

110TH CONGRESS
1ST SESSION

H. R. 2401

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

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2007

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

A BILL

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

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

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

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

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

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

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

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

TITLE II—REVIEW OF PENDING FORECLOSURES

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

TITLE III—OUTREACH, TRANSPARENCY, AND ACCOUNTABILITY

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

TITLE IV—FARM WORKER AND COMPETITIVENESS PROVISIONS

Subtitle A—Pesticides

Sec. 401. Pesticides.

Subtitle B—Office of Farmworker Coordination

Sec. 411. Office of Farmworker Coordination.

Subtitle C—Major Disaster Assistance Programs

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

Subtitle D—Agricultural Fair Practices

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

TITLE V—CONSERVATION

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

TITLE VI—HEALTHY FOOD CHOICES

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

TITLE VII—PROMOTION OF NEW MARKETS AND FARM VIABILITY

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

TITLE VIII—RURAL REGIONAL INVESTMENT INITIATIVE

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

TITLE IX—NUTRITION

- Sec. 901. Renaming the Food Stamp Program.

Subtitle A—Improving Benefit Adequacy

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

Subtitle B—Improving Food Security and Simplifying Program Operations

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

Subtitle C—Connecting Eligible Families and Individuals to Food Stamps

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

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

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

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 101. ESTABLISHMENT.**

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

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

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

6 **SEC. 102. ADMINISTRATION.**

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

11 **SEC. 103. ELIGIBILITY.**

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

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

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

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

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

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

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

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

10 (b) DEFINITIONS.—In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) prepares a farm and home plan;

24 (B) prepares an estate plan;

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

3 (D) prepares a conservation plan;

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

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

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

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

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

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

20 (A) mentor another farmer;

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

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

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

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

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

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

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

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

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

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

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

3 (B) develop a value-added enterprise;

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

7 (D) develop infrastructure or processing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 or

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

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

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

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

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

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

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

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

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

24 (b) DUTIES.—

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

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

13 (i) the Commission shall—

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

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

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

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

1 quest to consider the petition to be
2 withdrawn;

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

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

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

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

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

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

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

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

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

10 (C) REPORTS TO THE SECRETARY.—

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

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

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

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

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

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

22 (c) MEMBERSHIP.—

23 (1) NUMBER AND APPOINTMENT.—

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

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

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

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

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

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

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

20 (2) TERM OF OFFICE.—

21 (A) LENGTH OF TERM.—

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

25 (ii) DISMISSAL.—

1 (I) CONFLICT OF INTEREST.—

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

8 (II) 3 MISSED MEETINGS.—The

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

14 (B) LIMITATION ON NUMBER OF TERMS.—

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

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

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

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

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

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

3 (d) POWERS OF COMMISSION.—

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

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

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

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

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

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

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

13 (e) PROCEDURAL RULES.—

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

17 (2) MEETINGS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) in subsection (a)—

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

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

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

8 “(B) assist the Secretary in—

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

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

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

24 (B) in paragraph (3)—

25 (i) in subparagraph (A)—

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

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

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

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

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

16 (2) in subsection (a)(4)—

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

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

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

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

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

7 (4) in subsection (e)(5)(A)—

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

10 (B) in clause (ii)—

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

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

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

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

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

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

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

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

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

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

8 “(A) actual numbers; and

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

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

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

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

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

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

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

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

4 **SEC. 401. PESTICIDES.**

5 (a) RECORDKEEPING AND REPORTING.—

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

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

10 “(a) REQUIREMENTS.—

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

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

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

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

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

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

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

17 “(B) the Secretary of Agriculture.

18 “(4) MAINTENANCE BY SECRETARY.—

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

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

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

5 “(b) ACCESS TO RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (c) RESEARCH BY CDC.—

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

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

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

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

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

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

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

7 (d) RESEARCH BY USDA.—

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

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

17 (e) RESEARCH BY EPA.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 2. Definitions.

“TITLE I—AGRICULTURAL TRADE PRACTICES

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

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

“Sec. 201. Prohibitions involving crops.

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

“Sec. 203. Production contracts and marketing contracts.

“Sec. 204. Production contracts.

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

“Sec. 206. Enforcement.

“Sec. 207. Effect on other laws.

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

“Sec. 209. Severability.

11 **“SEC. 2. DEFINITIONS.**

12 “‘In this Act:

13 “(1) AGRICULTURAL COMMODITY.—

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

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

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

5 “(i) means a crop; and

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

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

19 “(3) ASSOCIATION OF PRODUCERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(21) PRODUCTION CONTRACT.—

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

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

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

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

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

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

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

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

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

14 “(a) ESTABLISHMENT.—

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

18 “(2) DUTIES.—The Office shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(A) duration;

5 “(B) termination;

6 “(C) renewal and renegotiation standards;

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

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

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

13 “(G) assignability;

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

15 “(I) the effect of oral modifications;

16 “(J) remedies for breach;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(D) RIGHT TO CURE.—

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

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

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

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

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

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

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

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

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

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

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

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

12 **“SEC. 206. ENFORCEMENT.**

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

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

24 “(1) PREVENTIVE RELIEF.—

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

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

20 “(2) DAMAGES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(a) STATE LAWS.—

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

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

3 “(2) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

22 **“SEC. 209. SEVERABILITY.**

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

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

3 **SEC. 432. APPLICATION.**

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

7 **TITLE V—CONSERVATION**

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

12 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (a) EXTENSION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 and

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

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

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

1 gram and the conservation reserve enhancement
2 program; and

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

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

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

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

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

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

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

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

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

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

13 (1) in paragraph (4)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) EXTENSION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) in subsection (b)—

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

13 (B) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(e) FUNDING.—

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

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

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

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

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

15 and

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

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

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

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

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

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

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

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

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

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

1 plementation of the environmental quality incentives
2 program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(e) DEVELOPMENT OF FISH HABITAT.—

11 “(1) PURPOSES OF COST-SHARE PAYMENTS.—

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

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

19 “(B) to repair in-stream habitat;

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

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

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

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

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

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

12 “(C) to protect streamside areas;

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

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

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

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

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

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

12 (b) IDENTIFICATION OF PRIORITY AREAS.—

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

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

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

10 (c) ACTIVITIES IN PRIORITY AREAS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 601. FINDINGS.**

9 Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) in paragraph (1)—

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

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

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

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

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

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

22 (4) in paragraph (6)(B)—

23 (A) in clause (i)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 The regulations required by subsection (c)—

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

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

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

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

18 “(d) **CRITERIA AND GUIDELINES.—**

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

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

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

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

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

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

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

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

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

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

23 (2) Use of local produce—

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

1 the production or transportation of agricultural
2 products;

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

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

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

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

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

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

3 (1) the Defense Supply Center Philadelphia;

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

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

8 (4) the service academies;

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

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

13 (7) commissary and exchange stores; and

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

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

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

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

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

4 (3) the summer food service program for chil-
5 dren established under section 13 of the Richard B.
6 Russell National School Lunch Act (42 U.S.C.
7 1761); and

8 (4) the child and adult care food program es-
9 tablished under section 17 of the Richard B. Russell
10 National School Lunch Act (42 U.S.C. 1766).

11 (d) ADDITION OF GEOGRAPHIC PREFERENCE.—In
12 the case of the purchase of agricultural products for a pro-
13 gram or entity described in subsection (b) or (c), the local
14 food service director or other entity making the purchase
15 may include the geographic preference provided by such
16 subsections in bid specifications and may select a bid in-
17 volving locally produced agricultural products, even if that
18 bid is not the lowest bid.

