

110TH CONGRESS
1ST SESSION

S. 919

To reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2007

Mr. MENENDEZ (for himself, Mrs. BOXER, Mr. KERRY, Mr. CARDIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy Farms, Foods, and Fuels Act of 2007”.

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

Sec. 1. Short title and table of contents.

TITLE I—CONSERVATION

- Sec. 101. Conservation reserve program.
- Sec. 102. Wetlands reserve program.
- Sec. 103. Conservation security program.
- Sec. 104. Reauthorization of and increased enrollment authority for grassland reserve program.
- Sec. 105. Environmental quality incentives program.
- Sec. 106. Reauthorization of and increased funding for wildlife habitat incentive program.
- Sec. 107. Cooperative conservation partnership initiative.
- Sec. 108. Regional equity in funding of certain Department of Agriculture conservation programs.
- Sec. 109. Exclusion of payments under Department of Agriculture conservation programs from adjusted gross income limitation.
- Sec. 110. Reauthorization of and additional funding for agricultural management assistance program.
- Sec. 111. Community Forests and Open Space Conservation Program.
- Sec. 112. Farmland protection and farm viability programs.
- Sec. 113. Healthy forests reserve program.
- Sec. 114. Integrated pest management initiative.
- Sec. 115. Conservation access initiative to encourage greater participation by socially disadvantaged farmers and ranchers in conservation programs.
- Sec. 116. Conservation loan guarantee program.
- Sec. 117. Pilot program for comprehensive conservation planning.
- Sec. 118. Technical assistance under Department of Agriculture conservation programs.

TITLE II—ENERGY

- Sec. 201. Definition of biomass.
- Sec. 202. Support for development of biorefineries.
- Sec. 203. Reauthorization of energy audit and renewable energy development program.
- Sec. 204. Reauthorization of and increased funding for renewable energy systems and energy efficiency improvements program.
- Sec. 205. Reauthorization of Department of Agriculture bioenergy program.
- Sec. 206. Reauthorization of and increased funding for biomass research and development.
- Sec. 207. Reauthorization of carbon cycle research.

TITLE III—HEALTHY FOOD CHOICES

- Sec. 301. Reauthorization of and increased funding for community food project competitive grants.
- Sec. 302. Expansion of fresh fruit and vegetable program.
- Sec. 303. Authorization level for farm-to-cafeteria activities.
- Sec. 304. Extension of WIC farmer's market nutrition program.
- Sec. 305. Senior farmers' market nutrition program.
- Sec. 306. Farmers' market promotion program.
- Sec. 307. Department of Defense and Department of Agriculture procurement of locally produced agricultural products.
- Sec. 308. Fruit and vegetable nutrition promotion program.
- Sec. 309. Use of "Dietary Guidelines for Americans" in special nutrition programs and school lunch programs.

Sec. 310. Section 32 specialty crop purchases.

Sec. 311. Amendments to the food stamp program.

Sec. 312. Food stamp fruit and vegetable electronic benefit transfer pilot project.

TITLE IV—PROMOTION OF NEW MARKETS AND FARM VIABILITY

Sec. 401. Farm viability program.

Sec. 402. National organic certification and transition cost share program.

Sec. 402A. National Organic Technical Committee.

Sec. 403. Organic agriculture research and extension initiative.

Sec. 404. Funding for education grants programs for Hispanic-serving institutions.

Sec. 405. Extension and funding increase for the Value-Added Agricultural Product Market Development Grant Program.

1 **TITLE I—CONSERVATION**

2 **SEC. 101. CONSERVATION RESERVE PROGRAM.**

3 (a) EXTENSION.—

4 (1) FUNDING EXTENSION.—Section 1241(a) of
5 the Food Security Act of 1985 (16 U.S.C. 3841(a))
6 is amended—

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

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

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

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

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

1 (C) in subsection (e)(3), by striking
2 “2002” and inserting “2008”; and

3 (D) in subsection (h)(1), by striking
4 “2007” and inserting “2013”.

5 (b) ELIGIBLE LAND.—Section 1231(b) of such Act
6 (16 U.S.C. 3831(b)) is amended—

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

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

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

13 (4) by adding at the end the following new
14 paragraphs:

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

18 “(A) will provide suitable habitat for State
19 or federally listed threatened or endangered
20 species or species determined by the Secretary
21 of the Interior to be species of concern; or

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

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

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

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

5 and

6 (2) by adding at the end the following new
7 paragraph:

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

12 “(A) to enroll not less than 7,000,000
13 acres of eligible land, including land to be de-
14 voted to the restoration of rare and declining
15 forests, through the continuous enrollment pro-
16 gram and the conservation reserve enhancement
17 program; and

18 “(B) to maintain enrollment of at least
19 7,800,000 acres in the Prairie Pothole Region
20 National Conservation Priority Area.”.

21 (d) CONTRACTS TO RESTORE RARE AND DECLINING
22 FORESTS.—Section 1231(e)(2) of such Act (16 U.S.C.
23 3831(e)(2)) is amended by adding at the end the following
24 new subparagraph:

1 “(C) RARE AND DECLINING FORESTS.—In
 2 the case of land to be devoted to the restoration
 3 of rare and declining forest ecosystems, as de-
 4 termined by the Secretary, the Secretary may
 5 enter into contracts of more than 15 years.”.

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

9 (1) by striking “In determining” and inserting
 10 the following:

11 “(1) EQUITABLE BALANCE OF CONSERVATION
 12 PURPOSES.—In determining”;

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

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

18 “(2) WILDLIFE.—In considering the extent to
 19 which a contract offer will achieve the conservation
 20 purposes of the program related to wildlife habitat,
 21 the Secretary shall consider the extent to which the
 22 contract offer will contribute to increased popu-
 23 lations of wildlife, including waterfowl, nongame
 24 grassland birds and neotropical migrants, and assist
 25 in the recovery of at-risk species.”.

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

3 (1) in paragraph (4)—

4 (A) by redesignating subparagraphs (A)
 5 and (B) as subparagraphs (B) and (C), respec-
 6 tively; and

7 (B) by inserting before subparagraph (B),
 8 as so redesignated, the following new subpara-
 9 graph:

10 “(A) approved vegetative cover shall not
 11 include vegetative cover inappropriate to the lo-
 12 cale;”;

13 (2) by redesignating paragraphs (5) through
 14 (10) as paragraphs (6) through (11), respectively;

15 (3) by inserting after paragraph (4) the fol-
 16 lowing new paragraph:

17 “(5) to undertake appropriate management ac-
 18 tivities on the land as needed throughout the term
 19 of the contract to achieve the purposes of the con-
 20 servation reserve program;”;

21 (4) in subparagraph (A)(i)(II) of paragraph (8),
 22 as so redesignated, by inserting after “may be con-
 23 ducted” the following: “, taking into account grass-
 24 land types and species, location, weather conditions,
 25 and other factors that determine to what extent har-

1 vesting and grazing activities will advance the con-
2 servation purposes of the program”.

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

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

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(C) criteria for conducting any commer-
11 cial use to be permitted, including criteria for
12 managed harvesting and grazing specifying fre-
13 quency, timing, number of animal units, per-
14 centage of field, and other criteria to ensure
15 that managed harvesting and grazing advances
16 the conservation purposes of the program;
17 and”.

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

21 (1) in paragraph (1), by inserting before the pe-
22 riod at the end the following: “, except that the Sec-
23 retary shall pay 75 percent of the cost of estab-
24 lishing bottomland hardwood trees and longleaf
25 pine”; and

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

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

10 (i) ACCEPTANCE OF CONTRACT OFFERS.—Section
11 1234(c)(3) of such Act (16 U.S.C. 3834(c)(3)) is amend-
12 ed—

13 (1) by striking “In determining” and inserting
14 the following:

15 “(A) MAXIMIZING ENVIRONMENTAL BENE-
16 FITS.—In determining”;

17 (2) by striking “may” and all that follows
18 through “take into consideration” and inserting
19 “shall take into consideration”;

20 (3) by striking “benefits; and” and inserting
21 “benefits. The Secretary shall establish criteria for
22 the acceptance of contract offers that will maximize
23 environmental benefits, including criteria related to
24 the characteristics of the land that is the subject of

1 the contract offer, its location, proposed cover and
2 proposed management practices.”;

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

5 “(B) FLEXIBILITY.—The Secretary may
6 establish”;

7 (5) by striking “abated.” and inserting “abated,
8 in order to more effectively address specific State or
9 regional resource concerns and conservation prior-
10 ities, including restoration of rare and declining for-
11 est ecosystems.”; and

12 (6) by adding at the end the following new sub-
13 paragraph:

14 “(C) RELATIONSHIP TO OTHER CONSERVA-
15 TION PROGRAMS.—In the enrollment of land in
16 the conservation reserve established under this
17 subchapter, the Secretary shall give a priority
18 to land that cannot produce comparable envi-
19 ronmental benefits if maintained in agricultural
20 production and enrolled in the environmental
21 quality incentives program or other program de-
22 signed to assist producers in improving the en-
23 vironmental performance of working agricul-
24 tural land.”.

1 (j) CONSERVATION RESERVE ENHANCEMENT PRO-
 2 GRAM.—Section 1234(f)(1) of such Act is (16 U.S.C.
 3 3834(f)) is amended by adding at the end the following
 4 new sentence: “The Secretary may waive this payment
 5 limitation for persons participating in a conservation re-
 6 serve enhancement program if the Secretary determines
 7 such a waiver is necessary to achieve the objectives of the
 8 conservation reserve enhancement program.”.

9 **SEC. 102. WETLANDS RESERVE PROGRAM.**

10 (a) EXTENSION.—

11 (1) FUNDING EXTENSION.—Section 1241(a)(2)
 12 of the Food Security Act of 1985 (16 U.S.C.
 13 3841(a)(2)) is amended by striking “The” and in-
 14 serting “For each of fiscal years 2002 through
 15 2013, the”.

16 (2) CONFORMING AMENDMENT.—Section
 17 1237(c) of such Act (16 U.S.C. 3837(c)) is amended
 18 by striking “2007” and inserting “2013”.

19 (b) MAXIMUM AND YEARLY ENROLLMENT.—Section
 20 1237(b)(1) of such Act (16 U.S.C. 3837(b)(1)) is amend-
 21 ed—

22 (1) by striking “2,275,000 acres” and inserting
 23 “5,000,000 acres”; and

24 (2) by striking “250,000 acres in each calendar
 25 year” and inserting “350,000 acres in each of cal-

1 endar years 2008 and 2009 and 250,000 acres in
2 each of calendar years 2010 through 2013”.

3 (c) ENROLLMENT OF RIPARIAN AREAS.—Section
4 1237(d)(3) of such Act (16 U.S.C. 3837(d)(3)) is amend-
5 ed by striking “that link” and all that follows through “an
6 easement”.

7 (d) WETLAND EASEMENT CONSERVATION PLAN.—
8 Section 1237A(b)(3) of such Act (16 U.S.C. 3837a(b)(3))
9 is amended by inserting before the semicolon at the end
10 the following: “and management activities necessary to
11 maintain the functional values of the wetlands”.

12 (e) VALUATION OF EASEMENTS.—Section 1237A(f)
13 of such Act (16 U.S.C. 3837a(f)) is amended by striking
14 “but not to exceed” and all that follows through the end
15 of the sentence and inserting “, and the amount of such
16 compensation shall be based on appraisals of the current
17 fair market agricultural value of the land to be encum-
18 bered by the easement. The Uniform Relocation Assist-
19 ance and Real Property Acquisition Policies Act of 1970
20 (42 U.S.C. 4601 et seq.) shall not apply to appraisals of
21 land offered for enrollment in the wetlands reserve pro-
22 gram.”.

23 (f) COST-SHARE AND MANAGEMENT ASSISTANCE.—
24 Section 1237C of such Act (16 U.S.C. 3837c) is amend-
25 ed—

1 (1) in subsection (a)(1), by inserting “including
2 management activities,” after “values,”; and

3 (2) in subsection (b), by adding at the end the
4 following new paragraph:

5 “(4) MANAGEMENT COSTS.—The Secretary
6 may make payments to owners to cover up to the
7 full actual cost of undertaking any ongoing or peri-
8 odic management activities necessary to maintain
9 the functional values of wetland enrolled in the wet-
10 lands reserve program.”.

11 (g) EASEMENT PRIORITIES.—Section 1237C(d) of
12 such Act (16 U.S.C. 3837c(d)) is amended by striking
13 “wildlife” and inserting “wildlife, particularly rare, threat-
14 ened, endangered, and candidate species, or for furthering
15 the goals and objectives of the State’s comprehensive wild-
16 life conservation strategy”.

17 **SEC. 103. CONSERVATION SECURITY PROGRAM.**

18 (a) REPEAL OF FUNDING CAP.—Section 1241(a)(3)
19 of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3))
20 is amended by striking “, using not more than” and all
21 that follows through “2015”.

22 (b) PROGRAM EXTENSION.—Section 1238A(a) of the
23 Food Security Act of 1985 (16 U.S.C. 3838a(a)) is
24 amended by striking “2011” and inserting “2013”.

1 (c) THREE TIERS OF CONSERVATION SECURITY
 2 CONTRACTS.—Section 1238A(d) of such Act (16 U.S.C.
 3 3838a(d)) is amended—

4 (1) in paragraph (4)—

5 (A) by redesignating subparagraphs (R)
 6 and (S) as subparagraphs (S) and (T), respec-
 7 tively; and

8 (B) by inserting after subparagraph (Q),
 9 the following new subparagraph:

10 “(R) enhancement of in-stream flows;”;

11 (2) in paragraph (5)—

12 (A) in the matter preceding subparagraph
 13 (A), by striking “paragraph (6)” and inserting
 14 “paragraph (7)”;

15 (B) in subparagraph (A)(ii)(I), by striking
 16 “1 significant resource” and inserting “2 sig-
 17 nificant resources”; and

18 (C) in subparagraph (B)(ii)(I), by striking
 19 “1 significant resource” and inserting “3 sig-
 20 nificant resources”;

21 (3) by redesignating paragraph (6) as para-
 22 graph (7); and

23 (4) by inserting after paragraph (5) the fol-
 24 lowing new paragraph:

1 “(6) SOIL QUALITY REQUIREMENTS FOR CER-
 2 TAIN PRODUCERS.—Certified organic producers and
 3 producers implementing a resource-conserving crop
 4 rotation shall be deemed to meet any minimum re-
 5 quirements related to soil quality and the preserva-
 6 tion of soil carbon that the Secretary may establish
 7 for each tier of conservation security contracts.”.

