

73 (4th Revision)

**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.

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”.

Page 150, line 18, strike “2012” and insert “2011”.

[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
13 through the submission of bids under a procedure estab-

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

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

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

14 “(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:

15 “(iv) improve watershed health.”.

Page 206, after line 2, insert the following new sub-
section (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”.

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:

1 **SEC. 2504. PILOT PROGRAM FOR FOUR-YEAR CROP ROTA-**
2 **TION FOR PEANUTS.**

3 (a) **CONTRACT AUTHORITY.**—The Secretary of Agri-
4 culture shall enter into a contract with a peanut producer
5 under which the producer will implement a four-year crop
6 rotation for peanuts.

7 (b) **CONTRACT PAYMENTS.**—Under the contract, the
8 Secretary shall pay to the producer a contract implemen-
9 tation payment, in an amount determined to be appro-
10 priate by the Secretary.

11 (c) **FUNDING.**—For each of fiscal years 2008 through
12 2012, the Secretary shall use the funds, facilities, and au-
13 thorities of the Commodity Credit Corporation to carry
14 out the provisions under this section, except that funding

1 of the pilot program may not exceed \$10,000,000 in each
2 of such fiscal years.

[TRADE TITLE]

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

3 (e) FOOD AID CONSULTATIVE GROUP.—

4 (1) REPORT TO CONGRESS.—Section 205 of the
5 Agricultural Trade Development and Assistance Act
6 of 1954 (7 U.S.C. 1725) is amended—

7 (A) by redesignating subsection (f) as sub-
8 section (g); and

9 (B) by inserting after subsection (e) the
10 following new subsection:

11 “(f) REPORT TO CONGRESS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of the Farm, Nutri-
14 tion, and Bioenergy Act of 2007, and annually
15 thereafter until December 31, 2012, the Adminis-
16 trator of the United States Agency for International
17 Development, in close consultation with the Group,
18 shall submit to the appropriate congressional com-
19 mittees a report on efforts taken by the United
20 States Agency for International Development and
21 the Department of Agriculture to develop a strategy

1 under this section to achieve an integrated and effective food assistance program.

3 “(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means—

6 “(A) the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives; and

9 “(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate.”.

11 (2) TERMINATION.—Such section is further amended in subsection (g) (as redesignated by paragraph (1)(A)) by striking “2007” and inserting “2012”.

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

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

15 “(3) GOVERNMENT ACCOUNTABILITY OFFICE.—
16 Not later than 270 days after the date of the submission of the report under paragraph (2), the
17 Comptroller General of the United States shall submit to the appropriate congressional committees a
18 report that—
19
20

1 “(A) reviews and comments on the report
2 under paragraph (2); and

3 “(B) provides recommendations regarding
4 any additional actions necessary to improve the
5 monitoring and evaluation of assistance pro-
6 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:

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

Page 276, after line 12, insert the following:

15 (1) by striking “Funds” and inserting “(A) IN
16 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:

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(B) ADDITIONAL PREPOSITIONING
4 SITES.—

5 “(i) FEASIBILITY ASSESSMENT.—On
6 or after the date of the enactment of the
7 Farm, Nutrition, and Bioenergy Act of
8 2007, the Administrator is authorized to
9 carry out assessments for the establish-
10 ment of not less than two sites to deter-
11 mine the feasibility of and costs associated
12 with using such sites for the purpose of
13 storing and handling agricultural commod-
14 ities for prepositioning in foreign countries.

15 “(ii) ESTABLISHMENT OF SITES.—
16 Based on the results of the assessments
17 carried out under clause (i), the Adminis-
18 trator is authorized to establish additional

1 sites for pre-positioning in foreign coun-
2 tries.

3 “(iii) AUTHORIZATION OF APPROPRIA-
4 TIONS.—To carry out this subparagraph,
5 there are authorized to be appropriated to
6 the Administrator such sums as may be
7 necessary for each of the fiscal years 2008
8 through 2012.”.

Page 277, after line 16, insert the following:

9 (l) AUTHORIZATION OF APPROPRIATIONS.—Sub-
10 section (a) of section 412 of the Agricultural Trade Devel-
11 opment and Assistance Act of 1954 (7 U.S.C. 1736f) is
12 amended to read as follows:

13 “(a) AUTHORIZATION OF APPROPRIATIONS.—For
14 each of the fiscal years 2008 through 2012, there are au-
15 thorized to be appropriated to the President—

16 “(1) such sums as may be necessary to carry
17 out the concessional credit sales program established
18 under title I,

19 “(2) \$2,500,000,000 to carry out the emer-
20 gency and non-emergency food assistance programs
21 under title II, and

22 “(3) such sums as may be necessary to carry
23 out the grant program established under title III,

1 including such amounts as may be required to make pay-
2 ments to the Commodity Credit Corporation to the extent
3 the Commodity Credit Corporation is not reimbursed
4 under the programs under this Act for the actual costs
5 incurred or to be incurred by such Corporation in carrying
6 out such programs.”.

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

7 (m) MICRONUTRIENT FORTIFICATION PROGRAMS.—

8 (1) PURPOSE.—Subsection (a)(2)(C) of section
9 415 of the Agricultural Trade Development and As-
10 sistance Act of 1954 (7 U.S.C. 1736g-2) is amend-
11 ed—

12 (A) by striking “using the same mecha-
13 nism that was used to assess the micronutrient
14 fortification program in” and inserting “uti-
15 lizing recommendations from”; and

16 (B) by striking “with funds from the Bu-
17 reau for Humanitarian Response of the United
18 States Agency for International Development”
19 and inserting “with implementation by an inde-
20 pendent entity with proven impartiality and a
21 mechanism that incorporates the range of
22 stakeholders implementing programs under title

1 II of this Act as well as other food assistance
2 industry experts”.

3 (2) TERMINATION OF AUTHORITY.—Subsection
4 (d) of such section is amended by striking “2007”
5 and inserting “2012”.

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

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

Page 279, after line 10, insert the following new
clause (and redesignate the subsequent clause as clause
(iii)):

6 (ii) in paragraph (1), by striking “3-
7 year period” and inserting “6-month pe-
8 riod”.

Page 281, beginning line 9, strike subsection (c).

