

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.**

**H. R. 2419**

To provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LUGAR (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WHITEHOUSE, Mr. REED, Mr. HATCH, Ms. COLLINS, Mr. DOMENICI, Mr. NELSON of Florida, Mr. SUNUNU, and Mr. MCCAIN)

Viz:

1 Beginning on page 24, strike line 1 and all follows  
2 through page 124, line 20, and insert the following:

3 **Subtitle A—Traditional Payments**  
4 **and Loans**

5 **SEC. 1101. COMMODITY PROGRAMS.**

6 (a) REPEALS.—Subtitles A through C of title I of the  
7 Farm Security and Rural Investment Act of 2002 (7

1 U.S.C. 7901 et seq.) (other than sections 1001, 1101,  
2 1102, 1103, 1104, and 1106) are repealed.

3 (b) BASE ACRES AND PAYMENT ACRES.—Section  
4 1101 of the Farm Security and Rural Investment Act of  
5 2002 (7 U.S.C. 7911) is amended—

6 (1) in subsections (a)(1) and (e)(2), by striking  
7 “and counter-cyclical payments” each place it ap-  
8 pears; and

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

10 “(i) PRODUCTION OF FRUITS OR VEGETABLES FOR  
11 PROCESSING.—

12 “(1) IN GENERAL.—Subject to paragraphs (2)  
13 and (3), the producers on a farm, with the consent  
14 of the owner of and any other producers on the  
15 farm, may reduce the base acres for a covered com-  
16 modity for the farm if the reduced acres are used for  
17 the planting and production of fruits or vegetables  
18 for processing.

19 “(2) REVERSION TO BASE ACRES FOR COVERED  
20 COMMODITY.—Any reduced acres on a farm devoted  
21 to the planting and production of fruits or vegeta-  
22 bles during a crop year under paragraph (1) shall be  
23 included in base acres for the covered commodity for  
24 the subsequent crop year, unless the producers on

1 the farm make the election described in paragraph  
2 (1) for the subsequent crop year.

3 “(3) RECALCULATION OF BASE ACRES.—

4 “(A) IN GENERAL.—Subject to subpara-  
5 graph (B), if the Secretary recalculates base  
6 acres for a farm, the planting and production of  
7 fruits or vegetables for processing under para-  
8 graph (1) shall be considered to be the same as  
9 the planting, prevented planting, or production  
10 of the covered commodity.

11 “(B) AUTHORITY.—Nothing in this sub-  
12 section provides authority for the Secretary to  
13 recalculate base acres for a farm.”.

14 (c) PAYMENT YIELDS.—Section 1102 of the Farm  
15 Security and Rural Investment Act of 2002 (7 U.S.C.  
16 7912) is amended—

17 (1) in subsection (a), by striking “and counter-  
18 cyclical payments”;

19 (2) in subsection (b), by striking “2007” and  
20 inserting “2012”;

21 (3) in subsection (c), by striking “, but before”  
22 and all that follows through “subsection (e)”; and

23 (4) by striking subsection (e).

24 (d) RECOURSE LOAN PROGRAM.—Subtitle F of title  
25 I of the Farm Security and Rural Investment Act of 2002

1 (7 U.S.C. 7991 et seq.) is amended by adding at the end  
2 the following:

3 **“SEC. 1619. RECOURSE LOAN PROGRAM.**

4 “For each of the 2008 through 2012 crop years, the  
5 Secretary shall establish a recourse loan program for each  
6 loan commodity at a rate of interest to be determined by  
7 the Secretary.”.

8 (e) ADMINISTRATION.—

9 (1) SUSPENSION OF PERMANENT PRICE SUP-  
10 PORT AUTHORITY.—Section 1602 of the Farm Secu-  
11 rity and Rural Investment Act of 2002 (7 U.S.C.  
12 7992) is amended by striking “2007” each place it  
13 appears and inserting “2012”.

14 (2) ADJUSTED GROSS INCOME LIMITATION.—  
15 Section 1001D(e) of the Food Security Act of 1985  
16 (7 U.S.C. 1308–3a(e)) is amended by striking  
17 “2007” and inserting “2012”.

18 (f) AVAILABILITY OF COUNTER-CYCLICAL PAY-  
19 MENTS.—Section 1104 of the Farm Security and Rural  
20 Investment Act of 2002 (7 U.S.C. 7914) is amended—

21 (1) by striking “2007” each place it appears  
22 (other than paragraphs (3)(B) and (4)(B) of sub-  
23 section (f)) and inserting “2008”; and

24 (2) in subsection (f)—

25 (A) in paragraph (3)(B)—

1 (i) in the subparagraph heading, by  
2 striking “2007 CROP YEAR” and inserting  
3 “2007 AND 2008 CROP YEARS”; and

4 (ii) by striking “the 2007 crop year”  
5 and inserting “each of the 2007 and 2008  
6 crop years”; and

7 (B) in paragraph (4)(B)—

8 (i) in the subparagraph heading, by  
9 striking “2007 CROP YEAR” and inserting  
10 “2007 AND 2008 CROP YEARS”; and

11 (ii) by striking “the 2007 crop year”  
12 each place it appears and inserting “each  
13 of the 2007 and 2008 crop years”.

14 (g) AVAILABILITY OF DIRECT PAYMENTS.—Section  
15 1103 of the Farm Security and Rural Investment Act of  
16 2002 (7 U.S.C. 7913) is amended—

17 (1) in subsection (a), by striking “For each of  
18 the 2002 through 2007” and inserting “For each of  
19 the 2008 through 2012”; and

20 (2) in subsection (c), by adding at the end the  
21 following:

22 “(4)(A) In each of crop years 2008 and 2009,  
23 25 percent.

24 “(B) In each of crop years 2010 and 2011, 20  
25 percent.

1           “(C) In crop year 2012, 0 percent.”.

2           On page 233, strikes lines 8 through 13 and insert  
3 the following:

4           “(e) FUNDING.—Of the funds of the Commodity  
5 Credit Corporation, the Secretary shall use to carry out  
6 this section \$1,000,000 for each of fiscal years 2008  
7 through 2012.”.

8           On page 246, strike lines 3 through 10 and insert  
9 the following:

10          “(i) FUNDING.—

11           “(1) IN GENERAL.—Subject to paragraph (2),  
12 of the funds of the Commodity Credit Corporation,  
13 the Secretary of Agriculture shall make grants under  
14 this section, using—

15           “(A) \$135,000,000 for fiscal year 2008;

16           “(B) \$140,000,000 for fiscal year 2009;

17           “(C) \$145,000,000 for fiscal year 2010;

18           “(D) \$150,000,000 for fiscal year 2011;

19           and

20           “(E) \$0 for fiscal year 2012.

21           “(2) AQUACULTURE AND SEAFOOD PROD-  
22 UCTS.—Of the amount made available under sub-  
23 paragraphs (A) through (D) of paragraph (1), the

1 Secretary shall ensure that at least \$50,000 is used  
2 each fiscal year to promote the competitiveness of  
3 aquacultural and seafood products.”.

4 On page 247, line 17, insert “seafood products, aqua-  
5 culture (including ornamental fish), sea grass, sea oats,”  
6 after “floriculture,”.

