

**EN BLOC AMENDMENT TO CHAIRMAN'S MARK OF
H.R. 2419
OFFERED BY M. _____**

In section 2104, relating to the grassland reserve program, insert the following new subsection (a) (and re-designate existing subsections accordingly):

1 (a) ENROLLMENT OF ADDITIONAL ACREAGE.—Sub-
2 section (b) of section 1238N of the Food Security Act of
3 1985 (16 U.S.C. 3838n) is amended by striking para-
4 graph (1) and inserting the following new paragraph:

5 “(1) ADDITIONAL ENROLLMENT.—The Sec-
6 retary shall enroll an additional 5,000,000 acres of
7 restored or improved grassland, rangeland, and
8 pastureland in the grassland reserve program begin-
9 ning on October 1, 2007.”.

In section 1240I of the Food Security Act of 1985, relating to the regional water enhancement program, as being added by section 2106, increase the funding for the program in subsection (h)(1) by \$40,000,000 for each of fiscal years 2008 through 2012.

In section 2201, relating to the agricultural management assistance program, insert after subsection (b) the

following new subsection (and redesignate existing subsections accordingly):

1 (c) ADDITIONAL FUNDING.—Section 524(b)(4)(B) of
2 the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B))
3 is amended by striking clauses (ii) and (iii) and inserting
4 the following new clause:

5 “(ii) ADDITIONAL FUNDS.—For each
6 of fiscal years 2008 through 2012, the
7 Commodity Credit Corporation shall make
8 available \$20,000,000 to carry out this
9 subsection. This amount is in addition to
10 the amount required by clause (i).”.

In section 2401(c), relating to the farm and ranch-land protection program, increase the funding for the program by the following amounts: \$175,000,000 for fiscal year 2008, \$150,000,000 for fiscal year 2009, \$100,000,000 for fiscal year 2010, and \$50,000,000 for fiscal year 2011.

In section 2401(d), relating to the environmental quality incentives program, increase the funding for the program by the following amounts: \$500,000,000 for fiscal year 2008, \$400,000,000 for fiscal year 2009, \$300,000,000 for fiscal year 2010, and \$200,000,000 for fiscal year 2011.

At appropriate place in title III, insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. ____ . MCGOVERN-DOLE INTERNATIONAL FOOD FOR**
2 **EDUCATION AND CHILD NUTRITION PRO-**
3 **GRAM FUNDING LEVELS.**

4 Paragraph (1) of section 3107(l) of the Farm Secu-
5 rity and Rural Investment Act of 2002 (7 U.S.C. 1736o-
6 1(l)) is amended to read as follows:

7 “(1) USE OF COMMODITY CREDIT CORPORATION
8 FUNDS.—Of the funds of the Commodity Credit
9 Corporation, the Secretary of Agriculture shall
10 use—

11 “(A) \$140,000,000 in fiscal year 2008;

12 “(B) \$150,000,000 in fiscal year 2009;

13 “(C) \$170,000,000 in fiscal year 2010;

14 “(D) \$180,000,000 in fiscal year 2011;

15 and

16 “(E) \$200,000,000 in fiscal year 2012.”.

At appropriate places throughout title IV, insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. ____.** **EXCLUDING COMBAT RELATED PAY FROM**
2 **COUNTABLE INCOME.**

3 Section (5)(d) of the Food Stamp Act of 1977 (7
4 U.S.C. 2014(d)) is amended—

5 (1) by striking “and (18)”, and inserting
6 “(18)”, and

7 (2) by inserting before the period at the end the
8 following: “and (19) any additional payment received
9 under Chapter 5 of title 37, United States Code, by
10 (or as an allotment to or transfer from) a member
11 of the United States Armed Forces deployed to a
12 designated combat zone for the duration of the
13 member’s deployment to or service in a combat zone
14 if the additional pay was not received immediately
15 prior to serving in that or another combat zone.”.

16 **SEC. ____.** **INCREASING THE STANDARD DEDUCTION.**

17 Section (5)(e)(1) of the Food Stamp Act of 1977 (7
18 U.S.C. 2014(e)(1)) is amended—

19 (1) in subparagraph (A)(ii) by striking “not
20 less than \$134” and all that follows through the pe-
21 riod at the end, and inserting the following: “not
22 less than \$156, \$267, \$220, and \$137, respectively.
23 On October 1, 2008, and each October 1 thereafter,
24 such standard deduction shall be an amount that is
25 equal to the amount from the previous fiscal year
26 adjusted to the nearest lower dollar increment to re-

1 flect changes in the Consumer Price Index for All
2 Urban Consumers published by the Bureau of Labor
3 Statistics, for items other than food, for the 12
4 months ending the preceding June 30.”; and

5 (2) in subparagraph (B)(ii) by striking “not
6 less than \$269.” and inserting the following: “not
7 less than \$313. On October 1, 2008, and each Octo-
8 ber 1 thereafter, such standard deduction shall be
9 an amount that is equal to the amount of the pre-
10 vious fiscal year adjusted to the nearest dollar incre-
11 ment to reflect changes in the Consumer Price Index
12 for All Urban Consumers published by the Bureau
13 of Labor Statistics, for items other than food, for
14 the 12 months ending the preceding June 30.”.

15 **SEC. ____ . EXCLUDING DEPENDENT CARE EXPENSES.**

16 Section (5)(e)(3)(A) of the Food Stamp Act of 1977
17 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the
18 maximum allowable level of which shall be \$200 per month
19 for each dependent child under 2 years of age and \$175
20 per month for each other dependent,”.

21 **SEC. ____ . ADJUSTING COUNTABLE RESOURCES FOR INFLA-**
22 **TION.**

23 Section (5)(g) of the Food Stamp Act of 1977 (7
24 U.S.C. 2014(g)) is amended—

1 (1) by striking “(g)(1) The Secretary” and in-
2 serting the following:

3 “(g) ALLOWABLE FINANCIAL RESOURCES.—

4 “(1) TOTAL AMOUNT.—

5 “(A) IN GENERAL.—The Secretary”.

6 (2) in subparagraph (A) (as so designated by
7 paragraph (1))—

8 (A) by inserting “(as adjusted in accord-
9 ance with subparagraph (B))” after “\$2,000”;
10 and

11 (B) by inserting “(as adjusted in accord-
12 ance with subparagraph (B))” after “\$3,000”;
13 and

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

15 “(B) ADJUSTMENT FOR INFLATION.—

16 “(i) IN GENERAL.—Beginning on Oc-
17 tober 1, 2007, and each October 1 there-
18 after, the amounts in subparagraph (A)
19 shall be adjusted to the nearest \$100 in-
20 crement to reflect changes for the 12-
21 month period ending the preceding June in
22 the Consumer Price Index for All Urban
23 Consumers published by the Bureau of
24 Labor Statistics of the Department of
25 Labor.

1 “(ii) REQUIREMENT.—Each adjust-
2 ment under clause (i) shall be based on the
3 unrounded amount for the prior 12-month
4 period.”.

5 **SEC. ____ . EXCLUDING EDUCATION ACCOUNTS FROM**
6 **COUNTABLE INCOME.**

7 Section (5)(g) of the Food Stamp Act of 1977 (7
8 U.S.C. 2014(g)) is amended by adding at the end the fol-
9 lowing:

10 “(7) EXCLUSION OF EDUCATION ACCOUNTS
11 FROM COUNTABLE RESOURCES.—

12 “(A) MANDATORY EXCLUSIONS.—The Sec-
13 retary shall exclude from financial resources
14 under this subsection the value of any funds in
15 a qualified tuition program described in section
16 529 of the Internal Revenue Code of 1986 or
17 in a Coverdell education savings account under
18 section 530 of that Code.

