

***In the Senate of the United States,***

*September 29 (legislative day, September 17), 2008.*

*Resolved*, That the bill from the House of Representatives (H.R. 6849) entitled “An Act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE***

2 ***ACRES.***

3 *(a) SUSPENSION OF PROHIBITION.—*

4 *(1) IN GENERAL.—Section 1101(d) of the Food,*

5 *Conservation, and Energy Act of 2008 (7 U.S.C.*

1 8711(d)) is amended by adding at the end the fol-  
 2 lowing:

3 “(4) *SUSPENSION OF PROHIBITION.*—Paragraphs  
 4 (1) through (3) shall not apply during the 2008 crop  
 5 year.”.

6 (2) *PEANUTS.*—Section 1302(d) of the Food,  
 7 Conservation, and Energy Act of 2008 (7 U.S.C.  
 8 8752(d)) is amended by adding at the end the fol-  
 9 lowing:

10 “(4) *SUSPENSION OF PROHIBITION.*—Paragraphs  
 11 (1) through (3) shall not apply during the 2008 crop  
 12 year.”.

13 (b) *EXTENSION OF 2008 SIGNUP FOR DIRECT PAY-*  
 14 *MENTS AND COUNTER-CYCLICAL PAYMENTS.*—

15 (1) *IN GENERAL.*—Section 1106 of the Food,  
 16 Conservation, and Energy Act of 2008 (7 U.S.C.  
 17 8716) is amended by adding at the end the following:

18 “(f) *EXTENSION OF 2008 SIGNUP.*—

19 “(1) *IN GENERAL.*—Notwithstanding any other  
 20 provision of law, the Secretary shall extend the 2008  
 21 crop year deadline for the signup for benefits under  
 22 this subtitle by producers on a farm with base acres  
 23 of 10 acres or less until the later of—

24 “(A) November 14, 2008; or

1           “(B) the end of the 45-day period beginning  
2           on the date of the enactment of this subsection.

3           “(2) *PENALTIES.*—*The Secretary shall ensure*  
4           *that no penalty with respect to benefits under this*  
5           *subtitle or subtitle B is assessed against producers on*  
6           *a farm described in paragraph (1) for failure to sub-*  
7           *mit reports under this section or timely comply with*  
8           *other program requirements as a result of compliance*  
9           *with the extended signup deadline under that para-*  
10          *graph.”.*

11          (2) *PEANUTS.*—*Section 1305 of the Food, Con-*  
12          *servaion, and Energy Act of 2008 (7 U.S.C. 8755) is*  
13          *amended by adding at the end the following:*

14          “(f) *EXTENSION OF 2008 SIGNUP.*—

15                 “(1) *IN GENERAL.*—*Notwithstanding any other*  
16                 *provision of law, the Secretary shall extend the 2008*  
17                 *crop year deadline for the signup for benefits under*  
18                 *this subtitle by producers on a farm with base acres*  
19                 *of 10 acres or less until the later of—*

20                         “(A) November 14, 2008; or

21                         “(B) the end of the 45-day period beginning  
22                         on the date of the enactment of this subsection.

23                 “(2) *PENALTIES.*—*The Secretary shall ensure*  
24                 *that no penalty with respect to benefits under this*  
25                 *subtitle is assessed against producers on a farm de-*

1       scribed in paragraph (1) for failure to submit reports  
2       under this section or timely comply with other pro-  
3       gram requirements as a result of compliance with the  
4       extended signup deadline under that paragraph.”.

5       (c) **OFFSETTING REDUCTION.**—Section 515(k)(1) of  
6       the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is  
7       amended by striking “2011” and inserting “2010, and not  
8       more than \$9,000,000 for fiscal year 2011”.

