

113TH CONGRESS
1ST SESSION

S. _____

To reauthorize agricultural programs through 2018.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To reauthorize agricultural programs through 2018.

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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the “Ag-
5 riculture Reform, Food, and Jobs Act of 2013”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—COMMODITY PROGRAMS

Subtitle A—Repeals and Reforms

Sec. 1101. Repeal of direct payments.

Sec. 1102. Repeal of counter-cyclical payments.

Sec. 1103. Repeal of average crop revenue election program.

2

- Sec. 1104. Definitions.
- Sec. 1105. Base acres.
- Sec. 1106. Payment yields.
- Sec. 1107. Availability of adverse market payments.
- Sec. 1108. Agriculture risk coverage.
- Sec. 1109. Producer agreement required as condition of provision of payments.
- Sec. 1110. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

- Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
- Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
- Sec. 1203. Term of loans.
- Sec. 1204. Repayment of loans.
- Sec. 1205. Loan deficiency payments.
- Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
- Sec. 1207. Economic adjustment assistance to users of upland cotton.
- Sec. 1208. Special competitive provisions for extra long staple cotton.
- Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
- Sec. 1210. Adjustments of loans.

Subtitle C—Sugar

- Sec. 1301. Sugar program.

Subtitle D—Dairy

PART I—DAIRY PRODUCTION MARGIN PROTECTION AND DAIRY MARKET STABILIZATION PROGRAMS

- Sec. 1401. Definitions.
- Sec. 1402. Calculation of average feed cost and actual dairy production margins.

SUBPART A—DAIRY PRODUCTION MARGIN PROTECTION PROGRAM

- Sec. 1411. Establishment of dairy production margin protection program.
- Sec. 1412. Participation of dairy operations in production margin protection program.
- Sec. 1413. Production history of participating dairy operations.
- Sec. 1414. Basic production margin protection.
- Sec. 1415. Supplemental production margin protection.
- Sec. 1416. Effect of failure to pay administration fees or premiums.

SUBPART B—DAIRY MARKET STABILIZATION PROGRAM

- Sec. 1431. Establishment of dairy market stabilization program.
- Sec. 1432. Threshold for implementation and reduction in dairy payments.
- Sec. 1433. Milk marketings information.
- Sec. 1434. Calculation and collection of reduced dairy operation payments.
- Sec. 1435. Remitting funds to the Secretary and use of funds.
- Sec. 1436. Suspension of reduced payment requirement.
- Sec. 1437. Enforcement.
- Sec. 1438. Audit requirements.
- Sec. 1439. Study; report.

3

SUBPART C—ADMINISTRATION

- Sec. 1451. Duration.
- Sec. 1452. Administration and enforcement.

PART II—DAIRY MARKET TRANSPARENCY

- Sec. 1461. Dairy product mandatory reporting.
- Sec. 1462. Federal milk marketing order information.

PART III—REPEAL OR REAUTHORIZATION OF OTHER DAIRY-RELATED PROVISIONS

- Sec. 1471. Repeal of dairy product price support and milk income loss contract programs.
- Sec. 1472. Repeal of dairy export incentive program.
- Sec. 1473. Extension of dairy forward pricing program.
- Sec. 1474. Extension of dairy indemnity program.
- Sec. 1475. Extension of dairy promotion and research program.
- Sec. 1476. Extension of Federal Milk Marketing Order Review Commission.

PART IV—FEDERAL MILK MARKETING ORDER REFORM

- Sec. 1481. Federal milk marketing orders.

PART V—EFFECTIVE DATE

- Sec. 1491. Effective date.

Subtitle E—Supplemental Agricultural Disaster Assistance Programs

- Sec. 1501. Supplemental agricultural disaster assistance programs.

Subtitle F—Administration

- Sec. 1601. Administration generally.
- Sec. 1602. Suspension of permanent price support authority.
- Sec. 1603. Payment limitations.
- Sec. 1604. Payments limited to active farmers.
- Sec. 1605. Adjusted gross income limitation.
- Sec. 1606. Geographically disadvantaged farmers and ranchers.
- Sec. 1607. Personal liability of producers for deficiencies.
- Sec. 1608. Prevention of deceased individuals receiving payments under farm commodity programs.
- Sec. 1609. Appeals.
- Sec. 1610. Technical corrections.
- Sec. 1611. Assignment of payments.
- Sec. 1612. Tracking of benefits.
- Sec. 1613. Signature authority.
- Sec. 1614. Implementation.

TITLE II—CONSERVATION

Subtitle A—Conservation Reserve Program

- Sec. 2001. Extension and enrollment requirements of conservation reserve program.
- Sec. 2002. Farmable wetland program.
- Sec. 2003. Duties of owners and operators.

4

- Sec. 2004. Duties of the Secretary.
- Sec. 2005. Payments.
- Sec. 2006. Contract requirements.
- Sec. 2007. Conversion of land subject to contract to other conserving uses.
- Sec. 2008. Effective date.

Subtitle B—Conservation Stewardship Program

- Sec. 2101. Conservation stewardship program.

Subtitle C—Environmental Quality Incentives Program

- Sec. 2201. Purposes.
- Sec. 2202. Definitions.
- Sec. 2203. Establishment and administration.
- Sec. 2204. Evaluation of applications.
- Sec. 2205. Duties of producers.
- Sec. 2206. Limitation on payments.
- Sec. 2207. Conservation innovation grants and payments.
- Sec. 2208. Effective date.

Subtitle D—Agricultural Conservation Easement Program

- Sec. 2301. Agricultural Conservation Easement Program.

Subtitle E—Regional Conservation Partnership Program

- Sec. 2401. Regional Conservation Partnership Program.

Subtitle F—Other Conservation Programs

- Sec. 2501. Conservation of private grazing land.
- Sec. 2502. Grassroots source water protection program.
- Sec. 2503. Voluntary public access and habitat incentive program.
- Sec. 2504. Agriculture conservation experienced services program.
- Sec. 2505. Small watershed rehabilitation program.
- Sec. 2506. Emergency watershed protection program.
- Sec. 2507. Terminal lakes assistance.

Subtitle G—Funding and Administration

- Sec. 2601. Funding.
- Sec. 2602. Technical assistance.
- Sec. 2603. Regional equity.
- Sec. 2604. Reservation of funds to provide assistance to certain farmers or ranchers for conservation access.
- Sec. 2605. Annual report on program enrollments and assistance.
- Sec. 2606. Administrative requirements for conservation programs.
- Sec. 2607. Rulemaking authority.
- Sec. 2608. Standards for State technical committees.
- Sec. 2609. Highly erodible land and wetland conservation for crop insurance.
- Sec. 2610. Adjusted gross income limitation for conservation programs.

Subtitle H—Repeal of Superseded Program Authorities and Transitional Provisions

- Sec. 2701. Comprehensive conservation enhancement program.
- Sec. 2702. Emergency forestry conservation reserve program.

5

- Sec. 2703. Wetlands reserve program.
- Sec. 2704. Farmland protection program and farm viability program.
- Sec. 2705. Grassland reserve program.
- Sec. 2706. Agricultural water enhancement program.
- Sec. 2707. Wildlife habitat incentive program.
- Sec. 2708. Great Lakes basin program.
- Sec. 2709. Chesapeake Bay watershed program.
- Sec. 2710. Cooperative conservation partnership initiative.
- Sec. 2711. Environmental easement program.
- Sec. 2712. Technical amendments.

TITLE III—TRADE

Subtitle A—Food for Peace Act

- Sec. 3001. Set-aside for support for organizations through which nonemergency assistance is provided.
- Sec. 3002. Food aid quality.
- Sec. 3003. Minimum levels of assistance.
- Sec. 3004. Reauthorization of Food Aid Consultative Group.
- Sec. 3005. Oversight, monitoring, and evaluation of Food for Peace Act programs.
- Sec. 3006. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.
- Sec. 3007. Limitation on total volume of commodities monetized.
- Sec. 3008. Flexibility.
- Sec. 3009. Procurement, transportation, testing, and storage of agricultural commodities for prepositioning in the United States and foreign countries.
- Sec. 3010. Deadline for agreements to finance sales or to provide other assistance.
- Sec. 3011. Minimum level of nonemergency food assistance.
- Sec. 3012. Coordination of foreign assistance programs report.
- Sec. 3013. Micronutrient fortification programs.
- Sec. 3014. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.
- Sec. 3015. Prohibition on assistance for North Korea.

Subtitle B—Agricultural Trade Act of 1978

- Sec. 3101. Export credit guarantee programs.
- Sec. 3102. Funding for market access program.
- Sec. 3103. Foreign market development cooperator program.

Subtitle C—Other Agricultural Trade Laws

- Sec. 3201. Food for Progress Act of 1985.
- Sec. 3202. Bill Emerson Humanitarian Trust.
- Sec. 3203. Promotion of agricultural exports to emerging markets.
- Sec. 3204. McGovern-Dole International Food for Education and Child Nutrition Program.
- Sec. 3205. Technical assistance for specialty crops.
- Sec. 3206. Global Crop Diversity Trust.
- Sec. 3207. Local and regional food aid procurement projects.
- Sec. 3208. Donald Payne Horn of Africa food resilience program.
- Sec. 3209. Agricultural trade enhancement study.

TITLE IV—NUTRITION

6

Subtitle A—Supplemental Nutrition Assistance Program

- Sec. 4001. Food distribution program on Indian reservations.
- Sec. 4002. Standard utility allowances based on the receipt of energy assistance payments.
- Sec. 4003. Eligibility disqualifications.
- Sec. 4004. Ending supplemental nutrition assistance program benefits for lottery or gambling winners.
- Sec. 4005. Retail food stores.
- Sec. 4006. Improving security of food assistance.
- Sec. 4007. Technology modernization for retail food stores.
- Sec. 4008. Use of benefits for purchase of community-supported agriculture share.
- Sec. 4009. Restaurant meals program.
- Sec. 4010. Quality control standards.
- Sec. 4011. Performance bonus payments.
- Sec. 4012. Funding of employment and training programs.
- Sec. 4013. Authorization of appropriations.
- Sec. 4014. Assistance for community food projects.
- Sec. 4015. Emergency food assistance.
- Sec. 4016. Nutrition education.
- Sec. 4017. Retail food store and recipient trafficking.
- Sec. 4018. Technical and conforming amendments.

Subtitle B—Commodity Distribution Programs

- Sec. 4101. Commodity distribution program.
- Sec. 4102. Commodity supplemental food program.
- Sec. 4103. Distribution of surplus commodities to special nutrition projects.
- Sec. 4104. Processing of commodities.

Subtitle C—Miscellaneous

- Sec. 4201. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.
- Sec. 4202. Seniors farmers' market nutrition program.
- Sec. 4203. Nutrition information and awareness pilot program.
- Sec. 4204. Hunger-free communities.
- Sec. 4205. Healthy Food Financing Initiative.
- Sec. 4206. Pulse crop products.
- Sec. 4207. Dietary Guidelines for Americans.
- Sec. 4208. Purchases of locally produced foods.
- Sec. 4209. Multiagency task force.
- Sec. 4210. Food and Agriculture Service Learning Program.

TITLE V—CREDIT

Subtitle A—Farmer Loans, Servicing, and Other Assistance Under the Consolidated Farm and Rural Development Act

- Sec. 5001. Farmer loans, servicing, and other assistance under the Consolidated Farm and Rural Development Act.

Subtitle B—Miscellaneous

- Sec. 5101. State agricultural mediation programs.
- Sec. 5102. Loans to purchasers of highly fractionated land.

Sec. 5103. Removal of duplicative appraisals.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Reorganization of the Consolidated Farm and Rural Development Act

Sec. 6001. Reorganization of the Consolidated Farm and Rural Development Act.

Sec. 6002. Conforming amendments.

Subtitle B—Rural Electrification

Sec. 6101. Definition of rural area.

Sec. 6102. Guarantees for bonds and notes issued for electrification or telephone purposes.

Sec. 6103. Expansion of 911 access.

Sec. 6104. Access to broadband telecommunications services in rural areas.

Subtitle C—Miscellaneous

Sec. 6201. Distance learning and telemedicine.

Sec. 6202. Definition of rural area for purposes of the Housing Act of 1949.

Sec. 6203. Rural energy savings program.

Sec. 6204. Funding of pending rural development loan and grant applications.

Sec. 6205. Study of rural transportation issues.

Sec. 6206. Agricultural transportation policy.

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 7101. National Agricultural Research, Extension, Education, and Economics Advisory Board.

Sec. 7102. Specialty crop committee.

Sec. 7103. Veterinary services grant program.

Sec. 7104. Grants and fellowships for food and agriculture sciences education.

Sec. 7105. Agricultural and food policy research centers.

Sec. 7106. Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions.

Sec. 7107. Nutrition education program.

Sec. 7108. Continuing animal health and disease research programs.

Sec. 7109. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.

Sec. 7110. Grants to upgrade agricultural and food sciences facilities and equipment at insular area land-grant institutions.

Sec. 7111. Hispanic-serving institutions.

Sec. 7112. Competitive grants for international agricultural science and education programs.

Sec. 7113. University research.

Sec. 7114. Extension service.

Sec. 7115. Supplemental and alternative crops.

Sec. 7116. Capacity building grants for NLGCA institutions.

Sec. 7117. Aquaculture assistance programs.

Sec. 7118. Rangeland research programs.

Sec. 7119. Special authorization for biosecurity planning and response.

8

Sec. 7120. Distance education and resident instruction grants program for insular area institutions of higher education.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

- Sec. 7201. Best utilization of biological applications.
- Sec. 7202. Integrated management systems.
- Sec. 7203. Sustainable agriculture technology development and transfer program.
- Sec. 7204. National Training Program.
- Sec. 7205. National Genetics Resources Program.
- Sec. 7206. National Agricultural Weather Information System.
- Sec. 7207. Agricultural Genome Initiative.
- Sec. 7208. High-priority research and extension initiatives.
- Sec. 7209. Organic agriculture research and extension initiative.
- Sec. 7210. Farm business management.
- Sec. 7211. Regional centers of excellence.
- Sec. 7212. Assistive technology program for farmers with disabilities.
- Sec. 7213. National rural information center clearinghouse.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

- Sec. 7301. Relevance and merit of agricultural research, extension, and education funded by the Department.
- Sec. 7302. Integrated research, education, and extension competitive grants program.
- Sec. 7303. Support for research regarding diseases of wheat, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*.
- Sec. 7304. Grants for youth organizations.
- Sec. 7305. Specialty crop research initiative.
- Sec. 7306. Food animal residue avoidance database program.
- Sec. 7307. Office of pest management policy.
- Sec. 7308. Authorization of regional integrated pest management centers.

Subtitle D—Other Laws

- Sec. 7401. Critical Agricultural Materials Act.
- Sec. 7402. Equity in Educational Land-Grant Status Act of 1994.
- Sec. 7403. Research Facilities Act.
- Sec. 7404. Competitive, Special, and Facilities Research Grant Act.
- Sec. 7405. Enhanced use lease authority pilot program under Department of Agriculture Reorganization Act of 1994.
- Sec. 7406. Renewable Resources Extension Act of 1978.
- Sec. 7407. National Aquaculture Act of 1980.
- Sec. 7408. Beginning farmer and rancher development program under Farm Security and Rural Investment Act of 2002.

Subtitle E—Food, Conservation, and Energy Act of 2008

PART I—AGRICULTURAL SECURITY

- Sec. 7501. Agricultural biosecurity communication center.
- Sec. 7502. Assistance to build local capacity in agricultural biosecurity planning, preparation, and response.
- Sec. 7503. Research and development of agricultural countermeasures.
- Sec. 7504. Agricultural biosecurity grant program.

9

PART II—MISCELLANEOUS

- Sec. 7511. Grazinglands research laboratory.
- Sec. 7512. Budget submission and funding.
- Sec. 7513. Natural products research program.
- Sec. 7514. Sun grant program.

Subtitle F—Miscellaneous

- Sec. 7601. Foundation for Food and Agriculture Research.
- Sec. 7602. Agricultural and food law research, legal tools, and information.

TITLE VIII—FORESTRY

Subtitle A—Repeal of Certain Forestry Programs

- Sec. 8001. Forest land enhancement program.
- Sec. 8002. Hispanic-serving institution agricultural land national resources leadership program.
- Sec. 8003. Tribal watershed forestry assistance program.

Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978
Programs

- Sec. 8101. State-wide assessment and strategies for forest resources.

Subtitle C—Reauthorization of Other Forestry-Related Laws

- Sec. 8201. Rural revitalization technologies.
- Sec. 8202. Office of International Forestry.
- Sec. 8203. Insect and disease infestation.
- Sec. 8204. Stewardship end result contracting projects.
- Sec. 8205. Healthy forests reserve program.

Subtitle D—Miscellaneous Provisions

- Sec. 8301. McIntire-Stennis Cooperative Forestry Act.
- Sec. 8302. Revision of strategic plan for forest inventory and analysis.

TITLE IX—ENERGY

- Sec. 9001. Definitions.
- Sec. 9002. Biobased markets program.
- Sec. 9003. Biorefinery, renewable chemical, and biobased product manufacturing assistance.
- Sec. 9004. Bioenergy program for advanced biofuels.
- Sec. 9005. Biodiesel fuel education program.
- Sec. 9006. Rural Energy for America Program.
- Sec. 9007. Biomass research and development.
- Sec. 9008. Feedstock flexibility program for bioenergy producers.
- Sec. 9009. Biomass Crop Assistance Program.
- Sec. 9010. Repeal of forest biomass for energy.
- Sec. 9011. Community wood energy program.
- Sec. 9012. Repeal of renewable fertilizer study.

TITLE X—HORTICULTURE

- Sec. 10001. Specialty crops market news allocation.
- Sec. 10002. Repeal of grant program to improve movement of specialty crops.

10

- Sec. 10003. Farmers market and local food promotion program.
- Sec. 10004. Study on local food production and program evaluation.
- Sec. 10005. Organic agriculture.
- Sec. 10006. Food safety education initiatives.
- Sec. 10007. Coordinated plant management program.
- Sec. 10008. Specialty crop block grants.
- Sec. 10009. Recordkeeping, investigations, and enforcement.
- Sec. 10010. Report on honey.
- Sec. 10011. Effective date.

TITLE XI—CROP INSURANCE

- Sec. 11001. Supplemental coverage option.
- Sec. 11002. Crop margin coverage option.
- Sec. 11003. Premium amounts for catastrophic risk protection.
- Sec. 11004. Permanent enterprise unit.
- Sec. 11005. Enterprise units for irrigated and nonirrigated crops.
- Sec. 11006. Data collection.
- Sec. 11007. Adjustment in actual production history to establish insurable yields.
- Sec. 11008. Submission and review of policies.
- Sec. 11009. Board review and approval.
- Sec. 11010. Consultation.
- Sec. 11011. Budget limitations on renegotiation of the Standard Reinsurance Agreement.
- Sec. 11012. Stacked Income Protection Plan for producers of upland cotton.
- Sec. 11013. Peanut revenue crop insurance.
- Sec. 11014. Authority to correct errors.
- Sec. 11015. Implementation.
- Sec. 11016. Approval of costs for research and development.
- Sec. 11017. Whole farm risk management insurance.
- Sec. 11018. Study of food safety insurance.
- Sec. 11019. Crop insurance for livestock.
- Sec. 11020. Margin coverage for catfish.
- Sec. 11021. Poultry business disruption insurance policy.
- Sec. 11022. Crop insurance for organic crops.
- Sec. 11023. Research and development.
- Sec. 11024. Pilot programs.
- Sec. 11025. Index-based weather insurance pilot program.
- Sec. 11026. Enhancing producer self-help through farm financial benchmarking.
- Sec. 11027. Beginning farmer and rancher provisions.
- Sec. 11028. Agricultural management assistance, risk management education, and organic certification cost share assistance.
- Sec. 11029. Crop production on native sod.
- Sec. 11030. Technical amendments.
- Sec. 11031. Greater accessibility for crop insurance.
- Sec. 11032. GAO crop insurance fraud report.
- Sec. 11033. Limitation on premium subsidy based on average adjusted gross income.

TITLE XII—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource
Producers

11

- Sec. 12001. Outreach and assistance for socially disadvantaged farmers and ranchers and veteran farmers and ranchers.
Sec. 12002. Office of Advocacy and Outreach.

Subtitle B—Livestock

- Sec. 12101. Wildlife reservoir zoonotic disease initiative.
Sec. 12102. Trichinae certification program.
Sec. 12103. National Aquatic Animal Health Plan.
Sec. 12104. Sheep production and marketing grant program.
Sec. 12105. Feral swine eradication pilot program.
Sec. 12106. National animal health laboratory network.
Sec. 12107. National poultry improvement plan (NPIP).

Subtitle C—Other Miscellaneous Provisions

- Sec. 12201. Military Veterans Agricultural Liaison.
Sec. 12202. Information gathering.
Sec. 12203. Grants to improve supply, stability, safety, and training of agricultural labor force.
Sec. 12204. Noninsured crop assistance program.
Sec. 12205. Regional economic and infrastructure development.
Sec. 12206. Office of Tribal Relations.
Sec. 12207. Acre access and development program.
Sec. 12208. Prohibition on attending an animal fight or causing a minor to attend an animal fight; enforcement of animal fighting provisions.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

4 **TITLE I—COMMODITY**
5 **PROGRAMS**

6 **Subtitle A—Repeals and Reforms**7 **SEC. 1101. REPEAL OF DIRECT PAYMENTS.**

8 (a) REPEAL.—Sections 1103 and 1303 of the Food,
9 Conservation, and Energy Act of 2008 (7 U.S.C. 8713,
10 8753) are repealed.

11 (b) CONTINUED APPLICATION FOR 2013 CROP
12 YEAR.—Sections 1103 and 1303 of the Food, Conserva-
13 tion, and Energy Act of 2008 (7 U.S.C. 8713, 8753), as

1 in effect on the day before the date of enactment of this
2 Act, shall continue to apply through the 2013 crop year
3 with respect to all covered commodities (as defined in sec-
4 tion 1001 of that Act (7 U.S.C. 8702)) (except pulse
5 crops) and peanuts on a farm.

6 **SEC. 1102. REPEAL OF COUNTER-CYCLICAL PAYMENTS.**

7 (a) REPEAL.—Sections 1104 and 1304 of the Food,
8 Conservation, and Energy Act of 2008 (7 U.S.C. 8714,
9 8754) are repealed.

10 (b) CONTINUED APPLICATION FOR 2013 CROP
11 YEAR.—Sections 1104 and 1304 of the Food, Conserva-
12 tion, and Energy Act of 2008 (7 U.S.C. 8714, 8754), as
13 in effect on the day before the date of enactment of this
14 Act, shall continue to apply through the 2013 crop year
15 with respect to all covered commodities (as defined in sec-
16 tion 1001 of that Act (7 U.S.C. 8702)) and peanuts on
17 a farm.

18 **SEC. 1103. REPEAL OF AVERAGE CROP REVENUE ELECTION**
19 **PROGRAM.**

20 (a) REPEAL.—Section 1105 of the Food, Conserva-
21 tion, and Energy Act of 2008 (7 U.S.C. 8715) is repealed.

22 (b) CONTINUED APPLICATION FOR 2013 CROP
23 YEAR.—Section 1105 of the Food, Conservation, and En-
24 ergy Act of 2008 (7 U.S.C. 8715), as in effect on the day
25 before the date of enactment of this Act, shall continue

1 to apply through the 2013 crop year with respect to all
2 covered commodities (as defined in section 1001 of that
3 Act (7 U.S.C. 8702)) and peanuts on a farm for which
4 the irrevocable election under section 1105 of that Act is
5 made before the date of enactment of this Act.

6 **SEC. 1104. DEFINITIONS.**

7 In this subtitle, subtitle B, and subtitle F:

8 (1) **ACTUAL CROP REVENUE.**—The term “ac-
9 tual crop revenue”, with respect to a covered com-
10 modity for a crop year, means the amount deter-
11 mined by the Secretary under section 1108(c)(3).

12 (2) **ADVERSE MARKET PAYMENT.**—The term
13 “adverse market payment” means a payment made
14 to producers on a farm under section 1107.

15 (3) **AGRICULTURE RISK COVERAGE GUAR-**
16 **ANTEE.**—The term “agriculture risk coverage guar-
17 antee”, with respect to a covered commodity for a
18 crop year, means the amount determined by the Sec-
19 retary under section 1108(c)(4).

20 (4) **AGRICULTURE RISK COVERAGE PAYMENT.**—
21 The term “agriculture risk coverage payment”
22 means a payment under section 1108(c).

23 (5) **AVERAGE INDIVIDUAL YIELD.**—The term
24 “average individual yield” means the yield reported
25 by a producer for purposes of subtitle A of the Fed-

1 eral Crop Insurance Act (7 U.S.C. 1501 et seq.), to
2 the maximum extent practicable.

3 (6) BASE ACRES.—The term “base acres”, with
4 respect to a covered commodity on a farm, means
5 the number of acres established under section 1101
6 or 1302 of the Farm Security and Rural Investment
7 Act of 2002 (7 U.S.C. 7911, 7952) as in effect on
8 September 30, 2007, subject to any adjustment
9 under section 1105 of this Act.

10 (7) COUNTY COVERAGE.—For the purposes of
11 agriculture risk coverage under section 1108, the
12 term “county coverage” means coverage determined
13 using the total quantity of all acreage in a county
14 of the covered commodity that is planted or pre-
15 vented from being planted for harvest by a producer
16 with the yield determined by the average county
17 yield described in subsection (c) of that section.

18 (8) COVERED COMMODITY.—

19 (A) IN GENERAL.—The term “covered
20 commodity” means wheat, corn, grain sorghum,
21 barley, oats, long grain rice, medium grain rice,
22 pulse crops, soybeans, other oilseeds, and pea-
23 nuts.

24 (B) POPCORN.—The Secretary—

1 (i) shall study the feasibility of includ-
2 ing popcorn as a covered commodity by
3 2014; and

4 (ii) if the Secretary determines it to
5 be feasible, shall designate popcorn as a
6 covered commodity.

7 (9) ELIGIBLE ACRES.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraphs (B) through (D), the term “eli-
10 gible acres” means all acres planted or pre-
11 vented from being planted to all covered com-
12 modities on a farm in any crop year.

13 (B) MAXIMUM.—Except as provided in
14 (C), the total quantity of eligible acres on a
15 farm determined under subparagraph (A) shall
16 not exceed the average total acres planted or
17 prevented from being planted to covered com-
18 modities and upland cotton on the farm for the
19 2009 through 2012 crop years, as determined
20 by the Secretary.

21 (C) ADJUSTMENT.—The Secretary shall
22 provide for an adjustment, as appropriate, in
23 the eligible acres for covered commodities for a
24 farm if any of the following circumstances oc-
25 curs:

1 (i) If a conservation reserve contract
2 for a farm in a county entered into under
3 section 1231 of the Food Security Act of
4 1985 (16 U.S.C. 3831) expires or is volun-
5 tarily terminated or cropland is released
6 from coverage under a conservation reserve
7 contract, the Secretary shall provide for an
8 adjustment, as appropriate, in the eligible
9 acres for the farm to a total quantity that
10 is the higher of—

11 (I) the total base acreage for the
12 farm, less any upland cotton base
13 acreage, that was suspended during
14 the conservation reserve contract; or

15 (II) the product obtained by mul-
16 tiplying—

17 (aa) the average proportion
18 that—

19 (AA) the total number
20 of acres planted to covered
21 commodities and upland cot-
22 ton in the county for crop
23 years 2009 through 2012;
24 bears to

1 (BB) the total number
2 of all acres of covered com-
3 modities, grassland, and up-
4 land cotton acres in the
5 county for the same crop
6 years; by

7 (bb) the total acres for
8 which coverage has expired, vol-
9 untarily terminated, or been re-
10 leased under the conservation re-
11 serve contract.

12 (ii) The producer has eligible oilseed
13 acreage as the result of the Secretary des-
14 ignating additional oilseeds, which shall be
15 determined in the same manner as eligible
16 oilseed acreage under section
17 1101(a)(1)(D) of the Food, Conservation,
18 and Energy Act of 2008 (7 U.S.C.
19 8711(a)(1)(D)).

20 (iii) The producer has any acreage not
21 cropped during the 2009 through 2012
22 crop years, but placed into an established
23 rotation practice for the purposes of en-
24 riching land or conserving moisture for

1 subsequent crop years, including summer
2 fallow, as determined by the Secretary.

3 (D) EXCLUSION.—The term “eligible
4 acres” does not include any crop subsequently
5 planted during the same crop year on the same
6 land for which the first crop is eligible for pay-
7 ments under this subtitle, unless the crop was
8 planted in an area approved for double crop-
9 ping, as determined by the Secretary.

10 (10) EXTRA LONG STAPLE COTTON.—The term
11 “extra long staple cotton” means cotton that—

12 (A) is produced from pure strain varieties
13 of the Barbadosense species or any hybrid of the
14 species, or other similar types of extra long sta-
15 ple cotton, designated by the Secretary, having
16 characteristics needed for various end uses for
17 which United States upland cotton is not suit-
18 able and grown in irrigated cotton-growing re-
19 gions of the United States designated by the
20 Secretary or other areas designated by the Sec-
21 retary as suitable for the production of the vari-
22 eties or types; and

23 (B) is ginned on a roller-type gin or, if au-
24 thorized by the Secretary, ginned on another
25 type gin for experimental purposes.

1 (11) INDIVIDUAL COVERAGE.—For purposes of
2 agriculture risk coverage under section 1108, the
3 term “individual coverage” means coverage deter-
4 mined using the total quantity of all acreage in a
5 county of the covered commodity that is planted or
6 prevented from being planted for harvest by a pro-
7 ducer with the yield determined by the average indi-
8 vidual yield of the producer described in subsection
9 (c) of that section.

10 (12) MEDIUM GRAIN RICE.—The term “medium
11 grain rice” includes short grain rice.

12 (13) OTHER OILSEED.—The term “other oil-
13 seed” means a crop of sunflower seed, rapeseed,
14 canola, safflower, flaxseed, mustard seed, crambe,
15 sesame seed, or any oilseed designated by the Sec-
16 retary.

17 (14) PAYMENT ACRES.—The term “payment
18 acres” means, in the case of adverse market pay-
19 ments, 85 percent of the base acres for a covered
20 commodity on a farm on which adverse market pay-
21 ments are made.

22 (15) PAYMENT YIELD.—The term “payment
23 yield” means the yield established for adverse mar-
24 ket payments under section 1102 or 1302 of the
25 Farm Security and Rural Investment Act of 2002 (7

1 U.S.C. 7912, 7952) as in effect on September 30,
2 2007, or under section 1106 of this Act, for a farm
3 for a covered commodity.

4 (16) PRODUCER.—

5 (A) IN GENERAL.—The term “producer”
6 means an owner, operator, landlord, tenant, or
7 sharecropper that shares in the risk of pro-
8 ducing a crop and is entitled to share in the
9 crop available for marketing from the farm, or
10 would have shared had the crop been produced.

11 (B) HYBRID SEED.—In determining
12 whether a grower of hybrid seed is a producer,
13 the Secretary shall—

14 (i) not take into consideration the ex-
15 istence of a hybrid seed contract; and

16 (ii) ensure that program requirements
17 do not adversely affect the ability of the
18 grower to receive a payment under this
19 title.

20 (17) PULSE CROP.—The term “pulse crop”
21 means dry peas, lentils, small chickpeas, and large
22 chickpeas.

23 (18) STATE.—The term “State” means—

24 (A) a State;

25 (B) the District of Columbia;

1 (C) the Commonwealth of Puerto Rico;
2 and

3 (D) any other territory or possession of the
4 United States.

5 (19) REFERENCE PRICE.—The term “reference
6 price” means the price per bushel, pound, or hun-
7 dredweight (or other appropriate unit) of a covered
8 commodity used to determine the payment rate for
9 adverse market payments.

10 (20) TRANSITIONAL YIELD.—The term “transi-
11 tional yield” has the meaning given the term in sec-
12 tion 502(b) of the Federal Crop Insurance Act (7
13 U.S.C. 1502(b)).

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

17 (22) UNITED STATES PREMIUM FACTOR.—The
18 term “United States Premium Factor” means the
19 percentage by which the difference in the United
20 States loan schedule premiums for Strict Middling
21 (SM) 1¹/₈-inch upland cotton and for Middling (M)
22 1³/₃₂-inch upland cotton exceeds the difference in the
23 applicable premiums for comparable international
24 qualities.

1 **SEC. 1105. BASE ACRES.**

2 (a) ADJUSTMENT OF BASE ACRES.—

3 (1) IN GENERAL.—The Secretary shall provide
4 for an adjustment, as appropriate, in the base acres
5 for covered commodities for a farm whenever any of
6 the following circumstances occurs:

7 (A) A conservation reserve contract en-
8 tered into under section 1231 of the Food Secu-
9 rity Act of 1985 (16 U.S.C. 3831) with respect
10 to the farm expires or is voluntarily terminated,
11 or was terminated or expired during the period
12 beginning on October 1, 2007, and ending on
13 the date of enactment of this Act.

14 (B) Cropland is released from coverage
15 under a conservation reserve contract by the
16 Secretary, or was released during the period be-
17 ginning on October 1, 2007, and ending on the
18 date of enactment of this Act.

19 (C) The producer has eligible pulse crop
20 acreage, which shall be determined in the same
21 manner as eligible oilseed acreage under section
22 1101(a)(2) of the Farm Security and Rural In-
23 vestment Act of 2002 (7 U.S.C. 7911(a)(2)).

24 (D) The producer has eligible oilseed acre-
25 age as the result of the Secretary designating
26 additional oilseeds, which shall be determined in

the same manner as eligible oilseed acreage
under section 1101(a)(2) of the Farm Security
and Rural Investment Act of 2002 (7 U.S.C.
7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE
PAYMENT RULES.—For the crop year in which a
base acres adjustment under subparagraph (A) or
(B) of paragraph (1) is first made, the producer on
the farm shall elect to receive either adverse market
payments with respect to the acreage added to the
farm under this subsection or a prorated payment
under the conservation reserve contract, but not
both.

14 (3) OPTIONAL ADJUSTMENT.—

15 (A) ELECTION.—

(i) IN GENERAL.—For the purpose of making adverse market payments, the Secretary shall give a producer on a farm a 1-time opportunity to adjust the peanut base acres on the farm.

(ii) NOTICE.—As soon as practicable after the date of enactment of this Act, the Secretary shall provide notice of the election described in clause (i) to producers on farms with peanut base acres, including—

1 (I) the manner in which the elec-
2 tion is to be transmitted to the Sec-
3 retary;

4 (II) a deadline for transmission;
5 and

6 (III) notification that the election
7 is a 1-time opportunity.

8 (iii) EFFECT OF FAILURE TO MAKE
9 ELECTION.—If the producer on a farm
10 fails to notify the Secretary of an election
11 by the deadline described in clause (ii), the
12 producer shall be considered to have not
13 elected to update the peanut base acres on
14 the farm.

15 (B) CALCULATION.—

16 (i) IN GENERAL.—If the producer on
17 a farm makes the election described in
18 subparagraph (A), the base acres for pea-
19 nuts on the farm established pursuant to
20 section 1302 of the Farm Security and
21 Rural Investment Act of 2002 (7 U.S.C.
22 7952) shall be equal to the average acreage
23 planted on the farm to peanuts for harvest
24 or similar purposes for the 2009 through

1 2012 crop years, as determined by the Sec-
2 retary.