7 On page 265, strike lines 9 and 10 and insert the  
8 following:

9 (1) by striking subparagraph (A) and inserting  
10 the following:

11 “(A) BASIC FEE.—

12 “(i) IN GENERAL.—Except as pro-  
13 vided in clause (ii), each producer shall pay  
14 an administrative fee for catastrophic risk  
15 protection in an amount that is, as deter-  
16 mined by the Corporation, equal to 25 per-  
17 cent of the premium amount for cata-  
18 strophic risk protection established under  
19 subsection (d)(2)(A) per crop per county.

20 “(ii) MAXIMUM AMOUNT.—The total  
21 amount of administrative fees for cata-  
22 strophic risk protection payable by a pro-

1                   ducer under clause (i) shall not exceed  
2                   \$5,000 for all crops in all counties.”.

3           Beginning on page 273, strike line 1 and all that fol-  
4           lows through page 274, line 2.

5           On page 276, between lines 2 and 3, insert the fol-  
6           lowing:

7   **SEC. 19\_\_ . CONTROLLING CROP INSURANCE PROGRAM**  
8                   **COSTS.**

9           (a) **SHARE OF RISK.**—Section 508(k)(3) of the Fed-  
10          eral Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended  
11          by striking paragraph (3) and inserting the following:

12                   “(3) **SHARE OF RISK.**—

13                           “(A) **IN GENERAL.**—Except as provided in  
14                           subparagraph (B), the reinsurance agreements  
15                           of the Corporation with a reinsured company  
16                           shall require the reinsured company to provide  
17                           to the Corporation 30 percent of the cumulative  
18                           underwriting gain or loss of the reinsured com-  
19                           pany.

20                           “(B) **LIVESTOCK.**—In the case of a policy  
21                           or plan of insurance covering livestock, the rein-  
22                           surance agreements of the Corporation with the  
23                           reinsured companies shall require the reinsured



1 companies to bear a sufficient share of any po-  
2 tential loss under the agreement so as to ensure  
3 that the reinsured company will sell and service  
4 policies of insurance in a sound and prudent  
5 manner, taking into consideration the financial  
6 condition of the reinsured companies and the  
7 availability of private reinsurance.”.

8 (b) REIMBURSEMENT RATE.—Section 508(k)(4)(A)  
9 of the Federal Crop Insurance Act (7 U.S.C.  
10 1508(k)(4)(A)) is amended by striking clause (ii) and in-  
11 serting the following:

12 “(ii) for each of the 2008 and subse-  
13 quent reinsurance years—

14 “(I) 15 percent of the premium  
15 used to define loss ratio; and

16 “(II) in the case of a policy or  
17 plan of insurance covering livestock,  
18 27 percent of the premium used to de-  
19 fine loss ratio.”.

20 **SEC. 19 . SUPPLEMENTAL DEDUCTIBLE COVERAGE.**

21 (a) IN GENERAL.—Section 508(c)(4) of the Federal  
22 Crop Insurance Act (7 U.S.C. 1508(c)(4)) is amended—

23 (1) by striking “The level of coverage” and in-  
24 serting the following:

1           “(A) BASIC COVERAGE.—The level of cov-  
2 erage”; and

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

4           “(B) SUPPLEMENTAL COVERAGE.—

5           “(i) IN GENERAL.—Notwithstanding  
6 paragraph (3) and subparagraph (A), the  
7 Corporation may offer supplemental cov-  
8 erage, based on an area yield and loss  
9 basis, to cover that portion of a crop loss  
10 not covered under the individual yield and  
11 loss basis plan of insurance of a producer,  
12 including any revenue plan of insurance  
13 with coverage based in part on individual  
14 yield and loss.

15           “(ii) LIMITATION.—The sum of the  
16 indemnity paid to the producer under the  
17 individual yield and loss plan of insurance  
18 and the supplemental coverage may not ex-  
19 ceed 100 percent of the loss incurred by  
20 the producer for the crop.

21           “(iii) ADMINISTRATIVE AND OPER-  
22 ATING EXPENSE REIMBURSEMENT.—Not-  
23 withstanding subsection (k)(4), the reim-  
24 bursement rate for approved insurance  
25 providers for the supplemental coverage

1 shall equal 6 percent of the premium used  
2 to define the loss ratio.

3 “(iv) DIRECT COVERAGE.—If the Cor-  
4 poration determines that it is in the best  
5 interests of producers, the Corporation  
6 may offer supplemental coverage as a Cor-  
7 poration endorsement to existing plans and  
8 policies of crop insurance authorized under  
9 this title.

10 “(v) PAYMENT OF PORTION OF PRE-  
11 MIUM BY CORPORATION.—Notwithstanding  
12 subsection (e), the amount of the premium  
13 to be paid by the Corporation for supple-  
14 mental coverage offered pursuant to this  
15 subparagraph shall be determined by the  
16 Corporation, but may not exceed the sum  
17 of—

18 “(I) 50 percent of the amount of  
19 premium established under subsection  
20 (d)(2)(C)(i); and

21 “(II) the amount determined  
22 under subsection (d)(2)(C)(ii) for the  
23 coverage level selected to cover oper-  
24 ating and administrative expenses.”.

1 (b) CONFORMING AMENDMENTS.—Section 508(d)(2)  
2 of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(2))  
3 is amended—

4 (1) by striking “additional coverage” the first  
5 place it appears and inserting “additional and sup-  
6 plemental coverages”; and

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

8 “(C) SUPPLEMENTAL COVERAGE.—In the  
9 case of supplemental coverage offered under  
10 subsection (c)(4)(B), the amount of the pre-  
11 mium shall—

12 “(i) be sufficient to cover anticipated  
13 losses and a reasonable reserve; and

14 “(ii) include an amount for operating  
15 and administrative expenses, as determined  
16 by the Corporation on an industry-wide  
17 basis as a percentage of the amount of the  
18 premium used to define loss ratio.”.

19 **SEC. 19 . REVENUE-BASED SAFETY NET.**

20 (a) ESTABLISHMENT.—Section 508(c) of the Federal  
21 Crop Insurance Act (7 U.S.C. 1508(c)) is amended by  
22 adding at the end the following:

23 “(11) GROUP RISK INCOME PROTECTION AND  
24 GROUP RISK PROTECTION.—The Corporation shall  
25 offer, at no cost to a producer, revenue and yield

1 coverage plans that allow producers in a county to  
2 qualify for an indemnity if the actual revenue or  
3 yield per acre in the county in which the producer  
4 is located is below 85 percent of the average revenue  
5 or yield per acre for the county, for each agricultural  
6 commodity for which a futures price is available, or  
7 as otherwise approved by the Secretary, to the ex-  
8 tent the coverage is actuarially sound.”.

9 (b) PREMIUMS.—Section 508(e)(2) of the Federal  
10 Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended by  
11 adding at the end the following:

12 “(H) In the case of a group risk income  
13 protection and group risk protection offered  
14 under subsection (c)(11) beginning in fiscal  
15 year 2009, and the whole farm insurance plan  
16 offered under subsection (c)(12) beginning in  
17 fiscal year 2010, the entire amount of the pre-  
18 mium for the plan shall be paid by the Corpora-  
19 tion.”.