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

9 **SEC. 3010. FOREIGN MARKET DEVELOPMENT COOPERATOR**
10 **PROGRAM.**

11 (a) FOREIGN MARKET DEVELOPMENT COOPERATOR
12 PROGRAM.—Subsection (c) of section 702 of the Agricul-
13 tural Trade Act of 1978 (7 U.S.C. 5722) is amended by
14 striking “Committee on International Relations” and in-
15 serting “Committee on Foreign Affairs”.

1 (b) FUNDING.—Subsection (a) of section 703 of such
2 Act (7 U.S.C. 5723) is amended by striking “2002
3 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:

4 **SEC. 3015. REPORT ON EFFORTS TO IMPROVE PROCURE-**
5 **MENT PLANNING.**

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

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

19 (1) improve coordination of food purchases by
20 the United States Agency for International Develop-
21 ment and the Department of Agriculture;

1 (2) increase flexibility in procurement sched-
2 ules;

3 (3) increase utilization of historical analyses
4 and forecasting; and

5 (4) improve and streamline legal claims proc-
6 esses for resolving transportation disputes.

7 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
8 FINED.—In this section, the term “appropriate congres-
9 sional committees” means—

10 (1) the Committee on Foreign Affairs and the
11 Committee on Agriculture of the House of Rep-
12 resentatives; and

13 (2) the Committee on Agriculture, Nutrition,
14 and Forestry of the Senate.

15 **SEC. 3016. INTERNATIONAL DISASTER ASSISTANCE UNDER**
16 **THE FOREIGN ASSISTANCE ACT OF 1961.**

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

[NUTRITION TITLE]

Page 301, beginning on line 18, strike “and Nutri-
tion 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 304(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 “(e)” 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**”.

Page 507, after line 6, insert the following new sections:

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 553, line 12, strike “\$17,000,000” and insert “\$10,000,000”.

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-

1 consider the need for the contract based on that de-
2 termination.”.

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

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Para-
4 graph (1) of section 9002(k) of the Farm Security and
5 Rural Investment Act of 2002 (7 U.S.C. 8102(k)) is
6 amended to read as follows:

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—
8 “(A) FEDERAL PROCUREMENT.—There
9 are authorized to be appropriated \$1,000,000
10 for each of fiscal years 2008 through 2013 to
11 implement the provisions of this section other
12 than subsection (h).

13 “(B) LABELING.—There are authorized to
14 be appropriated \$1,000,000 for each of fiscal
15 years 2008 through 2013 to implement sub-
16 section (h) of this section.”.

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

Page 598, line 4, strike “Section” and insert:

17 (a) WESTERN INSULAR PACIFIC CENTER.—Section
18 9011(d) is amended by adding at the end the following
19 new paragraph:

1 “(6) WESTERN INSULAR PACIFIC CENTER.—A
2 western insular pacific center at the University of
3 Hawaii for the region of Alaska, Hawaii, Guam,
4 American Samoa, the Commonwealth of the North-
5 ern Mariana Islands, the Federated States of Micro-
6 nesia, the Republic of the Marshall Islands, and the
7 Republic of Palau.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section

Strike section 9014.

[HORTICULTURE TITLE]

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

9 (e) DEFINITION OF STATE.—Section 3(2) of the Spe-
10 cialty Crops Competitiveness Act of 2004 (Public Law
11 108-465; 7 U.S.C. 1621 note) is amended by striking
12 “and the Commonwealth of Puerto Rico” and inserting
13 “the Commonwealth of Puerto Rico, Guam, American
14 Samoa, the United States Virgin Islands, and the Com-
15 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) **PURPOSE.**—The purpose of this section is to sup-
 4 port farm and ranch income by significantly enhancing a
 5 producer’s share of the final retail product price through
 6 improved access to competitive processing and distribution
 7 systems which deliver affordable, locally and regionally

1 produced foods to consumers, and improve food access in
2 underserved communities.

3 (b) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” includes—

6 (A) a small or midsized processor, dis-
7 tributor, wholesaler, or retail food outlet;

8 (B) a group of producers operating as a le-
9 gally recognized marketing alliance;

10 (C) a producer-owned cooperative;

11 (D) a nonprofit organization;

12 (E) an economic development or commu-
13 nity development corporation;

14 (F) a unit of State or local government;

15 and

16 (G) an academic institution.

17 (2) INDIAN TRIBE.—The term “Indian tribe”
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 450b).

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (4) SOCIALLY DISADVANTAGED FARMER OR
24 RANCHER.—The term “socially disadvantaged farm-
25 er or rancher” has the meaning given the term in

1 section 355(e) of the Consolidated Farm and Rural
2 Development Act (7 U.S.C. 2003(e)).

3 (5) UNDERSERVED COMMUNITY.—The term
4 “underserved community” includes any community
5 that may have, as determined by the Secretary—

6 (A) limited access to affordable, healthy
7 foods, including fresh fruits and vegetables, in
8 grocery retail stores or farmer-to-consumer di-
9 rect markets;

10 (B) high incidences of diet-related diseases,
11 including obesity;

12 (C) high rates of hunger or food insecurity;

13 or

14 (D) severe or persistent poverty in urban
15 or rural communities, including Indian tribal
16 communities.

17 (c) GRANT PROGRAM.—

18 (1) ESTABLISHMENT.—The Secretary, acting
19 through the head of the market services branch of
20 the Agricultural Marketing Service, shall establish a
21 program under which the Secretary shall provide
22 grants, on a competitive basis, to eligible entities to
23 conduct enterprise feasibility studies (including stud-
24 ies of consumer preference), in accordance with the
25 purpose of this section.

1 (2) APPLICATION.—To be eligible to receive a
2 grant under this subsection, an eligible entity shall
3 submit to the Secretary an application at such time,
4 in such manner, and containing such information as
5 the Secretary may require.

6 (3) COORDINATION WITH OTHER AGENCIES.—
7 In carrying out the program under this subsection,
8 the Secretary shall coordinate, with respect to the
9 development of the program and reviews of grant
10 applications, with—

11 (A) the Cooperative State Research, Edu-
12 cation, and Extension Service; and

13 (B) the Rural Business Cooperative Serv-
14 ice.