8 (d) CONTRACT RENEWAL.—Section 1238A(e)(4) of
 9 such Act (16 U.S.C. 3838a(e)(4)) is amended—

10 (1) in subparagraph (A), by striking “subpara-
 11 graph (B)” and inserting “subparagraphs (B), (C),
 12 and (D)”; and

13 (2) by striking subparagraph (B) and inserting
 14 the following new subparagraphs:

15 “(B) TIER I RENEWALS.—In the case of
 16 land enrolled under a Tier I conservation secu-
 17 rity contract of a producer, the producer may—

18 “(i) renew the contract if the producer
 19 agrees to a new conservation security plan
 20 that addresses at least one additional sig-
 21 nificant resource concern and includes sig-
 22 nificant new conservation practices and ac-
 23 tivities, as determined by the Secretary; or

24 “(ii) enroll the land under a Tier II or
 25 Tier III conservation security contract at

1 the time the Tier I contract expires if the
 2 producer demonstrates that the eligibility
 3 criteria for a Tier III conservation security
 4 contract are met.

5 “(C) TIER II RENEWALS.—In the case of
 6 land enrolled under a Tier II conservation secu-
 7 rity contract of a producer, the producer may—

8 “(i) renew the contract if the producer
 9 agrees to a new conservation security plan
 10 that includes significant new conservation
 11 practices or activities, as determined by the
 12 Secretary; or

13 “(ii) enroll the land under a Tier III
 14 conservation security contract at the time
 15 the Tier II contract expires if the producer
 16 demonstrates that the eligibility criteria for
 17 a Tier III conservation security contract
 18 are met.

19 “(D) TIER III RENEWALS.—In the case of
 20 land enrolled under a Tier III conservation se-
 21 curity contract of a producer, the producer may
 22 renew the contract, subject to a benchmark as-
 23 sessment by the Secretary to determine whether
 24 the producer fully complied with the require-

1 ments of the Tier III conservation security
2 plan.”.

3 (e) ELIMINATION OF MAINTENANCE PAYMENTS.—
4 Section 1238C(b)(1)(B) of such Act (16 U.S.C.
5 3838c(b)(1)(B)) is amended by adding at the end the fol-
6 lowing new sentence: “Effective for payments made after
7 October 1, 2006, payments under a conservation security
8 contract may not include amounts for the maintenance of
9 existing land management and vegetative practices or the
10 maintenance of existing land-based structural practices.”.

11 (f) MINIMUM CONTRACT PAYMENT.—Section
12 1238C(b) of such Act (16 U.S.C. 3838c(b)) is amended
13 by adding at the end the following new paragraph:

14 “(4) MINIMUM PAYMENT.—Notwithstanding
15 any other provision in this subsection, a producer
16 participating in the conservation security program
17 shall be entitled to an annual payment of not less
18 than \$1,500 under a conservation security con-
19 tract.”.

20 (g) ENROLLMENT PROCEDURES.—Subsection (f) of
21 section 1238C of such Act (16 U.S.C. 3838c) is amended
22 to read as follows:

23 “(f) ENROLLMENT PROCEDURES.—

24 “(1) NO USE OF COMPETITIVE BIDDING.—In
25 entering into conservation security contracts with

1 producers under this subchapter, the Secretary shall
 2 not use competitive bidding or any similar proce-
 3 dure.

4 “(2) CONTINUOUS ENROLLMENT FOR TIER III
 5 CONTRACTS.—The Secretary shall enroll lands that
 6 meet Tier III enrollment criteria on a continuous
 7 basis.

8 “(3) PERIODIC ENROLLMENT OPPORTUNITIES
 9 FOR TIER I AND II CONTRACTS.—The Secretary shall
 10 ensure that producers whose land meets the eligi-
 11 bility criteria for enrollment under a Tier I or Tier
 12 II conservation security contract have the oppor-
 13 tunity to enroll the land in the conservation security
 14 program once every three years.”.

15 (h) TECHNICAL ASSISTANCE.—Subsection (f) of sec-
 16 tion 1238C of such Act (16 U.S.C. 3838c) is amended
 17 to read as follows:

18 “(g) TECHNICAL ASSISTANCE.—

19 “(1) PROVISION OF TECHNICAL ASSISTANCE.—
 20 For each of fiscal years 2003 through 2013, the
 21 Secretary shall provide appropriate technical assist-
 22 ance to producers for the development and imple-
 23 mentation of conservation security contracts.

24 “(2) LIMITATION.—The amount expended to
 25 provide technical assistance with respect to a con-

1 servation security contract over the life of the con-
 2 tract may not exceed 15 percent of the total amount
 3 expended over the life of the contract.”.

4 **SEC. 104. REAUTHORIZATION OF AND INCREASED ENROLL-**
 5 **MENT AUTHORITY FOR GRASSLAND RESERVE**
 6 **PROGRAM.**

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

11 “(5) For each of fiscal years 2002 through
 12 2013, the grassland reserve program under sub-
 13 chapter C of chapter 2.”.

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

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

19 (2) by striking paragraph (3) and inserting the
 20 following new paragraphs:

21 “(3) LIMITATION ON USE OF RENTAL AGREE-
 22 MENTS.—Of the total number of acres enrolled in
 23 the program at any one time through the methods
 24 described in paragraph (2)(A), not more than 30
 25 percent of the acres shall be enrolled through the

1 use of rental agreements described in clause (i) of
2 such paragraph.

3 “(4) ENROLLMENT GOAL.—For the period be-
4 ginning on the date of the enactment of this para-
5 graph and ending on December 31, 2013, the Sec-
6 retary shall establish a goal to enroll not less than
7 2,000,000 acres of native grasslands in the pro-
8 gram.”.

9 (c) ENROLLMENT OF CONSERVATION RESERVE PRO-
10 GRAM LAND.—Section 1238N of such Act (16 U.S.C.
11 3838N) is amended by adding at the end the following
12 new subsection:

13 “(d) ENROLLMENT OF CONSERVATION RESERVE
14 PROGRAM LAND.—

15 “(1) ENROLLMENT AUTHORIZED.—Subject to
16 the eligibility requirements of subsection (c) and all
17 other requirements of this subchapter, land enrolled
18 in the conservation reserve program may be enrolled
19 in the grassland reserve program if the Secretary de-
20 termines that the land is of high ecological value and
21 under significant threat of conversion to other uses.

22 “(2) MAXIMUM ENROLLMENT.—The enrollment
23 of conservation reserve program land under this sub-
24 section shall not exceed 50 percent of the total num-

1 ber of acres enrolled in the grassland reserve pro-
 2 gram in a given fiscal year.

3 “(3) PROHIBITION ON DUPLICATION OF PAY-
 4 MENTS.—Land enrolled in the grassland reserve pro-
 5 gram under this subsection shall no longer be eligi-
 6 ble for payments under the conservation reserve pro-
 7 gram.”.

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

12 “(e) EQUITY FOR PASTURE-BASED OPERATIONS.—
 13 Consistent with the other requirements of the program,
 14 the Secretary shall implement the program in a manner
 15 that ensures that, to the greatest extent practicable, land-
 16 owners operating pasture-based systems have an equal op-
 17 portunity to enroll in the program.”.

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

20 (1) by redesignating subsections (d) and (e) as
 21 subsections (e) and (f), respectively; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(f) BIODIVERSITY.—In emphasizing support for bio-
 25 diversity consistent with the requirements of subsection

1 (c), the Secretary shall give priority to agreements and
 2 easements that protect and restore habitat for rare,
 3 threatened, endangered, and candidate species or further
 4 the goals and objectives of the State’s comprehensive wild-
 5 life conservation strategy.”.

6 (f) SPECIAL GRASSLANDS RESERVE ENHANCEMENT
 7 PROGRAM.—Section 1238P of such Act (16 U.S.C.
 8 3838p) is amended by adding at the end the following new
 9 subsection:

10 “(e) SPECIAL GRASSLANDS RESERVE ENHANCE-
 11 MENT AGREEMENTS.—

12 “(1) AGREEMENTS.—The Secretary may enter
 13 into a special grasslands reserve enhancement agree-
 14 ment with a State under which the Secretary will
 15 make payments to the State or political subdivisions
 16 or agencies of the State to advance the purposes of
 17 the grassland reserve program in the State.

18 “(2) PAYMENT LIMITATIONS.—Section 1305(d)
 19 of the Omnibus Budget Reconciliation Act of 1987
 20 (7 U.S.C. 1308 note; Public Law 100–203) shall not
 21 apply to payments received by a State or political
 22 subdivision or agency thereof in connection with an
 23 agreement entered into under subsection (a).”.

1 **SEC. 105. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
 2 **GRAM.**

3 (a) EXTENSION.—

4 (1) FUNDING EXTENSION AND INCREASE.—

5 Section 1241(a) of the Food Security Act of 1985
 6 (16 U.S.C. 3841(a)) is amended by striking para-
 7 graph (6) and inserting the following new para-
 8 graph:

9 “(6) The environmental quality incentives pro-
 10 gram under chapter 4, using, to the maximum ex-
 11 tent practicable, \$2,000,000,000 in each of fiscal
 12 years 2008 through 2013.”.

13 (2) CONFORMING AMENDMENTS.—Section
 14 1240B of such Act is amended (16 U.S.C. 3839aa–
 15 2)—

16 (A) in subsection (a)(1), by striking
 17 “2010” and inserting “2013”; and

18 (B) in subsection (g), by striking “2007”
 19 and inserting “2013”.

20 (b) PURPOSES.—Section 1240 of such Act (16 U.S.C.
 21 3839aa) is amended—

22 (1) in paragraph (2), by inserting “, conserving
 23 energy,” after “resources”; and

24 (2) in paragraph (3), by inserting “and con-
 25 serve energy,” after “wildlife”.

1 (c) PREDATOR DETERRENCE.—Section 1240B(a) of
 2 such Act (16 U.S.C. 3839aa–2(a)) is amended by adding
 3 at the end the following paragraph:

4 “(3) PREDATOR DETERRENCE.—A producer
 5 that implements practices or other measures as part
 6 of a system of proactive predator deterrence for
 7 large carnivores, including the use of range riders,
 8 removal of carcasses, and installation of electric
 9 fencing around calving areas, shall be eligible to re-
 10 ceive cost-share or incentive payments under this
 11 chapter.”.

12 (d) BIDDING DOWN.—Subsection (c) of section
 13 1240B of such Act (16 U.S.C. 3839aa–2) is amended to
 14 read as follows:

15 “(c) BIDDING DOWN.—The Secretary shall not as-
 16 sign a higher priority to any application because the appli-
 17 cant is willing to accept a lower cost-share or incentive
 18 payment than the applicant would otherwise be entitled
 19 to receive. Nothing in this subsection shall be construed
 20 to relieve the Secretary of the obligation, when evaluating
 21 applications for cost-share payments and incentive pay-
 22 ments, to evaluate the cost-effectiveness of the proposed
 23 conservation practices, systems, and approaches described
 24 in the applications and to prioritize the most cost-effective
 25 applications, as required by section 1240C(1).”.

1 (e) EVALUATION OF APPLICATIONS FOR COST-SHARE
2 PAYMENTS AND INCENTIVE PAYMENTS.—Section 1240C
3 of such Act (16 U.S.C. 3839aa–3) is amended to read as
4 follows:

5 **“SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-**
6 **SHARE PAYMENTS AND INCENTIVE PAY-**
7 **MENTS.**

8 “(a) EVALUATION PRIORITIES AND CRITERIA.—In
9 evaluating applications for cost-share payments and incen-
10 tive payments, the Secretary shall—

11 “(1) prioritize applications based on their over-
12 all level of cost-effectiveness to ensure that the con-
13 servation practices, systems, and approaches pro-
14 posed are the most efficient means of achieving the
15 anticipated environmental benefits of the project;

16 “(2) prioritize applications based on how effec-
17 tively and comprehensively the project addresses the
18 designated resource concern or resource concerns;

19 “(3) reward higher levels of environmental per-
20 formance, such as advanced levels of management
21 within land management practices;

22 “(4) develop criteria for evaluating applications
23 that will ensure that national, State, and local con-
24 servation priorities are effectively addressed; and

1 “(5) prioritize applications that will improve en-
2 vironmental performance on existing operations.

3 “(b) SPECIAL RULE FOR PROJECTS TO IMPROVE
4 WILDLIFE HABITAT.—In evaluating applications for cost-
5 share payments and incentive payments primarily to im-
6 prove wildlife habitat, in addition to meeting the require-
7 ments of subsection (a), the Secretary shall give priority
8 to applications that—

9 “(1) protect and restore habitat for rare,
10 threatened, endangered, and candidate species; or

11 “(2) further the goals and objectives of the
12 State’s comprehensive wildlife conservation strat-
13 egy.”.

14 (f) CONSERVATION INNOVATION GRANTS.—Section
15 1240H of such Act (16 U.S.C. 3839aa–8) is amended—

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

18 (2) in subsection (b)—

19 (A) by striking “may” and inserting
20 “shall”;

21 (B) by striking “and” at the end of para-
22 graph (2);

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

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

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

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

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

12 “(e) FUNDING.—In addition to amounts made avail-
13 able under section 1241(a)(6) to carry out this chapter,
14 the Secretary shall use funds of the Commodity Credit
15 Corporation to carry out this section in the following
16 amounts:

17 “(1) 40,000,000 for fiscal year 2008.

18 “(2) 50,000,000 for fiscal year 2009.

19 “(3) 60,000,000 for fiscal year 2010.

20 “(4) 75,000,000 for each of fiscal years 2011
21 through 2013.”.

22 (g) FUNDING UNDER GROUND AND SURFACE
23 WATER CONSERVATION PROGRAM.—Subsection (c) sec-
24 tion 1240I of such Act (16 U.S.C. 3839aa–9) is amended
25 to read as follows:

1 “(c) FUNDING.—The Secretary shall use
 2 \$100,000,000 of the funds of the Commodity Credit Cor-
 3 poration to carry out this section for each of fiscal years
 4 2008 through 2013. These funds are in addition to
 5 amounts made available under section 1241(a)(6) to carry
 6 out this chapter.”.

7 (h) ADDITIONAL PROVISIONS.—Chapter 4 of subtitle
 8 D of title XII of such Act is amended by adding at the
 9 end the following new sections:

10 **“SEC. 1240J. PROMOTION OF FOREST STEWARDSHIP PRAC-**
 11 **TICES.**

12 “(a) COST-SHARE PAYMENTS AND INCENTIVE PAY-
 13 MENTS.—In carrying out the program under this chapter,
 14 the Secretary shall promote forest stewardship by pro-
 15 viding cost-share payments and incentive payments to
 16 non-industrial private forest owners to carry out eligible
 17 conservation activities, to—

18 “(1) improve water quality;

19 “(2) improve habitat for at-risk species;

20 “(3) restore ecologically important forest types;

21 or

22 “(4) control invasive species.