19 (e) REPORTING.—A school, local educational agency,
20 or other entity participating in one or more of the pro-
21 grams described in subsection (c) shall report to the Sec-
22 retary of Agriculture if the school, local educational agen-
23 cy, or other entity pays more than 10 percent more than
24 the lowest bid to purchase locally produced agricultural
25 products in accordance with this section.

1 (f) REVIEW.—The Secretary of Defense and the Sec-
2 retary of Agriculture shall periodically review the use of
3 the geographic preference provided by this section to pre-
4 vent fraud or abuse.

5 **SEC. 609. FRUIT AND VEGETABLE NUTRITION PROMOTION**
6 **PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Agriculture, act-
8 ing through the Administrator of the Agricultural Mar-
9 keting Service, shall establish and carry out a program
10 to provide assistance to eligible trade organizations de-
11 scribed in subsection (c) to increase the consumption of
12 fruits and vegetables in the United States to meet Federal
13 health guidelines.

14 (b) REQUIREMENTS FOR PARTICIPATION.—To be eli-
15 gible for assistance under this section, an organization
16 shall—

17 (1) be an eligible trade organization;

18 (2) prepare and submit a plan to increase the
19 consumption of fruits and vegetables in the United
20 States to the Administrator of the Agricultural Mar-
21 keting Service that meets any guidelines governing
22 such plans established by the Administrator; and

23 (3) meet any other requirements established by
24 the Administrator.

1 (c) ELIGIBLE TRADE ORGANIZATIONS.—An eligible
2 trade organization under this section shall be—

3 (1) a nonprofit fruit and vegetable trade organi-
4 zations in the United States;

5 (2) a nonprofit State or regional fruit and vege-
6 table organization;

7 (3) a fruit and vegetable agricultural coopera-
8 tive in the United States;

9 (4) a commodity board or commission in the
10 United States; or

11 (5) a small business engaged in the fruit and
12 vegetable industry in the United States.

13 (d) MATCHING FUNDS.—Assistance provided under
14 this section shall not exceed—

15 (1) in the case of an organization described in
16 paragraphs (1) through (4) of subsection (c), 90
17 percent of the cost of the plan to increase the con-
18 sumption of fruits and vegetables in the United
19 States submitted under subsection (b)(2); and

20 (2) in the case of an organization described in
21 subsection (c)(5), 50 percent of the cost of the plan
22 to increase the consumption of fruits and vegetables
23 in the United States submitted under subsection
24 (b)(2).

1 (e) FUNDING.—Of the funds available to the Com-
2 modity Credit Corporation, the Administrator of the Agri-
3 cultural Marketing Service shall use \$100,000,000 in each
4 of fiscal years 2008 through 2011 to carry out this sec-
5 tion.

6 **SEC. 610. USE OF “DIETARY GUIDELINES FOR AMERICANS”**
7 **IN SPECIAL NUTRITION PROGRAMS AND**
8 **SCHOOL LUNCH PROGRAMS.**

9 Section 9(a) of the Richard B. Russell National
10 School Lunch Act (42 U.S.C. 1758(a)) is amended by add-
11 ing at the end the following:

12 “(5) ALLOCATIONS TO BE BASED ON DIETARY
13 GUIDELINES.—For school year 2007 and each school
14 year thereafter, the Secretary shall ensure that allo-
15 cations of food and food ingredients offered in school
16 nutrition programs under this Act and the Child
17 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are
18 based on the most recent Dietary Guidelines for
19 Americans.”.

20 **SEC. 611. SECTION 32 SPECIALTY CROP PURCHASES.**

21 (a) MINIMUM LEVEL OF PURCHASES.—Section 32 of
22 the Act of August 24, 1935 (7 U.S.C. 612e) is amended
23 in the sixth sentence by inserting after “and their prod-
24 ucts” the following: “, and, for each of fiscal years 2008
25 through 2012, the Secretary of Agriculture shall devote

1 not less than \$400,000,000 of sums appropriated under
2 this section to purchases of non-basic agricultural com-
3 modities, such as fruits, vegetables, and other specialty
4 food crops”.

5 (b) **EXPANSION OF DOD FRESH PROGRAM.**—Such
6 section is further amended by inserting after the sixth sen-
7 tence, as amended by subsection (a), the following new
8 sentence: “Of the funds specified in the preceding sen-
9 tence, the Secretary of Agriculture shall expend not less
10 than \$50,000,000 for fiscal year 2008, \$75,000,000 for
11 both fiscal years 2009 and 2010, \$100,000,000 for fiscal
12 year 2011, and \$125,000,000 for fiscal year 2012 for the
13 purchase of fresh fruits and vegetables for distribution to
14 schools and service institutions in accordance with section
15 6(a) of the Richard B. Russell National School Lunch Act
16 (42 U.S.C. 1755(a)).”.

17 **SEC. 612. ADMINISTRATION OF FOOD STAMP PROGRAM.**

18 Section 11(e)(1)(A) of the Food Stamp Act of 1977
19 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting “, and
20 provide food stamp nutrition education” after “program”.

1 **TITLE VII—PROMOTION OF NEW**
2 **MARKETS AND FARM VIABILITY**

3 **SEC. 701. NATIONAL ORGANIC CERTIFICATION AND TRAN-**
4 **SITION COST SHARE PROGRAM.**

5 Section 10606 of the Farm Security and Rural In-
6 vestment Act of 2002 (7 U.S.C. 6523) is amended to read
7 as follows:

8 **“SEC. 10606. NATIONAL ORGANIC CERTIFICATION AND**
9 **TRANSITION COST SHARE PROGRAM.**

10 “(a) IN GENERAL.—Of the funds of the Commodity
11 Credit Corporation, the Secretary of Agriculture (acting
12 through the Natural Resources Conservation Service) shall
13 use \$80,000,000 for each of fiscal years 2008 through
14 2013 to establish a national organic certification and tran-
15 sition cost-share program to assist producers and handlers
16 of agricultural products in obtaining certification under
17 the national organic production program established under
18 the Organic Foods Production Act of 1990 (7 U.S.C. 6501
19 et seq.) and to assist producers and handlers in making
20 the transition to organic production under the such pro-
21 gram.

22 “(b) CERTIFICATION COSTS.—

23 “(1) IN GENERAL.—The Secretary shall pay
24 under this section a portion of the costs incurred by
25 a producer or handler in obtaining certification

1 under the national organic production program, as
2 certified to and approved by the Secretary.

3 “(2) MAXIMUM AMOUNT.—The amount of a
4 payment made to a producer or handler for certifi-
5 cation under this section shall be \$750 per year.

6 “(3) FUNDING.—Of the funds made available
7 under subsection (a), the Secretary (acting through
8 the Agricultural Marketing Service) shall use
9 \$25,000,000 for each of the fiscal years 2008
10 through 2013 to share up to 75 percent of the cost
11 of certification.

12 “(c) ACCREDITATION AND ENFORCEMENT COSTS.—
13 Of the funds made available under subsection (a), the Sec-
14 retary (acting through the Agricultural Marketing Serv-
15 ice) shall use \$5,000,000 for each of the fiscal years 2008
16 through 2013 to fund the accreditation and enforcement
17 programs operated by the National Organic Program to
18 implement the accreditation and enforcement provisions of
19 the Organic Foods Production Act of 1990.