15 (4) PRIORITY.—In providing grants under this
16 subsection, the Secretary shall give priority to appli-
17 cations with proposed projects that—

18 (A) include features effectively targeting
19 participation by socially disadvantaged farmers
20 or ranchers or beginning farmers or ranchers;

21 (B) increase employment opportunities in
22 underserved communities;

23 (C) support small and mid-sized farm via-
24 bility and increase farming opportunities; or

1 (D) establish and maintain satisfactory en-
2 vironmental and labor standards, including
3 worker protection.

4 (5) MAXIMUM AMOUNT.—The amount of a
5 grant provided under this subsection shall not exceed
6 \$250,000.

7 (6) TERM.—A grant provided under this sub-
8 section shall have a term of not more than 3 years.

9 (7) REPORTS.—

10 (A) IN GENERAL.—Each eligible entity
11 that receives a grant under this subsection shall
12 submit to the Secretary an annual report de-
13 scribing the results and progress of each feasi-
14 bility study to ensure sufficient progress is
15 achieved with respect to the goals of the
16 projects carried out by the eligible entity.

17 (B) PUBLIC AVAILABILITY.—The Secretary
18 shall ensure that any information contained in
19 a report under subparagraph (A) relating to
20 consumer preference or producer availability is
21 made available to the public.

22 (8) FUNDING.—There are authorized to be ap-
23 propriated such sums as are necessary for each of
24 fiscal years 2008 through 2012 to carry out this sec-
25 tion.

1 (d) GRANT PROGRAM REQUIREMENTS.—

2 (1) TECHNICAL ASSISTANCE AND OUTREACH.—

3 (A) IN GENERAL.—The Secretary shall—

4 (i) provide to the public information
5 relating to the grant programs under this
6 section; and

7 (ii) provide technical assistance to—

8 (I) socially disadvantaged farm-
9 ers or ranchers;

10 (II) Indian tribal organizations;

11 (III) low-income populations; and

12 (IV) other underserved commu-
13 nities and producers.

14 (B) SERVICE PROVIDERS.—In carrying out
15 subparagraph (A), the Secretary may enter into
16 contracts, on a competitive basis, with entities
17 that, as determined by the Secretary—

18 (i) demonstrate experience in serving
19 socially disadvantaged farmers or ranchers
20 and other underserved communities and
21 producers;

22 (ii) include, in the governance struc-
23 ture of the entity, 2 or more members rep-
24 resenting the targeted communities served
25 by the entity; and

1 (iii) will share information developed
2 or used by the entity with—

3 (I) researchers;

4 (II) practitioners; and

5 (III) other interested parties.

6 (2) LIMITATIONS.—For purposes of the pro-
7 grams under this section, the Secretary—

8 (A) shall not give preference to any entity
9 based on an agricultural commodity produced
10 or supported by the entity; and

11 (B) shall encourage, to the maximum ex-
12 tent practicable, projects that use infrastructure
13 efficiently for more than 1 agricultural product.

14 (3) REPORT.—Not less frequently than once
15 each year, the Secretary shall submit to Congress a
16 report that describes the programs (including the
17 level of participation in each program) under this
18 section, including information relating to—

19 (A) projects carried out under this section;

20 (B) characteristics of the agricultural pro-
21 ducers and communities served by the projects;

22 (C) the benefits of the projects;

23 (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 sections:

10 **SEC. 11013. NATIONAL DROUGHT COUNCIL AND DROUGHT**
11 **PREPAREDNESS PLANS.**

12 (a) **DEFINITIONS.**—In this section:

13 (1) **COUNCIL.**—The term “Council” means the
14 National Drought Council established by this sec-
15 tion.

16 (2) **CRITICAL SERVICE PROVIDER.**—The term
17 “critical service provider” means an entity that pro-
18 vides power, water (including water provided by an
19 irrigation organization or facility), sewer services, or
20 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) MEMBER.—The term “member”, with re-
24 spect to the National Drought Council, means a
25 member of the Council specified or appointed under

1 this section or, in the absence of the member, the
2 member's designee.

3 (8) MITIGATION.—The term “mitigation”
4 means a short- or long-term action, program, or pol-
5 icy that is implemented in advance of or during a
6 drought to minimize any risks and impacts of
7 drought.

8 (9) NEIGHBORING COUNTRY.—The term
9 “neighboring country” means Canada and Mexico.

10 (10) OFFICE.—The term “Office” means the
11 National Office of Drought Preparedness established
12 under this section.

13 (11) SECRETARY.—The term “Secretary”
14 means the Secretary of Agriculture.

15 (12) STATE.—The term “State” means the sev-
16 eral States, the District of Columbia, American
17 Samoa, Guam, the Commonwealth of the Northern
18 Mariana Islands, the Commonwealth of Puerto Rico,
19 and the United States Virgin Islands.

20 (13) TRIGGER.—The term “trigger” means the
21 thresholds or criteria that must be satisfied before
22 mitigation or emergency assistance may be provided
23 to an area—

24 (A) in which drought is emerging; or

25 (B) that is experiencing a drought.

1 (14) UNDER SECRETARY.—The term “Under
2 Secretary” means the Under Secretary of Agri-
3 culture for Natural Resources and Environment.

4 (15) WATERSHED.—The term “watershed”
5 means a region or area with common hydrology, an
6 area drained by a waterway that drains into a lake
7 or reservoir, the total area above a given point on
8 a stream that contributes water to the flow at that
9 point, or the topographic dividing line from which
10 surface streams flow in two different directions. In
11 no case shall a watershed be larger than a river
12 basin.

13 (16) WATERSHED GROUP.—The term “water-
14 shed group” means a group of individuals, formally
15 recognized by the appropriate State or States, who
16 represent the broad scope of relevant interests with-
17 in a watershed and who work together in a collabo-
18 rative manner to jointly plan the management of the
19 natural resources contained within the watershed.

20 (b) EFFECT OF SECTION.—This section does not af-
21 fect—

22 (1) the authority of a State to allocate quan-
23 tities of water under the jurisdiction of the State; or

24 (2) any State water rights established as of the
25 date of enactment of this Act.

1 (c) NATIONAL DROUGHT COUNCIL.—

2 (1) ESTABLISHMENT.—There is established in
3 the Office of the Secretary of Agriculture a council
4 to be known as the “National Drought Council”.

