an area—
5 (A) in which drought is emerging; or
6 (B) that is experiencing a drought.
7 (15) UNDER SECRETARY.—The term "Under
8 Secretary" means the Under Secretary of Agri-
9 culture for Natural Resources and Environment.
10 (16) WATERSHED.—The term "watershed"
11 means a region or area with common hydrology, an
12 area drained by a waterway that drains into a lake
13 or reservoir, the total area above a given point on
14 a stream that contributes water to the flow at that
15 point, or the topographic dividing line from which
16 surface streams flow in two different directions. In
17 no case shall a watershed be larger than a river
18 basin.
19 (17) WATERSHED GROUP.—The term "water-
20 shed group" means a group of individuals, formally
21 recognized by the appropriate State or States, who
22 represent the broad scope of relevant interests with-
23 in a watershed and who work together in a collabo-
24 rative manner to jointly plan the management of the
25 natural resources contained within the watershed.

1 (b) EFFECT OF SECTION.—This section does not af-
2 fect—
3 (1) the authority of a State to allocate quan-
4 tities of water under the jurisdiction of the State; or
5 (2) any State water rights established as of the
6 date of enactment of this Act.
7 (c) NATIONAL DROUGHT COUNCIL.—
8 (1) ESTABLISHMENT.—There is established in
9 the Office of the Secretary of Agriculture a council
10 to be known as the "National Drought Council".
11 (2) MEMBERSHIP.—
12 (A) COMPOSITION.—The Council shall be
13 composed of—
14 (i) the Secretary (or the designee of
15 the Secretary);
16 (ii) the Secretary of Commerce (or the
17 designee of the Secretary of Commerce);
18 (iii) the Secretary of the Army (or the
19 designee of the Secretary of the Army);
20 (iv) the Secretary of the Interior (or
21 the designee of the Secretary of the Inte-
22 rior);
23 (v) the Director of the Federal Emer-
24 gency Management Agency (or the des-
25 ignee of the Director);

1 (vi) the Administrator of the Environ-
2 mental Protection Agency (or the designee
3 of the Administrator);
4 (vii) 4 members appointed by the Sec-
5 retary, in coordination with the National
6 Governors Association, each of whom shall
7 be the Governor of a State (or the designee
8 of the Governor) and who collectively shall
9 represent the geographic diversity of the
10 Nation;
11 (viii) 1 member appointed by the Sec-
12 retary, in coordination with the National
13 Association of Counties;
14 (ix) 1 member appointed by the Sec-
15 retary, in coordination with the United
16 States Conference of Mayors;
17 (x) 1 member appointed by the Sec-
18 retary of the Interior, in coordination with
19 Indian tribes, to represent the interests of
20 tribal governments; and
21 (xi) 1 member appointed by the Sec-
22 retary, in coordination with the National
23 Association of Conservation Districts, to
24 represent local soil and water conservation
25 districts.

1 (B) DATE OF APPOINTMENT.—The ap-
2 pointment of each member of the Council shall
3 be made not later than 120 days after the date
4 of enactment of this Act.
5 (3) TERM; VACANCIES.—
6 (A) TERM.—A non-Federal member of the
7 Council appointed under paragraph (2) shall be
8 appointed for a term of two years.
9 (B) VACANCIES.—A vacancy on the Coun-
10 cil—
11 (i) shall not affect the powers of the
12 Council; and
13 (ii) shall be filled in the same manner
14 as the original appointment was made.
15 (C) TERMS OF MEMBERS FILLING VACAN-
16 CIES.—Any member appointed to fill a vacancy
17 occurring before the expiration of the term for
18 which the member's predecessor was appointed
19 shall be appointed only for the remainder of
20 that term.
21 (4) MEETINGS.—
22 (A) IN GENERAL.—The Council shall meet
23 at the call of the co-chairs.
24 (B) FREQUENCY.—The Council shall meet
25 at least semiannually.