20 “(d) REIMBURSEMENTS FOR INFRASTRUCTURE NEC-
21 ESSARY TO IMPLEMENT ORGANIC PRACTICE STAND-
22 ARDS.—

23 “(1) ESTABLISHMENT.—Not later than 180
24 days after the date of the enactment of this Act, the
25 Secretary shall establish a program to reimburse

1 producers and handlers for the costs of transition to
2 organic production.

3 “(2) PROGRAM.—Under the program estab-
4 lished under paragraph (1), the Secretary (acting
5 through the Natural Resources Conservation Serv-
6 ice) shall use \$50,000,000 for each of the fiscal
7 years 2008 through 2013 to assist producers and
8 handlers developing and implementing infrastructure
9 and practices necessary to transition land and ani-
10 mals to meet the requirements of the Organic Food
11 Production Act of 1990.

12 “(3) PLAN SUBMISSION.—The Secretary may
13 only reimburse a producer or handler under this sec-
14 tion if the producer or handler submits to the Sec-
15 retary an organic transition plan that contains the
16 expected costs for infrastructure and practices, the
17 environmental and economic benefits derived from
18 the infrastructure or implementing organic practice
19 standards, and a demonstration of the existence of
20 a market or the reasonable expectation of a future
21 market for the products to be produced or handled.

22 “(4) APPROPRIATE INFRASTRUCTURE AND
23 PRACTICE STANDARDS.—The Secretary shall only re-
24 imburse producers and handlers under this sub-
25 section for the costs of the following:

1 “(A) Organic practices and activities dur-
2 ing transition to certified organic production
3 consistent with an approved plan to transition
4 to certified organic production.

5 “(B) Farm infrastructure necessary to im-
6 plement organic practice standards, including
7 livestock watering facilities and fencing, so long
8 as such infrastructure is consistent with an ap-
9 proved plan to transition to certified organic
10 production.

11 “(C) Organic livestock welfare measures,
12 so long as such infrastructure or practices and
13 activities are necessary to implement an organic
14 practice standard and are consistent with an
15 approved plan to transition to certified organic
16 production.

17 “(D) Advanced organic practices consistent
18 with approved certified organic production.

19 “(E) Technical assistance, including the
20 costs of developing an approved transition plan
21 under this section.

22 “(F) Other measures the Secretary, after
23 consultation with the National Organic Stand-
24 ards Board, determines are appropriate.

1 “(5) ORGANIC TRANSITION TECHNICAL AD-
2 VICE.—The Secretary shall consult with the Na-
3 tional Organic Standards Board regarding the ele-
4 ments of an approved organic transition plan and to
5 identify and recommend ways that the Secretary
6 may generally use the resources provided for pro-
7 grams under subtitle D of title XII of the Food Se-
8 curity Act of 1985 (16 U.S.C. 3830 et seq.) to facili-
9 tate transition to organic production, including the
10 resources provided by the Environmental Quality In-
11 centives Program and the Conservation Security
12 Program.

13 “(6) MAXIMUM AMOUNT FOR TRANSITION RE-
14 IMBURSEMENT.—Except as provided in (A) and (B),
15 the maximum amount of reimbursement paid to a
16 producer or handler for transition to organic produc-
17 tion under this section shall be \$10,000 per fiscal
18 year.

19 “(A) SPECIALTY CROPS.—In the case of an
20 individual or entity who annually produces
21 three or more types of specialty crops, the indi-
22 vidual or entity may not receive, directly or in-
23 directly, cost-share or incentive payments under
24 this section that, in the aggregate, exceed

1 \$20,000 per year, for a period not to exceed
2 four years.

3 “(B) DAIRY.—In the case of an individual
4 or entity whose principal farming enterprise is
5 dairy, the individual or entity may not receive,
6 directly or indirectly, cost-share or incentive
7 payments under this section that, in the aggregate,
8 exceed \$20,000 per year, for a period not
9 to exceed four years.

10 “(7) ELIGIBLE FISCAL YEARS.—A producer or
11 handler may only receive payments—

12 “(A) in four fiscal years; and

13 “(B) after the first payment, in the fiscal
14 year in which such payment was made and the
15 three subsequent fiscal years.

16 “(8) TRANSITION REIMBURSEMENTS.—A certified
17 organic producer or handler under the national
18 organic production program shall be eligible for re-
19 imbursements to make the transition to organic pro-
20 duction for new lands and livestock.

21 “(9) SUSPENSION AUTHORITY.—To ensure or-
22 derly and continued growth in organic farming—

23 “(A) prior to each fiscal year and no later
24 than October 1st of each year, the Secretary
25 shall publish organic commodity specific assess-

1 ments analyzing the domestic production and
2 consumption, import and export organic market
3 demand and growth potential for each organic
4 commodity and the anticipated number and
5 total amount of new reimbursements for the fol-
6 lowing year affecting each commodity; and

7 “(B) the Secretary shall not enroll new
8 producers under this subsection if, for any par-
9 ticular agricultural commodity, any new pro-
10 ducers would produce an increased amount of
11 that agricultural commodity that the Secretary
12 finds is reasonably anticipated to affect the con-
13 tinuing economic viability of farmers currently
14 certified under the national organic production
15 program or would create unreasonable geo-
16 graphic disparities in the distribution of reim-
17 bursements provided under this section.

18 “(10) APPEALS.—An applicant seeking transi-
19 tion assistance under this section has the right to
20 appeal an adverse decision by Secretary with regard
21 to an application for assistance, as provided in sec-
22 tion 275 of the Department of Agriculture Reorga-
23 nization Act of 1994 (7 U.S.C. 6995).

24 “(e) TECHNICAL AND EDUCATIONAL ASSISTANCE.—

25 Of the funds made available under subsection (a) for a

1 fiscal year, the Secretary shall use not less than
2 \$15,000,000 to provide technical and educational assist-
3 ance to producers and handlers to carry out this section,
4 including entering into cooperative agreements with quali-
5 fied entities to implement the transition to organic produc-
6 tion.

7 “(f) REPORTING.—Not later than March 1 of each
8 year, the Secretary shall submit to Congress and the Na-
9 tional Organic Standards Board a report detailing State-
10 by-State expenditures on certification, including the num-
11 ber of producers and handlers served by the program, and
12 State-by-State expenditures on transition assistance, in-
13 cluding the number of producers and handlers served by
14 the program, the practices implemented, an assessment of
15 the impacts of the program on organic production, and
16 recommended reforms, if any.”

17 **TITLE VIII—RURAL REGIONAL**
18 **INVESTMENT INITIATIVE**

19 **SEC. 801. RURAL REGIONAL INVESTMENT INITIATIVE.**

20 (a) DEFINITION OF ELIGIBLE AREA.—Section 385B
21 of the Consolidated Farm and Rural Development Act (7
22 U.S.C. 2009dd–1) is amended by striking paragraph (3)
23 and inserting the following:

24 “(3) ELIGIBLE AREA.—The term ‘eligible area’
25 means a nonmetropolitan county that, based on in-

1 formation contained in the 2000 decennial census,
2 has a population that resides in areas more than 50
3 percent of which are classified as rural by the Sec-
4 retary.”.