5 (2) MEMBERSHIP.—

6 (A) COMPOSITION.—The Council shall be
7 composed of—

8 (i) the Secretary (or the designee of
9 the Secretary);

10 (ii) the Secretary of Commerce (or the
11 designee of the Secretary of Commerce);

12 (iii) the Secretary of the Army (or the
13 designee of the Secretary of the Army);

14 (iv) the Secretary of the Interior (or
15 the designee of the Secretary of the Inte-
16 rior);

17 (v) the Director of the Federal Emer-
18 gency Management Agency (or the des-
19 igned of the Director);

20 (vi) the Administrator of the Environ-
21 mental Protection Agency (or the designee
22 of the Administrator);

23 (vii) 4 members appointed by the Sec-
24 retary, in coordination with the National
25 Governors Association, each of whom shall

1 be the Governor of a State (or the designee
2 of the Governor) and who collectively shall
3 represent the geographic diversity of the
4 Nation;

5 (viii) 1 member appointed by the Sec-
6 retary, in coordination with the National
7 Association of Counties;

8 (ix) 1 member appointed by the Sec-
9 retary, in coordination with the United
10 States Conference of Mayors;

11 (x) 1 member appointed by the Sec-
12 retary of the Interior, in coordination with
13 Indian tribes, to represent the interests of
14 tribal governments; and

15 (xi) 1 member appointed by the Sec-
16 retary, in coordination with the National
17 Association of Conservation Districts, to
18 represent local soil and water conservation
19 districts.

20 (B) DATE OF APPOINTMENT.—The ap-
21 pointment of each member of the Council shall
22 be made not later than 120 days after the date
23 of enactment of this Act.

24 (3) TERM; VACANCIES.—

1 (A) TERM.—A non-Federal member of the
2 Council appointed under paragraph (2) shall be
3 appointed for a term of two years.

4 (B) VACANCIES.—A vacancy on the Coun-
5 cil—

6 (i) shall not affect the powers of the
7 Council; and

8 (ii) shall be filled in the same manner
9 as the original appointment was made.

10 (C) TERMS OF MEMBERS FILLING VACAN-
11 CIES.—Any member appointed to fill a vacancy
12 occurring before the expiration of the term for
13 which the member's predecessor was appointed
14 shall be appointed only for the remainder of
15 that term.

16 (4) MEETINGS.—

17 (A) IN GENERAL.—The Council shall meet
18 at the call of the co-chairs.

19 (B) FREQUENCY.—The Council shall meet
20 at least semiannually.

21 (5) QUORUM.—A majority of the members of
22 the Council shall constitute a quorum, but a lesser
23 number may hold hearings or conduct other busi-
24 ness.

25 (6) COUNCIL LEADERSHIP.—

1 (A) IN GENERAL.—There shall be a Fed-
2 eral co-chair and non-Federal co-chair of the
3 Council.

4 (B) APPOINTMENT.—

5 (i) FEDERAL CO-CHAIR.—The Sec-
6 retary shall be Federal co-chair.

7 (ii) NON-FEDERAL CO-CHAIR.—The
8 non-Federal members of the Council shall
9 select, on a biannual basis, a non-Federal
10 co-chair of the Council from among the
11 members appointed under paragraph (2)

12 (7) DIRECTOR OF THE OFFICE.—

13 (A) IN GENERAL.—The Director of the Of-
14 fice shall serve as Secretary of the Council.

15 (B) DUTIES.—The Director of the Office
16 shall serve the interests of all members of the
17 Council.

18 (d) DUTIES OF THE COUNCIL.—

19 (1) IN GENERAL.—The Council shall—

20 (A) not later than one year after the date
21 of the first meeting of the Council, develop a
22 comprehensive National Drought Policy Action
23 Plan that—

24 (i)(I) delineates and integrates re-
25 sponsibilities for activities relating to

1 drought (including drought preparedness,
2 mitigation, research, risk management,
3 training, and emergency relief) among
4 Federal agencies; and

5 (II) ensures that those activities are
6 coordinated with the activities of the
7 States, local governments, Indian tribes,
8 and neighboring countries;

9 (ii) is consistent with—

10 (I) this Act and other applicable
11 Federal laws; and

12 (II) the laws and policies of the
13 States for water management;

14 (iii) is integrated with drought man-
15 agement programs of the States, Indian
16 tribes, local governments, watershed
17 groups, and private entities; and

18 (iv) avoids duplicating Federal, State,
19 tribal, local, watershed, and private
20 drought preparedness and monitoring pro-
21 grams in existence on the date of enact-
22 ment of this Act;

23 (B) evaluate Federal drought-related pro-
24 grams in existence on the date of enactment of
25 this Act and make recommendations to Con-

1 gress and the President on means of elimi-
2 nating—

3 (i) discrepancies between the goals of
4 the programs and actual service delivery;

5 (ii) duplication among programs; and

6 (iii) any other circumstances that
7 interfere with the effective operation of the
8 programs;

9 (C) make recommendations to the Presi-
10 dent, Congress, and appropriate Federal Agen-
11 cies on—

12 (i) the establishment of common inter-
13 agency triggers for authorizing Federal
14 drought mitigation programs; and

15 (ii) improving the consistency and
16 fairness of assistance among Federal
17 drought relief programs;

18 (D) encourage and facilitate the develop-
19 ment of drought preparedness plans under sub-
20 title C, including establishing the guidelines
21 under this section;

22 (E) based on a review of drought prepared-
23 ness plans, develop and make available to the
24 public drought planning models to reduce water

1 resource conflicts relating to water conservation
2 and droughts;

3 (F) develop and coordinate public aware-
4 ness activities to provide the public with access
5 to understandable, and informative materials on
6 drought, including—

7 (i) explanations of the causes of
8 drought, the impacts of drought, and the
9 damages from drought;

10 (ii) descriptions of the value and bene-
11 fits of land stewardship to reduce the im-
12 pacts of drought and to protect the envi-
13 ronment;

14 (iii) clear instructions for appropriate
15 responses to drought, including water con-
16 servation, water reuse, and detection and
17 elimination of water leaks;

18 (iv) information on State and local
19 laws applicable to drought; and

20 (v) opportunities for assistance to re-
21 source-dependent businesses and industries
22 in times of drought; and

23 (G) establish operating procedures for the
24 Council.

1 (2) CONSULTATION.—In carrying out this sub-
2 section, the Council shall consult with groups af-
3 fected by drought emergencies.