1 (5) QUORUM.—A majority of the members of
2 the Council shall constitute a quorum, but a lesser
3 number may hold hearings or conduct other busi-
4 ness.
5 (6) COUNCIL LEADERSHIP.—
6 (A) IN GENERAL.—There shall be a Fed-
7 eral co-chair and non-Federal co-chair of the
8 Council.
9 (B) APPOINTMENT.—
10 (i) FEDERAL CO-CHAIR.—The Sec-
11 retary shall be Federal co-chair.
12 (ii) NON-FEDERAL CO-CHAIR.—The
13 non-Federal members of the Council shall
14 select, on a biannual basis, a non-Federal
15 co-chair of the Council from among the
16 members appointed under paragraph (2)
17 (7) DIRECTOR OF THE OFFICE.—
18 (A) IN GENERAL.—The Director of the Of-
19 fice shall serve as Secretary of the Council.
20 (B) DUTIES.—The Director of the Office
21 shall serve the interests of all members of the
22 Council.
23 (d) DUTIES OF THE COUNCIL.—
24 (1) IN GENERAL.—The Council shall—

1 (A) not later than one year after the date
2 of the first meeting of the Council, develop a
3 comprehensive National Drought Policy Action
4 Plan that—
5 (i)(I) delineates and integrates re-
6 sponsibilities for activities relating to
7 drought (including drought preparedness,
8 mitigation, research, risk management,
9 training, and emergency relief) among
10 Federal agencies; and
11 (II) ensures that those activities are
12 coordinated with the activities of the
13 States, local governments, Indian tribes,
14 and neighboring countries;
15 (ii) is consistent with—
16 (I) this Act and other applicable
17 Federal laws; and
18 (II) the laws and policies of the
19 States for water management;
20 (iii) is integrated with drought man-
21 agement programs of the States, Indian
22 tribes, local governments, watershed
23 groups, and private entities; and
24 (iv) avoids duplicating Federal, State,
25 tribal, local, watershed, and private

1 drought preparedness and monitoring pro-
2 grams in existence on the date of enact-
3 ment of this Act;
4 (B) evaluate Federal drought-related pro-
5 grams in existence on the date of enactment of
6 this Act and make recommendations to Con-
7 gress and the President on means of elimi-
8 nating—
9 (i) discrepancies between the goals of
10 the programs and actual service delivery;
11 (ii) duplication among programs; and
12 (iii) any other circumstances that
13 interfere with the effective operation of the
14 programs;
15 (C) make recommendations to the Presi-
16 dent, Congress, and appropriate Federal Agen-
17 cies on—
18 (i) the establishment of common inter-
19 agency triggers for authorizing Federal
20 drought mitigation programs; and
21 (ii) improving the consistency and
22 fairness of assistance among Federal
23 drought relief programs;
24 (D) encourage and facilitate the develop-
25 ment of drought preparedness plans under sub-

1 title C, including establishing the guidelines
2 under this section;
3 (E) based on a review of drought prepared-
4 ness plans, develop and make available to the
5 public drought planning models to reduce water
6 resource conflicts relating to water conservation
7 and droughts;
8 (F) develop and coordinate public aware-
9 ness activities to provide the public with access
10 to understandable, and informative materials on
11 drought, including—
12 (i) explanations of the causes of
13 drought, the impacts of drought, and the
14 damages from drought;
15 (ii) descriptions of the value and bene-
16 fits of land stewardship to reduce the im-
17 pacts of drought and to protect the envi-
18 ronment;
19 (iii) clear instructions for appropriate
20 responses to drought, including water con-
21 servation, water reuse, and detection and
22 elimination of water leaks;
23 (iv) information on State and local
24 laws applicable to drought; and

1 (v) opportunities for assistance to re-
2 source-dependent businesses and industries
3 in times of drought; and
4 (G) establish operating procedures for the
5 Council.
6 (2) CONSULTATION.—In carrying out this sub-
7 section, the Council shall consult with groups af-
8 fected by drought emergencies.
9 (3) REPORTS TO CONGRESS.—
10 (A) ANNUAL REPORT.—
11 (i) IN GENERAL.—Not later than one
12 year after the date of the first meeting of
13 the Council, and annually thereafter, the
14 Council shall submit to Congress a report
15 on the activities carried out under this sec-
16 tion.
17 (ii) INCLUSIONS.—
18 (I) IN GENERAL.—The annual
19 report shall include a summary of
20 drought preparedness plans.
21 (II) INITIAL REPORT.—The ini-
22 tial report submitted under subpara-
23 graph (A) shall include any rec-
24 ommendations of the Council.