19 “(B) DISCRETIONARY EXCLUSIONS.—The
20 Secretary may also exclude from financial re-
21 sources under this subsection the value of any
22 program or account included in any successor
23 or similar provision that is enacted and deter-
24 mined to be exempt from taxation under the In-
25 ternal Revenue Code of 1986.”.

1 **SEC. ____.** **EXCLUDING RETIREMENT ACCOUNTS FROM**
2 **COUNTABLE INCOME.**

3 Section (5)(g) of the of the Food Stamp Act of 1977
4 (7 U.S.C. 2014(g)), as amended by section 4006, is
5 amended—

6 (1) in subsection (g)(2)(B)(v) by striking “or
7 retirement account (including an individual ac-
8 count)” and inserting “account”; and

9 (2) adding at the end the following:

10 “(8) **EXCLUSION OF RETIREMENT ACCOUNTS**
11 **FROM COUNTABLE RESOURCES.—**

12 “(A) **MANDATORY EXCLUSIONS.—**The Sec-
13 retary shall exclude from financial resources
14 under this subsection the value of any funds in
15 a plan, contract, or account as described in sec-
16 tion 401(a), 403(a), 403(b), 408, 408A, 457(b),
17 or 501(c)(18) of the Internal Revenue Code of
18 1986 and the value of funds in a Federal Thrift
19 Savings Plan account as provided section 8439
20 of title 5, United States Code.

21 “(B) **DISCRETIONARY EXCLUSIONS.—**

22 “(i) The Secretary may exclude from
23 financial resources under this subsection
24 any other retirement plans, contracts, or
25 accounts that have been determined to be
26 tax qualified retirement plans, contracts,

1 or accounts, under the Internal Revenue
2 Code of 1986.

3 “(ii) The Secretary may also exclude
4 from financial resources under this sub-
5 section the value of any program or ac-
6 count included in any successor or similar
7 provision that is enacted and determined to
8 be exempt from taxation under the Inter-
9 nal Revenue Code of 1986.”.

10 **SEC. ____ . INCREASING THE MINIMUM BENEFIT.**

11 Section 8(a) of the Food Stamp Act of 1977 (7
12 U.S.C. 2017(a)) is amended by striking “\$10 per month”
13 and inserting “10 percent of the thrifty food plan for a
14 household containing 1 member, as determined by the Sec-
15 retary under section 3(o)”.

16 **SEC. ____ . EMERGENCY FOOD ASSISTANCE PROGRAM.**

17 Section 27(a) of the Food Stamp Act of 1977 (7
18 U.S.C. 2036(a)) is amended by—

19 (1) by striking “(a) PURCHASE OF COMMOD-
20 ITIES” and all that follows through 2007’ and in-
21 serting the following:

22 “(a) PURCHASE OF COMMODITIES.—

23 “(1) IN GENERAL.—As provided in paragraph
24 (2), for each of the fiscal years 2008 through 2012”;

25 (2) by striking “\$140,000,000 of”; and

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

2 “(2) AMOUNTS.—The following amounts are
3 made available to carry out this subsection:

4 “(A) for fiscal year 2008, \$250,000,000;

5 and

6 “(B) for each of the fiscal years 2009
7 through 2012, the dollar amount of commod-
8 ities specified in subparagraph (A) adjusted by
9 the percentage by which the thrifty food plan
10 has been adjusted under section 3(o)(4) be-
11 tween June 30, 2007 and June 30 of the imme-
12 diately preceding fiscal year.”.

13 **SEC. ____ . EXPANSION OF FRESH FRUIT AND VEGETABLE**
14 **PROGRAM.**

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

18 (1) in paragraph (1)—

19 (A) in the matter preceding subparagraph
20 (A), by striking “July 2004” and inserting
21 “July 2007”; and

22 (B) in paragraph (1) by amending sub-
23 paragraphs (A) and (B) to read as follows:

24 “(A) 50 elementary or secondary schools in
25 each State;

1 “(B) additional elementary or secondary
2 schools in each State in proportion to the stu-
3 dent population of the State; and”;

4 (2) in paragraph (3)(A) by striking “paragraph
5 (1)(B)” and inserting “paragraph (1)”;

6 (3) in paragraph (5) in each of subparagraphs
7 (A) and (B), by striking “2008” and inserting
8 “2012”; and

9 (4) in paragraph (6)(B)—

10 (A) in clause (i)—

11 (i) by striking “October 1, 2004, and
12 on each October 1 thereafter,” and insert-
13 ing “October 1, 2007, and on each October
14 1 thereafter,”; and

15 (ii) by striking “\$9,000,000” and in-
16 serting “\$100,000,000”; and

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

18 “(iii) ADMINISTRATIVE EXPENSES.—
19 For fiscal year 2009 and each fiscal year
20 thereafter, of the amount available to carry
21 out this subsection, the Secretary may re-
22 serve not more than 1 percent of that
23 amount for administrative expenses in car-
24 rying out this subsection.

1 “(iv) STATE ADMINISTRATIVE
2 COSTS.—For fiscal year 2009 and each fis-
3 cal year thereafter, of the amount received
4 by a State to carry out this subsection, the
5 State may use not more than 5 percent of
6 that amount for administrative expenses in
7 carrying out this subsection. To be eligible
8 to use such funds for such expenses, the
9 State must submit to the Secretary a plan
10 indicating how the State intends to use
11 such funds.

12 “(v) FEDERAL REQUIREMENTS.—The
13 Secretary shall establish requirements to
14 be followed by States in administering this
15 subsection. The initial set of requirements
16 shall be established not later than 1 year
17 after the date of the enactment of this
18 clause.”.

In section 413 of the Agricultural Research, Extension, and Education Reform Act of 1998, relating to the specialty crop research initiative, as being added by section 7412, strike subsection (g) and insert the following new subsection:

1 (g) AVAILABILITY OF FUNDS.—Of the funds of the
2 Commodity Credit Corporation, the Secretary shall use
3 the following amounts to carry out this section:

4 (1) \$20,000,000 for fiscal year 2008.

5 (2) \$30,000,000 for fiscal year 2009.

6 (3) \$40,000,000 for fiscal year 2010.

7 (4) \$50,000,000 for fiscal year 2011.

8 (5) \$60,000,000 for fiscal year 2012.

Section 9002 is amended by adding at the end the
following new paragraph:

9 (3) by striking subsection (k)(2)(A) and insert-
10 ing the following:

11 “(A) IN GENERAL.—Of the funds of the
12 Commodity Credit Corporation, the Secretary
13 shall use \$2,000,000 for each of fiscal years
14 2008 through 2012 for bio-product testing and
15 support ongoing operations of the Designation
16 Program, the Voluntary Labeling Program,
17 procurement program models, procurement re-
18 search, promotion, education, and awareness of
19 the BioPreferred Program.”.

Section 9003(3) is amended by striking “subsections
(d) through (h) as subsections (e) through (i), respec-
tively” and inserting “subsection (h) as subsection (j)

and subsections (d) through (g) as subsections (e) through (h), respectively.”.