5 (b) COMPOSITION OF REGIONAL BOARDS.—Section
6 385C(b)(2)(A) of the Consolidated Farm and Rural Devel-
7 opment Act (7 U.S.C. 2009dd–2(b)(2)(A)) is amended by
8 striking clauses (vi) and (vii) and inserting the following:

9 “(vi) academic institutions, including
10 community colleges;

11 “(vii) faith-based organizations;

12 “(viii) other entities and organiza-
13 tions, as determined by the Regional
14 Board; and

15 “(ix) consortia of entities and organi-
16 zations described in clauses (i) through
17 (viii).”.

18 (c) COMPOSITION OF NATIONAL BOARD ON RURAL
19 AMERICA.—Section 385D(b)(1)(A) of the Consolidated
20 Farm and Rural Development Act (7 U.S.C. 2009dd–
21 3(b)(1)(A)) is amended by striking clauses (iv) through
22 (vii) and inserting the following:

23 “(iv) representatives of State and
24 local governments;

1 “(v) representatives of the rural phil-
2 anthropic community;

3 “(vi) representatives of Indian tribes
4 (as defined in section 4 of the Indian Self-
5 Determination and Education Assistance
6 Act (25 U.S.C. 450b));

7 “(vii) representatives of nonprofit or-
8 ganizations;

9 “(viii) representatives of academic in-
10 stitutions, including community colleges;
11 and

12 “(ix) representatives of such other en-
13 tities or organizations as the Secretary
14 considers to be appropriate.”.

15 (d) AMOUNT OF GRANTS.—Section 385E of the Con-
16 solidated Farm and Rural Development Act (7 U.S.C.
17 2009dd–4) is amended—

18 (1) in subsection (a), by striking
19 “\$100,000,000” and inserting “\$200,000,000 each
20 year”; and

21 (2) in subsection (b)—

22 (A) in the matter before paragraph (1), by
23 inserting “each year” after “shall use”;

24 (B) in paragraph (1), by striking
25 “\$8,000,000” and inserting “\$20,000,000”;

1 (C) in paragraph (2)—

2 (i) by striking “\$87,000,000” and in-
3 sserting “\$135,000,000”; and

4 (ii) by striking “and” at the end;

5 (D) by redesignating paragraph (3) as
6 paragraph (4); and

7 (E) by inserting after paragraph (2) the
8 following:

9 “(3) not less than \$40,000,000 to carry out
10 section 385I; and”.

11 (e) RURAL STRATEGIC INVESTMENT PLANNING
12 GRANTS.—Section 385F of the Consolidated Farm and
13 Rural Development Act (7 U.S.C. 2009dd–5) is amend-
14 ed—

15 (1) by striking subsection (c) and inserting the
16 following:

17 “(c) PREFERENCES.—In awarding planning grants,
18 the National Board shall give a preference to planning
19 grants that will be used—

20 “(1) to address community capacity building
21 and community sustainability;

22 “(2) to incorporate other Federal agency devel-
23 opment plans; or

24 “(3) to leverage available public and private as-
25 sets.”; and

1 (2) in subsection (d), by striking “\$100,000”
2 and inserting “\$250,000”.

3 (f) INNOVATION GRANTS.—Section 385G of the Con-
4 solidated Farm and Rural Development Act (7 U.S.C.
5 2009dd–6) is amended—

6 (1) in subsection (a), by inserting “to be admin-
7 istered by the Office of Rural Development” after
8 “innovation grants”;

9 (2) in subsection (d)(7), by inserting “, includ-
10 ing poverty alleviation” before the period at the end;
11 and

12 (3) in subsection (e)—

13 (A) by redesignating paragraph (4) as
14 paragraph (5); and

15 (B) by inserting after paragraph (3) the
16 following:

17 “(4) NON-FEDERAL ORGANIZATIONS.—A Re-
18 gional Board may select 1 or more non-Federal or-
19 ganizations to manage and use innovation grants ap-
20 proved and awarded under this section.”.

21 **SEC. 802. RURAL REGIONAL ENTREPRENEURSHIP PRO-**
22 **GRAM.**

23 Subtitle I of the Consolidated Farm and Rural Devel-
24 opment Act (7 U.S.C. 2009dd et seq.) is amended by add-
25 ing at the end the following:

1 **“SEC. 385I. RURAL REGIONAL ENTREPRENEURSHIP PRO-**
2 **GRAM.**

3 “(a) DEFINITION OF RURAL ENTREPRENEUR.—The
4 term ‘rural entrepreneur’ means a microentrepreneur, or
5 prospective microentrepreneur—

6 “(1) the principal place of business of which is
7 in an eligible area; and

8 “(2) that is unable to obtain sufficient training,
9 technical assistance, or microcredit elsewhere, as de-
10 termined by the Secretary.

11 “(b) PROGRAM.—The Secretary shall establish a
12 rural regional entrepreneurship program under which the
13 Secretary shall provide grants to stimulate rural entrepre-
14 neurship and provide technical assistance, research, and
15 evaluation to rural entrepreneurs.

16 “(c) BLOCK GRANTS.—

17 “(1) IN GENERAL.—From amounts made avail-
18 able under subsection (f), the Secretary shall use
19 \$15,000,000 for each fiscal year to make block
20 grants to States in accordance with this subsection.

21 “(2) AMOUNT OF GRANT.—A grant to a State
22 under this subsection for any fiscal year shall be in
23 an amount that is, as determined by the National
24 Board—

25 “(A) not more than \$400,000; and

26 “(B) not less than \$200,000.

1 “(3) COST SHARE.—To be eligible to receive a
2 grant under this subsection, a State shall match any
3 grant funds received under this subsection with an
4 equal or greater amount of non-Federal funds.

5 “(4) USE OF FUNDS.—A State shall use funds
6 received under this subsection to support multi-coun-
7 ty entrepreneurship development systems focused on
8 eligible areas in consultation with the RUPRI Cen-
9 ter for Rural Entrepreneurship.

10 “(d) COMPETITIVE REGIONAL ENTREPRENEURSHIP
11 GRANTS.—

12 “(1) IN GENERAL.—From amounts made avail-
13 able under subsection (f), the Secretary shall—

14 “(A) transfer \$15,000,000 for each fiscal
15 year to the National Board to make regional
16 entrepreneurship grants to rural entrepreneurs
17 through a competitive application process; and

18 “(B) use at least \$10,000,000 to make
19 grants to successful applicants identified as re-
20 gional intermediaries under subsection (e)(3).

21 “(2) ADMINISTRATION.—The Under Secretary
22 for Rural Development shall administer grants
23 under this subsection.

24 “(e) CENTER FOR RURAL ENTREPRENEURSHIP.—

1 “(1) IN GENERAL.—From amounts made avail-
2 able under subsection (f), the Secretary shall trans-
3 fer \$10,000,000 for each fiscal year to the RUPRI
4 Center for Rural Entrepreneurship (referred to in
5 this subsection as the ‘Center’) for use in accordance
6 with this subsection.

7 “(2) RESEARCH, EVALUATION, AND DATA COL-
8 LECTION AND ANALYSIS.—

9 “(A) IN GENERAL.—Of the amount trans-
10 ferred to the Center under paragraph (1), the
11 Center shall use \$5,000,000 for each fiscal year
12 to carry out research, evaluation, and data col-
13 lection and analysis programs, of which not less
14 than \$500,000 for each fiscal year shall be used
15 to enter into contracts, in accordance with a na-
16 tional research agenda approved by the Na-
17 tional Board, with each of—

18 “(i) the regional rural development
19 centers described in section 1670(a) of the
20 Food, Agriculture, Conservation, and
21 Trade Act of 1990 (7 U.S.C. 5923(a));
22 and

23 “(ii) the Economic Research Service.