9       **SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM.**

10       (a) **FEDERAL CROP INSURANCE ACT.**—

11               (1) **DEFINITIONS.**—Section 531(a) of the Federal  
12       Crop Insurance Act (7 U.S.C. 1531(a)) is amended—

13                       (A) in paragraph (3)(B), by inserting  
14                       “has” after “on a farm that”;

15                       (B) in paragraph (4), by striking “section  
16       1102 of the Farm Security and Rural Invest-  
17       ment Act of 2002” and all that follows through  
18       the end of the paragraph and inserting “under—

19                               “(i) section 1102 or 1302 of the Farm  
20       Security and Rural Investment Act of 2002  
21       (7 U.S.C. 7912, 7952);

22                               “(ii) section 1102 or 1301(6) of the  
23       Food, Conservation, and Energy Act of  
24       2008 (7 U.S.C. 8712, 8751(6)); or

25                               “(iii) a successor section.”;

1           (C) in paragraph (5)(B)(ii), by striking “,  
2           the total loss” and all that follows through the  
3           end of the paragraph and adding “the actual  
4           production on the farm is less than 50 percent  
5           of the normal production on the farm.”;

6           (D) in paragraph (7)—

7                 (i) in subparagraph (A), by inserting  
8                 “for sale or on-farm livestock feeding (in-  
9                 cluding native grassland intended for  
10                haying)” after “harvest”; and

11               (ii) in subparagraph (C), by inserting  
12               “for sale” after “crop”;

13           (E) by redesignating paragraphs (2)  
14           through (4), (5) through (12), and (13) through  
15           (18) as paragraphs (3) through (5), (7) through  
16           (14), and (16) through (21), respectively;

17           (F) by inserting after paragraph (1) the fol-  
18           lowing:

19               “(2) *ACTUAL PRODUCTION ON THE FARM.*—The  
20               term ‘actual production on the farm’ means the sum  
21               of the value of all crops produced on the farm, as de-  
22               termined under subsection (b)(6)(B).”;

23           (G) by inserting after paragraph (5) (as re-  
24           designated by subparagraph (E)) the following:

1           “(6) *CROP OF ECONOMIC SIGNIFICANCE*.—The  
2 term ‘crop of economic significance’ shall have the  
3 uniform meaning given the term by the Secretary for  
4 purposes of subsections (b)(1)(B) and (g)(6).”; and

5           (H) by inserting after paragraph (14) (as  
6 redesignated by subparagraph (E)) the following:

7           “(15) *NORMAL PRODUCTION ON THE FARM*.—The  
8 term ‘normal production on the farm’ means the sum  
9 of the expected revenue for all crops on the farm, as  
10 determined under subsection (b)(6)(A).”.

11           (2) *SUPPLEMENTAL REVENUE ASSISTANCE PAY-*  
12 *MENTS*.—Section 531(b) of the Federal Crop Insur-  
13 *ance Act (7 U.S.C. 1531(b)) is amended—*

14           (A) in paragraph (1)—

15           (i) by striking “(1) *IN GENERAL*.—The  
16 Secretary” and inserting the following:

17           “(1) *PAYMENTS*.—

18           “(A) *IN GENERAL*.—The Secretary”; and

19           (ii) by adding at the end the following:

20           “(B) *CROP LOSS*.—To be eligible for crop  
21 loss assistance under this subsection, the actual  
22 production on the farm for at least 1 crop of eco-  
23 nomic significance shall be reduced by at least  
24 10 percent due to disaster, adverse weather, or  
25 disaster-related conditions.”;

1           (B) in paragraph (2), by adding at the end  
2           the following:

3           “(C) *EXCLUSION OF SUBSEQUENTLY PLANT-*  
4           *ED CROPS.—In calculating the disaster assist-*  
5           *ance program guarantee under paragraph (3)*  
6           *and the total farm revenue under paragraph (4),*  
7           *the Secretary shall not consider the value of any*  
8           *crop that—*

9                     “(i) *is produced on land that is not el-*  
10                    *igible for a policy or plan of insurance*  
11                    *under subtitle A or assistance under the*  
12                    *noninsured crop assistance program; or*

13                    “(ii) *is subsequently planted on the*  
14                    *same land during the same crop year as the*  
15                    *crop for which disaster assistance is pro-*  
16                    *vided under this subsection, except in areas*  
17                    *in which double-cropping is a normal prac-*  
18                    *tice, as determined by the Secretary.”;*

19           (C) in paragraph (3)(A)(i)(III)—

20                    (i) *in the matter before item (aa), by*  
21                    *inserting “50 percent of” before “the higher*  
22                    *of”;* and

23                    (ii) *in item (aa), by striking “guar-*  
24                    *antee”;*