23 “(b) PRIORITY.—The Secretary shall give priority to
 24 projects that involve multiple landowners implementing el-

1 igitible conservation activities in a coordinated way to ad-
 2 dress the purposes described in subsection (a).

3 “(c) FUNDING.—

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

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

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

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

10 “(D) \$75,000,000 million for each of fiscal
 11 years 2011 and 2012; and

12 “(E) \$100 million for fiscal year 2013.

13 “(2) RELATION TO OTHER FUNDS.—The funds
 14 made available under paragraph (1) are in addition
 15 to amounts made available under section 1241(a)(6)
 16 to carry out this chapter.

17 **“SEC. 1240K. ENHANCED NUTRIENT AND MANURE MANAGE-**
 18 **MENT.**

19 “(a) DEMONSTRATION AND IMPLEMENTATION OF
 20 NUTRIENT AND MANURE MANAGEMENT CONSERVATION
 21 PRACTICES.—In carrying out the program under this
 22 chapter, the Secretary shall provide cost-share, incentive
 23 payments, and technical assistance to agricultural pro-
 24 ducers to demonstrate and implement innovative and ad-
 25 vanced conservation measures that hold substantial prom-

1 ise for producing cost-effective improvements to air and
 2 water quality by reducing the loss of nutrients to the envi-
 3 ronment. Such conservation measures may include:

4 “(1) Manure processing and treatment tech-
 5 nologies to permit more effective use and transport
 6 of manure nutrients, including energy production.

7 “(2) Innovative land management practices for
 8 nutrient loss reduction, such as soil amendments, in-
 9 novative cropping or grazing systems, precision nu-
 10 trient application, on-farm analysis of nutrient
 11 needs, and performance-based incentive systems.

12 “(3) Feed management.

13 “(4) Other projects that demonstrate and
 14 transfer the most cost-effective measures and tech-
 15 nologies to reduce nitrogen and phosphorus losses.

16 “(b) PRIORITIES.—The Secretary shall give priority
 17 to projects that—

18 “(1) involve multiple landowners implementing
 19 conservation measures described in subsection (a) in
 20 a coordinated way to address the purposes of this
 21 section;

22 “(2) have a high likelihood of advancing or
 23 demonstrating advanced manure or nutrient man-
 24 agement measures; and

1 “(3) are anticipated to produce significant ben-
2 efits to air and water quality.

3 “(c) LOCATIONS OF PROJECTS.—To be eligible to re-
4 ceive assistance under this section, a project must be lo-
5 cated in a watershed or subwatershed of a body of water
6 impaired by nutrients in which either—

7 “(1) the amount of nutrients contained in ma-
8 nure produced in the watershed or subwatershed ex-
9 ceeds the amount that can be applied to cropland at
10 agronomic rates; or

11 “(2) conventional nutrient management tech-
12 niques are inadequate to meet water quality stand-
13 ards.

14 “(d) REGIONAL TECHNICAL ADVISORY COMMIT-
15 TEES.—

16 “(1) ESTABLISHMENT.—The Secretary shall es-
17 tablish regional technical advisory committees to as-
18 sist the Secretary in selecting projects for funding
19 under this section.

20 “(2) PARTICIPATION.—A regional technical ad-
21 visory committee shall include scientists and other
22 persons with expertise related to innovative and ad-
23 vanced nutrient management, to be appointed from
24 agencies within the Department of Agriculture, other
25 Federal and State agencies, producer associations,

1 environmental organizations, and other interested
2 groups.

3 “(3) RELATIONSHIP TO STATE TECHNICAL
4 COMMITTEES.—Subtitle G, relating to State tech-
5 nical committees shall apply to a regional technical
6 advisory committee, except that members of the
7 committee shall be appointed on a regional basis
8 consistent with paragraph (2).

9 “(e) EQUAL TREATMENT.—In implementing this sec-
10 tion, the Secretary shall ensure that farms of all sizes are
11 treated equitably.

12 “(f) FUNDING.—In addition to amounts made avail-
13 able under section 1241(a)(6) to carry out this chapter,
14 the Secretary shall use funds of the Commodity Credit
15 Corporation to carry out this section in the following
16 amounts:

17 “(1) \$160,000,000 for fiscal year 2008.

18 “(2) \$175,000,000 for fiscal year 2009.

19 “(3) \$200,000,000 for each of fiscal years
20 2010, 2011, 2012, and 2013.

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

22 “(a) HIGH LEVEL OF PERFORMANCE BONUS.—For
23 each of fiscal years 2008 through 2013, 10 percent of the
24 funds made available under this chapter shall be reserved
25 by the Secretary for bonus allocations to States that dem-

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

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

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

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

12 “(3) collaborate with other Federal and State
13 agencies, local governments, educational institutions,
14 and for-profit and nonprofit organizations to mon-
15 itor and evaluate the environmental outcomes associ-
16 ated with implementation of the environmental qual-
17 ity incentives program;

18 “(4) demonstrate effective and efficient pro-
19 gram delivery, including the provision of adequate
20 technical assistance to all program participants
21 through appropriate staffing and through coopera-
22 tion with other Federal, State, Tribal, and local
23 agencies, for-profit and nonprofit organizations, and
24 individuals with demonstrated expertise in the plan-

1 ning and implementation of conservation practices,
2 systems, and approaches;

3 “(5) support and encourage innovative ap-
4 proaches to addressing resource concerns; and

5 “(6) demonstrate effective outreach and innova-
6 tive approaches to reaching and serving beginning
7 farmers and ranchers, limited-resource producers,
8 and operators with lower rates of historical partici-
9 pation in Federal farm and conservation programs.”.

10 **SEC. 106. REAUTHORIZATION OF AND INCREASED FUNDING**
11 **FOR WILDLIFE HABITAT INCENTIVE PRO-**
12 **GRAM.**

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

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

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

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

20 “(D) \$200,000,000 in each of fiscal years
21 2010 and 2011; and

22 “(E) \$300,000,000 in each of fiscal years
23 2012 and 2013.”.

24 (b) FUNDING SET-ASIDE FOR LONG-TERM AGREE-
25 MENTS.—Section 1240N(b)(2) of such Act (16 U.S.C.

1 3839bb–1(b)(2)) is amended by striking subparagraph
2 (B) and inserting the following:

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

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

14 “(d) INCENTIVE PAYMENTS AND PROGRAM PRIOR-
15 ITIES.—

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

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

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

1 “(2) INCENTIVE PAYMENTS FOR CERTAIN
 2 AGREEMENTS AND APPLICATIONS.—In a case in
 3 which the Secretary enters into an agreement or
 4 contract described in paragraph (1), the Secretary
 5 may provide incentive payments to landowners under
 6 the agreement or contract, including the cost of
 7 management activities needed during the term of the
 8 agreement or contract.”.

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

13 “(e) DEVELOPMENT OF FISH HABITAT.—

14 “(1) PURPOSES OF COST-SHARE PAYMENTS.—
 15 Subsection (b)(1)(D) authorizes the Secretary to
 16 make cost-share payments to landowners to develop
 17 fish habitat. The development of fish habitat using
 18 such cost-share payments may include activities—

19 “(A) to protect streamside areas, including
 20 through the installation of riparian fencing and
 21 improved stream crossings;

22 “(B) to repair in-stream habitat;

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

1 “(D) to initiate watershed management
 2 and planning in areas in which streams are in
 3 a degraded condition due to past agricultural or
 4 forestry practices; and

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

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

12 “(A) to remove a small dam or in-stream
 13 structure;

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

16 “(C) to protect streamside areas;

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

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

21 “(3) PRIORITY FOR PROJECTS INCLUDING UP-
 22 LAND IMPROVEMENTS.—In addition to the priority
 23 projects described in paragraph (2), to ensure that
 24 projects intended to protect or restore fish habitat
 25 also address the causes of stream habitat degrada-

1 tion, the Secretary shall give priority among applica-
 2 tions describing such projects to applicants who
 3 demonstrate that upland improvements associated
 4 with the stream habitat improvement, including ero-
 5 sion and nutrient management have been, or will be,
 6 carried out.”.

7 **SEC. 107. COOPERATIVE CONSERVATION PARTNERSHIP**
 8 **INITIATIVE.**

9 (a) ESTABLISHMENT OF GRANT PROGRAM.—Subtitle
 10 D of title XII of the Food Security Act of 1985 is amend-
 11 ed by adding at the end the following new chapter:

12 **“CHAPTER 6—COOPERATIVE CONSERVA-**
 13 **TION PARTNERSHIP INITIATIVE**

14 **“SEC. 1240W. COOPERATIVE CONSERVATION PARTNERSHIP**
 15 **INITIATIVE.**

16 “(a) GRANTS AND AGREEMENTS.—The Secretary
 17 shall make grants and enter into agreements for not short-
 18 er than two-year or longer than five-year terms with eligi-
 19 ble entities specified in subsection (c) to preferentially en-
 20 roll producers in one or more of the programs specified
 21 in subsection (b) to carry out special projects and initia-
 22 tives through which multiple producers and other inter-
 23 ested persons cooperate to improve water quality or ad-
 24 dress other specific resources of concern related to agricul-
 25 tural production on a local, State, or regional scale.

1 “(b) COVERED PROGRAMS.—The conservation pro-
2 grams referred to in subsection (a) are the following:

3 “(1) Conservation reserve program, but only
4 the continuous signup portion of the program.

5 “(2) Conservation reserve enhancement pro-
6 gram.

7 “(3) Environmental quality incentives program.

8 “(4) Farmland protection program.

9 “(5) Grassland reserve program.

10 “(6) Ground and surface water conservation
11 program.

12 “(7) Wetland reserve program.

13 “(8) Wildlife habitat incentive program.

14 “(c) ELIGIBLE PARTNERS.—Agreements may be en-
15 tered into under this section with any of the following (or
16 a combination thereof):

17 “(1) States and agencies of States.

18 “(2) Political subdivisions of States, including
19 State-sponsored conservation districts.

20 “(3) Indian tribes.

21 “(4) Nongovernmental organizations and asso-
22 ciations, including conservation organizations and
23 producer associations and cooperatives.

24 “(d) APPLICATIONS.—

1 “(1) COMPETITIVE PROCESS.—The Secretary
2 shall establish a competitive process for considering
3 applications for agreements under this section con-
4 sistent with the evaluation criteria listed in sub-
5 section (e).

6 “(2) PROGRAM ALLOCATION.—Applications
7 shall include—

8 “(A) specification of the amount of fund-
9 ing or acres of one or more covered programs
10 specified in subsection (b) proposed to be allo-
11 cated to carry out the special project or initia-
12 tive; and

13 “(B) a schedule for utilization of funding
14 or acres over the life of the proposed project or
15 initiative.

16 “(e) EVALUATION CRITERIA.—In evaluating applica-
17 tions for agreements under this section the Secretary shall
18 consider the extent to which—

19 “(1) preferential enrollment in the covered pro-
20 grams specified in the application will effectively ad-
21 dress the environmental objectives established for
22 the special project or initiative; and

23 “(2) the special project or initiative covered by
24 the application—

1 “(A) enjoys broad local and regional sup-
2 port from producers and other interested per-
3 sons, including governmental and nongovern-
4 mental organizations with appropriate expertise
5 on the issues the project or initiative seeks to
6 address;

7 “(B) includes clear environmental objec-
8 tives and a high likelihood of success;

9 “(C) includes a well defined project or ini-
10 tiative plan that identifies sensitive areas re-
11 quiring treatment and prioritizes conservation
12 systems, practices, and activities needed to
13 achieve environmental objectives;

14 “(D) promises adequate and coordinated
15 participation to achieve the objectives of the
16 project or initiative;

17 “(E) coordinates integration of local,
18 State, and Federal efforts to make the best use
19 of available resources and maximize cost-effec-
20 tive investments;

21 “(F) leverages financial and technical re-
22 sources from sources other than the programs
23 authorized by this subtitle, including financial
24 and technical resources provided by Federal
25 and State agencies, local governments, non-

1 governmental organizations and associations,
2 and other private sector entities;

3 “(G) describes how all necessary technical
4 assistance will be provided to each producer
5 participating in the project or initiative, includ-
6 ing cost estimates for technical assistance and
7 whether such assistance will be provided by
8 technical service providers;

9 “(H) addresses a local, State, regional, or
10 national environmental priority or priorities,
11 with particular emphasis on any priority for
12 which there is an existing State or federally ap-
13 proved plan in place for addressing that pri-
14 ority;

15 “(I) links environmental and conservation
16 objectives with other objectives, such as spur-
17 ring rural economic development through in-
18 creased opportunities in the project area for
19 recreation, value-added enterprises, or direct
20 marketing of agricultural products, and assist-
21 ing beginning, limited resource, tribal, and
22 other producers maintain the viability of their
23 operations;

24 “(J) includes a plan to evaluate progress
25 and measure results; and

1 “(K) clearly demonstrates that enrollment
 2 of producers in covered programs will be con-
 3 sistent with the purposes and policies of each
 4 individual program, as established in statute,
 5 rules and regulations, and program guidance
 6 promulgated by implementing agencies.

7 “(f) PRIORITIES.—To the maximum extent prac-
 8 ticable, consistent with the requirements of subsection (d),
 9 the Secretary shall ensure that, each fiscal year, grants
 10 are awarded and agreements are entered into under this
 11 section to support projects and initiatives that collectively
 12 address the full range of resource concerns facing pro-
 13 ducers, ranchers, and small private forest landowners, in-
 14 cluding specifically projects and initiatives that are de-
 15 signed—

16 “(1) to achieve improvements in water quality
 17 in watersheds impacted by agriculture, particularly
 18 by increasing the participation of producers in im-
 19 plementing best management practices in a water-
 20 shed or developing environmentally and economically
 21 viable alternative uses for manure and litter;

22 “(2) to achieve improvements in air quality in
 23 a geographical area where agricultural operations
 24 impact air quality, especially an area that, as deter-
 25 mined by the Administrator of the Environmental

1 Protection Agency, is a nonattainment area with re-
2 spect to any of the national ambient air quality
3 standards promulgated by the Administrator under
4 section 109 of the Clean Air Act (42 U.S.C. 7409);

5 “(3) to conserve water for environmental pur-
6 poses such as enhanced in stream flows or aquifer
7 recharge in regions, States, or local areas where
8 water quantity is a concern;

9 “(4) to assist in the recovery of Federal or
10 State-listed endangered species or species of special
11 concern or to further the goals and objectives of a
12 State’s comprehensive wildlife conservation plan
13 through the cooperative efforts of multiple pro-
14 ducers;

15 “(5) to control invasive species on rangeland or
16 other agricultural land through the cooperative ef-
17 forts of multiple producers in a geographical area;

18 “(6) to address a specific resource of concern or
19 set of concerns on private, non-industrial forest land;

20 “(7) to reduce losses of pesticides to the envi-
21 ronment by engaging multiple producers in a geo-
22 graphic area in adoption of integrated pest manage-
23 ment practices and approaches; and

24 “(8) to keep working farms and ranches facing
25 development pressures in agricultural use.