1 “(B) COORDINATION AND FOCUS OF PRO-
2 GRAMS.—The programs carried out under this
3 paragraph shall—

4 “(i) be coordinated by the Center
5 across a broad range of higher education
6 institutions and research organizations;
7 and

8 “(ii) focus on providing insights and
9 creating opportunities for sustained entre-
10 preneurship development in rural areas of
11 the United States.

12 “(3) REGIONAL INTERMEDIARIES.—Of the
13 amount transferred to the Center under paragraph
14 (1), the Center shall use \$4,000,000 for each fiscal
15 year to establish and maintain a nationwide network
16 of regional intermediaries with the capacity and
17 tools—

18 “(A) to provide effective entrepreneurship
19 development information, training, and tech-
20 nical assistance to rural regions and commu-
21 nities in the United States; and

22 “(B) to enhance the effectiveness of orga-
23 nizations that provide direct technical assist-
24 ance and training services to rural entre-
25 preneurs.

1 “(4) MANAGEMENT ACTIVITIES AND RE-
2 PORTS.—Of the amount transferred to the Center
3 under paragraph (1), the Center shall use
4 \$1,000,000 for each fiscal year—

5 “(A) to enhance and sustain the capacity
6 and ability of the Center to direct and manage
7 the programs and activities described in para-
8 graphs (1), (2), and (3); and

9 “(B) to submit—

10 “(i) to the National Board, an annual
11 report that describes those programs and
12 activities carried out during the year cov-
13 ered by the report; and

14 “(ii) to the Secretary, an annual re-
15 port that describes the state of entrepre-
16 neurship in the United States during the
17 year covered by the report.

18 “(5) AVAILABILITY OF FUNDS; CONTRACTS.—

19 “(A) AVAILABILITY OF FUNDS.—Funds
20 made available under this subsection shall re-
21 main available until expended, including for any
22 purpose under this section.

23 “(B) CONTRACTS.—Each contract entered
24 into by the Center and an individual or entity

1 shall be based on the performance of the indi-
2 vidual or entity.

3 “(f) FUNDING.—Of funds made available under sec-
4 tion 385E(b)(3), for each of fiscal years 2008 through
5 2012, the Secretary shall use to carry out this section
6 \$40,000,000, to remain available until expended.”.

7 **TITLE IX—NUTRITION**

8 **SEC. 901. RENAMING THE FOOD STAMP PROGRAM.**

9 (a) AMENDMENT.— Section 3(h) of the Food Stamp
10 Act of 1977 (7 U.S.C. 2012(h)) is amended by striking
11 “Food stamp program” and inserting “Secure Nutrition
12 Access Program”.

13 (b) REFERENCES.—Any reference to the food stamp
14 program in any law, regulation, document, paper, or other
15 record of the United States shall be deemed to be a ref-
16 erence to the Secure Nutrition Access Program.

17 **Subtitle A—Improving Benefit** 18 **Adequacy**

19 **SEC. 911. STRENGTHENING THE FOOD PURCHASING** 20 **POWER OF LOW-INCOME AMERICANS.**

21 Section 5(e)(1) of the Food Stamp Act of 1977 (7
22 U.S.C. 2014(e)(1)) is amended—

23 (1) in subparagraph (A)(ii) by striking “not
24 less than \$134” and all that follows to the end of

1 the clause and inserting the following: “not less
2 than—

3 “(I) for fiscal year 2008, \$150,
4 \$256, \$212, and \$132, respectively;

5 “(II) for fiscal year 2009, \$170,
6 \$291, \$240, and \$150, respectively;

7 “(III) for fiscal year 2010, \$180,
8 \$308, \$254, and \$159, respectively;

9 “(IV) for fiscal year 2011, \$201,
10 \$344, \$284, and \$177, respectively;
11 and

12 “(V) for each fiscal year there-
13 after, an amount that is equal to the
14 amount from the previous fiscal year
15 adjusted to the nearest lower dollar
16 increment to reflect changes in the
17 Consumer Price Index for all urban
18 consumers published by the Bureau of
19 Labor Statistics, for items other than
20 food, for the twelve months ending the
21 preceding June 30.”; and

22 (2) in subparagraph (B)(ii) by striking “not
23 less than \$269.” and inserting the following: “not
24 less than—

25 “(I) for fiscal year 2008, \$301;

1 “(II) for fiscal year 2009, \$341;

2 “(III) for fiscal year 2010, \$361;

3 “(IV) for fiscal year 2011, \$404;

4 and

5 “(V) for each fiscal year there-

6 after, an amount that is equal to the

7 amount from the previous fiscal year

8 adjusted to the nearest lower dollar

9 increment to reflect changes in the

10 Consumer Price Index for all urban

11 consumers published by the Bureau of

12 Labor Statistics, for items other than

13 food, for the twelve months ending the

14 preceding June 30.”.

15 **SEC. 912. SUPPORTING WORKING FAMILIES WITH CHILD**

16 **CARE EXPENSES.**

17 Section 5(e)(3)(A) of the Food Stamp Act of 1977

18 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the

19 maximum allowable level of which shall be \$200 per month

20 for each dependent child under 2 years of age and \$175

21 per month for each other dependent,”.

22 **SEC. 913. EXCLUSION OF COMBAT-RELATED MILITARY PAY**

23 **FROM COUNTABLE INCOME.**

24 Section 5(d) of the Food Stamp Act of 2007 (7

25 U.S.C. 2014(d)) is amended—

1 (1) by striking “ and (18)”, and inserting
2 “(18)”, and

3 (2) by inserting before the period at the end the
4 following:

5 “and (19) any additional payment received under chapter
6 5 of title 37, United States Code, by a member of the
7 United States Armed Forces deployed to a designated
8 combat zone for the duration of the member’s deployment
9 if the additional pay is the result of deployment to or while
10 serving in a combat zone, and it was not received imme-
11 diately prior to serving in the combat zone”.

12 **SEC. 914. INCREASING THE MINIMUM BENEFIT.**

13 Section 8(a) of the Food Stamp Act of 1977 (7
14 U.S.C. 2017(a)) is amended by striking “be \$10 per
15 month.” and inserting “be—

16 “(1) for fiscal year 2008, 10 percent of the
17 thrifty food plan for a household containing one
18 member, as determined by the Secretary under sec-
19 tion 3(o);

20 “(2) for fiscal year 2009, 13 percent of the
21 thrifty food plan for a household containing one
22 member, as determined by the Secretary under sec-
23 tion 3(o);

24 “(3) for fiscal year 2010, 15 percent of the
25 thrifty food plan for a household containing one

1 member, as determined by the Secretary under sec-
2 tion 3(o);

3 “(4) for fiscal year 2011, 18 percent of the
4 thrifty food plan for a household containing one
5 member, as determined by the Secretary under sec-
6 tion 3(o);

7 “(5) for fiscal year 2012 and each fiscal year
8 thereafter, 20 percent of the thrifty food plan for a
9 household containing one member, as determined by
10 the Secretary under section 3(o).”.