25           (D) in paragraph (4)—

1                   *(i) in subparagraph (A)(i)—*

2                             *(I) by striking subclauses (I) and*  
3                             *(II) and inserting the following:*

4                             *“(I) the actual production by crop*  
5                             *on a farm for purposes of determining*  
6                             *losses under subtitle A or the non-*  
7                             *insured crop assistance program; and”;*  
8                             *and*

9                             *(II) by redesignating subclause*  
10                            *(III) as subclause (II);*

11                   *(ii) in subparagraph (B)—*

12                             *(I) in clause (i), by striking*  
13                             *“and” at the end;*

14                             *(II) in clause (ii), by striking the*  
15                             *period at the end and inserting “;*  
16                             *and”;* and

17                             *(iii) by adding at the end the fol-*  
18                             *lowing:*

19                             *“(iii) as the Secretary determines ap-*  
20                             *propriate, to reflect regional variations in a*  
21                             *manner consistent with the operation of the*  
22                             *crop insurance program under subtitle A*  
23                             *and the noninsured crop assistance pro-*  
24                             *gram.”;*

25                   *(E) in paragraph (5)—*



1           (i) in the matter preceding subpara-  
2 graph (A), by striking “the sum obtained by  
3 adding”;

4           (ii) in subparagraph (A)—

5                 (I) in the matter preceding clause  
6 (i), by striking “the product” and in-  
7 sserting “for each insurable commodity,  
8 the product”;

9                 (II) in clause (i), by striking  
10 “greatest” and inserting “greater”;

11                 (III) in clause (iii), by striking  
12 “of the insurance price guarantee;  
13 and” and inserting “of the price elec-  
14 tion for the commodity used to cal-  
15 culate an indemnity for an applicable  
16 policy of insurance if an indemnity is  
17 triggered; and”; and

18           (iii) in subparagraph (B)—

19                 (I) in the matter preceding clause  
20 (i), by striking “the product” and in-  
21 sserting “for each noninsurable crop,  
22 the product”;

23                 (II) in clause (i), by striking  
24 “and” at the end;

1                   (III) by redesignating clause (ii)  
2                   as clause (iii); and

3                   (IV) by inserting after clause (i)  
4                   the following:

5                   “(ii) the acreage planted or prevented  
6                   from being planted for each crop; and”; and  
7                   (F) by adding at the end the following:

8                   “(6) *PRODUCTION ON THE FARM.*—

9                   “(A) *NORMAL PRODUCTION ON THE*  
10                   *FARM.*—*The normal production on the farm*  
11                   *shall equal the sum of the expected revenue for*  
12                   *each crop on a farm as determined under para-*  
13                   *graph (5).*

14                   “(B) *ACTUAL PRODUCTION ON THE FARM.*—  
15                   *The actual production on the farm shall equal*  
16                   *the sum obtained by adding—*

17                   “(i) *for each insurable commodity on*  
18                   *the farm, the product obtained by multi-*  
19                   *plying—*

20                   “(I) *100 percent of the price elec-*  
21                   *tion for the commodity used to cal-*  
22                   *culate an indemnity for an applicable*  
23                   *policy of insurance if an indemnity is*  
24                   *triggered; and*

1                   “(II) the quantity of the com-  
2                   modity produced on the farm, adjusted  
3                   for quality losses; and

4                   “(ii) for each noninsurable commodity  
5                   on a farm, the product obtained by multi-  
6                   plying—

7                   “(I) 100 percent of the noninsured  
8                   crop assistance program established  
9                   price for the commodity; and

10                   “(II) the quantity of the com-  
11                   modity produced on the farm, adjusted  
12                   for quality losses.”.

13                   (3) *WAIVER FOR SOCIALLY DISADVANTAGED, LIM-*  
14                   *ITED RESOURCE, OR BEGINNING FARMER OR RANCH-*  
15                   *ER.—Section 531(d)(5)(B)(ii) of the Federal Crop In-*  
16                   *surance Act (7 U.S.C. 1531(d)(5)(B)(ii)) is amended*  
17                   *by striking “section” and inserting “subsection”.*

18                   (4) *TREE ASSISTANCE PROGRAM.—Section*  
19                   *531(f)(2)(A) of the Federal Crop Insurance Act (7*  
20                   *U.S.C. 1531(f)(2)(A)) is amended by striking “the*  
21                   *Secretary shall provide” and inserting “the Secretary*  
22                   *shall use such sums as are necessary from the Trust*  
23                   *Fund to provide”.*