1 “(g) COST SHARE.—

2 “(1) MAXIMUM; EXCEPTIONS.—The Secretary
3 shall not require more than 25 percent of the cost
4 of a project or initiative supported under an agree-
5 ment entered into under this section to come from
6 non-Federal sources. However, the Secretary may
7 award more points to projects or initiatives offering
8 to cover a higher percentage of the cost of the
9 project or initiative from non-Federal sources.

10 “(2) IN-KIND CONTRIBUTIONS.—If the Sec-
11 retary establishes a cost-share requirement for a
12 project or initiative, the Secretary shall allow the use
13 of in-kind contributions to meet that requirement.

14 “(h) FUNDING.—

15 “(1) SET-ASIDE.—Of the funds provided each
16 fiscal year to implement the programs specified in
17 subsection (b), the Secretary shall use 20 percent to
18 provide funds under agreements entered into under
19 this section.

20 “(2) ALLOCATION TO STATES.—The Secretary
21 shall allocate to States 60 percent of the funds re-
22 served under paragraph (1) to allow State Conserva-
23 tionists, with the advice of State technical commit-
24 tees, to select projects and initiatives for funding
25 under this section at the State level.

1 “(3) WATER QUALITY.—To the maximum ex-
 2 tent practicable and consistent with the other re-
 3 quirements of this section, the Secretary shall ensure
 4 that 50 percent of the funds awarded each year
 5 under this section are awarded to projects and ini-
 6 tiatives that will improve water quality.”.

7 (b) CONFORMING REPEAL.—Section 1243 of the
 8 Food Security Act of 1985 (16 U.S.C. 3843) is amended
 9 by striking subsection (f).

10 **SEC. 108. REGIONAL EQUITY IN FUNDING OF CERTAIN DE-**
 11 **PARTMENT OF AGRICULTURE CONSERVA-**
 12 **TION PROGRAMS.**

13 Subsection (d) of section 1241 of the Food Security
 14 Act of 1985 (16 U.S.C. 3841) is amended to read as fol-
 15 lows:

16 “(d) MINIMUM BASE ALLOCATION TO STATES FOR
 17 CERTAIN CONSERVATION PROGRAMS.—

18 “(1) MINIMUM ALLOCATION.—In allocating
 19 funds to States to implement the conservation pro-
 20 grams under this subtitle D, other than the pro-
 21 grams excluded by paragraph (2), the Secretary
 22 shall ensure that each State receives, at a minimum,
 23 \$15,000,000 for each of the fiscal years 2007
 24 through 2013. Funds provided as part of a cooper-
 25 ative conservation partnership initiative under chap-

1 ter 6 to a project in a State or in a State adjacent
 2 to that State shall not be counted as part of the
 3 minimum base allocation to that State under this
 4 subsection.

5 “(2) CERTAIN PROGRAMS EXCLUDED.—Para-
 6 graph (1) does not apply to the following programs:

7 “(A) The conservation reserve program
 8 under subchapter B of chapter 1.

9 “(B) The wetlands reserve program under
 10 subchapter C of chapter 1.

11 “(C) The conservation security program
 12 under subchapter A of chapter 2.

13 “(D) The grassland reserve program under
 14 subchapter C of chapter 2.”.

15 **SEC. 109. EXCLUSION OF PAYMENTS UNDER DEPARTMENT**
 16 **OF AGRICULTURE CONSERVATION PRO-**
 17 **GRAMS FROM ADJUSTED GROSS INCOME**
 18 **LIMITATION.**

19 (a) EXCLUSION.—Subsection (b)(2) of section 1001D
 20 of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is
 21 amended by striking subparagraph (C).

22 (b) DURATION OF ADJUSTED GROSS INCOME LIM-
 23 ITATION.—Such section is further amended by striking
 24 subsection (e).

1 **SEC. 110. REAUTHORIZATION OF AND ADDITIONAL FUND-**
 2 **ING FOR AGRICULTURAL MANAGEMENT AS-**
 3 **SISTANCE PROGRAM.**

4 (a) REAUTHORIZATION.—Subsection (b)(4)(B) of
 5 section 524 of the Federal Crop Insurance Act (7 U.S.C.
 6 1524) is amended—

7 (1) in clause (ii), by striking “fiscal years 2003
 8 through 2007” and inserting “fiscal years 2008
 9 through 2013”; and

10 (2) in clause (iii), by striking “fiscal years 2004
 11 through 2007” and inserting “fiscal years 2008
 12 through 2013”.

13 (b) FUNDING LEVELS.—Such subsection is further
 14 amended—

15 (1) in clause (ii), by striking “\$20,000,000”
 16 and inserting “\$40,000,000”; and

17 (2) in clause (iii)—

18 (A) in subclause (I), by striking
 19 “\$14,000,000” and inserting “\$28,000,000”;

20 (B) in subclause (II), by striking
 21 “\$1,000,000” and inserting “\$2,000,000”; and

22 (C) in subclause (III), by striking
 23 “\$5,000,000” and inserting “\$10,000,000”.

1 **SEC. 111. COMMUNITY FORESTS AND OPEN SPACE CON-**
2 **SERVATION PROGRAM.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The United States Forest Service projects
6 that 44 million acres of privately owned forested
7 land will be developed in the United States by 2030,
8 including many of the most important remaining
9 forested parcels within and adjacent to communities.

10 (2) There is an urgent need to assist local gov-
11 ernments in raising the funds necessary to purchase
12 the most important of these parcels of privately
13 owned forested land as they come up for sale.

14 (3) The breakup of forested land into smaller
15 parcels has resulted in an increasing number of own-
16 ers of privately owned forested land, but many of
17 these owners have little or no experience in forest
18 stewardship.

19 (4) In fast growing communities of all sizes
20 across the United States, the remaining parcels of
21 privately owned forested land play an essential role
22 in protecting public water supplies, which has led
23 many local governments to purchase these lands for
24 municipal or county ownership.

25 (5) Rising rates of obesity and other public
26 health problems related to inactivity have been

1 shown to be ameliorated by improving public access
2 to safe and pleasing areas for outdoor recreation,
3 which has led many local governments to purchase
4 lands for recreational purposes under municipal or
5 county ownership.

6 (6) Across the United States, many commu-
7 nities of diverse types and sizes are deriving signifi-
8 cant financial benefit from owning and managing
9 municipal or county forestlands as a source of local
10 revenue that also contributes significantly to the
11 health of the forest products economy at the local
12 and national levels.

13 (7) The access to privately owned forested land
14 for hunting, fishing, and trapping has declined, and
15 the number of persons participating in these activi-
16 ties has likewise declined, as these lands are divided
17 into smaller parcels and more owners of privately
18 owned forested land post their land against public
19 use, which has led many local governments to pur-
20 chase forestlands to guarantee access for hunting,
21 fishing, and trapping.

22 (8) There is a national interest and an urgent
23 need to assist local governments in raising the funds
24 necessary to purchase important privately owned for-
25 ested land that will maintain the diverse public bene-

1 fits of forestlands close to or within all manner of
 2 communities nationwide, from close-knit rural com-
 3 munities to fast growing suburban and exurban
 4 areas.

5 (b) ESTABLISHMENT OF PROGRAM.—The Coopera-
 6 tive Forestry Assistance Act of 1978 (16 U.S.C. 2101 et
 7 seq.) is amended by adding at the end the following new
 8 section:

9 **“SEC. 21. COMMUNITY FORESTS AND OPEN SPACE CON-**
 10 **SERVATION PROGRAM.**

11 “(a) ESTABLISHMENT AND PURPOSE.—The Sec-
 12 retary of Agriculture shall establish within the Forest
 13 Service a program to be known as the ‘Community Forests
 14 and Open Space Conservation Program’ (in this section
 15 referred to as the ‘Program’) for the purpose of assisting
 16 local governments in a State selected to participate in the
 17 Program to acquire forested land that—

18 “(1) is economically, culturally, and environ-
 19 mentally important to the locality in which the land
 20 is located;

21 “(2) is threatened by conversion to non-forest
 22 uses; and

23 “(3) will conserve public access to and benefit
 24 from the land for a wide variety of public purposes,
 25 including model forest stewardship, sustainable tim-

1 ber production, forest-based educational and cultural
2 activities, wildlife habitat protection, watershed pro-
3 tection, or outdoor recreation, including hunting and
4 fishing.

5 “(b) SELECTION OF PARTICIPATING STATES.—

6 “(1) SELECTION.—Not later than one year
7 after the date of the enactment of this section, the
8 Secretary shall select at least one State in each of
9 the New England, Mid-Atlantic, Midwest, South,
10 West, and Pacific Northwest regions of the United
11 States to participate in the Program. The Secretary
12 shall make the selections from among applications
13 submitted by willing States. No State shall be com-
14 pelled to participate in the Program.

15 “(2) IMPLEMENTATION.—Authority for imple-
16 mentation of the Program in a participating State
17 shall lie with the State forester, equivalent State of-
18 ficial, or other appropriate State natural resource
19 management agency designated by the Governor of
20 the State.

21 “(c) ELIGIBILITY AND RANKING CRITERIA.—

22 “(1) STATE ASSESSMENT OF NEED.—Each par-
23 ticipating State shall prepare an assessment of need
24 that identifies the geographic areas within the State
25 that will be the focus of land acquisition activities

1 under the Program and priority objectives for con-
 2 servation, based on conditions and public needs in
 3 the State. This requirement may be satisfied by in-
 4 clusion of the assessment as part of an integrated
 5 State-wide forest planning process for application of
 6 Federal programs in the State.

7 “(2) ESTABLISHMENT OF CRITERIA.—Not later
 8 than one year after the date of the enactment of this
 9 section, the Secretary shall establish eligibility and
 10 ranking criteria for the selection of land acquisition
 11 proposals to receive funding under the Program. The
 12 Secretary shall establish the criteria in consultation
 13 with State Forest Stewardship Advisory Committees,
 14 State Urban and Community Forestry Advisory
 15 Committees, and similar organizations.

16 “(3) PRIORITIES.—In establishing the eligibility
 17 and ranking criteria under paragraph (2), the Sec-
 18 retary shall give priority to the acquisition of lands
 19 that—

20 “(A) meet identified local open space and
 21 natural resource needs, as expressed in town
 22 plans, regional plans, or other relevant local
 23 planning documents;

24 “(B) can be effectively managed to model
 25 good forest stewardship for private landowners

1 and support forest-based educational programs,
 2 including vocational education in forestry;

3 “(C) provide significant protection of pub-
 4 lic water supplies or other waterways;

5 “(D) can offer long-term economic benefit
 6 to communities through forestry;

7 “(E) contain important wildlife habitat;

8 “(F) provide convenient public access for
 9 outdoor recreation, including hunting and fish-
 10 ing; and

11 “(G) are most threatened with conversion
 12 to non-forest uses.

13 “(d) APPLICATION AND RANKING OF PROPOSALS.—

14 “(1) PREPARATION AND CONTENTS.—A local
 15 government in a participating State may prepare an
 16 application for assistance under the Program in the
 17 acquisition of forested land within the geographic
 18 program focus area in the State identified under
 19 subsection (c)(1). The application shall include cer-
 20 tification by the appropriate unit or units of local
 21 government that the proposed land acquisition is
 22 consistent with any comprehensive plans for develop-
 23 ment adopted by the unit of local government and
 24 include such other information as the Secretary may
 25 prescribe.

1 “(2) SUBMISSION.—Participating States shall
 2 rank all applications according to priority and sub-
 3 mit the applications to the Secretary at such times
 4 and in such form as the Secretary may prescribe.

5 “(3) NATIONAL LIST.—The Secretary shall
 6 maintain a national list of all submitted applications,
 7 ranked according to the criteria established pursuant
 8 to subsection (c).

9 “(e) OWNERSHIP OF LAND.—

10 “(1) GOVERNMENT OWNERSHIP.—Except as
 11 provided in paragraph (2), all land acquired in whole
 12 or in part using funds provided under the Program
 13 shall be owned in fee simple by a local government,
 14 such as a municipality or county.

15 “(2) NONPROFIT ORGANIZATION OWNERSHIP.—
 16 Upon the request of a participating State, des-
 17 ignated nonprofit organizations operating within
 18 that State may also own land acquired using funds
 19 provided under the Program, subject to the condi-
 20 tion that the land is open for public access con-
 21 sistent with the purposes and criteria of the Pro-
 22 gram.

23 “(3) EFFECT OF VIOLATION.—If the owner of
 24 land acquired in whole or in part using funds pro-
 25 vided under the Program sells the land, the owner

1 shall reimburse the Secretary for the full amount of
2 the funds provided under the Program, plus a pen-
3 alty equal to 50 percent of the sale price or ap-
4 praised value of the land at the time of the sale,
5 whichever is greater. The local government or des-
6 ignated nonprofit organization that sold the land
7 shall no longer be eligible for assistance under the
8 Program.

9 “(f) DUTIES OF OWNERS.—

10 “(1) USE AND PROHIBITION ON CONVERSION.—

11 The owner of land acquired in whole or in part using
12 funds provided under the Program shall manage the
13 land in a manner that is consistent with the pur-
14 poses for which the land was purchased under the
15 Program and shall not convert the property to other
16 non-forest uses. Public access for compatible rec-
17 reational uses, as determined by the owner, shall be
18 required.

19 “(2) MANAGEMENT PLAN.—Not later than two
20 years after the closing date on the purchase of land
21 using funds under the Program, the owner of the
22 land shall complete a management plan for the land,
23 which shall be subject to the approval of the respon-
24 sible State agency. Management plans shall be cre-

1 ated through a public process that allows for com-
 2 munity participation and input.