20 **SEC. 19 \_\_\_\_ . WHOLE FARM INSURANCE.**

21 (a) ESTABLISHMENT.—Section 508(c) of the Federal  
22 Crop Insurance Act (7 U.S.C. 1508(c)) (as amended by  
23 section 19 \_\_\_\_ (a)) is amended by adding at the end the  
24 following:

1           “(12) WHOLE FARM INSURANCE PLAN.—The  
2 Corporation shall offer, at no cost to a producer de-  
3 scribed in paragraph (11), a whole farm insurance  
4 plan that allows the producer to qualify for an in-  
5 demnity if actual gross farm revenue is below 80  
6 percent of the average gross farm revenue of the  
7 producer.”.

8           (b) ADJUSTED GROSS REVENUE INSURANCE PILOT  
9 PROGRAM.—Section 523(e) of the Federal Crop Insurance  
10 Act (7 U.S.C. 1523(e)) is amended—

11           (1) in paragraph (1), by striking “2004” and  
12 inserting “2012”;

13           (2) in paragraph (2), by striking subparagraph  
14 (A) and inserting the following:

15           “(A) IN GENERAL.—In addition to coun-  
16 ties otherwise included in the pilot program, the  
17 Corporation shall include in the pilot program  
18 for each of the 2010 through 2012 reinsurance  
19 years all States and counties that meet the cri-  
20 teria for selection (pending required rating), as  
21 determined by the Corporation.”; and

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

23           “(3) ELIGIBLE PRODUCERS.—The Corporation  
24 shall permit the producer of any type of agricultural  
25 commodity (including a producer of specialty crops,

1 floricultural, ornamental nursery, and Christmas  
2 tree crops, turfgrass sod, seed crops, aquacultural  
3 products (including ornamental fish), sea grass and  
4 sea oats, and industrial crops) to participate in a  
5 pilot program established under this subsection.”.

6 (c) PREVENTION OF DUPLICATION.—Section 508(c)  
7 of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) (as  
8 amended by subsection (a)) is amended by adding at the  
9 end the following:

10 “(13) PREVENTION OF DUPLICATION.—The  
11 Administrator of the Risk Management Agency and  
12 Administrator of the Farm Service Agency shall co-  
13 operate to ensure, to the maximum extent prac-  
14 ticable, that producers on a farm do not receive du-  
15 plicative compensation under Federal law for the  
16 same loss, including by reducing crop insurance in-  
17 demnity payments.”.

18 On page 295, between lines 16 and 17, insert the fol-  
19 lowing:

20 **SEC. 19 \_\_\_\_ . CROP INSURANCE EDUCATION ASSISTANCE.**

21 (a) PARTNERSHIPS FOR RISK MANAGEMENT EDU-  
22 CATION.—Section 524(a)(3) of the Federal Crop Insur-  
23 ance Act (7 U.S.C. 1524(a)(3)) is amended—

1           (1) in subparagraph (B), by striking “A grant”  
2           and inserting “Subject to subparagraph (E), a  
3           grant”; and

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

5                   “(E) ALLOCATION TO STATES.—The Sec-  
6           retary shall allocate funds made available to  
7           carry out this subsection for each fiscal year in  
8           a manner that ensures that grants are provided  
9           to eligible entities in States based on the ratio  
10          that the value of agricultural production of each  
11          State bears to the total value of agricultural  
12          production in all States, as determined by the  
13          Secretary.”.

14          (b) FUNDING.—Paragraph (5) of section 524(a) of  
15          the Federal Crop Insurance Act (7 U.S.C. 1524(a)) (as  
16          redesignated by section 1920(2)) is amended by striking  
17          subparagraph (B) and inserting the following:

18                   “(B) for the partnerships for risk manage-  
19           ment education program established under  
20           paragraph (3)—

21                           “(i) \$20,000,000 for fiscal year 2008,  
22                           of which not less than \$15,000,000 shall  
23                           be used to provide educational assistance  
24                           with respect to whole farm and adjusted  
25                           gross revenue insurance plans;



1 “(ii) \$15,000,000 for fiscal year 2009,  
2 of which not less than \$10,000,000 shall  
3 be used to provide educational assistance  
4 described in clause (i);

5 “(iii) \$10,000,000 for fiscal year  
6 2010, of which not less than \$5,000,000  
7 shall be used to provide educational assist-  
8 ance described in clause (i); and

9 “(iv) \$5,000,000 for fiscal year 2011  
10 and each fiscal year thereafter.”.

11 On page 299, between lines 15 and 16, insert the fol-  
12 lowing:

13 **Subtitle B—Risk Management**  
14 **Accounts**

15 **SEC. 1931. DEFINITIONS.**

16 In this subtitle:

17 (1) **ADJUSTED GROSS REVENUE.**—The term  
18 “adjusted gross revenue”, with respect to a farm of  
19 an operator or producer, means the adjusted gross  
20 income of the farm, as determined by the Secretary,  
21 from the sale or transfer of eligible commodities of  
22 the farm, as calculated—

1 (A) taking into consideration the gross re-  
2 cepts (including insurance indemnities) from  
3 each sale;

4 (B) including all farm payments received  
5 by the operator or producer from any Federal,  
6 State, or local government agency relating to  
7 the eligible commodities;

8 (C) by deducting the cost or basis of any  
9 eligible livestock or other item purchased for re-  
10 sale, such as feeder livestock, by the farm;

11 (D) excluding any revenue that does not  
12 arise from the sale of eligible commodities of  
13 the farm, such as revenue associated with the  
14 packaging, merchandising, marketing, or re-  
15 processing beyond what is typically carried out  
16 by a producer of the eligible commodity, as de-  
17 termined by the Secretary; and

18 (E) using such adjustments, additions, and  
19 additional documentation as the Secretary de-  
20 termines to be appropriate, as presented on—

21 (i) a schedule F form of the Federal  
22 income tax returns of the operator or pro-  
23 ducer; or

24 (ii) a comparable tax form relating to  
25 the farm, as approved by the Secretary.

1           (2) APPLICABLE YEAR.—The term “applicable  
2 year” means a fiscal year covered by a risk manage-  
3 ment account contract.

4           (3) AVERAGE ADJUSTED GROSS REVENUE.—  
5 The term “average adjusted gross revenue” means—

6           (A) the rolling average of the adjusted  
7 gross revenue of an operator or producer for  
8 each of the 5 preceding taxable years; or

9           (B) in the case of a beginning farmer or  
10 rancher, or another agricultural operation that  
11 does not have adjusted gross revenue for each  
12 of the 5 preceding taxable years, the estimated  
13 income of the operation for the applicable year,  
14 as determined by the Secretary.

15           (4) ELIGIBLE COMMODITY.—The term “eligible  
16 commodity” means any annual or perennial crop  
17 raised or produced by an operator or producer.

18           (5) FARM.—

19           (A) IN GENERAL.—The term “farm”  
20 means any parcel of land used for the raising  
21 or production of an eligible commodity that is  
22 considered to be a separate operation, as deter-  
23 mined by the Secretary.

24           (B) INCLUSIONS.—The term “farm” in-  
25 cludes—

1 (i) any parcel of land and related ag-  
2 ricultural production facilities on which an  
3 operator or producer has more than de  
4 minimis operational control; and

5 (ii) any parcel of land subject to more  
6 than de minimis common ownership, as de-  
7 termined by the Secretary, unless the com-  
8 mon owners of the parcel—

9 (I) except with respect to a con-  
10 servation condition established in an  
11 applicable rental agreement, do not  
12 have operational control regarding any  
13 portion of the parcel; and

14 (II) do not share in the proceeds  
15 of the parcel, other than cash rent.