1 (B) FINAL REPORT.—Not later than seven
2 years after the date of enactment of this Act,
3 the Council shall submit to Congress a report
4 that recommends—
5 (i) amendments to this section; and
6 (ii) whether the Council should con-
7 tinue.
8 (e) POWERS OF THE COUNCIL.—
9 (1) HEARINGS.—The Council may hold hear-
10 ings, meet and act at any time and place, take any
11 testimony and receive any evidence that the Council
12 considers advisable to carry out this section.
13 (2) INFORMATION FROM FEDERAL AGENCIES.—
14 (A) IN GENERAL.—The Council may ob-
15 tain directly from any Federal agency any in-
16 formation that the Council considers necessary
17 to carry out this section.
18 (B) PROVISION OF INFORMATION.—
19 (i) IN GENERAL.—Except as provided
20 in clause (ii), on request of the Secretary
21 or the non-Federal co-chair of the Council,
22 the head of a Federal agency may provide
23 information to the Council.
24 (ii) LIMITATION.—The head of a Fed-
25 eral agency shall not provide any informa-

1 tion to the Council that the Federal agency
2 head determines the disclosure of which
3 may cause harm to national security inter-
4 ests.
5 (3) POSTAL SERVICES.—The Council may use
6 the United States mail in the same manner and
7 under the same conditions as other agencies of the
8 Federal Government.
9 (4) GIFTS.—The Council may accept, use, and
10 dispose of gifts or donations of services or property.
11 (f) COUNCIL PERSONNEL MATTERS.—
12 (1) COMPENSATION OF MEMBERS.—
13 (A) NON-FEDERAL EMPLOYEES.—A mem-
14 ber of the Council who is not an officer or em-
15 ployee of the Federal Government shall serve
16 without compensation.
17 (B) FEDERAL EMPLOYEES.—A member of
18 the Council who is an officer or employee of the
19 United States shall serve without compensation
20 in addition to the compensation received for
21 services of the member as an officer or em-
22 ployee of the Federal Government.
23 (2) TRAVEL EXPENSES.—A member of the
24 Council shall be allowed travel expenses at rates au-
25 thorized for an employee of an agency under sub-

1 chapter I of chapter 57 of title 5, United States
2 Code, while away from the home or regular place of
3 business of the member in the performance of the
4 duties of the Council.
5 (g) TERMINATION OF COUNCIL.—The Council shall
6 terminate at the end of the eighth fiscal year beginning
7 on or after the date of the enactment of this Act.
8 (h) NATIONAL OFFICE OF DROUGHT PREPARED-
9 NESS.—
10 (1) ESTABLISHMENT.—The Secretary shall es-
11 tablish an office to be known as the "National Office
12 of Drought Preparedness" to provide assistance to
13 the Council.
14 (2) DIRECTOR OF THE OFFICE.—
15 (A) APPOINTMENT.—
16 (i) IN GENERAL.—The Under Sec-
17 retary shall appoint a Director of the Of-
18 fice under sections 3371 through 3375 of
19 title 5, United States Code.
20 (ii) QUALIFICATIONS.—The Director
21 of the Office shall be a person who has ex-
22 perience in—
23 (I) public administration; and
24 (II) drought mitigation or
25 drought management.

1 (B) POWERS.—The Director of the Office
2 may hire such other additional personnel or
3 contract for services with other entities as nec-
4 essary to carry out the duties of the Office.
5 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
6 (A) IN GENERAL.—Except for the require-
7 ments of section 204, an employee of the Fed-
8 eral Government may be detailed to the Office
9 without reimbursement, unless the Secretary,
10 on the recommendation of the Director of the
11 Office, determines that reimbursement is appro-
12 priate.
13 (B) CIVIL SERVICE STATUS.—The detail of
14 an employee shall be without interruption or
15 loss of civil service status or privilege.
16 (i) DROUGHT ASSISTANCE FUND.—
17 (1) ESTABLISHMENT.—There is established
18 within the Department of Agriculture a fund to be
19 known as the "Drought Assistance Fund".
20 (2) PURPOSE.—The Fund shall be used to pay
21 the costs of—
22 (A) providing technical and financial as-
23 sistance (including grants and cooperative as-
24 sistance) to States, Indian tribes, local govern-
25 ments, watershed groups, and critical service