3 “(g) COST SHARING REQUIREMENTS.—

4 “(1) COST SHARING.—In accordance with such
 5 terms and conditions as the Secretary may prescribe,
 6 costs for the acquisition of land under the Program,
 7 and other costs associated with the Program, shall
 8 be shared among participating entities, including
 9 State, county, municipal, and other governmental
 10 units, landowners, corporations, or private organiza-
 11 tions. Such costs may include costs associated with
 12 planning, administration, property acquisition, and
 13 property management. The Secretary may authorize
 14 in-kind contributions.

15 “(2) FEDERAL COST SHARE.—The Federal
 16 share of the cost to acquire land under the Program
 17 shall not exceed 50 percent of the total cost to ac-
 18 quire the land. Payments under this section shall be
 19 made in accordance with Federal appraisal and ac-
 20 quisition standards and procedures.

21 “(3) ADMINISTRATION AND TECHNICAL ASSIST-
 22 ANCE.—In order to assist local governments in
 23 achieving model stewardship of land acquired under
 24 the Program, 10 percent of all funds appropriated
 25 for a fiscal year for the Program shall be allocated

1 to the responsible State agencies in participating
 2 States to administer the Program and to provide
 3 technical assistance to local governments for forest
 4 stewardship, including development and implementa-
 5 tion of management plans required by subsection
 6 (f)(2).

7 “(h) PRIVATE PROPERTY PROTECTIONS.—

8 “(1) ACCESS.—Nothing in this section—

9 “(A) requires a private property owner to
 10 permit public access (including Federal, State,
 11 or local government access) to private property;
 12 or

13 “(B) modifies any provision of Federal,
 14 State, or local law with regard to public access
 15 to, or use of, private land.

16 “(2) LIABILITY.—Nothing in this section cre-
 17 ates any liability, or has any effect on liability under
 18 any other law, of a private property owner with re-
 19 spect to any persons injured on the private property.

20 “(3) RECOGNITION OF AUTHORITY TO CONTROL
 21 LAND USE.—Nothing in this section modifies any
 22 authority of Federal, State, or local governments to
 23 regulate land use.

1 “(4) PARTICIPATION OF PRIVATE PROPERTY
2 OWNERS.—Nothing in this section requires a private
3 property owner to participate in the Program.

4 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Secretary to carry
6 out the Program \$50,000,000 for each of the fiscal years
7 2008 through 2013.”.

8 **SEC. 112. FARMLAND PROTECTION AND FARM VIABILITY**
9 **PROGRAMS.**

10 Paragraph (4) of subsection (a) of section 1241 of
11 the Food Security Act of 1985 (16 U.S.C. 3841) is
12 amended to read as follows:

13 “(4) The farmland protection program under
14 subchapter B of chapter 2, using \$300,000,000 in
15 each of fiscal years 2008 through 2012.”.

16 **SEC. 113. HEALTHY FORESTS RESERVE PROGRAM.**

17 (a) METHODS OF ENROLLMENT.—Section
18 502(f)(1) of the Healthy Forests Restoration Act of 2003
19 (16 U.S.C. 6572(f)(1)) is amended by striking subpara-
20 graph (C) and inserting the following new subparagraph:

21 “(C) a permanent easement.”.

22 (b) FUNDING.—Section 508 of such Act (16 U.S.C.
23 6578) is amended to read as follows:

1 **“SEC. 508. FUNDING FOR HEALTHY FORESTS RESERVE**
2 **PROGRAM.**

3 “(a) FUNDING SOURCE.—For each of fiscal years
4 2008 through 2013, the Secretary shall use the funds, fa-
5 cilities, and authorities of the Commodity Credit Corpora-
6 tion to carry out the healthy forests reserve program, in-
7 cluding the provision of technical assistance under the pro-
8 gram.

9 “(b) SECTION 11 CAP.—The use of Commodity Cred-
10 it Corporation funds under subsection (a) to provide tech-
11 nical assistance under the healthy forests reserve program
12 shall not be considered an allotment or fund transfer from
13 the Commodity Credit Corporation for purposes of the
14 limitation on expenditures for technical assistance imposed
15 by section 11 of the Commodity Credit Corporation Char-
16 ter Act (15 U.S.C. 714i).”.

17 **SEC. 114. INTEGRATED PEST MANAGEMENT INITIATIVE.**

18 (a) INITIATIVE REQUIRED.—The Secretary of Agri-
19 culture shall implement an integrated pest management
20 initiative in priority areas identified by the Secretary pur-
21 suant to subsection (b) for the purpose of assisting agri-
22 cultural producers operating in a priority area to comply
23 with pest management regulations and alleviate the need
24 for additional regulations regarding pest management ac-
25 tivities.

26 (b) IDENTIFICATION OF PRIORITY AREAS.—

1 (1) IDENTIFICATION.—The Secretary of Agri-
2 culture shall identify priority areas where the adop-
3 tion by agricultural producers of integrated pest
4 management practices and approaches offers the
5 greatest potential benefit to producers seeking to
6 comply with pest management regulations and allevi-
7 ate the need for additional regulations regarding
8 pest management activities. At a minimum, priority
9 areas shall include agricultural lands dominated by
10 the production of specialty crops and agricultural
11 lands where agricultural pest management activities
12 are regulated for the purpose of mitigating specific
13 impacts to human health or the environment, such
14 as an area in which pollutants exceed authorized
15 total maximum daily load or an air quality non-at-
16 tainment area.

17 (2) CONSULTATION.—The Secretary shall iden-
18 tify priority areas in consultation with the Environ-
19 mental Protection Agency, the United States Geo-
20 logical Service, the United States Fish and Wildlife
21 Service, agricultural producers, appropriated State
22 agencies, and other interested persons.

23 (c) ACTIVITIES IN PRIORITY AREAS.—

24 (1) EXPEDITED APPROVAL OF MANAGEMENT
25 PRACTICES.—The Secretary of Agriculture shall de-

1 develop the best-available integrated pest management
2 practices for the primary agricultural commodities
3 and significant pests in each priority area identified
4 under subsection (b) and expedite approval of these
5 practices for implementation by agricultural pro-
6 ducers.

7 (2) IMPROVED EVALUATION OF MANAGEMENT
8 PLANS.—The Secretary shall develop and make
9 available criteria to enable staff of the Natural Re-
10 sources Conservation Service and agricultural pro-
11 ducers operating in priority areas identified under
12 subsection (b) to effectively compare pest manage-
13 ment plans, considering relative risks and potential
14 benefits to multiple resources of concern, including
15 air, surface water, ground water, bees and other pol-
16 linators, wildlife, and worker safety.

17 (3) TECHNICAL ASSISTANCE.—The Secretary
18 may enter in cooperative agreements, memorandums
19 of understanding, and contracts for services with
20 technical service providers, other agencies, and non-
21 Federal organizations, as necessary, to assist in pro-
22 viding technical assistance regarding integrated pest
23 management planning and implementation to pro-
24 ducers operating in priority areas identified under
25 subsection (b).

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

5 (5) PROGRAM INTEGRATION.—The Secretary
6 shall set goals for integrating the integrated pest
7 management initiative with the environmental qual-
8 ity incentives program established under chapter 4
9 of subtitle D of title XII of the Food Security Act
10 of 1985 (16 U.S.C. 3839aa et seq.) and other con-
11 servation programs in each priority area identified
12 under subsection (b), including indicators of the ex-
13 tent to which these programs fund integrated pest
14 management practices and the extent to which sup-
15 ported integrated pest management practices reduce
16 pesticide use and risk.

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

22 (e) FUNDING.—The Secretary of Agriculture may use
23 funds provided for the conservation security program and
24 environmental quality incentives program under subtitle D
25 of title XII of the Food Security Act of 1985 (16 U.S.C.

1 3830 et seq.) to implement the integrated pest manage-
 2 ment initiative.

3 **SEC. 115. CONSERVATION ACCESS INITIATIVE TO ENCOUR-**
 4 **AGE GREATER PARTICIPATION BY SOCIALLY**
 5 **DISADVANTAGED FARMERS AND RANCHERS**
 6 **IN CONSERVATION PROGRAMS.**

7 (a) DEFINITIONS.—In this section:

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

14 (2) SOCIALLY DISADVANTAGED FARMER OR
 15 RANCHER.—The term “socially disadvantaged farm-
 16 er or rancher” means a farmer or rancher who is a
 17 member of a socially disadvantaged group.

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

20 (A) Any community-based organization,
 21 network, or coalition of community-based orga-
 22 nizations that—

23 (i) has demonstrated experience in
 24 providing agricultural education or other

1 agriculturally related services to socially
2 disadvantaged farmers or ranchers;

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

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

13 (B) An Indian tribe (as defined in section
14 4 of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 450b)) or a
16 national tribal organization that has dem-
17 onstrated experience in providing agriculture
18 education or other agriculturally related serv-
19 ices to socially disadvantaged farmers or ranch-
20 ers in a region.

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

1 (D) An Indian tribal community college or
2 an Alaska Native cooperative college.

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

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

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

21 (c) SPECIAL RULE FOR COST-SHARE PAYMENTS.—
22 Notwithstanding the actual cost sharing requirements im-
23 posed by a program authorized or amended by this title,
24 the Secretary of Agriculture may pay up to 100 percent

1 of the costs incurred by a socially disadvantaged farmer
2 or rancher to participate in the program.

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

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

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

19 (g) FUNDING.—The Secretary of Agriculture may re-
20 serve up to 10 percent of the funds provided for a fiscal
21 year for financial assistance under the conservation pro-
22 grams under subtitle D of title XII of the Food Security
23 Act of 1985 (16 U.S.C. 3830 et seq.) to carry out this
24 section.

1 **SEC. 116. CONSERVATION LOAN GUARANTEE PROGRAM.**

2 Subtitle A of the Consolidated Farm and Rural De-
3 velopment Act (7 U.S.C. 1921–1936a) is amended by in-
4 serting after section 304 the following:

5 **“SEC. 304A. CONSERVATION LOAN GUARANTEE PROGRAM.**

6 “(a) IN GENERAL.—The Secretary may provide a
7 loan guarantee, an interest subsidy, or both, to enable an
8 eligible borrower to obtain a qualified conservation loan.

9 “(b) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE BORROWER.—The term ‘eligible
11 borrower’ means a farmer, rancher, farm coopera-
12 tive, private domestic corporation, partnership, joint
13 operation, trust, or limited liability company, that is
14 engaged primarily and directly in agricultural pro-
15 duction in the United States.

16 “(2) QUALIFIED CONSERVATION LOAN.—The
17 term ‘qualified conservation loan’ means a loan that
18 meets the following requirements:

19 “(A) PURPOSE.—The loan proceeds are re-
20 quired to be used to cover the costs to the bor-
21 rower of carrying out a qualified conservation
22 project.

23 “(B) PRINCIPAL AMOUNT.—The principal
24 amount of the loan is not more than
25 \$1,000,000.

1 “(C) REPAYMENT PERIOD.—The loan re-
2 payment period shall not exceed 10 years.

3 “(D) NO REPAYMENT REQUIRED IN FIRST
4 YEAR.—The lender is prohibited from requiring
5 any part of the loan to be repaid in the 1-year
6 period that begins with the date of the closing
7 of the loan.

8 “(E) NO LOAN FORGIVENESS.—The lender
9 is prohibited from forgiving any part of the
10 loan.

11 “(F) LIMITED PROCESSING FEE.—The
12 total of all processing fees charged with respect
13 to the loan does not exceed such amount as
14 shall be prescribed by the Secretary.

15 “(3) QUALIFIED CONSERVATION PROJECT.—
16 The term ‘eligible conservation project’ means, with
17 respect to an eligible borrower, conservation meas-
18 ures included in a conservation plan for a farming
19 or ranching operation of the borrower, including—

20 “(A) the installation of conservation struc-
21 tures, including terraces, sod waterways, per-
22 manently vegetated stream borders and filter
23 strips, windbreaks (tree or grass), shelter belts,
24 and living snow fences, if all plantings consist
25 of vegetation appropriate to the locale;

1 “(B) the establishment of forest cover for
2 sustained yield timber management, erosion
3 control, or shelter belt purposes, if the forest
4 cover is appropriate to the locale;

5 “(C) the installation of water conservation
6 measures;

7 “(D) the installation of waste management
8 systems;

9 “(E) the establishment or improvement of
10 permanent pasture;

11 “(F) the payment of costs of complying
12 with section 1212 of the Food Security Act of
13 1985;

14 “(G) other purposes consistent with the
15 conservation plan;

16 “(H) any conservation project or practice,
17 as described by technical guides and handbooks
18 issued by the Natural Resources Conservation
19 Service; or

20 “(I) emerging conservation practices, tech-
21 niques, or technologies, as approved by the Sec-
22 retary.

23 “(c) LIMITATIONS APPLICABLE TO LOAN GUARAN-
24 TEES.—

1 “(1) LIMITATION ON AMOUNT OF GUAR-
 2 ANTEE.—The portion of a loan that the Secretary
 3 may guarantee under this section shall be not less
 4 than 80 percent and not more than 90 percent of
 5 the principal amount of the loan.

6 “(2) LIMITATION ON TOTAL AMOUNT OUT-
 7 STANDING.—The aggregate principal amount of out-
 8 standing loans guaranteed by the Secretary under
 9 this section shall not exceed \$1,000,000,000.

10 “(d) LIMITATION ON AMOUNT OF INTEREST SUB-
 11 SIDY.—The interest subsidy which the Secretary may pro-
 12 vide under this section with respect to a loan shall result
 13 in a reduction of the interest rate agreed upon by the bor-
 14 rower and the lender (but to not less than zero) by—

15 “(1) 500 basis points, if the principal amount
 16 of the loan is less than \$100,000;

17 “(2) 400 basis points, if the principal amount
 18 of the loan is not less than \$100,000 and is less
 19 than \$500,000; and

20 “(3) 300 basis points, in any other case.

21 “(e) ADMINISTRATIVE PROVISIONS.—

22 “(1) AUTHORITY TO COLLECT PROCESSING
 23 FEE.—The Secretary may assess a fee to cover the
 24 cost of processing an application under this section
 25 equal to not more than 1 percent of the principal

1 amount of the loan sought by the applicant, as de-
 2 scribed in the application.

3 “(2) PROVISION OF FINANCIAL INFORMA-
 4 TION.—An applicant for a loan guarantee or interest
 5 subsidy under this section shall provide the Sec-
 6 retary with such financial information as may be re-
 7 quired by the Secretary, in the manner generally re-
 8 quired by commercial agricultural lenders in the geo-
 9 graphical area where the farming or ranching oper-
 10 ation of the applicant is located.

11 “(3) APPRAISAL.—The Secretary may require
 12 that an appraisal made in connection with an appli-
 13 cation for a loan guarantee or interest subsidy under
 14 this section be conducted by a specialized appraiser
 15 that uses standards similar to the standards used
 16 for similar purposes in the private sector, as deter-
 17 mined by the Secretary.