11 **Subtitle B—Improving Food Secu-**
12 **urity and Simplifying Program**
13 **Operations**

14 **SEC. 921. ALLOWABLE COUNTABLE RESOURCES.**

15 Section 5(g) of the Food Stamp Act of 1977 (7
16 U.S.C. 2014(g)) is amended—

17 (1) by striking “(g)(1) The Secretary” and in-
18 serting the following:

19 “(g) ALLOWABLE FINANCIAL RESOURCES.—

20 “(1) TOTAL AMOUNT.—

21 “(A) IN GENERAL.—The Secretary”;

22 (2) in subparagraph (A) (as designated by
23 paragraph (1))—

1 (A) by striking “\$2,000” and inserting
2 “\$3,700 (as adjusted in accordance with sub-
3 paragraph (B))”; and

4 (B) by striking “\$3,000” and inserting
5 “\$5,500 (as adjusted in accordance with sub-
6 paragraph (B))”; and

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

8 “(B) ADJUSTMENT FOR INFLATION.—

9 “(i) IN GENERAL.—Beginning on Oc-
10 tober 1, 2008, and each October 1 there-
11 after, the amounts in subparagraph (A)
12 shall be adjusted to the nearest \$100 in-
13 crement to reflect changes for the 12-
14 month period ending the preceding June in
15 the Consumer Price Index for All Urban
16 Consumers published by the Bureau of
17 Labor Statistics of the Department of
18 Labor.

19 “(ii) REQUIREMENT.—Each adjust-
20 ment under clause (i) shall be based on the
21 unrounded amount for the prior 12-month
22 period.”.

1 **SEC. 922. EXCLUSION OF RETIREMENT ACCOUNTS FROM**
2 **COUNTABLE FINANCIAL RESOURCES.**

3 (a) ACCOUNTS.—Section 5(g)(2)(B)(v) of the Food
4 Stamp Act of 1977 (7 U.S.C. 2014(g)(2)(B)(v)) is amend-
5 ed by striking “or retirement account (including an indi-
6 vidual account)” and inserting “account”.

7 (b) MANDATORY AND DISCRETIONARY EXCLU-
8 SIONS.—Section 5(g) of the Food Stamp Act of 1977 (7
9 U.S.C. 2014(g)) is amended by adding at the end the fol-
10 lowing:

11 “(7) EXCLUSION OF RETIREMENT ACCOUNTS
12 FROM COUNTABLE FINANCIAL RESOURCES.—

13 “(A) MANDATORY EXCLUSIONS.—The Sec-
14 retary shall exclude from financial resources
15 under this subsection the value of any funds in
16 a plan, contract, or account, described in sec-
17 tions 401(a), 403(a), 403(b), 408, 408A,
18 457(b), and 501(c)(18) of the Internal Revenue
19 Code of 1986 and the value of funds in a Fed-
20 eral Thrift Savings Plan account as provided in
21 section 8439 of title 5, United States Code.

22 “(B) DISCRETIONARY EXCLUSIONS.—The
23 Secretary may exclude from financial resources
24 under this subsection the value of any other re-
25 tirement plans, contracts, or accounts (as deter-
26 mined by the Secretary through regulation).”.

1 **SEC. 923. EXCLUSION OF EDUCATION ACCOUNTS FROM**
2 **COUNTABLE FINANCIAL RESOURCES.**

3 Section 5(g) of the Food Stamp Act of 1977 (7
4 U.S.C. 2014(g), as amended by section 922, is amended
5 by adding at the end the following:

6 “(8) EXCLUSION OF EDUCATION ACCOUNTS
7 FROM COUNTABLE FINANCIAL RESOURCES.—

8 “(A) MANDATORY EXCLUSIONS.—The Sec-
9 retary shall exclude from financial resources
10 under this subsection the value of any funds in
11 a qualified tuition program described in section
12 529 of the Internal Revenue Code of 1986 or
13 in a Coverdell education savings account under
14 section 530 of that Code.

15 “(B) DISCRETIONAL EXCLUSIONS.—The
16 Secretary may exclude from financial resources
17 under this subsection the value of any other
18 education programs, contracts, or accounts (as
19 determined by the Secretary through regula-
20 tion.”.

21 **SEC. 924. SIMPLIFYING WORK REQUIREMENT.**

22 Section 6(o) of the Food Stamp Act of 1977 (7
23 U.S.C. 2015(o)) is amended—

24 (1) in paragraph (1)(C) by deleting “, other
25 than a job search program or a job search training
26 program”;

1 (2) in paragraph (2)—

2 (A) by striking “36” and replacing it with
3 “12”; and

4 (B) by striking “3” and replacing it with
5 “6”; and

6 (3) by striking paragraph (5) and inserting:

7 “(5) SUBSEQUENT ELIGIBILITY.—Individuals
8 denied eligibility under paragraph (2) shall regain
9 eligibility to participate in the food stamp program
10 if the State agency determines, pursuant to stand-
11 ards promulgated by the Secretary, that the individ-
12 uals have been supporting themselves through work.
13 An otherwise eligible individual who regains eligi-
14 bility under this provision may participate as long as
15 the State agency expects the individual to qualify
16 under paragraph (3), (4), or (6) and for an addi-
17 tional six-month period when such individual does
18 not comply with such paragraphs.”.

19 **SEC. 925. FAIRNESS FOR LEGAL IMMIGRANTS.**

20 Notwithstanding sections 401(a), 402(a), and 403(a)
21 of the Personal Responsibility and Work Opportunity Rec-
22 onciliation Act of 1996 (8 U.S.C. 1611(a), 1612(a),
23 1613(a)) and section 6(f) of the Food Stamp Act of 1977
24 (7 U.S.A. 2015(f)), persons who are lawfully residing in
25 the United States shall be not be ineligible for food stamps

1 on the basis of their immigration status or date of entry
2 into the United States.

3 **SEC. 926. CLARIFYING ELIGIBILITY.**

4 Section 421 of the Personal Responsibility and Work
5 Opportunity Reconciliation Act of 1996 (8 U.S.C.
6 1631(d)(3)) is amended —

7 (1) by striking “to the extent that a qualified
8 alien is eligible under section 1612(a)(2)(J) of this
9 title.” and

10 (2) inserting, “to the extent that a child is a
11 member of the food stamp household.”.

12 **SEC. 927. ENSURING PROPER SCREENING.**

13 Section 11(e)(2)(B) of the Food Stamp Act of 1977
14 (7 U.S.C. 2020(e)(2)(B)) is amended—

15 (1) by redesignating clauses (vi) and (vii) as
16 clauses (vii) and (viii); and

17 (2) by inserting after clause (v) the following:

18 “(vi) shall provide a method for imple-
19 menting of section 421 of the Personal Re-
20 sponsibility and Work Opportunity Rec-
21 onciliation Act of 1996 (8 U.S.C. 1631)
22 that does not require any unnecessary in-
23 formation from persons who may be ex-
24 empt from that provision;”.

1 **SEC. 928. CLARIFICATION OF SIMPLIFIED ADMINISTRATIVE**
2 **REPORTING REQUIREMENT.**

3 Section 11(a) of the Food Stamp Act of 1977 (7
4 U.S.C. 2020(a)) is amended by adding at the end “The
5 administrative reporting requirement under 8 U.S.C.
6 1631(e)(2) shall be satisfied by the submission of an ag-
7 gregate report on the numbers of such exceptions granted
8 each year.”.