1 providers for the development and implementa-
2 tion of drought preparedness plans;
3 (B) providing to States, Indian tribes, local
4 governments, watershed groups, and critical
5 service providers the Federal share, as deter-
6 mined by the Secretary, in consultation with the
7 other members of the Council, of the cost of
8 mitigating the overall risk and impacts of
9 droughts;
10 (C) assisting States, Indian tribes, local
11 governments, watershed groups, and critical
12 service providers in the development of mitiga-
13 tion measures to address environmental, eco-
14 nomic, and human health and safety issues re-
15 lating to drought; and
16 (D) expanding the technology transfer of
17 drought and water conservation strategies and
18 innovative water supply techniques.
19 (3) GUIDELINES.—
20 (A) IN GENERAL.—The Secretary, in con-
21 sultation with the non-Federal co-chair of the
22 Council and with the concurrence of the Coun-
23 cil, shall develop and promulgate guidelines to
24 implement this subsection.

1 (B) REQUIREMENTS.—The guidelines shall
2 address the following:
3 (i) Ensure the distribution of amounts
4 from the Fund within a reasonable period
5 of time.
6 (ii) Take into consideration regional
7 differences.
8 (iii) Take into consideration all im-
9 pacts of drought in a balanced manner.
10 (iv) Prohibit the use of amounts from
11 the Fund for Federal salaries that are not
12 directly related to the provision of drought
13 assistance.
14 (v) Require that distribution of
15 amounts from the Fund granted to States,
16 local governments, watershed groups, and
17 critical service providers to meet the re-
18 quirements of this subsection be coordi-
19 nated with and managed by the State in
20 which such local government or critical
21 service provider is located, consistent with
22 the drought preparedness priorities and
23 relevant water management plans within
24 the State.

1 (vi) Require that distribution of
2 amounts from the Fund granted to Indian
3 tribes to meet the requirements of this
4 subsection be used to implement plans that
5 are, to the extent practicable, in coordina-
6 tion with each State in which lands of the
7 Indian tribe are located and consistent
8 with existing drought preparedness and
9 water management plans of such States.
10 (vii) Require that a State, Indian
11 tribe, local government, watershed group,
12 or critical service provider that receives
13 Federal funds under paragraph (2) or (3)
14 of subsection (b) cover not less than 25
15 percent of the overall cost incurred in car-
16 rying out the project for which the Federal
17 funds are provided. This cost sharing re-
18 quirement may be satisfied using non-Fed-
19 eral grants or cash donations made by
20 non-Federal third parties.
21 (4) SPECIAL REQUIREMENT FOR INTERSTATE
22 WATERSHEDS.—
23 (A) DEVELOPMENT OF DROUGHT PRE-
24 PAREDNESS PLANS.—In order to receive funds
25 under this subsection to develop drought pre-

1 paredness plans for interstate watersheds, the
2 guidelines shall also require the relevant States,
3 Indian tribes, or both, in which the watershed
4 is located, to coordinate in the development of
5 the drought preparedness plan. The develop-
6 ment of such plans shall—
7 (i) be consistent with the relevant
8 States' and Tribal water laws, policies, and
9 agreements;
10 (ii) be consistent and coordinated with
11 any existing interstate stream compacts;
12 (iii) include the participation of any
13 relevant watershed groups located in the
14 relevant States, Indian tribes, or both; and
15 (iv) recognize that implementation of
16 the interstate drought preparedness plan
17 will involve further coordination among the
18 relevant States, Indian tribes, or both, ex-
19 cept that each State and Indian tribe has
20 sole jurisdiction over implementation of
21 that portion of the watershed that exists
22 within their boundaries.
23 (B) IMPLEMENTATION OF DROUGHT PRE-
24 PAREDNESS PLANS.—In order to receive funds
25 under this subsection to implement drought