16 (C) EXCLUSION.—The term “farm” does  
17 not include a parcel that is not a portion of a  
18 farm subject to a risk management account  
19 contract.

20 (D) APPLICABILITY OF CFR.—Except as  
21 otherwise provided in this subtitle or by the  
22 Secretary, by regulation, part 718 of title 7,  
23 Code of Federal Regulations (or successor regu-  
24 lations), shall apply to the definition, constitu-

1           tion, and reconstitution of a farm for purposes  
2           of this paragraph.

3           (6) OPERATOR.—The term “operator” means a  
4           producer who controls an agricultural operation on  
5           a farm, as determined by the Secretary.

6           (7) PRODUCER.—The term “producer” means a  
7           person that, as determined by the Secretary, for an  
8           applicable year—

9                   (A) shares in the risk of producing, or pro-  
10                  vides a material contribution in producing, an  
11                  eligible commodity;

12                  (B) has a substantial beneficial interest in  
13                  the farm on which the eligible commodity is  
14                  produced;

15                  (C)(i) for each of the 5 preceding taxable  
16                  years, has filed—

17                          (I) a schedule F form of the Federal  
18                          income tax return relating to the eligible  
19                          commodity; or

20                          (II) a comparable tax form related to  
21                          the eligible commodity, as approved by the  
22                          Secretary; or

23                  (ii) is a beginning farmer or rancher, or  
24                  another producer that does not have adjusted

1 gross revenue for each of the 5 preceding tax-  
2 able years, as determined by the Secretary; and

3 (D)(i) during the 5 preceding taxable  
4 years, has earned at least \$10,000 in average  
5 adjusted gross revenue;

6 (ii) is a limited resource farmer or rancher,  
7 as determined by the Secretary; or

8 (iii) in the case of a beginning farmer or  
9 rancher, or another producer that does not have  
10 adjusted gross revenue for each of the 5 pre-  
11 ceding taxable years, has at least \$10,000 in es-  
12 timated income from all farms for the applica-  
13 ble year, as determined by the Secretary.

14 (8) RISK MANAGEMENT ACCOUNT.—The term  
15 “risk management account” means a farm income  
16 stabilization assistance account maintained at a  
17 qualified financial institution in accordance with  
18 such terms as the Secretary may establish.

19 **SEC. 1932. RISK MANAGEMENT ACCOUNT CONTRACTS.**

20 (a) ESTABLISHMENT OF PROGRAM.—The Secretary  
21 shall establish and carry out a program under which the  
22 Secretary shall offer to enter into contracts with eligible  
23 operators and producers in accordance with this section—

1           (1) to provide to the operators and producers a  
2           reserve to assist in the stabilization of farm income  
3           during low-revenue years;

4           (2) to assist operators and producers to invest  
5           in value-added farms; and

6           (3) to recognize high levels of environmental  
7           stewardship.

8           (b) ELIGIBILITY.—

9           (1) IN GENERAL.—Any operator that has par-  
10          ticipated in a commodity program under title I of  
11          the Farm Security and Rural Investment Act of  
12          2002 (7 U.S.C. 7901 et seq.), and that otherwise  
13          meets each eligibility requirement under this sub-  
14          title, shall be eligible to enter into a risk manage-  
15          ment account contract for agricultural production  
16          during each of fiscal years 2008 through 2012.

17          (2) OTHER PRODUCERS.—A producer that is  
18          not an operator described in paragraph (1) shall be  
19          eligible to enter into a risk management account  
20          contract for agricultural production during each of  
21          fiscal years 2008 through 2012.

22          (3) LIMITATIONS.—

23                 (A) IN GENERAL.—No farm or portion of  
24                 a farm shall be subject to more than 1 risk

1 management account contract during any fiscal  
2 year.

3 (B) MULTIPLE RISK MANAGEMENT AC-  
4 COUNT CONTRACTS.—

5 (i) IN GENERAL.—Except as provided  
6 in clause (ii), no operator or producer shall  
7 participate or have a beneficial interest in  
8 more than 1 risk management account  
9 contract during any fiscal year.

10 (ii) EXCEPTION.—Notwithstanding  
11 clause (i), an operator that is eligible to re-  
12 ceive a transition payment during a fiscal  
13 year, and that participates or has a bene-  
14 ficial interest in a risk management ac-  
15 count contract during that fiscal year, may  
16 enter into an additional risk management  
17 account contract during the fiscal year if—

18 (I) the additional risk manage-  
19 ment account contract is entered into  
20 solely for the purpose of receiving the  
21 transition payment; and

22 (II) the operator is not otherwise  
23 eligible to participate or have a bene-  
24 ficial interest in the additional risk  
25 management account contract.



1 (c) RISK MANAGEMENT ACCOUNTS.—

2 (1) IN GENERAL.—Each risk management ac-  
3 count contract entered into under this section shall  
4 establish, in the name of the farm of the operator  
5 or producer, as applicable, in an appropriate finan-  
6 cial institution and subject to such investment rules  
7 and other procedures as the Secretary, on approval  
8 of the Secretary of the Treasury, determines to be  
9 necessary to provide reasonable assurance of the via-  
10 bility and stability of the account, a risk manage-  
11 ment account, to consist of—

12 (A) such amounts as are transferred to the  
13 risk management account by the Secretary dur-  
14 ing an applicable year in accordance with para-  
15 graph (2) (including the amendments made by  
16 that paragraph); and

17 (B) such amounts as are voluntarily con-  
18 tributed by the operator or producer during the  
19 applicable year in accordance with paragraph  
20 (6).

21 (2) TRANSFERS.—Section 1103 of the Farm  
22 Security and Rural Investment Act of 2002 (7  
23 U.S.C. 7913) is amended by adding at the end the  
24 following:

1           “(e) RISK MANAGEMENT ACCOUNTS.—Of the total  
2 amount of direct payments made to producers, payments  
3 in excess of \$10,000 for a crop year shall be deposited  
4 into risk management accounts established under section  
5 1102 of the Food and Energy Security Act of 2007.”.

6           (3) OPERATOR AND PRODUCER CONTRIBU-  
7 TIONS.—During any applicable year, an operator or  
8 producer may voluntarily contribute to the risk man-  
9 agement account of the operator or producer.

10           (4) WITHDRAWALS.—

11           (A) IN GENERAL.—An operator or pro-  
12 ducer may withdraw amounts in the risk man-  
13 agement account of the operator or producer  
14 only—

15           (i) for an applicable year during which  
16 the adjusted gross revenue of the operator  
17 or producer is equal to less than 95 per-  
18 cent of the average adjusted gross revenue  
19 of the operator or producer, in an amount  
20 that is equal to the lesser of—

21           (I) the difference between—

22           (aa) the average adjusted  
23 gross revenue of the operator or  
24 producer; and

1 (bb) the adjusted gross rev-  
2 enue of the operator or producer;  
3 and

4 (II) the amount of coverage that  
5 could be purchased under an adjusted  
6 gross revenue product available to the  
7 operator or producer through the Fed-  
8 eral crop insurance program;

9 (ii) for investment in a value-added  
10 agricultural operation that contributes to  
11 the agricultural economy, as determined by  
12 the Secretary, and is not farmland or  
13 equipment used to produce raw agricul-  
14 tural products, an amount equal to the  
15 product obtained by multiplying—

16 (I) the total amount in the risk  
17 management account of the operator  
18 or producer on September 30 of the  
19 preceding applicable year; and

20 (II) 10 percent;

21 (iii) as the Secretary determines to be  
22 necessary to protect the solvency of a farm  
23 of the operator or producer; or

24 (iv) to purchase revenue insurance or  
25 crop insurance.