3 (ii) INCLUSIONS.—In making the cal-
4 culation described in clause (i), the Sec-
5 retary shall include—

6 (I) any acreage on the farm that
7 the producer was prevented from
8 planting to peanuts during the 2009
9 through 2012 crop years because of
10 drought, flood, or other natural dis-
11 aster, or other condition beyond the
12 control of the producer;

13 (II) any crop year in which pea-
14 nuts were not planted on the farm;
15 and

16 (III) any adjustment, as appro-
17 priate, whenever either of the fol-
18 lowing occurs:

19 (aa) A conservation reserve
20 contract entered into under sec-
21 tion 1231 of the Food Security
22 Act of 1985 (16 U.S.C. 3831)
23 with respect to the peanut base
24 acres on the farm expires or is
25 voluntarily terminated.

1 (bb) Peanut cropland is re-
2 leased from coverage under a
3 conservation reserve contract by
4 the Secretary.

5 (C) LIMIT.—

6 (i) IN GENERAL.—If the producer on
7 a farm makes the election described in
8 subparagraph (A), the Secretary shall en-
9 sure that the adjustment does not result in
10 a net increase in the total base acres for
11 the farm.

12 (ii) REDUCTION REQUIRED.—If the
13 adjustment in base acres made pursuant to
14 an election described in subparagraph (A)
15 results in a net increase in the total base
16 acres of all covered commodities on the
17 farm, the Secretary shall reduce the base
18 acres on the farm for all covered commod-
19 ities other than peanuts proportionately, as
20 determined by the Secretary.

21 (b) PREVENTION OF EXCESS BASE ACRES.—

22 (1) REQUIRED REDUCTION.—If the sum of the
23 base acres for a farm, together with the acreage de-
24 scribed in paragraph (2), exceeds the actual crop-
25 land acreage of the farm, the Secretary shall reduce

1 the base acres for 1 or more covered commodities for
2 the farm so that the sum of the base acres and acre-
3 age described in paragraph (2) does not exceed the
4 actual cropland acreage of the farm.

5 (2) OTHER ACREAGE.—For purposes of para-
6 graph (1), the Secretary shall include the following:

7 (A) Any acreage on the farm enrolled in
8 the conservation reserve program or agricul-
9 tural conservation easement program under
10 subchapter B of chapter 1 of subtitle D and
11 subtitle H, respectively, of title XII of the Food
12 Security Act of 1985 (16 U.S.C. 3831 et seq.).

13 (B) Any other acreage on the farm en-
14 rolled in a Federal conservation program for
15 which payments are made in exchange for not
16 producing an agricultural commodity on the
17 acreage.

18 (C) Any eligible pulse crop acreage, which
19 shall be determined in the same manner as eli-
20 gible oilseed acreage under section 1101(a)(2)
21 of the Farm Security and Rural Investment Act
22 of 2002 (7 U.S.C. 7911(a)(2)).

23 (D) If the Secretary designates additional
24 oilseeds, any eligible oilseed acreage, which shall
25 be determined in the same manner as eligible

1 oilseed acreage under section 1101(a)(2) of the
2 Farm Security and Rural Investment Act of
3 2002 (7 U.S.C. 7911(a)(2)).

4 (3) SELECTION OF ACRES.—The Secretary shall
5 give the producer on the farm the opportunity to se-
6 lect the base acres for a covered commodity for the
7 farm against which the reduction required by para-
8 graph (1) will be made.

9 (4) EXCEPTION FOR DOUBLE-CROPPED ACRE-
10 AGE.—In applying paragraph (1), the Secretary
11 shall make an exception in the case of double crop-
12 ping, as determined by the Secretary.

13 (c) REDUCTION IN BASE ACRES.—

14 (1) REDUCTION AT OPTION OF PRODUCER.—

15 (A) IN GENERAL.—The producer on a
16 farm may reduce, at any time, the base acres
17 for any covered commodity for the farm.

18 (B) EFFECT OF REDUCTION.—A reduction
19 under subparagraph (A) shall be permanent
20 and made in a manner prescribed by the Sec-
21 retary.

22 (2) REQUIRED ACTION BY SECRETARY.—

23 (A) IN GENERAL.—The Secretary shall
24 proportionately reduce base acres on a farm for
25 covered commodities for land that has been sub-

1 divided and developed for multiple residential
2 units or other nonfarming uses if the size of the
3 tracts and the density of the subdivision is such
4 that the land is unlikely to return to the pre-
5 vious agricultural use, unless the producers on
6 the farm demonstrate that the land—

7 (i) remains devoted to commercial ag-
8 ricultural production; or

9 (ii) is likely to be returned to the pre-
10 vious agricultural use.

11 (B) REQUIREMENT.—The Secretary shall
12 establish procedures to identify land described
13 in subparagraph (A).

14 (3) REVIEW AND REPORT.—Each year, to en-
15 sure, to the maximum extent practicable, that pay-
16 ments are received only by producers, the Secretary
17 shall submit to Congress a report that describes the
18 results of the actions taken under paragraph (2).

19 (d) TREATMENT OF FARMS WITH LIMITED BASE
20 ACRES.—

21 (1) PROHIBITION ON PAYMENTS.—Except as
22 provided in paragraph (2) and notwithstanding any
23 other provision of this title, a producer on a farm
24 may not receive adverse market payments if the sum

1 of the base acres of the farm is 10 acres or less, as
2 determined by the Secretary.

3 (2) EXCEPTIONS.—Paragraph (1) shall not
4 apply to a farm owned or operated by—

5 (A) a socially disadvantaged farmer (as de-
6 fined in section 3002 of the Consolidated Farm
7 and Rural Development Act); or

8 (B) a limited resource farmer or rancher,
9 as defined by the Secretary.

10 (3) DATA COLLECTION AND PUBLICATION.—

11 The Secretary shall—

12 (A) collect and publish segregated data
13 and survey information about farm profiles, uti-
14 lization of land, and crop production; and

15 (B) perform an evaluation on the supply
16 and price of fruits and vegetables based on the
17 effects of suspension of base acres under this
18 section.

19 **SEC. 1106. PAYMENT YIELDS.**

20 (a) DESIGNATED OILSEED OR ELIGIBLE PULSE
21 CROP.—

22 (1) ADJUSTMENT.—For the purpose of making
23 adverse market payments under this subtitle, the
24 Secretary shall provide for the establishment of a
25 yield for each farm for any designated oilseed or eli-

gible pulse crop for which a payment yield was not established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) in accordance with this section.

(2) PAYMENT YIELDS FOR DESIGNATED OIL-SEEDS AND ELIGIBLE PULSE CROPS.—

(A) DETERMINATION OF AVERAGE YIELD.—In the case of designated oilseeds and eligible pulse crops, the Secretary shall determine the average yield per planted acre for the designated oilseed or pulse crop on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(B) ADJUSTMENT FOR PAYMENT YIELD.—

(i) IN GENERAL.—The payment yield for a farm for a designated oilseed or eligible pulse crop shall be equal to the product of the following:

(I) The average yield for the designated oilseed or pulse crop determined under subparagraph (A).

(II) The ratio resulting from dividing the national average yield for the designated oilseed or pulse crop

1 for the 1981 through 1985 crops by
2 the national average yield for the des-
3 ignated oilseed or pulse crop for the
4 1998 through 2001 crops.

5 (ii) NO NATIONAL AVERAGE YIELD IN-
6 FORMATION AVAILABLE.—To the extent
7 that national average yield information for
8 a designated oilseed or pulse crop is not
9 available, the Secretary shall use such in-
10 formation as the Secretary determines to
11 be fair and equitable to establish a na-
12 tional average yield under this section.

13 (C) USE OF PARTIAL COUNTY AVERAGE
14 YIELD.—If the yield per planted acre for a crop
15 of a designated oilseed or pulse crop for a farm
16 for any of the 1998 through 2001 crop years
17 was less than 75 percent of the county yield for
18 that designated oilseed or pulse crop, the Sec-
19 retary shall assign a yield for that crop year
20 equal to 75 percent of the county yield for the
21 purpose of determining the average under sub-
22 paragraph (A).

23 (D) NO HISTORIC YIELD DATA AVAIL-
24 ABLE.—In the case of establishing yields for
25 designated oilseeds and eligible pulse crops, if

1 historic yield data is not available, the Sec-
2 retary shall use the ratio for dry peas calculated
3 under subparagraph (B)(i)(II) in determining
4 the yields for designated oilseeds and eligible
5 pulse crops, as determined to be fair and equi-
6 table by the Secretary.

7 (b) RICE.—

8 (1) ADJUSTMENT.—For the purpose of making
9 adverse market payments under this subtitle, the
10 Secretary shall give a producer on a farm a 1-time
11 opportunity to adjust the payment yield for base
12 acres of rice on the farm that was established under
13 section 1102 of the Farm Security and Rural Invest-
14 ment Act of 2002 (7 U.S.C. 7912).

15 (2) ELECTION.—

16 (A) NOTICE.—As soon as practicable after
17 the date of enactment of this Act, the Secretary
18 shall provide notice of the election described in
19 paragraph (1) to producers on farms with rice
20 base acres, including—

- 21 (i) the manner in which the election is
22 to be transmitted to the Secretary;
23 (ii) a deadline for transmission; and
24 (iii) notification that the election is a
25 1-time opportunity.

1 (B) EFFECT OF FAILURE TO MAKE ELEC-
2 TION.—If the producer on a farm fails to notify
3 the Secretary of an election by the deadline de-
4 scribed in subparagraph (A), the producer shall
5 be considered to have not elected to update the
6 payment yields for base acres of rice on the
7 farm.

8 (3) CALCULATION.—

9 (A) IN GENERAL.—If the producer on a
10 farm makes the election described in paragraph
11 (2), the Secretary shall adjust the payment
12 yields for the base acres of rice using an aver-
13 age yield described in subparagraph (B) and
14 adjustment described in subparagraph (C).

15 (B) DETERMINATION OF AVERAGE
16 YIELD.—Subject to subparagraph (D), the Sec-
17 retary shall determine the average yield per
18 planted acre for the rice on the farm for the
19 2009 through 2012 crop years, excluding any
20 crop year in which the acreage planted to rice
21 was zero.

22 (C) DETERMINATION OF ADJUSTMENT.—
23 The Secretary shall adjust the payment yield
24 for the base acres of rice on the farm that was
25 established under section 1102 of the Farm Se-

1 security and Rural Investment Act of 2002 (7
2 U.S.C. 7912) in accordance with the following:

3 (i) In a case in which less than 50
4 percent of the rice base acres on the farm
5 were planted to rice, on average, during
6 the 2009 through 2012 crop years, the ad-
7 justment shall be equal to the sum ob-
8 tained by adding to the payment yield—

9 (I) the product obtained by mul-
10 tiplying—

11 (aa) the difference between
12 the average yield and the pay-
13 ment yield; by

14 (bb) the percent of rice
15 planted on the base acres of rice
16 on the farm, on average.

17 (ii) In a case in which more than 50
18 percent of the rice base acres on the farm
19 were planted to rice, on average, during
20 the 2009 through 2012 crop years, the
21 payment yield shall be equal to the product
22 obtained by multiplying—

23 (I) the average yield; by

24 (II) 90 percent.

1 (D) USE OF PARTIAL COUNTY AVERAGE
2 YIELD.—If the yield per planted acre for a crop
3 of rice for a farm for any of the 2009 through
4 2012 crop years was less than 75 percent of the
5 county yield for that rice crop, the Secretary
6 shall assign a yield for that crop year equal to
7 75 percent of the county yield for purposes of
8 determining the average under subparagraph
9 (B).

10 (c) PEANUTS.—

11 (1) ADJUSTMENT.—If the producer on a farm
12 elects to adjust the peanut base acres for the farm
13 pursuant to section 1105, the Secretary shall adjust
14 the payment yields for the base acres of peanuts for
15 purposes of making adverse market payments.

16 (2) CALCULATION.—Notwithstanding the pay-
17 ment yields established under section 1102 of the
18 Farm Security and Rural Investment Act of 2002 (7
19 U.S.C. 7912), the payment yield for the base acres
20 of peanuts adjusted pursuant to section 1105 shall
21 be the average yield per planted acre for such base
22 acres for the 2009 through 2012 crop years, exclud-
23 ing any crop year in which the acreage planted to
24 peanuts was zero.

1 (3) USE OF PARTIAL COUNTY AVERAGE
2 YIELD.—If the yield per planted acre for a crop of
3 peanuts for a farm for any of the 2009 through
4 2012 crop years was less than 75 percent of the
5 county yield for that peanut crop, the Secretary
6 shall assign a yield for that crop year equal to 75
7 percent of the county yield for purposes of deter-
8 mining the average under paragraph (2).

9 **SEC. 1107. AVAILABILITY OF ADVERSE MARKET PAYMENTS.**

10 (a) PAYMENT REQUIRED.—For each of the 2014
11 through 2018 crop years for each covered commodity, the
12 Secretary shall make adverse market payments to pro-
13 ducers on farms for which payment yields and base acres
14 are established with respect to the covered commodity if
15 the Secretary determines that the actual price for the cov-
16 ered commodity is less than the reference price for the
17 covered commodity.

18 (b) ACTUAL PRICE.—

19 (1) COVERED COMMODITIES OTHER THAN
20 RICE.—Except as provided in paragraph (2), for
21 purposes of subsection (a), the actual price for a
22 covered commodity is equal to the higher of the fol-
23 lowing:

24 (A) The national average market price re-
25 ceived by producers during the 12-month mar-

1 keting year for the covered commodity, as de-
2 termined by the Secretary.

3 (B) The national average loan rate for a
4 marketing assistance loan for the covered com-
5 modity in effect for the applicable period under
6 subtitle B.

7 (2) RICE.—In the case of long grain rice and
8 medium grain rice, for purposes of subsection (a),
9 the actual price for each type or class of rice is equal
10 to the higher of the following:

11 (A) The national average market price re-
12 ceived by producers during the 12-month mar-
13 keting year for the type or class of rice, as de-
14 termined by the Secretary.

15 (B) The national average loan rate for a
16 marketing assistance loan for the type or class
17 of rice in effect for the applicable period under
18 subtitle B.

19 (c) REFERENCE PRICE.—The reference price for a
20 covered commodity shall be determined as follows:

21 (1) IN GENERAL.—Except as provided in sub-
22 paragraph (2), the reference price for a covered
23 commodity shall be the target price for the covered
24 commodity in section 1104(c)(3) of the Food, Con-
25 servation and Energy Act of 2008 (7 U.S.C.

1 8714(c)(3)), as in effect on the day before the date
2 of enactment of this Act.

3 (2) ALTERNATIVE PRICE FOR RICE AND PEA-
4 NUTS.—In the case of long and medium grain rice
5 and peanuts, the reference price shall be—

6 (A) in the case of long and medium grain
7 rice, \$13.30 per hundredweight; and

8 (B) in the case of peanuts, \$523.77 per
9 ton.

10 (d) PAYMENT RATE.—The payment rate used to
11 make adverse market payments with respect to a covered
12 commodity for a crop year shall be equal to the amount
13 that—

14 (1) the reference price under subsection (c) for
15 the covered commodity; exceeds

16 (2) the actual price determined under sub-
17 section (b) for the covered commodity.

18 (e) PAYMENT AMOUNT.—If adverse market payments
19 are required to be paid under this section for any of the
20 2014 through 2018 crop years of a covered commodity,
21 the amount of the adverse market payment to be paid to
22 the producers on a farm for that crop year shall be equal
23 to the product of the following:

24 (1) The payment rate specified in subsection
25 (d).

1 (2) The payment acres of the covered com-
2 modity on the farm.

3 (3) The payment yield for the covered com-
4 modity for the farm.

5 (f) TIME FOR PAYMENTS.—If the Secretary deter-
6 mines under subsection (a) that adverse market payments
7 are required to be made under this section for the crop
8 of a covered commodity, beginning October 1, or as soon
9 as practicable thereafter, after the end of the applicable
10 marketing year for the covered commodity, the Secretary
11 shall make the adverse market payments for the crop.

12 **SEC. 1108. AGRICULTURE RISK COVERAGE.**

13 (a) PAYMENTS REQUIRED.—If the Secretary deter-
14 mines that payments are required under subsection (c),
15 the Secretary shall make payments for each covered com-
16 modity available to producers in accordance with this sec-
17 tion.

18 (b) COVERAGE ELECTION.—

19 (1) IN GENERAL.—For the period of crop years
20 2014 through 2018, the producers shall make a 1-
21 time, irrevocable election to receive—

22 (A) individual coverage under this section,
23 as determined by the Secretary; or

1 (B) in the case of a county with sufficient
2 data (as determined by the Secretary), county
3 coverage under this section.

4 (2) EFFECT OF ELECTION.—The election made
5 under paragraph (1) shall be binding on the pro-
6 ducers making the election, regardless of covered
7 commodities planted, and applicable to all acres
8 under the operational control of the producers, in a
9 manner that—

10 (A) acres brought under the operational
11 control of the producers after the election are
12 included; and

13 (B) acres no longer under the operational
14 control of the producers after the election are
15 no longer subject to the election of the pro-
16 ducers but become subject to the election of the
17 subsequent producers.

18 (3) DUTIES OF THE SECRETARY.—The Sec-
19 retary shall ensure that producers are precluded
20 from taking any action, including reconstitution,
21 transfer, or other similar action, that would have the
22 effect of altering or reversing the election made
23 under paragraph (1).

24 (c) AGRICULTURE RISK COVERAGE.—

1 (1) PAYMENTS.—The Secretary shall make ag-
2 riculture risk coverage payments available under this
3 subsection for each of the 2014 through 2018 crop
4 years if the Secretary determines that—

5 (A) the actual crop revenue for the crop
6 year for the covered commodity; is less than

7 (B) the agriculture risk coverage guarantee
8 for the crop year for the covered commodity.

9 (2) TIME FOR PAYMENTS.—If the Secretary de-
10 termines under this subsection that agriculture risk
11 coverage payments are required to be made for the
12 covered commodity, beginning October 1, or as soon
13 as practicable thereafter, after the end of the appli-
14 cable marketing year for the covered commodity, the
15 Secretary shall make the agriculture risk coverage
16 payments.

17 (3) ACTUAL CROP REVENUE.—The amount of
18 the actual crop revenue for a crop year of a covered
19 commodity shall be equal to the product obtained by
20 multiplying—

21 (A)(i) in the case of individual coverage,
22 the actual average individual yield for the cov-
23 ered commodity, as determined by the Sec-
24 retary; or

1 (ii) in the case of county coverage, the ac-
2 tual average yield for the county for the covered
3 commodity, as determined by the Secretary;
4 and

5 (B) the higher of—

6 (i) the national average market price
7 received by producers during the 12-month
8 marketing year for the covered commodity,
9 as determined by the Secretary; or

10 (ii) if applicable, the reference price
11 for the covered commodity under section
12 1107.

13 (4) AGRICULTURE RISK COVERAGE GUAR-
14 ANTEE.—

15 (A) IN GENERAL.—The agriculture risk
16 coverage guarantee for a crop year for a cov-
17 ered commodity shall equal 88 percent of the
18 benchmark revenue.

19 (B) BENCHMARK REVENUE.—

20 (i) IN GENERAL.—The benchmark
21 revenue shall be the product obtained by
22 multiplying—

23 (I)(aa) in the case of individual
24 coverage, subject to clause (ii), the av-
25 erage individual yield, as determined

1 by the Secretary, for the most recent
2 5 crop years, excluding each of the
3 crop years with the highest and lowest
4 yields; or

5 (bb) in the case of county cov-
6 erage, the average county yield, as de-
7 termined by the Secretary, for the
8 most recent 5 crop years, excluding
9 each of the crop years with the high-
10 est and lowest yields; and

11 (II) the average national mar-
12 keting year average price for the most
13 recent 5 crop years, excluding each of
14 the crop years with the highest and
15 lowest prices.

16 (ii) USE OF TRANSITIONAL YIELDS.—

17 If the yield determined under clause
18 (i)(I)(aa)—

19 (I) for the 2013 crop year or any
20 prior crop year, is less than 60 per-
21 cent of the applicable transitional
22 yield, the Secretary shall use 60 per-
23 cent of the applicable transitional
24 yield for that crop year; and

1 (II) for the 2014 crop year and
2 any subsequent crop year, is less than
3 65 percent of the applicable transi-
4 tional yield, the Secretary shall use 65
5 percent of the applicable transitional
6 yield for that crop year.

7 (5) PAYMENT RATE.—The payment rate for
8 each covered commodity shall be equal to the lesser
9 of—

10 (A) the amount that—

11 (i) the agriculture risk coverage guar-
12 antee for the covered commodity; exceeds

13 (ii) the actual crop revenue for the
14 crop year of the covered commodity; or

15 (B) 10 percent of the benchmark revenue
16 for the crop year of the covered commodity.

17 (6) PAYMENT AMOUNT.—If agriculture risk
18 coverage payments under this subsection are re-
19 quired to be paid for any of the 2014 through 2018
20 crop years of a covered commodity, the amount of
21 the agriculture risk coverage payment for the crop
22 year shall be equal to the product obtained by multi-
23 plying—

24 (A) the payment rate under paragraph (5);

25 and

1 (B)(i) in the case of individual coverage
2 the sum of—

3 (I) 65 percent of the planted eligible
4 acres of the covered commodity; and

5 (II) 45 percent of the eligible acres
6 that were prevented from being planted to
7 the covered commodity; or

8 (ii) in the case of county coverage—

9 (I) 80 percent of the planted eligible
10 acres of the covered commodity; and

11 (II) 45 percent of the eligible acres
12 that were prevented from being planted to
13 the covered commodity.

14 (7) DUTIES OF THE SECRETARY.—In carrying
15 out the program under this subsection, the Secretary
16 shall—

17 (A) to the maximum extent practicable,
18 use all available information and analysis to
19 check for anomalies in the determination of
20 payments under the program;

21 (B) to the maximum extent practicable,
22 calculate a separate actual crop revenue and ag-
23 riculture risk coverage guarantee for irrigated
24 and nonirrigated covered commodities;

1 (C) differentiate by type or class the na-
2 tional average price of—

3 (i) sunflower seeds;

4 (ii) barley, using malting barley val-
5 ues; and

6 (iii) wheat; and

7 (D) assign a yield for each acre planted or
8 prevented from being planted for the crop year
9 for the covered commodity on the basis of the
10 yield history of representative farms in the
11 State, region, or crop reporting district, as de-
12 termined by the Secretary, if the Secretary can-
13 not establish the yield as determined under
14 paragraph (3)(A)(ii) or (4)(B)(i) or if the yield
15 determined under paragraph (3)(A)(ii) or (4) is
16 an unrepresentative average yield for the cov-
17 ered commodity as determined by the Secretary.

18 **SEC. 1109. PRODUCER AGREEMENT REQUIRED AS CONDI-**

19 **TION OF PROVISION OF PAYMENTS.**

20 (a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

21 (1) REQUIREMENTS.—Before the producers on
22 a farm may receive agriculture risk coverage pay-
23 ments or adverse market payments, the producers
24 shall agree, during the crop year for which the pay-
25 ments are made and in exchange for the payments—

1 (A) to comply with applicable conservation
2 requirements under subtitle B of title XII of
3 the Food Security Act of 1985 (16 U.S.C. 3811
4 et seq.);

5 (B) to comply with applicable wetland pro-
6 tection requirements under subtitle C of title
7 XII of that Act (16 U.S.C. 3821 et seq.);

8 (C) to use the land on the farm for an ag-
9 ricultural or conserving use in a quantity equal
10 to the attributable eligible acres of the farm,
11 and not for a nonagricultural commercial, in-
12 dustrial, or residential use, as determined by
13 the Secretary; and

14 (D) to effectively control noxious weeds
15 and otherwise maintain the land in accordance
16 with sound agricultural practices, as determined
17 by the Secretary, if the agricultural or con-
18 serving use involves the noncultivation of any
19 portion of the land referred to in subparagraph
20 (C).

21 (2) COMPLIANCE.—The Secretary may issue
22 such rules as the Secretary considers necessary to
23 ensure producer compliance with the requirements of
24 paragraph (1).

1 (3) MODIFICATION.—At the request of the
2 transferee or owner, the Secretary may modify the
3 requirements of this subsection if the modifications
4 are consistent with the objectives of this subsection,
5 as determined by the Secretary.

6 (b) TRANSFER OR CHANGE OF INTEREST IN
7 FARM.—

8 (1) TERMINATION.—

9 (A) IN GENERAL.—Except as provided in
10 paragraph (2), a transfer of (or change in) the
11 interest of the producers on a farm for which
12 agriculture risk coverage payments or adverse
13 market payments are made shall result in the
14 termination of the payments, unless the trans-
15 feree or owner of the acreage agrees to assume
16 all obligations under subsection (a).

17 (B) EFFECTIVE DATE.—The termination
18 shall take effect on the date determined by the
19 Secretary.

20 (2) EXCEPTION.—If a producer entitled to an
21 agriculture risk coverage payment or adverse market
22 payment dies, becomes incompetent, or is otherwise
23 unable to receive the payment, the Secretary shall
24 make the payment, in accordance with rules issued
25 by the Secretary.

1 (c) REPORTS.—

2 (1) ACREAGE REPORTS.—As a condition on the
3 receipt of any benefits under this subtitle or subtitle
4 B, the Secretary shall require producers on a farm
5 to submit to the Secretary annual acreage reports
6 with respect to all cropland on the farm.

7 (2) PRODUCTION REPORTS.—As a condition on
8 the receipt of any benefits under section 1108, the
9 Secretary shall require producers on a farm to sub-
10 mit to the Secretary annual production reports with
11 respect to all covered commodities produced on the
12 farm.

13 (3) PENALTIES.—No penalty with respect to
14 benefits under this subtitle or subtitle B shall be as-
15 sessed against the producers on a farm for an inac-
16 curate acreage or production report unless the pro-
17 ducers on the farm knowingly and willfully falsified
18 the acreage or production report.

19 (4) DATA REPORTING.—To the maximum ex-
20 tent practicable, the Secretary shall use data re-
21 ported by the producer pursuant to requirements
22 under the Federal Crop Insurance Act (7 U.S.C.
23 1501 et seq.) to meet the obligations described in
24 paragraphs (1) and (2), without additional submis-
25 sions to the Department.

1 (d) TENANTS AND SHARECROPPERS.—In carrying
2 out this subtitle, the Secretary shall provide adequate safe-
3 guards to protect the interests of tenants and share-
4 croppers.

5 **SEC. 1110. PERIOD OF EFFECTIVENESS.**

6 Sections 1104 through 1109 shall be effective begin-
7 ning with the 2014 crop year of each covered commodity
8 through the 2018 crop year.

9 **Subtitle B—Marketing Assistance**
10 **Loans and Loan Deficiency Pay-**
11 **ments**

12 **SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING**
13 **ASSISTANCE LOANS FOR LOAN COMMOD-**
14 **ITIES.**

15 (a) DEFINITION OF LOAN COMMODITY.—In this sub-
16 title, the term “loan commodity” means wheat, corn, grain
17 sorghum, barley, oats, upland cotton, extra long staple
18 cotton, long grain rice, medium grain rice, peanuts, soy-
19 beans, other oilseeds, graded wool, nongraded wool, mo-
20 hair, honey, dry peas, lentils, small chickpeas, and large
21 chickpeas.

22 (b) NONRECOURSE LOANS AVAILABLE.—

23 (1) IN GENERAL.—For each of the 2014
24 through 2018 crops of each loan commodity, the
25 Secretary shall make available to producers on a

1 farm nonrecourse marketing assistance loans for
2 loan commodities produced on the farm.

3 (2) TERMS AND CONDITIONS.—The marketing
4 assistance loans shall be made under terms and con-
5 ditions that are prescribed by the Secretary and at
6 the loan rate established under section 1202 for the
7 loan commodity.

8 (c) ELIGIBLE PRODUCTION.—The producers on a
9 farm shall be eligible for a marketing assistance loan
10 under subsection (b) for any quantity of a loan commodity
11 produced on the farm.

12 (d) COMPLIANCE WITH CONSERVATION AND WET-
13 LANDS REQUIREMENTS.—

14 (1) REQUIREMENTS.—Before the producers on
15 a farm may receive a marketing assistance loan or
16 any other payment or benefit under this subtitle, the
17 producers shall agree, for the crop year for which
18 the payments are made and in exchange for the pay-
19 ments—

20 (A) to comply with applicable conservation
21 requirements under subtitle B of title XII of
22 the Food Security Act of 1985 (16 U.S.C. 3811
23 et seq.);

1 (B) to comply with applicable wetland pro-
2 tection requirements under subtitle C of title
3 XII of that Act (16 U.S.C. 3821 et seq.);

4 (C) to use the land on the farm for an ag-
5 ricultural or conserving use in a quantity equal
6 to the attributable eligible acres of the farm,
7 and not for a nonagricultural commercial, in-
8 dustrial, or residential use, as determined by
9 the Secretary; and

10 (D) to effectively control noxious weeds
11 and otherwise maintain the land in accordance
12 with sound agricultural practices, as determined
13 by the Secretary, if the agricultural or con-
14 serving use involves the noncultivation of any
15 portion of the land referred to in subparagraph
16 (C).

17 (2) COMPLIANCE.—The Secretary may issue
18 such rules as the Secretary considers necessary to
19 ensure producer compliance with paragraph (1).

20 (3) MODIFICATION.—At the request of a trans-
21 feree or owner, the Secretary may modify the re-
22 quirements of this subsection if the modifications
23 are consistent with the purposes of this subsection,
24 as determined by the Secretary.

25 (e) SPECIAL RULES FOR PEANUTS.—

1 (1) IN GENERAL.—This subsection shall apply
2 only to producers of peanuts.

3 (2) OPTIONS FOR OBTAINING LOAN.—A mar-
4 keting assistance loan under this section, and loan
5 deficiency payments under section 1205, may be ob-
6 tained at the option of the producers on a farm
7 through—

8 (A) a designated marketing association or
9 marketing cooperative of producers that is ap-
10 proved by the Secretary; or

11 (B) the Farm Service Agency.

12 (3) STORAGE OF LOAN PEANUTS.—As a condi-
13 tion on the approval by the Secretary of an indi-
14 vidual or entity to provide storage for peanuts for
15 which a marketing assistance loan is made under
16 this section, the individual or entity shall agree—

17 (A) to provide the storage on a nondiscrim-
18 inatory basis; and

19 (B) to comply with such additional require-
20 ments as the Secretary considers appropriate to
21 accomplish the purposes of this section and pro-
22 mote fairness in the administration of the bene-
23 fits of this section.

24 (4) STORAGE, HANDLING, AND ASSOCIATED
25 COSTS.—

1 (A) IN GENERAL.—To ensure proper stor-
2 age of peanuts for which a loan is made under
3 this section, the Secretary shall pay handling
4 and other associated costs (other than storage
5 costs) incurred at the time at which the peanuts
6 are placed under loan, as determined by the
7 Secretary.

8 (B) REDEMPTION AND FORFEITURE.—The
9 Secretary shall—

10 (i) require the repayment of handling
11 and other associated costs paid under sub-
12 paragraph (A) for all peanuts pledged as
13 collateral for a loan that is redeemed under
14 this section; and

15 (ii) pay storage, handling, and other
16 associated costs for all peanuts pledged as
17 collateral that are forfeited under this sec-
18 tion.

19 (5) MARKETING.—A marketing association or
20 cooperative may market peanuts for which a loan is
21 made under this section in any manner that con-
22 forms to consumer needs, including the separation of
23 peanuts by type and quality.

24 (6) REIMBURSABLE AGREEMENTS AND PAY-
25 MENT OF ADMINISTRATIVE EXPENSES.—The Sec-

1 retary may implement any reimbursable agreements
2 or provide for the payment of administrative ex-
3 penses under this subsection only in a manner that
4 is consistent with those activities in regard to other
5 loan commodities.

6 **SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING**
7 **ASSISTANCE LOANS.**

8 (a) IN GENERAL.—For purposes of each of the 2014
9 through 2018 crop years, the loan rate for a marketing
10 assistance loan under section 1201 for a loan commodity
11 shall be equal to the following:

- 12 (1) In the case of wheat, \$2.94 per bushel.
13 (2) In the case of corn, \$1.95 per bushel.
14 (3) In the case of grain sorghum, \$1.95 per
15 bushel.
16 (4) In the case of barley, \$1.95 per bushel.
17 (5) In the case of oats, \$1.39 per bushel.
18 (6) In the case of base quality of upland cotton,
19 for the 2013 and each subsequent crop year, the
20 simple average of the adjusted prevailing world price
21 for the 2 immediately preceding marketing years, as
22 determined by the Secretary and announced October
23 1 preceding the next domestic plantings, but in no
24 case less than \$0.45 per pound or more than \$0.52
25 per pound.

1 (7) In the case of extra long staple cotton,
2 \$0.7977 per pound.

3 (8) In the case of long grain rice, \$6.50 per
4 hundredweight.

5 (9) In the case of medium grain rice, \$6.50 per
6 hundredweight.

7 (10) In the case of soybeans, \$5.00 per bushel.

8 (11) In the case of other oilseeds, \$10.09 per
9 hundredweight for each of the following kinds of oil-
10 seeds:

11 (A) Sunflower seed.

12 (B) Rapeseed.

13 (C) Canola.

14 (D) Safflower.

15 (E) Flaxseed.

16 (F) Mustard seed.

17 (G) Crambe.

18 (H) Sesame seed.

19 (I) Other oilseeds designated by the Sec-
20 retary.

21 (12) In the case of dry peas, \$5.40 per hun-
22 dredweight.

23 (13) In the case of lentils, \$11.28 per hundred-
24 weight.

1 (14) In the case of small chickpeas, \$7.43 per
2 hundredweight.

3 (15) In the case of large chickpeas, \$11.28 per
4 hundredweight.

5 (16) In the case of graded wool, \$1.15 per
6 pound.

7 (17) In the case of nongraded wool, \$0.40 per
8 pound.

9 (18) In the case of mohair, \$4.20 per pound.

10 (19) In the case of honey, \$0.69 per pound.

11 (20) In the case of peanuts, \$355 per ton.

12 (b) SINGLE COUNTY LOAN RATE FOR OTHER OIL-
13 SEEDS.—The Secretary shall establish a single loan rate
14 in each county for each kind of other oilseeds described
15 in subsection (a)(11).

16 **SEC. 1203. TERM OF LOANS.**

17 (a) TERM OF LOAN.—In the case of each loan com-
18 modity, a marketing assistance loan under section 1201
19 shall have a term of 9 months beginning on the first day
20 of the first month after the month in which the loan is
21 made.

22 (b) EXTENSIONS PROHIBITED.—The Secretary may
23 not extend the term of a marketing assistance loan for
24 any loan commodity.

1 **SEC. 1204. REPAYMENT OF LOANS.**

2 (a) GENERAL RULE.—The Secretary shall permit the
3 producers on a farm to repay a marketing assistance loan
4 under section 1201 for a loan commodity (other than up-
5 land cotton, long grain rice, medium grain rice, extra long
6 staple cotton, peanuts and confectionery and each other
7 kind of sunflower seed (other than oil sunflower seed)) at
8 a rate that is the lesser of—

9 (1) the loan rate established for the commodity
10 under section 1202, plus interest (determined in ac-
11 cordance with section 163 of the Federal Agriculture
12 Improvement and Reform Act of 1996 (7 U.S.C.
13 7283));

14 (2) a rate (as determined by the Secretary)
15 that—

16 (A) is calculated based on average market
17 prices for the loan commodity during the pre-
18 ceding 30-day period; and

19 (B) will minimize discrepancies in mar-
20 keting loan benefits across State boundaries
21 and across county boundaries; or

22 (3) a rate that the Secretary may develop using
23 alternative methods for calculating a repayment rate
24 for a loan commodity that the Secretary determines
25 will—

26 (A) minimize potential loan forfeitures;

1 (B) minimize the accumulation of stocks of
2 the commodity by the Federal Government;

3 (C) minimize the cost incurred by the Fed-
4 eral Government in storing the commodity;

5 (D) allow the commodity produced in the
6 United States to be marketed freely and com-
7 petitively, both domestically and internationally;
8 and

9 (E) minimize discrepancies in marketing
10 loan benefits across State boundaries and
11 across county boundaries.