4 (3) REPORTS TO CONGRESS.—

5 (A) ANNUAL REPORT.—

6 (i) IN GENERAL.—Not later than one
7 year after the date of the first meeting of
8 the Council, and annually thereafter, the
9 Council shall submit to Congress a report
10 on the activities carried out under this sec-
11 tion.

12 (ii) INCLUSIONS.—

13 (I) IN GENERAL.—The annual
14 report shall include a summary of
15 drought preparedness plans.

16 (II) INITIAL REPORT.—The ini-
17 tial report submitted under subpara-
18 graph (A) shall include any rec-
19 ommendations of the Council.

20 (B) FINAL REPORT.—Not later than seven
21 years after the date of enactment of this Act,
22 the Council shall submit to Congress a report
23 that recommends—

24 (i) amendments to this section; and

1 (ii) whether the Council should con-
2 tinue.

3 (e) POWERS OF THE COUNCIL.—

4 (1) HEARINGS.—The Council may hold hear-
5 ings, meet and act at any time and place, take any
6 testimony and receive any evidence that the Council
7 considers advisable to carry out this section.

8 (2) INFORMATION FROM FEDERAL AGENCIES.—

9 (A) IN GENERAL.—The Council may ob-
10 tain directly from any Federal agency any in-
11 formation that the Council considers necessary
12 to carry out this section.

13 (B) PROVISION OF INFORMATION.—

14 (i) IN GENERAL.—Except as provided
15 in clause (ii), on request of the Secretary
16 or the non-Federal co-chair of the Council,
17 the head of a Federal agency may provide
18 information to the Council.

19 (ii) LIMITATION.—The head of a Fed-
20 eral agency shall not provide any informa-
21 tion to the Council that the Federal agency
22 head determines the disclosure of which
23 may cause harm to national security inter-
24 ests.

1 (3) POSTAL SERVICES.—The Council may use
2 the United States mail in the same manner and
3 under the same conditions as other agencies of the
4 Federal Government.

5 (4) GIFTS.—The Council may accept, use, and
6 dispose of gifts or donations of services or property.

7 (f) COUNCIL PERSONNEL MATTERS.—

8 (1) COMPENSATION OF MEMBERS.—

9 (A) NON-FEDERAL EMPLOYEES.—A mem-
10 ber of the Council who is not an officer or em-
11 ployee of the Federal Government shall serve
12 without compensation.

13 (B) FEDERAL EMPLOYEES.—A member of
14 the Council who is an officer or employee of the
15 United States shall serve without compensation
16 in addition to the compensation received for
17 services of the member as an officer or em-
18 ployee of the Federal Government.

19 (2) TRAVEL EXPENSES.—A member of the
20 Council shall be allowed travel expenses at rates au-
21 thorized for an employee of an agency under sub-
22 chapter I of chapter 57 of title 5, United States
23 Code, while away from the home or regular place of
24 business of the member in the performance of the
25 duties of the Council.

1 (g) TERMINATION OF COUNCIL.—The Council shall
2 terminate at the end of the eighth fiscal year beginning
3 on or after the date of the enactment of this Act.

4 (h) NATIONAL OFFICE OF DROUGHT PREPARED-
5 NESS.—

6 (1) ESTABLISHMENT.—The Secretary shall es-
7 tablish an office to be known as the “National Office
8 of Drought Preparedness” to provide assistance to
9 the Council.

10 (2) DIRECTOR OF THE OFFICE.—

11 (A) APPOINTMENT.—

12 (i) IN GENERAL.—The Under Sec-
13 retary shall appoint a Director of the Of-
14 fice under sections 3371 through 3375 of
15 title 5, United States Code.

16 (ii) QUALIFICATIONS.—The Director
17 of the Office shall be a person who has ex-
18 perience in—

19 (I) public administration; and

20 (II) drought mitigation or
21 drought management.

22 (B) POWERS.—The Director of the Office
23 may hire such other additional personnel or
24 contract for services with other entities as nec-
25 essary to carry out the duties of the Office.

1 (3) DETAIL OF GOVERNMENT EMPLOYEES.—

2 (A) IN GENERAL.—Except for the require-
3 ments of section 204, an employee of the Fed-
4 eral Government may be detailed to the Office
5 without reimbursement, unless the Secretary,
6 on the recommendation of the Director of the
7 Office, determines that reimbursement is appro-
8 priate.

9 (B) CIVIL SERVICE STATUS.—The detail of
10 an employee shall be without interruption or
11 loss of civil service status or privilege.

12 (i) DROUGHT ASSISTANCE FUND.—

13 (1) ESTABLISHMENT.—There is established
14 within the Department of Agriculture a fund to be
15 known as the “Drought Assistance Fund”.

16 (2) PURPOSE.—The Fund shall be used to pay
17 the costs of—

18 (A) providing technical and financial as-
19 sistance (including grants and cooperative as-
20 sistance) to States, Indian tribes, local govern-
21 ments, watershed groups, and critical service
22 providers for the development and implementa-
23 tion of drought preparedness plans;

24 (B) providing to States, Indian tribes, local
25 governments, watershed groups, and critical

1 service providers the Federal share, as deter-
2 mined by the Secretary, in consultation with the
3 other members of the Council, of the cost of
4 mitigating the overall risk and impacts of
5 droughts;

6 (C) assisting States, Indian tribes, local
7 governments, watershed groups, and critical
8 service providers in the development of mitiga-
9 tion measures to address environmental, eco-
10 nomic, and human health and safety issues re-
11 lating to drought; and

12 (D) expanding the technology transfer of
13 drought and water conservation strategies and
14 innovative water supply techniques.

15 (3) GUIDELINES.—

16 (A) IN GENERAL.—The Secretary, in con-
17 sultation with the non-Federal co-chair of the
18 Council and with the concurrence of the Coun-
19 cil, shall develop and promulgate guidelines to
20 implement this subsection.

21 (B) REQUIREMENTS.—The guidelines shall
22 address the following:

23 (i) Ensure the distribution of amounts
24 from the Fund within a reasonable period
25 of time.

1 (ii) Take into consideration regional
2 differences.

3 (iii) Take into consideration all im-
4 pacts of drought in a balanced manner.

5 (iv) Prohibit the use of amounts from
6 the Fund for Federal salaries that are not
7 directly related to the provision of drought
8 assistance.