24                   (5) *DE MINIMIS EXCEPTION TO RISK MANAGE-*  
25                   *MENT PURCHASE REQUIREMENT.—Section 531(g) of*

1 *the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is*  
2 *amended by adding at the end the following:*

3 “(6) *DE MINIMIS EXCEPTION.*—

4 “(A) *IN GENERAL.*—*For purposes of assist-*  
5 *ance under subsection (b), at the option of an eli-*  
6 *gible producer on a farm, the Secretary shall*  
7 *waive paragraph (1)—*

8 “(i) *in the case of a portion of the total*  
9 *acreage of a farm of the eligible producer*  
10 *that is not of economic significance on the*  
11 *farm, as established by the Secretary; or*

12 “(ii) *in the case of a crop for which the*  
13 *administrative fee required for the purchase*  
14 *of noninsured crop disaster assistance cov-*  
15 *erage exceeds 10 percent of the value of that*  
16 *coverage.*

17 “(B) *TREATMENT OF ACREAGE.*—*The Sec-*  
18 *retary shall not consider the value of any crop*  
19 *exempted under subparagraph (A) in calculating*  
20 *the supplemental revenue assistance program*  
21 *guarantee under subsection (b)(3) and the total*  
22 *farm revenue under subsection (b)(4).”.*

23 (6) *RISK MANAGEMENT PURCHASE REQUIRE-*  
24 *MENT WAIVER FOR 2009 CROP YEAR.*—*Section 531(g)*

1 *of the Federal Crop Insurance Act (7 U.S.C. 1531(g))*  
2 *is amended—*

3 *(A) in paragraph (1)—*

4 *(i) in the matter preceding subpara-*  
5 *graph (A), by striking “(other than sub-*  
6 *section (c))” and inserting “(other than sub-*  
7 *sections (c) and (d))”; and*

8 *(ii) in subparagraph (A), by inserting*  
9 *“, excluding grazing land” after “producers*  
10 *on the farm”;*

11 *(B) in paragraph (2), by striking “grazed,*  
12 *planted,” and inserting “planted”;*

13 *(C) in paragraph (4), by striking “(4)” and*  
14 *all that follows through “In the case” and insert-*  
15 *ing the following:*

16 *“(4) WAIVERS FOR CERTAIN CROP YEARS.—*

17 *“(A) 2008 CROP YEAR.—In the case”; and*

18 *(D) by adding at the end the following:*

19 *“(B) 2009 CROP YEAR.—In the case of an*  
20 *insurable commodity or noninsurable commodity*  
21 *for the 2009 crop year that does not meet the re-*  
22 *quirements of paragraph (1) and the relevant*  
23 *crop insurance program sales closing date or*  
24 *noninsured crop assistance program fee payment*  
25 *date was prior to August 14, 2008, the Secretary*

1           *shall waive paragraph (1) if the eligible producer*  
2           *of the insurable commodity or noninsurable com-*  
3           *modity pays a fee in an amount equal to the ap-*  
4           *plicable noninsured crop assistance program fee*  
5           *or catastrophic risk protection plan fee required*  
6           *under paragraph (1) to the Secretary not later*  
7           *than 90 days after the date of enactment of this*  
8           *subparagraph.”.*

9           (7) *PAYMENT LIMITATIONS.—Section 531(h) of*  
10          *the Federal Crop Insurance Act (7 U.S.C. 1531) is*  
11          *amended by adding at the end the following:*

12           “(5) *TRANSITION RULE.—Sections 1001, 1001A,*  
13          *1001B, and 1001D of the Food Security Act of 1985*  
14          *(7 U.S.C. 1308 et seq.) as in effect on September 30,*  
15          *2007, shall continue to apply with respect to 2008*  
16          *crops.”.*

17          (b) *TRADE ACT OF 1974.—*

18           (1) *DEFINITIONS.—Section 901(a) of the Trade*  
19          *Act of 1974 (19 U.S.C. 2497(a)) is amended—*

20           (A) *in paragraph (3)(B), by inserting*  
21          *“has” after “on a farm that”;*