9 **Subtitle C—Connecting Eligible**
10 **Families and Individuals to**
11 **Food Stamps**

12 **SEC. 931. FACILITATING SIMPLIFIED REPORTING.**

13 Section 6(c) of the Food Stamp Act of 1977 (7
14 U.S.C. 2015(c)(1)(A)) is amended—

15 (1) in paragraph (1)(A), by—

16 (A) striking “reporting by” and inserting
17 “reporting”;

18 (B) inserting “for periods shorter than
19 four months by” after the clause designations
20 in clauses (i) and (ii); and

21 (C) inserting “by” after the clause des-
22 ignation in clause (iii);

23 (2) in paragraph (3), by—

24 (A) striking “Reports required to be filed
25 monthly under paragraph (1)” and inserting

1 “Except as provided in paragraph (1)(D)(ii),
2 periodic reports filed under paragraph (1)”;

3 (B) striking “required to be filed month-
4 ly”;

5 (C) striking “subject matter included in
6 such reports” and inserting “such households”;
7 and

8 (D) inserting after the third sentence the
9 following: “The State agency shall not be re-
10 quired to act on information about such house-
11 hold received from any source between such
12 periodic reports unless the information clearly
13 indicates that the household is not eligible, sub-
14 ject to standards established by the Secretary,
15 or the household requests an increase in bene-
16 fits.”.

17 **SEC. 932. STATE OPTION FOR TELEPHONIC SIGNATURE.**

18 Section 11(e)(2)(C) of the Food Stamp Act of 1977
19 (7 U.S.C. 2020(e)(2)(C)) is amended by inserting at the
20 end: “A State agency may establish a system by which
21 an applicant household may sign an application through
22 a recorded verbal assent over the telephone. Any such sys-
23 tem shall—

1 “(i) record for future reference the
2 household member’s verbal assent and the
3 information to which assent was given;

4 “(ii) include effective safeguards
5 against impersonation, identity theft, or in-
6 vasions of privacy;

7 “(iii) not deny or interfere with the
8 right of the household to apply in writing;

9 “(iv) promptly send the household
10 member a written copy of the signed appli-
11 cation, with instructions on a simple proce-
12 dure for correcting any errors or omis-
13 sions;

14 “(v) comply with paragraph (1)(B);

15 “(vi) satisfy all requirements for a
16 signature on an application under this Act
17 and other laws applicable to the food and
18 nutrition assistance program, with the date
19 on which the household member provides
20 verbal assent effective as the date of appli-
21 cation for all purposes; and

22 “(vii) comply with such other stand-
23 ards as the Secretary may establish.”.

1 **SEC. 933. REAUTHORIZATION OF FOOD STAMP PROGRAM**
2 **AND FOOD DISTRIBUTION PROGRAM ON IN-**
3 **DIAN RESERVATIONS.**

4 (a) **FOOD STAMP EMPLOYMENT AND TRAINING.**—
5 Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C.
6 2025(h)(1)) is amended

7 (1) in subparagraph (A)(vi)(II) by striking
8 “2002 through 2007” and inserting “2008 through
9 2012”; and

10 (2) in subparagraph (E)(i) by striking “2002
11 through 2007” and inserting “2008 through 2012”.

12 (b) **REDUCTIONS IN PAYMENTS FOR ADMINISTRA-**
13 **TIVE COSTS.**—Section 16(k)(3) of the Food Stamp Act
14 of 1977 (7 U.S.C. 2025(k)(3)) is amended—

15 (1) in the first sentence of subparagraph (A),
16 by striking “2007” and inserting “2012”; and

17 (2) in subparagraph (B)(ii) by striking “2007”
18 and inserting “2012”.

19 (c) **CASH PAYMENT PILOT PROJECTS.**—Section
20 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C.
21 2026(b)(1)(B)(vi)) is amended by striking “2007” and in-
22 serting “2012”.

23 (d) **AUTHORIZATION OF APPROPRIATIONS.**—Section
24 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C.
25 2027(a)(1)) is amended in the first sentence by striking

1 “2003 through 2007” and inserting “2008 through
2 2012”.

3 (e) CONSOLIDATED BLOCK GRANTS FOR PUERTO
4 RICO AND AMERICAN SAMOA.—Section 19(a)(2) of the
5 Food Stamp Act of 1977 (7 U.S.C. 2028(a)(2)) is amend-
6 ed in subparagraph (A)(ii) by striking “2007” and insert-
7 ing “2012”.

8 (f) COMMODITY DISTRIBUTION PROGRAM.—Section
9 4(a) of the Agriculture and Consumer Protection Act of
10 1973 (7 U.S.C. 612c note) is amended in the first sen-
11 tence by striking “2007” and inserting “2012”.

12 **SEC. 934. ACCESS TO BENEFITS.**

13 Section 7 of the Food Stamp Act of 1977 (7 U.S.C.
14 2016) is amended by inserting at the end the following:

15 “(k) No State agency shall establish any additional
16 requirements or conditions on households to receive bene-
17 fits, other than those specified in this section.”.

18 **SEC. 935. OUTREACH GRANTS.**

19 Section 11(t)(1) of the Food Stamp Act of 2007 (7
20 U.S.C. 2020(t)(1)) is amended by striking “For each of
21 fiscal years” and all that follows through \$5,000,000, and
22 inserting “For each of fiscal years 2008 through 2012,
23 the Secretary shall use not more than \$15,000,000”.

1 **SEC. 936. IMPROVING PROGRAM OPERATIONS AND PRO-**
2 **GRAM EFFECTIVENESS.**

3 Section 17 of the Food Stamp Act of 1977 (7.U.S.C.
4 2026) is amended by adding at the end the following:

5 “(k) RESEARCH TO IMPROVE PROGRAM OPERATION
6 EFFECTIVENESS.—

7 “(1) For each of fiscal years 2008 through
8 2010, the Secretary shall use no less than
9 \$9,000,000 of funds made available under Section
10 18(a)(1) to conduct research and demonstration
11 projects in support of the Food Stamp Act.

12 “(2) Of the funds provided in paragraph (1), no
13 less than \$4,000,000 in each fiscal year shall be
14 used to conduct research and studies on how to im-
15 prove the effectiveness of food stamp program oper-
16 ations by increasing access for eligible households,
17 reducing State agency and household administrative
18 burdens, and improving program integrity. Such
19 studies may evaluate the most effective—

20 “(A) use of verification;

21 “(B) telephonic and internet applications;

22 “(C) call centers;

23 “(D) efforts to retain eligible households at
24 recertification; and

25 “(E) methods of providing food stamps to
26 working households, seniors, legal immigrants,

1 and households with limited English proficient
2 households, particularly in areas and States
3 that have experienced rapid growth in their
4 non-English speaking populations.”.

5 **SEC. 937. IMPROVING PERFORMANCE BONUSES FOR**
6 **STATES.**

7 Section 16(d)(2)(B)(ii) of the Food Stamp Act of
8 1977 (7 U.S.C. 2025(d)) is amended by—

9 (1) inserting “through fiscal year 2007” after
10 “each fiscal year”; and

11 (2) inserting at the end “For each of fiscal
12 years 2008 and thereafter, \$68,000,000 shall be
13 available under this clause for performance bonus
14 payments.”.

15 **SEC. 938. SUPPORTING STATE EFFORTS DURING NATURAL**
16 **DISASTERS.**

17 Section 5(h) of the Food Stamp Act of 1977 (7
18 U.S.C. 2014(h)) is amended by adding at the end the fol-
19 lowing:

20 “(4) In lieu of the payments section 16(a)
21 would otherwise require, the Secretary shall pay
22 each State agency an amount equal to 90 per cen-
23 tum of administrative costs allowable under section
24 16(a) for costs related to planning and operating

1 disaster food stamp programs under this sub-
2 section.”.