9 (v) Require that distribution of
10 amounts from the Fund granted to States,
11 local governments, watershed groups, and
12 critical service providers to meet the re-
13 quirements of this subsection be coordi-
14 nated with and managed by the State in
15 which such local government or critical
16 service provider is located, consistent with
17 the drought preparedness priorities and
18 relevant water management plans within
19 the State.

20 (vi) Require that distribution of
21 amounts from the Fund granted to Indian
22 tribes to meet the requirements of this
23 subsection be used to implement plans that
24 are, to the extent practicable, in coordina-
25 tion with each State in which lands of the

1 Indian tribe are located and consistent
2 with existing drought preparedness and
3 water management plans of such States.

4 (vii) Require that a State, Indian
5 tribe, local government, watershed group,
6 or critical service provider that receives
7 Federal funds under paragraph (2) or (3)
8 of subsection (b) cover not less than 25
9 percent of the overall cost incurred in car-
10 rying out the project for which the Federal
11 funds are provided. This cost sharing re-
12 quirement may be satisfied using non-Fed-
13 eral grants or cash donations made by
14 non-Federal third parties.

15 (4) SPECIAL REQUIREMENT FOR INTERSTATE
16 WATERSHEDS.—

17 (A) DEVELOPMENT OF DROUGHT PRE-
18 PAREDNESS PLANS.—In order to receive funds
19 under this subsection to develop drought pre-
20 paredness plans for interstate watersheds, the
21 guidelines shall also require the relevant States,
22 Indian tribes, or both, in which the watershed
23 is located, to coordinate in the development of
24 the drought preparedness plan. The develop-
25 ment of such plans shall—

1 (i) be consistent with the relevant
2 States' and Tribal water laws, policies, and
3 agreements;

4 (ii) be consistent and coordinated with
5 any existing interstate stream compacts;

6 (iii) include the participation of any
7 relevant watershed groups located in the
8 relevant States, Indian tribes, or both; and

9 (iv) recognize that implementation of
10 the interstate drought preparedness plan
11 will involve further coordination among the
12 relevant States, Indian tribes, or both, ex-
13 cept that each State and Indian tribe has
14 sole jurisdiction over implementation of
15 that portion of the watershed that exists
16 within their boundaries.

17 (B) IMPLEMENTATION OF DROUGHT PRE-
18 PAREDNESS PLANS.—In order to receive funds
19 under this subsection to implement drought
20 preparedness plans for interstate watersheds,
21 the guidelines shall also require, to the extent
22 practicable, the relevant States, Indian tribes,
23 or both, in which the watershed is located, to
24 coordinate in the implementation of the drought
25 preparedness plan, recognizing the sovereignty

1 of the States and Indian tribes. Implementation
2 of interstate drought preparedness plans
3 shall—

4 (i) be contingent upon the existence of
5 a drought preparedness plan, but not re-
6 quire the distribution of funds to all States
7 and Indian tribes in which the watershed is
8 located;

9 (ii) consider the level of impact within
10 the watershed on each of the relevant
11 States, Indian tribes, or both; and

12 (iii) not impede on State water rights
13 established as of the date of enactment of
14 this Act.

15 (j) DROUGHT PREPAREDNESS PLANS.—

16 (1) IN GENERAL.—The Secretary shall—

17 (A) with the concurrence of the Council,
18 jointly develop guidelines for administering a
19 national program to provide technical and fi-
20 nancial assistance to States, Indian tribes, local
21 governments, watershed groups, and critical
22 service providers for the development, mainte-
23 nance, and implementation of drought pre-
24 paredness plans; and

1 (B) promulgate the guidelines developed
2 under subparagraph (A).

3 (2) REQUIREMENTS.—To build on the experi-
4 ence and avoid duplication of efforts of Federal,
5 State, local, tribal, and regional drought plans in ex-
6 istence on the date of enactment of this Act, the
7 guidelines may recognize and incorporate those
8 plans.

9 (3) FEDERAL PLANS.—

10 (A) IN GENERAL.—The Secretary and
11 other appropriate Federal agency heads shall
12 develop and implement Federal drought pre-
13 paredness plans for agencies under the jurisdic-
14 tion of the appropriate Federal agency head.

15 (B) REQUIREMENTS.—The Federal
16 plans—

17 (i) shall be integrated with each other;

18 (ii) may be included as components of
19 other Federal planning requirements;

20 (iii) shall be integrated with drought
21 preparedness plans of State, tribal, and
22 local governments that are affected by
23 Federal projects and programs; and

1 (iv) shall be completed not later than
2 two years after the date of the enactment
3 of this Act.

4 (4) STATE AND TRIBAL PLANS.—States and In-
5 dian tribes may develop and implement State and
6 tribal drought preparedness plans that—

7 (A) address monitoring of resource condi-
8 tions that are related to drought;

9 (B) identify areas that are at a high risk
10 for drought;

11 (C) describes mitigation strategies to ad-
12 dress and reduce the vulnerability of an area to
13 drought; and

14 (D) are integrated with State, tribal, and
15 local water plans in existence on the date of en-
16 actment of this Act.

17 (5) REGIONAL AND LOCAL PLANS.—Local gov-
18 ernments, watershed groups, and regional water pro-
19 viders may develop and implement drought pre-
20 paredness plans that—

21 (A) address monitoring of resource condi-
22 tions that are related to drought;

23 (B) identify areas that are at a high risk
24 for drought;

1 (C) describe mitigation strategies to ad-
2 dress and reduce the vulnerability of an area to
3 drought; and

4 (D) are integrated with corresponding
5 State plans.