1           (B) TRANSFER TO IRA ACCOUNT.—In any  
2           calendar year, an individual operator or pro-  
3           ducer aged 65 years or older who is the holder  
4           of a risk management account in existence for  
5           at least 5 years may elect to rollover not more  
6           than 15 percent of the balance of the risk man-  
7           agement account into an individual retirement  
8           account pursuant to section 408 of the Internal  
9           Revenue Code of 1986.

10          (5) LIMITATIONS.—

11           (A) CONTRIBUTION REQUIREMENT.—The  
12           Secretary shall ensure that each payment trans-  
13           ferred to a risk management account under this  
14           subsection is attributed to an individual oper-  
15           ator or producer that is a party to the applica-  
16           ble risk management account contract.

17           (B) NO INDIVIDUAL BENEFIT.—

18           (i) IN GENERAL.—The Secretary shall  
19           ensure that no individual operator or pro-  
20           ducer receives a direct benefit from more  
21           than 1 risk management account.

22           (ii) PROPORTIONAL REDUCTION.—The  
23           Secretary shall reduce the amount of a  
24           standard payment under this subsection in  
25           an amount equal to the proportion that—

1 (I) the amount of each direct or  
2 indirect benefit received by the appli-  
3 cable individual operator or producer  
4 under the applicable risk management  
5 account contract; bears to

6 (II) the amount of any direct or  
7 indirect benefit received by the indi-  
8 vidual operator or producer under any  
9 other risk management account con-  
10 tract under which a standard payment  
11 is transferred to a risk management  
12 account.

13 (6) CONSERVATION COMPLIANCE.—Each oper-  
14 ator, and each holder of a beneficial interest in a  
15 farm subject to a risk management account contract,  
16 shall comply with—

17 (A) applicable highly erodible land con-  
18 servation requirements under subtitle B of title  
19 XII of the Food Security Act of 1985 (16  
20 U.S.C. 3811 et seq.); and

21 (B) applicable wetland conservation re-  
22 quirements under subtitle C of title XII of that  
23 Act (16 U.S.C. 3821 et seq.).

1           (7) REGULATIONS.—The Secretary shall pro-  
2           mulgate such regulations as the Secretary deter-  
3           mines to be necessary to carry out this subsection.

4 **SEC. 1933. TREATMENT OF RISK MANAGEMENT ACCOUNT**  
5 **ACCOUNTS ON TRANSFER.**

6           (a) IN GENERAL.—In transferring, by sale or other  
7           means, any interest in a farm subject to a risk manage-  
8           ment account, an operator or producer may elect—

9           (1) to transfer the risk management account to  
10          another farm in which the operator or producer—

11                 (A) has a controlling ownership interest; or

12                 (B) not later than 2 years after the date  
13           of the transfer, will acquire a controlling owner-  
14           ship interest;

15           (2) to transfer the risk management account to  
16           the purchaser of the interest in the farm, if the pur-  
17           chaser is not already a holder of a risk management  
18           account; or

19           (3)(A) if the operator or producer is an indi-  
20           vidual, to rollover amounts in the risk management  
21           account into an individual retirement account of the  
22           operator or producer pursuant to section 408 of the  
23           Internal Revenue Code of 1986; or

24                 (B) if the operator or producer is not an indi-  
25           vidual, to transfer amounts in the risk management

1 account into an account of any individual who has  
2 a substantial beneficial interest in the farm (includ-  
3 ing a substantial beneficiary of a trust that holds at  
4 least a 50 percent ownership interest in the farm).

5 (b) TRANSFER OR ACQUISITION OF LAND OR POR-  
6 TION OF OPERATION.—The Secretary shall promulgate  
7 such regulations as the Secretary determines to be appro-  
8 priate to require reformulation, reaffirmation, or abandon-  
9 ment of a risk management account contract—

10 (1) on transfer of all or part of a farm under  
11 this section; or

12 (2) on any other major change to the farm, as  
13 determined by the Secretary.

14 **SEC. 1934. ADMINISTRATION OF RISK MANAGEMENT AC-**  
15 **COUNTS.**

16 (a) IMPLEMENTATION.—The Secretary shall carry  
17 out this subtitle through the Farm Service Agency.

18 (b) COMPLIANCE.—The Secretary shall conduct ran-  
19 dom audits of operators and producers subject to risk  
20 management account contracts under this subtitle as the  
21 Secretary determines to be necessary to ensure compliance  
22 with the risk management account contracts.

23 (c) VIOLATIONS.—If the Secretary determines that  
24 an operator or producer is in violation of the terms of an  
25 applicable risk management account contract—

1           (1) the operator or producer shall refund to the  
2       Secretary an amount equal to the amount trans-  
3       ferred by the Secretary under section 1103(e) of the  
4       Farm Security and Rural Investment Act of 2002 (7  
5       U.S.C. 7913(e)) to the affected risk management ac-  
6       count during the applicable year in which the viola-  
7       tion occurred; and

8           (2) for a serious or deliberate violation, as de-  
9       termined by the Secretary—

10           (A) the risk management account contract  
11       shall be terminated; and

12           (B) amounts remaining in each applicable  
13       risk management account as the result of a  
14       transfer by the Secretary under section 1103(e)  
15       of that Act shall be refunded to the Secretary.

16       (d) REGULATIONS.—The Secretary shall promulgate  
17       such regulations as the Secretary determines to be nec-  
18       essary to carry out this subtitle.

19       (e) ADJUSTED GROSS INCOME LIMITATION.—The  
20       adjusted gross income limitation under section 1001D of  
21       the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall  
22       apply to participation in the farm income stabilization as-  
23       sistance program under this subtitle.



1 (f) COMMODITY CREDIT CORPORATION.—The Sec-  
2 retary shall use the funds, facilities, and authorities of the  
3 Commodity Credit Corporation to carry out this subtitle.

4 On page 347, strike lines 17 through 20 and insert  
5 the following:

6 **“SEC. 1237T. FUNDING.**

7 “Of the funds of the Commodity Credit Corporation,  
8 the Secretary shall use to carry out this subchapter  
9 \$70,000,000 for each of the fiscal years 2008 through  
10 2012.”.