12 (b) REPAYMENT RATES FOR UPLAND COTTON, LONG
13 GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary
14 shall permit producers to repay a marketing assistance
15 loan under section 1201 for upland cotton, long grain rice,
16 and medium grain rice at a rate that is the lesser of—

17 (1) the loan rate established for the commodity
18 under section 1202, plus interest (determined in ac-
19 cordance with section 163 of the Federal Agriculture
20 Improvement and Reform Act of 1996 (7 U.S.C.
21 7283)); or

22 (2) the prevailing world market price for the
23 commodity, as determined and adjusted by the Sec-
24 retary in accordance with this section.

1 (c) REPAYMENT RATES FOR EXTRA LONG STAPLE
2 COTTON.—Repayment of a marketing assistance loan for
3 extra long staple cotton shall be at the loan rate estab-
4 lished for the commodity under section 1202, plus interest
5 (determined in accordance with section 163 of the Federal
6 Agriculture Improvement and Reform Act of 1996 (7
7 U.S.C. 7283)).

8 (d) PREVAILING WORLD MARKET PRICE.—For pur-
9 poses of this section, the Secretary shall prescribe by regu-
10 lation—

11 (1) a formula to determine the prevailing world
12 market price for each of upland cotton, long grain
13 rice, and medium grain rice; and

14 (2) a mechanism by which the Secretary shall
15 announce periodically those prevailing world market
16 prices.

17 (e) ADJUSTMENT OF PREVAILING WORLD MARKET
18 PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND
19 MEDIUM GRAIN RICE.—

20 (1) RICE.—The prevailing world market price
21 for long grain rice and medium grain rice deter-
22 mined under subsection (d) shall be adjusted to
23 United States quality and location.

1 (2) COTTON.—The prevailing world market
2 price for upland cotton determined under subsection
3 (d)—

4 (A) shall be adjusted to United States
5 quality and location, with the adjustment to in-
6 clude—

7 (i) a reduction equal to any United
8 States Premium Factor for upland cotton
9 of a quality higher than Middling (M)
10 1³/₃₂-inch; and

11 (ii) the average costs to market the
12 commodity, including average transpor-
13 tation costs, as determined by the Sec-
14 retary; and

15 (B) may be further adjusted, during the
16 period beginning on the date of enactment of
17 this Act and ending on July 31, 2018, if the
18 Secretary determines the adjustment is nec-
19 essary—

20 (i) to minimize potential loan forfeit-
21 ures;

22 (ii) to minimize the accumulation of
23 stocks of upland cotton by the Federal
24 Government;

1 (iii) to ensure that upland cotton pro-
2 duced in the United States can be mar-
3 keted freely and competitively, both domes-
4 tically and internationally; and

5 (iv) to ensure an appropriate transi-
6 tion between current-crop and forward-
7 crop price quotations, except that the Sec-
8 retary may use forward-crop price
9 quotations prior to July 31 of a marketing
10 year only if—

11 (I) there are insufficient current-
12 crop price quotations; and

13 (II) the forward-crop price
14 quotation is the lowest such quotation
15 available.

16 (3) GUIDELINES FOR ADDITIONAL ADJUST-
17 MENTS.—In making adjustments under this sub-
18 section, the Secretary shall establish a mechanism
19 for determining and announcing the adjustments in
20 order to avoid undue disruption in the United States
21 market.

22 (f) REPAYMENT RATES FOR CONFECTIONERY AND
23 OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary
24 shall permit the producers on a farm to repay a marketing
25 assistance loan under section 1201 for confectionery and

1 each other kind of sunflower seed (other than oil sunflower
2 seed) at a rate that is the lesser of—

3 (1) the loan rate established for the commodity
4 under section 1202, plus interest (determined in ac-
5 cordance with section 163 of the Federal Agriculture
6 Improvement and Reform Act of 1996 (7 U.S.C.
7 7283)); or

8 (2) the repayment rate established for oil sun-
9 flower seed.

10 (g) PAYMENT OF COTTON STORAGE COSTS.—Effec-
11 tive for each of the 2014 through 2018 crop years, the
12 Secretary shall make cotton storage payments available in
13 the same manner, and at the same rates as the Secretary
14 provided storage payments for the 2006 crop of cotton,
15 except that the rates shall be reduced by 20 percent.

16 (h) REPAYMENT RATE FOR PEANUTS.—The Sec-
17 retary shall permit producers on a farm to repay a mar-
18 keting assistance loan for peanuts under subsection (a) at
19 a rate that is the lesser of—

20 (1) the loan rate established for peanuts under
21 subsection (b), plus interest (determined in accord-
22 ance with section 163 of the Federal Agriculture Im-
23 provement and Reform Act of 1996 (7 U.S.C.
24 7283)); or

25 (2) a rate that the Secretary determines will—

- 1 (A) minimize potential loan forfeitures;
2 (B) minimize the accumulation of stocks of
3 peanuts by the Federal Government;
4 (C) minimize the cost incurred by the Fed-
5 eral Government in storing peanuts; and
6 (D) allow peanuts produced in the United
7 States to be marketed freely and competitively,
8 both domestically and internationally.

9 (i) **AUTHORITY TO TEMPORARILY ADJUST REPAY-**
10 **MENT RATES.—**

11 (1) **ADJUSTMENT AUTHORITY.**—In the event of
12 a severe disruption to marketing, transportation, or
13 related infrastructure, the Secretary may modify the
14 repayment rate otherwise applicable under this sec-
15 tion for marketing assistance loans under section
16 1201 for a loan commodity.

17 (2) **DURATION.**—Any adjustment made under
18 paragraph (1) in the repayment rate for marketing
19 assistance loans for a loan commodity shall be in ef-
20 fect on a short-term and temporary basis, as deter-
21 mined by the Secretary.

22 **SEC. 1205. LOAN DEFICIENCY PAYMENTS.**

23 (a) **AVAILABILITY OF LOAN DEFICIENCY PAY-**
24 **MENTS.—**

1 (1) IN GENERAL.—Except as provided in sub-
2 section (d), the Secretary may make loan deficiency
3 payments available to producers on a farm that, al-
4 though eligible to obtain a marketing assistance loan
5 under section 1201 with respect to a loan com-
6 modity, agree to forgo obtaining the loan for the
7 commodity in return for loan deficiency payments
8 under this section.

9 (2) UNSHORN PELTS, HAY, AND SILAGE.—

10 (A) MARKETING ASSISTANCE LOANS.—

11 Subject to subparagraph (B), nongraded wool
12 in the form of unshorn pelts and hay and silage
13 derived from a loan commodity are not eligible
14 for a marketing assistance loan under section
15 1201.

16 (B) LOAN DEFICIENCY PAYMENT.—Effec-
17 tive for the 2014 through 2018 crop years, the
18 Secretary may make loan deficiency payments
19 available under this section to producers on a
20 farm that produce unshorn pelts or hay and si-
21 lage derived from a loan commodity.

22 (b) COMPUTATION.—A loan deficiency payment for a
23 loan commodity or commodity referred to in subsection
24 (a)(2) shall be equal to the product obtained by multi-
25 plying—

1 (1) the payment rate determined under sub-
2 section (c) for the commodity; by

3 (2) the quantity of the commodity produced by
4 the eligible producers, excluding any quantity for
5 which the producers obtain a marketing assistance
6 loan under section 1201.

7 (c) PAYMENT RATE.—

8 (1) IN GENERAL.—In the case of a loan com-
9 modity, the payment rate shall be the amount by
10 which—

11 (A) the loan rate established under section
12 1202 for the loan commodity; exceeds

13 (B) the rate at which a marketing assist-
14 ance loan for the loan commodity may be repaid
15 under section 1204.

16 (2) UNSHORN PELTS.—In the case of unshorn
17 pelts, the payment rate shall be the amount by
18 which—

19 (A) the loan rate established under section
20 1202 for ungraded wool; exceeds

21 (B) the rate at which a marketing assist-
22 ance loan for ungraded wool may be repaid
23 under section 1204.

1 (3) HAY AND SILAGE.—In the case of hay or si-
2 lage derived from a loan commodity, the payment
3 rate shall be the amount by which—

4 (A) the loan rate established under section
5 1202 for the loan commodity from which the
6 hay or silage is derived; exceeds

7 (B) the rate at which a marketing assist-
8 ance loan for the loan commodity may be repaid
9 under section 1204.

10 (d) EXCEPTION FOR EXTRA LONG STAPLE COT-
11 TON.—This section shall not apply with respect to extra
12 long staple cotton.

13 (e) EFFECTIVE DATE FOR PAYMENT RATE DETER-
14 MINATION.—The Secretary shall determine the amount of
15 the loan deficiency payment to be made under this section
16 to the producers on a farm with respect to a quantity of
17 a loan commodity or commodity referred to in subsection
18 (a)(2) using the payment rate in effect under subsection
19 (c) as of the date the producers request the payment.

20 **SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAY-**
21 **MENTS FOR GRAZED ACREAGE.**

22 (a) ELIGIBLE PRODUCERS.—

23 (1) IN GENERAL.—Effective for the 2014
24 through 2018 crop years, in the case of a producer
25 that would be eligible for a loan deficiency payment

1 under section 1205 for wheat, barley, or oats, but
2 that elects to use acreage planted to the wheat, bar-
3 ley, or oats for the grazing of livestock, the Sec-
4 retary shall make a payment to the producer under
5 this section if the producer enters into an agreement
6 with the Secretary to forgo any other harvesting of
7 the wheat, barley, or oats on that acreage.

8 (2) GRAZING OF TRITICALE ACREAGE.—Effec-
9 tive for the 2014 through 2018 crop years, with re-
10 spect to a producer on a farm that uses acreage
11 planted to triticale for the grazing of livestock, the
12 Secretary shall make a payment to the producer
13 under this section if the producer enters into an
14 agreement with the Secretary to forgo any other
15 harvesting of triticale on that acreage.

16 (b) PAYMENT AMOUNT.—

17 (1) IN GENERAL.—The amount of a payment
18 made under this section to a producer on a farm de-
19 scribed in subsection (a)(1) shall be equal to the
20 amount determined by multiplying—

21 (A) the loan deficiency payment rate deter-
22 mined under section 1205(c) in effect, as of the
23 date of the agreement, for the county in which
24 the farm is located; by

1 (B) the payment quantity determined by
2 multiplying—

3 (i) the quantity of the grazed acreage
4 on the farm with respect to which the pro-
5 ducer elects to forgo harvesting of wheat,
6 barley, or oats; and

7 (ii)(I) the yield in effect for the cal-
8 culation of agriculture risk coverage pay-
9 ments under subtitle A with respect to that
10 loan commodity on the farm; or

11 (II) in the case of a farm without a
12 payment yield for that loan commodity, an
13 appropriate yield established by the Sec-
14 retary.

15 (2) GRAZING OF TRITICALE ACREAGE.—The
16 amount of a payment made under this section to a
17 producer on a farm described in subsection (a)(2)
18 shall be equal to the amount determined by multi-
19 plying—

20 (A) the loan deficiency payment rate deter-
21 mined under section 1205(c) in effect for
22 wheat, as of the date of the agreement, for the
23 county in which the farm is located; by

24 (B) the payment quantity determined by
25 multiplying—

1 (i) the quantity of the grazed acreage
2 on the farm with respect to which the pro-
3 ducer elects to forgo harvesting of triticale;
4 and

5 (ii)(I) the yield in effect for the cal-
6 culation of agriculture risk coverage pay-
7 ments under subtitle A with respect to
8 wheat on the farm; or

9 (II) in the case of a farm without a
10 payment yield for wheat, an appropriate
11 yield established by the Secretary in a
12 manner consistent with section 1102 of the
13 Food, Conservation, and Energy Act of
14 2008 (7 U.S.C. 8712).

15 (c) TIME, MANNER, AND AVAILABILITY OF PAY-
16 MENT.—

17 (1) TIME AND MANNER.—A payment under this
18 section shall be made at the same time and in the
19 same manner as loan deficiency payments are made
20 under section 1205.

21 (2) AVAILABILITY.—

22 (A) IN GENERAL.—The Secretary shall es-
23 tablish an availability period for the payments
24 authorized by this section.

1 (B) CERTAIN COMMODITIES.—In the case
2 of wheat, barley, and oats, the availability pe-
3 riod shall be consistent with the availability pe-
4 riod for the commodity established by the Sec-
5 retary for marketing assistance loans author-
6 ized by this subtitle.

7 (d) PROHIBITION ON CROP INSURANCE INDEMNITY
8 OR NONINSURED CROP ASSISTANCE.—A 2014 through
9 2018 crop of wheat, barley, oats, or triticale planted on
10 acreage that a producer elects, in the agreement required
11 by subsection (a), to use for the grazing of livestock in
12 lieu of any other harvesting of the crop shall not be eligible
13 for an indemnity under a policy or plan of insurance au-
14 thorized under the Federal Crop Insurance Act (7 U.S.C.
15 1501 et seq.) or noninsured crop assistance under section
16 196 of the Federal Agriculture Improvement and Reform
17 Act of 1996 (7 U.S.C. 7333).

18 **SEC. 1207. ECONOMIC ADJUSTMENT ASSISTANCE TO USERS**
19 **OF UPLAND COTTON.**

20 (a) IN GENERAL.—Subject to subsection (b), the Sec-
21 retary shall, on a monthly basis, make economic adjust-
22 ment assistance available to domestic users of upland cot-
23 ton in the form of payments for all documented use of
24 that upland cotton during the previous monthly period re-
25 gardless of the origin of the upland cotton.

1 (b) VALUE OF ASSISTANCE.—Effective beginning on
2 August 1, 2012, the value of the assistance provided under
3 subsection (a) shall be 3 cents per pound.

4 (c) ALLOWABLE PURPOSES.—Economic adjustment
5 assistance under this section shall be made available only
6 to domestic users of upland cotton that certify that the
7 assistance shall be used only to acquire, construct, install,
8 modernize, develop, convert, or expand land, plant, build-
9 ings, equipment, facilities, or machinery.

10 (d) REVIEW OR AUDIT.—The Secretary may conduct
11 such review or audit of the records of a domestic user
12 under this subsection as the Secretary determines nec-
13 essary to carry out this subsection.

14 (e) IMPROPER USE OF ASSISTANCE.—If the Sec-
15 retary determines, after a review or audit of the records
16 of the domestic user, that economic adjustment assistance
17 under this subsection was not used for the purposes speci-
18 fied in subsection (c), the domestic user shall be—

19 (1) liable for the repayment of the assistance to
20 the Secretary, plus interest, as determined by the
21 Secretary; and

22 (2) ineligible to receive assistance under this
23 subsection for a period of 1 year following the deter-
24 mination of the Secretary.

1 **SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA**
2 **LONG STAPLE COTTON.**

3 (a) **COMPETITIVENESS PROGRAM.**—Notwithstanding
4 any other provision of law, during the period beginning
5 on the date of enactment of this Act through July 31,
6 2018, the Secretary shall carry out a program—

7 (1) to maintain and expand the domestic use of
8 extra long staple cotton produced in the United
9 States;

10 (2) to increase exports of extra long staple cot-
11 ton produced in the United States; and

12 (3) to ensure that extra long staple cotton pro-
13 duced in the United States remains competitive in
14 world markets.

15 (b) **PAYMENTS UNDER PROGRAM; TRIGGER.**—Under
16 the program, the Secretary shall make payments available
17 under this section whenever—

18 (1) for a consecutive 4-week period, the world
19 market price for the lowest priced competing growth
20 of extra long staple cotton (adjusted to United
21 States quality and location and for other factors af-
22 fecting the competitiveness of such cotton), as deter-
23 mined by the Secretary, is below the prevailing
24 United States price for a competing growth of extra
25 long staple cotton; and

1 (2) the lowest priced competing growth of extra
2 long staple cotton (adjusted to United States quality
3 and location and for other factors affecting the com-
4 petitiveness of such cotton), as determined by the
5 Secretary, is less than 134 percent of the loan rate
6 for extra long staple cotton.

7 (c) ELIGIBLE RECIPIENTS.—The Secretary shall
8 make payments available under this section to domestic
9 users of extra long staple cotton produced in the United
10 States and exporters of extra long staple cotton produced
11 in the United States that enter into an agreement with
12 the Commodity Credit Corporation to participate in the
13 program under this section.

14 (d) PAYMENT AMOUNT.—Payments under this sec-
15 tion shall be based on the amount of the difference in the
16 prices referred to in subsection (b)(1) during the fourth
17 week of the consecutive 4-week period multiplied by the
18 amount of documented purchases by domestic users and
19 sales for export by exporters made in the week following
20 such a consecutive 4-week period.

21 **SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH**
22 **MOISTURE FEED GRAINS AND SEED COTTON.**

23 (a) HIGH MOISTURE FEED GRAINS.—

24 (1) DEFINITION OF HIGH MOISTURE STATE.—

25 In this subsection, the term “high moisture state”

1 means corn or grain sorghum having a moisture con-
2 tent in excess of Commodity Credit Corporation
3 standards for marketing assistance loans made by
4 the Secretary under section 1201.

5 (2) RECOURSE LOANS AVAILABLE.—For each of
6 the 2014 through 2018 crops of corn and grain sor-
7 ghum, the Secretary shall make available recourse
8 loans, as determined by the Secretary, to producers
9 on a farm that—

10 (A) normally harvest all or a portion of
11 their crop of corn or grain sorghum in a high
12 moisture state;

13 (B) present—

14 (i) certified scale tickets from an in-
15 spected, certified commercial scale, includ-
16 ing a licensed warehouse, feedlot, feed mill,
17 distillery, or other similar entity approved
18 by the Secretary, pursuant to regulations
19 issued by the Secretary; or

20 (ii) field or other physical measure-
21 ments of the standing or stored crop in re-
22 gions of the United States, as determined
23 by the Secretary, that do not have certified
24 commercial scales from which certified

1 scale tickets may be obtained within rea-
2 sonable proximity of harvest operation;

3 (C) certify that the producers on the farm
4 were the owners of the feed grain at the time
5 of delivery to, and that the quantity to be
6 placed under loan under this subsection was in
7 fact harvested on the farm and delivered to, a
8 feedlot, feed mill, or commercial or on-farm
9 high-moisture storage facility, or to a facility
10 maintained by the users of corn and grain sor-
11 ghum in a high moisture state; and

12 (D) comply with deadlines established by
13 the Secretary for harvesting the corn or grain
14 sorghum and submit applications for loans
15 under this subsection within deadlines estab-
16 lished by the Secretary.

17 (3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—
18 A loan under this subsection shall be made on a
19 quantity of corn or grain sorghum of the same crop
20 acquired by the producer equivalent to a quantity
21 determined by multiplying—

22 (A) the acreage of the corn or grain sor-
23 ghum in a high moisture state harvested on the
24 farm of the producer; by

1 (B) the lower of the actual average yield
2 used to make payments under subtitle A or the
3 actual yield on a field, as determined by the
4 Secretary, that is similar to the field from
5 which the corn or grain sorghum was obtained.

6 (b) RECOURSE LOANS AVAILABLE FOR SEED COT-
7 TON.—For each of the 2014 through 2018 crops of upland
8 cotton and extra long staple cotton, the Secretary shall
9 make available recourse seed cotton loans, as determined
10 by the Secretary, on any production.

11 (c) REPAYMENT RATES.—Repayment of a recourse
12 loan made under this section shall be at the loan rate es-
13 tablished for the commodity by the Secretary, plus interest
14 (determined in accordance with section 163 of the Federal
15 Agriculture Improvement and Reform Act of 1996 (7
16 U.S.C. 7283)).

17 **SEC. 1210. ADJUSTMENTS OF LOANS.**

18 (a) ADJUSTMENT AUTHORITY.—Subject to sub-
19 section (e), the Secretary may make appropriate adjust-
20 ments in the loan rates for any loan commodity (other
21 than cotton) for differences in grade, type, quality, loca-
22 tion, and other factors.

23 (b) MANNER OF ADJUSTMENT.—The adjustments
24 under subsection (a) shall, to the maximum extent prac-
25 ticable, be made in such a manner that the average loan

1 level for the commodity will, on the basis of the anticipated
2 incidence of the factors, be equal to the level of support
3 determined in accordance with this subtitle and subtitles
4 C through E.

5 (c) ADJUSTMENT ON COUNTY BASIS.—

6 (1) IN GENERAL.—The Secretary may establish
7 loan rates for a crop for producers in individual
8 counties in a manner that results in the lowest loan
9 rate being 95 percent of the national average loan
10 rate, if those loan rates do not result in an increase
11 in outlays.

12 (2) PROHIBITION.—Adjustments under this
13 subsection shall not result in an increase in the na-
14 tional average loan rate for any year.

15 (d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

16 (1) IN GENERAL.—The Secretary may make
17 appropriate adjustments in the loan rate for cotton
18 for differences in quality factors.

19 (2) REVISIONS TO QUALITY ADJUSTMENTS FOR
20 UPLAND COTTON.—

21 (A) IN GENERAL.—Not later than 180
22 days after the date of enactment of this Act,
23 the Secretary shall implement revisions in the
24 administration of the marketing assistance loan
25 program for upland cotton to more accurately

1 and efficiently reflect market values for upland
2 cotton.

3 (B) MANDATORY REVISIONS.—Revisions
4 under subparagraph (A) shall include—

5 (i) the elimination of warehouse loca-
6 tion differentials;

7 (ii) the establishment of differentials
8 for the various quality factors and staple
9 lengths of cotton based on a 3-year,
10 weighted moving average of the weighted
11 designated spot market regions, as deter-
12 mined by regional production;

13 (iii) the elimination of any artificial
14 split in the premium or discount between
15 upland cotton with a 32 or 33 staple
16 length due to micronaire; and

17 (iv) a mechanism to ensure that no
18 premium or discount is established that ex-
19 ceeds the premium or discount associated
20 with a leaf grade that is 1 better than the
21 applicable color grade.

22 (C) DISCRETIONARY REVISIONS.—Revi-
23 sions under subparagraph (A) may include—

24 (i) the use of non-spot market price
25 data, in addition to spot market price data,

1 that would enhance the accuracy of the
2 price information used in determining
3 quality adjustments under this subsection;

4 (ii) adjustments in the premiums or
5 discounts associated with upland cotton
6 with a staple length of 33 or above due to
7 micronaire with the goal of eliminating any
8 unnecessary artificial splits in the calcula-
9 tions of the premiums or discounts; and

10 (iii) such other adjustments as the
11 Secretary determines appropriate, after
12 consultations conducted in accordance with
13 paragraph (3).

14 (3) CONSULTATION WITH PRIVATE SECTOR.—

15 (A) PRIOR TO REVISION.—In making ad-
16 justments to the loan rate for cotton (including
17 any review of the adjustments) as provided in
18 this subsection, the Secretary shall consult with
19 representatives of the United States cotton in-
20 dustry.

21 (B) INAPPLICABILITY OF FEDERAL ADVI-
22 SORY COMMITTEE ACT.—The Federal Advisory
23 Committee Act (5 U.S.C. App.) shall not apply
24 to consultations under this subsection.

1 (4) REVIEW OF ADJUSTMENTS.—The Secretary
2 may review the operation of the upland cotton qual-
3 ity adjustments implemented pursuant to this sub-
4 section and may make further revisions to the ad-
5 ministration of the loan program for upland cotton,
6 by—

7 (A) revoking or revising any actions taken
8 under paragraph (2)(B); or

9 (B) revoking or revising any actions taken
10 or authorized to be taken under paragraph
11 (2)(C).

12 (e) RICE.—The Secretary shall not make adjust-
13 ments in the loan rates for long grain rice and medium
14 grain rice, except for differences in grade and quality (in-
15 cluding milling yields).

16 **Subtitle C—Sugar**

17 **SEC. 1301. SUGAR PROGRAM.**

18 (a) CONTINUATION OF CURRENT PROGRAM AND
19 LOAN RATES.—

20 (1) SUGARCANE.—Section 156(a)(5) of the
21 Federal Agriculture Improvement and Reform Act of
22 1996 (7 U.S.C. 7272(a)(5)) is amended by striking
23 “the 2012 crop year” and inserting “each of the
24 2014 through 2018 crop years”.

1 (2) SUGAR BEETS.—Section 156(b)(2) of the
2 Federal Agriculture Improvement and Reform Act of
3 1996 (7 U.S.C. 7272(b)(2)) is amended by striking
4 “2012” and inserting “2018”.

5 (3) EFFECTIVE PERIOD.—Section 156(i) of the
6 Federal Agriculture Improvement and Reform Act of
7 1996 (7 U.S.C. 7272(i)) is amended by striking
8 “2012” and inserting “2018”.

9 (b) FLEXIBLE MARKETING ALLOTMENTS FOR
10 SUGAR.—

11 (1) SUGAR ESTIMATES.—Section 359b(a)(1) of
12 the Agricultural Adjustment Act of 1938 (7 U.S.C.
13 1359bb(a)(1)) is amended by striking “2012” and
14 inserting “2018”.

15 (2) EFFECTIVE PERIOD.—Section 359l(a) of
16 the Agricultural Adjustment Act of 1938 (7 U.S.C.
17 1359ll(a)) is amended by striking “2012” and in-
18 serting “2018”.

19 **Subtitle D—Dairy**

20 **PART I—DAIRY PRODUCTION MARGIN PROTEC-**
21 **TION AND DAIRY MARKET STABILIZATION**
22 **PROGRAMS**

23 **SEC. 1401. DEFINITIONS.**

24 In this part:

1 (1) ACTUAL DAIRY PRODUCTION MARGIN.—The
2 term “actual dairy production margin” means the
3 difference between the all-milk price and the average
4 feed cost, as calculated under section 1402.

5 (2) ALL-MILK PRICE.—The term “all-milk
6 price” means the average price received, per hun-
7 dredweight of milk, by dairy operations for all milk
8 sold to plants and dealers in the United States, as
9 determined by the Secretary.

10 (3) ANNUAL PRODUCTION HISTORY.—The term
11 “annual production history” means the production
12 history determined for a participating dairy oper-
13 ation under section 1413(b) whenever the partici-
14 pating dairy operation purchases supplemental pro-
15 duction margin protection.

16 (4) AVERAGE FEED COST.—The term “average
17 feed cost” means the average cost of feed used by
18 a dairy operation to produce a hundredweight of
19 milk, determined under section 1402 using the sum
20 of the following:

21 (A) The product determined by multiplying
22 1.0728 by the price of corn per bushel.

23 (B) The product determined by multiplying
24 0.00735 by the price of soybean meal per ton.

1 (C) The product determined by multiplying
2 0.0137 by the price of alfalfa hay per ton.

3 (5) BASIC PRODUCTION HISTORY.—The term
4 “basic production history” means the production
5 history determined for a participating dairy oper-
6 ation under section 1413(a) for provision of basic
7 production margin protection.

8 (6) CONSECUTIVE 2-MONTH PERIOD.—The term
9 “consecutive 2-month period” refers to the 2-month
10 period consisting of the months of January and Feb-
11 ruary, March and April, May and June, July and
12 August, September and October, or November and
13 December, respectively.

14 (7) DAIRY OPERATION.—

15 (A) IN GENERAL.—The term “dairy oper-
16 ation” means, as determined by the Secretary,
17 1 or more dairy producers that produce and
18 market milk as a single dairy operation in
19 which each dairy producer—

20 (i) shares in the pooling of resources
21 and a common ownership structure;

22 (ii) is at risk in the production of milk
23 on the dairy operation; and

1 (iii) contributes land, labor, manage-
2 ment, equipment, or capital to the dairy
3 operation.

4 (B) ADDITIONAL OWNERSHIP STRUC-
5 TURES.—The Secretary shall determine addi-
6 tional ownership structures to be covered by the
7 definition of dairy operation.

8 (8) HANDLER.—

9 (A) IN GENERAL.—The term “handler”
10 means the initial individual or entity making
11 payment to a dairy operation for milk produced
12 in the United States and marketed for commer-
13 cial use.

14 (B) PRODUCER-HANDLER.—The term in-
15 cludes a “producer-handler” when the producer
16 satisfies the definition in subparagraph (A).

17 (9) PARTICIPATING DAIRY OPERATION.—The
18 term “participating dairy operation” means a dairy
19 operation that—

20 (A) signs up under section 1412 to partici-
21 pate in the production margin protection pro-
22 gram under subpart A; and

23 (B) as a result, also participates in the sta-
24 bilization program under subpart B.

1 (10) PRODUCTION MARGIN PROTECTION PRO-
2 GRAM.—The term “production margin protection
3 program” means the dairy production margin pro-
4 tection program required by subpart A.

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of Agriculture.

7 (12) STABILIZATION PROGRAM.—The term
8 “stabilization program” means the dairy market sta-
9 bilization program required by subpart B for all par-
10 ticipating dairy operations.

11 (13) STABILIZATION PROGRAM BASE.—The
12 term “stabilization program base”, with respect to a
13 participating dairy operation, means the stabilization
14 program base calculated for the participating dairy
15 operation under section 1431(b).

16 (14) UNITED STATES.—The term “United
17 States”, in a geographical sense, means the 50
18 States, the District of Columbia, American Samoa,
19 Guam, the Commonwealth of the Northern Mariana
20 Islands, the Commonwealth of Puerto Rico, the Vir-
21 gin Islands of the United States, and any other ter-
22 ritory or possession of the United States.

1 **SEC. 1402. CALCULATION OF AVERAGE FEED COST AND AC-**
2 **TUAL DAIRY PRODUCTION MARGINS.**

3 (a) CALCULATION OF AVERAGE FEED COST.—The
4 Secretary shall calculate the national average feed cost for
5 each month using the following data:

6 (1) The price of corn for a month shall be the
7 price received during that month by farmers in the
8 United States for corn, as reported in the monthly
9 Agricultural Prices report by the Secretary.

10 (2) The price of soybean meal for a month shall
11 be the central Illinois price for soybean meal, as re-
12 ported in the Market News—Monthly Soybean Meal
13 Price Report by the Secretary.

14 (3) The price of alfalfa hay for a month shall
15 be the price received during that month by farmers
16 in the United States for alfalfa hay, as reported in
17 the monthly Agricultural Prices report by the Sec-
18 retary.

19 (b) CALCULATION OF ACTUAL DAIRY PRODUCTION
20 MARGINS.—

21 (1) PRODUCTION MARGIN PROTECTION PRO-
22 GRAM.—For use in the production margin protection
23 program under subpart A, the Secretary shall cal-
24 culate the actual dairy production margin for each
25 consecutive 2-month period by subtracting—

1 (A) the average feed cost for that consecu-
2 tive 2-month period, determined in accordance
3 with subsection (a); from

4 (B) the all-milk price for that consecutive
5 2-month period.

6 (2) STABILIZATION PROGRAM.—For use in the
7 stabilization program under subpart B, the Sec-
8 retary shall calculate each month the actual dairy
9 production margin for the preceding month by sub-
10 tracting—

11 (A) the average feed cost for that pre-
12 ceding month, determined in accordance with
13 subsection (a); from

14 (B) the all-milk price for that preceding
15 month.

16 (3) TIME FOR CALCULATIONS.—The calcula-
17 tions required by paragraphs (1) and (2) shall be
18 made as soon as practicable using the full month
19 price of the applicable reference month.

20 **Subpart A—Dairy Production Margin Protection**
21 **Program**

22 **SEC. 1411. ESTABLISHMENT OF DAIRY PRODUCTION MAR-**
23 **GIN PROTECTION PROGRAM.**

24 Effective not later than 120 days after the effective
25 date of this subtitle, the Secretary shall establish and ad-

1 minister a dairy production margin protection program
2 under which participating dairy operations are paid—

3 (1) basic production margin protection program
4 payments under section 1414 when actual dairy pro-
5 duction margins are less than the threshold levels
6 for such payments; and

7 (2) supplemental production margin protection
8 program payments under section 1415 if purchased
9 by a participating dairy operation.

10 **SEC. 1412. PARTICIPATION OF DAIRY OPERATIONS IN PRO-**
11 **DUCTION MARGIN PROTECTION PROGRAM.**

12 (a) **ELIGIBILITY.**—All dairy operations in the United
13 States shall be eligible to participate in the production
14 margin protection program, except that a participating
15 dairy operation shall be required to register with the Sec-
16 retary before the participating dairy operation may re-
17 ceive—

18 (1) basic production margin protection program
19 payments under section 1414; and

20 (2) if the participating dairy operation pur-
21 chases supplemental production margin protection
22 under section 1415, supplemental production margin
23 protection program payments under such section.

24 (b) **REGISTRATION PROCESS.**—

1 (1) IN GENERAL.—The Secretary shall specify
2 the manner and form by which a participating dairy
3 operation may register to participate in the produc-
4 tion margin protection program.

5 (2) TREATMENT OF MULTIPRODUCER DAIRY
6 OPERATIONS.—If a participating dairy operation is
7 operated by more than 1 dairy producer, all of the
8 dairy producers of the participating dairy operation
9 shall be treated as a single dairy operation for pur-
10 poses of—

11 (A) registration to receive basic production
12 margin protection and election to purchase sup-
13 plemental production margin protection;

14 (B) payment of the participation fee under
15 subsection (d) and producer premiums under
16 section 1415; and

17 (C) participation in the stabilization pro-
18 gram under subtitle B.

19 (3) TREATMENT OF PRODUCERS WITH MUL-
20 TIPLE DAIRY OPERATIONS.—If a dairy producer op-
21 erates 2 or more dairy operations, each dairy oper-
22 ation of the producer shall separately register to re-
23 ceive basic production margin protection and pur-
24 chase supplemental production margin protection

1 and only those dairy operations so registered shall
2 be covered by the stabilization program.

3 (c) TIME FOR REGISTRATION.—

4 (1) EXISTING DAIRY OPERATIONS.—During the
5 15-month period beginning on the date of the initi-
6 ation of the registration period for the production
7 margin protection program, a dairy operation that is
8 actively engaged as of such date may register with
9 the Secretary—

10 (A) to receive basic production margin pro-
11 tection; and

12 (B) if the dairy operation elects, to pur-
13 chase supplemental production margin protec-
14 tion.

15 (2) NEW ENTRANTS.—A dairy producer that
16 has no existing interest in a dairy operation as of
17 the date of the initiation of the registration period
18 for the production margin protection program, but
19 that, after such date, establishes a new dairy oper-
20 ation, may register with the Secretary during the 1-
21 year period beginning on the date on which the dairy
22 operation first markets milk commercially—

23 (A) to receive basic production margin pro-
24 tection; and

1 (B) if the dairy operation elects, to pur-
2 chase supplemental production margin protec-
3 tion.

4 (d) TRANSITION FROM MILC TO PRODUCTION MAR-
5 GIN PROTECTION.—

6 (1) DEFINITION OF TRANSITION PERIOD.—In
7 this subsection, the term “transition period” means
8 the period during which the milk income loss pro-
9 gram established under section 1506 of the Food,
10 Conservation, and Energy Act of 2008 (7 U.S.C.
11 8773) and the production margin protection pro-
12 gram under this subtitle are both in existence.

13 (2) NOTICE OF AVAILABILITY.—Not later than
14 30 days after the date of enactment of this Act, the
15 Secretary shall publish a notice in the Federal Reg-
16 ister to inform dairy operations of the availability of
17 basic production margin protection and supple-
18 mental production margin protection, including the
19 terms of the protection and information about the
20 option of dairy operations during the transition pe-
21 riod to make an election described in paragraph (3).