6 (6) PLAN ELEMENTS.—A drought preparedness
7 plan—

8 (A) shall be consistent with Federal and
9 State laws, contracts, and policies;

10 (B) shall allow each State to continue to
11 manage water and wildlife in the State;

12 (C) shall address the health, safety, and
13 economic interests of those persons directly af-
14 fected by drought;

15 (D) shall address the economic impact on
16 resource-dependent businesses and industries,
17 including regional tourism;

18 (E) may include—

19 (i) provisions for water management
20 strategies to be used during various
21 drought or water shortage thresholds, con-
22 sistent with State water law;

23 (ii) provisions to address key issues
24 relating to drought (including public
25 health, safety, economic factors, and envi-

1 ronmental issues such as water quality,
2 water quantity, protection of threatened
3 and endangered species, and fire manage-
4 ment);

5 (iii) provisions that allow for public
6 participation in the development, adoption,
7 and implementation of drought plans;

8 (iv) provisions for periodic drought ex-
9 ercises, revisions, and updates;

10 (v) a hydrologic characterization study
11 to determine how water is being used dur-
12 ing times of normal water supply avail-
13 ability to anticipate the types of drought
14 mitigation actions that would most effec-
15 tively improve water management during a
16 drought;

17 (vi) drought triggers;

18 (vii) specific implementation actions
19 for droughts;

20 (viii) a water shortage allocation plan,
21 consistent with State water law; and

22 (ix) comprehensive insurance and fi-
23 nancial strategies to manage the risks and
24 financial impacts of droughts; and

25 (F) shall take into consideration—

1 (i) the financial impact of the plan on
2 the ability of the utilities to ensure rate
3 stability and revenue stream; and

4 (ii) economic impacts from water
5 shortages.

6 (k) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) COUNCIL.—There is authorized to be appro-
8 priated to carry out the activities of the Council
9 \$2,000,000 for fiscal year 2008 and for each of the
10 subsequent seven fiscal years.

11 (2) FUND.—There are authorized to be appro-
12 priated to the Fund such sums as are necessary to
13 carry out subsection (i).

14 **SEC. 11014. PAYMENT OF PORTION OF PREMIUM FOR AREA**
15 **REVENUE PLANS.**

16 Section 508(e) of the Federal Crop Insurance Act (7
17 U.S.C. 1508(e)) is amended—

18 (1) in paragraph (2), in the matter preceding
19 subparagraph (A), by striking “paragraph (4)” and
20 inserting “paragraphs (4), (6), and (7)”; and

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

22 “(6) PREMIUM SUBSIDY FOR AREA REVENUE
23 PLANS.—Subject to paragraph (4), in the case of a
24 policy or plan of insurance that covers losses due to

1 a reduction in revenue in an area, the amount of the
2 premium paid by the Corporation shall be as follows:

3 “(A) In the case of additional area cov-
4 erage equal to or greater than 70 percent, but
5 less than 75 percent, of the recorded county
6 yield indemnified at not greater than 100 per-
7 cent of the expected market price, the amount
8 shall be equal to the sum of—

9 “(i) 59 percent of the amount of the
10 premium established under subsection
11 (d)(2)(B)(i) for the coverage level selected;
12 and

13 “(ii) the amount determined under
14 subsection (d)(2)(B)(ii) for the coverage
15 level selected to cover operating and ad-
16 ministrative expenses.

17 “(B) In the case of additional area cov-
18 erage equal to or greater than 75 percent, but
19 less than 85 percent, of the recorded county
20 yield indemnified at not greater than 100 per-
21 cent of the expected market price, the amount
22 shall be equal to the sum of—

23 “(i) 55 percent of the amount of the
24 premium established under subsection

1 (d)(2)(B)(i) for the coverage level selected;
2 and

3 “(ii) the amount determined under
4 subsection (d)(2)(B)(ii) for the coverage
5 level selected to cover operating and ad-
6 ministrative expenses.

7 “(C) In the case of additional area cov-
8 erage equal to or greater than 85 percent, but
9 less than 90 percent, of the recorded county
10 yield indemnified at not greater than 100 per-
11 cent of the expected market price, the amount
12 shall be equal to the sum of—

13 “(i) 49 percent of the amount of the
14 premium established under subsection
15 (d)(2)(B)(i) for the coverage level selected;
16 and

17 “(ii) the amount determined under
18 subsection (d)(2)(B)(ii) for the coverage
19 level selected to cover operating and ad-
20 ministrative expenses.

21 “(D) In the case of additional area cov-
22 erage equal to or greater than 90 percent of the
23 recorded county yield indemnified at not greater
24 than 100 percent of the expected market price,
25 the amount shall be equal to the sum of—

1 “(i) 44 percent of the amount of the
2 premium established under subsection
3 (d)(2)(B)(i) for the coverage level selected;
4 and

5 “(ii) the amount determined under
6 subsection (d)(2)(B)(ii) for the coverage
7 level selected to cover operating and ad-
8 ministrative expenses.

9 “(7) PREMIUM SUBSIDY FOR AREA YIELD
10 PLANS.—Subject to paragraph (4), in the case of a
11 policy or plan of insurance that covers losses due to
12 a loss of yield or prevented planting in an area, the
13 amount of the premium paid by the Corporation
14 shall be as follows:

15 “(A) In the case of additional area cov-
16 erage equal to or greater than 70 percent, but
17 less than 80 percent, of the recorded county
18 yield indemnified at not greater than 100 per-
19 cent of the expected market price, the amount
20 shall be equal to the sum of—

21 “(i) 59 percent of the amount of the
22 premium established under subsection
23 (d)(2)(B)(i) for the coverage level selected;
24 and

1 “(ii) the amount determined under
2 subsection (d)(2)(B)(ii) for the coverage
3 level selected to cover operating and ad-
4 ministrative expenses.

5 “(B) In the case of additional area cov-
6 erage equal to or greater than 80 percent, but
7 less than 90 percent, of the recorded county
8 yield indemnified at not greater than 100 per-
9 cent of the expected market price, the amount
10 shall be equal to the sum of—

11 “(i) 55 percent of the amount of the
12 premium established under subsection
13 (d)(2)(B)(i) for the coverage level selected;
14 and

15 “(ii) the amount determined under
16 subsection (d)(2)(B)(ii) for the coverage
17 level selected to cover operating and ad-
18 ministrative expenses.

19 “(C) In the case of additional area cov-
20 erage equal to or greater than 90 percent, of
21 the recorded county yield indemnified at not
22 greater than 100 percent of the expected mar-
23 ket price, the amount shall be equal to the sum
24 of—

1 “(i) 51 percent of the amount of the
2 premium established under subsection
3 (d)(2)(B)(i) for the coverage level selected;
4 and

5 “(ii) the amount determined under
6 subsection (d)(2)(B)(ii) for the coverage
7 level selected to cover operating and ad-
8 ministrative expenses.”.