22           (B) *in paragraph (4), by striking “section*  
23          *1102 of the Farm Security and Rural Invest-*  
24          *ment Act of 2002” and all that follows through*  
25          *the end of the paragraph and inserting “under—*

1           “(i) section 1102 or 1302 of the Farm  
2           Security and Rural Investment Act of 2002  
3           (7 U.S.C. 7912, 7952);

4           “(ii) section 1102 or 1301(6) of the  
5           Food, Conservation, and Energy Act of  
6           2008 (7 U.S.C. 8712, 8751(6)); or

7           “(iii) a successor section.”;

8           (C) in paragraph (5)(B)(ii), by striking “,  
9           the total loss” and all that follows through the  
10          end of the paragraph and adding “the actual  
11          production on the farm is less than 50 percent  
12          of the normal production on the farm.”;

13          (D) in paragraph (7)—

14                 (i) in subparagraph (A), by inserting  
15                 “for sale or on-farm livestock feeding (in-  
16                 cluding native grassland intended for  
17                 haying)” after “harvest”; and

18                 (ii) in subparagraph (C), by inserting  
19                 “for sale” after “crop”;

20          (E) by redesignating paragraphs (2)  
21          through (4), (5) through (12), and (13) through  
22          (18) as paragraphs (3) through (5), (7) through  
23          (14), and (16) through (21), respectively;

24          (F) by inserting after paragraph (1) the fol-  
25          lowing:

1           “(2) *ACTUAL PRODUCTION ON THE FARM.*—*The*  
 2           *term ‘actual production on the farm’ means the sum*  
 3           *of the value of all crops produced on the farm, as de-*  
 4           *termined under subsection (b)(6)(B).’;*;

5                     *(G) by inserting after paragraph (5) (as re-*  
 6                     *designated by subparagraph (E)) the following:*

7           “(6) *CROP OF ECONOMIC SIGNIFICANCE.*—*The*  
 8           *term ‘crop of economic significance’ shall have the*  
 9           *uniform meaning given the term by the Secretary for*  
 10           *purposes of subsections (b)(1)(B) and (g)(6).’; and*

11                     *(H) by inserting after paragraph (14) (as*  
 12                     *redesignated by subparagraph (E)) the following:*

13           “(15) *NORMAL PRODUCTION ON THE FARM.*—*The*  
 14           *term ‘normal production on the farm’ means the sum*  
 15           *of the expected revenue for all crops on the farm, as*  
 16           *determined under subsection (b)(6)(A).’.*

17           (2) *SUPPLEMENTAL REVENUE ASSISTANCE PAY-*  
 18           *MENTS.*—*Section 901(b) of the Trade Act of 1974 (19*  
 19           *U.S.C. 2497(b)) is amended—*

20                     *(A) in paragraph (1)—*

21                             *(i) by striking “(1) IN GENERAL.—The*  
 22                             *Secretary” and inserting the following:*

23                     “(1) *PAYMENTS.*—

24                             “(A) *IN GENERAL.—The Secretary’; and*

25                             *(ii) by adding at the end the following:*



1           “(B) *CROP LOSS.*—*To be eligible for crop*  
2           *loss assistance under this subsection, the actual*  
3           *production on the farm for at least 1 crop of eco-*  
4           *nommic significance shall be reduced by at least*  
5           *10 percent due to disaster, adverse weather, or*  
6           *disaster-related conditions.*”;

7           (B) *in paragraph (2), by adding at the end*  
8           *the following:*

9           “(C) *EXCLUSION OF SUBSEQUENTLY PLANT-*  
10           *ED CROPS.*—*In calculating the disaster assist-*  
11           *ance program guarantee under paragraph (3)*  
12           *and the total farm revenue under paragraph (4),*  
13           *the Secretary shall not consider the value of any*  
14           *crop that—*

15                   “(i) *is produced on land that is not el-*  
16                   *igible for a policy or plan of insurance*  
17                   *under the Federal Crop Insurance Act (7*  
18                   *U.S.C. 1501 et seq.) or assistance under the*  
19                   *noninsured crop assistance program; or*

20                   “(ii) *is subsequently planted on the*  
21                   *same land during the same crop year as the*  
22                   *crop for which disaster assistance is pro-*  
23                   *vided under this subsection, except in areas*  
24                   *in which double-cropping is a normal prac-*  
25                   *tice, as determined by the Secretary.*”;