22 (3) ELECTION.—Except as provided in para-
23 graph (4), a dairy operation may elect to participate
24 in either the milk income loss program established
25 under section 1506 of the Food, Conservation, and

1 Energy Act of 2008 (7 U.S.C. 8773) or the produc-
2 tion margin protection program under this subtitle
3 for the duration of the transition period.

4 (4) TRANSFER TO PRODUCTION MARGIN PRO-
5 TECTION.—A dairy operation that elects to partici-
6 pate in the milk income loss program established
7 under section 1506 of the Food, Conservation, and
8 Energy Act of 2008 (7 U.S.C. 8773) during the
9 transition period may, at any time, make a perma-
10 nent transfer to the production margin protection
11 program.

12 (e) ADMINISTRATION FEE.—

13 (1) ADMINISTRATION FEE REQUIRED.—Except
14 as provided in paragraph (5), a participating dairy
15 operation shall—

16 (A) pay an administration fee under this
17 subsection to register to participate in the pro-
18 duction margin protection program; and

19 (B) pay the administration fee annually
20 thereafter to continue to participate in the pro-
21 duction margin protection program.

22 (2) FEE AMOUNT.—The administration fee for
23 a participating dairy operation for a calendar year
24 shall be based on the pounds of milk (in millions)

1 marketed by the participating dairy operation in the
 2 previous calendar year, as follows:

Pounds Marketed (in millions)	Administration Fee
less than 1	\$100
1 to 5	\$250
more than 5 to 10	\$350
more than 10 to 40	\$1,000
more than 40	\$2,500.

3 (3) DEPOSIT OF FEES.—All administration fees
 4 collected under this subsection shall be credited to
 5 the fund or account used to cover the costs incurred
 6 to administer the production margin protection pro-
 7 gram and the stabilization program and shall be
 8 available to the Secretary, without further appro-
 9 priation and until expended, for use or transfer as
 10 provided in paragraph (4).

11 (4) USE OF FEES.—The Secretary shall use ad-
 12 ministration fees collected under this subsection—

13 (A) to cover administrative costs of the
 14 production margin protection program and sta-
 15 bilization program; and

16 (B) to cover costs of the Department of
 17 Agriculture relating to reporting of dairy mar-
 18 ket news, carrying out the amendments made
 19 by section 1476, and carrying out section 273
 20 of the Agricultural Marketing Act of 1946 (7

1 U.S.C. 1637b), to the extent funds remain
2 available after operation of subparagraph (A).

3 (5) WAIVER.—The Secretary shall waive or re-
4 duce the administration fee required under para-
5 graph (1) in the case of a limited-resource dairy op-
6 eration, as defined by the Secretary.

7 (f) LIMITATION.—A dairy operation may only partici-
8 pate in the production margin protection program or the
9 livestock gross margin for dairy program under the Fed-
10 eral Crop Insurance Act (7 U.S.C. 1501 et seq.), but not
11 both.

12 **SEC. 1413. PRODUCTION HISTORY OF PARTICIPATING**
13 **DAIRY OPERATIONS.**

14 (a) PRODUCTION HISTORY FOR BASIC PRODUCTION
15 MARGIN PROTECTION.—

16 (1) DETERMINATION REQUIRED.—For purposes
17 of providing basic production margin protection, the
18 Secretary shall determine the basic production his-
19 tory of a participating dairy operation.

20 (2) CALCULATION.—Except as provided in
21 paragraph (3), the basic production history of a par-
22 ticipating dairy operation for basic production mar-
23 gin protection is equal to the highest annual milk
24 marketings of the participating dairy operation dur-
25 ing any 1 of the 3 calendar years immediately pre-

1 ceding the calendar year in which the participating
2 dairy operation first signed up to participate in the
3 production margin protection program.

4 (3) ELECTION BY NEW DAIRY OPERATIONS.—In
5 the case of a participating dairy operation that has
6 been in operation for less than a year, the partici-
7 pating dairy operation shall elect 1 of the following
8 methods for the Secretary to determine the basic
9 production history of the participating dairy oper-
10 ation:

11 (A) The volume of the actual milk mar-
12 ketings for the months the participating dairy
13 operation has been in operation extrapolated to
14 a yearly amount.

15 (B) An estimate of the actual milk mar-
16 ketings of the participating dairy operation
17 based on the herd size of the participating dairy
18 operation relative to the national rolling herd
19 average data published by the Secretary.

20 (4) NO CHANGE IN PRODUCTION HISTORY FOR
21 BASIC PRODUCTION MARGIN PROTECTION.—Once
22 the basic production history of a participating dairy
23 operation is determined under paragraph (2) or (3),
24 the basic production history shall not be subse-
25 quently changed for purposes of determining the

1 amount of any basic production margin protection
2 payments for the participating dairy operation made
3 under section 1414.

4 (b) ANNUAL PRODUCTION HISTORY FOR SUPPLE-
5 MENTAL PRODUCTION MARGIN PROTECTION.—

6 (1) DETERMINATION REQUIRED.—For purposes
7 of providing supplemental production margin protec-
8 tion for a participating dairy operation that pur-
9 chases supplemental production margin protection
10 for a year under section 1415, the Secretary shall
11 determine the annual production history of the par-
12 ticipating dairy operation under paragraph (2).

13 (2) CALCULATION.—The annual production his-
14 tory of a participating dairy operation for a year is
15 equal to the actual milk marketings of the partici-
16 pating dairy operation during the preceding calendar
17 year.

18 (3) NEW DAIRY OPERATIONS.—Subsection
19 (a)(3) shall apply with respect to determining the
20 annual production history of a participating dairy
21 operation that has been in operation for less than a
22 year.

23 (c) REQUIRED INFORMATION.—A participating dairy
24 operation shall provide all information that the Secretary
25 may require in order to establish—

1 (1) the basic production history of the partici-
2 pating dairy operation under subsection (a); and

3 (2) the production history of the participating
4 dairy operation whenever the participating dairy op-
5 eration purchases supplemental production margin
6 protection under section 1415.

7 (d) TRANSFER OF PRODUCTION HISTORIES.—

8 (1) TRANSFER BY SALE OR LEASE.—In promul-
9 gating the rules to initiate the production margin
10 protection program, the Secretary shall specify the
11 conditions under which and the manner by which the
12 production history of a participating dairy operation
13 may be transferred by sale or lease.

14 (2) COVERAGE LEVEL.—

15 (A) BASIC PRODUCTION MARGIN PROTEC-
16 TION.—A purchaser or lessee to whom the Sec-
17 retary transfers a basic production history
18 under this subsection shall not obtain a dif-
19 ferent level of basic production margin protec-
20 tion than the basic production margin protec-
21 tion coverage held by the seller or lessor from
22 whom the transfer was obtained.

23 (B) SUPPLEMENTAL PRODUCTION MARGIN
24 PROTECTION.—A purchaser or lessee to whom
25 the Secretary transfers an annual production

1 history under this subsection shall not obtain a
2 different level of supplemental production mar-
3 gin protection coverage than the supplemental
4 production margin protection coverage in effect
5 for the seller or lessor from whom the transfer
6 was obtained for the calendar year in which the
7 transfer was made.

8 (e) MOVEMENT AND TRANSFER OF PRODUCTION
9 HISTORY.—

10 (1) MOVEMENT AND TRANSFER AUTHOR-
11 IZED.—Subject to paragraph (2), if a participating
12 dairy operation moves from 1 location to another lo-
13 cation, the participating dairy operation may trans-
14 fer the basic production history and annual produc-
15 tion history associated with the participating dairy
16 operation.

17 (2) NOTIFICATION REQUIREMENT.—A partici-
18 pating dairy operation shall notify the Secretary of
19 any move of a participating dairy operation under
20 paragraph (1).

21 (3) SUBSEQUENT OCCUPATION OF VACATED LO-
22 CATION.—A party subsequently occupying a partici-
23 pating dairy operation location vacated as described
24 in paragraph (1) shall have no interest in the basic
25 production history or annual production history pre-

1 viously associated with the participating dairy oper-
2 ation at such location.

3 **SEC. 1414. BASIC PRODUCTION MARGIN PROTECTION.**

4 (a) PAYMENT THRESHOLD.—The Secretary shall
5 make a payment to participating dairy operations in ac-
6 cordance with subsection (b) whenever the average actual
7 dairy production margin for a consecutive 2-month period
8 is less than \$4.00 per hundredweight of milk.

9 (b) BASIC PRODUCTION MARGIN PROTECTION PAY-
10 MENT.—The basic production margin protection payment
11 for a participating dairy operation for a consecutive 2-
12 month period shall be equal to the product obtained by
13 multiplying—

14 (1) the difference between the average actual
15 dairy production margin for the consecutive 2-month
16 period and \$4.00, except that, if the difference is
17 more than \$4.00, the Secretary shall use \$4.00; by

18 (2) the lesser of—

19 (A) 80 percent of the production history of
20 the participating dairy operation, divided by 6;
21 or

22 (B) the actual quantity of milk marketed
23 by the participating dairy operation during the
24 consecutive 2-month period.

1 **SEC. 1415. SUPPLEMENTAL PRODUCTION MARGIN PROTEC-**
2 **TION.**

3 (a) ELECTION OF SUPPLEMENTAL PRODUCTION
4 MARGIN PROTECTION.—A participating dairy operation
5 may annually purchase supplemental production margin
6 protection to protect, during the calendar year for which
7 purchased, a higher level of the income of a participating
8 dairy operation than the income level guaranteed by basic
9 production margin protection under section 1414.

10 (b) SELECTION OF PAYMENT THRESHOLD.—A par-
11 ticipating dairy operation purchasing supplemental pro-
12 duction margin protection for a year shall elect a coverage
13 level that is higher, in any increment of \$0.50, than the
14 payment threshold for basic production margin protection
15 specified in section 1414(a), but not to exceed \$8.00.

16 (c) COVERAGE PERCENTAGE.—A participating dairy
17 operation purchasing supplemental production margin
18 protection for a year shall elect a percentage of coverage
19 equal to not more than 90 percent, nor less than 25 per-
20 cent, of the annual production history of the participating
21 dairy operation.

22 (d) PREMIUMS FOR SUPPLEMENTAL PRODUCTION
23 MARGIN PROTECTION.—

24 (1) PREMIUMS REQUIRED.—A participating
25 dairy operation that purchases supplemental produc-

tion margin protection shall pay an annual premium
equal to the product obtained by multiplying—

(A) the coverage percentage elected by the
participating dairy operation under subsection
(c);

(B) the annual production history of the
participating dairy operation; and

(C) the premium per hundredweight of
milk, as specified in the applicable table under
paragraph (2) or (3).

(2) PREMIUM PER HUNDREDWEIGHT FOR FIRST
4 MILLION POUNDS OF PRODUCTION.—For the first
4,000,000 pounds of milk marketings included in
the annual production history of a participating
dairy operation, the premium per hundredweight
corresponding to each coverage level specified in the
following table is as follows:

Coverage Level	Premium per Cwt.
\$4.50	\$0.01
\$5.00	\$0.02
\$5.50	\$0.035
\$6.00	\$0.045
\$6.50	\$0.09
\$7.00	\$0.40
\$7.50	\$0.60
\$8.00	\$0.95.

(3) PREMIUM PER HUNDREDWEIGHT FOR PRO-
DUCTION IN EXCESS OF 4 MILLION POUNDS.—For
milk marketings in excess of 4,000,000 pounds in-

1 cluded in the annual production history of a partici-
 2 pating dairy operation, the premium per hundred-
 3 weight corresponding to each coverage level is as fol-
 4 lows:

Coverage Level	Premium per Cwt.
\$4.50	\$0.02
\$5.00	\$0.04
\$5.50	\$0.10
\$6.00	\$0.15
\$6.50	\$0.29
\$7.00	\$0.62
\$7.50	\$0.83
\$8.00	\$1.06.

5 (4) TIME FOR PAYMENT.—In promulgating the
 6 rules to initiate the production margin protection
 7 program, the Secretary shall provide more than 1
 8 method by which a participating dairy operation that
 9 purchases supplemental production margin protec-
 10 tion for a calendar year may pay the premium under
 11 this subsection for that year in any manner that
 12 maximizes participating dairy operation payment
 13 flexibility and program integrity.

14 (e) PREMIUM OBLIGATIONS.—

15 (1) PRO-RATION OF PREMIUM FOR NEW DAIRY
 16 OPERATIONS.—A participating dairy operation de-
 17 scribed in section 1412(c)(2) that purchases supple-
 18 mental production margin protection for a calendar
 19 year after the start of the calendar year shall pay
 20 a pro-rated premium for that calendar year based on

1 the portion of the calendar year for which the par-
2 ticipating dairy operation purchases the coverage.

3 (2) LEGAL OBLIGATION.—A participating dairy
4 operation that purchases supplemental production
5 margin protection for a calendar year shall be legally
6 obligated to pay the applicable premium for that cal-
7 endar year, except that the Secretary may waive
8 that obligation, under terms and conditions deter-
9 mined by the Secretary, for 1 or more producers in
10 any participating dairy operation in the case of
11 death, retirement, permanent dissolution of a par-
12 ticipating dairy operation, or other circumstances as
13 the Secretary considers appropriate to ensure the in-
14 tegrity of the program.

15 (f) SUPPLEMENTAL PAYMENT THRESHOLD.—A par-
16 ticipating dairy operation with supplemental production
17 margin protection shall receive a supplemental production
18 margin protection payment whenever the average actual
19 dairy production margin for a consecutive 2-month period
20 is less than the coverage level threshold selected by the
21 participating dairy operation under subsection (b).

22 (g) SUPPLEMENTAL PRODUCTION MARGIN PROTEC-
23 TION PAYMENTS.—

24 (1) IN GENERAL.—The supplemental produc-
25 tion margin protection payment for a participating

1 dairy operation is in addition to the basic production
2 margin protection payment.

3 (2) AMOUNT OF PAYMENT.—The supplemental
4 production margin protection payment for the par-
5 ticipating dairy operation shall be determined as fol-
6 lows:

7 (A) The Secretary shall calculate the dif-
8 ference between the coverage level threshold se-
9 lected by the participating dairy operation
10 under subsection (b) and the greater of—

11 (i) the average actual dairy production
12 margin for the consecutive 2-month period;
13 or

14 (ii) \$4.00.

15 (B) The amount determined under sub-
16 paragraph (A) shall be multiplied by the per-
17 centage selected by the participating dairy oper-
18 ation under subsection (c) and by the lesser of
19 the following:

20 (i) The annual production history of
21 the participating dairy operation, divided
22 by 6.

23 (ii) The actual amount of milk mar-
24 keted by the participating dairy operation
25 during the consecutive 2-month period.

1 **SEC. 1416. EFFECT OF FAILURE TO PAY ADMINISTRATION**
2 **FEES OR PREMIUMS.**

3 (a) LOSS OF BENEFITS.—A participating dairy oper-
4 ation that fails to pay the required administration fee
5 under section 1412 or is in arrears on premium payments
6 for supplemental production margin protection under sec-
7 tion 1415—

8 (1) remains legally obligated to pay the admin-
9 istration fee or premiums, as the case may be; and

10 (2) may not receive basic production margin
11 protection payments or supplemental production
12 margin protection payments until the fees or pre-
13 miums are fully paid.

14 (b) ENFORCEMENT.—The Secretary may take such
15 action as necessary to collect administration fees and pre-
16 mium payments for supplemental production margin pro-
17 tection.

18 **Subpart B—Dairy Market Stabilization Program**

19 **SEC. 1431. ESTABLISHMENT OF DAIRY MARKET STABILIZA-**
20 **TION PROGRAM.**

21 (a) PROGRAM REQUIRED; PURPOSE.—Effective not
22 later than 120 days after the effective date of this subtitle,
23 the Secretary shall establish and administer a dairy mar-
24 ket stabilization program applicable to participating dairy
25 operations for the purpose of assisting in balancing the

1 supply of milk with demand when participating dairy oper-
2 ations are experiencing low or negative operating margins.

3 (b) ELECTION OF STABILIZATION PROGRAM BASE
4 CALCULATION METHOD.—

5 (1) ELECTION.—When a dairy operation signs
6 up under section 1412 to participate in the produc-
7 tion margin protection program, the dairy operation
8 shall inform the Secretary of the method by which
9 the stabilization program base for the participating
10 dairy operation will be calculated under paragraph
11 (3).

12 (2) CHANGE IN CALCULATION METHOD.—A
13 participating dairy operation may change the sta-
14 bilization program base calculation method to be
15 used for a calendar year by notifying the Secretary
16 of the change not later than a date determined by
17 the Secretary.

18 (3) CALCULATION METHODS.—A participating
19 dairy operation may elect either of the following
20 methods for calculation of the stabilization program
21 base for the participating dairy operation:

22 (A) The volume of the average monthly
23 milk marketings of the participating dairy oper-
24 ation for the 3 months immediately preceding

1 the announcement by the Secretary that the
2 stabilization program will become effective.

3 (B) The volume of the monthly milk mar-
4 ketings of the participating dairy operation for
5 the same month in the preceding year as the
6 month for which the Secretary has announced
7 the stabilization program will become effective.

8 **SEC. 1432. THRESHOLD FOR IMPLEMENTATION AND RE-**
9 **DUCTION IN DAIRY PAYMENTS.**

10 (a) WHEN STABILIZATION PROGRAM REQUIRED.—
11 Except as provided in subsection (b), the Secretary shall
12 announce that the stabilization program is in effect and
13 order reduced payments by handlers to participating dairy
14 operations that exceed the applicable percentage of the
15 participating dairy operation's stabilization program base
16 whenever—

17 (1) the actual dairy production margin has been
18 \$6.00 or less per hundredweight of milk for each of
19 the immediately preceding 2 months; or

20 (2) the actual dairy production margin has been
21 \$4.00 or less per hundredweight of milk for the im-
22 mediately preceding month.

23 (b) EXCEPTION.—If any of the conditions described
24 in section 1436(b) have been met during the 2-month pe-
25 riod immediately preceding the month in which the an-

1 nouncement under subsection (a) would otherwise be made
2 by the Secretary in the absence of this exception, the Sec-
3 retary shall—

- 4 (1) suspend the stabilization program;
- 5 (2) refrain from making the announcement
6 under subsection (a) to implement order the sta-
7 bilization payment; or
- 8 (3) order reduced payments.

9 (c) EFFECTIVE DATE FOR IMPLEMENTATION OF
10 PAYMENT REDUCTIONS.—Reductions in dairy payments
11 shall commence beginning on the first day of the month
12 immediately following the date of the announcement by
13 the Secretary under subsection (a).

14 **SEC. 1433. MILK MARKETINGS INFORMATION.**

15 (a) COLLECTION OF MILK MARKETING DATA.—The
16 Secretary shall establish, by regulation, a process to collect
17 from participating dairy operations and handlers such in-
18 formation that the Secretary considers necessary for each
19 month during which the stabilization program is in effect.

20 (b) REDUCE REGULATORY BURDEN.—When imple-
21 menting the process under subsection (a), the Secretary
22 shall minimize the regulatory burden on participating
23 dairy operations and handlers.

1 **SEC. 1434. CALCULATION AND COLLECTION OF REDUCED**
2 **DAIRY OPERATION PAYMENTS.**

3 (a) REDUCED PARTICIPATING DAIRY OPERATION
4 PAYMENTS REQUIRED.—During any month in which pay-
5 ment reductions are in effect under the stabilization pro-
6 gram, each handler shall reduce payments to each partici-
7 pating dairy operation from whom the handler receives
8 milk.

9 (b) REDUCTIONS BASED ON ACTUAL DAIRY PRO-
10 Duction MARGIN.—

11 (1) REDUCTION REQUIREMENT 1.—If the Sec-
12 retary determines that the average actual dairy pro-
13 duction margin has been less than \$6.00 but greater
14 than \$5.00 per hundredweight of milk for 2 consecu-
15 tive months, the handler shall make payments to a
16 participating dairy operation for a month based on
17 the greater of the following:

18 (A) 98 percent of the stabilization program
19 base of the participating dairy operation.

20 (B) 94 percent of the marketings of milk
21 for the month by the participating dairy oper-
22 ation.

23 (2) REDUCTION REQUIREMENT 2.—If the Sec-
24 retary determines that the average actual dairy pro-
25 duction margin has been less than \$5.00 but greater
26 than \$4.00 for 2 consecutive months, the handler

1 shall make payments to a participating dairy oper-
2 ation for a month based on the greater of the fol-
3 lowing:

4 (A) 97 percent of the stabilization program
5 base of the participating dairy operation.

6 (B) 93 percent of the marketings of milk
7 for the month by the participating dairy oper-
8 ation.

9 (3) REDUCTION REQUIREMENT 3.—If the Sec-
10 retary determines that the average actual dairy pro-
11 duction margin has been \$4.00 or less for any 1
12 month, the handler shall make payments to a par-
13 ticipating dairy operation for a month based on the
14 greater of the following:

15 (A) 96 percent of the stabilization program
16 base of the participating dairy operation.

17 (B) 92 percent of the marketings of milk
18 for the month by the participating dairy oper-
19 ation.

20 (c) CONTINUATION OF REDUCTIONS.—The largest
21 level of payment reduction required under paragraph (1),
22 (2), or (3) of subsection (b) shall be continued for each
23 month until the Secretary suspends the stabilization pro-
24 gram and terminates payment reductions in accordance
25 with section 1436.

1 (d) PAYMENT REDUCTION EXCEPTION.—Notwith-
2 standing any preceding subsection of this section, a han-
3 dler shall make no payment reductions for a participating
4 dairy operation for a month if the participating dairy oper-
5 ation's milk marketings for the month are equal to or less
6 than the percentage of the stabilization program base ap-
7 plicable to the participating dairy operation under para-
8 graph (1), (2), or (3) of subsection (b).

9 **SEC. 1435. REMITTING FUNDS TO THE SECRETARY AND USE**
10 **OF FUNDS.**

11 (a) REMITTING FUNDS.—As soon as practicable after
12 the end of each month during which payment reductions
13 are in effect under the stabilization program, each handler
14 shall remit to the Secretary an amount equal to the
15 amount by which payments to participating dairy oper-
16 ations are reduced by the handler under section 1434.

17 (b) DEPOSIT OF REMITTED FUNDS.—All funds re-
18 ceived under subsection (a) shall be available to the Sec-
19 retary, without further appropriation and until expended,
20 for use or transfer as provided in subsection (c).

21 (c) USE OF FUNDS.—

22 (1) AVAILABILITY FOR CERTAIN COMMODITY
23 DONATIONS.—Not later than 90 days after the
24 funds described in subsection (a) are due as deter-

1 mined by the Secretary, the Secretary shall obligate
2 the funds for the purpose of—

3 (A) purchasing dairy products for donation
4 to food banks and other programs that the Sec-
5 retary determines appropriate; and

6 (B) expanding consumption and building
7 demand for dairy products.

8 (2) NO DUPLICATION OF EFFORT.—The Sec-
9 retary shall ensure that expenditures under para-
10 graph (1) are compatible with, and do not duplicate,
11 programs supported by the dairy research and pro-
12 motion activities conducted under the Dairy Produc-
13 tion Stabilization Act of 1983 (7 U.S.C. 4501 et
14 seq.).

15 (3) ACCOUNTING.—The Secretary shall keep an
16 accurate account of all funds expended under para-
17 graph (1).

18 (d) ANNUAL REPORT.—Not later than December 31
19 of each year that the stabilization program is in effect,
20 the Secretary shall submit to the Committee on Agri-
21 culture of the House of Representatives and the Com-
22 mittee on Agriculture, Nutrition, and Forestry of the Sen-
23 ate a report that provides an accurate accounting of—

24 (1) the funds received by the Secretary during
25 the preceding fiscal year under subsection (a);

1 (2) all expenditures made by the Secretary
2 under subsection (b) during the preceding fiscal
3 year; and

4 (3) the impact of the stabilization program on
5 dairy markets.

6 (e) ENFORCEMENT.—If a participating dairy oper-
7 ation or handler fails to remit or collect the amounts by
8 which payments to participating dairy operations are re-
9 duced under section 1434, the participating dairy oper-
10 ation or handler responsible for the failure shall be liable
11 to the Secretary for the amount that should have been
12 remitted or collected, plus interest. In addition to the en-
13 forcement authorities available under section 1437, the
14 Secretary may enforce this subsection in the courts of the
15 United States.

16 **SEC. 1436. SUSPENSION OF REDUCED PAYMENT REQUIRE-**
17 **MENT.**

18 (a) DETERMINATION OF PRICES.—For purposes of
19 this section:

20 (1) The price in the United States for cheddar
21 cheese and nonfat dry milk shall be determined by
22 the Secretary.

23 (2) The world price of cheddar cheese and skim
24 milk powder shall be determined by the Secretary.

1 (b) SUSPENSION THRESHOLDS.—The stabilization
2 program shall be suspended or the Secretary shall refrain
3 from making the announcement under section 1432(a) if
4 the Secretary determines that—

5 (1) the actual dairy production margin is great-
6 er than \$6.00 per hundredweight of milk for 2 con-
7 secutive months;

8 (2) the actual dairy production margin is equal
9 to or less than \$6.00 (but greater than \$5.00) for
10 2 consecutive months, and during the same 2 con-
11 secutive months—

12 (A) the price in the United States for
13 cheddar cheese is equal to or greater than the
14 world price of cheddar cheese; or

15 (B) the price in the United States for non-
16 fat dry milk is equal to or greater than the
17 world price of skim milk powder;

18 (3) the actual dairy production margin is equal
19 to or less than \$5.00 (but greater than \$4.00) for
20 2 consecutive months, and during the same 2 con-
21 secutive months—

22 (A) the price in the United States for
23 cheddar cheese is more than 5 percent above
24 the world price of cheddar cheese; or

1 (B) the price in the United States for non-
2 fat dry milk is more than 5 percent above the
3 world price of skim milk powder; or

4 (4) the actual dairy production margin is equal
5 to or less than \$4.00 for 2 consecutive months, and
6 during the same 2 consecutive months—

7 (A) the price in the United States for
8 cheddar cheese is more than 7 percent above
9 the world price of cheddar cheese; or

10 (B) the price in the United States for non-
11 fat dry milk is more than 7 percent above the
12 world price of skim milk powder.

13 (c) IMPLEMENTATION BY HANDLERS.—Effective on
14 the day after the date of the announcement by the Sec-
15 retary under subsection (b) of the suspension of the sta-
16 bilization program, the handler shall cease reducing pay-
17 ments to participating dairy operations under the sta-
18 bilization program.

19 (d) CONDITION ON RESUMPTION OF STABILIZATION
20 PROGRAM.—Upon the announcement by the Secretary
21 under subsection (b) that the stabilization program has
22 been suspended, the stabilization program may not be im-
23 plemented again until, at the earliest—

1 (1) 2 months have passed, beginning on the
2 first day of the month immediately following the an-
3 nouncement by the Secretary; and

4 (2) the conditions of section 1432(a) are again
5 met.

6 **SEC. 1437. ENFORCEMENT.**

7 (a) **UNLAWFUL ACT.**—It shall be unlawful and a vio-
8 lation of the this subpart for any person subject to the
9 stabilization program to willfully fail or refuse to provide,
10 or delay the timely reporting of, accurate information and
11 remittance of funds to the Secretary in accordance with
12 this subpart.

13 (b) **ORDER.**—After providing notice and opportunity
14 for a hearing to an affected person, the Secretary may
15 issue an order against any person to cease and desist from
16 continuing any violation of this subpart.

17 (c) **APPEAL.**—An order of the Secretary under sub-
18 section (b) shall be final and conclusive unless an affected
19 person files an appeal of the order of the Secretary in
20 United States district court not later than 30 days after
21 the date of the issuance of the order. A finding of the
22 Secretary in the order shall be set aside only if the finding
23 is not supported by substantial evidence.

24 (d) **NONCOMPLIANCE WITH ORDER.**—If a person
25 subject to this subpart fails to obey an order issued under

1 subsection (b) after the order has become final and
2 unappealable, or after the appropriate United States dis-
3 trict court has entered a final judgment in favor of the
4 Secretary, the United States may apply to the appropriate
5 United States district court for enforcement of the order.
6 If the court determines that the order was lawfully made
7 and duly served and that the person violated the order,
8 the court shall enforce the order.

9 **SEC. 1438. AUDIT REQUIREMENTS.**

10 (a) AUDITS OF DAIRY OPERATION AND HANDLER
11 COMPLIANCE.—

12 (1) AUDITS AUTHORIZED.—If determined by
13 the Secretary to be necessary to ensure compliance
14 by participating dairy operations and handlers with
15 the stabilization program, the Secretary may con-
16 duct periodic audits of participating dairy operations
17 and handlers.

18 (2) SAMPLE OF DAIRY OPERATIONS.—Any
19 audit conducted under this subsection shall include,
20 at a minimum, investigation of a statistically valid
21 and random sample of participating dairy oper-
22 ations.

23 (b) SUBMISSION OF RESULTS.—The Secretary shall
24 submit the results of any audit conducted under sub-
25 section (a) to the Committee on Agriculture of the House

1 of Representatives and the Committee on Agriculture, Nu-
2 trition, and Forestry of the Senate and include such rec-
3 ommendations as the Secretary considers appropriate re-
4 garding the stabilization program.

5 **SEC. 1439. STUDY; REPORT.**

6 (a) IN GENERAL.—The Secretary shall direct the Of-
7 fice of the Chief Economist to conduct a study of the im-
8 pacts of the program established under section 1431(a).

9 (b) CONSIDERATIONS.—The study conducted under
10 subsection (a) shall consider—

11 (1) the economic impact of the program
12 throughout the dairy product value chain, including
13 the impact on producers, processors, domestic cus-
14 tomers, export customers, actual market growth and
15 potential market growth, farms of different sizes,
16 and different regions and States; and

17 (2) the impact of the program on the competi-
18 tiveness of the United States dairy industry in inter-
19 national markets.

20 (c) REPORT.—Not later than December 1, 2017, the
21 Office of the Chief Economist shall submit to the Com-
22 mittee on Agriculture of the House of Representatives and
23 the Committee on Agriculture, Nutrition, and Forestry of
24 the Senate a report that describes the results of the study
25 conducted under subsection (a).

1 **Subpart C—Administration**

2 **SEC. 1451. DURATION.**

3 The production margin protection program and the
4 stabilization program shall end on December 31, 2018.

5 **SEC. 1452. ADMINISTRATION AND ENFORCEMENT.**

6 (a) IN GENERAL.—The Secretary shall promulgate
7 regulations to address administrative and enforcement
8 issues involved in carrying out the production margin pro-
9 tection, supplemental production margin protection, and
10 market stabilization programs.

11 (b) RECONSTITUTION AND ELIGIBILITY ISSUES.—

12 (1) RECONSTITUTION.—Using authorities under
13 section 1001(f) and 1001B of the Food Security Act
14 of 1985 (7 U.S.C. 1308(f), 1308–2), the Secretary
15 shall promulgate regulations to prohibit a dairy pro-
16 ducer from reconstituting a dairy operation for the
17 sole purpose of the dairy producer—

18 (A) receiving basic margin protection;

19 (B) purchasing supplemental margin pro-
20 tection; or

21 (C) avoiding participation in the market
22 stabilization program.

23 (2) ELIGIBILITY ISSUES.—Using authorities
24 under section 1001(f) and 1001B of the Food Secu-
25 rity Act of 1985 (7 U.S.C. 1308(f), 1308–2), the
26 Secretary shall promulgate regulations—

- 1 (A) to prohibit a scheme or device;
2 (B) to provide for equitable relief; and
3 (C) to provide for other issues affecting eli-
4 gibility and liability issues.

5 (3) ADMINISTRATIVE APPEALS.—Using authori-
6 ties under section 1001(h) of the Food Security Act
7 of 1985 (7 U.S.C. 1308(h)) and subtitle H of the
8 Department of Agriculture Reorganization Act (7
9 U.S.C. 6991 et seq.), the Secretary shall promulgate
10 regulations to provide for administrative appeals of
11 decisions of the Secretary that are adverse to par-
12 ticipants of the programs described in subsection
13 (a).

14 **PART II—DAIRY MARKET TRANSPARENCY**

15 **SEC. 1461. DAIRY PRODUCT MANDATORY REPORTING.**

16 (a) DEFINITIONS.—Section 272(1)(A) of the Agricul-
17 tural Marketing Act of 1946 (7 U.S.C. 1637a(1)(A)) is
18 amended by inserting “, or any other products that may
19 significantly aid price discovery in the dairy markets, as
20 determined by the Secretary” after “of 1937”.

21 (b) MANDATORY REPORTING FOR DAIRY PROD-
22 UCTS.—Section 273(b) of the Agricultural Marketing Act
23 of 1946 (7 U.S.C. 1637b(b)) is amended—

24 (1) by striking paragraph (1) and inserting the
25 following new paragraph:

1 “(1) IN GENERAL.—In establishing the pro-
2 gram, the Secretary shall only—

3 “(A)(i) subject to the conditions described
4 in paragraph (2), require each manufacturer to
5 report to the Secretary, more frequently than
6 once per month, information concerning the
7 price, quantity, and moisture content of dairy
8 products sold by the manufacturer and any
9 other product characteristics that may signifi-
10 cantly aid price discovery in the dairy markets,
11 as determined by the Secretary; and

12 “(ii) modify the format used to provide the
13 information on the day before the date of enact-
14 ment of this subtitle to ensure that the infor-
15 mation can be readily understood by market
16 participants; and

17 “(B) require each manufacturer and other
18 person storing dairy products (including dairy
19 products in cold storage) to report to the Sec-
20 retary, more frequently than once per month,
21 information on the quantity of dairy products
22 stored.”; and

23 (2) in paragraph (2), by inserting “or those
24 that may significantly aid price discovery in the
25 dairy markets” after “Federal milk marketing

1 order” each place it appears in subparagraphs (A),
2 (B), and (C).

3 **SEC. 1462. FEDERAL MILK MARKETING ORDER INFORMA-**
4 **TION.**

5 (a) INFORMATION CLEARINGHOUSE.—

6 (1) IN GENERAL.—The Secretary shall, on be-
7 half of each milk marketing order issued under the
8 Agricultural Adjustment Act (7 U.S.C. 601 et seq.),
9 reenacted with amendments by the Agricultural
10 Marketing Agreement Act of 1937, establish an in-
11 formation clearinghouse for the purposes of edu-
12 cating the public about the Federal milk marketing
13 order system and any marketing order referenda, in-
14 cluding proposal information and timelines that shall
15 be kept current and updated as information becomes
16 available.

17 (2) REQUIREMENTS.—Information under para-
18 graph (1) shall include—

19 (A) information on procedures by which
20 cooperatives vote;

21 (B) if applicable, information on the man-
22 ner by which producers may cast an individual
23 ballot;

24 (C) in applicable, instructions on the man-
25 ner in which to vote online;

1 (D) due dates for each specific referendum;

2 (E) the text of each referendum question

3 under consideration;

4 (F) a description in plain language of the

5 question;

6 (G) any relevant background information

7 to the question; and

8 (H) any other information that increases

9 Federal milk marketing order transparency.

10 (b) NOTIFICATION LIST FOR UPCOMING REF-

11 ERENDUM.—Each Federal milk marketing order shall—

12 (1) make available the information described in

13 subsection (b) through an Internet site; and

14 (2) publicize the information in major agri-

15 culture and dairy-specific publications on upcoming

16 referenda.

17 (c) STUDY.—

18 (1) IN GENERAL.—The Secretary shall conduct

19 a study of the feasibility of establishing 2 classes of

20 milk, a fluid class and a manufacturing class, to re-

21 place the 4-class system in effect on the date of en-

22 actment of this Act in administering Federal milk

23 marketing orders.