Section 9003 is amended by striking paragraph (5) and adding at the end the following new paragraphs:

1 (5) by inserting after subsection (h) the fol-
2 lowing new subsection:

3 “(i) CONDITION OF PROVISION OF ASSISTANCE.—As
4 a condition of receiving a grant or loan guarantee under
5 this section, the eligible entity shall ensure that all labor-
6 ers and mechanics employed by contractors or subcontrac-
7 tors in the performance of construction work financed in
8 whole or in part with the grant or loan guarantee, as the
9 case may be, shall be paid wages at rates not less than
10 those prevailing on similar construction in the locality, as
11 determined by the Secretary of Labor in accordance with
12 section 3141 through 3144, 3146, and 3147 of title 40,
13 United States Code. The Secretary of Labor shall have,
14 with respect to such labor standards, the authority and
15 functions set forth in Reorganization Plan Numbered 14
16 of 1950 (15 F. R. 3176; 64 Stat. 1267) and section 3145
17 of such title.”;

18 (6) in subsection (j) (as so redesignated), by
19 striking “2007” and inserting “2012”; and

20 (7) by adding at the end the following new sub-
21 section:

1 “(k) ADDITIONAL FUNDING FOR LOAN GUARAN-
2 TEES.—Of the funds of the Commodity Credit Corpora-
3 tion, the Secretary shall use such sums as may be nec-
4 essary for the cost of providing not more than
5 \$2,000,000,000 in loan guarantees under subsection (d)
6 for the period of fiscal years 2008 through 2012.”.

Section 9005(5) is amended by striking “redesignating subsections (e) and (f) as subsections (g) and (h), respectively” and inserting “redesignating subsection (e) as subsection (g) and striking subsection (f)”.

Section 9005 is amended by adding at the end the following new paragraph:

7 (7) by adding at the end the following new sub-
8 section:

9 “(h) FUNDING.—Of the funds of the Commodity
10 Credit Corporation, the Secretary of Agriculture shall
11 make available to carry out this section—

12 “(1) \$50,000,000 for fiscal year 2008;

13 “(2) \$75,000,000 for fiscal year 2009;

14 “(3) \$100,000,000 for fiscal year 2010;

15 “(4) \$125,000,000 for fiscal year 2011; and

16 “(5) \$150,000,000 for fiscal year 2012.”.

Section 9008(j) of the Farm Security and Rural Investment Act of 2002, as added by section 9006 of the bill, is amended to read as follows:

1 “(j) FUNDING.—

2 “(1) IN GENERAL.—Of the funds of the Com-
3 modity Credit Corporation, the Secretary of Agri-
4 culture shall make available to carry out this sec-
5 tion—

6 “(A) \$50,000,000 for fiscal year 2008;

7 “(B) \$75,000,000 for fiscal year 2009;

8 “(C) \$100,000,000 for fiscal year 2010;

9 “(D) \$125,000,000 for fiscal year 2011;

10 and

11 “(E) \$150,000,000 for fiscal year 2012.

12 “(2) ADDITIONAL FUNDING.—In addition to
13 amounts transferred under paragraph (1), there are
14 authorized to be appropriated to carry out this sec-
15 tion \$200,000,000 for each of fiscal years 2006
16 through 2015.”.

Section 9007 is amended by adding at the end the following new paragraph:

17 (3) by striking subsection (c) and inserting the
18 following:

1 “(c) FUNDING.—Of the funds of the Commodity
2 Credit Corporation, the Secretary of Agriculture shall use
3 to carry out this section \$1,500,000,000 for the period
4 of fiscal years 2008 through 2012.”.

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

5 **SEC. 9014. BIODIESEL FUEL EDUCATION PROGRAM.**

6 Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)) is amended to
7 read as follows:

9 “(d) FUNDING.—Of the funds of the Commodity
10 Credit Corporation, the Secretary shall make available to
11 carry out this section \$2,000,000 for each of fiscal years
12 2008 through 2012.”.

13 **SEC. 9015. BIOMASS ENERGY RESERVE.**

14 Title IX of the Farm Security and Rural Investment
15 Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding
16 at the end the following new section:

17 **“SEC. 9017. BIOMASS ENERGY RESERVE.**

18 “(a) PURPOSE.—The purpose of this section is to establish a biomass energy reserve—

20 “(1) to encourage production of dedicated energy crops in a sustainable manner that protects the
21 soil, air, water, and wildlife of the United States;
22 and
23

1 “(2) to provide financial and technical assist-
2 ance to owners and operators of eligible cropland to
3 produce dedicated energy crops and crop mixes of
4 suitable quality and in sufficient quantities to sup-
5 port and induce development and expansion of the
6 use of the crop for—

7 “(A) bioenergy;

8 “(B) power or heat generation to supple-
9 ment or replace nonbiobased energy sources; or

10 “(C) biobased products to supplement or
11 replace non biobased products;

12 “(3) to establish biomass energy reserve project
13 areas; and

14 “(4) to provide financial and technical assist-
15 ance to owners and operators for harvesting, storing,
16 and transporting cellulosic material.

17 “(b) DEFINITIONS.— In this section:

18 “(1) BEGINNING FARMER OR RANCHER.—The
19 term ‘beginning farmer or rancher’ has the meaning
20 given the term in section 343(a) of the Consolidated
21 Farm and Rural Development Act (7 U.S.C.
22 1991(a)).

23 “(2) BER.—The term ‘BER’ means the bio-
24 mass energy reserve established under this section.

1 “(3) BER PROJECT AREA.—The term ‘BER
2 project area’ means an area that—

3 “(A) has eligible cropland that—

4 “(i) is owned or operated by eligible
5 participants; and

6 “(ii) has specified boundaries that are
7 submitted to the Secretary by eligible par-
8 ticipants and subsequently approved by the
9 Secretary; and

10 “(B) is physically located within a 50-mile
11 radius of a bioenergy facility.

12 “(4) CONSERVATION RESERVE PROGRAM.—The
13 term ‘conservation reserve program’ means the con-
14 servation reserve program established under sub-
15 chapter B of chapter 1 of subtitle D of title XII of
16 the Food Security Act of 1985 (16 U.S.C. 3831 et
17 seq.).

18 “(5) CONTRACT ACREAGE.—The term ‘contract
19 acreage’ means eligible cropland that is—

20 “(A) enrolled in the BER by an eligible
21 participant; and

22 “(B) covered by a BER contract entered
23 into with the Secretary.

24 “(6) ELIGIBLE APPLICANT.—The term ‘eligible
25 applicant’ means—

1 “(A) a collective group of owners and oper-
2 ators producing or proposing to produce eligible
3 dedicated energy crops;

4 “(B) an energy or agricultural company or
5 refinery; and

6 “(C) an Agricultural Innovation Center es-
7 tablished pursuant to section 6402 of the Farm
8 Security and Rural Investment Act of 2002
9 (Public Law 107-171; 116 Stat. 426; 7 U.S.C.
10 1621 note).

11 “(7) ELIGIBLE CROPLAND.—

12 “(A) IN GENERAL.—The term ‘eligible
13 cropland’ means land that the applicable county
14 committee of the Farm Service Agency deter-
15 mines—

16 “(i) is currently being tilled for the
17 production of a crop for harvest; or

18 “(ii) is not currently being tilled but
19 has been tilled in a prior crop year and is
20 suitable for production of an eligible dedi-
21 cated energy crop.

22 “(B) EXCLUSIONS.—The term ‘eligible
23 cropland’ does not include—

24 “(i) Federally-owned land;

25 “(ii) land enrolled in—

1 “(I) the conservation reserve pro-
2 gram;

3 “(II) the grassland reserve pro-
4 gram; or

5 “(III) the wetlands reserve pro-
6 gram; and

7 “(iii) land with greater than 50 per-
8 cent cover of native nonwoody vegetation
9 or forest land, as of the date of enactment
10 of this section.

11 “(8) ELIGIBLE DEDICATED ENERGY CROP.—

12 “(A) IN GENERAL.—The term ‘eligible
13 dedicated energy crop’ means any crop native to
14 the United States, or another crop, as deter-
15 mined by the Secretary, grown specifically to
16 provide raw materials for—

17 “(i) conversion to liquid transpor-
18 tation fuels or chemicals through bio-
19 chemical or thermochemical processes; or

20 “(ii) energy generation through com-
21 bustion, pyrolysis, gasification, cofiring, or
22 other technologies, as determined by the
23 Secretary.