11 On page 408, line 15, strike “\$165,000,000” and  
12 “\$265,000,000”.

13 On page 444, after line 22, add the following:

14 **SEC. 23 . MIGRATORY BIRD HABITAT CONSERVATION SE-**  
15 **CURITY PROGRAM.**

16 Chapter 5 of subtitle D of title XII of the Food Secu-  
17 rity Act of 1985 (16 U.S.C. 3839bb et seq.) (as amended  
18 by section 2399) is amended by adding at the end the fol-  
19 lowing:

1 **“SEC. 1240S-1. MIGRATORY BIRD HABITAT CONSERVATION**  
2 **SECURITY PROGRAM.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Natural Resources Conservation Service, shall estab-  
5 lish a migratory bird habitat conservation program under  
6 which the Secretary shall provide payments and technical  
7 assistance to rice producers to promote the conservation  
8 of migratory bird habitat.

9 “(b) ELIGIBILITY.—To be eligible for payments and  
10 technical assistance under this section, an eligible pro-  
11 ducer shall maintain on rice acreage of the producer (as  
12 determined by the Secretary)—

13 “(1) straw residue on a minimum of 50 percent  
14 of the rice acreage by flooding, rolling, or stomping,  
15 and maintaining, water depths of at least 4 inches  
16 from November through February in a manner that  
17 benefits migratory waterfowl; or

18 “(2) if supplemental water is not available,  
19 planting a winter cover crop (such as vetch) on the  
20 rice acreage.

21 “(c) ADMINISTRATION.—In carrying out this section,  
22 the Secretary shall—

23 “(1) enroll not more than 100,000 acres of irri-  
24 gated rice; and

1           “(2) provide payments to a participating rice  
2           producer for the value of the ecological benefit, but  
3           not less than \$25 per acre.

4           “(d) REVIEW.—In cooperation with a national, State,  
5           or regional association of rice producers, the Secretary  
6           shall periodically review—

7           “(1) the value of the ecological benefit of prac-  
8           tices for which assistance is provided under this sec-  
9           tion on a per acre basis; and

10           “(2) the practices for which assistance is pro-  
11           vided under this section to maximize the wildlife  
12           benefit to migratory bird populations on land in rice  
13           production.

14           “(e) FUNDING.—Of the funds of the Commodity  
15           Credit Corporation, the Secretary shall use to carry out  
16           this section \$13,000,000 for the period of fiscal years  
17           2008 through 2012.”.

18           On page 445, line 20, strike “\$97,000,000” and in-  
19           sert “\$120,000,000”.

20           On page 445, line 24 , strike “\$240,000,000” and  
21           insert “\$400,000,000”.

1           On page 446, line 4, strike “\$1,270,000,000” and in-  
2 sert “\$1,410,000,000”.

3           On page 446, line 6, strike “\$1,300,000,000” and in-  
4 sert “\$1,420,000,000”.

5           On page 446, line 10, strike “\$85,000,000” and in-  
6 sert “\$100,000,000”.

7           On page 508, between lines 20 and 21, insert the fol-  
8 lowing:

9 **SEC. 26 \_\_\_\_ . CONSERVATION OF GREATER EVERGLADES**  
10 **ECOSYSTEM.**

11           Of the funds of the Commodity Credit Corporation,  
12 the Secretary shall use \$7,000,000 for each of fiscal years  
13 2008 through 2012 to provide assistance to 1 or more  
14 States to carry out conservation activities in or for the  
15 greater Everglades ecosystem.

16           On page 552, strike lines 3 through 6 and insert the  
17 following:

18                   (5) in subsection (l)—

19                           (A) by striking paragraphs (1) and (2) and  
20                   inserting the following:

1           “(1) IN GENERAL.—Of the funds of the Com-  
2           modity Credit Corporation, the President shall use  
3           \$450,000,000 for each of fiscal years 2008 through  
4           2012 to carry out this section.”; and

5                       (B) by redesignating paragraph (3) as  
6           paragraph (2).

7           On page 566, lines 9 and 10, strike “\$140, \$239,  
8           \$197, and \$123” and insert “\$145, \$248, \$205, and  
9           \$128”.

10          On page 567, line 3, strike “\$281” and insert  
11          “\$291”.

12          On page 574, line 6, strike “10 percent” and insert-  
13          ing “20 percent”.

14          Beginning on page 574, strike line 23 and all that  
15          follows through page 575, line 3, and insert the following:

16                       “(2) AMOUNTS.—In addition to the amounts  
17                       made available under paragraph (1), from amounts  
18                       made available to carry out this Act, the Secretary  
19                       shall use to carry out this subsection—

20                               “(A) for fiscal year 2008, \$110,000,000;  
21                       and

1           “(B) for fiscal year 2009 and each fiscal  
2           year thereafter, an amount that is equal to the  
3           amount made available for the previous fiscal  
4           year adjusted to the nearest lower dollar incre-  
5           ment to reflect changes for the 12-month period  
6           ending the preceding June 30 in the Consumer  
7           Price Index for All Urban Consumers published  
8           by the Bureau of Labor Statistics of the De-  
9           partment of Labor.”.

10          On page 658, lines 18 through 21, strike “for fiscal  
11          year 2008 and each fiscal year thereafter, of the funds  
12          of the Commodity Credit Corporation, the Secretary of  
13          Agriculture shall use \$10,000,000” and insert “for fiscal  
14          year 2008 and each fiscal year thereafter, of the funds  
15          of the Commodity Credit Corporation, the Secretary of  
16          Agriculture shall use \$50,000,000”.

17          On page 659, between lines 19 and 20, insert the fol-  
18          lowing:

19          **SEC. 4703. WIC FARMERS’ MARKET NUTRITION PROGRAM.**

20          Section 17(m)(9)(A) of the Child Nutrition Act of  
21          1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

1           (1) in clause (i), by striking “each of fiscal  
2           years 2004 through 2009” and inserting “each fiscal  
3           year”; and

4           (2) by striking clause (ii) and inserting the fol-  
5           lowing:

6                           “(ii) MANDATORY FUNDING.—Of the  
7                           funds of the Commodity Credit Corpora-  
8                           tion, the Secretary shall make available to  
9                           carry out this subsection, \$40,000,000 for  
10                          each fiscal year.”.

11           On page 664, between lines 15 and 16, insert the fol-  
12           lowing:

13   **SEC. 49\_\_\_ . SUMMER FOOD SERVICE PROGRAM FOR CHIL-**  
14                           **DREN.**

15           (a) PAYMENTS TO SERVICE INSTITUTIONS.—Section  
16   13(b) of the Richard B. Russell National School Lunch  
17   Act (42 U.S.C. 1761(b)) is amended—

18           (1) in paragraph (1)—

19                           (A) by striking subparagraph (A);

20                           (B) by redesignating subparagraphs (B)  
21                           through (D) as subparagraphs (A) through (C),  
22                           respectively;

23                           (C) in subparagraph (A) (as redesignated  
24                           by subparagraph (B)), by striking “(A)” and all

1 that follows through “shall not exceed—” and  
2 inserting the following:

3 “(A) IN GENERAL.—Subject to subpara-  
4 graph (B), in addition to amounts made avail-  
5 able under paragraph (3), payments to service  
6 institutions shall be—”;

7 (D) in subparagraph (B) (as redesignated  
8 by subparagraph (B)), by striking “subpara-  
9 graph (B)” and inserting “subparagraph (A)”;  
10 and

11 (E) in subparagraph (C) (as redesignated  
12 by subparagraph (B)), by striking “(A), (B),  
13 and (C)” and inserting “(A) and (B)”; and

14 (2) in the second sentence of paragraph (3), by  
15 striking “full amount of State approved” and all  
16 that follows through “maximum allowable”.