3 **SEC. 939. ADDRESSING HUNGER IN THE COMMONWEALTH**
4 **OF PUERTO RICO.**

5 Section 19(a)(2)(A) of the Food Stamp Act of 1977
6 (7 U.S.C. 2028(a)(2)(A)) is amended by—

7 (1) in clause (i) by striking “2003, \$1,401,000”
8 and inserting “2008, \$1,761,000”; and

9 (2) in clause (ii) by striking “2004” and all
10 that follows through “preceding fiscal year.” and in-
11 serting the following:

12 “2009 through 2012, the amount specified
13 in clause (i), as adjusted by the sum of the
14 percentage by which the thrifty food plan
15 has been adjusted under section 3(o)(4)
16 between June 30, 2007 and June 30 of the
17 immediately preceding fiscal year and the
18 percentage by which the Census Bureau
19 estimates that the total population of the
20 Commonwealth of Puerto Rico has grown
21 for the same period.”.

22 **SEC. 940. STUDY ON COMPARABLE ACCESS TO FOOD STAMP**
23 **BENEFITS FOR PUERTO RICO.**

24 Section 19 of the Food Stamp Act of 1977 (7 U.S.C.
25 2028) is amended by inserting at the end the following:

1 “(e) The Secretary shall conduct a study of the feasi-
2 bility and effects of defining the Commonwealth of Puerto
3 Rico to be a State under section 3(m), in lieu of the block
4 grant under this section. The study shall include—

5 “(1) an assessment of the administrative, finan-
6 cial management, and other changes that would be
7 required by the Commonwealth to establish a com-
8 parable Food Stamp program;

9 “(2) a discussion of the appropriate program
10 rules under the other sections of the Act, such as
11 benefit levels under section 3(o), income eligibility
12 standards under section 5(c), and deduction levels
13 under section 5(e), for the Commonwealth to estab-
14 lish a comparable Food Stamp program;

15 “(3) an estimate of the impact on Federal and
16 Commonwealth benefit and administrative costs;

17 “(4) an estimate of the impact of the Food
18 Stamp program on hunger and food insecurity
19 among low-income Puerto Ricans, and

20 “(5) such other findings as the Secretary deems
21 appropriate.”.

22 **SEC. 941. EXPANDING THE USE OF FOOD STAMPS AT FARM-**
23 **ERS’ MARKETS.**

24 Section 25 of the Food Stamp Act of 1977 (7 U.S.C.
25 2034) is amended by adding at the end the following:

1 “(i) GRANTS TO EXPAND THE NUMBER OF FARM-
2 ERS’ MARKETS THAT ACCEPT FOOD STAMP BENEFITS.—

3 “(1) IN GENERAL.—For each of fiscal years
4 2008 through 2010, the Secretary shall use not
5 more than \$5,000,000 of funds made available
6 under section 18(a)(1) to make grants to pay 100
7 percent of the costs of eligible entities approved by
8 the Secretary to carry out projects to expand the
9 number of farmers’ markets that accept food stamp
10 benefits by—

11 “(A) providing equipment and training
12 necessary for markets to accept food stamp
13 benefits;

14 “(B) educating and providing technical as-
15 sistance to farmers and farmers’ market opera-
16 tors about the process and benefits of accepting
17 food stamp benefits; or

18 “(C) other activities deemed appropriate
19 by the Secretary.

20 “(2) LIMITATION.—A grant made under this
21 subsection shall not be made for the cost of the on-
22 going cost of carrying out any project.

23 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
24 ceive a grant under this subsection, an entity shall
25 be—

1 “(A) a State agency administering the
2 Food Stamp Program;

3 “(B) a State or local government; or

4 “(C) a private nonprofit entity that coordi-
5 nates farmers markets in or within a State and
6 that operates in cooperation with State or local
7 government.

8 “(4) SELECTION OF ELIGIBLE ENTITIES.—The
9 Secretary—

10 “(A) shall develop criteria for the selection
11 of eligible entities to receive grants under this
12 subsection; and

13 “(B) may give preference to any eligible
14 entity that consists of a partnership between a
15 government entity and a non-governmental enti-
16 ty.”.

17 **Subtitle D—Supporting the Emer-**
18 **gency Food Bank Network and**
19 **Other Community Partners**

20 **SEC. 951. COMMODITIES FOR THE EMERGENCY FOOD AS-**
21 **SISTANCE PROGRAM.**

22 Section 27(a) of the Food Stamp Act of 1977 (7
23 U.S.C. 2036(a)) is amended—

1 (1) by striking “(a) PURCHASE OF COMMOD-
2 ITIES.—” and all that follows through “through
3 2007” and inserting the following:

4 “(a) PURCHASE OF COMMODITIES.—

5 “(1) IN GENERAL.—As provided in paragraph
6 (2), for each of fiscal years 2008 through 2012”;

7 (2) by striking “\$140,000,000 of”; and

8 (3) by inserting at the end:

9 “(2) AMOUNTS.—The following amounts are
10 made available to carry out this subsection:

11 “(A) for fiscal year 2008, \$250,000,000;

12 and

13 “(B) for each of fiscal years 2009 through
14 2012, the dollar amount of commodities avail-
15 able in the immediately preceding fiscal year
16 adjusted by the percentage by which the thrifty
17 food plan has been adjusted under section
18 3(o)(4) between June 30, 2007 and June 30 of
19 the immediately preceding fiscal year.”.

20 **SEC. 952. ACCOUNTABLE PROGRAM ADMINISTRATION.**

21 (a) PROHIBITION.—Section 11(e)(6)(B) of the Food
22 and Nutrition Assistance Act of 2007 (7 U.S.C.
23 2020(e)(6)(B)) is amended to read as follows:

24 “(B) only State employees employed in ac-
25 cordance with the current standards for a Merit

1 System of Personnel Administration, or any
2 standards later prescribed by the Office of Per-
3 sonnel Management pursuant to section 208 of
4 the Intergovernmental Personnel Act of 1970
5 (42 U.S.C. 4728) modifying or superseding
6 such standards relating to the establishment
7 and maintenance of personnel standards on a
8 merit basis, shall—

9 “(i) represent the State agency in any
10 communications with a prospective appli-
11 cant, applicant, or recipient household;

12 “(ii) participate in making any deter-
13 minations relating to a household’s sub-
14 stantive or procedural compliance with the
15 requirements of this Act or implementing
16 regulations, including the adequacy of the
17 household’s application or of verification or
18 other information the household has sub-
19 mitted in support of that application; or

20 “(iii) perform any other acts or par-
21 ticipate in making any other determina-
22 tions required under this subsection;”.

23 (b) WAIVERS.—Section 17(b)(1)(B)(iv)(III)(ff) of the
24 Food and Nutrition Assistance Act of 2007 (7 U.S.C.

1 2026(b)(1)(B)(iv)(III)(ff)) is amended in inserting “or
2 11(e)(6)(B)” before the semicolon.

3 (c) PROJECTS.—Section 26(f)(3)(E) of the Food and
4 Nutrition Assistance Act of 2007 (7 U.S.C.
5 2035(f)(3)(E)) is amended by inserting “(6)(B)” after
6 “paragraphs”.

○