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

9 “(A) UNITED STATES COUNTRY OF ORI-
10 GIN.—A retailer of a covered commodity that is
11 beef, lamb, pork, or goat may designate the cov-
12 ered commodity as exclusively having a United
13 States country of origin only if the covered
14 commodity is derived from an animal that
15 was—

16 “(i) exclusively born, raised, and
17 slaughtered in the United States;

18 “(ii) born and raised in Alaska or Ha-
19 waii and transported for a period of not
20 more than 60 days through Canada to the
21 United States and slaughtered in the
22 United States; or

1 “(iii) present in the United States on
2 or before January 1, 2008.”.

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

3 “(4) DESIGNATION OF COUNTRY OF ORIGIN
4 FOR PERISHABLE AGRICULTURAL COMMODITIES AND
5 PEANUTS.—

6 “(A) IN GENERAL.—A retailer of a covered
7 commodity that is a perishable agricultural
8 commodity or peanut may designate the covered
9 commodity as having a United States country
10 of origin only if the covered commodity is exclu-
11 sively produced in the United States.

12 “(B) STATE, REGION, LOCALITY OF THE
13 UNITED STATES.—With respect to a covered
14 commodity that is a perishable agricultural
15 commodity produced exclusively in the United
16 States, designation by a retailer of the State,
17 region, or locality of the United States where
18 such commodity was produced shall be suffi-
19 cient to identify the United States as the coun-
20 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 sec-
tions:

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 It is the sense of Congress that the Secretary of Agri-
9 culture, in conjunction with the National Institutes of
10 Health, the Centers for Disease Control, the Institute of
11 Medicine and faith-based organizations, should—

12 (1) conduct a national assessment of food
13 deserts in the United States, namely those geo-
14 graphically isolated neighborhoods and communities
15 with limited or no access to major-chain grocery
16 stores; and

17 (2) develop recommendations for eliminating
18 food deserts.

1 **SEC. 11311. PIGFORD CLAIMS.**

2 (a) IN GENERAL.—Any Pigford claimant who has not
3 previously obtained a determination on the merits of a
4 Pigford claim may, in a civil action, obtain that determina-
5 tion.

6 (b) LIMITATION.—Notwithstanding any other provi-
7 sion of law—

8 (1) All payments or debt relief (including any
9 limitation on foreclosure under subsection (f)) made
10 pursuant to an action commenced under subsection
11 (a) shall be made exclusively from funds made avail-
12 able pursuant to subsection (h), Provided that the
13 total amount of payments and debt relief pursuant
14 to an action commenced under subsection (a) shall
15 not exceed \$100,000,000; and,

16 (2) In no event may such payments or debt re-
17 lief be made from the Judgement Fund established
18 by 31 U.S.C. 1304.

19 (c) INTENT OF CONGRESS AS TO REMEDIAL NATURE
20 OF SECTION.—It is the intent of Congress that this sec-
21 tion be liberally construed so as to effectuate its remedial
22 purpose of giving a full determination on the merits for
23 each Pigford claim denied that determination.

24 (d) LOAN DATA.—

25 (1) REPORT TO PERSON SUBMITTING PETI-
26 TION.—Not later than 60 days after the Secretary

1 of Agriculture receives notice of a complaint filed by
2 a claimant under subsection (a), the Secretary shall
3 provide to the claimant a report on farm credit loans
4 made within the claimant's county or adjacent coun-
5 ty by the Department during the period beginning
6 on January 1 of the year preceding the year or years
7 covered by the complaint and ending on December
8 31 of year following such year or years. Such report
9 shall contain information on all persons whose appli-
10 cation for a loan was accepted, including—

11 (A) the race of the applicant;

12 (B) the date of application;

13 (C) the date of the loan decision;

14 (D) the location of the office making the
15 loan decision; and

16 (E) all data relevant to the process of de-
17 ciding on the loan.

18 (2) NO PERSONALLY IDENTIFIABLE INFORMA-
19 TION.—The reports provided pursuant to paragraph
20 (1) shall not contain any information that would
21 identify any person that applied for a loan from the
22 Department of Agriculture.

23 (e) EXPEDITED RESOLUTIONS AUTHORIZED.—Any
24 person filing a complaint under this Act for discrimination
25 in the application for, or making or servicing of, a farm

1 loan, at his or her discretion, may seek liquidated damages
2 of \$50,000, discharge of the debt that was incurred under,
3 or affected by, the discrimination that is the subject of
4 the person's complaint, and a tax payment in the amount
5 equal to 25 percent of the liquidated damages and loan
6 principal discharged, in which case—

7 (1) if only such damages, debt discharge, and
8 tax payment are sought, the complainant shall be
9 able to prove his or her case by substantial evidence;
10 and

11 (2) the court shall decide the case based on a
12 review of documents submitted by the complainant
13 and defendant relevant to the issues of liability and
14 damages.

15 (f) LIMITATION ON FORECLOSURES.—The Secretary
16 of Agriculture may not begin acceleration on or foreclosure
17 of a loan if a borrower is a Pigford claimant and, in an
18 appropriate administrative proceeding, makes a prima
19 facie case that the foreclosure is related to a Pigford
20 claim.

21 (g) DEFINITIONS.—In this Act—

22 (1) the term “Pigford claimant” means an indi-
23 vidual who previously submitted a late-filing request
24 under section 5(g) of the consent decree in the case
25 of Pigford v. Glickman, approved by the United

1 States District Court for the District of Columbia on
2 April 14, 1999; and

3 (2) the term “Pigford claim” means a discrimi-
4 nation complaint, as defined by section 1(h) of that
5 consent decree and documented under section 5(b)
6 of that consent decree.

7 (h) FUNDING.—Of the funds of the Commodity Cred-
8 it Corporation, the Secretary shall make available
9 \$100,000,000 for fiscal year 2008, to remain available
10 until expended, for payments and debt relief in satisfac-
11 tion of claims against the United States under subsection
12 (a), and for any actions made pursuant to subsection (f).

13 **SEC. 11312. COMPTROLLER GENERAL STUDY OF WASTE-**
14 **WATER INFRASTRUCTURE NEAR UNITED**
15 **STATES-MEXICO BORDER.**

16 The Comptroller General shall conduct a study of the
17 state of wastewater infrastructure in rural communities
18 within 150 miles of the United States-Mexico border to
19 determine what the Federal Government can do to assist
20 border rural communities in bringing wastewater infra-
21 structure up to date.