24 (2) FEDERAL MILK MARKET ORDER REVIEW

25 COMMISSION.—The Secretary may elect to use the

1 Federal Milk Market Order Review Commission es-
2 tablished under section 1509(a) of the Food, Con-
3 servation, and Energy Act of 2008 (Public Law
4 110–246; 122 Stat. 1726), or documents of the
5 Commission, to conduct all or part of the study.

6 (3) REPORT.—Not later than 180 days after
7 the date of enactment of this Act, the Secretary
8 shall submit to the Committee on Agriculture of the
9 House of Representatives and the Committee on Ag-
10 riculture, Nutrition, and Forestry of the Senate a
11 report that describes the results of the study re-
12 quired under this subsection, including any rec-
13 ommendations.

14 **PART III—REPEAL OR REAUTHORIZATION OF**
15 **OTHER DAIRY-RELATED PROVISIONS**

16 **SEC. 1471. REPEAL OF DAIRY PRODUCT PRICE SUPPORT**
17 **AND MILK INCOME LOSS CONTRACT PRO-**
18 **GRAMS.**

19 (a) REPEAL OF DAIRY PRODUCT PRICE SUPPORT
20 PROGRAM.—Section 1501 of the Food, Conservation, and
21 Energy Act of 2008 (7 U.S.C. 8771) is repealed.

22 (b) REPEAL OF MILK INCOME LOSS CONTRACT PRO-
23 GRAM.—

24 (1) PAYMENTS UNDER MILK INCOME LOSS CON-
25 TRACT PROGRAM.—Section 1506(c)(3) of the Food,

1 Conservation, and Energy Act of 2008 (7 U.S.C.
2 8773(c)(3)) is amended—

3 (A) in subparagraph (A), by inserting
4 “and” after the semicolon;

5 (B) in subparagraph (B), by striking “Au-
6 gust 31, 2013, 45 percent; and” and inserting
7 “June 30, 2014, 45 percent.”; and

8 (C) by striking subparagraph (C).

9 (2) EXTENSION.—Section 1506(h)(1) of the
10 Food, Conservation, and Energy Act of 2008 (7
11 U.S.C. 8773(h)(1)) is amended by striking “Sep-
12 tember 30, 2013” and inserting “June 30, 2014”.

13 (3) REPEAL.—Effective July 1, 2014, section
14 1506 of the Food, Conservation, and Energy Act of
15 2008 (7 U.S.C. 8773) is repealed.

16 **SEC. 1472. REPEAL OF DAIRY EXPORT INCENTIVE PRO-**
17 **GRAM.**

18 (a) REPEAL.—Section 153 of the Food Security Act
19 of 1985 (15 U.S.C. 713a–14) is repealed.

20 (b) CONFORMING AMENDMENTS.—Section 902(2) of
21 the Trade Sanctions Reform and Export Enhancement
22 Act of 2000 (22 U.S.C. 7201(2)) is amended—

23 (1) by striking subparagraph (D); and

24 (2) by redesignating subparagraphs (E) and
25 (F) as subparagraphs (D) and (E), respectively.

1 **SEC. 1473. EXTENSION OF DAIRY FORWARD PRICING PRO-**
2 **GRAM.**

3 Section 1502(e) of the Food, Conservation, and En-
4 ergy Act of 2008 (7 U.S.C. 8772(e)) is amended—

5 (1) in paragraph (1), by striking “2012” and
6 inserting “2018”; and

7 (2) in paragraph (2), by striking “2015” and
8 inserting “2021”.

9 **SEC. 1474. EXTENSION OF DAIRY INDEMNITY PROGRAM.**

10 Section 3 of Public Law 90–484 (7 U.S.C. 450l) is
11 amended by striking “2012” and inserting “2018”.

12 **SEC. 1475. EXTENSION OF DAIRY PROMOTION AND RE-**
13 **SEARCH PROGRAM.**

14 Section 113(e)(2) of the Dairy Production Stabiliza-
15 tion Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by
16 striking “2012” and inserting “2018”.

17 **SEC. 1476. EXTENSION OF FEDERAL MILK MARKETING**
18 **ORDER REVIEW COMMISSION.**

19 Section 1509(a) of the Food, Conservation, and En-
20 ergy Act of 2008 (Public Law 110–246; 122 Stat. 1726)
21 is amended by inserting “or other funds” after “Subject
22 to the availability of appropriations”.

1 **PART IV—FEDERAL MILK MARKETING ORDER**

2 **REFORM**

3 **SEC. 1481. FEDERAL MILK MARKETING ORDERS.**

4 (a) AMENDMENTS.—The Secretary shall provide an
5 analysis on the effects of amending each Federal milk
6 marketing order issued under section 8c of the Agricul-
7 tural Adjustment Act (7 U.S.C. 608c), reenacted with
8 amendments by the Agricultural Marketing Agreement
9 Act of 1937 (in this part referred to as a “milk marketing
10 order”), as required by this section.

11 (b) USE OF END-PRODUCT PRICE FORMULAS.—In
12 carrying out subsection (a), the Secretary shall—

13 (1) consider replacing the use of end-product
14 price formulas with other pricing alternatives; and

15 (2) submit to the Committee on Agriculture of
16 the House of Representatives and the Committee on
17 Agriculture, Nutrition, and Forestry of the Senate a
18 report describing the findings of the Secretary on
19 the impact of the action considered under paragraph
20 (1).

21 **PART V—EFFECTIVE DATE**

22 **SEC. 1491. EFFECTIVE DATE.**

23 Except as otherwise provided in this subtitle, this
24 subtitle and the amendments made by this subtitle take
25 effect on October 1, 2013.

1 **Subtitle E—Supplemental Agricultural**
2 **Disaster Assistance Pro-**
3 **grams**

4 **SEC. 1501. SUPPLEMENTAL AGRICULTURAL DISASTER AS-**
5 **SISTANCE PROGRAMS.**

6 (a) DEFINITIONS.—In this section:

7 (1) ELIGIBLE PRODUCER ON A FARM.—

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

14 (B) DESCRIPTION.—An individual or enti-
15 ty referred to in subparagraph (A) is—

16 (i) a citizen of the United States;

17 (ii) a resident alien;

18 (iii) a partnership of citizens of the
19 United States; or

20 (iv) a corporation, limited liability cor-
21 poration, or other farm organizational
22 structure organized under State law.

23 (2) FARM.—

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

1 farm, the total of all crop acreage in all coun-
2 ties that is planted or intended to be planted
3 for harvest, for sale, or on-farm livestock feed-
4 ing (including native grassland intended for
5 haying) by the eligible producer.

6 (B) AQUACULTURE.—In the case of aqua-
7 culture, the term “farm” means, in relation to
8 an eligible producer on a farm, all fish being
9 produced in all counties that are intended to be
10 harvested for sale by the eligible producer.

11 (C) HONEY.—In the case of honey, the
12 term “farm” means, in relation to an eligible
13 producer on a farm, all bees and beehives in all
14 counties that are intended to be harvested for
15 a honey crop for sale by the eligible producer.

16 (3) FARM-RAISED FISH.—The term “farm-
17 raised fish” means any aquatic species that is propa-
18 gated and reared in a controlled environment.

19 (4) LIVESTOCK.—The term “livestock” in-
20 cludes—

21 (A) cattle (including dairy cattle);

22 (B) bison;

23 (C) poultry;

24 (D) sheep;

25 (E) swine;

1 (F) horses; and

2 (G) other livestock, as determined by the
3 Secretary.

4 (b) LIVESTOCK INDEMNITY PAYMENTS.—

5 (1) PAYMENTS.—For each of fiscal years 2012
6 through 2018, the Secretary shall use such sums as
7 are necessary of the funds of the Commodity Credit
8 Corporation to make livestock indemnity payments
9 to eligible producers on farms that have incurred
10 livestock death losses in excess of the normal mor-
11 tality, as determined by the Secretary, due to—

12 (A) attacks by animals reintroduced into
13 the wild by the Federal Government or pro-
14 tected by Federal law, including wolves; or

15 (B) adverse weather, as determined by the
16 Secretary, during the calendar year, including
17 losses due to hurricanes, floods, blizzards, dis-
18 ease, wildfires, extreme heat, and extreme cold.

19 (2) PAYMENT RATES.—Indemnity payments to
20 an eligible producer on a farm under paragraph (1)
21 shall be made at a rate of 65 percent of the market
22 value of the applicable livestock on the day before
23 the date of death of the livestock, as determined by
24 the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

8 (c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) ESTABLISHMENT.—There is established a livestock forage disaster program to provide 1 source for livestock forage disaster assistance for weather-related forage losses, as determined by the Secretary, by combining—

(A) the livestock forage assistance func-
tions of—

(i) the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(ii) the emergency assistance for livestock, honey bees, and farm-raised fish program under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) (as in existence on the day before the date of enactment of this Act); and

1 (B) the livestock forage disaster program
2 under section 531(d) of the Federal Crop In-
3 surance Act (7 U.S.C. 1531(d)) (as in existence
4 on the day before the date of enactment of this
5 Act).

6 (2) DEFINITIONS.—In this subsection:

7 (A) COVERED LIVESTOCK.—

8 (i) IN GENERAL.—Except as provided
9 in clause (ii), the term “covered livestock”
10 means livestock of an eligible livestock pro-
11 ducer that, during the 60 days prior to the
12 beginning date of an eligible forage loss, as
13 determined by the Secretary, the eligible
14 livestock producer—

15 (I) owned;

16 (II) leased;

17 (III) purchased;

18 (IV) entered into a contract to
19 purchase;

20 (V) was a contract grower; or

21 (VI) sold or otherwise disposed of
22 due to an eligible forage loss during—

23 (aa) the current production
24 year; or

1 (bb) subject to paragraph
2 (4)(B)(ii), 1 or both of the 2 pro-
3 duction years immediately pre-
4 ceding the current production
5 year.

6 (ii) EXCLUSION.—The term “covered
7 livestock” does not include livestock that
8 were or would have been in a feedlot, on
9 the beginning date of the eligible forage
10 loss, as a part of the normal business oper-
11 ation of the eligible livestock producer, as
12 determined by the Secretary.

13 (B) DROUGHT MONITOR.—The term
14 “drought monitor” means a system for
15 classifying drought severity according to a
16 range of abnormally dry to exceptional drought,
17 as defined by the Secretary.

18 (C) ELIGIBLE FORAGE LOSS.—The term
19 “eligible forage loss” means 1 or more forage
20 losses that occur due to weather-related condi-
21 tions, including drought, flood, blizzard, hail,
22 excessive moisture, hurricane, and fire, occur-
23 ring during the normal grazing period, as deter-
24 mined by the Secretary, if the forage—

1 (i) is grown on land that is native or
2 improved pastureland with permanent veg-
3 etative cover; or

4 (ii) is a crop planted specifically for
5 the purpose of providing grazing for cov-
6 ered livestock of an eligible livestock pro-
7 ducer.

8 (D) ELIGIBLE LIVESTOCK PRODUCER.—

9 (i) IN GENERAL.—The term “eligible
10 livestock producer” means an eligible pro-
11 ducer on a farm that—

12 (I) is an owner, cash or share
13 lessee, or contract grower of covered
14 livestock that provides the pastureland
15 or grazing land, including cash-leased
16 pastureland or grazing land, for the
17 covered livestock;

18 (II) provides the pastureland or
19 grazing land for covered livestock, in-
20 cluding cash-leased pastureland or
21 grazing land that is physically located
22 in a county affected by an eligible for-
23 age loss;

24 (III) certifies the eligible forage
25 loss; and

1 (IV) meets all other eligibility re-
2 quirements established under this sub-
3 section.

4 (ii) EXCLUSION.—The term “eligible
5 livestock producer” does not include an
6 owner, cash or share lessee, or contract
7 grower of livestock that rents or leases
8 pastureland or grazing land owned by an-
9 other person on a rate-of-gain basis.

10 (E) NORMAL CARRYING CAPACITY.—The
11 term “normal carrying capacity”, with respect
12 to each type of grazing land or pastureland in
13 a county, means the normal carrying capacity,
14 as determined under paragraph (4)(D)(i), that
15 would be expected from the grazing land or
16 pastureland for livestock during the normal
17 grazing period, in the absence of an eligible for-
18 age loss that diminishes the production of the
19 grazing land or pastureland.

20 (F) NORMAL GRAZING PERIOD.—The term
21 “normal grazing period”, with respect to a
22 county, means the normal grazing period during
23 the calendar year for the county, as determined
24 under paragraph (4)(D)(i).

1 (3) PROGRAM.—For each of fiscal years 2012
2 through 2018, the Secretary shall use such sums as
3 are necessary of the funds of the Commodity Credit
4 Corporation to provide compensation under para-
5 graphs (4) through (6), as determined by the Sec-
6 retary for eligible forage losses affecting covered live-
7 stock of eligible livestock producers.

8 (4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES
9 DUE TO DROUGHT CONDITIONS.—

10 (A) ELIGIBLE FORAGE LOSSES.—

11 (i) IN GENERAL.—An eligible livestock
12 producer of covered livestock may receive
13 assistance under this paragraph for eligible
14 forage losses that occur due to drought on
15 land that—

16 (I) is native or improved
17 pastureland with permanent vegeta-
18 tive cover; or

19 (II) is planted to a crop planted
20 specifically for the purpose of pro-
21 viding grazing for covered livestock.

22 (ii) EXCLUSIONS.—An eligible live-
23 stock producer may not receive assistance
24 under this paragraph for eligible forage
25 losses that occur on land used for haying

1 or grazing under the conservation reserve
2 program established under subchapter B of
3 chapter 1 of subtitle D of title XII of the
4 Food Security Act of 1985 (16 U.S.C.
5 3831 et seq.), unless the land is grassland
6 eligible for the conservation reserve pro-
7 gram under section 1231(d)(2) of the Food
8 Security Act of 1985 (16 U.S.C.
9 3831(d)(2)) (as amended by section 2001).

10 (B) MONTHLY PAYMENT RATE.—

11 (i) IN GENERAL.—Except as provided
12 in clause (ii), the payment rate for assist-
13 ance for 1 month under this paragraph
14 shall, in the case of drought, be equal to
15 50 percent of the lesser of—

16 (I) the monthly feed cost for all
17 covered livestock owned or leased by
18 the eligible livestock producer, as de-
19 termined under subparagraph (C); or

20 (II) the monthly feed cost cal-
21 culated by using the normal carrying
22 capacity of the eligible grazing land of
23 the eligible livestock producer.

24 (ii) PARTIAL COMPENSATION.—In the
25 case of an eligible livestock producer that

1 sold or otherwise disposed of covered live-
2 stock due to drought conditions in 1 or
3 both of the 2 production years immediately
4 preceding the current production year, as
5 determined by the Secretary, the payment
6 rate shall be 80 percent of the payment
7 rate otherwise calculated in accordance
8 with clause (i).

9 (C) MONTHLY FEED COST.—

10 (i) IN GENERAL.—The monthly feed
11 cost shall equal the product obtained by
12 multiplying—

13 (I) 30 days;

14 (II) a payment quantity that is
15 equal to the feed grain equivalent, as
16 determined under clause (ii); and

17 (III) a payment rate that is equal
18 to the corn price per pound, as deter-
19 mined under clause (iii).

20 (ii) FEED GRAIN EQUIVALENT.—For
21 purposes of clause (i)(II), the feed grain
22 equivalent shall equal—

23 (I) in the case of an adult beef
24 cow, 15.7 pounds of corn per day; or

1 (II) in the case of any other type
2 of weight of livestock, an amount de-
3 termined by the Secretary that rep-
4 represents the average number of pounds
5 of corn per day necessary to feed the
6 livestock.

7 (iii) CORN PRICE PER POUND.—For
8 purposes of clause (i)(III), the corn price
9 per pound shall equal the quotient ob-
10 tained by dividing—

11 (I) the lesser of—

12 (aa) the national average
13 corn price per bushel for the 12-
14 month period immediately pre-
15 ceding March 1 of the year for
16 which the disaster assistance is
17 calculated; or

18 (bb) the average national
19 marketing year average corn
20 price per bushel for the most re-
21 cent 5 crop years, excluding each
22 of the crop years with the highest
23 and lowest prices; by

24 (II) 56.

1 (D) NORMAL GRAZING PERIOD AND
2 DROUGHT MONITOR INTENSITY.—

3 (i) FSA COUNTY COMMITTEE DETER-
4 MINATIONS.—

5 (I) IN GENERAL.—The Secretary
6 shall determine the normal carrying
7 capacity and normal grazing period
8 for each type of grazing land or
9 pastureland in the county served by
10 the applicable Farm Service Agency
11 committee, except that the normal
12 grazing period shall not exceed 180
13 days.

14 (II) CHANGES.—No change to
15 the normal carrying capacity or nor-
16 mal grazing period established for a
17 county under subclause (I) shall be
18 made unless the change is requested
19 by the appropriate State and county
20 Farm Service Agency committees.

21 (ii) DROUGHT INTENSITY.—

22 (I) D2.—An eligible livestock
23 producer that owns or leases grazing
24 land or pastureland that is physically
25 located in a county that is rated by

1 the U.S. Drought Monitor as having a
2 D2 (severe drought) intensity in any
3 area of the county for at least 8 con-
4 secutive weeks during the normal
5 grazing period for the county, as de-
6 termined by the Secretary, shall be el-
7 igible to receive assistance under this
8 paragraph in an amount equal to 1
9 monthly payment using the monthly
10 payment rate determined under sub-
11 paragraph (B).

12 (II) D3.—An eligible livestock
13 producer that owns or leases grazing
14 land or pastureland that is physically
15 located in a county that is rated by
16 the U.S. Drought Monitor as having
17 at least a D3 (extreme drought) in-
18 tensity in any area of the county at
19 any time during the normal grazing
20 period for the county, as determined
21 by the Secretary, shall be eligible to
22 receive assistance under this para-
23 graph—

24 (aa) in an amount equal to
25 2 monthly payments using the

1 monthly payment rate deter-
2 mined under subparagraph (B);
3 or

4 (bb) if the county is rated as
5 having a D3 (extreme drought)
6 intensity in any area of the coun-
7 ty for at least 4 weeks during the
8 normal grazing period for the
9 county, or is rated as having a
10 D4 (exceptional drought) inten-
11 sity in any area of the county at
12 any time during the normal graz-
13 ing period, in an amount equal to
14 3 monthly payments using the
15 monthly payment rate deter-
16 mined under subparagraph (B).

17 (iii) ANNUAL PAYMENT BASED ON
18 DROUGHT CONDITIONS DETERMINED BY
19 MEANS OTHER THAN THE U.S. DROUGHT
20 MONITOR.—

21 (I) IN GENERAL.—An eligible
22 livestock producer that owns grazing
23 land or pastureland that is physically
24 located in a county that has experi-
25 enced on average, over the preceding

calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

12 (II) NO DUPLICATE PAYMENT.—

A producer may not receive a payment under both clause (ii) and this clause.

16 (5) ASSISTANCE FOR LOSSES DUE TO FIRE ON
17 PUBLIC MANAGED LAND.—

18 (A) IN GENERAL.—An eligible livestock
19 producer may receive assistance under this
20 paragraph only if—

(i) the eligible forage losses occur on
rangeland that is managed by a Federal
agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from

1 grazing the normal permitted livestock on
2 the managed rangeland due to a fire.

3 (B) PAYMENT RATE.—The payment rate
4 for assistance under this paragraph shall be
5 equal to 50 percent of the monthly feed cost for
6 the total number of livestock covered by the
7 Federal lease of the eligible livestock producer,
8 as determined under paragraph (4)(C).

9 (C) PAYMENT DURATION.—

10 (i) IN GENERAL.—Subject to clause
11 (ii), an eligible livestock producer shall be
12 eligible to receive assistance under this
13 paragraph for the period—

14 (I) beginning on the date on
15 which the Federal agency excludes the
16 eligible livestock producer from using
17 the managed rangeland for grazing;
18 and

19 (II) ending on the last day of the
20 Federal lease of the eligible livestock
21 producer.

22 (ii) LIMITATION.—An eligible livestock
23 producer may only receive assistance under
24 this paragraph for losses that occur on not
25 more than 180 days per year.

1 (6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES
2 DUE TO OTHER THAN DROUGHT OR FIRE.—

3 (A) ELIGIBLE FORAGE LOSSES.—

4 (i) IN GENERAL.—Subject to subpara-
5 graph (B), an eligible livestock producer of
6 covered livestock may receive assistance
7 under this paragraph for eligible forage
8 losses that occur due to weather-related
9 conditions other than drought or fire on
10 land that—

11 (I) is native or improved
12 pastureland with permanent vegeta-
13 tive cover; or

14 (II) is planted to a crop planted
15 specifically for the purpose of pro-
16 viding grazing for covered livestock.

17 (ii) EXCLUSIONS.—An eligible live-
18 stock producer may not receive assistance
19 under this paragraph for eligible forage
20 losses that occur on land used for haying
21 or grazing under the conservation reserve
22 program established under subchapter B of
23 chapter 1 of subtitle D of title XII of the
24 Food Security Act of 1985 (16 U.S.C.
25 3831 et seq.), unless the land is grassland

1 eligible for the conservation reserve pro-
2 gram under section 1231(d)(2) of the Food
3 Security Act of 1985 (16 U.S.C.
4 3831(d)(2)) (as amended by section 2001).

5 (B) PAYMENTS FOR ELIGIBLE FORAGE
6 LOSSES.—

7 (i) IN GENERAL.—The Secretary shall
8 provide assistance under this paragraph to
9 an eligible livestock producer for eligible
10 forage losses that occur due to weather-re-
11 lated conditions other than—

12 (I) drought under paragraph (4);
13 and
14 (II) fire on public managed land
15 under paragraph (5).

16 (ii) TERMS AND CONDITIONS.—The
17 Secretary shall establish terms and condi-
18 tions for assistance under this paragraph
19 that are consistent with the terms and con-
20 ditions for assistance under this sub-
21 section.

22 (7) NO DUPLICATIVE PAYMENTS.—An eligible
23 livestock producer may elect to receive assistance for
24 eligible forage losses under either paragraph (4), (5),
25 or (6), if applicable, but may not receive assistance

1 under more than 1 of those paragraphs for the same
2 loss, as determined by the Secretary.

3 (8) DETERMINATIONS BY SECRETARY.—A de-
4 termination made by the Secretary under this sub-
5 section shall be final and conclusive.

6 (d) EMERGENCY ASSISTANCE FOR LIVESTOCK,
7 HONEY BEES, AND FARM-RAISED FISH.—

8 (1) IN GENERAL.—For each of fiscal years
9 2012 through 2018, the Secretary shall use not
10 more than \$5,000,000 of the funds of the Com-
11 modity Credit Corporation to provide emergency re-
12 lief to eligible producers of livestock, honey bees, and
13 farm-raised fish to aid in the reduction of losses due
14 to disease, adverse weather, or other conditions, such
15 as blizzards and wildfires, as determined by the Sec-
16 retary, that are not covered under subsection (b) or
17 (c).

18 (2) USE OF FUNDS.—Funds made available
19 under this subsection shall be used to reduce losses
20 caused by feed or water shortages, disease, or other
21 factors as determined by the Secretary.

22 (3) AVAILABILITY OF FUNDS.—Any funds made
23 available under this subsection shall remain available
24 until expended.

25 (e) TREE ASSISTANCE PROGRAM.—

1 (1) DEFINITIONS.—In this subsection:

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

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

11 (C) NURSERY TREE GROWER.—The term
12 “nursery tree grower” means a person who pro-
13 duces nursery, ornamental, fruit, nut, or Christ-
14 mas trees for commercial sale, as determined by
15 the Secretary.

16 (D) TREE.—The term “tree” includes a
17 tree, bush, and vine.

18 (2) ELIGIBILITY.—

19 (A) LOSS.—Subject to subparagraph (B),
20 for each of fiscal years 2012 through 2018, the
21 Secretary shall use such sums as are necessary
22 of the funds of the Commodity Credit Corpora-
23 tion to provide assistance—

24 (i) under paragraph (3) to eligible or-
25 chardists and nursery tree growers that

1 planted trees for commercial purposes but
2 lost the trees as a result of a natural dis-
3 aster, as determined by the Secretary; and
4 (ii) under paragraph (3)(B) to eligible
5 orchardists and nursery tree growers that
6 have a production history for commercial
7 purposes on planted or existing trees but
8 lost the trees as a result of a natural dis-
9 aster, as determined by the Secretary.

10 (B) LIMITATION.—An eligible orchardist
11 or nursery tree grower shall qualify for assist-
12 ance under subparagraph (A) only if the tree
13 mortality of the eligible orchardist or nursery
14 tree grower, as a result of damaging weather or
15 related condition, exceeds 15 percent (adjusted
16 for normal mortality).

17 (3) ASSISTANCE.—Subject to paragraph (4),
18 the assistance provided by the Secretary to eligible
19 orchardists and nursery tree growers for losses de-
20 scribed in paragraph (2) shall consist of—

21 (A)(i) reimbursement of 65 percent of the
22 cost of replanting trees lost due to a natural
23 disaster, as determined by the Secretary, in ex-
24 cess of 15 percent mortality (adjusted for nor-
25 mal mortality); or

1 (ii) at the option of the Secretary, suffi-
2 cient seedlings to reestablish a stand; and

3 (B) reimbursement of 50 percent of the
4 cost of pruning, removal, and other costs in-
5 curred by an eligible orchardist or nursery tree
6 grower to salvage existing trees or, in the case
7 of tree mortality, to prepare the land to replant
8 trees as a result of damage or tree mortality
9 due to a natural disaster, as determined by the
10 Secretary, in excess of 15 percent damage or
11 mortality (adjusted for normal tree damage and
12 mortality).

13 (4) LIMITATIONS ON ASSISTANCE.—

14 (A) DEFINITIONS OF LEGAL ENTITY AND
15 PERSON.—In this paragraph, the terms “legal
16 entity” and “person” have the meaning given
17 those terms in section 1001(a) of the Food Se-
18 curity Act of 1985 (7 U.S.C. 1308(a)).

19 (B) AMOUNT.—The total amount of pay-
20 ments received, directly or indirectly, by a per-
21 son or legal entity (excluding a joint venture or
22 general partnership) under this subsection may
23 not exceed \$100,000 for any crop year, or an
24 equivalent value in tree seedlings.

1 (C) ACRES.—The total quantity of acres
2 planted to trees or tree seedlings for which a
3 person or legal entity shall be entitled to receive
4 payments under this subsection may not exceed
5 500 acres.

6 (f) PAYMENTS.—

7 (1) PAYMENT LIMITATIONS.—

8 (A) DEFINITIONS OF LEGAL ENTITY AND
9 PERSON.—In this subsection, the terms “legal
10 entity” and “person” have the meanings given
11 those terms in section 1001(a) of the Food Se-
12 curity Act of 1985 (7 U.S.C. 1308(a)).

13 (B) AMOUNT.—The total amount of dis-
14 aster assistance payments received, directly or
15 indirectly, by a person or legal entity (excluding
16 a joint venture or general partnership) under
17 this section (excluding payments received under
18 subsection (e)) may not exceed \$100,000 for
19 any crop year.

20 (C) DIRECT ATTRIBUTION.—Subsections
21 (d) and (e) of section 1001 of the Food Secu-
22 rity Act of 1985 (7 U.S.C. 1308) or any suc-
23 cessor provisions relating to direct attribution
24 shall apply with respect to assistance provided
25 under this section.

1 (2) PAYMENT DELIVERY.—The Secretary shall
2 make payments under this section after October 1,
3 2013, for losses incurred in the 2012 and 2013 fis-
4 cal years, and as soon as practicable for losses in-
5 curred in any year thereafter.

6 **Subtitle F—Administration**

7 **SEC. 1601. ADMINISTRATION GENERALLY.**

8 (a) USE OF COMMODITY CREDIT CORPORATION.—
9 The Secretary shall use the funds, facilities, and authori-
10 ties of the Commodity Credit Corporation to carry out this
11 title.

12 (b) DETERMINATIONS BY SECRETARY.—A deter-
13 mination made by the Secretary under this title shall be
14 final and conclusive.

15 (c) REGULATIONS.—

16 (1) IN GENERAL.—Except as otherwise pro-
17 vided in this subsection, not later than 90 days after
18 the date of enactment of this Act, the Secretary and
19 the Commodity Credit Corporation, as appropriate,
20 shall promulgate such regulations as are necessary
21 to implement this title and the amendments made by
22 this title.

23 (2) PROCEDURE.—The promulgation of the reg-
24 ulations and administration of this title and the

1 amendments made by this title and sections 11001
2 and 11012 shall be made without regard to—

3 (A) the notice and comment provisions of
4 section 553 of title 5, United States Code;

5 (B) chapter 35 of title 44, United States
6 Code (commonly known as the “Paperwork Re-
7 duction Act”); and

8 (C) the Statement of Policy of the Sec-
9 retary of Agriculture effective July 24, 1971
10 (36 Fed. Reg. 13804), relating to notices of
11 proposed rulemaking and public participation in
12 rulemaking.

13 (3) CONGRESSIONAL REVIEW OF AGENCY RULE-
14 MAKING.—In carrying out this subsection, the Sec-
15 retary shall use the authority provided under section
16 808 of title 5, United States Code.

17 (d) ADJUSTMENT AUTHORITY RELATED TO TRADE
18 AGREEMENTS COMPLIANCE.—

19 (1) REQUIRED DETERMINATION; ADJUST-
20 MENT.—If the Secretary determines that expendi-
21 tures under this title that are subject to the total al-
22 lowable domestic support levels under the Uruguay
23 Round Agreements (as defined in section 2 of the
24 Uruguay Round Agreements Act (19 U.S.C. 3501))
25 will exceed the allowable levels for any applicable re-

1 porting period, the Secretary shall, to the maximum
2 extent practicable, make adjustments in the amount
3 of the expenditures during that period to ensure that
4 the expenditures do not exceed the allowable levels.

5 (2) CONGRESSIONAL NOTIFICATION.—Before
6 making any adjustment under paragraph (1), the
7 Secretary shall submit to the Committee on Agri-
8 culture of the House of Representatives and the
9 Committee on Agriculture, Nutrition, and Forestry
10 of the Senate a report describing the determination
11 made under that paragraph and the extent of the
12 adjustment to be made.

13 **SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT**
14 **AUTHORITY.**

15 (a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—
16 The following provisions of the Agricultural Adjustment
17 Act of 1938 shall not be applicable to the 2014 through
18 2018 crops of covered commodities (as defined in section
19 1104), cotton, and sugar and shall not be applicable to
20 milk during the period beginning on the date of enactment
21 of this Act through December 31, 2018:

22 (1) Parts II through V of subtitle B of title III
23 (7 U.S.C. 1326 et seq.).

24 (2) In the case of upland cotton, section 377 (7
25 U.S.C. 1377).

1 (3) Subtitle D of title III (7 U.S.C. 1379a et
2 seq.).

3 (4) Title IV (7 U.S.C. 1401 et seq.).

4 (b) AGRICULTURAL ACT OF 1949.—The following
5 provisions of the Agricultural Act of 1949 shall not be ap-
6 plicable to the 2014 through 2018 crops of covered com-
7 modities (as defined in section 1104), cotton, and sugar
8 and shall not be applicable to milk during the period be-
9 ginning on the date of enactment of this Act and through
10 December 31, 2018:

11 (1) Section 101 (7 U.S.C. 1441).

12 (2) Section 103(a) (7 U.S.C. 1444(a)).

13 (3) Section 105 (7 U.S.C. 1444b).

14 (4) Section 107 (7 U.S.C. 1445a).

15 (5) Section 110 (7 U.S.C. 1445e).

16 (6) Section 112 (7 U.S.C. 1445g).

17 (7) Section 115 (7 U.S.C. 1445k).

18 (8) Section 201 (7 U.S.C. 1446).

19 (9) Title III (7 U.S.C. 1447 et seq.).

20 (10) Title IV (7 U.S.C. 1421 et seq.), other
21 than sections 404, 412, and 416 (7 U.S.C. 1424,
22 1429, and 1431).

23 (11) Title V (7 U.S.C. 1461 et seq.).

24 (12) Title VI (7 U.S.C. 1471 et seq.).

1 (c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—

2 The joint resolution entitled “A joint resolution relating
3 to corn and wheat marketing quotas under the Agricul-
4 tural Adjustment Act of 1938, as amended”, approved
5 May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be
6 applicable to the crops of wheat planted for harvest in the
7 calendar years 2014 through 2018.

8 **SEC. 1603. PAYMENT LIMITATIONS.**

9 (a) IN GENERAL.—Section 1001 of the Food Security
10 Act of 1985 (7 U.S.C. 1308) is amended by striking sub-
11 sections (b) and (c) and inserting the following:

12 “(b) LIMITATION ON PAYMENTS FOR PEANUTS AND
13 OTHER COVERED COMMODITIES.—The total amount of
14 payments received, directly or indirectly, by a person or
15 legal entity (except a joint venture or general partnership)
16 for any crop year under subtitle A of title I of the Agri-
17 culture Reform, Food, and Jobs Act of 2013 for—

18 “(1) peanuts may not exceed \$50,000; and

19 “(2) 1 or more other covered commodities may
20 not exceed \$50,000.”.

21 (b) LIMITATION ON MARKETING LOAN GAINS AND
22 LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER
23 COVERED COMMODITIES.—Section 1001 of the Food Se-
24 curity Act of 1985 (7 U.S.C. 1308) is amended by striking
25 subsection (d) and inserting the following:

1 “(d) LIMITATION ON MARKETING LOAN GAINS AND
2 LOAN DEFICIENCY PAYMENTS FOR PEANUTS AND OTHER
3 COVERED COMMODITIES.—The total amount of marketing
4 loan gains and loan deficiency payments received, directly
5 or indirectly, by a person or legal entity (except a joint
6 venture or general partnership) for any crop year under
7 subtitle B of the Agriculture Reform, Food, and Jobs Act
8 of 2013 (or a successor provision) for—

9 “(1) peanuts may not exceed \$75,000; and

10 “(2) 1 or more other covered commodities may
11 not exceed \$75,000.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) Section 1001 of the Food Security Act of
14 1985 (7 U.S.C. 1308) is amended—

15 (A) in subsection (a)(1), by striking “sec-
16 tion 1001 of the Food, Conservation, and En-
17 ergy Act of 2008” and inserting “section 1104
18 of the Agriculture Reform, Food, and Jobs Act
19 of 2013”;

20 (B) in subsection (e)—

21 (i) in paragraph (1), by striking “sub-
22 sections (b) and (c) and a program de-
23 scribed in paragraphs (1)(C)” and insert-
24 ing “subsection (b) and a program de-
25 scribed in paragraph (1)(B)”;

1 (ii) in paragraph (3)(B), by striking
2 “subsections (b) and (c)” each place it ap-
3 pears and inserting “subsection (b)”;
4 (C) in subsection (f)—

5 (i) by striking “or title XII” each
6 place it appears in paragraphs (5)(A) and
7 (6)(A) and inserting “, title I of the Agri-
8 culture Reform, Food, and Jobs Act of
9 2013, or title XII”;

10 (ii) in paragraph (2), by striking
11 “Subsections (b) and (c)” and inserting
12 “Subsection (b)”;

13 (iii) in paragraph (4)(B), by striking
14 “subsection (b) or (c)” and inserting “sub-
15 section (b)”;

16 (iv) in paragraph (5)—

17 (I) in subparagraph (A), by strik-
18 ing “subsection (d)” and inserting
19 “subsection (c)”; and

20 (II) in subparagraph (B), by
21 striking “subsection (b), (c), or (d)”
22 and inserting “subsection (b) or (c)”;
23 and

24 (v) in paragraph (6)—

1 (I) in subparagraph (A), by strik-
2 ing “subsection (d), except as pro-
3 vided in subsection (g)” and inserting
4 “subsection (c), except as provided in
5 subsection (f)”;

6 (II) in subparagraph (B), by
7 striking “subsections (b), (c), and
8 (d)” and inserting “subsections (b)
9 and (c)”;

10 (D) in subsection (g)—

11 (i) in paragraph (1)—

12 (I) by striking “subsection
13 (f)(6)(A)” and inserting “subsection
14 (e)(6)(A)” and

15 (II) by striking “subsection (b)
16 or (c)” and inserting “subsection (b)”;
17 and

18 (ii) in paragraph (2)(A), by striking
19 “subsections (b) and (c)” and inserting
20 “subsection (b)”;

21 (E) by redesignating subsections (d)
22 through (h) as subsections (c) through (g), re-
23 spectively.