1 preparedness plans for interstate watersheds,
2 the guidelines shall also require, to the extent
3 practicable, the relevant States, Indian tribes,
4 or both, in which the watershed is located, to
5 coordinate in the implementation of the drought
6 preparedness plan, recognizing the sovereignty
7 of the States and Indian tribes. Implementation
8 of interstate drought preparedness plans
9 shall—
10 (i) be contingent upon the existence of
11 a drought preparedness plan, but not re-
12 quire the distribution of funds to all States
13 and Indian tribes in which the watershed is
14 located;
15 (ii) consider the level of impact within
16 the watershed on each of the relevant
17 States, Indian tribes, or both; and
18 (iii) not impede on State water rights
19 established as of the date of enactment of
20 this Act.
21 (j) DROUGHT PREPAREDNESS PLANS.—
22 (1) IN GENERAL.—The Secretary shall—
23 (A) with the concurrence of the Council,
24 jointly develop guidelines for administering a
25 national program to provide technical and fi-

1 nancial assistance to States, Indian tribes, local
2 governments, watershed groups, and critical
3 service providers for the development, mainte-
4 nance, and implementation of drought pre-
5 paredness plans; and
6 (B) promulgate the guidelines developed
7 under subparagraph (A).
8 (2) REQUIREMENTS.—To build on the experi-
9 ence and avoid duplication of efforts of Federal,
10 State, local, tribal, and regional drought plans in ex-
11 istence on the date of enactment of this Act, the
12 guidelines may recognize and incorporate those
13 plans.
14 (3) FEDERAL PLANS.—
15 (A) IN GENERAL.—The Secretary and
16 other appropriate Federal agency heads shall
17 develop and implement Federal drought pre-
18 paredness plans for agencies under the jurisdic-
19 tion of the appropriate Federal agency head.
20 (B) REQUIREMENTS.—The Federal
21 plans—
22 (i) shall be integrated with each other;
23 (ii) may be included as components of
24 other Federal planning requirements;

1 (iii) shall be integrated with drought
2 preparedness plans of State, tribal, and
3 local governments that are affected by
4 Federal projects and programs; and
5 (iv) shall be completed not later than
6 two years after the date of the enactment
7 of this Act.
8 (4) STATE AND TRIBAL PLANS.—States and In-
9 dian tribes may develop and implement State and
10 tribal drought preparedness plans that—
11 (A) address monitoring of resource condi-
12 tions that are related to drought;
13 (B) identify areas that are at a high risk
14 for drought;
15 (C) describes mitigation strategies to ad-
16 dress and reduce the vulnerability of an area to
17 drought; and
18 (D) are integrated with State, tribal, and
19 local water plans in existence on the date of en-
20 actment of this Act.
21 (5) REGIONAL AND LOCAL PLANS.—Local gov-
22 ernments, watershed groups, and regional water pro-
23 viders may develop and implement drought pre-
24 paredness plans that—

1 (A) address monitoring of resource condi-
2 tions that are related to drought;
3 (B) identify areas that are at a high risk
4 for drought;
5 (C) describe mitigation strategies to ad-
6 dress and reduce the vulnerability of an area to
7 drought; and
8 (D) are integrated with corresponding
9 State plans.
10 (6) PLAN ELEMENTS.—A drought preparedness
11 plan—
12 (A) shall be consistent with Federal and
13 State laws, contracts, and policies;
14 (B) shall allow each State to continue to
15 manage water and wildlife in the State;
16 (C) shall address the health, safety, and
17 economic interests of those persons directly af-
18 fected by drought;
19 (D) shall address the economic impact on
20 resource-dependent businesses and industries,
21 including regional tourism;
22 (E) may include—
23 (i) provisions for water management
24 strategies to be used during various