24 “(B) EXCLUSIONS.—The term ‘eligible
25 dedicated energy crop’ does not include—

1 “(i) any crop that is eligible for pay-
2 ments under title I or a successor title; or

3 “(ii) any plant that is invasive or nox-
4 ious or has the potential to become
5 invasive or noxious, as determined by the
6 Secretary, in consultation with other ap-
7 propriate Federal or State departments
8 and agencies.

9 “(9) ELIGIBLE PARTICIPANT.—The term ‘eligi-
10 ble participant’ means an owner or operator of con-
11 tract acreage that is physically located within a
12 BER project area .

13 “(10) FEDERALLY-OWNED LAND.—The term
14 ‘Federally-owned land’ means land owned by—

15 “(A) the Federal Government (including
16 any department, instrumentality, bureau, or
17 agency of the Federal Government); or

18 “(B) any corporation whose stock is wholly
19 owned by the Federal Government.

20 “(11) FOREST LAND.—The term ‘forest land’
21 means an ecosystem that is at least 1 acre in size
22 (including timberland and woodland) and that (as
23 determined by the Secretary)—

24 “(A) is characterized by dense and exten-
25 sive tree cover;

1 “(B) contains, or once contained, at least
2 10 percent tree crown cover; and

3 “(C) is not developed and planned for ex-
4 clusive nonforest resource use.

5 “(12) GRASSLAND RESERVE PROGRAM.—The
6 term ‘grassland reserve program’ means the grass-
7 land reserve program established under subchapter
8 C of chapter 2 of subtitle D of title XII of the Food
9 Security Act of 1985 (16 U.S.C. 3838n et seq.).

10 “(13) OPERATOR.—The term ‘operator’ means
11 an individual, entity, or joint operation that is in
12 control of the farming operations on a farm during
13 the applicable crop year.

14 “(14) OWNER.—

15 “(A) IN GENERAL.—The term ‘owner’
16 means a person that has legal ownership of eli-
17 gible cropland.

18 “(B) INCLUSION.—The term ‘owner’ in-
19 cludes—

20 “(i) a person that is buying eligible
21 cropland under a contract for deed; and

22 “(ii) a person that has a life estate in
23 eligible cropland.

24 “(15) QUALIFIED ORGANIZATION.—The term
25 ‘qualified organization’ means—

1 “(A) an Agricultural Innovation Center es-
2 tablished pursuant to section 6402 of the Farm
3 Security and Rural Investment Act of 2002
4 (Public Law 107-171; 116 Stat. 426; 7 U.S.C.
5 1621 note) with significant experience in the
6 field of renewable energy, as determined by the
7 Secretary; or

8 “(B) in a region not served by a center re-
9 ferred to in subparagraph (A)—

10 “(i) an entity with significant experi-
11 ence in the field of renewable energy that
12 is geographically located in such region, as
13 determined by the Secretary; or

14 “(ii) an accredited college or univer-
15 sity with experience providing technical as-
16 sistance in the field of renewable energy
17 that is geographically located in such re-
18 gion, as determined by the Secretary.

19 “(16) SECRETARY.—The term ‘Secretary’
20 means the Secretary of Agriculture.

21 “(17) SOCIALLY DISADVANTAGED FARMER OR
22 RANCHER.—The term ‘socially disadvantaged farmer
23 or rancher’ means a farmer or rancher who is a
24 member of a socially disadvantaged group (as de-

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

3 “(18) WETLANDS RESERVE PROGRAM.—The
4 term ‘wetlands reserve program’ means the wetlands
5 reserve program established under subchapter C of
6 chapter 1 of subtitle D of title XII of the Food Se-
7 curity Act of 1985 (16 U.S.C. 3837 et seq.).

8 “(c) ESTABLISHMENT.— Not later than 90 days
9 after the date of enactment of this section, the Secretary
10 shall establish a biomass energy reserve in accordance with
11 this section. The Secretary shall ensure the purposes in
12 subsection (a) are met by including in the reserve projects
13 that include a variety of harvest and post-harvest prac-
14 tices, including stubble height, unharvested strips (includ-
15 ing strips for wildlife habitat), and varying harvest dates
16 and a variety of monoculture and polyculture crop mixes,
17 as appropriate, by project area.

18 “(d) PROPOSALS FOR BER PROJECT AREAS.—

19 “(1) SELECTION OF QUALIFIED ORGANIZA-
20 TIONS.—

21 “(A) IN GENERAL.—The Secretary shall
22 select not more than 10 qualified organizations
23 to assist—

24 “(i) eligible applicants in submitting
25 proposals under paragraph (2); and

1 “(ii) the Secretary in selecting BER
2 project areas.

3 “(B) REGION.—The Secretary shall select
4 not more than 1 qualified organization to assist
5 eligible applicants and the Secretary in any par-
6 ticular region of the United States, as deter-
7 mined by the Secretary.

8 “(C) FUNDING.—The Secretary shall pro-
9 vide each qualified organization selected under
10 paragraph (1) not more than \$300,000 to carry
11 out this paragraph.

12 “(2) CONSULTATION WITH QUALIFIED ORGANI-
13 ZATION.—An eligible applicant may consult with and
14 submit to a qualified organization a written proposal
15 that—

16 “(A) identifies the eligible cropland that
17 will be a part of the proposed BER project
18 area; and

19 “(B) indicates a strong likelihood that the
20 proposed BER project area will generate a suf-
21 ficient quantity of biomass from eligible dedi-
22 cated energy crops and acres or other sources
23 to supply an existing bioenergy facility.

1 “(3) MINIMUM REQUIREMENTS.—The written
2 proposal for a proposed BER project area shall in-
3 clude—

4 “(A) a description of the eligible cropland
5 of each eligible participant that will participate
6 in the proposed BER project area, including—

7 “(i) the quantity of eligible cropland
8 of each eligible participant;

9 “(ii) the physical location of the eligi-
10 ble cropland;

11 “(iii) the 1 or more eligible dedicated
12 energy crops that will be produced on the
13 eligible cropland; and

14 “(iv) the type of land use or crop that
15 will be displaced by the eligible dedicated
16 energy crop;

17 “(B)(i) the name, if available, and type, lo-
18 cation, and description of the bioenergy facility
19 that will use the eligible dedicated energy crops
20 to be produced in the proposed BER project
21 area; and

22 “(ii) a letter of commitment from a
23 bioenergy facility that the facility will use
24 the eligible dedicated energy crops in-

1 tended to be produced in the proposed
2 BER project area;

3 “(C) a general analysis of the anticipated
4 local economic impact of the proposed BER
5 project; and

6 “(D) any additional information needed to
7 determine the eligibility for, and ranking of, the
8 proposal, as determined by the Secretary.

9 “(5) INDIVIDUAL OWNERS AND OPERATORS.—
10 An individual owner or operator may not submit an
11 individual proposal to participate in the BER.

12 “(6) ELIGIBILITY CRITERIA FOR BER PROJECT
13 AREAS.—The Secretary shall establish a system for
14 ranking BER project areas based on the following
15 criteria:

16 “(A) The probability that the eligible dedi-
17 cated energy crops proposed to be produced in
18 the proposed BER project area will be used for
19 the purposes of the BER.

20 “(B) The inclusion of adequate potential
21 feedstocks and suitable placement with respect
22 to the bioenergy facility.

23 “(C) The potential for a positive economic
24 impact in the proposed BER project area.