18 “(4) APPROVAL OF APPLICATION.—The Sec-
 19 retary shall not approve an application submitted
 20 pursuant to this section, unless the Natural Re-
 21 sources Conservation Service has determined that—

22 “(A) the loan sought by the applicant, as
 23 described in the application, would be a quali-
 24 fied conservation loan; and

1 “(B) the project for which the loan is
2 sought is likely to result in a net benefit to the
3 environment.

4 “(5) DEADLINE FOR DECISION ON APPLICA-
5 TION.—Within 45 business days after the receipt of
6 an application for assistance under this section, the
7 Secretary shall transmit to the applicant the decision
8 of the Secretary to approve or disapprove the appli-
9 cation, to the extent practicable.

10 “(6) EQUITABLE DISTRIBUTION OF LOAN
11 GUARANTEES AND INTEREST SUBSIDIES.—The Sec-
12 retary shall ensure that loan guarantees and interest
13 subsidies under this section are equitably distributed
14 among agricultural producers according to the scale
15 of the operations of the producers.

16 “(f) RELATIONSHIP WITH OTHER CONSERVATION
17 PROGRAMS.—Neither the application for, nor the receipt
18 of, a loan guarantee or an interest subsidy under this sec-
19 tion shall affect the eligibility of the recipient for assist-
20 ance under title XII of the Food Security Act of 1985
21 or the Watershed Protection and Flood Prevention Act.

22 “(g) APPROPRIATIONS.—For each of fiscal years
23 2008 through 2013, the Secretary shall use such funds
24 of the Commodity Credit Corporation as are necessary to
25 carry out this section.”.

1 **SEC. 117. PILOT PROGRAM FOR COMPREHENSIVE CON-**
2 **SERVATION PLANNING.**

3 (a) PILOT PROGRAM REQUIRED.—The Secretary of
4 Agriculture shall establish a pilot program to evaluate the
5 feasibility of assisting producers, before they apply for as-
6 sistance under any conservation program under subtitle
7 D of title XII of the Food Security Act of 1985 (16 U.S.C.
8 3830 et seq.), by making a comprehensive assessment of
9 the resource concerns, needs, and alternative solutions for
10 the producer's entire operation, as determined by the Sec-
11 retary, following the procedures in the conservation plan-
12 ning manual of the Natural Resources Conservation Serv-
13 ice.

14 (b) LOCATIONS.—The pilot program shall be under-
15 taken in the following locations:

16 (1) The Chesapeake Bay watershed.

17 (2) The Great Lakes Basin.

18 (3) The Connecticut River watershed.

19 (4) The Highlands Region, as defined in section
20 3 of the Highlands Conservation Act (Public Law
21 108–421; 118 Stat. 2375).

22 (5) The Upper Mississippi River Basin.

23 (c) PROVISION OF ASSISTANCE.—The assistance to
24 producers shall be provided by the Secretary directly or
25 through third-party providers certified by the Secretary,
26 and shall be provided without charge to the producer. The

1 results of the comprehensive conservation planning shall
 2 be provided to the producer to enable informed choices on
 3 the type of financial assistance available through conserva-
 4 tion programs administered by the Secretary that would
 5 most effectively address the resource needs of the farmer's
 6 operation consistent with the environmental goals for the
 7 area in which the operation is located.

8 (d) FUNDING.—The Secretary shall use funds of the
 9 Commodity Credit Corporation to carry out the pilot pro-
 10 gram in the amount of \$40,000,000 for each of fiscal
 11 years 2008 through 2013. The funds shall be equally di-
 12 vided, to the maximum extent practicable, between each
 13 of the four pilot program locations.

14 (e) ASSESSMENT AND REPORT.—The Secretary shall
 15 conduct an assessment of the effectiveness of the pilot pro-
 16 gram and publish a report, to be available to the public,
 17 of the results of the assessment. An assessment and report
 18 shall be undertaken in the second year and the fifth year
 19 of the pilot program.

20 **SEC. 118. TECHNICAL ASSISTANCE UNDER DEPARTMENT**
 21 **OF AGRICULTURE CONSERVATION PRO-**
 22 **GRAMS.**

23 (a) USE OF THIRD-PARTY PROVIDERS.—Section
 24 1242 of the Food Security Act of 1985 (16 U.S.C. 3842)
 25 is amended—

1 (1) in subsection (a), by striking paragraph (2)
 2 and inserting the following new paragraph:

3 “(2) at the option of the producer, through an
 4 approved third party, if available.”; and

5 (2) in subsection (b)—

6 (A) by striking paragraph (1) and insert-
 7 ing the following new paragraph:

8 “(1) SYSTEM FOR EVALUATION OF PRO-
 9 VIDERS.—The Secretary shall establish, by regula-
 10 tion, a system for approving individuals and entities
 11 to provide technical assistance to carry out programs
 12 under this chapter, including criteria for the evalua-
 13 tion of providers or potential providers of technical
 14 assistance.”;

15 (B) by striking paragraph (3) and insert-
 16 ing the following new paragraph:

17 “(3) COMPETITIVE BIDDING.—The Secretary
 18 may accept bids from approved third parties to pro-
 19 vide technical assistance to producers eligible for
 20 that assistance.”; and

21 (C) in paragraph (4), by striking “may re-
 22 quest” and inserting “shall request, to the max-
 23 imum extent practicable,”.

1 (b) COOPERATIVE CONSERVATION EDUCATIONAL AS-
 2 SISTANCE PROGRAM.—Such section is further amended by
 3 adding at the end the following new subsection:

4 “(c) COOPERATIVE CONSERVATION EDUCATIONAL
 5 ASSISTANCE PROGRAM.—The Secretary shall establish a
 6 cooperative conservation educational assistance program
 7 through which a student at an institution of higher edu-
 8 cation, in a field of study such as agronomy, conservation
 9 biology, engineering, and other subject relevant to the pro-
 10 vision of technical assistance under this section, may re-
 11 ceive educational assistance in exchange for a commitment
 12 of service to the Natural Resources Conservation Service
 13 or other agency within the Department of Agriculture in-
 14 volved in providing such assistance. Establishment of the
 15 program shall be carried out by rulemaking, and the final
 16 rule shall be issued not later than 180 days after the date
 17 of the enactment of this subsection.”.

18 **TITLE II—ENERGY**

19 **SEC. 201. DEFINITION OF BIOMASS.**

20 Section 9001(3)(B)(i) of the Farm Security and
 21 Rural Investment Act of 2002 (7 U.S.C. 8101(3)(B)(i))
 22 is amended by inserting “and crop waste” after “agricul-
 23 tural crops”.

1 **SEC. 202. SUPPORT FOR DEVELOPMENT OF BIOREFIN-**
 2 **ERIES.**

3 (a) ASSISTANCE METHODS.—Subsection (c) of sec-
 4 tion 9003 of the Farm Security and Rural Investment Act
 5 of 2002 (7 U.S.C. 8103) to read as follows:

6 “(c) ASSISTANCE.—The Secretary shall award grants
 7 and make loans and loan guarantees to eligible entities
 8 to assist in covering the cost of development and construc-
 9 tion of biorefineries or for the construction or deployment
 10 of methane digesters used to capture the methane gas
 11 from livestock manure for use as a fuel source for biofuel
 12 production to carry out projects to demonstrate the com-
 13 mercial viability of 1 or more processes for converting bio-
 14 mass to fuels or chemicals.”.

15 (b) ENVIRONMENTAL GOALS.—Subsection (e)(2) of
 16 such section is amended—

17 (1) by striking “and” at the end of clause (i);

18 (2) by redesignating clause (ii) as clause (iii);

19 and

20 (3) by inserting after clause (i) the following
 21 new clause:

22 “(ii) shall select projects based upon
 23 the extent to which the projects meet envi-
 24 ronmental goals for feed stocks and refin-
 25 eries, including goals related to reductions
 26 in greenhouse gas emissions and improve-

1 ment in water quality and wildlife habitat,
 2 developed by the Secretary in consultation
 3 with the Secretary of the Interior, the Sec-
 4 retary of Energy, and the National Acad-
 5 emy of Sciences; and”.

6 (c) COST SHARING.—Subsection (f) of such section
 7 is amended to read as follows:

8 “(f) COST SHARING AND INTEREST RATES.—

9 “(1) IN GENERAL.—The combined amount of a
 10 grant and loan made or guaranteed under this sec-
 11 tion shall not exceed 50 percent of the cost of the
 12 project.

13 “(2) FORM OF RECIPIENT SHARE.—The recipi-
 14 ent share of the cost of a project may be made in
 15 the form of cash or the provision of services, mate-
 16 rial, or other in-kind contributions. The amount of
 17 the recipient share made in the form of the provision
 18 of services, material, or other in-kind contributions
 19 shall not exceed 25 percent of the amount of the
 20 share determined under paragraph (1).

21 “(3) INTEREST RATE.—A loan made under sub-
 22 section (c) shall bear interest at the rate equivalent
 23 to the rate of interest charged on Treasury securities
 24 of comparable maturity on the date the loan is ap-

1 proved. The interest rate shall remain in effect for
2 the term of the loan.”.

3 (d) ENERGY RESERVE PROGRAM.—Such section is
4 further amended—

5 (1) by redesignating subsections (g) and (h) as
6 subsections (h) and (i), respectively; and

7 (2) by inserting after subsection (f) the fol-
8 lowing new subsection:

9 “(g) ENERGY RESERVE PROGRAM.—

10 “(1) PROGRAM REQUIRED.—Until December
11 31, 2013, the Secretary shall carry out an energy re-
12 serve program under which not more than 100,000
13 acres of land may be enrolled through the use of
14 five-year contracts to assist owners and operators
15 with the production of feed stocks for the projects
16 carried out pursuant to this section.

17 “(2) ELIGIBLE LANDS.—The Secretary may in-
18 clude any land, regardless of a cropping history, so
19 long as the feed stock is produced and harvested
20 consistent with the needs of the environment, as pro-
21 vided in paragraph (3).

22 “(3) DUTIES OF OWNERS AND OPERATORS.—
23 Under a contract entered into under this subsection,
24 an owner or operator of land shall implement a feed
25 stock conservation plan to ensure that lands enrolled

1 are managed consistent with the needs of the envi-
 2 ronment, including the needs of wildlife. Paragraphs
 3 (5) and (6) of section 1232(a) of the Food Security
 4 Act of 1985 (16 U.S.C. 3832(a)) shall apply to the
 5 contracts

6 “(4) PAYMENTS.—The Secretary shall provide
 7 annual rental payments to owners and operators of
 8 lands of amounts not greater than \$25,000 for any
 9 fiscal year, and shall establish the amounts of pay-
 10 ments through—

11 “(A) the submission of bids for such con-
 12 tracts by owners and operators in such manner
 13 as the Secretary may prescribe; or

14 “(B) such other means as the Secretary
 15 determines are appropriate.”.

16 (e) FUNDING.—Subsection (i) of such section, as
 17 amended by subsection (d)(1), is amended to read as fol-
 18 lows:

19 “(i) FUNDING.—Of the funds of the Commodity
 20 Credit Corporation, the Secretary shall make available to
 21 carry out this section \$100,000,000 for each of fiscal
 22 years 2008 through 2013.”.

23 (f) CONFORMING AMENDMENTS.—Such section is
 24 further amended—

1 (1) in the section heading, by striking
2 “**GRANTS**”;

3 (2) in subsection (c), by striking “a grant” and
4 inserting “assistance”; and

5 (3) in subsection (e), by striking “grants” both
6 places it appears and inserting “assistance”.

7 **SEC. 203. REAUTHORIZATION OF ENERGY AUDIT AND RE-**
8 **NEWABLE ENERGY DEVELOPMENT PRO-**
9 **GRAM.**

10 Section 9005(i) of the Farm Security and Rural In-
11 vestment Act of 2002 (7 U.S.C. 8105(f)) is amended by
12 striking “fiscal years 2002 through 2007” and inserting
13 “fiscal years 2008 through 2013”.

14 **SEC. 204. REAUTHORIZATION OF AND INCREASED FUNDING**
15 **FOR RENEWABLE ENERGY SYSTEMS AND EN-**
16 **ERGY EFFICIENCY IMPROVEMENTS PRO-**
17 **GRAM.**

18 (a) **PRIORITIES.**—Section 9006 of the Farm Security
19 and Rural Investment Act of 2002 (7 U.S.C. 8106) is
20 amended—

21 (1) by redesignating subsection (c) through (f)
22 as subsection (d) through (g), respectively; and

23 (2) by inserting after subsection (b) the fol-
24 lowing new subsection:

1 “(c) PRIORITY.—The Secretary shall establish a sys-
 2 tem to rank applications for loans, loan guarantees, and
 3 grants under this section that considers the extent to
 4 which the proposed project—

5 “(1) will produce environmental benefits, in-
 6 cluding reductions in greenhouse gas emissions,
 7 other improvements in air quality, and improve-
 8 ments in water quality; and

9 “(2) fosters community or cooperative ap-
 10 proaches to renewable energy development.”.

11 (b) FUNDING.—Subsection (f) of section 9006 of the
 12 Farm Security and Rural Investment Act of 2002 (7
 13 U.S.C. 8106) is amended to read as follows:

14 “(f) FUNDING.—

15 “(1) AVAILABILITY OF FUNDS.—Of the funds
 16 of the Commodity Credit Corporation, the Secretary
 17 shall make available to carry out this section the fol-
 18 lowing amounts:

19 “(A) \$60,000,000 for fiscal year 2008.

20 “(B) \$90,000,000 for fiscal year 2009.

21 “(C) \$130,000,000 for fiscal year 2010.

22 “(D) \$180,000,000 for fiscal year 2011.

23 “(E) \$250,000,000 for fiscal year 2012.

1 “(2) DURATION.—Funds made available under
2 paragraph (1) shall remain available until ex-
3 pended.”.

4 **SEC. 205. REAUTHORIZATION OF DEPARTMENT OF AGRI-**
5 **CULTURE BIOENERGY PROGRAM.**

6 Subsection (c) of section 9010 of the Farm Security
7 and Rural Investment Act of 2002 (7 U.S.C. 8108) is
8 amended:

9 “(c) FUNDING.—Of the funds of the Commodity
10 Credit Corporation, the Secretary shall use to carry out
11 this section not more than \$150,000,000 for each of fiscal
12 years 2008 through 2013.”.