1 drought or water shortage thresholds, con-
2 sistent with State water law;
3 (ii) provisions to address key issues
4 relating to drought (including public
5 health, safety, economic factors, and envi-
6 ronmental issues such as water quality,
7 water quantity, protection of threatened
8 and endangered species, and fire manage-
9 ment);
10 (iii) provisions that allow for public
11 participation in the development, adoption,
12 and implementation of drought plans;
13 (iv) provisions for periodic drought ex-
14 ercises, revisions, and updates;
15 (v) a hydrologic characterization study
16 to determine how water is being used dur-
17 ing times of normal water supply avail-
18 ability to anticipate the types of drought
19 mitigation actions that would most effec-
20 tively improve water management during a
21 drought;
22 (vi) drought triggers;
23 (vii) specific implementation actions
24 for droughts;

1 (viii) a water shortage allocation plan,
2 consistent with State water law; and
3 (ix) comprehensive insurance and fi-
4 nancial strategies to manage the risks and
5 financial impacts of droughts; and
6 (F) shall take into consideration—
7 (i) the financial impact of the plan on
8 the ability of the utilities to ensure rate
9 stability and revenue stream; and
10 (ii) economic impacts from water
11 shortages.

Page 715, strike lines 13 through 25 and insert the following:

12 "(A) UNITED STATES COUNTRY OF ORI-
13 GIN.—A retailer of a covered commodity that is
14 beef, lamb, pork, or goat may designate the cov-
15 ered commodity as exclusively having a United
16 States country of origin only if the covered
17 commodity is derived from an animal that
18 was—
19 "(i) exclusively born, raised, and
20 slaughtered in the United States;
21 "(ii) born and raised in Alaska or Ha-
22 waii and transported for a period of not
23 more than 60 days through Canada to the

1 United States and slaughtered in the
2 United States; or
3 "(iii) present in the United States on
4 or before January 1, 2008.".

Page 718, strike lines 16 through 22 and insert the following:

5 "(4) DESIGNATION OF COUNTRY OF ORIGIN
6 FOR PERISHABLE AGRICULTURAL COMMODITIES AND
7 PEANUTS.—
8 "(A) IN GENERAL.—A retailer of a covered
9 commodity that is a perishable agricultural
10 commodity or peanut may designate the covered
11 commodity as having a United States country
12 of origin only if the covered commodity is exclu-
13 sively produced in the United States.
14 "(B) STATE, REGION, LOCALITY OF THE
15 UNITED STATES.—With respect to a covered
16 commodity that is a perishable agricultural
17 commodity produced exclusively in the United
18 States, designation by a retailer of the State,
19 region, or locality of the United States where
20 such commodity was produced shall be suffi-
21 cient to identify the United States as the coun-
22 try of origin."; and

Page 720, line 22 strike "; and" and insert ".".

Page 720, strike line 23 and all that follows through page 721, line 9.

Page 724, line 11, strike "farmers and rancher" and insert "farmers and ranchers".

Page 725, beginning line 8, strike clause (ii) regarding matching funds.

Page 727, beginning line 8, strike subsection (b).

Page 733, line 22, strike "and".

Page 734, line 2, strike the period and insert "; and".

Page 734, after line 2, insert the following:

1 (3) the coordination of the outreach activities
2 among the various agencies within the Department.
3 (c) REPORT.—After the relocation described in this
4 section is completed, the Secretary shall submit to Con-
5 gress a report that includes information describing the
6 new location of the program.

Page 734, line 23, strike "and".

Page 735, line 2, strike the period and insert "; and".

Page 735, beginning line 2, insert the following new paragraph:

1 (7) review ongoing efforts toward outreach in
2 the agencies and programs of the Department.

Redesignate sections 11308, 11309, and 11310 as sections 11307, 11308, and 11309, respectively.

Page 739, line 24, strike "teach" and insert "each".

At the end of title XI, add the following new sections:

3 **SEC. 11310. SENSE OF CONGRESS REGARDING FOOD**
4 **DESERTS, GEOGRAPHICALLY ISOLATED**
5 **NEIGHBORHOODS AND COMMUNITIES WITH**
6 **LIMITED OR NO ACCESS TO MAJOR CHAIN**
7 **GROCERY STORES.**

8 (a) FINDINGS.—Congress finds the following:
9 (1) Food deserts are geographically isolated
10 neighborhoods and communities with limited or no
11 access to major chain grocery stores.
12 (2) These neighborhoods and communities are
13 generally neighborhoods and communities of color,
14 neighborhoods and communities that are economi-
15 cally disadvantaged, or neighborhoods and commu-
16 nities where transportation to a grocery store may
17 be an obstacle to access retail food outlets.