1 (C) in paragraph (3)(A)(i)(III)—

2 (i) in the matter before item (aa), by  
3 inserting “50 percent of” before “the higher  
4 of”;

5 (ii) in item (aa), by striking “guar-  
6 antee”;

7 (D) in paragraph (4)—

8 (i) in subparagraph (A)(i)—

9 (I) by striking subclauses (I) and  
10 (II) and inserting the following:

11 “(I) the actual production by crop  
12 on a farm for purposes of determining  
13 losses under the Federal Crop Insur-  
14 ance Act (7 U.S.C. 1501 et seq.) or the  
15 noninsured crop assistance program;  
16 and”;

17 (II) by redesignating subclause  
18 (III) as subclause (II);

19 (ii) in subparagraph (B)—

20 (I) in clause (i), by striking  
21 “and” at the end;

22 (II) in clause (ii), by striking the  
23 period at the end and inserting “;  
24 and”;

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

3                   “(iii) as the Secretary determines ap-  
4                   propriate, to reflect regional variations in a  
5                   manner consistent with the operation of the  
6                   Federal crop insurance program under the  
7                   Federal Crop Insurance Act (7 U.S.C. 1501  
8                   et seq.) and the noninsured crop assistance  
9                   program.”;

10                  (E) in paragraph (5)—

11                   (i) in the matter preceding subpara-  
12                   graph (A), by striking “the sum obtained by  
13                   adding”;

14                   (ii) in subparagraph (A)—

15                   (I) in the matter preceding clause  
16                   (i), by striking “the product” and in-  
17                   serting “for each insurable commodity,  
18                   the product”;

19                   (II) in clause (i), by striking  
20                   “greatest” and inserting “greater”;

21                   (III) in clause (iii), by striking  
22                   “of the insurance price guarantee;  
23                   and” and inserting “of the price elec-  
24                   tion for the commodity used to cal-  
25                   culate an indemnity for an applicable

1                    *policy of insurance if an indemnity is*  
2                    *triggered; and”;* and

3                    *(iii) in subparagraph (B)—*

4                    *(I) in the matter preceding clause*  
5                    *(i), by striking “the product” and in-*  
6                    *serting “for each noninsurable crop,*  
7                    *the product”;*

8                    *(II) in clause (i), by striking*  
9                    *“and” at the end;*

10                    *(III) by redesignating clause (ii)*  
11                    *as clause (iii); and*

12                    *(IV) by inserting after clause (i)*  
13                    *the following:*

14                    *“(ii) the acreage planted or prevented*  
15                    *from being planted for each crop; and”;* and

16                    *(F) by adding at the end the following:*

17                    *“(6) PRODUCTION ON THE FARM.—*

18                    *“(A) NORMAL PRODUCTION ON THE*  
19                    *FARM.—The normal production on the farm*  
20                    *shall equal the sum of the expected revenue for*  
21                    *each crop on a farm as determined under para-*  
22                    *graph (5).*

23                    *“(B) ACTUAL PRODUCTION ON THE FARM.—*

24                    *The actual production on the farm shall equal*  
25                    *the sum obtained by adding—*

1           “(i) for each insurable commodity on  
2           the farm, the product obtained by multi-  
3           plying—

4                   “(I) 100 percent of the price elec-  
5                   tion for the commodity used to cal-  
6                   culate an indemnity for an applicable  
7                   policy of insurance if an indemnity is  
8                   triggered; and

9                   “(II) the quantity of the com-  
10                  modity produced on the farm, adjusted  
11                  for quality losses; and

12           “(ii) for each noninsurable commodity  
13           on a farm, the product obtained by multi-  
14           plying—

15                   “(I) 100 percent of the noninsured  
16                   crop assistance program established  
17                   price for the commodity; and

18                   “(II) the quantity of the com-  
19                   modity produced on the farm, adjusted  
20                   for quality losses.”.