13 **SEC. 206. REAUTHORIZATION OF AND INCREASED FUNDING**
14 **FOR BIOMASS RESEARCH AND DEVELOP-**
15 **MENT.**

16 Section 310 of the Biomass Research and Develop-
17 ment Act of 2000 (7 U.S.C. 7624 note; Public Law 106–
18 224) is amended to read as follows:

19 **“SEC. 310. FUNDING.**

20 “(a) FUNDING.—Of funds of the Commodity Credit
21 Corporation, the Secretary shall make available to carry
22 out this title—

23 “(1) \$15,000,000 for fiscal year 2008; and

24 “(2) \$25,000,000 for each of fiscal years 2009
25 through 2013.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—In ad-
 2 dition to amounts transferred under subsection (a), there
 3 are authorized to be appropriated to carry out this title
 4 \$200,000,000 for each of fiscal years 2006 through 2015.

5 “(c) AVAILABILITY OF FUNDS.—Amounts made
 6 available under subsection (a) or appropriated pursuant
 7 to the authorization of appropriations in subsection (b)
 8 shall remain available until expended.”.

9 **SEC. 207. REAUTHORIZATION OF CARBON CYCLE RE-**
 10 **SEARCH.**

11 (a) RESEARCH CONDUCTED THROUGH CONSORTIUM
 12 FOR AGRICULTURAL SOILS MITIGATION OF GREENHOUSE
 13 GASES.—

14 (1) PARTICIPANTS IN CONSORTIUM.—Sub-
 15 section (b) of section 221 of the Agricultural Risk
 16 Protection Act of 2000 (7 U.S.C. 6711) is amended
 17 by striking “are” in the matter preceding paragraph
 18 (1) and inserting “include”.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
 20 Subsection (g) of such section is amended by strik-
 21 ing “fiscal years 2002 through 2007” and inserting
 22 “fiscal years 2007 through 2012”.

23 (b) COOPERATIVE RESEARCH PROJECTS.—Sub-
 24 section (d)(4) of such section is amended by striking “fis-

1 cal years 2002 through 2007” and inserting “fiscal years
2 2008 through 2013”.

3 (c) EXTENSION PROJECTS.—Subsection (e)(3) of
4 such section is amended by striking “fiscal years 2002
5 through 2007” and inserting “fiscal years 2008 through
6 2013”.

7 **TITLE III—HEALTHY FOOD** 8 **CHOICES**

9 **SEC. 301. REAUTHORIZATION OF AND INCREASED FUNDING** 10 **FOR COMMUNITY FOOD PROJECT COMPETI-** 11 **TIVE GRANTS.**

12 (a) AUTHORITY TO PROVIDE ASSISTANCE.—Section
13 25(b) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b))
14 is amended—

15 (1) in paragraph (1) by striking “From
16 amounts made available to carry out this Act, the
17 Secretary may” and inserting “The Secretary shall”;
18 and

19 (2) by striking paragraph (2) and inserting the
20 following:

21 “(2) FUNDING AMOUNTS.—From amounts
22 made available to carry out this Act, the Secretary
23 shall use \$60,500,000 for each of fiscal years 2008
24 through 2013 to make grants under this section.”.

1 (b) PREFERENCE FOR CERTAIN PROJECTS.—Section
 2 25(d) of the Food Stamp Act of 1977 (7 U.S.C. 2034(d))
 3 is amended—

4 (1) in paragraph (3) by striking “or” at the
 5 end;

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

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

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

10 “(A) transportation and processing for ex-
 11 panding institutional and emergency food serv-
 12 ice demand for local food;

13 “(B) retail access to healthy foods in un-
 14 derserved markets;

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

17 “(D) technical assistance for youth, so-
 18 cially disadvantaged individuals, and limited re-
 19 source groups.”.

20 (c) MATCHING FUNDS REQUIREMENTS.—Section
 21 25(e)(1) of the Food Stamp Act of 1977 (7 U.S.C.
 22 2034(e)(1)) is amended by striking “50” and inserting
 23 “75”.

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

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

6 (1) by striking “fiscal years 2003 through
 7 2007” and inserting “fiscal years 2008 through
 8 2013”; and

9 (2) by striking “\$200,000” and inserting
 10 “\$500,000”.

11 **SEC. 302. EXPANSION OF FRESH FRUIT AND VEGETABLE**
 12 **PROGRAM.**

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

16 (1) in paragraph (1)—

17 (A) in the matter preceding subparagraph

18 (A), by striking “July 2004” and inserting
 19 “July 2007”; and

20 (B) by striking subparagraphs (A) and (B)
 21 and inserting the following:

22 “(A) 100 elementary or secondary schools
 23 in 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 “2011”; and

9 (4) in paragraph (6)(B)(i)—

10 (A) by striking “October 1, 2004,” and in-
11 serting “October 1, 2007,”; and

12 (B) by striking “\$9,000,000” and insert-
13 ing “\$300,000,000”.

14 **SEC. 303. AUTHORIZATION LEVEL FOR FARM-TO-CAFE-**
15 **TERIA ACTIVITIES.**

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

22 **SEC. 304. EXTENSION OF WIC FARMERS’ MARKET NUTRI-**
23 **TION PROGRAM.**

24 Section 17(m)(9)(A) of the Child Nutrition Act of
25 1966 (42 U.S.C. 1786(m)(9)(A)) is amended—

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

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

5 “(ii) MANDATORY FUNDING.—Of the
 6 funds of the Commodity Credit Corpora-
 7 tion, the Secretary shall make available to
 8 carry out this subsection \$20,000,000 for
 9 fiscal year 2008, \$30,000,000 for fiscal
 10 year 2009, \$45,000,000 for fiscal year
 11 2010, \$60,000,000 for fiscal year 2011,
 12 and not less than \$75,000,000 for fiscal
 13 year 2012 and each fiscal year thereafter.
 14 Such funds shall remain available until ex-
 15 pended.”.

16 **SEC. 305. SENIOR FARMERS’ MARKET NUTRITION PRO-**
 17 **GRAM.**

18 Section 4402 of the Farm Security and Rural Invest-
 19 ment Act of 2002 (7 U.S.C. 3007) is amended—

20 (1) in subsection (a) by striking “\$5,000,000”
 21 and all that follows through “2007”, and inserting
 22 “\$20,000,000 for fiscal year 2008, \$30,000,000 for
 23 fiscal year 2009, \$45,000,000 for fiscal year 2010,
 24 \$60,000,000 for fiscal year 2011, and not less than

1 \$75,000,000 for fiscal year 2012 and each fiscal
2 year thereafter”;

3 (2) in subsection (b)—

4 (A) in paragraph (2) by striking “and” at
5 the end,

6 (B) in paragraph (3) by striking the period
7 at the end and inserting “; and”, and

8 (C) by adding at the end the following:

9 “(4) to promote the transition to organic and
10 other environmentally beneficial food production sys-
11 tems.”; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(d) ELIGIBLE PARTICIPANTS; BENEFIT LEVELS.—

15 The regulations required by subsection (c)—

16 “(1) shall allow for participation by farmers’
17 markets, and roadside stands, community supported
18 agriculture programs; and

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

22 **SEC. 306. FARMERS’ MARKET PROMOTION PROGRAM.**

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

1 “(d) CRITERIA AND GUIDELINES.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish criteria and guidelines for the submission, eval-
4 uation, and funding of proposed projects under the
5 Program.

6 “(2) PRIORITY.—The Secretary shall prioritize
7 for funding projects that will support, encourage, or
8 promote the transition to organic and other environ-
9 mentally beneficial forms of agricultural production.

10 “(e) FUNDING.—The Secretary shall use
11 \$25,000,000 of funds of the Commodity Credit Corpora-
12 tion to carry out this section in each of the fiscal years
13 2008 through 2013, of which \$5,000,000 shall be used
14 to support the use of electronic benefit transfers at farm-
15 ers’ markets.”.

16 **SEC. 307. DEPARTMENT OF DEFENSE AND DEPARTMENT OF**
17 **AGRICULTURE PROCUREMENT OF LOCALLY**
18 **PRODUCED AGRICULTURAL PRODUCTS.**

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

20 (1) Locally procured agricultural products, as
21 compared to products transported from distant
22 sources—

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

1 (B) can have improved ripeness, taste, or
 2 selection, which can increase rates of consump-
 3 tion of agricultural products; and

4 (C) are more efficient to store, distribute,
 5 and package.

6 (2) Use of local produce—

7 (A) reduces dependence upon foreign oil by
 8 reducing fuel consumption rates associated with
 9 the production or transportation of agricultural
 10 products;

11 (B) can help to improve the ability of those
 12 using the procurement system to provide edu-
 13 cation on nutrition, farming, sustainability, en-
 14 ergy efficiency, and the importance of local pur-
 15 chases to the local economy;

16 (C) helps to maintain a robust logistics
 17 network for agricultural product procurement;
 18 and

19 (D) promotes farm, business, and economic
 20 development by accessing local markets.

21 (3) Section 9(j) of the Richard B. Russell Na-
 22 tional School Lunch Act (42 U.S.C. 1758(j)) directs
 23 the Secretary of Agriculture to encourage institu-
 24 tions participating in the school lunch program es-
 25 tablished under that Act and the school breakfast

1 program established by section 4 of the Child Nutri-
 2 tion Act of 1966 (42 U.S.C. 1773) to purchase, in
 3 addition to other food purchases, locally produced
 4 foods, to the maximum extent practicable and appro-
 5 priate.

6 (b) DEPARTMENT OF DEFENSE GEOGRAPHIC PRO-
 7 CUREMENT PREFERENCE.—Notwithstanding any other
 8 provision of law, the Department of Defense may use a
 9 geographic preference to purchase locally produced agri-
 10 cultural products for—

- 11 (1) the Defense Supply Center Philadelphia;
- 12 (2) the Department of Defense Farm to School
- 13 Program;
- 14 (3) the Department of Defense Fresh Fruit and
- 15 Vegetable Program;
- 16 (4) the service academies;
- 17 (5) Department of Defense domestic dependant
- 18 schools;
- 19 (6) other Department of Defense schools under
- 20 chapter 108 of title 10, United States Code;
- 21 (7) commissary and exchange stores; and
- 22 (8) morale, welfare, and recreation facilities op-
- 23 erated by the Department of Defense

24 (c) DEPARTMENT OF AGRICULTURE AND RELATED
 25 ENTITIES GEOGRAPHIC PROCUREMENT PREFERENCE.—

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

5 (1) the school breakfast program established by
 6 section 4 of the Child Nutrition Act of 1966 (42
 7 U.S.C. 1773);

8 (2) the school lunch program established under
 9 the Richard B. Russell National School Lunch Act
 10 (42 U.S.C. 1751 et seq.);

11 (3) the summer food service program for chil-
 12 dren established under section 13 of the Richard B.
 13 Russell National School Lunch Act (42 U.S.C.
 14 1761); and

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

18 (d) ADDITION OF GEOGRAPHIC PREFERENCE.—In
 19 the case of the purchase of agricultural products for a pro-
 20 gram or entity described in subsection (b) or (c), the local
 21 food service director or other entity making the purchase
 22 may include the geographic preference provided by such
 23 subsections in bid specifications and may select a bid in-
 24 volving locally produced agricultural products, even if that
 25 bid is not the lowest bid.

1 (e) REPORTING.—A school, local educational agency,
 2 or other entity participating in one or more of the pro-
 3 grams described in subsection (c) shall report to the Sec-
 4 retary of Agriculture if the school, local educational agen-
 5 cy, or other entity pays more than 10 percent more than
 6 the lowest bid to purchase locally produced agricultural
 7 products in accordance with this section.

8 (f) REVIEW.—The Secretary of Defense and the Sec-
 9 retary of Agriculture shall periodically review the use of
 10 the geographic preference provided by this section to pre-
 11 vent fraud or abuse.

12 **SEC. 308. FRUIT AND VEGETABLE NUTRITION PROMOTION**
 13 **PROGRAM.**

14 (a) IN GENERAL.—The Secretary of Agriculture, act-
 15 ing through the Administrator of the Agricultural Mar-
 16 keting Service, shall establish and carry out a program
 17 to provide assistance to eligible trade organizations de-
 18 scribed in subsection (c) to increase the consumption of
 19 fruits and vegetables in the United States to meet Federal
 20 health guidelines.

21 (b) REQUIREMENTS FOR PARTICIPATION.—To be eli-
 22 gible for assistance under this section, an organization
 23 shall—

24 (1) be an eligible trade organization;

1 (2) prepare and submit a plan to increase the
2 consumption of fruits and vegetables in the United
3 States to the Administrator of the Agricultural Mar-
4 keting Service that meets any guidelines governing
5 such plans established by the Administrator; and

6 (3) meet any other requirements established by
7 the Administrator.

8 (c) ELIGIBLE TRADE ORGANIZATIONS.—An eligible
9 trade organization under this section shall be—

10 (1) a nonprofit fruit and vegetable trade organi-
11 zations in the United States;

12 (2) a nonprofit State or regional fruit and vege-
13 table organization;

14 (3) a fruit and vegetable agricultural coopera-
15 tive in the United States;

16 (4) a commodity board or commission in the
17 United States; or

18 (5) a small business engaged in the fruit and
19 vegetable industry in the United States.

20 (d) MATCHING FUNDS.—Assistance provided under
21 this section shall not exceed—

22 (1) in the case of an organization described in
23 paragraphs (1) through (4) of subsection (c), 90
24 percent of the cost of the plan to increase the con-

1 sumption of fruits and vegetables in the United
 2 States submitted under subsection (b)(2); and
 3 (2) in the case of an organization described in
 4 subsection (c)(5), 50 percent of the cost of the plan
 5 to increase the consumption of fruits and vegetables
 6 in the United States submitted under subsection
 7 (b)(2).

8 (e) FUNDING.—Of the funds available to the Com-
 9 modity Credit Corporation, the Administrator of the Agri-
 10 cultural Marketing Service shall use \$100,000,000 in each
 11 of fiscal years 2008 through 2011 to carry out this sec-
 12 tion.