1 “(D) The availability of the ownership of
2 the bioenergy facility in the proposed BER
3 project area to producers and local investors.

4 “(E) The participation rate by beginning
5 farmers or ranchers or socially disadvantaged
6 farmers or ranchers.

7 “(F) The potential to improve soil con-
8 servation and water quality, and enhance wild-
9 life habitat, when compared to existing land
10 uses.

11 “(G) The variety of agronomic conditions
12 the proposed eligible dedicated energy crops will
13 be grown within a project area.

14 “(H) The variety of harvest and post har-
15 vest practices, including stubble height,
16 unharvested strips (including strips for wildlife
17 habitat), and varying harvest dates.

18 “(I) The variety of monoculture and
19 polyculture crop mixes, as appropriate, by
20 project area.

21 “(7) SELECTION OF PROJECTS.—

22 “(A) RANKING; SUBMISSION TO SEC-
23 RETARY.—Each qualified organization selected
24 by the Secretary under paragraph (1) shall
25 rank proposals submitted to such qualified or-

1 organization under paragraph (2) using the sys-
2 tem for ranking established by the Secretary
3 under paragraph (6) and shall submit to the
4 Secretary up to five of the highest ranked appli-
5 cations.

6 “(B) SECRETARY SELECTION.—The Sec-
7 retary shall authorize not less than one pro-
8 posal submitted to the Secretary from each
9 qualified organization under subparagraph (A).

10 “(e) FOREST BIOMASS PLANNING GRANTS.—

11 “(1) IN GENERAL.—The Secretary shall provide
12 forest biomass planning assistance grants to private
13 landowners to develop forest stewardship plans that
14 involve sustainable management of biomass from
15 forest land of the private landowners that will pre-
16 serve diversity, soil, water, or wildlife values of the
17 land, while ensuring a steady supply of biomass ma-
18 terial, through—

19 “(A) State forestry agencies, in consulta-
20 tion with State wildlife agencies; and

21 “(B) technical service provider arrange-
22 ments with third-parties.

23 “(2) LIMITATION.—The total amount of funds
24 used to carry out this subsection shall not exceed
25 \$5,000,000.

1 “(f) DURATION OF CONTRACT.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 for purposes of carrying out the BER, the Secretary
4 shall enter into contracts of 5 years.

5 “(2) EARLY TERMINATION.—The Secretary
6 may terminate a contract early if the Secretary de-
7 termines that—

8 “(A) contract acreage will not be used to
9 produce an eligible dedicated energy crop (as
10 determined not earlier than 5 years after enter-
11 ing into a contract);

12 “(B) a material breach of the contract has
13 occurred;

14 “(C) the owner or operator has died; or

15 “(D) continuation of the contract will
16 cause undue economic hardship.

17 “(g) CONTRACT ACREAGE REQUIREMENTS.—

18 “(1) IN GENERAL.—On approval of a BER
19 project area by the Secretary, each eligible partici-
20 pant in the BER project area shall enter into a con-
21 tract with the Secretary that is consistent with the
22 BER.

23 “(2) ADDITIONAL ELIGIBLE PARTICIPANTS.—
24 The Secretary may add eligible participants to a

1 BER project area after approval of the BER project
2 area.

3 “(3) CONSERVATION PRACTICES.—To ensure
4 the sustainability of farm operations and the protec-
5 tion of soil, air, water and wildlife, to be eligible to
6 participate in the BER, an eligible participant shall
7 agree to abide by the terms and conditions of the
8 contract.

9 “(4) PURPOSES.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), to be eligible to participate
12 in the BER, an eligible participant may use eli-
13 gible dedicated energy crops produced on con-
14 tract acreage only for the purposes described in
15 subsection (a).

16 “(B) PERSONAL USE.—During the period
17 before the commercial viability of a bioenergy
18 facility, an eligible participant may use eligible
19 dedicated energy crops produced by the eligible
20 participant on contract acreage for personal
21 use.

22 “(C) SEED PRODUCTION.—During the pe-
23 riod before the commercial viability of a bio-
24 energy facility, an eligible participant may har-
25 vest and sell seed produced on contract acreage.

1 “(5) REQUIREMENTS.—To be eligible to partici-
2 pate in the BER, during the term of the BER con-
3 tract, an eligible participant shall—

4 “(A) enter into a contract with the Sec-
5 retary to participate in the BER and comply
6 with the BER contract; and

7 “(B) comply with—

8 “(i) the highly erodible land conserva-
9 tion requirements of subtitle B of title XII
10 of the Food Security Act of 1985 (16
11 U.S.C. 3811 et seq.); and

12 “(ii) the wetland conservation require-
13 ments of subtitle C of title XII of that Act
14 (16 U.S.C. 3821 et seq.).

15 “(h) ADDITIONAL ELIGIBLE BIOMASS.—

16 “(1) IN GENERAL.—The Secretary may allow
17 on land that is enrolled in the conservation reserve
18 program and located within the BER project area
19 the harvesting of biomass—

20 “(A) in exchange for a reduction of an ap-
21 plicable annual payment in an amount to be de-
22 termined by the Secretary;

23 “(B) in accordance with an approved con-
24 servation reserve program plan, including mid-

1 contract management and forestry maintenance
2 activities; and

3 “(C) in a manner that ensures that bio-
4 mass harvest activities occur outside the official
5 nesting and brood rearing season for those
6 plans.

7 “(i) DUTIES OF SECRETARY.—The Secretary shall—

8 “(1) establish and administer the BER;

9 “(2) authorize establishment of BER project
10 areas for the purposes of the BER described in sub-
11 section (a);

12 “(3) develop procedures—

13 “(A) to monitor the compliance of eligible
14 participants that have land enrolled in the BER
15 with the requirements of the BER;

16 “(B) to measure the performance of the
17 BER; and

18 “(C) to demonstrate whether the long-term
19 eligible dedicated energy crop production goals
20 are being achieved.

21 “(4) enter into a written contract with each eli-
22 gible participant that elects to participate in the
23 BER in a BER project area;

24 “(5) not enter into a contract under the BER
25 with an individual owner or operator unless the land

1 of the eligible participant is physically located in an
2 approved BER project area; and

3 “(6) provide all payments under the contract
4 directly to the eligible participant.

5 “(j) CONTRACTS.—A contract entered into between
6 the Secretary and an eligible participant under the BER
7 shall include, at a minimum, terms that cover—

8 “(1) requirements for the eligible participant in
9 carrying out the contract, including requirements de-
10 scribed in subsections (f), (g), and (l);

11 “(2) termination provisions;

12 “(3) payment terms and amounts to be pro-
13 vided on an annual basis;

14 “(4) the sales or transfer of contract acreage;

15 “(5) the modification of the contract;

16 “(6) the maximum quantity of contract acreage
17 and an estimated schedule for how much eligible
18 cropland will be enrolled each contract year; and

19 “(7) any additional terms the Secretary con-
20 siders appropriate.

21 “(k) PAYMENTS.—

22 “(1) IN GENERAL.—The Secretary shall provide
23 payments directly to eligible participants who enter
24 into contracts described in subsection (j) in accord-
25 ance with such subsection.

1 “(2) ESTABLISHMENT PAYMENTS.—

2 “(A) IN GENERAL.—The Secretary shall
3 provide to an eligible participant who enters
4 into a BER contract an establishment payment
5 in an amount equal to the costs of establishing
6 an eligible dedicated energy crop on the con-
7 tract acreage covered by the contract.

8 “(B) ELIGIBLE ESTABLISHMENT PAY-
9 MENTS.—The costs for which an eligible owner
10 may receive an establishment payment under
11 this paragraph include—

12 “(i) the cost of seeds and stock; and

13 “(ii) the cost of planting the crop.