1 (3) Food deserts are not limited to urban areas
2 and can be found in rural communities and isolated
3 communities, such as Indian reservations.
4 (4) Food deserts are further distinguished by
5 an abundance of fast food restaurants and other re-
6 tail food outlets that offer little or no access to
7 fresh, healthy, locally-grown, or nutritious food.
8 (5) Food deserts are identified by a prevalence
9 of chronic diseases, such as obesity, diabetes, cancer,
10 cardiovascular disease, and hypertension.
11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the Secretary of Agriculture, in conjunction
13 with the National Institutes of Health, the Centers for
14 Disease Control, the Institute of Medicine and faith-based
15 organizations, should conduct a national assessment of
16 food deserts throughout the United States and develop
17 recommendations for eliminating them.
18 **SEC. 11311. PIGFORD CLAIMS.**
19 (a) IN GENERAL.—Any Pigford claimant who has not
20 previously obtained a determination on the merits of a
21 Pigford claim may, in a civil action, obtain that determina-
22 tion.
23 (b) INTENT OF CONGRESS AS TO REMEDIAL NATURE
24 OF SECTION.—It is the intent of Congress that this sec-
25 tion be liberally construed so as to effectuate its remedial

1 purpose of giving a full determination on the merits for
2 each Pigford claim denied that determination.
3 (c) LOAN DATA.—
4 (1) REPORT TO PERSON SUBMITTING PETI-
5 TION.—Not later than 60 days after the Secretary
6 of Agriculture receives notice of a complaint filed by
7 a claimant under subsection (a), the Secretary shall
8 provide to the claimant a report on farm credit loans
9 made within the claimant's county or adjacent coun-
10 ty by the Department during the period beginning
11 on January 1 of the year preceding the year or years
12 covered by the complaint and ending on December
13 31 of year following such year or years. Such report
14 shall contain information on all persons whose appli-
15 cation for a loan was accepted, including—
16 (A) the race of the applicant;
17 (B) the date of application;
18 (C) the date of the loan decision;
19 (D) the location of the office making the
20 loan decision; and
21 (E) all data relevant to the process of de-
22 ciding on the loan.
23 (2) NO PERSONALLY IDENTIFIABLE INFORMA-
24 TION.—The reports provided pursuant to paragraph
25 (1) shall not contain any information that would

1 identify any person that applied for a loan from the
2 Department of Agriculture.
3 (d) EXPEDITED RESOLUTIONS AUTHORIZED.—Any
4 person filing a complaint under this Act for discrimination
5 in the application for, or making or servicing of, a farm
6 loan, at his or her discretion, may seek liquidated damages
7 of $50,000, discharge of the debt that was incurred under,
8 or affected by, the discrimination that is the subject of
9 the person's complaint, and a tax payment in the amount
10 equal to 25 percent of the liquidated damages and loan
11 principal discharged, in which case—
12 (1) if only such damages, debt discharge, and
13 tax payment are sought, the complainant shall be
14 able to prove his or her case by substantial evidence;
15 and
16 (2) the court shall decide the case based on a
17 review of documents submitted by the complainant
18 and defendant relevant to the issues of liability and
19 damages.
20 (e) LIMITATION ON FORECLOSURES.—Notwith-
21 standing any other provision of law, the Secretary of Agri-
22 culture may not begin acceleration on or foreclosure of a
23 loan if the borrower is a Pigford claimant and, in an ap-
24 propriate administrative proceeding, makes a prima facie
25 case that the foreclosure is related to a Pigford claim.

1 (f) DEFINITIONS.—In this Act—

2 (1) the term "Pigford claimant" means an indi-
3 vidual who previously submitted a late-filing request
4 under section 5(g) of the consent decree in the case
5 of Pigford v. Glickman, approved by the United
6 States District Court for the District of Columbia on
7 April 14, 1999; and

8 (2) the term "Pigford claim" means a discrimi-
9 nation complaint, as defined by section 1(h) of that
10 consent decree and documented under section 5(b)
11 of that consent decree.