24 (2) Section 1001A of the Food Security Act of
25 1985 (7 U.S.C. 1308–1) is amended—

1 (A) in subsection (a), by striking “sub-
2 sections (b) and (c)” and inserting “subsection
3 (b)”;

4 (B) in subsection (b)(1), by striking “sub-
5 section (b) or (c)” and inserting “subsection
6 (b)”.

7 (3) Section 1001B(a) of the Food Security Act
8 of 1985 (7 U.S.C. 1308–2(a)) is amended in the
9 matter preceding paragraph (1) by striking “sub-
10 sections (b) and (c)” and inserting “subsection (b)”.

11 (4) Section 1001C(a) of the Food Security Act
12 of 1985 (7 U.S.C. 1308–3(a)) is amended by insert-
13 ing “title I of the Agriculture Reform, Food, and
14 Jobs Act of 2013,” after “2008,”.

15 (d) APPLICATION.—The amendments made by this
16 section shall apply beginning with the 2014 crop year.

17 **SEC. 1604. PAYMENTS LIMITED TO ACTIVE FARMERS.**

18 Section 1001A of the Food Security Act of 1985 (7
19 U.S.C. 1308–1) is amended—

20 (1) in subsection (b)(2)—

21 (A) by striking “or active personal man-
22 agement” each place it appears in subpara-
23 graphs (A)(i)(II) and (B)(ii); and

24 (B) in subparagraph (C), by striking “, as
25 applied to the legal entity, are met by the legal

1 entity, the partners or members making a sig-
2 nificant contribution of personal labor or active
3 personal management” and inserting “are met
4 by partners or members making a significant
5 contribution of personal labor, those partners or
6 members”; and

7 (2) in subsection (c)—

8 (A) in paragraph (1)—

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

11 “(A) the landowner share-rents the land at
12 a rate that is usual and customary;”;

13 (ii) in subparagraph (B), by striking
14 the period at the end and inserting “;
15 and”; and

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

18 “(C) the share of the payments received by
19 the landowner is commensurate with the share
20 of the crop or income received as rent.”;

21 (B) in paragraph (2)(A), by striking “ac-
22 tive personal management or”;

23 (C) in paragraph (5)—

1 (i) by striking “(5)” and all that fol-
2 lows through “(A) IN GENERAL.—A per-
3 son” and inserting the following:

4 “(5) CUSTOM FARMING SERVICES.—A person”;

5 (ii) by inserting “under usual and
6 customary terms” after “services”; and

7 (iii) by striking subparagraph (B);

8 and

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

10 “(7) FARM MANAGERS.—A person who other-
11 wise meets the requirements of this subsection other
12 than (b)(2)(A)(i)(II) shall be considered to be ac-
13 tively engaged in farming, as determined by the Sec-
14 retary, with respect to the farming operation, includ-
15 ing a farming operation that is a sole proprietorship,
16 a legal entity such as a joint venture or general
17 partnership, or a legal entity such as a corporation
18 or limited partnership, if the person—

19 “(A) makes a significant contribution of
20 management to the farming operation necessary
21 for the farming operation, taking into ac-
22 count—

23 “(i) the size and complexity of the
24 farming operation; and

1 “(ii) the management requirements
2 normally and customarily required by simi-
3 lar farming operations;

4 “(B) is the only person in the farming op-
5 eration qualifying as actively engaged in farm-
6 ing;

7 “(C) does not use the management con-
8 tribution under this paragraph to qualify as ac-
9 tively engaged in more than 1 farming oper-
10 ation; and

11 “(D) manages a farm operation that does
12 not substantially share equipment, labor, or
13 management with persons or legal entities that
14 with the person collectively receive, directly or
15 indirectly, an amount equal to more than the
16 applicable limits under section 1001(b).”.

17 **SEC. 1605. ADJUSTED GROSS INCOME LIMITATION.**

18 (a) IN GENERAL.—Section 1001D(b)) of the Food
19 Security Act of 1985 (7 U.S.C. 1308–3a(b)) is amended
20 by striking paragraph (1) and inserting the following:

21 “(1) COMMODITY PROGRAMS.—

22 “(A) LIMITATION.—Notwithstanding any
23 other provision of law, a person or legal entity
24 shall not be eligible to receive any benefit de-
25 scribed in subparagraph (B) during a crop, fis-

1 cal or program year, as appropriate, if the aver-
2 age adjusted gross income (or comparable
3 measure over the 3 taxable years preceding the
4 most immediately preceding complete taxable
5 year, as determined by the Secretary) of the
6 person or legal entity exceeds \$750,000.

7 “(B) COVERED BENEFITS.—Subparagraph
8 (A) applies with respect to the following:

9 “(i) A payment under section 1107 or
10 1108 of the Agriculture Reform, Food, and
11 Jobs Act of 2013.

12 “(ii) A marketing loan gain or loan
13 deficiency payment under subtitle B of title
14 I of the Agriculture Reform, Food, and
15 Jobs Act of 2013.

16 “(iii) A payment under subtitle E of
17 the Agriculture Reform, Food, and Jobs
18 Act of 2013.”.

19 “(iv) A payment under section 196 of
20 the Federal Agriculture Improvement and
21 Reform Act of 1996 (7 U.S.C. 7333).”.

22 (b) APPLICATION.—The amendments made by this
23 section shall apply beginning with the 2014 crop year.

1 **SEC. 1606. GEOGRAPHICALLY DISADVANTAGED FARMERS**
2 **AND RANCHERS.**

3 Section 1621(d) of the Food, Conservation, and En-
4 ergy Act of 2008 (7 U.S.C. 8792(d)) is amended by strik-
5 ing “2012” and inserting “2018”.

6 **SEC. 1607. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.**

8 Section 164 of the Federal Agriculture Improvement
9 and Reform Act of 1996 (7 U.S.C. 7284) is amended by
10 striking “and title I of the Food, Conservation, and En-
11 ergy Act of 2008” each place it appears and inserting
12 “title I of the Food, Conservation, and Energy Act of
13 2008 (7 U.S.C. 8702 et seq.), and title I of the Agriculture
14 Reform, Food, and Jobs Act of 2013”.

15 **SEC. 1608. PREVENTION OF DECEASED INDIVIDUALS RE-**
16 **CEIVING PAYMENTS UNDER FARM COM-**
17 **MODITY PROGRAMS.**

18 (a) RECONCILIATION.—At least twice each year, the
19 Secretary shall reconcile social security numbers of all in-
20 dividuals who receive payments under this title, whether
21 directly or indirectly, with the Commissioner of Social Se-
22 curity to determine if the individuals are alive.

23 (b) PRECLUSION.—The Secretary shall preclude the
24 issuance of payments to, and on behalf of, deceased indi-
25 viduals that were not eligible for payments.

1 **SEC. 1609. APPEALS.**

2 (a) DIRECTION, CONTROL, AND SUPPORT.—Section
3 272 of the Department of Agriculture Reorganization Act
4 of 1994 (7 U.S.C. 6992) is amended by striking sub-
5 section (c) and inserting the following:

6 “(c) DIRECTION, CONTROL, AND SUPPORT.—

7 “(1) DIRECTION AND CONTROL.—

8 “(A) IN GENERAL.—Except as provided in
9 paragraph (2), the Director shall be free from
10 the direction and control of any person other
11 than the Secretary or the Deputy Secretary of
12 Agriculture.

13 “(B) ADMINISTRATIVE SUPPORT.—The Di-
14 vision shall not receive administrative support
15 (except on a reimbursable basis) from any agen-
16 cy other than the Office of the Secretary.

17 “(C) PROHIBITION ON DELEGATION.—The
18 Secretary may not delegate to any other officer
19 or employee of the Department, other than the
20 Deputy Secretary of Agriculture or the Direc-
21 tor, the authority of the Secretary with respect
22 to the Division.

23 “(2) EXCEPTION.—The Assistant Secretary for
24 Administration is authorized to investigate, enforce,
25 and implement the provisions in law, Executive
26 order, or regulations that relate in general to com-

1 petitive and excepted service positions and employ-
2 ment within the Division, including the position of
3 Director, and such authority may be further dele-
4 gated to subordinate officials.”.

5 (b) CONFORMING AMENDMENT.—Section 296(b) of
6 the Department of Agriculture Reorganization Act of
7 1994 (7 U.S.C. 7014(b)) is amended—

8 (1) in the matter preceding paragraph (1) by
9 striking “affect—” and inserting “affect:”;

10 (2) by striking “the authority” each place it ap-
11 pears in paragraphs (1) through (7) and inserting
12 “The authority”;

13 (3) by striking the semicolon at the end of each
14 of paragraphs (1) through (5) and inserting a pe-
15 riod;

16 (4) in paragraph (6)(C), by striking “; or” at
17 the end and inserting a period; and

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

19 “(8) The authority of the Secretary to carry out
20 amendments made by the Agriculture Reform, Food,
21 and Jobs Act of 2013.”.

22 **SEC. 1610. TECHNICAL CORRECTIONS.**

23 (a) Section 359f(c)(1)(B) of the Agricultural Adjust-
24 ment Act of 1938 (7 U.S.C. 1359ff(c)(1)(B)) is amended
25 by adding a period at the end.

1 (b)(1) Section 1603(g) of the Food, Conservation,
2 and Energy Act of 2008 (Public Law 110–246; 122 Stat.
3 1739) is amended in paragraphs (2) through (6) and the
4 amendments made by those paragraphs by striking
5 “1703(a)” each place it appears and inserting “1603(a)”.

6 (2) This subsection and the amendments made by
7 this subsection take effect as if included in the Food, Con-
8 servation, and Energy Act of 2008 (Public Law 110–246;
9 122 Stat. 1651).

10 **SEC. 1611. ASSIGNMENT OF PAYMENTS.**

11 (a) IN GENERAL.—The provisions of section 8(g) of
12 the Soil Conservation and Domestic Allotment Act (16
13 U.S.C. 590h(g)), relating to assignment of payments, shall
14 apply to payments made under this title.

15 (b) NOTICE.—The producer making the assignment,
16 or the assignee, shall provide the Secretary with notice,
17 in such manner as the Secretary may require, of any as-
18 signment made under this section.

19 **SEC. 1612. TRACKING OF BENEFITS.**

20 As soon as practicable after the date of enactment
21 of this Act, the Secretary may track the benefits provided,
22 directly or indirectly, to individuals and entities under ti-
23 tles I and II and the amendments made by those titles.

1 **SEC. 1613. SIGNATURE AUTHORITY.**

2 (a) IN GENERAL.—In carrying out this title and title
3 II and amendments made by those titles, if the Secretary
4 approves a document, the Secretary shall not subsequently
5 determine the document is inadequate or invalid because
6 of the lack of authority of any person signing the docu-
7 ment on behalf of the applicant or any other individual,
8 entity, general partnership, or joint venture, or the docu-
9 ments relied upon were determined inadequate or invalid,
10 unless the person signing the program document know-
11 ingly and willfully falsified the evidence of signature au-
12 thority or a signature.

13 (b) AFFIRMATION.—

14 (1) IN GENERAL.—Nothing in this section pro-
15 hibits the Secretary from asking a proper party to
16 affirm any document that otherwise would be consid-
17 ered approved under subsection (a).

18 (2) NO RETROACTIVE EFFECT.—A denial of
19 benefits based on a lack of affirmation under para-
20 graph (1) shall not be retroactive with respect to
21 third-party producers who were not the subject of
22 the erroneous representation of authority, if the
23 third-party producers—

24 (A) relied on the prior approval by the Sec-
25 retary of the documents in good faith; and

1 (B) substantively complied with all pro-
2 gram requirements.

3 **SEC. 1614. IMPLEMENTATION.**

4 (a) STREAMLINING.—In implementing this title, the
5 Secretary shall, to the maximum extent practicable—

6 (1) seek to reduce administrative burdens and
7 costs to producers by streamlining and reducing pa-
8 perwork, forms, and other administrative require-
9 ments;

10 (2) improve coordination, information sharing,
11 and administrative work with the Risk Management
12 Agency and the Natural Resources Conservation
13 Service; and

14 (3) take advantage of new technologies to en-
15 hance efficiency and effectiveness of program deliv-
16 ery to producers.

17 (b) IMPLEMENTATION.—On October 1, 2013, the
18 Secretary shall make available to the Farm Service Agency
19 to carry out this title \$100,000,000.

1 **TITLE II—CONSERVATION**
2 **Subtitle A—Conservation Reserve**
3 **Program**

4 **SEC. 2001. EXTENSION AND ENROLLMENT REQUIREMENTS**
5 **OF CONSERVATION RESERVE PROGRAM.**

6 (a) EXTENSION.—Section 1231(a) of the Food Secu-
7 rity Act of 1985 (16 U.S.C. 3831(a)) is amended by strik-
8 ing “2012” and inserting “2018”.

9 (b) ELIGIBLE LAND.—Section 1231(b) of the Food
10 Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

11 (1) in paragraph (1)(B), by striking “the date
12 of enactment of the Food, Conservation, and Energy
13 Act of 2008” and inserting “the date of enactment
14 of the Agriculture Reform, Food, and Jobs Act of
15 2013”;

16 (2) by striking paragraph (2) and redesignating
17 paragraph (3) as paragraph (2);

18 (3) by inserting before paragraph (4) the fol-
19 lowing:

20 “(3) grassland that—

21 “(A) contains forbs or shrubland (includ-
22 ing improved rangeland and pastureland) for
23 which grazing is the predominant use;

24 “(B) is located in an area historically
25 dominated by grassland; and

1 “(C) could provide habitat for animal and
2 plant populations of significant ecological value
3 if the land is retained in its current use or re-
4 stored to a natural condition;”;

5 (4) in paragraph (4)(C), by striking
6 “filterstrips devoted to trees or shrubs” and insert-
7 ing “filterstrips and riparian buffers devoted to
8 trees, shrubs, or grasses”; and

9 (5) by striking paragraph (5) and inserting the
10 following:

11 “(5) the portion of land in a field not enrolled
12 in the conservation reserve in a case in which—

13 “(A) more than 50 percent of the land in
14 the field is enrolled as a buffer or filterstrip or
15 more than 75 percent of the land in the field
16 is enrolled in a practice other than as a buffer
17 or filterstrip; and

18 “(B) the remainder of the field is—

19 “(i) infeasible to farm; and

20 “(ii) enrolled at regular rental rates.”.

21 (c) PLANTING STATUS OF CERTAIN LAND.—Section
22 1231(c) of the Food Security Act of 1985 (16 U.S.C.
23 3831(c)) is amended by striking “if” and all that follows
24 through the period at the end and inserting “if, during
25 the crop year, the land was devoted to a conserving use.”.

1 (d) ENROLLMENT.—Section 1231 of the Food Secu-
2 rity Act of 1985 (16 U.S.C. 3831) is amended by striking
3 subsection (d) and inserting the following:

4 “(d) ENROLLMENT.—

5 “(1) MAXIMUM ACREAGE ENROLLED.—The
6 Secretary may maintain in the conservation reserve
7 at any 1 time during—

8 “(A) fiscal year 2014, no more than
9 30,000,000 acres;

10 “(B) fiscal year 2015, no more than
11 27,500,000 acres;

12 “(C) fiscal year 2016, no more than
13 26,500,000 acres;

14 “(D) fiscal year 2017, no more than
15 25,500,000 acres; and

16 “(E) fiscal year 2018, no more than
17 25,000,000 acres.

18 “(2) GRASSLAND.—

19 “(A) LIMITATION.—For purposes of apply-
20 ing the limitations in paragraph (1), no more
21 than 1,500,000 acres of the land described in
22 subsection (b)(3) may be enrolled in the pro-
23 gram at any 1 time during the 2014 through
24 2018 fiscal years.

1 “(B) PRIORITY.—In enrolling acres under
2 subparagraph (A), the Secretary may give pri-
3 ority to land with expiring conservation reserve
4 program contracts.

5 “(C) METHOD OF ENROLLMENT.—In en-
6 rolling acres under subparagraph (A), the Sec-
7 retary shall make the program available to own-
8 ers or operators of eligible land at least once
9 during each fiscal year.”.

10 (e) DURATION OF CONTRACT.—Section 1231(e) of
11 the Food Security Act of 1985 (16 U.S.C. 3831(e)) is
12 amended by striking paragraphs (2) and (3) and inserting
13 the following:

14 “(2) SPECIAL RULE FOR CERTAIN LAND.—In
15 the case of land devoted to hardwood trees,
16 shelterbelts, windbreaks, or wildlife corridors under
17 a contract entered into under this subchapter, the
18 owner or operator of the land may, within the limita-
19 tions prescribed under this section, specify the dura-
20 tion of the contract.”.

21 (f) CONSERVATION PRIORITY AREAS.—Section
22 1231(f) of the Food Security Act of 1985 (16 U.S.C.
23 3831(f)) is amended—

24 (1) in paragraph (1), by striking “watershed
25 areas of the Chesapeake Bay Region, the Great

1 Lakes Region, the Long Island Sound Region, and
2 other”;

3 (2) in paragraph (2), by striking “WATER-
4 SHEDS.—Watersheds” and inserting “AREAS.—
5 Areas”; and

6 (3) in paragraph (3), by striking “a watershed’s
7 designation—” and all that follows through the pe-
8 riod at the end and inserting “an area’s designation
9 if the Secretary finds that the area no longer con-
10 tains actual and significant adverse water quality or
11 habitat impacts related to agricultural production
12 activities.”.

13 **SEC. 2002. FARMABLE WETLAND PROGRAM.**

14 (a) EXTENSION.—Section 1231B(a)(1) of the Food
15 Security Act of 1985 (16 U.S.C. 3831b(a)(1)) is amend-
16 ed—

17 (1) by striking “2012” and inserting “2018”;
18 and

19 (2) by striking “a program” and inserting “a
20 farmable wetland program”.

21 (b) ELIGIBLE ACREAGE.—Section 1231B(b)(1)(B) of
22 the Food Security Act of 1985 (16 U.S.C.
23 3831b(b)(1)(B)) is amended by striking “flow from a row
24 crop agriculture drainage system” and inserting “surface

1 and subsurface flow from row crop agricultural produc-
2 tion”.

3 (c) CLERICAL AMENDMENTS.—Section 1231B of the
4 Food Security Act of 1985 (16 U.S.C. 3831b) is amend-
5 ed—

6 (1) by striking the heading and inserting the
7 following:

8 **“SEC. 1231B. FARMABLE WETLAND PROGRAM.”;**

9 and

10 (2) in subsection (f)(2), by striking “section
11 1234(c)(2)(B)” and inserting “section
12 1234(c)(2)(A)(ii)”.

13 **SEC. 2003. DUTIES OF OWNERS AND OPERATORS.**

14 (a) LIMITATION ON HARVESTING, GRAZING OR COM-
15 Mercial USE OF FORAGE.—Section 1232(a)(8) of the
16 Food Security Act of 1985 (16 U.S.C. 3832(a)(8)) is
17 amended by striking “except that” and all that follows
18 through the semicolon at the end of the paragraph and
19 inserting “except as provided in section 1233(b);”.

20 (b) CONSERVATION PLAN REQUIREMENTS.—Section
21 1232 of the Food Security Act of 1985 (16 U.S.C. 3832)
22 is amended by striking subsection (b) and inserting the
23 following:

24 “(b) CONSERVATION PLANS.—The plan referred to
25 in subsection (a)(1) shall set forth—

1 “(1) the conservation measures and practices to
2 be carried out by the owner or operator during the
3 term of the contract; and

4 “(2) the commercial use, if any, to be permitted
5 on the land during the term.”.

6 (c) RENTAL PAYMENT REDUCTION.—Section 1232
7 of the Food Security Act of 1985 (16 U.S.C. 3832) is
8 amended by striking subsection (d).

9 **SEC. 2004. DUTIES OF THE SECRETARY.**

10 Section 1233 of the Food Security Act of 1985 (16
11 U.S.C. 3833) is amended to read as follows:

12 **“SEC. 1233. DUTIES OF THE SECRETARY.**

13 “(a) COST-SHARE AND RENTAL PAYMENTS.—In re-
14 turn for a contract entered into by an owner or operator,
15 the Secretary shall—

16 “(1) share the cost of carrying out the con-
17 servation measures and practices set forth in the
18 contract for which the Secretary determines that
19 cost sharing is appropriate and in the public inter-
20 est; and

21 “(2) for a period of years not in excess of the
22 term of the contract, pay an annual rental payment
23 in an amount necessary to compensate for—

24 “(A) the conversion of highly erodible crop-
25 land or other eligible land normally devoted to

1 the production of an agricultural commodity on
2 a farm or ranch to a less intensive use;

3 “(B) the retirement of any cropland base
4 and allotment history that the owner or oper-
5 ator agrees to retire permanently; and

6 “(C) the development and management of
7 grassland for multiple natural resource con-
8 servation benefits, including soil, water, air, and
9 wildlife.

10 “(b) SPECIFIED ACTIVITIES PERMITTED.—The Sec-
11 retary shall permit certain activities or commercial uses
12 of land that is subject to the contract if those activities
13 or uses are consistent with a plan approved by the Sec-
14 retary and include—

15 “(1) harvesting, grazing, or other commercial
16 use of the forage in response to drought, flooding,
17 or other emergency without any reduction in the
18 rental rate;

19 “(2) grazing by livestock of a beginning farmer
20 or rancher without any reduction in the rental rate,
21 if the grazing is—

22 “(A) consistent with the conservation of
23 soil, water quality, and wildlife habitat (includ-
24 ing habitat during the primary nesting season
25 for critical birds in the area); and

1 “(B) described in subparagraph (B) or (C)
2 of paragraph (3);

3 “(3) consistent with the conservation of soil,
4 water quality, and wildlife habitat (including habitat
5 during the primary nesting season for critical birds
6 in the area) and in exchange for a reduction of not
7 less than 25 percent in the annual rental rate for
8 the acres covered by the authorized activity—

9 “(A) managed harvesting and other com-
10 mercial use (including the managed harvesting
11 of biomass), except that in permitting those ac-
12 tivities the Secretary, in coordination with the
13 State technical committee—

14 “(i) shall develop appropriate vegeta-
15 tion management requirements; and

16 “(ii) shall identify periods during
17 which the activities may be conducted,
18 such that the frequency is at least once
19 every 5 years but not more than once every
20 3 years;

21 “(B) prescribed grazing for the control of
22 invasive species, which may be conducted annu-
23 ally;

1 “(C) routine grazing, except that in per-
2 mitting routine grazing, the Secretary, in co-
3 ordination with the State technical committee—

4 “(i) shall develop appropriate vegeta-
5 tion management requirements and stock-
6 ing rates for the land that are suitable for
7 continued routine grazing; and

8 “(ii) shall identify the periods during
9 which routine grazing may be conducted,
10 such that the frequency is not more than
11 once every 2 years, taking into consider-
12 ation regional differences such as—

13 “(I) climate, soil type, and nat-
14 ural resources;

15 “(II) the number of years that
16 should be required between routine
17 grazing activities; and

18 “(III) how often during a year in
19 which routine grazing is permitted
20 that routine grazing should be allowed
21 to occur; and

22 “(D) the installation of wind turbines and
23 associated access, except that in permitting the
24 installation of wind turbines, the Secretary shall
25 determine the number and location of wind tur-

1 bines that may be installed, taking into ac-
2 count—

3 “(i) the location, size, and other phys-
4 ical characteristics of the land;

5 “(ii) the extent to which the land con-
6 tains threatened or endangered wildlife and
7 wildlife habitat; and

8 “(iii) the purposes of the conservation
9 reserve program under this subchapter;
10 and

11 “(4) the intermittent and seasonal use of vege-
12 tative buffer practices incidental to agricultural pro-
13 duction on land adjacent to the buffer such that the
14 permitted use does not destroy the permanent vege-
15 tative cover.

16 “(c) AUTHORIZED ACTIVITIES ON GRASSLAND.—
17 Notwithstanding section 1232(a)(8), for eligible land de-
18 scribed in section 1231(b)(3), the Secretary shall permit
19 the following activities:

20 “(1) Common grazing practices, including
21 maintenance and necessary cultural practices, on the
22 land in a manner that is consistent with maintaining
23 the viability of grassland, forb, and shrub species ap-
24 propriate to that locality.

1 “(2) Haying, mowing, or harvesting for seed
2 production, subject to appropriate restrictions dur-
3 ing the primary nesting season for critical birds in
4 the area.

5 “(3) Fire presuppression, rehabilitation, and
6 construction of fire breaks.

7 “(4) Grazing-related activities, such as fencing
8 and livestock watering.

9 “(d) RESOURCE CONSERVING USE.—

10 “(1) IN GENERAL.—Beginning on the date that
11 is 1 year before the date of termination of a contract
12 under the program, the Secretary shall allow an
13 owner or operator to make conservation and land
14 improvements that facilitate maintaining protection
15 of highly erodible land after expiration of the con-
16 tract.

17 “(2) CONSERVATION PLAN.—The Secretary
18 shall require an owner or operator carrying out the
19 activities described in paragraph (1) to develop and
20 implement a conservation plan.

21 “(3) REENROLLMENT PROHIBITED.—Land al-
22 tered under paragraph (1) may not be reenrolled in
23 the conservation reserve program for 5 years.

24 “(4) PAYMENT.—The Secretary shall provide
25 an annual payment that is reduced in an amount

1 commensurate with any income or other compensa-
2 tion received as a result of the activities carried out
3 under paragraph (1).”.

4 **SEC. 2005. PAYMENTS.**

5 (a) TREES, WINDBREAKS, SHELTERBELTS, AND
6 WILDLIFE CORRIDORS.—Section 1234(b)(3)(A) of the
7 Food Security Act of 1985 (16 U.S.C. 3834(b)(3)(A)) is
8 amended—

9 (1) in clause (i), by inserting “and” after the
10 semicolon;

11 (2) by striking clause (ii); and

12 (3) by redesignating clause (iii) as clause (ii).

13 (b) INCENTIVES.—Section 1234(b)(3)(B) of the Food
14 Security Act of 1985 (16 U.S.C. 3834(b)(3)(B)) is amend-
15 ed—

16 (1) in clause (i), by inserting “, practices to im-
17 prove the condition of resources on the land,” after
18 “operator”); and

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

20 “(iii) INCENTIVES.—In making rental
21 payments to an owner or operator of land
22 described in subparagraph (A), the Sec-
23 retary may provide incentive payments suf-
24 ficient to encourage proper thinning and

1 practices to improve the condition of re-
2 sources on the land.”.

3 (c) ANNUAL RENTAL PAYMENTS.—Section 1234(c)
4 of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is
5 amended—

6 (1) in paragraph (1), by inserting “and other
7 eligible land” after “highly erodible cropland” both
8 places it appears;

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

11 “(2) METHODS OF DETERMINATION.—

12 “(A) IN GENERAL.—The amounts payable
13 to owners or operators in the form of rental
14 payments under contracts entered into under
15 this subchapter may be determined through—

16 “(i) the submission of bids for such
17 contracts by owners and operators in such
18 manner as the Secretary may prescribe; or

19 “(ii) such other means as the Sec-
20 retary determines are appropriate.

21 “(B) GRASSLAND.—In the case of eligible
22 land described in section 1231(b)(3), the Sec-
23 retary shall make annual payments in an
24 amount that is not more than 75 percent of the

1 grazing value of the land covered by the con-
2 tract.”; and

3 (3) in paragraph (5)(A)—

4 (A) by striking “The Secretary” and in-
5 serting the following:

6 “(i) SURVEY.—The Secretary”; and

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

8 “(ii) USE.—The Secretary may use
9 the survey of dryland cash rental rates de-
10 scribed in clause (i) as a factor in deter-
11 mining rental rates under this section as
12 the Secretary determines appropriate.”.

13 (d) PAYMENT SCHEDULE.—Section 1234 of the Food
14 Security Act of 1985 (16 U.S.C. 3834) is amended by
15 striking subsection (d) and inserting the following:

16 “(d) PAYMENT SCHEDULE.—

17 “(1) IN GENERAL.—Except as otherwise pro-
18 vided in this section, payments under this sub-
19 chapter shall be made in cash in such amount and
20 on such time schedule as is agreed on and specified
21 in the contract.

22 “(2) SOURCE.—Payments under this sub-
23 chapter shall be made using the funds of the Com-
24 modity Credit Corporation.

1 “(3) ADVANCE PAYMENT.—Payments under
2 this subchapter may be made in advance of deter-
3 mination of performance.”.

4 (e) PAYMENT LIMITATION.—Section 1234(f) of the
5 Food Security Act of 1985 (16 U.S.C. 3834(f)) is amend-
6 ed—

7 (1) in paragraph (1), by striking “, including
8 rental payments made in the form of in-kind com-
9 modities,”;

10 (2) by striking paragraph (3); and

11 (3) by redesignating paragraph (4) as para-
12 graph (2).

13 **SEC. 2006. CONTRACT REQUIREMENTS.**

14 Section 1235 of the Food Security Act of 1985 (16
15 U.S.C. 3835) is amended—

16 (1) in subsection (f)—

17 (A) in paragraph (1)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “DUTIES” and all
20 that follows through “a beginning farmer”
21 and inserting “TRANSITION TO COVERED
22 FARMER OR RANCHER.—In the case of a
23 contract modification approved in order to
24 facilitate the transfer of land subject to a

1 contract from a retired farmer or rancher
2 to a beginning farmer”;

3 (ii) in subparagraph (D), by striking
4 “the farmer or rancher” and inserting “the
5 covered farmer or rancher”; and

6 (iii) in subparagraph (E), by striking
7 “section 1001A(b)(3)(B)” and inserting
8 “section 1001”; and

9 (B) in paragraph (2), by striking “require-
10 ment of section 1231(h)(4)(B)” and inserting
11 “option provided under section
12 1234(c)(2)(A)(ii)”; and

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

14 “(g) FINAL YEAR OF CONTRACT.—The Secretary
15 shall not consider an owner or operator to be in violation
16 of a term or condition of a conservation reserve contract
17 if—

18 “(1) during the year prior to expiration of the
19 contract, the land is enrolled in the conservation
20 stewardship program; and

21 “(2) the activity required under the conserva-
22 tion stewardship program pursuant to the enroll-
23 ment is consistent with this subchapter.

24 “(h) LAND ENROLLED IN AGRICULTURAL CON-
25 SERVATION EASEMENT PROGRAM.—The Secretary may

1 terminate or modify a contract entered into under this
2 subchapter if eligible land that is subject to such contract
3 is transferred into the agricultural conservation easement
4 program under subtitle H.”.

5 **SEC. 2007. CONVERSION OF LAND SUBJECT TO CONTRACT**
6 **TO OTHER CONSERVING USES.**

7 Section 1235A of the Food Security Act of 1985 (16
8 U.S.C. 3835a) is repealed.

9 **SEC. 2008. EFFECTIVE DATE.**

10 (a) IN GENERAL.—The amendments made by this
11 subtitle shall take effect on October 1, 2013, except, the
12 amendment made by section 2001(d), which shall take ef-
13 fect on the date of enactment of this Act.

14 (b) EFFECT ON EXISTING CONTRACTS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the amendments made by this subtitle
17 shall not affect the validity or terms of any contract
18 entered into by the Secretary of Agriculture under
19 subchapter B of chapter 1 of subtitle D of title XII
20 of the Food Security Act of 1985 (16 U.S.C. 3831
21 et seq.) before October 1, 2013, or any payments re-
22 quired to be made in connection with the contract.

23 (2) UPDATING OF EXISTING CONTRACTS.—The
24 Secretary shall permit an owner or operator with a
25 contract entered into under subchapter B of chapter

1 1 of subtitle D of title XII of the Food Security Act
2 of 1985 (16 U.S.C. 3831 et seq.) before October 1,
3 2013, to update the contract to reflect the activities
4 and uses of land under contract permitted under the
5 terms and conditions of paragraphs (1) and (2) of
6 section 1233(b) of that Act (as amended by section
7 2004).

8 **Subtitle B—Conservation**
9 **Stewardship Program**

10 **SEC. 2101. CONSERVATION STEWARDSHIP PROGRAM.**

11 (a) REVISION OF CURRENT PROGRAM.—Subchapter
12 B of chapter 2 of subtitle D of title XII of the Food Secu-
13 rity Act of 1985 (16 U.S.C. 3838d et seq.) is amended
14 to read as follows:

15 **“Subchapter B—Conservation Stewardship**
16 **Program**

17 **“SEC. 1238D. DEFINITIONS.**

18 “In this subchapter:

19 “(1) AGRICULTURAL OPERATION.—The term
20 ‘agricultural operation’ means all eligible land,
21 whether or not contiguous, that is—

22 “(A) under the effective control of a pro-
23 ducer at the time the producer enters into a
24 contract under the program; and

1 “(B) operated with equipment, labor, man-
2 agement, and production or cultivation prac-
3 tices that are substantially separate from other
4 agricultural operations, as determined by the
5 Secretary.

6 “(2) CONSERVATION ACTIVITIES.—

7 “(A) IN GENERAL.—The term ‘conserva-
8 tion activities’ means conservation systems,
9 practices, or management measures.

10 “(B) INCLUSIONS.—The term ‘conserva-
11 tion activities’ includes—

12 “(i) structural measures, vegetative
13 measures, and land management measures,
14 including agriculture drainage manage-
15 ment systems, as determined by the Sec-
16 retary; and

17 “(ii) planning needed to address a pri-
18 ority resource concern.

19 “(3) CONSERVATION STEWARDSHIP PLAN.—

20 The term ‘conservation stewardship plan’ means a
21 plan that—

22 “(A) identifies and inventories priority re-
23 source concerns;

24 “(B) establishes benchmark data and con-
25 servation objectives;

1 “(C) describes conservation activities to be
2 implemented, managed, or improved; and

3 “(D) includes a schedule and evaluation
4 plan for the planning, installation, and manage-
5 ment of the new and existing conservation ac-
6 tivities.

7 “(4) ELIGIBLE LAND.—

8 “(A) IN GENERAL.—The term ‘eligible
9 land’ means—

10 “(i) private and tribal land on which
11 agricultural commodities, livestock, or for-
12 est-related products are produced; and

13 “(ii) land associated with the land de-
14 scribed in clause (i) on which priority re-
15 source concerns could be addressed
16 through a contract under the program.

17 “(B) INCLUSIONS.—The term ‘eligible
18 land’ includes—

19 “(i) cropland;

20 “(ii) grassland;

21 “(iii) rangeland;

22 “(iv) pastureland;

23 “(v) nonindustrial private forest land;

24 and

1 “(vi) other agricultural land (includ-
2 ing cropped woodland, marshes, and agri-
3 cultural land used for the production of
4 livestock), as determined by the Secretary.

5 “(5) PRIORITY RESOURCE CONCERN.—The
6 term ‘priority resource concern’ means a natural re-
7 source concern or problem, as determined by the
8 Secretary, that—

9 “(A) is identified at the national, State or
10 local level, as a priority for a particular area of
11 the State;

12 “(B) represents a significant concern in a
13 State or region; and

14 “(C) is likely to be addressed successfully
15 through the implementation of conservation ac-
16 tivities under this program.