17 (b) CONFORMING AMENDMENTS.—Section 18 of the  
18 Richard B. Russell National School Lunch Act (42 U.S.C.  
19 1769) is amended—

20 (1) by striking subsection (f); and

21 (2) by redesignating subsection (g) through (k)  
22 as subsections (f) through (j), respectively.

23 (c) EFFECTIVE DATE.—The amendments made by  
24 this section take effect on January 1 of the first full cal-  
25 endar year following the date of enactment of this Act.



1       On page 663, between lines 17 and 18, insert the fol-  
2       lowing:

3       **Subtitle F—Food Employment Em-**  
4       **powerment and Development**  
5       **Program**

6       **SEC. 4851. SHORT TITLE.**

7       This subtitle may be cited as the “Food Employment  
8       Empowerment and Development Program Act of 2007”  
9       or the “FEED Act of 2007”.

10      **SEC. 4852. DEFINITIONS.**

11      In this subtitle:

12           (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
13           ty” means an entity that meets the requirements of  
14           section 4013(b).

15           (2) **VULNERABLE SUBPOPULATION.**—

16                (A) **IN GENERAL.**—The term “vulnerable  
17                subpopulation” means low-income individuals,  
18                unemployed individuals, and other subpopula-  
19                tions identified by the Secretary as being likely  
20                to experience special risks from hunger or a  
21                special need for job training.

22                (B) **INCLUSIONS.**—The term “vulnerable  
23                subpopulation” includes—

1 (i) addicts (as defined in section 102  
2 of the Controlled Substances Act (21  
3 U.S.C. 802));

4 (ii) at-risk youths (as defined in sec-  
5 tion 1432 of the Elementary and Sec-  
6 ondary Education Act of 1965 (20 U.S.C.  
7 6472));

8 (iii) individuals that are basic skills  
9 deficient (as defined in section 101 of the  
10 Workforce Investment Act of 1998 (29  
11 U.S.C. 2801));

12 (iv) homeless individuals (as defined  
13 in section 17(b) of the Child Nutrition Act  
14 of 1966 (42 U.S.C. 1786(b));

15 (v) homeless youths (as defined in sec-  
16 tion 387 of the Runaway and Homeless  
17 Youth Act (42 U.S.C. 5732a));

18 (vi) individuals with disabilities (as  
19 defined in section 3 of the Americans with  
20 Disabilities Act of 1990 (42 U.S.C.  
21 12102));

22 (vii) low-income individuals (as de-  
23 fined in section 101 of the Workforce In-  
24 vestment Act of 1998 (29 U.S.C. 2801));

25 and

1 (viii) older individuals (as defined in  
2 section 102 of the Older Americans Act of  
3 1965 (42 U.S.C. 3002)).

4 **SEC. 4853. FOOD EMPLOYMENT EMPOWERMENT AND DE-**  
5 **VELOPMENT PROGRAM.**

6 (a) ESTABLISHMENT.—The Secretary shall establish  
7 a food employment empowerment and development pro-  
8 gram under which the Secretary shall make grants to eligi-  
9 ble entities to encourage the effective use of community  
10 resources to combat hunger and the root causes of hunger  
11 by creating opportunity through food recovery and job  
12 training.

13 (b) ELIGIBLE ENTITIES.—To be eligible to receive a  
14 grant under this section, an entity shall be a public agen-  
15 cy, or private nonprofit institution, that conducts, or will  
16 conduct, 2 or more of the following activities as an integral  
17 part of the normal operation of the entity:

18 (1) Recovery of donated food from area res-  
19 taurants, caterers, hotels, cafeterias, farms, or other  
20 food service businesses.

21 (2) Distribution of meals or recovered food to—  
22 (A) nonprofit organizations described in  
23 section 501(c)(3) of the Internal Revenue Code  
24 of 1986;

1 (B) entities that feed vulnerable sub-  
2 populations; and

3 (C) other agencies considered appropriate  
4 by the Secretary.

5 (3) Training of unemployed and underemployed  
6 adults for careers in the food service industry.

7 (4) Carrying out of a welfare-to-work job train-  
8 ing program in combination with—

9 (A) production of school meals, such as  
10 school meals served under the Richard B. Rus-  
11 sell National School Lunch Act (42 U.S.C.  
12 1751 et seq.) or the Child Nutrition Act of  
13 1966 (42 U.S.C. 1771 et seq.); or

14 (B) support for after-school programs,  
15 such as programs conducted by community  
16 learning centers (as defined in section 4201(b)  
17 of the Elementary and Secondary Education  
18 Act of 1965 (20 U.S.C. 7171(b))).

19 (c) USE OF FUNDS.—An eligible entity may use a  
20 grant awarded under this section for—

21 (1) capital investments related to the operation  
22 of the eligible entity;

23 (2) support services for clients, including staff,  
24 of the eligible entity and individuals enrolled in job  
25 training programs;

1           (3) purchase of equipment and supplies related  
2           to the operation of the eligible entity or that improve  
3           or directly affect service delivery;

4           (4) building and kitchen renovations that im-  
5           prove or directly affect service delivery;

6           (5) educational material and services;

7           (6) administrative costs, in accordance with  
8           guidelines established by the Secretary; and

9           (7) additional activities determined appropriate  
10          by the Secretary.

11          (d) PREFERENCES.—In awarding grants under this  
12          section, the Secretary shall give preference to eligible enti-  
13          ties that perform, or will perform, any of the following  
14          activities:

15               (1) Carrying out food recovery programs that  
16               are integrated with—

17                       (A) culinary worker training programs,  
18                       such as programs conducted by a food service  
19                       management institute under section 21 of the  
20                       Richard B. Russell National School Lunch Act  
21                       (42 U.S.C. 1769b–1);

22                       (B) school education programs; or

23                       (C) programs of service-learning (as de-  
24                       fined in section 101 of the National and Com-

1 community Service Act of 1990 (42 U.S.C.  
2 12511)).

3 (2) Providing job skills training, life skills train-  
4 ing, and case management support to vulnerable  
5 subpopulations.

6 (3) Integrating recovery and distribution of  
7 food with a job training program.

8 (4) Maximizing the use of an established school,  
9 community, or private food service facility or re-  
10 source in meal preparation and culinary skills train-  
11 ing.

12 (5) Providing job skills training, life skills train-  
13 ing, and case management support to vulnerable  
14 subpopulations.

15 (e) ELIGIBILITY FOR JOB TRAINING.—To be eligible  
16 to receive job training assistance from an eligible entity  
17 using a grant made available under this section, an indi-  
18 vidual shall be a member of a vulnerable subpopulation.

19 (f) PERFORMANCE INDICATORS.—The Secretary  
20 shall establish, for each year of the program, performance  
21 indicators and expected levels of performance for meal and  
22 food distribution and job training for eligible entities to  
23 continue to receive and use grants under this section.

24 (g) TECHNICAL ASSISTANCE.—

1           (1) IN GENERAL.—The Secretary shall provide  
2           technical assistance to eligible entities that receive  
3           grants under this section to assist the eligible enti-  
4           ties in carrying out programs under this section  
5           using the grants.