14 “(3) RENTAL PAYMENTS.—

15 “(A) IN GENERAL.—The Secretary shall
16 make annual rental payments to an eligible par-
17 ticipant who enters into a BER contract.

18 “(B) PERIOD.—An eligible participant
19 shall receive rental payments for a period of not
20 more than 5 years after entering into a BER
21 contract with the Secretary on contract acreage.

22 “(C) REDUCTION.—The Secretary shall re-
23 duce rental payments under (A) by an amount
24 determined to be appropriate by the Secretary,

1 if an eligible dedicated energy crop is harvested
2 in accordance with subsection (g)(4).

3 “(4) ENROLLED LAND INELIGIBLE FOR COM-
4 MODITY PAYMENTS.—Land enrolled in the BER
5 shall not be eligible to be used for direct or counter-
6 cyclical payments or any other payments under title
7 I or a successor title, but shall be considered to have
8 been planted to a program crop for purposes of de-
9 termining base acres.

10 “(1) INFORMATION SHARING.—

11 “(1) IN GENERAL.—Owners and operators of a
12 farm entering into a contract with the Secretary
13 under this section shall agree to make available to
14 the Secretary, or to an institution of higher edu-
15 cation or other entity designated by the Secretary,
16 such information as the Secretary considers to be
17 appropriate to promote the production of bioenergy
18 crops and the development of biorefinery technology;
19 and

20 “(2) BEST PRACTICES DATABASE.—Subject to
21 section 1770 of the Food Security Act of 1985 (7
22 U.S.C. 2276), the Secretary shall make available to
23 the public in a database format the best practices in-
24 formation developed by the Secretary in providing
25 bioenergy assistance under this section.

1 “(m) PAYMENTS FOR COLLECTING, HARVESTING,
2 STORING, AND TRANSPORTING BIOMASS PRODUCED ON
3 BER CONTRACT ACREAGE, AGRICULTURAL WASTE BIO-
4 MASS, AND SUSTAINABLY-HARVESTED AGRICULTURAL
5 AND FOREST RESIDUES.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 the Secretary may provide matching payments at a
8 rate of \$1 for every \$1 per ton provided by the bio-
9 energy facility, in an amount equal to not more than
10 \$45 per ton for a period of two years—

11 “(A) to eligible participants for biomass
12 produced on BER contract acreage in exchange
13 for a reduction of the annual payment issued
14 under subsection (k)(3), as determined by the
15 Secretary;

16 “(B) to any producer of agricultural waste
17 biomass or sustainably-harvested agricultural
18 and forest residues in the United States for the
19 agricultural waste or residue; and

20 “(C) for residue collected as a result of the
21 removal of noxious and invasive species, in ac-
22 cordance with methods approved by the Sec-
23 retary.

24 “(2) FOREST LAND OWNER ELIGIBILITY.—
25 Owners of forest land shall be eligible to receive pay-

1 ments under this subsection only if such owners are
2 acting pursuant to a forest stewardship plan.

3 “(n) FUNDING.—Of the funds of the Commodity
4 Credit Corporation, the Secretary shall use to carry out
5 this section such sums as are necessary for each of fiscal
6 years 2008 through 2012.”.

7 **SEC. 9016. FOREST BIOMASS FOR ENERGY.**

8 Title IX of the Farm Security and Rural Investment
9 Act of 2002 (7 U.S.C. 8101 et seq.) is further amended
10 by adding at the end the following new section:

11 **“SEC. 9018. FOREST BIOMASS FOR ENERGY.**

12 “(a) IN GENERAL.—The Secretary of Agriculture,
13 through the Forest Service, shall conduct a competitive
14 research and development program to encourage use of
15 forest biomass for energy.

16 “(b) ELIGIBLE ENTITIES.—Entities eligible to com-
17 pete under this program include the Forest Service
18 (through Research and Development), other Federal agen-
19 cies, State and local governments, federally recognized In-
20 dian tribes, land grant colleges and universities, and pri-
21 vate entities.

22 “(c) PRIORITY FOR PROJECT SELECTION.—The Sec-
23 retary shall give priority to projects that—

24 “(1) develop technology and techniques to use
25 low value forest biomass, such as byproducts of for-

1 est health treatments and hazardous fuels reduction,
2 for the production of energy;

3 “(2) develop processes that integrate production
4 of energy from forest biomass into biorefineries or
5 other existing manufacturing streams;

6 “(3) develop new transportation fuels from for-
7 est biomass; and

8 “(4) improve the growth and yield of trees in-
9 tended for renewable energy production.

10 “(d) FUNDING.—Of the funds of the Commodity
11 Credit Corporation, the Secretary shall make available to
12 carry out this section \$15,000,000 for each of fiscal years
13 2008 through 2012.”.

In section 101(i) of the Specialty Crops Competitive-
ness Act of 2004, relating to specialty crop block grants,
as being amended by section 10102, increase the funding
by \$40,000,000 for each of fiscal years 2008 through
2012.

At the end of subtitle A of title XI, insert the fol-
lowing new section:

1 **SEC. 11007. PERMANENT AUTHORITY TO PROVIDE EMER-**
2 **GENCY AGRICULTURAL ASSISTANCE.**

3 The Federal Crop Insurance Act is amended by in-
4 serting after section 518 (7 U.S.C. 1518) the following
5 new section:

6 **“SEC. 519. PERMANENT AUTHORITY TO PROVIDE EMER-**
7 **GENCY AGRICULTURAL ASSISTANCE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ACTUAL PRODUCTION HISTORY YIELD.—
10 The term ‘actual production history yield’ means the
11 quotient obtained by dividing—

12 “(A) the weighted average actual produc-
13 tion for each insurable unit, as determined by
14 the Secretary; and

15 “(B) the acreage grazed or planted for
16 harvest in each unit, as determined by the Sec-
17 retary.

18 “(2) COUNTER-CYCLICAL PROGRAM PAYMENT
19 YIELD.—The term ‘counter-cyclical program pay-
20 ment yield’ means the weighted average payment
21 yield established under section 1102 of the Farm Se-
22 curity and Rural Investment Act of 2002 (7 U.S.C.
23 7912).

24 “(3) DISASTER COUNTY.—

25 “(A) IN GENERAL.—The term ‘disaster
26 county’ means a county included in the geo-

1 graphic area covered by a qualifying natural
2 disaster declaration by the Secretary.

3 “(B) INCLUSION.—The term ‘disaster
4 county’ includes a county contiguous to a coun-
5 ty described in subparagraph (A).

6 “(4) ELIGIBLE PRODUCER ON A FARM.—

7 “(A) IN GENERAL.—The term ‘eligible pro-
8 ducer on a farm’ means an individual or entity
9 described in subparagraph (B) that, as deter-
10 mined by the Secretary, assumes the production
11 and market risks associated with the agricul-
12 tural production of crops or livestock.

13 “(B) DESCRIPTION.—An individual or en-
14 tity referred to in subparagraph (A) is—

15 “(i) a citizen of the United States;

16 “(ii) a partnership of citizens of the
17 United States; or

18 “(iii) a corporation, limited liability
19 corporation, or other farm organizational
20 structure licensed to engage in business in
21 a State.

22 “(5) FARM.—

23 “(A) IN GENERAL.—The term ‘farm’
24 means, in relation to an eligible producer on a

1 farm, the sum of all crop acreage in all counties
2 that —

3 “(i) is used for grazing by the eligible
4 producer; or

5 “(ii) is planted or intended to be
6 planted for harvest by the eligible pro-
7 ducer.

8 “(B) HONEY.—In the case of honey, the
9 term ‘farm’ means, in relation to an eligible
10 producer on a farm, all bees and beehives in all
11 counties that are intended to be harvested for
12 a honey crop by the eligible producer.