17 “(6) PROGRAM.—The term ‘program’ means
18 the conservation stewardship program established by
19 this subchapter.

20 “(7) STEWARDSHIP THRESHOLD.—The term
21 ‘stewardship threshold’ means the level of manage-
22 ment required, as determined by the Secretary, to
23 conserve and improve the quality and condition of a
24 natural resource.

1 **“SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.**

2 “(a) ESTABLISHMENT AND PURPOSE.—During each
3 of fiscal years 2014 through 2018, the Secretary shall
4 carry out a conservation stewardship program to encour-
5 age producers to address priority resource concerns and
6 improve and conserve the quality and condition of natural
7 resources in a comprehensive manner—

8 “(1) by undertaking additional conservation ac-
9 tivities; and

10 “(2) by improving, maintaining, and managing
11 existing conservation activities.

12 **“(b) EXCLUSIONS.—**

13 **“(1) LAND ENROLLED IN OTHER CONSERVA-**
14 **TION PROGRAMS.—**Subject to paragraph (2), the fol-
15 lowing land (even if covered by the definition of eli-
16 gible land) is not eligible for enrollment in the pro-
17 gram:

18 “(A) Land enrolled in the conservation re-
19 serve program, unless—

20 “(i) the conservation reserve contract
21 will expire at the end of the fiscal year in
22 which the land is to be enrolled in the pro-
23 gram; and

24 “(ii) conservation reserve program
25 payments for land enrolled in the program
26 cease prior to the date on which the first

1 program payment is made to the applicant
2 under this subchapter.

3 “(B) Land enrolled in the agricultural con-
4 servation easement program in a wetland re-
5 serve easement.

6 “(C) Land enrolled in the conservation se-
7 curity program.

8 “(2) CONVERSION TO CROPLAND.—Eligible
9 land used for crop production after October 1, 2013,
10 that had not been planted, considered to be planted,
11 or devoted to crop production for at least 4 of the
12 6 years preceding that date shall not be the basis for
13 any payment under the program, unless the land
14 does not meet the requirement because—

15 “(A) the land had previously been enrolled
16 in the conservation reserve program;

17 “(B) the land has been maintained using
18 long-term crop rotation practices, as determined
19 by the Secretary; or

20 “(C) the land is incidental land needed for
21 efficient operation of the farm or ranch, as de-
22 termined by the Secretary.

23 **“SEC. 1238F. STEWARDSHIP CONTRACTS.**

24 “(a) SUBMISSION OF CONTRACT OFFERS.—To be eli-
25 gible to participate in the conservation stewardship pro-

1 gram, a producer shall submit a contract offer for the ag-
2 ricultural operation that—

3 “(1) demonstrates to the satisfaction of the
4 Secretary that the producer, at the time of the con-
5 tract offer, is meeting the stewardship threshold for
6 at least 2 priority resource concerns; and

7 “(2) would, at a minimum, meet or exceed the
8 stewardship threshold for at least 1 additional pri-
9 ority resource concern by the end of the stewardship
10 contract by—

11 “(A) installing and adopting additional
12 conservation activities; and

13 “(B) improving, maintaining, and man-
14 aging existing conservation activities on the ag-
15 ricultural operation in a manner that increases
16 or extends the conservation benefits in place at
17 the time the contract offer is accepted by the
18 Secretary.

19 “(b) EVALUATION OF CONTRACT OFFERS.—

20 “(1) RANKING OF APPLICATIONS.—In evalu-
21 ating contract offers the Secretary shall rank appli-
22 cations based on—

23 “(A) the level of conservation treatment on
24 all applicable priority resource concerns at the
25 time of application;

1 “(B) the degree to which the proposed con-
2 servation activities effectively increase conserva-
3 tion performance;

4 “(C) the number of applicable priority re-
5 source concerns proposed to be treated to meet
6 or exceed the stewardship threshold by the end
7 of the contract;

8 “(D) the extent to which other priority re-
9 source concerns will be addressed to meet or ex-
10 ceed the stewardship threshold by the end of
11 the contract period;

12 “(E) the extent to which the actual and
13 anticipated conservation benefits from the con-
14 tract are provided at the least cost relative to
15 other similarly beneficial contract offers; and

16 “(F) the extent to which priority resource
17 concerns will be addressed when transitioning
18 from the conservation reserve program to agri-
19 cultural production.

20 “(2) PROHIBITION.—The Secretary may not as-
21 sign a higher priority to any application because the
22 applicant is willing to accept a lower payment than
23 the applicant would otherwise be eligible to receive.

24 “(3) ADDITIONAL CRITERIA.—The Secretary
25 may develop and use such additional criteria that

1 the Secretary determines are necessary to ensure
2 that national, State, and local priority resource con-
3 cerns are effectively addressed.

4 “(c) ENTERING INTO CONTRACTS.—After a deter-
5 mination that a producer is eligible for the program under
6 subsection (a), and a determination that the contract offer
7 ranks sufficiently high under the evaluation criteria under
8 subsection (b), the Secretary shall enter into a conserva-
9 tion stewardship contract with the producer to enroll the
10 eligible land to be covered by the contract.

11 “(d) CONTRACT PROVISIONS.—

12 “(1) TERM.—A conservation stewardship con-
13 tract shall be for a term of 5 years.

14 “(2) REQUIRED PROVISIONS.—The conservation
15 stewardship contract of a producer shall—

16 “(A) state the amount of the payment the
17 Secretary agrees to make to the producer for
18 each year of the conservation stewardship con-
19 tract under section 1238G(d);

20 “(B) require the producer—

21 “(i) to implement a conservation stew-
22 ardship plan that describes the program
23 purposes to be achieved through 1 or more
24 conservation activities;

1 “(ii) to maintain and supply informa-
2 tion as required by the Secretary to deter-
3 mine compliance with the conservation
4 stewardship plan and any other require-
5 ments of the program; and

6 “(iii) not to conduct any activities on
7 the agricultural operation that would tend
8 to defeat the purposes of the program;

9 “(C) permit all economic uses of the eligi-
10 ble land that—

11 “(i) maintain the agricultural nature
12 of the land; and

13 “(ii) are consistent with the conserva-
14 tion purposes of the conservation steward-
15 ship contract;

16 “(D) include a provision to ensure that a
17 producer shall not be considered in violation of
18 the contract for failure to comply with the con-
19 tract due to circumstances beyond the control
20 of the producer, including a disaster or related
21 condition, as determined by the Secretary;

22 “(E) include provisions where upon the
23 violation of a term or condition of the contract
24 at any time the producer has control of the
25 land—

201

1 “(i) if the Secretary determines that
2 the violation warrants termination of the
3 contract—

4 “(I) to forfeit all rights to receive
5 payments under the contract; and

6 “(II) to refund all or a portion of
7 the payments received by the producer
8 under the contract, including any in-
9 terest on the payments, as determined
10 by the Secretary; or

11 “(ii) if the Secretary determines that
12 the violation does not warrant termination
13 of the contract, to refund or accept adjust-
14 ments to the payments provided to the pro-
15 ducer, as the Secretary determines to be
16 appropriate;

17 “(F) include provisions in accordance with
18 paragraphs (3) and (4) of this section; and

19 “(G) include any additional provisions the
20 Secretary determines are necessary to carry out
21 the program.

22 “(3) CHANGE OF INTEREST IN LAND SUBJECT
23 TO A CONTRACT.—

24 “(A) IN GENERAL.—At the time of appli-
25 cation, a producer shall have control of the eli-

1 gible land to be enrolled in the program. Except
2 as provided in subparagraph (B), a change in
3 the interest of a producer in eligible land cov-
4 ered by a contract under the program shall re-
5 sult in the termination of the contract with re-
6 gard to that land.

7 “(B) TRANSFER OF DUTIES AND
8 RIGHTS.—Subparagraph (A) shall not apply
9 if—

10 “(i) within a reasonable period of time
11 (as determined by the Secretary) after the
12 date of the change in the interest in all or
13 a portion of the land covered by a contract
14 under the program, the transferee of the
15 land provides written notice to the Sec-
16 retary that duties and rights under the
17 contract have been transferred to, and as-
18 sumed by, the transferee for the portion of
19 the land transferred;

20 “(ii) the transferee meets the eligi-
21 bility requirements of the program; and

22 “(iii) the Secretary approves the
23 transfer of all duties and rights under the
24 contract.

1 “(4) MODIFICATION AND TERMINATION OF
2 CONTRACTS.—

3 “(A) VOLUNTARY MODIFICATION OR TER-
4 MINATION.—The Secretary may modify or ter-
5 minate a contract with a producer if—

6 “(i) the producer agrees to the modi-
7 fication or termination; and

8 “(ii) the Secretary determines that
9 the modification or termination is in the
10 public interest.

11 “(B) INVOLUNTARY TERMINATION.—The
12 Secretary may terminate a contract if the Sec-
13 retary determines that the producer violated the
14 contract.

15 “(5) REPAYMENT.—If a contract is terminated,
16 the Secretary may, consistent with the purposes of
17 the program—

18 “(A) allow the producer to retain payments
19 already received under the contract; or

20 “(B) require repayment, in whole or in
21 part, of payments received and assess liquidated
22 damages.

23 “(e) CONTRACT RENEWAL.—At the end of the initial
24 5-year contract period, the Secretary may allow the pro-

1 ducer to renew the contract for 1 additional 5-year period
2 if the producer—

3 “(1) demonstrates compliance with the terms of
4 the existing contract;

5 “(2) agrees to adopt and continue to integrate
6 conservation activities across the entire agricultural
7 operation as determined by the Secretary; and

8 “(3) agrees, at a minimum, to meet or exceed
9 the stewardship threshold for at least 2 additional
10 priority resource concerns on the agricultural oper-
11 ation by the end of the contract period.

12 **“SEC. 1238G. DUTIES OF THE SECRETARY.**

13 “(a) IN GENERAL.—To achieve the conservation
14 goals of a contract under the conservation stewardship
15 program, the Secretary shall—

16 “(1) make the program available to eligible pro-
17 ducers on a continuous enrollment basis with 1 or
18 more ranking periods, 1 of which shall occur in the
19 first quarter of each fiscal year;

20 “(2) identify not less than 5 priority resource
21 concerns in a particular watershed or other appro-
22 priate region or area within a State; and

23 “(3) establish a science-based stewardship
24 threshold for each priority resource concern identi-
25 fied under subparagraph (2).

1 “(b) ALLOCATION TO STATES.—The Secretary shall
2 allocate acres to States for enrollment, based—

3 “(1) primarily on each State’s proportion of eli-
4 gible land to the total acreage of eligible land in all
5 States; and

6 “(2) also on consideration of—

7 “(A) the extent and magnitude of the con-
8 servation needs associated with agricultural
9 production in each State;

10 “(B) the degree to which implementation
11 of the program in the State is, or will be, effec-
12 tive in helping producers address those needs;
13 and

14 “(C) other considerations to achieve equi-
15 table geographic distribution of funds, as deter-
16 mined by the Secretary.

17 “(c) ACREAGE ENROLLMENT LIMITATION.—During
18 the period beginning on October 1, 2013, and ending on
19 September 30, 2022, the Secretary shall, to the maximum
20 extent practicable—

21 “(1) enroll in the program an additional
22 10,348,000 acres for each fiscal year; and

23 “(2) manage the program to achieve a national
24 average rate of \$18 per acre, which shall include the
25 costs of all financial assistance, technical assistance,

1 and any other expenses associated with enrollment
2 or participation in the program.

3 “(d) CONSERVATION STEWARDSHIP PAYMENTS.—

4 “(1) AVAILABILITY OF PAYMENTS.—The Sec-
5 retary shall provide annual payments under the pro-
6 gram to compensate the producer for—

7 “(A) installing and adopting additional
8 conservation activities; and

9 “(B) improving, maintaining, and man-
10 aging conservation activities in place at the op-
11 eration of the producer at the time the contract
12 offer is accepted by the Secretary.

13 “(2) PAYMENT AMOUNT.—The amount of the
14 conservation stewardship annual payment shall be
15 determined by the Secretary and based, to the max-
16 imum extent practicable, on the following factors:

17 “(A) Costs incurred by the producer asso-
18 ciated with planning, design, materials, installa-
19 tion, labor, management, maintenance, or train-
20 ing.

21 “(B) Income forgone by the producer.

22 “(C) Expected conservation benefits.

23 “(D) The extent to which priority resource
24 concerns will be addressed through the installa-

1 tion and adoption of conservation activities on
2 the agricultural operation.

3 “(E) The level of stewardship in place at
4 the time of application and maintained over the
5 term of the contract.

6 “(F) The degree to which the conservation
7 activities will be integrated across the entire ag-
8 ricultural operation for all applicable priority
9 resource concerns over the term of the contract.

10 “(G) Such other factors as determined by
11 the Secretary.

12 “(3) EXCLUSIONS.—A payment to a producer
13 under this subsection shall not be provided for—

14 “(A) the design, construction, or mainte-
15 nance of animal waste storage or treatment fa-
16 cilities or associated waste transport or transfer
17 devices for animal feeding operations; or

18 “(B) conservation activities for which there
19 is no cost incurred or income forgone to the
20 producer.

21 “(4) DELIVERY OF PAYMENTS.—In making
22 stewardship payments, the Secretary shall, to the ex-
23 tent practicable—

24 “(A) prorate conservation performance
25 over the term of the contract so as to accommo-

1 date, to the extent practicable, producers earn-
2 ing equal annual stewardship payments in each
3 fiscal year; and

4 “(B) make stewardship payments as soon
5 as practicable after October 1 of each fiscal
6 year for activities carried out in the previous
7 fiscal year.

8 “(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
9 CONSERVING CROP ROTATIONS.—

10 “(1) AVAILABILITY OF PAYMENTS.—The Sec-
11 retary shall provide additional payments to pro-
12 ducers that, in participating in the program, agree
13 to adopt resource-conserving crop rotations to
14 achieve beneficial crop rotations as appropriate for
15 the eligible land of the producers.

16 “(2) BENEFICIAL CROP ROTATIONS.—The Sec-
17 retary shall determine whether a resource-conserving
18 crop rotation is a beneficial crop rotation eligible for
19 additional payments under paragraph (1), based on
20 whether the resource-conserving crop rotation is de-
21 signed to provide natural resource conservation and
22 production benefits.

23 “(3) ELIGIBILITY.—To be eligible to receive a
24 payment described in paragraph (1), a producer

1 shall agree to adopt and maintain the resource-con-
2 serving crop rotations for the term of the contract.

3 “(4) RESOURCE-CONSERVING CROP ROTA-
4 TION.—In this subsection, the term ‘resource-con-
5 serving crop rotation’ means a crop rotation that—

6 “(A) includes at least 1 resource con-
7 serving crop (as defined by the Secretary);

8 “(B) reduces erosion;

9 “(C) improves soil fertility and tilth;

10 “(D) interrupts pest cycles; and

11 “(E) in applicable areas, reduces depletion
12 of soil moisture or otherwise reduces the need
13 for irrigation.

14 “(f) PAYMENT LIMITATIONS.—A person or legal enti-
15 ty may not receive, directly or indirectly, payments under
16 the program that, in the aggregate, exceed \$200,000
17 under all contracts entered into during fiscal years 2014
18 through 2018, excluding funding arrangements with In-
19 dian tribes, regardless of the number of contracts entered
20 into under the program by the person or legal entity.

21 “(g) SPECIALTY CROP AND ORGANIC PRODUCERS.—
22 The Secretary shall ensure that outreach and technical as-
23 sistance are available, and program specifications are ap-
24 propriate to enable specialty crop and organic producers
25 to participate in the program.

1 “(h) COORDINATION WITH ORGANIC CERTIFI-
2 CATION.—The Secretary shall establish a transparent
3 means by which producers may initiate organic certifi-
4 cation under the Organic Foods Production Act of 1990
5 (7 U.S.C. 6501 et seq.) while participating in a contract
6 under the program.

7 “(i) REGULATIONS.—The Secretary shall promulgate
8 regulations that—

9 “(1) prescribe such other rules as the Secretary
10 determines to be necessary to ensure a fair and rea-
11 sonable application of the limitations established
12 under subsection (f); and

13 “(2) otherwise enable the Secretary to carry out
14 the program.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall take effect on October 1, 2013.

17 (c) EFFECT ON EXISTING CONTRACTS.—

18 (1) IN GENERAL.—The amendment made by
19 this section shall not affect the validity or terms of
20 any contract entered into by the Secretary of Agri-
21 culture under subchapter B of chapter 2 of subtitle
22 D of title XII of the Food Security Act of 1985 (16
23 U.S.C. 3838d et seq.) before October 1, 2013, or
24 any payments required to be made in connection
25 with the contract.

1 (2) CONSERVATION STEWARDSHIP PROGRAM.—
2 Funds made available under section 1241(a)(4) of
3 the Food Security Act of 1985 (16 U.S.C.
4 3841(a)(4)) (as amended by section 2601(a)) may
5 be used to administer and make payments to pro-
6 gram participants enrolled into contracts during any
7 of fiscal years 2009 through 2013.

8 **Subtitle C—Environmental Quality**
9 **Incentives Program**

10 **SEC. 2201. PURPOSES.**

11 Section 1240 of the Food Security Act of 1985 (16
12 U.S.C. 3839aa) is amended—

13 (1) in paragraph (3)—

14 (A) in subparagraph (A), by striking
15 “and” at the end;

16 (B) by redesignating subparagraph (B) as
17 subparagraph (C) and, in such subparagraph,
18 by inserting “and” after the semicolon; and

19 (C) by inserting after subparagraph (A)
20 the following:

21 “(B) develop and improve wildlife habitat;
22 and”;

23 (2) in paragraph (4), by striking “; and” and
24 inserting a period; and

25 (3) by striking paragraph (5).

1 **SEC. 2202. DEFINITIONS.**

2 Section 1240A of the Food Security Act of 1985 (16
3 U.S.C. 3839aa–1) is amended—

4 (1) by striking paragraph (2) and redesignating
5 paragraphs (3) through (6) as paragraphs (2)
6 through (5), respectively; and

7 (2) in paragraph (2) (as so redesignated), by
8 inserting “established under the Organic Foods Pro-
9 duction Act of 1990 (7 U.S.C. 6501 et seq.)” after
10 “national organic program”.

11 **SEC. 2203. ESTABLISHMENT AND ADMINISTRATION.**

12 Section 1240B of the Food Security Act of 1985 (16
13 U.S.C. 3839aa–2) is amended—

14 (1) in subsection (a), by striking “2014” and
15 inserting “2018”;

16 (2) in subsection (b), by striking paragraph (2)
17 and inserting the following:

18 “(2) TERM.—A contract under the program
19 shall have a term that does not exceed 10 years.”;

20 (3) in subsection (d)—

21 (A) in paragraph (3), by striking subpara-
22 graphs (A) through (G) and inserting the fol-
23 lowing:

24 “(A) soil health;

25 “(B) water quality and quantity improve-
26 ment;

1 “(C) nutrient management;

2 “(D) pest management;

3 “(E) air quality improvement;

4 “(F) wildlife habitat development, includ-
5 ing pollinator habitat;

6 “(G) invasive species management; or

7 “(H) other resource issues of regional or
8 national significance, as determined by the Sec-
9 retary.”; and

10 (B) in paragraph (4)—

11 (i) in subparagraph (A) in the matter
12 preceding clause (i), by inserting “, veteran
13 farmer or rancher (as defined in section
14 2501(e) of the Food, Agriculture, Con-
15 servation, and Trade Act of 1990 (7
16 U.S.C. 2279(e))),” before “or a beginning
17 farmer or rancher”; and

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) ADVANCE PAYMENTS.—

21 “(i) IN GENERAL.—Not more than 30
22 percent of the amount determined under
23 subparagraph (A) may be provided in ad-
24 vance for the purpose of purchasing mate-
25 rials or contracting.

1 “(ii) RETURN OF FUNDS.—If funds
2 provided in advance are not expended dur-
3 ing the 90-day period beginning on the
4 date of receipt of the funds, the funds shall
5 be returned within a reasonable time
6 frame, as determined by the Secretary.”;

7 (4) by striking subsection (f) and inserting the
8 following:

9 “(f) ALLOCATION OF FUNDING.—

10 “(1) LIVESTOCK.—For each of fiscal years
11 2014 through 2018, at least 60 percent of the funds
12 made available for payments under the program
13 shall be targeted at practices relating to livestock
14 production.

15 “(2) WILDLIFE HABITAT.—For each of fiscal
16 years 2014 through 2018, at least 5 percent of the
17 funds made available for payments under the pro-
18 gram shall be targeted at practices benefitting wild-
19 life habitat under subsection (g).”; and

20 (5) by striking subsection (g) and inserting the
21 following:

22 “(g) WILDLIFE HABITAT INCENTIVE PROGRAM.—

23 “(1) IN GENERAL.—The Secretary shall provide
24 payments under the environmental quality incentives
25 program for conservation practices that support the

1 restoration, development, and improvement of wild-
2 life habitat on eligible land, including—

3 “(A) upland wildlife habitat;

4 “(B) wetland wildlife habitat;

5 “(C) habitat for threatened and endan-
6 gered species;

7 “(D) fish habitat;

8 “(E) habitat on pivot corners and other ir-
9 regular areas of a field; and

10 “(F) other types of wildlife habitat, as de-
11 termined by the Secretary.

12 “(2) STATE TECHNICAL COMMITTEE.—In deter-
13 mining the practices eligible for payment under
14 paragraph (1) and targeted for funding under sub-
15 section (f), the Secretary shall, at a minimum, con-
16 sult with the relevant State technical committee once
17 a year.

18 “(3) WAIVER.—Notwithstanding any other pro-
19 vision of this chapter, the Secretary may make pay-
20 ments to a State or local unit of government to en-
21 roll land that is riparian to, or submerged under, a
22 water body or wetland if the Secretary determines
23 that the inclusion of the land would support the res-
24 toration, development, and improvement of wildlife
25 habitat.”.

1 **SEC. 2204. EVALUATION OF APPLICATIONS.**

2 Section 1240C(b) of the Food Security Act of 1985
3 (16 U.S.C. 3839aa–3(b)) is amended—

4 (1) in paragraph (1), by striking “environ-
5 mental” and inserting “conservation”; and

6 (2) in paragraph (3), by striking “purpose of
7 the environmental quality incentives program speci-
8 fied in section 1240(1)” and inserting “purposes of
9 the program”.

10 **SEC. 2205. DUTIES OF PRODUCERS.**

11 Section 1240D(2) of the Food Security Act of 1985
12 (16 U.S.C. 3839aa–4(2)) is amended by striking “farm,
13 ranch, or forest” and inserting “enrolled”.

14 **SEC. 2206. LIMITATION ON PAYMENTS.**

15 Section 1240G of the Food Security Act of 1985 (16
16 U.S.C. 3839aa–7) is amended—

17 (1) in subsection (a)—

18 (A) by striking “by the person or entity
19 during any six-year period,” and inserting
20 “during fiscal years 2014 through 2018”; and

21 (B) by striking “federally recognized” and
22 all that follows through the period and inserting
23 “Indian tribes under section 1244(l).”; and

24 (2) in subsection (b)(2), by striking “any six-
25 year period” and inserting “fiscal years 2014
26 through 2018”.

1 **SEC. 2207. CONSERVATION INNOVATION GRANTS AND PAY-**
2 **MENTS.**

3 Section 1240H of the Food Security Act of 1985 (16
4 U.S.C. 3839aa–8) is amended—

5 (1) in subsection (b)(2), by striking “2012”
6 and inserting “2018”; and

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

8 “(c) REPORTING.—Not later than December 31,
9 2014, and every 2 years thereafter, the Secretary shall
10 submit to the Committee on Agriculture, Nutrition, and
11 Forestry of the Senate and the Committee on Agriculture
12 of the House of Representatives a report on the status
13 of projects funded under this section, including—

14 “(1) funding awarded;

15 “(2) project results; and

16 “(3) incorporation of project findings, such as
17 new technology and innovative approaches, into the
18 conservation efforts implemented by the Secretary.”.

19 **SEC. 2208. EFFECTIVE DATE.**

20 (a) IN GENERAL.—The amendments made by this
21 subtitle shall take effect on October 1, 2013.

22 (b) EFFECT ON EXISTING CONTRACTS.—The amend-
23 ments made by this title shall not affect the validity or
24 terms of any contract entered into by the Secretary of Ag-
25 riculture under chapter 4 of subtitle D of title XII of the
26 Food Security Act of 1985 (16 U.S.C. 3839aa et seq.)

1 before October 1, 2013, or any payments required to be
2 made in connection with the contract.

3 **Subtitle D—Agricultural**
4 **Conservation Easement Program**

5 **SEC. 2301. AGRICULTURAL CONSERVATION EASEMENT**
6 **PROGRAM.**

7 (a) ESTABLISHMENT.—Title XII of the Food Secu-
8 rity Act of 1985 is amended by adding at the end the fol-
9 lowing:

10 **“Subtitle H—Agricultural**
11 **Conservation Easement Program**

12 **“SEC. 1265. ESTABLISHMENT AND PURPOSES.**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-
14 lish an Agricultural Conservation Easement Program for
15 the conservation of eligible land and natural resources
16 through easements or other interests in land.

17 “(b) PURPOSES.—The purposes of the program are
18 to—

19 “(1) combine the purposes and coordinate the
20 functions of the wetlands reserve program estab-
21 lished under section 1237, the grassland reserve pro-
22 gram established under section 1238N, and the
23 farmland protection program established under sec-
24 tion 1238I;

1 “(2) restore, protect, and enhance wetland on
2 eligible land;

3 “(3) protect the agricultural use, viability, and
4 related conservation values of eligible land by lim-
5 iting nonagricultural uses of that land; and

6 “(4) protect grazing uses and related conserva-
7 tion values by restoring and conserving eligible land.

8 **“SEC. 1265A. DEFINITIONS.**

9 “In this subtitle:

10 “(1) AGRICULTURAL LAND EASEMENT.—The
11 term ‘agricultural land easement’ means an ease-
12 ment or other interest in eligible land that—

13 “(A) is conveyed for the purposes of pro-
14 tecting natural resources and the agricultural
15 nature of the land, and of promoting agricul-
16 tural viability for future generations; and

17 “(B) permits the landowner the right to
18 continue agricultural production and related
19 uses subject to an agricultural land easement
20 plan.

21 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means—

23 “(A) an agency of State or local govern-
24 ment or an Indian tribe (including farmland

1 protection board or land resource council estab-
2 lished under State law); or

3 “(B) an organization that is—

4 “(i) organized for, and at all times
5 since the formation of the organization has
6 been operated principally for, 1 or more of
7 the conservation purposes specified in
8 clause (i), (ii), (iii), or (iv) of section
9 170(h)(4)(A) of the Internal Revenue Code
10 of 1986;

11 “(ii) an organization described in sec-
12 tion 501(c)(3) of that Code that is exempt
13 from taxation under section 501(a) of that
14 Code; or

15 “(iii) described in—

16 “(I) paragraph (1) or (2) of sec-
17 tion 509(a) of that Code; or

18 “(II) section 509(a)(3) of that
19 Code and is controlled by an organiza-
20 tion described in section 509(a)(2) of
21 that Code.

22 “(3) ELIGIBLE LAND.—The term ‘eligible land’
23 means private or tribal land that is—

1 “(A) in the case of an agricultural land
2 easement, agricultural land, including land on a
3 farm or ranch—

4 “(i) that is subject to a pending offer
5 for purchase from an eligible entity;

6 “(ii) that—

7 “(I) has prime, unique, or other
8 productive soil;

9 “(II) contains historical or ar-
10 chaeological resources; or

11 “(III) the protection of which
12 could, consistent with the purposes of
13 the program—

14 “(aa) further a State or
15 local policy; or

16 “(bb) conserve grassland or
17 agricultural landscapes of signifi-
18 cant ecological value; and

19 “(iii) that is—

20 “(I) cropland;

21 “(II) rangeland;

22 “(III) grassland or land that con-
23 tains forbs, or shrubland for which
24 grazing is the predominant use;

25 “(IV) pastureland; or

1 “(V) nonindustrial private forest
2 land that contributes to the economic
3 viability of an offered parcel or serves
4 as a buffer to protect such land from
5 development;

6 “(B) in the case of a wetland reserve ease-
7 ment, a wetland or related area, including—

8 “(i) farmed or converted wetland, to-
9 gether with the adjacent land that is func-
10 tionally dependent on that land if the Sec-
11 retary determines it—

12 “(I) is likely to be successfully
13 restored in a cost effective manner;
14 and

15 “(II) will maximize the wildlife
16 benefits and wetland functions and
17 values as determined by the Secretary
18 in consultation with the Secretary of
19 the Interior at the local level;

20 “(ii) cropland or grassland that was
21 used for agricultural production prior to
22 flooding from the natural overflow of a
23 closed basin lake or pothole, as determined
24 by the Secretary, together (where prac-
25 ticable) with the adjacent land that is

1 functionally dependent on the cropland or
2 grassland;

3 “(iii) farmed wetland and adjoining
4 land that—

5 “(I) is enrolled in the conserva-
6 tion reserve program;

7 “(II) has the highest wetland
8 functions and values; and

9 “(III) is likely to return to pro-
10 duction after the land leaves the con-
11 servation reserve program;

12 “(iv) riparian areas that link wetland
13 that is protected by easements or some
14 other device that achieves the same pur-
15 pose as an easement; or

16 “(v) other wetland of an owner that
17 would not otherwise be eligible if the Sec-
18 retary determines that the inclusion of
19 such wetland in such easement would sig-
20 nificantly add to the functional value of the
21 easement; and

22 “(C) in the case of both an agricultural
23 land easement or wetland reserve easement,
24 other land that is incidental to eligible land if
25 the Secretary determines that it is necessary for

1 the efficient administration of the easements
2 under this program.

3 “(4) PROGRAM.—The term ‘program’ means
4 the Agricultural Conservation Easement Program
5 established by this subtitle.

6 “(5) WETLAND RESERVE EASEMENT.—The
7 term ‘wetland reserve easement’ means a reserved
8 interest in eligible land that—

9 “(A) is defined and delineated in a deed;
10 and

11 “(B) stipulates—

12 “(i) the rights, title, and interests in
13 land conveyed to the Secretary; and

14 “(ii) the rights, title, and interests in
15 land that are reserved to the landowner.

16 **“SEC. 1265B. AGRICULTURAL LAND EASEMENTS.**

17 “(a) AVAILABILITY OF ASSISTANCE.—The Secretary
18 shall facilitate and provide funding for—

19 “(1) the purchase by eligible entities of agricul-
20 tural land easements and other interests in eligible
21 land; and

22 “(2) technical assistance to provide for the con-
23 servation of natural resources pursuant to an agri-
24 cultural land easement plan.

25 “(b) COST-SHARE ASSISTANCE.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 cost-share assistance to eligible entities for pur-
3 chasing agricultural land easements to protect the
4 agricultural use, including grazing, and related con-
5 servation values of eligible land.

6 “(2) SCOPE OF ASSISTANCE AVAILABLE.—

7 “(A) FEDERAL SHARE.—Subject to sub-
8 paragraph (C), an agreement described in para-
9 graph (4) shall provide for a Federal share de-
10 termined by the Secretary of an amount not to
11 exceed 50 percent of the fair market value of
12 the agricultural land easement or other interest
13 in land, as determined by the Secretary using—

14 “(i) the Uniform Standards of Profes-
15 sional Appraisal Practices;

16 “(ii) an area-wide market analysis or
17 survey; or

18 “(iii) another industry approved meth-
19 od.

20 “(B) NON-FEDERAL SHARE.—

21 “(i) IN GENERAL.—Subject to sub-
22 paragraph (C), under the agreement, the
23 eligible entity shall provide a share that is
24 at least equivalent to that provided by the
25 Secretary.

1 “(ii) SOURCE OF CONTRIBUTION.—An
2 eligible entity may include as part of its
3 share a charitable donation or qualified
4 conservation contribution (as defined by
5 section 170(h) of the Internal Revenue
6 Code of 1986) from the private landowner
7 if the eligible entity contributes its own
8 cash resources in an amount that is at
9 least 50 percent of the amount contributed
10 by the Secretary.

11 “(C) WAIVER AUTHORITY.—In the case of
12 grassland of special environmental significance,
13 as determined by the Secretary, the Secretary
14 may provide up to 75 percent of the fair market
15 value of the agricultural land easement.

16 “(3) EVALUATION AND RANKING OF APPLICA-
17 TIONS.—

18 “(A) CRITERIA.—The Secretary shall es-
19 tablish evaluation and ranking criteria to maxi-
20 mize the benefit of Federal investment under
21 the program.

22 “(B) CONSIDERATIONS.—In establishing
23 the criteria, the Secretary shall emphasize sup-
24 port for—

1 “(i) protecting agricultural uses and
2 related conservation values of the land; and

3 “(ii) maximizing the protection of
4 areas devoted to agricultural use.

5 “(C) BIDDING DOWN.—If the Secretary
6 determines that 2 or more applications for cost-
7 share assistance are comparable in achieving
8 the purpose of the program, the Secretary shall
9 not assign a higher priority to any of those ap-
10 plications solely on the basis of lesser cost to
11 the program.

12 “(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

13 “(A) IN GENERAL.—The Secretary shall
14 enter into agreements with eligible entities to
15 stipulate the terms and conditions under which
16 the eligible entity is permitted to use cost-share
17 assistance provided under this section.

18 “(B) LENGTH OF AGREEMENTS.—An
19 agreement shall be for a term that is—

20 “(i) in the case of an eligible entity
21 certified under the process described in
22 paragraph (5), a minimum of 5 years; and

23 “(ii) for all other eligible entities, at
24 least 3, but not more than 5 years.

1 “(C) MINIMUM TERMS AND CONDITIONS.—

2 An eligible entity shall be authorized to use its
3 own terms and conditions for agricultural land
4 easements so long as the Secretary determines
5 such terms and conditions—

6 “(i) are consistent with the purposes
7 of the program;

8 “(ii) are permanent or for the max-
9 imum duration allowed under applicable
10 State law;

“(iii) permit effective enforcement of the conservation purposes of such easements, including appropriate restrictions depending on the purposes for which the easement is acquired;

“(iv) include a right of enforcement
for the Secretary if terms of the easement
are not enforced by the holder of the ease-
ment;

20 “(v) subject the land in which an in-
21 terest is purchased to an agricultural land
22 easement plan that—

23 “(I) describes the activities which
24 promote the long-term viability of the

1 land to meet the purposes for which
2 the easement was acquired;

3 “(II) requires the management of
4 grassland according to a grassland
5 management plan; and

6 “(III) includes a conservation
7 plan, where appropriate, and requires,
8 at the option of the Secretary, the
9 conversion of highly erodible cropland
10 to less intensive uses; and

11 “(vi) include a limit on the impervious
12 surfaces to be allowed that is consistent
13 with the agricultural activities to be con-
14 ducted.

15 “(D) SUBSTITUTION OF QUALIFIED
16 PROJECTS.—An agreement shall allow, upon
17 mutual agreement of the parties, substitution of
18 qualified projects that are identified at the time
19 of the proposed substitution.

20 “(E) EFFECT OF VIOLATION.—If a viola-
21 tion occurs of a term or condition of an agree-
22 ment under this subsection—

23 “(i) the agreement may be termi-
24 nated; and

1 “(ii) the Secretary may require the el-
2 igible entity to refund all or part of any
3 payments received by the entity under the
4 program, with interest on the payments as
5 determined appropriate by the Secretary.