6           (2) FORM.—Technical assistance for a program  
7           provided under this subsection includes—

8                   (A) maintenance of a website, newsletters,  
9                   email communications, and other tools to pro-  
10                  mote shared communications, expertise, and  
11                  best practices;

12                  (B) hosting of an annual meeting or other  
13                  forums to provide education and outreach to all  
14                  programs participants;

15                  (C) collection of data for each program to  
16                  ensure that the performance indicators and pur-  
17                  poses of the program are met or exceeded;

18                  (D) intervention (if necessary) to assist an  
19                  eligible entity to carry out the program in a  
20                  manner that meets or exceeds the performance  
21                  indicators and purposes of the program;

22                  (E) consultation and assistance to an eligi-  
23                  ble entity to assist the eligible entity in pro-  
24                  viding the best services practicable to the com-

1 munity served by the eligible entity, including  
2 consultation and assistance related to—

- 3 (i) strategic plans;  
4 (ii) board development;  
5 (iii) fund development;  
6 (iv) mission development; and  
7 (v) other activities considered appro-  
8 priate by the Secretary;

9 (F) assistance considered appropriate by  
10 the Secretary regarding—

- 11 (i) the status of program participants;  
12 (ii) the demographic characteristics of  
13 program participants that affect program  
14 services;  
15 (iii) any new idea that could be inte-  
16 grated into the program; and  
17 (iv) the review of grant proposals; and  
18 (G) any other forms of technical assistance

19 the Secretary considers appropriate.

20 (h) RELATIONSHIP TO OTHER LAW.—

21 (1) BILL EMERSON GOOD SAMARITAN FOOD DO-  
22 NATION ACT.—An action taken by an eligible entity  
23 using a grant provided under this section shall be  
24 covered by the Bill Emerson Good Samaritan Food  
25 Donation Act (42 U.S.C. 1791).



1           (2) FOOD HANDLING GUIDELINES.—In using a  
2           grant provided under this section, an eligible entity  
3           shall comply with any applicable food handling  
4           guideline established by a State or local authority.

5           (3) INSPECTIONS.—An eligible entity using a  
6           grant provided under this section shall be exempt  
7           from inspection under sections 303.1(d)(2)(iii) and  
8           381.10(d)(2)(iii) of volume 9, Code of Federal Regu-  
9           lations (or a successor regulation), if the eligible en-  
10          tity—

11                   (A) has a hazard analysis and critical con-  
12                   trol point (HACCP) plan;

13                   (B) has a sanitation standard operating  
14                   procedure (SSOP); and

15                   (C) otherwise complies with the Federal  
16                   Meat Inspection Act (21 U.S.C. 601 et seq.)  
17                   and the Poultry Products Inspection Act (21  
18                   U.S.C. 451 et seq.).

19          (i) MAXIMUM AMOUNT OF GRANT.—The amount of  
20          a grant provided to an eligible entity for a fiscal year  
21          under this section shall not exceed \$200,000.

22          (j) AUTHORIZATION OF APPROPRIATIONS.—

23                   (1) IN GENERAL.—There are authorized to be  
24                   appropriated to carry out this section \$20,000,000  
25                   for each of fiscal years 2008 through 2012.

1           (2) TECHNICAL ASSISTANCE.—Of the amount  
2           of funds that are made available for a fiscal year  
3           under paragraph (1), the Secretary shall use to pro-  
4           vide technical assistance under subsection (g) not  
5           more than the greater of—

6                   (A) 5 percent of the amount of funds that  
7                   are made available for the fiscal year under  
8                   paragraph (1); or

9                   (B) \$1,000,000.

10          Beginning on page 691, strike line 21 and all that  
11 follows through page 692, line 17.

12          On page 981, line 12, strike “\$16,000,000” and in-  
13 sert “\$30,000,000”.

14          Beginning on page 1046, strike line 15 and all that  
15 follows through page 1053, line 23, and insert the fol-  
16 lowing:

17 **SEC. 8002. COMMUNITY FORESTS WORKING LAND PRO-**  
18 **GRAM.**

19          Section 7 of the Cooperative Forestry Assistance Act  
20 of 1978 (16 U.S.C. 2103c) is amended—

21               (1) by redesignating subsection (m) as sub-  
22 section (n); and

1           (2) by inserting after subsection (l) the fol-  
2           lowing:

3           “(m) COMMUNITY FORESTS WORKING LAND PRO-  
4           GRAM.—

5           “(1) DEFINITIONS.—In this subsection:

6           “(A) COMMUNITY FOREST LAND.—The  
7           term ‘community forest land’ means a parcel of  
8           land that is—

9                       “(i) forested; and

10                      “(ii) located, as determined by the  
11                      Secretary, within, or in close proximity to,  
12                      a population center.

13           “(B) UNIT OF LOCAL GOVERNMENT.—The  
14           term ‘unit of local government’ means a town,  
15           city, or other unit of local government.

16           “(2) PURPOSES.—The purposes of the commu-  
17           nity forests working land program are—

18                      “(A) to help protect environmentally im-  
19                      portant forest land near population centers, as  
20                      determined by the Secretary;

21                      “(B) to facilitate land use planning by  
22                      units of local government; and

23                      “(C) to facilitate the donations, accept-  
24                      ance, and enforcement of conservation ease-  
25                      ments on community forest land.

1           “(3) ESTABLISHMENT.—The Secretary, in co-  
2           operation with the States, shall offer financial and  
3           technical assistance to units of local government by  
4           providing, in priority areas (as defined by the Sec-  
5           retary)—

6                   “(A) financial assistance to purchase con-  
7                   servation easements on, facilitate the donation,  
8                   acceptance, and enforcement of conservation  
9                   easements on, or otherwise acquire, community  
10                  forest land; and

11                   “(B) technical assistance to facilitate—

12                           “(i) conservation of community for-  
13                           ests;

14                           “(ii) management of community for-  
15                           ests;

16                           “(iii) training related to forest man-  
17                           agement and forest conservation; and

18                           “(iv) other forest conservation activi-  
19                           ties, as determined by the Secretary.

20           “(4) AUTHORIZATION OF APPROPRIATIONS.—

21           There is authorized to be appropriated to carry out  
22           this subsection \$65,000,000 for each of fiscal years  
23           2008 through 2012.”.

1           On page 1112, line 8, strike “\$300,000,000” and in-  
2 sert “\$360,000,000”.

3           On page 1129, line 18, strike “\$230,000,000” and  
4 insert “\$300,000,000”.

5           On page 1150, strike lines 11 through 24 and insert  
6 the following:

7           “(h) FUNDING.—Of the funds of the Commodity  
8 Credit Corporation, the Secretary of Agriculture shall use  
9 to carry out this section \$345,000,000 for the period of  
10 fiscal years 2008 through 2012, to remain available until  
11 expended.”.

12           On page 1295, strike lines 6 through 11 and insert  
13 the following:

14                   “(A) FUNDING.—Of the funds of the Com-  
15                   modity Credit Corporation, the Secretary shall  
16                   make available to carry out this subsection  
17                   \$15,000,000 for each of fiscal years 2008  
18                   through 2012.”;

19                   (ii) in subparagraph (B), by striking  
20                   “authorized to be appropriated under sub-  
21                   paragraph (A)” and inserting “made avail-  
22                   able under subparagraph (A)”;

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