13 “(6) INSURABLE COMMODITY.—The term ‘in-
14 surable commodity’ means an agricultural com-
15 modity (excluding livestock) for which the producer
16 on a farm is eligible to obtain a policy or plan of in-
17 surance under this Act.

18 “(7) LIVESTOCK.—The term ‘livestock’ in-
19 cludes—

20 “(A) cattle (including dairy cattle);

21 “(B) bison or buffalo;

22 “(C) poultry;

23 “(D) sheep;

24 “(E) swine;

25 “(F) goats;

1 “(G) reindeer;

2 “(H) elk;

3 “(I) deer;

4 “(J) equine maintained for commercial use
5 as part of a farming or ranching operation; and

6 “(K) other livestock, as determined by the
7 Secretary.

8 “(8) MOVING 5-YEAR OLYMPIC AVERAGE COUN-
9 TY YIELD.—The term ‘moving 5-year Olympic aver-
10 age county yield’ means the weighted average yield
11 obtained from the 5 most recent years of yield data
12 provided by the National Agriculture Statistics Serv-
13 ice obtained from data after dropping the highest
14 and the lowest yields.

15 “(9) NONINSURED CROP ASSISTANCE PRO-
16 GRAM.—The term ‘noninsured crop assistance pro-
17 gram’ means the program carried out under section
18 196 of the Federal Agricultural Improvement and
19 Reform Act of 1996 (7 U.S.C. 7333).

20 “(10) NONINSURABLE COMMODITY.—The term
21 ‘noninsurable commodity’ means a crop for which
22 the eligible producers on a farm are eligible to ob-
23 tain assistance under the noninsured crop assistance
24 program.

1 “(11) QUALIFYING NATURAL DISASTER DEC-
2 LARATION.—The term ‘qualifying natural disaster
3 declaration’ means a natural disaster declared by the
4 Secretary for production losses under section 321(a)
5 of the Consolidated Farm and Rural Development
6 Act (7 U.S.C. 1961(a)).

7 “(12) PROGRAM CROP.—The term ‘program
8 crop’ means 1 or more crops eligible for payments
9 under subtitle A or C of title I of the Farm Security
10 and Rural Investment Act of 2002 (7 U.S.C. 7911
11 et seq.) or successor provisions of law.

12 “(13) STATE.—The term ‘State’ means each of
13 the several States of the United States.

14 “(14) UNITED STATES.—The term ‘United
15 States’ when used in a geographical sense, means all
16 of the States.

17 “(b) CROP DISASTER ASSISTANCE PAYMENTS.—

18 “(1) IN GENERAL.—For each of the 2008
19 through 2012 crop years, the Secretary shall use
20 such sums as are necessary of the funds of the Com-
21 modity Credit Corporation to make crop disaster as-
22 sistance payments to eligible producers on farms in
23 disaster counties that have incurred crop production
24 losses or crop quality losses, or both, during the crop
25 year.

1 “(2) AMOUNT.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Secretary shall provide crop dis-
4 aster assistance payments under this section to
5 an eligible producer on a farm in an amount
6 equal to 50 percent of the difference between—

7 “(i) the disaster assistance program
8 guarantee, as described in paragraph (3);
9 and

10 “(ii) the total farm revenue for a
11 farm, as described in paragraph (4).

12 “(B) LIMITATION.—The disaster assist-
13 ance program guarantee for a crop used to cal-
14 culate the payments for a farm under subpara-
15 graph (A)(i) may not be greater than 90 per-
16 cent of the sum of the expected revenue, as de-
17 scribed in paragraph (5) for each of the crops
18 on a farm, as determined by the Secretary.

19 “(3) DISASTER ASSISTANCE PROGRAM GUAR-
20 ANTEE.—

21 “(A) IN GENERAL.—Except as otherwise
22 provided in this paragraph, the disaster assist-
23 ance program guarantee for each insurable
24 commodity of an eligible producer on a farm
25 shall be the sum obtained by adding—

1 “(i) the product obtained by multi-
2 plying—
3 “(I) the greatest of—
4 “(aa) the actual production
5 history yield;
6 “(bb) the moving 5-year
7 Olympic average county yield;
8 and
9 “(cc) the counter-cyclical
10 program payment yield for each
11 crop;
12 “(II) the percentage of the crop
13 insurance yield guarantee;
14 “(III) the percentage of crop in-
15 surance price elected by the eligible
16 producer;
17 “(IV) the crop insurance price;
18 and
19 “(V) 115 percent; and
20 “(ii) for each noninsurable commodity
21 on a farm, the product obtained by multi-
22 plying—
23 “(I) the noninsured crop assist-
24 ance program yield guarantee;

1 “(II) 100 percent of the non-
2 insured crop assistance program es-
3 tablished price; and

4 “(III) 115 percent.

5 “(B) ADJUSTMENT INSURANCE GUAR-
6 ANTEE.—Notwithstanding subparagraph (A), in
7 the case of an insurable commodity for which a
8 plan of insurance provides for an adjustment in
9 the guarantee, such as in the case of prevented
10 planting, the adjusted insurance guarantee shall
11 be the basis for calculating the disaster assist-
12 ance program guarantee for the insurable com-
13 modity.

14 “(C) ADJUSTED ASSISTANCE LEVEL.—
15 Notwithstanding subparagraph (A), in the case
16 of a noninsurable commodity for which the non-
17 insured crop assistance program provides for an
18 adjustment in the level of assistance, such as in
19 the case of prevented harvesting, the adjusted
20 assistance level shall be the basis for calculating
21 the disaster assistance program guarantee for
22 the noninsurable commodity.

23 “(D) REQUIREMENT.—The Secretary shall
24 establish equitable treatment for non-standard

1 insurance products, such as the Adjusted Gross
2 Revenue Lite insurance program.

3 “(4) FARM REVENUE.—

4 “(A) IN GENERAL.—In calculating the
5 farm revenue for each crop on a farm and the
6 total farm revenue for a farm, the Secretary
7 shall include—

8 “(i) the estimated actual value for
9 grazing and for each crop produced on a
10 farm by using the product obtained by
11 multiplying—

12 “(I) the actual crop acreage
13 grazed or harvested by an eligible pro-
14 ducer on a farm;

15 “(II) the estimated actual yield
16 of the grazing land or crop produc-
17 tion; and

18 “(III) subject to subparagraph
19 (B), the average market price received
20 or value of the production during the
21 first 5 months of the marketing year
22 for the county in which the farm or
23 portion of a farm is located;

24 “(ii) the amount of crop insurance in-
25 demnities received by an eligible producer

1 on a farm for each crop on a farm, includ-
2 ing indemnities for grazing losses;

3 “(iii) the amount of payments an eli-
4 gible producer on a farm received under
5 the noninsured crop assistance program for
6 each crop on a farm, including grazing
7 losses; and

8 “(iv) the value of any other natural
9 disaster assistance payments provided by
10 the Federal Government to an eligible pro-
11 ducer on a farm for each crop on a farm
12 for the same loss for which the eligible pro-
13 ducer is seeking assistance.

14 “(B) ADJUSTMENT.—The Secretary shall
15 adjust the average market price received by the
16 eligible producer on a farm—

17 “(i) to reflect the average quality dis-
18 counts applied to the local or regional mar-
19 ket price of a crop, hay, or forage due to
20 a reduction in the intrinsic characteristics
21 of the production resulting from adverse
22 weather, as determined annually by the
23 State office of the Farm Service Agency;
24 and

1 “(ii) to account for a crop the value of
2 which is reduced due to excess moisture re-
3 sulting from a disaster-related condition.