13 **SEC. 309. USE OF “DIETARY GUIDELINES FOR AMERICANS”**
 14 **IN SPECIAL NUTRITION PROGRAMS AND**
 15 **SCHOOL LUNCH PROGRAMS.**

16 Section 9(a) of the Richard B. Russell National
 17 School Lunch Act (42 U.S.C. 1758(a)) is amended by add-
 18 ing at the end the following:

19 “(5) ALLOCATIONS TO BE BASED ON DIETARY
 20 GUIDELINES.—For the school year beginning in July
 21 2007 and each school year thereafter, the Secretary
 22 shall ensure that allocations of food and food ingre-
 23 dients offered in school nutrition programs under
 24 this Act and the Child Nutrition Act of 1966 (42

1 U.S.C. 1771 et seq.) are based on the most recent
2 Dietary Guidelines for Americans.”.

3 **SEC. 310. SECTION 32 SPECIALTY CROP PURCHASES.**

4 (a) MINIMUM LEVEL OF PURCHASES.—Section 32 of
5 the Act of August 24, 1935 (7 U.S.C. 612c) is amended
6 in the sixth sentence by inserting after “and their prod-
7 ucts” the following: “, and, for each of fiscal years 2008
8 through 2012, the Secretary of Agriculture shall devote
9 not less than \$400,000,000 of sums appropriated under
10 this section to purchases of non-basic agricultural com-
11 modities, such as fruits, vegetables, and other specialty
12 food crops”.

13 (b) EXPANSION OF DOD FRESH PROGRAM.—Such
14 section is further amended by inserting after the sixth sen-
15 tence, as amended by subsection (a), the following new
16 sentence: “Of the funds specified in the preceding sen-
17 tence, the Secretary of Agriculture shall expend not less
18 than \$150,000,000 for each of fiscal years 2008 through
19 2012 for the purchase of fresh fruits and vegetables for
20 distribution to schools and service institutions in accord-
21 ance with section 6(a) of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1755(a)).”.

1 **SEC. 311. AMENDMENTS TO THE FOOD STAMP PROGRAM.**

2 (a) DEFINITION.—Section 3 of the Food Stamp Act
3 of 1977 (7 U.S.C. 2012) is amended by adding at the end
4 the following

5 “(v) ‘Food stamp nutrition education’ means direct
6 education, group activities, community health promotion,
7 and comprehensive public health approaches (including
8 but not limited to, social marketing, mass media, public-
9 private partnerships, policy, systems and environmental
10 changes, and evaluation) that promote healthy eating and
11 make healthy food and physical activity choices more de-
12 sired, affordable, and accessible. To serve all those poten-
13 tially eligible for food stamps, nutrition education pro-
14 grams should be designed to reach large numbers of low-
15 income individuals. Programs shall support behavior
16 change consistent with the Dietary Guidelines for Ameri-
17 cans, including a diet rich in fruits and vegetables and
18 whole grains.”.

19 (b) ADMINISTRATION.—Section 11(e)(1)(A) of the
20 Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A) is
21 amended by inserting “, and provide food stamp nutrition
22 education” after “program”.

23 **SEC. 312. FOOD STAMP FRUIT AND VEGETABLE ELEC-**
24 **TRONIC BENEFIT TRANSFER PILOT PROJECT.**

25 (a) FINDING.—The Congress finds that increased
26 consumption of fruits and vegetables by participants in the

1 food stamp program will significantly improve the overall
2 dietary habits of such participants.

3 (b) PILOT PROJECT.—The Secretary of Agriculture
4 shall establish and carry out a pilot project that will pro-
5 vide to each participant in the food stamp program who
6 receives benefits in the form of an electronic benefit trans-
7 fer, financial incentives for each dollar of such benefits
8 expended by such recipient to facilitate the purchase of
9 fresh fruits and vegetables.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$10,000,000 for each of 5
12 fiscal years to carry out this section.

13 **TITLE IV—PROMOTION OF NEW** 14 **MARKETS AND FARM VIABILITY**

15 **SEC. 401. FARM VIABILITY PROGRAM.**

16 (a) PROGRAM REQUIRED.—Subsection (a) of section
17 1238J of the Food Security Act of 1985 (16 U.S.C.
18 3838j) is amended by striking “The Secretary may” and
19 inserting “Using amounts made available under sub-
20 section (b), the Secretary shall”.

21 (b) FUNDING.—Subsection (b) of such section is
22 amended to read as follows:

23 “(b) FUNDING.—In addition to other funds made
24 available to carry out this subchapter for each of fiscal
25 years 2008 through 2013, the Secretary shall use

1 \$50,000,000 of funds of the Commodity Credit Corpora-
 2 tion each fiscal year to make grants to eligible entities
 3 under subsection (a).”.

4 **SEC. 402. NATIONAL ORGANIC CERTIFICATION AND TRAN-**
 5 **SITION COST SHARE PROGRAM.**

6 Section 10606 of the Farm Security and Rural In-
 7 vestment Act of 2002 (7 U.S.C. 6523) is amended to read
 8 as follows:

9 **“SEC. 10606. NATIONAL ORGANIC CERTIFICATION AND**
 10 **TRANSITION COST SHARE PROGRAM.**

11 “(a) IN GENERAL.—Of the funds of the Commodity
 12 Credit Corporation, the Secretary of Agriculture (acting
 13 through the Natural Resources Conservation Service) shall
 14 use \$80,000,000 for each of fiscal years 2008 through
 15 2013 to establish a national organic certification and tran-
 16 sition cost-share program to assist producers and handlers
 17 of agricultural products in obtaining certification under
 18 the national organic production program established under
 19 the Organic Foods Production Act of 1990 (7 U.S.C. 6501
 20 et seq.) and to assist producers and handlers in making
 21 the transition to organic production under the such pro-
 22 gram.

23 “(b) CERTIFICATION COSTS.—

24 “(1) IN GENERAL.—The Secretary shall pay
 25 under this section a portion of the costs incurred by

1 a producer or handler in obtaining certification
2 under the national organic production program, as
3 certified to and approved by the Secretary.

4 “(2) MAXIMUM AMOUNT.—The amount of a
5 payment made to a producer or handler for certifi-
6 cation under this section shall be \$750 per year.

7 “(3) FUNDING.—Of the funds made available
8 under subsection (a), the Secretary (acting through
9 the Agricultural Marketing Service) shall use
10 \$25,000,000 for each of the fiscal years 2008
11 through 2013 to share up to 75 percent of the cost
12 of certification.

13 “(c) ACCREDITATION AND ENFORCEMENT COSTS.—
14 Of the funds made available under subsection (a), the Sec-
15 retary (acting through the Agricultural Marketing Serv-
16 ice) shall use \$5,000,000 for each of the fiscal years 2008
17 through 2013 to fund the accreditation and enforcement
18 programs operated by the National Organic Program to
19 implement the accreditation and enforcement provisions of
20 the Organic Foods Production Act of 1990.

21 “(d) REIMBURSEMENTS FOR INFRASTRUCTURE NEC-
22 ESSARY TO IMPLEMENT ORGANIC PRACTICE STAND-
23 ARDS.—

24 “(1) ESTABLISHMENT.—Not later than 180
25 days after the date of the enactment of this Act, the

1 Secretary shall establish a program to reimburse
2 producers and handlers for the costs of transition to
3 organic production.

4 “(2) PROGRAM.—Under the program estab-
5 lished under paragraph (1), the Secretary (acting
6 through the Natural Resources Conservation Serv-
7 ice) shall use \$50,000,000 for each of the fiscal
8 years 2008 through 2013 to assist producers and
9 handlers developing and implementing infrastructure
10 and practices necessary to transition land and ani-
11 mals to meet the requirements of the Organic Food
12 Production Act of 1990.

13 “(3) PLAN SUBMISSION.—The Secretary may
14 only reimburse a producer or handler under this sec-
15 tion if the producer or handler submits to the Sec-
16 retary an organic transition plan that contains the
17 expected costs for infrastructure and practices, the
18 environmental and economic benefits derived from
19 the infrastructure or implementing organic practice
20 standards, and a demonstration of the existence of
21 a market or the reasonable expectation of a future
22 market for the products to be produced or handled.

23 “(4) APPROPRIATE INFRASTRUCTURE AND
24 PRACTICE STANDARDS.—The Secretary shall only re-

1 imburse producers and handlers under this sub-
2 section for the costs of the following:

3 “(A) Organic practices and activities dur-
4 ing transition to certified organic production
5 consistent with an approved plan to transition
6 to certified organic production.

7 “(B) Farm infrastructure necessary to im-
8 plement organic practice standards, including
9 livestock watering facilities and fencing, so long
10 as such infrastructure is consistent with an ap-
11 proved plan to transition to certified organic
12 production.

13 “(C) Organic livestock welfare measures,
14 so long as such infrastructure or practices and
15 activities are necessary to implement an organic
16 practice standard and are consistent with an
17 approved plan to transition to certified organic
18 production.

19 “(D) Advanced organic practices consistent
20 with approved certified organic production.

21 “(E) Technical assistance, including the
22 costs of developing an approved transition plan
23 under this section.

1 “(F) Other measures the Secretary, after
2 consultation with the National Organic Stand-
3 ards Board, determines are appropriate.

4 “(5) ORGANIC TRANSITION TECHNICAL AD-
5 VICE.—The Secretary shall consult with the Na-
6 tional Organic Standards Board regarding the ele-
7 ments of an approved organic transition plan and to
8 identify and recommend ways that the Secretary
9 may generally use the resources provided for pro-
10 grams under subtitle D of title XII of the Food Se-
11 curity Act of 1985 (16 U.S.C. 3830 et seq.) to facili-
12 tate transition to organic production, including the
13 resources provided by the Environmental Quality In-
14 centives Program and the Conservation Security
15 Program.

16 “(6) MAXIMUM AMOUNT FOR TRANSITION RE-
17 IMBURSEMENT.—Except as provided in (A) and (B),
18 the maximum amount of reimbursement paid to a
19 producer or handler for transition to organic produc-
20 tion under this section shall be \$10,000 per fiscal
21 year.

22 “(A) SPECIALTY CROPS.—In the case of an
23 individual or entity who annually produces
24 three or more types of specialty crops, the indi-
25 vidual or entity may not receive, directly or in-

1 directly, cost-share or incentive payments under
 2 this section that, in the aggregate, exceed
 3 \$20,000 per year, for a period not to exceed
 4 four years.

5 “(B) DAIRY.—In the case of an individual
 6 or entity whose principal farming enterprise is
 7 dairy, the individual or entity may not receive,
 8 directly or indirectly, cost-share or incentive
 9 payments under this section that, in the aggre-
 10 gate, exceed \$20,000 per year, for a period not
 11 to exceed four years.

12 “(7) ELIGIBLE FISCAL YEARS.—A producer or
 13 handler may only receive payments—

14 “(A) in four fiscal years; and

15 “(B) after the first payment, in the fiscal
 16 year in which such payment was made and the
 17 three subsequent fiscal years.

18 “(8) TRANSITION REIMBURSEMENTS.—A cer-
 19 tified organic producer or handler under the national
 20 organic production program shall be eligible for re-
 21 imbursements to make the transition to organic pro-
 22 duction for new lands and livestock.

23 “(9) SUSPENSION AUTHORITY.—To ensure or-
 24 derly and continued growth in organic farming—

1 “(A) prior to each fiscal year and no later
2 than October 1st of each year, the Secretary
3 shall publish organic commodity specific assess-
4 ments analyzing the domestic production and
5 consumption, import and export organic market
6 demand and growth potential for each organic
7 commodity and the anticipated number and
8 total amount of new reimbursements for the fol-
9 lowing year affecting each commodity; and

10 “(B) the Secretary shall not enroll new
11 producers under this subsection if, for any par-
12 ticular agricultural commodity, any new pro-
13 ducers would produce an increased amount of
14 that agricultural commodity that the Secretary
15 finds is reasonably anticipated to affect the con-
16 tinuing economic viability of farmers currently
17 certified under the national organic production
18 program or would create unreasonable geo-
19 graphic disparities in the distribution of reim-
20 bursements provided under this section.

21 “(10) APPEALS.—An applicant seeking transi-
22 tion assistance under this section has the right to
23 appeal an adverse decision by Secretary with regard
24 to an application for assistance, as provided in sec-

tion 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995).

“(e) TECHNICAL AND EDUCATIONAL ASSISTANCE.—
Of the funds made available under subsection (a) for a fiscal year, the Secretary shall use not less than \$15,000,000 to provide technical and educational assistance to producers and handlers to carry out this section, including entering into cooperative agreements with qualified entities to implement the transition to organic production.

“(f) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to Congress and the National Organic Standards Board a report detailing State-by-State expenditures on certification, including the number of producers and handlers served by the program, and State-by-State expenditures on transition assistance, including the number of producers and handlers served by the program, the practices implemented, an assessment of the impacts of the program on organic production, and recommended reforms, if any.”.

SEC. 402A. NATIONAL ORGANIC TECHNICAL COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a National Organic Technical Committee to oversee development and implementation of the Organic Certification and Transition Program and to improve the organic agri-

1 culture interface with all other conservation programs and
 2 activities administered by the NRCS, including develop-
 3 ment of criteria for the approval of qualified organic tech-
 4 nical advisors.

5 (b) MEMBERSHIP.—The membership of the National
 6 Organic Technical Committee shall be comprised of—

- 7 (1) three organic farmers;
- 8 (2) two organic certifying agents;
- 9 (3) two organic inspectors;
- 10 (4) one representative of an environmental or-
 11 ganization knowledgeable about organic agriculture;
- 12 and
- 13 (5) one scientist with expertise in conservation
 14 planning.

15 **SEC. 403. ORGANIC AGRICULTURE RESEARCH AND EXTEN-**
 16 **SION INITIATIVE.**

17 Section 1672B(e) of the Food, Agriculture, Conserva-
 18 tion, and Trade Act of 1990 (7 U.S.C. 5925b(e)) is
 19 amended to read as follows:

20 “(e) FUNDING.—Of the funds available to the Com-
 21 modity Credit Corporation, the Secretary shall use
 22 \$15,000,000 for each of fiscal years 2008 through 2013
 23 to carry out this section.”.

1 **SEC. 404. FUNDING FOR EDUCATION GRANTS PROGRAMS**
2 **FOR HISPANIC-SERVING INSTITUTIONS.**

3 Subsection (c) of section 1455 of the National Agri-
4 cultural Research, Extension, and Teaching Policy Act of
5 1977 (7 U.S.C. 3241) is amended to read as follows:

6 “(c) FUNDING.—Of the funds available to the Com-
7 modity Credit Corporation, the Secretary shall use
8 \$25,000,000 for each fiscal year to carry out this sec-
9 tion.”.

10 **SEC. 405. EXTENSION AND FUNDING INCREASE FOR THE**
11 **VALUE-ADDED AGRICULTURAL PRODUCT**
12 **MARKET DEVELOPMENT GRANT PROGRAM.**

13 Section 231(b)(4) of the Agricultural Risk Protection
14 Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224)
15 is amended—

- 16 (1) by striking “through October 1, 2006”; and
17 (2) by striking “\$40,000,000” and inserting
18 “\$60,000,000”.

○