21           (3) *WAIVER FOR SOCIALLY DISADVANTAGED, LIM-*  
22           *ITED RESOURCE, OR BEGINNING FARMER OR RANCH-*  
23           *ER.—Section 901(d)(5)(B)(ii) of the Trade Act of*  
24           *1974 (19 U.S.C. 2497(d)(5)(B)(ii)) is amended by*  
25           *striking “section” and inserting “subsection”.*

1           (4) *TREE ASSISTANCE PROGRAM.*—Section  
2           901(f)(2)(A) of the Trade Act of 1974 (19 U.S.C.  
3           2497(f)(2)(A)) is amended by striking “the Secretary  
4           shall provide” and inserting “the Secretary shall use  
5           such sums as are necessary from the Trust Fund to  
6           provide”.

7           (5) *DE MINIMIS EXCEPTION TO RISK MANAGE-*  
8           *MENT PURCHASE REQUIREMENT.*—Section 901(g) of  
9           the Trade Act of 1974 (19 U.S.C. 2497(g)) is amend-  
10          ed by adding at the end the following:

11           “(6) *DE MINIMIS EXCEPTION.*—

12           “(A) *IN GENERAL.*—For purposes of assist-  
13           ance under subsection (b), at the option of an eli-  
14           gible producer on a farm, the Secretary shall  
15           waive paragraph (1)—

16           “(i) in the case of a portion of the total  
17           acreage of a farm of the eligible producer  
18           that is not of economic significance on the  
19           farm, as established by the Secretary; or

20           “(ii) in the case of a crop for which the  
21           administrative fee required for the purchase  
22           of noninsured crop disaster assistance cov-  
23           erage exceeds 10 percent of the value of that  
24           coverage.

1           “(B) *TREATMENT OF ACREAGE.*—*The Sec-*  
2           *retary shall not consider the value of any crop*  
3           *exempted under subparagraph (A) in calculating*  
4           *the supplemental revenue assistance program*  
5           *guarantee under subsection (b)(3) and the total*  
6           *farm revenue under subsection (b)(4).”.*

7           (6) *RISK MANAGEMENT PURCHASE REQUIRE-*  
8           *MENT WAIVER FOR 2009 CROP YEAR.*—*Section 901(g)*  
9           *of the Trade Act of 1974 (19 U.S.C. 2497(g)) is*  
10          *amended—*

11           (A) *in paragraph (1)—*

12           (i) *in the matter preceding subpara-*  
13           *graph (A), by striking “(other than sub-*  
14           *section (c))” and inserting “(other than sub-*  
15           *sections (c) and (d))”;* and

16           (ii) *in subparagraph (A), by inserting*  
17           *“, excluding grazing land” after “producers*  
18           *on the farm”;*

19           (B) *in paragraph (2), by striking “grazed,*  
20           *planted,” and inserting “planted”;*

21           (C) *in paragraph (4), by striking “(4)” and*  
22           *all that follows through “In the case” and insert-*  
23           *ing the following:*

24           “(4) *WAIVERS FOR CERTAIN CROP YEARS.*—

25           “(A) *2008 CROP YEAR.*—*In the case”;* and

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

2           “(B) 2009 CROP YEAR.—In the case of an  
3           insurable commodity or noninsurable commodity  
4           for the 2009 crop year that does not meet the re-  
5           quirements of paragraph (1) and the relevant  
6           crop insurance program sales closing date or  
7           noninsured crop assistance program fee payment  
8           date was prior to August 14, 2008, the Secretary  
9           shall waive paragraph (1) if the eligible producer  
10          of the insurable commodity or noninsurable com-  
11          modity pays a fee in an amount equal to the ap-  
12          plicable noninsured crop assistance program fee  
13          or catastrophic risk protection plan fee required  
14          under paragraph (1) to the Secretary not later  
15          than 90 days after the date of enactment of this  
16          subparagraph.”.

17          (7) PAYMENT LIMITATIONS.—Section 901(h) of  
18          the Trade Act of 1974 (19 U.S.C. 2497(h)) is amend-  
19          ed by adding at the end the following:

20          “(5) TRANSITION RULE.—Sections 1001, 1001A,  
21          1001B, and 1001D of the Food Security Act of 1985  
22          (7 U.S.C. 1308 et seq.) as in effect on September 30,



- 1 *2007, shall continue to apply with respect to 2008*
- 2 *crops.”.*

Attest:

*Secretary.*

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 6849**

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**AMENDMENT**