4 “(5) EXPECTED REVENUE.—In calculating the
5 expected revenue for each crop on a farm and the
6 total expected crop revenue for a farm, the Secretary
7 shall include the sum obtained by adding—

8 “(A) the expected value of grazing;

9 “(B) the product obtained by multi-
10 plying—

11 “(i) the greatest of—

12 “(I) the actual production history
13 yield of the eligible producer on a
14 farm;

15 “(II) the moving 5-year Olympic
16 average county yield; and

17 “(III) the counter-cyclical pro-
18 gram payment yield;

19 “(ii) the acreage planted or intended
20 to be planted for each crop; and

21 “(iii) 100 percent of the insurance
22 price guarantee; and

23 “(C) the product obtained by multi-
24 plying—

1 “(i) 100 percent of the noninsured
2 crop assistance program yield; and

3 “(ii) 100 percent of the noninsured
4 crop assistance program price for each of
5 the crops on a farm.

6 “(c) LIVESTOCK INDEMNITY PAYMENTS.—

7 “(1) IN GENERAL.—For each of the 2008
8 through 2012 crop years, the Secretary shall use
9 such sums as are necessary of the funds of the Com-
10 modity Credit Corporation to make livestock indem-
11 nity payments to eligible producers on farms that
12 have incurred livestock death losses in excess of the
13 normal mortality due to adverse weather, as deter-
14 mined by the Secretary, during the calendar year,
15 including losses due to hurricanes, floods, blizzards,
16 disease, wildfires, extreme heat, and extreme cold.

17 “(2) PAYMENT RATES.—Indemnity payments to
18 an eligible producer on a farm under paragraph (1)
19 shall be made at a rate of not less than 50 percent
20 of the market value of the applicable livestock on the
21 day before the date of death of the livestock, as de-
22 termined by the Secretary.

23 “(d) TREE ASSISTANCE PROGRAM.—

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

1 “(A) ELIGIBLE ORCHARDIST.—The term
2 ‘eligible orchardist’ means a person that pro-
3 duces annual crops from trees for commercial
4 purposes.

5 “(B) NATURAL DISASTER.—The term ‘nat-
6 ural disaster’ means plant disease, insect infes-
7 tation, drought, fire, freeze, flood, earthquake,
8 lightning, or other occurrence, as determined by
9 the Secretary.

10 “(C) TREE.—The term ‘tree’ includes a
11 tree, bush, and vine.

12 “(2) ELIGIBILITY.—

13 “(A) LOSS.—Subject to subparagraph (B),
14 the Secretary shall provide assistance under
15 paragraph (3) to eligible orchardists that plant-
16 ed trees for commercial purposes but lost the
17 trees as a result of a natural disaster, as deter-
18 mined by the Secretary.

19 “(B) LIMITATION.—An eligible orchardist
20 shall qualify for assistance under subparagraph
21 (A) only if the tree mortality of the eligible or-
22 chardist, as a result of damaging weather or re-
23 lated condition, exceeds 15 percent (adjusted
24 for normal mortality).

1 “(3) ASSISTANCE.—The assistance provided by
2 the Secretary to eligible orchardists for losses de-
3 scribed in paragraph (2) shall consist of—

4 “(A)(i) reimbursement of 75 percent of the
5 cost of replanting trees lost due to a natural
6 disaster, as determined by the Secretary, in ex-
7 cess of 15 percent mortality (adjusted for nor-
8 mal mortality); or

9 “(ii) at the option of the Secretary, suffi-
10 cient seedlings to reestablish a stand; and

11 “(B) reimbursement of 50 percent of the
12 cost of pruning, removal, and other costs in-
13 curred by an eligible orchardist to salvage exist-
14 ing trees or, in the case of tree mortality, to
15 prepare the land to replant trees as a result of
16 damage or tree mortality due to a natural dis-
17 aster, as determined by the Secretary, in excess
18 of 15 percent damage or mortality (adjusted for
19 normal tree damage and mortality).

20 “(e) RISK MANAGEMENT PURCHASE REQUIRE-
21 MENT.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, the eligible producers on a
24 farm shall not be eligible for assistance under this
25 section with respect to losses to an insurable com-

1 modity or noninsurable commodity if the eligible
2 producers on the farm—

3 “(A) in the case of an insurable com-
4 modity, did not obtain a policy or plan of insur-
5 ance for the insurable commodity under this
6 Act (excluding a crop insurance pilot program
7 under this Act) for the crop incurring the
8 losses; or

9 “(B) in the case of a noninsurable com-
10 modity, did not file the required paperwork, and
11 pay the administrative fee by the applicable
12 State filing deadline, for the noninsurable com-
13 modity under the noninsured crop assistance
14 program for the crop incurring the losses.

15 “(2) MINIMUM.—To be considered to have ob-
16 tained insurance under paragraph (1), an eligible
17 producer on a farm shall have obtained a policy or
18 plan of insurance with not less than 50 percent yield
19 coverage at 100 percent of the insurable price for
20 each crop grazed, planted, or intended to be planted
21 for harvest on a whole farm.

22 “(3) WAIVER.—

23 “(A) WAIVER AUTHORITY.—In the case of
24 an eligible producer on a farm described in sub-
25 paragraph (B), the Secretary may waive para-

1 graphs (1) and (2) and provide disaster assist-
2 ance under this section at a level that the Sec-
3 retary determines to be equitable and appro-
4 priate.

5 “(B) COVERED PRODUCERS.—Subpara-
6 graph (A) applies only with respect to the fol-
7 lowing:

8 “(i) An eligible producer on a farm
9 that is a limited resource, minority, or be-
10 ginning farmer or rancher, as determined
11 by the Secretary.

12 “(ii) An eligible producer on a farm
13 that did not obtain a policy or plan of in-
14 surance in compliance with section 502(e),
15 as added by section 11005 of the **【2007**
16 **Farm Bill】**.

17 “(4) EQUITABLE RELIEF.—The Secretary may
18 provide equitable relief to eligible producers on a
19 farm that unintentionally fail to meet the require-
20 ments of paragraph (1) for 1 or more crops on a
21 farm on a case-by-case basis, as determined by the
22 Secretary.

23 “(f) SUPPLEMENTAL BUY-UP NONINSURED ASSIST-
24 ANCE PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a program under which eligible producers on a
3 farm may purchase under the noninsured crop as-
4 sistance program additional yield and price coverage
5 for a crop, including a forage, hay, or honey crop,
6 of not more than—

7 “(A) 65 percent of the yield established for
8 the crop under the program; and

9 “(B) 100 percent of the price established
10 for the crop under the program.

11 “(2) FEES.—The Secretary shall establish and
12 collect fees from eligible producers on a farm partici-
13 pating in the program established under paragraph
14 (1) to offset the cost of the program over the period
15 of fiscal years 2008 through 2012, as determined by
16 the Secretary.

17 “(g) PAYMENT LIMITATIONS.—

18 “(1) IN GENERAL.—The total amount of dis-
19 aster assistance that an eligible producer on a farm
20 may receive under this section may not exceed
21 \$100,000.

22 “(2) AGI LIMITATION.—An eligible producer on
23 a farm shall not be eligible to receive assistance
24 under subsection (b), (c), or (d) if, as determined by
25 the Secretary—

1 “(A) the eligible producer has an average
2 adjusted gross income (as defined in section
3 1001D(a) of the Food Security Act of 1985 (7
4 U.S.C. 1308–3a(a)) that exceeds \$2,500,000;
5 and

6 “(B) 25 percent or more of the average ad-
7 justed gross income (as so defined) of the eligi-
8 ble producer is from nonagricultural sources.”.