6 “(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

7 “(A) CERTIFICATION PROCESS.—The Sec-
8 retary shall establish a process under which the
9 Secretary may—

10 “(i) directly certify eligible entities
11 that meet established criteria;

12 “(ii) enter into long-term agreements
13 with certified eligible entities; and

14 “(iii) accept proposals for cost-share
15 assistance for the purchase of agricultural
16 land easements throughout the duration of
17 such agreements.

18 “(B) CERTIFICATION CRITERIA.—In order
19 to be certified, an eligible entity shall dem-
20 onstrate to the Secretary that the entity will
21 maintain, at a minimum, for the duration of the
22 agreement—

23 “(i) a plan for administering ease-
24 ments that is consistent with the purpose
25 of this subtitle;

1 “(ii) the capacity and resources to
2 monitor and enforce agricultural land ease-
3 ments; and

4 “(iii) policies and procedures to en-
5 sure—

6 “(I) the long-term integrity of
7 agricultural land easements on eligible
8 land;

9 “(II) timely completion of acqui-
10 sitions of easements; and

11 “(III) timely and complete eval-
12 uation and reporting to the Secretary
13 on the use of funds provided under
14 the program.

15 “(C) REVIEW AND REVISION.—

16 “(i) REVIEW.—The Secretary shall
17 conduct a review of eligible entities cer-
18 tified under subparagraph (A) every 3
19 years to ensure that such entities are
20 meeting the criteria established under sub-
21 paragraph (B).

22 “(ii) REVOCATION.—If the Secretary
23 finds that the certified entity no longer
24 meets the criteria established under sub-
25 paragraph (B), the Secretary may—

1 “(I) allow the certified entity a
2 specified period of time, at a min-
3 imum 180 days, in which to take such
4 actions as may be necessary to meet
5 the criteria; and

6 “(II) revoke the certification of
7 the entity, if after the specified period
8 of time, the certified entity does not
9 meet such criteria.

10 “(c) TECHNICAL ASSISTANCE.—The Secretary may
11 provide technical assistance, if requested, to assist in—

12 “(1) compliance with the terms and conditions
13 of easements; and

14 “(2) implementation of an agricultural land
15 easement plan.

16 **“SEC. 1265C. WETLAND RESERVE EASEMENTS.**

17 “(a) AVAILABILITY OF ASSISTANCE.—The Secretary
18 shall provide assistance to owners of eligible land to re-
19 store, protect, and enhance wetland through—

20 “(1) easements and related wetland reserve
21 easement plans; and

22 “(2) technical assistance.

23 “(b) EASEMENTS.—

24 “(1) METHOD OF ENROLLMENT.—The Sec-
25 retary shall enroll eligible land through the use of—

1 “(A) 30-year easements;

2 “(B) permanent easements;

3 “(C) easements for the maximum duration
4 allowed under applicable State laws; or

5 “(D) as an option for Indian tribes only,
6 30-year contracts.

7 “(2) LIMITATIONS.—

8 “(A) INELIGIBLE LAND.—The Secretary
9 may not acquire easements on—

10 “(i) land established to trees under
11 the conservation reserve program, except in
12 cases where the Secretary determines it
13 would further the purposes of the program;
14 and

15 “(ii) farmed wetland or converted wet-
16 land where the conversion was not com-
17 menced prior to December 23, 1985.

18 “(B) CHANGES IN OWNERSHIP.—No ease-
19 ment shall be created on land that has changed
20 ownership during the preceding 12-month pe-
21 riod unless—

22 “(i) the new ownership was acquired
23 by will or succession as a result of the
24 death of the previous owner;

1 “(ii)(I) the ownership change occurred
2 because of foreclosure on the land; and

3 “(II) immediately before the fore-
4 closure, the owner of the land exercises a
5 right of redemption from the mortgage
6 holder in accordance with State law; or

7 “(iii) the Secretary determines that
8 the land was acquired under circumstances
9 that give adequate assurances that such
10 land was not acquired for the purposes of
11 placing it in the program.

12 “(3) EVALUATION AND RANKING OF OFFERS.—

13 “(A) CRITERIA.—The Secretary shall es-
14 tablish evaluation and ranking criteria to maxi-
15 mize the benefit of Federal investment under
16 the program.

17 “(B) CONSIDERATIONS.—When evaluating
18 offers from landowners, the Secretary may con-
19 sider—

20 “(i) the conservation benefits of ob-
21 taining an easement or 30-year contract,
22 including the potential environmental bene-
23 fits if the land was removed from agricul-
24 tural production;

1 “(ii) the cost-effectiveness of each
2 easement or 30-year contract, so as to
3 maximize the environmental benefits per
4 dollar expended;

5 “(iii) whether the landowner or an-
6 other person is offering to contribute fi-
7 nancially to the cost of the easement or
8 30-year contract to leverage Federal funds;
9 and

10 “(iv) such other factors as the Sec-
11 retary determines are necessary to carry
12 out the purposes of the program.

13 “(C) PRIORITY.—The Secretary shall place
14 priority on acquiring easements based on the
15 value of the easement for protecting and en-
16 hancing habitat for migratory birds and other
17 wildlife.

18 “(4) AGREEMENT.—To be eligible to place eligi-
19 ble land into the program through a wetland reserve
20 easement, the owner of such land shall enter into an
21 agreement with the Secretary to—

22 “(A) grant an easement on such land to
23 the Secretary;

24 “(B) authorize the implementation of a
25 wetland reserve easement plan;

1 “(C) create and record an appropriate
2 deed restriction in accordance with applicable
3 State law to reflect the easement agreed to;

4 “(D) provide a written statement of con-
5 sent to such easement signed by those holding
6 a security interest in the land;

7 “(E) comply with the terms and conditions
8 of the easement and any related agreements;
9 and

10 “(F) permanently retire any existing crop-
11 land base and allotment history for the land on
12 which the easement has been obtained.

13 “(5) TERMS AND CONDITIONS OF EASEMENT.—

14 “(A) IN GENERAL.—A wetland reserve
15 easement shall include terms and conditions
16 that—

17 “(i) permit—

18 “(I) repairs, improvements, and
19 inspections on the land that are nec-
20 essary to maintain existing public
21 drainage systems; and

22 “(II) owners to control public ac-
23 cess on the easement areas while iden-
24 tifying access routes to be used for

1 restoration activities and management
2 and easement monitoring;

3 “(ii) prohibit—

4 “(I) the alteration of wildlife
5 habitat and other natural features of
6 such land, unless specifically author-
7 ized by the Secretary;

8 “(II) the spraying of such land
9 with chemicals or the mowing of such
10 land, except where such spraying or
11 mowing is authorized by the Secretary
12 or is necessary—

13 “(aa) to comply with Fed-
14 eral or State noxious weed con-
15 trol laws;

16 “(bb) to comply with a Fed-
17 eral or State emergency pest
18 treatment program; or

19 “(cc) to meet habitat needs
20 of specific wildlife species;

21 “(III) any activities to be carried
22 out on the owner’s or successor’s land
23 that is immediately adjacent to, and
24 functionally related to, the land that
25 is subject to the easement if such ac-

1 tivities will alter, degrade, or other-
2 wise diminish the functional value of
3 the eligible land; and

4 “(IV) the adoption of any other
5 practice that would tend to defeat the
6 purposes of the program, as deter-
7 mined by the Secretary;

8 “(iii) provide for the efficient and ef-
9 fective establishment of wetland functions
10 and values; and

11 “(iv) include such additional provi-
12 sions as the Secretary determines are de-
13 sirable to carry out the program or facili-
14 tate the practical administration thereof.

15 “(B) VIOLATION.—On the violation of the
16 terms or conditions of the easement, the ease-
17 ment shall remain in force and the Secretary
18 may require the owner to refund all or part of
19 any payments received by the owner under the
20 program, together with interest thereon as de-
21 termined appropriate by the Secretary.

22 “(C) COMPATIBLE USES.—Land subject to
23 a wetland reserve easement may be used for
24 compatible economic uses, including such activi-
25 ties as hunting and fishing, managed timber

1 harvest, or periodic haying or grazing, if such
2 use is specifically permitted by the wetland re-
3 serve easement plan and is consistent with the
4 long-term protection and enhancement of the
5 wetland resources for which the easement was
6 established.

7 “(D) RESERVATION OF GRAZING
8 RIGHTS.—The Secretary may include in the
9 terms and conditions of an easement a provi-
10 sion under which the owner reserves grazing
11 rights if—

12 “(i) the Secretary determines that the
13 reservation and use of the grazing rights—

14 “(I) is compatible with the land
15 subject to the easement;

16 “(II) is consistent with the his-
17 torical natural uses of the land and
18 long-term protection and enhancement
19 goals for which the easement was es-
20 tablished; and

21 “(III) complies with the wetland
22 reserve easement plan; and

23 “(ii) the agreement provides for a
24 commensurate reduction in the easement

1 payment to account for the grazing value,
2 as determined by the Secretary.

3 “(E) APPLICATION.—The relevant provi-
4 sions of this paragraph shall also apply to a 30-
5 year contract.

6 “(6) COMPENSATION.—

7 “(A) DETERMINATION.—

8 “(i) IN GENERAL.—The Secretary
9 shall pay as compensation for a permanent
10 easement acquired an amount necessary to
11 encourage enrollment in the program based
12 on the lowest of—

13 “(I) the fair market value of the
14 land, as determined by the Secretary,
15 using the Uniform Standards of Pro-
16 fessional Appraisal Practices or an
17 area-wide market analysis or survey;

18 “(II) the amount corresponding
19 to a geographical cap, as determined
20 by the Secretary in regulations; or

21 “(III) the offer made by the
22 landowner.

23 “(ii) OTHER.—Compensation for a
24 30-year contract or 30-year easement shall
25 be not less than 50 percent, but not more

1 than 75 percent, of the compensation that
2 would be paid for a permanent easement.

3 “(B) FORM OF PAYMENT.—Compensation
4 shall be provided by the Secretary in the form
5 of a cash payment, in an amount determined
6 under subparagraph (A).

7 “(C) PAYMENT SCHEDULE.—

8 “(i) EASEMENTS VALUED AT LESS
9 THAN \$500,000.—For easements valued at
10 \$500,000 or less, the Secretary may pro-
11 vide easement payments in not more than
12 10 annual payments.

13 “(ii) EASEMENTS VALUED AT MORE
14 THAN \$500,000.—For easements valued at
15 more than \$500,000, the Secretary may
16 provide easement payments in at least 5,
17 but not more than 10 annual payments,
18 except that, if the Secretary determines it
19 would further the purposes of the program,
20 the Secretary may make a lump sum pay-
21 ment for such an easement.

22 “(c) EASEMENT RESTORATION.—

23 “(1) IN GENERAL.—The Secretary shall provide
24 financial assistance to carry out the establishment of
25 conservation measures and practices and protect

1 wetland functions and values, including necessary
2 maintenance activities, as set forth in a wetland re-
3 serve easement plan.

4 “(2) PAYMENTS.—The Secretary shall—

5 “(A) in the case of a permanent easement,
6 pay an amount that is not less than 75 percent,
7 but not more than 100 percent, of the eligible
8 costs; and

9 “(B) in the case of a 30-year contract or
10 30-year easement, pay an amount that is not
11 less than 50 percent, but not more than 75 per-
12 cent, of the eligible costs.

13 “(d) TECHNICAL ASSISTANCE.—

14 “(1) IN GENERAL.—The Secretary shall assist
15 owners in complying with the terms and conditions
16 of easements and 30-year contracts.

17 “(2) CONTRACTS OR AGREEMENTS.—The Sec-
18 retary may enter into 1 or more contracts with pri-
19 vate entities or agreements with a State, non-govern-
20 mental organization, or Indian tribe to carry out
21 necessary restoration, enhancement or maintenance
22 of an easement if the Secretary determines that the
23 contract or agreement will advance the purposes of
24 the program.

1 “(e) WETLAND ENHANCEMENT OPTION.—The Sec-
2 retary may enter into 1 or more agreements with a State
3 (including a political subdivision or agency of a State),
4 nongovernmental organization, or Indian tribe to carry out
5 a special wetland enhancement option that the Secretary
6 determines would advance the purposes of the program.

7 “(f) ADMINISTRATION.—

8 “(1) WETLAND RESERVE EASEMENT PLAN.—

9 The Secretary shall develop a wetland reserve ease-
10 ment plan for eligible land subject to a wetland re-
11 serve easement, which will include the practices and
12 activities necessary to restore, protect, enhance, and
13 maintain the enrolled land.

14 “(2) DELEGATION OF EASEMENT ADMINISTRA-
15 TION.—

16 “(A) IN GENERAL.—The Secretary may
17 delegate any of the easement management,
18 monitoring, and enforcement responsibilities of
19 the Secretary to other Federal or State agencies
20 that have the appropriate authority, expertise
21 and resources necessary to carry out such dele-
22 gated responsibilities or to other conservation
23 organizations if the Secretary determines the
24 organization has similar expertise and re-
25 sources.

1 “(B) LIMITATION.—The Secretary shall
2 not delegate any of the monitoring or enforce-
3 ment responsibilities under the program to con-
4 servation organizations.

5 “(3) PAYMENTS.—

6 “(A) TIMING OF PAYMENTS.—The Sec-
7 retary shall provide payment for obligations in-
8 curred by the Secretary under this section—

9 “(i) with respect to any easement res-
10 toration obligation as soon as possible after
11 the obligation is incurred; and

12 “(ii) with respect to any annual ease-
13 ment payment obligation incurred by the
14 Secretary as soon as possible after October
15 1 of each calendar year.

16 “(B) PAYMENTS TO OTHERS.—If an owner
17 who is entitled to a payment dies, becomes in-
18 competent, is otherwise unable to receive such
19 payment, or is succeeded by another person or
20 entity who renders or completes the required
21 performance, the Secretary shall make such
22 payment, in accordance with regulations pre-
23 scribed by the Secretary and without regard to
24 any other provision of law, in such manner as

1 the Secretary determines is fair and reasonable
2 in light of all of the circumstances.

3 **“SEC. 1265D. ADMINISTRATION.**

4 “(a) INELIGIBLE LAND.—The Secretary may not ac-
5 quire an easement under the program on—

6 “(1) land owned by an agency of the United
7 States, other than land held in trust for Indian
8 tribes;

9 “(2) land owned in fee title by a State, includ-
10 ing an agency or a subdivision of a State, or a unit
11 of local government;

12 “(3) land subject to an easement or deed re-
13 striction which, as determined by the Secretary, pro-
14 vides similar protection as would be provided by en-
15 rollment in the program; and

16 “(4) land where the purposes of the program
17 would be undermined due to on-site or off-site condi-
18 tions, such as risk of hazardous substances, pro-
19 posed or existing rights of way, infrastructure devel-
20 opment, or adjacent land uses.

21 “(b) PRIORITY.—In evaluating applications under the
22 program, the Secretary may give priority to land that is
23 currently enrolled in the conservation reserve program in
24 a contract that is set to expire within 1 year and—

1 “(1) in the case of an agricultural land ease-
2 ment, is grassland that would benefit from protec-
3 tion under a long-term easement; and

4 “(2) in the case of a wetland reserve easement,
5 is a wetland or related area with the highest func-
6 tions and values and is likely to return to production
7 after the land leaves the conservation reserve pro-
8 gram.

9 “(c) SUBORDINATION, EXCHANGE, MODIFICATION,
10 AND TERMINATION.—

11 “(1) IN GENERAL.—The Secretary may subor-
12 dinate, exchange, terminate, or modify any interest
13 in land, or portion of such interest, administered by
14 the Secretary, either directly or on behalf of the
15 Commodity Credit Corporation under the program
16 when the Secretary determines that—

17 “(A) it is in the Federal Government’s in-
18 terest to subordinate, exchange, modify or ter-
19 minate the interest in land;

20 “(B) the subordination, exchange, modi-
21 fication, or termination action—

22 “(i) will address a compelling public
23 need for which there is no practicable al-
24 ternative, or

1 “(ii) such action will further the prac-
2 tical administration of the program; and

3 “(C) the subordination, exchange, modi-
4 fication, or termination action will result in
5 comparable conservation value and equivalent
6 or greater economic value to the United States.

7 “(2) CONSULTATION.—The Secretary shall
8 work with the current owner, and eligible entity if
9 applicable, to address any subordination, exchange,
10 termination, or modification of the interest, or por-
11 tion of such interest in land.

12 “(3) NOTICE.—At least 90 days before taking
13 any termination action described in paragraph (1),
14 the Secretary shall provide written notice of such ac-
15 tion to the Committee on Agriculture of the House
16 of Representatives and the Committee on Agri-
17 culture, Nutrition, and Forestry of the Senate.

18 “(d) LAND ENROLLED IN OTHER PROGRAMS.—

19 “(1) CONSERVATION RESERVE PROGRAM.—The
20 Secretary may terminate or modify an existing con-
21 tract entered into under section 1231(a) if eligible
22 land that is subject to such contract is transferred
23 into the program.

24 “(2) OTHER.—Land enrolled in the wetlands
25 reserve program, grassland reserve program, or

1 farmland protection program shall be considered en-
2 rolled in this program.

3 “(e) ALLOCATION OF FUNDS FOR AGRICULTURAL
4 LAND EASEMENTS.—Of the funds made available under
5 section 1241 to carry out the program for a fiscal year,
6 the Secretary shall, to the extent practicable, use no less
7 than 40 percent for agricultural land easements.”.

8 (b) COMPLIANCE WITH CERTAIN REQUIREMENTS.—
9 Before an eligible entity or owner of eligible land may re-
10 ceive assistance under subtitle H of title XII of the Food
11 Security Act of 1985, the eligible entity or person shall
12 agree, during the crop year for which the assistance is pro-
13 vided and in exchange for the assistance—

14 (1) to comply with applicable conservation re-
15 quirements under subtitle B of title XII of that Act
16 (16 U.S.C. 3811 et seq.); and

17 (2) to comply with applicable wetland protection
18 requirements under subtitle C of title XII of that
19 Act (16 U.S.C. 3821 et seq.).

20 (c) CROSS-REFERENCE.—Section 1244 of the Food
21 Security Act of 1985 (16 U.S.C. 3844) is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) by inserting “and” at the end of
25 subparagraph (A);

- 1 (ii) by striking “and” at the end of
2 subparagraph (B); and
3 (iii) by striking subparagraph (C);
4 (B) by redesignating paragraph (2) as
5 paragraph (3); and
6 (C) by inserting after paragraph (1) the
7 following:
8 “(2) the Agricultural Conservation Easement
9 Program established under subtitle H; and”; and
10 (2) in subsection (f)—
11 (A) in paragraph (1)—
12 (i) in subparagraph (A), by striking
13 “programs administered under subchapters
14 B and C of chapter 1 of subtitle D” and
15 inserting “conservation reserve program
16 established under subchapter B of chapter
17 1 of subtitle D and the Agricultural Con-
18 servation Easement Program under sub-
19 title H using wetland reserve easements
20 under section 1265C”; and
21 (ii) in subparagraph (B), by striking
22 “subchapter C of chapter 1 of subtitle D”
23 and inserting “the Agricultural Conserva-
24 tion Easement Program under subtitle H

1 using wetland reserve easements under sec-
2 tion 1265C”; and

3 (B) by striking paragraph (4) and insert-
4 ing the following:

5 “(4) EXCLUSIONS.—

6 “(A) SHELTERBELTS AND WINDBREAKS.—

7 The limitations established under paragraph (1)
8 shall not apply to cropland that is subject to an
9 easement under subchapter C of chapter 1 that
10 is used for the establishment of shelterbelts and
11 windbreaks.

12 “(B) WET AND SATURATED SOILS.—For
13 the purposes of enrolling land in a wetland re-
14 serve easement under subtitle H, the limitations
15 established under paragraph (1) shall not apply
16 to cropland designated by the Secretary with
17 subclass w in the land capability classes IV
18 through VIII because of severe use limitations
19 due to soil saturation or inundation.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on October 1, 2013.

1 **Subtitle E—Regional Conservation**
2 **Partnership Program**

3 **SEC. 2401. REGIONAL CONSERVATION PARTNERSHIP PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Title XII of the Food Security
6 Act of 1985 is amended by inserting after subtitle H (as
7 added by section 2301) the following:

8 **“Subtitle I—Regional Conservation**
9 **Partnership Program**

10 **“SEC. 1271. ESTABLISHMENT AND PURPOSES.**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-
12 lish a Regional Conservation Partnership Program to im-
13 plement eligible activities through—

14 “(1) partnership agreements with eligible part-
15 ners; and

16 “(2) contracts with producers.

17 “(b) PURPOSES.—The purposes of the program
18 are—

19 “(1) to combine the purposes and coordinate
20 the functions of—

21 “(A) the agricultural water enhancement
22 program established under section 1240I;

23 “(B) the Chesapeake Bay watershed pro-
24 gram established under section 1240Q;

1 “(C) the cooperative conservation partner-
2 ship initiative established under section 1243;
3 and

4 “(D) the Great Lakes basin program for
5 soil erosion and sediment control established
6 under section 1240P;

7 “(2) to further the conservation, restoration,
8 and sustainable use of soil, water, wildlife, and re-
9 lated natural resources on a regional or watershed
10 scale; and

11 “(3) to encourage partners to cooperate with
12 producers in—

13 “(A) meeting or avoiding the need for na-
14 tional, State, and local natural resource regu-
15 latory requirements related to production; and

16 “(B) implementing projects that will result
17 in the installation and maintenance of eligible
18 activities that affect multiple agricultural or
19 nonindustrial private forest operations on a
20 local, regional, State, or multi-State basis.

21 **“SEC. 1271A. DEFINITIONS.**

22 “In this subtitle:

23 “(1) COVERED PROGRAMS.—The term ‘covered
24 programs’ means—

1 “(A) the agricultural conservation ease-
2 ment program;

3 “(B) the environmental quality incentives
4 program;

5 “(C) the conservation stewardship pro-
6 gram; and

7 “(D) the healthy forests reserve program
8 established under section 501 of the Healthy
9 Forests Restoration Act of 2003 (16 U.S.C.
10 6571).

11 “(2) ELIGIBLE ACTIVITY.—The term ‘eligible
12 activity’ means any of the following conservation ac-
13 tivities when delivered through a covered program:

14 “(A) Water quality restoration or enhance-
15 ment projects, including nutrient management
16 and sediment reduction.

17 “(B) Water quantity conservation, restora-
18 tion, or enhancement projects relating to sur-
19 face water and groundwater resources, includ-
20 ing—

21 “(i) the conversion of irrigated crop-
22 land to the production of less water-inten-
23 sive agricultural commodities or dryland
24 farming; and

1 “(ii) irrigation system improvement
2 and irrigation efficiency enhancement.

3 “(C) Drought mitigation.

4 “(D) Flood prevention.

5 “(E) Water retention.

6 “(F) Habitat conservation, restoration,
7 and enhancement.

8 “(G) Erosion control.

9 “(H) Forest restoration, including recovery
10 of threatened and endangered species, improve-
11 ment of biodiversity, and enhancement of car-
12 bon sequestration.

13 “(I) Other related activities that the Sec-
14 retary determines will help achieve conservation
15 benefits.

16 “(3) ELIGIBLE PARTNER.—The term ‘eligible
17 partner’ means any of the following:

18 “(A) An agricultural or silvicultural pro-
19 ducer association or other group of producers.

20 “(B) A State or unit of local government.

21 “(C) An Indian tribe.

22 “(D) A farmer cooperative.

23 “(E) An institution of higher education.

24 “(F) An organization or other nongovern-
25 mental entity with an established history of

1 working cooperatively with producers on agri-
2 cultural land, as determined by the Secretary,
3 to address—

4 “(i) local conservation priorities re-
5 lated to agricultural production, wildlife
6 habitat development, and nonindustrial pri-
7 vate forest land management; or

8 “(ii) critical watershed-scale soil ero-
9 sion, water quality, sediment reduction, or
10 other natural resource concerns.

11 “(4) PARTNERSHIP AGREEMENT.—The term
12 ‘partnership agreement’ means an agreement be-
13 tween the Secretary and an eligible partner.

14 “(5) PROGRAM.—The term ‘program’ means
15 the Regional Conservation Partnership Program es-
16 tablished by this subtitle.

17 **“SEC. 1271B. REGIONAL CONSERVATION PARTNERSHIPS.**

18 “(a) PARTNERSHIP AGREEMENTS AUTHORIZED.—
19 The Secretary may enter into a partnership agreement
20 with an eligible partner to implement a project that will
21 assist producers with installing and maintaining an eligi-
22 ble activity.

23 “(b) LENGTH.—A partnership agreement shall be for
24 a period not to exceed 5 years, except that the Secretary
25 may extend the agreement 1 time for up to 12 months

1 when an extension is necessary to meet the objectives of
2 the program.

3 “(c) DUTIES OF PARTNERS.—

4 “(1) IN GENERAL.—Under a partnership agree-
5 ment, the eligible partner shall—

6 “(A) define the scope of a project, includ-
7 ing—

8 “(i) the eligible activities to be imple-
9 mented;

10 “(ii) the potential agricultural or non-
11 industrial private forest operations af-
12 fected;

13 “(iii) the local, State, multi-State or
14 other geographic area covered; and

15 “(iv) the planning, outreach, imple-
16 mentation and assessment to be conducted;

17 “(B) conduct outreach and education to
18 producers for potential participation in the
19 project;

20 “(C) at the request of a producer, act on
21 behalf of a producer participating in the project
22 in applying for assistance under section 1271C;

23 “(D) leverage financial or technical assist-
24 ance provided by the Secretary with additional
25 funds to help achieve the project objectives;

1 “(E) conduct an assessment of the
2 project’s effects; and

3 “(F) at the conclusion of the project, re-
4 port to the Secretary on its results and funds
5 leveraged.

6 “(2) CONTRIBUTION.—A partner shall provide
7 a significant portion of the overall costs of the scope
8 of the project as determined by the Secretary.

9 “(d) APPLICATIONS.—

10 “(1) COMPETITIVE PROCESS.—The Secretary
11 shall conduct a competitive process to select applica-
12 tions for partnership agreements and may assess
13 and rank applications with similar conservation pur-
14 poses as a group.

15 “(2) CRITERIA USED.—In carrying out the
16 process described in paragraph (1), the Secretary
17 shall make public the criteria used in evaluating ap-
18 plications.

19 “(3) CONTENT.—An application to the Sec-
20 retary shall include a description of—

21 “(A) the scope of the project as described
22 in subsection (c)(1)(A);

23 “(B) the plan for monitoring, evaluating,
24 and reporting on progress made towards achiev-
25 ing the project’s objectives;

1 “(C) the program resources requested for
2 the project, including the covered programs to
3 be used and estimated funding needed from the
4 Secretary;

5 “(D) the partners collaborating to achieve
6 project objectives, including their roles, respon-
7 sibilities, capabilities, and financial contribu-
8 tion; and

9 “(E) any other elements the Secretary con-
10 siders necessary to adequately evaluate and
11 competitively select applications for funding
12 under the program.

13 “(4) APPLICATION SELECTION.—

14 “(A) PRIORITY TO CERTAIN APPLICA-
15 TIONS.—The Secretary shall give a higher pri-
16 ority to applications that—

17 “(i) assist producers in meeting or
18 avoiding the need for a natural resource
19 regulatory requirement;

20 “(ii) significantly leverage non-Fed-
21 eral financial and technical resources and
22 coordinate with other local, State, regional,
23 or national efforts;

24 “(iii) deliver high percentages of ap-
25 plied conservation to address conservation

1 priorities or local, State, regional, or na-
2 tional conservation initiatives; or

3 “(iv) provide innovation in conserva-
4 tion methods and delivery, including out-
5 come-based performance measures and
6 methods.

7 “(B) OTHER APPLICATIONS.—The Sec-
8 retary may give priority to applications that—

9 “(i) have a high percentage of pro-
10 ducers in the area to be covered by the
11 agreement; or

12 “(ii) meet other factors that are im-
13 portant for achieving the purposes of the
14 program, as determined by the Secretary.

15 **“SEC. 1271C. ASSISTANCE TO PRODUCERS.**

16 “(a) IN GENERAL.—The Secretary shall enter into
17 contracts to provide financial and technical assistance
18 to—

19 “(1) producers participating in a project with
20 an eligible partner as described in section 1271B; or

21 “(2) producers that fit within the scope of a
22 project described in section 1271B or a critical con-
23 servation area designated pursuant to section
24 1271F, but who are seeking to implement an eligible
25 activity independent of a partner.

1 “(b) TERMS AND CONDITIONS.—

2 “(1) CONSISTENCY WITH PROGRAM RULES.—

3 “(A) IN GENERAL.—Except as provided in
4 paragraph (2) and subparagraph (B), the Sec-
5 retary shall ensure that the terms and condi-
6 tions of a contract under this section are con-
7 sistent with the applicable rules of the covered
8 programs to be used as part of the partnership
9 agreement, as described in the application
10 under section 1271B(d)(3)(C).

11 “(B) ADJUSTMENTS.—

12 “(i) IN GENERAL.—The Secretary
13 may adjust rules of a covered program, in-
14 cluding—

15 “(I) operational guidance and re-
16 quirements for a covered program at
17 the discretion of the Secretary so as
18 to provide a simplified application and
19 evaluation process; and

20 “(II) nonstatutory, regulatory
21 rules or provisions to better reflect
22 unique local circumstances and pur-
23 poses if the Secretary determines such
24 adjustments are necessary to achieve
25 the purposes of the covered program.

1 “(ii) LIMITATION.—The Secretary
2 shall not adjust the application of statu-
3 tory requirements for a covered program,
4 including requirements governing appeals,
5 payment limits, and conservation compli-
6 ance.

7 “(2) ALTERNATIVE FUNDING ARRANGE-
8 MENTS.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (1)(A), for the purposes of providing as-
11 sistance for land described in subsection (a)
12 and section 1271F, the Secretary may enter
13 into alternative funding arrangements with a
14 multistate water resource agency or authority
15 if—

16 “(i) the Secretary determines that the
17 goals and objectives of the program will be
18 met by the alternative funding arrange-
19 ments;

20 “(ii) the agency or authority certifies
21 that the limitations established under this
22 section on agreements with individual pro-
23 ducers will not be exceeded; and

24 “(iii) all participating producers meet
25 applicable payment eligibility provisions.

1 “(B) CONDITIONS.—As a condition on re-
2 ceipt of funding under subparagraph (A), the
3 multistate water resource agency or authority
4 shall agree—

5 “(i) to submit an annual independent
6 audit to the Secretary that describes the
7 use of funds under this paragraph;

8 “(ii) to provide any data necessary for
9 the Secretary to issue a report on the use
10 of funds under this paragraph; and

11 “(iii) not to use any of the funds pro-
12 vided pursuant to subparagraph (A) for
13 administration or provide for administra-
14 tive costs through contracts with another
15 entity.

16 “(C) LIMITATION.—The Secretary may
17 enter into at least 10 but not more than 20 al-
18 ternative funding arrangements under this
19 paragraph.

20 “(c) PAYMENTS.—

21 “(1) IN GENERAL.—In accordance with statu-
22 tory requirements of the covered programs involved,
23 the Secretary may make payments to a producer in
24 an amount determined by the Secretary to be nec-
25 essary to achieve the purposes of the program.

1 “(2) PAYMENTS TO CERTAIN PRODUCERS.—The
2 Secretary may provide payments for a period of 5
3 years—

4 “(A) to producers participating in a
5 project that addresses water quantity concerns
6 and in an amount sufficient to encourage con-
7 version from irrigated to dryland farming; and

8 “(B) to producers participating in a
9 project that addresses water quality concerns
10 and in an amount sufficient to encourage adop-
11 tion of conservation practices and systems that
12 improve nutrient management.

13 “(3) WAIVER AUTHORITY.—To assist in the im-
14 plementation of the program, the Secretary may
15 waive the applicability of the limitation in section
16 1001D(b)(2) of this Act for participating producers
17 if the Secretary determines that the waiver is nec-
18 essary to fulfill the objectives of the program.

19 **“SEC. 1271D. FUNDING.**

20 “(a) AVAILABILITY OF FUNDS.—The Secretary shall
21 use \$100,000,000 of the funds of the Commodity Credit
22 Corporation for each of fiscal years 2014 through 2018
23 to carry out the program established under this subtitle.

1 “(b) DURATION OF AVAILABILITY.—Funds made
2 available under subsection (a) shall remain available until
3 expended.

4 “(c) ADDITIONAL FUNDING AND ACRES.—

5 “(1) IN GENERAL.—In addition to the funds
6 made available under subsection (a), the Secretary
7 shall reserve 8 percent of the funds and acres made
8 available for a covered program for each of fiscal
9 years 2014 through 2018 in order to ensure addi-
10 tional resources are available to carry out this pro-
11 gram.

12 “(2) UNUSED FUNDS AND ACRES.—Any funds
13 or acres reserved under paragraph (1) for a fiscal
14 year from a covered program that are not obligated
15 under this program by April 1 of that fiscal year
16 shall be returned for use under the covered program.

17 “(d) ALLOCATION OF FUNDING.—Of the funds and
18 acres made available for the program under subsections
19 (a) and (c), the Secretary shall allocate—

20 “(1) 25 percent of the funds and acres to
21 projects based on a State competitive process admin-
22 istered by the State conservationist, with the advice
23 of the State technical committee;

1 “(2) 40 percent of the funds and acres to
2 projects based on a national competitive process to
3 be established by the Secretary; and

4 “(3) 35 percent of the funds and acres to
5 projects for the critical conservation areas des-
6 ignated in section 1271F.

7 “(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
8 None of the funds made available under the program may
9 be used to pay for the administrative expenses of partners.

10 **“SEC. 1271E. ADMINISTRATION.**

11 “(a) DISCLOSURE.—In addition to the criteria used
12 in evaluating applications as described in section
13 1271B(d)(2), the Secretary shall make publicly available
14 information on projects selected through the competitive
15 process described in section 1271B(d)(1).

16 “(b) REPORTING.—Not later than December 31,
17 2014, and for every 2 years thereafter, the Secretary shall
18 submit to the Committee on Agriculture of the House of
19 Representatives and the Committee on Agriculture, Nutri-
20 tion, and Forestry of the Senate a report on the status
21 of projects funded under the program, including—

22 “(1) the number and types of partners and pro-
23 ducers participating in the partnership agreements
24 selected;

1 “(2) the number of producers receiving assist-
2 ance;

3 “(3) total funding committed to projects, in-
4 cluding Federal and non-Federal resources; and

5 “(4) a description of how the funds under sec-
6 tion 1271C(b)(3) are being administered, includ-
7 ing—

8 “(A) any oversight mechanisms that the
9 Secretary has implemented;

10 “(B) the process through which the Sec-
11 retary is resolving appeals by program partici-
12 pants; and

13 “(C) the means by which the Secretary is
14 tracking adherence to any applicable provisions
15 for payment eligibility.

16 **“SEC. 1271F. CRITICAL CONSERVATION AREAS.**

17 “(a) IN GENERAL.—When administering the funding
18 described in section 1271D(d)(3), the Secretary shall se-
19 lect applications for partnership agreements and producer
20 contracts within designated critical conservation areas.

21 “(b) CRITICAL CONSERVATION AREA DESIGNA-
22 TIONS.—

23 “(1) IN GENERAL.—The Secretary shall des-
24 ignate up to 6 geographical areas as critical con-

1 servation areas based on the degree to which an
2 area—

3 “(A) includes multiple States with signifi-
4 cant agricultural production;

5 “(B) is covered by an existing regional,
6 State, binational, or multistate agreement or
7 plan that has established objectives, goals and
8 work plans and is adopted by a Federal, State,
9 or regional authority;

10 “(C) has water quality concerns, including
11 concerns for reducing erosion, promoting sedi-
12 ment control, and addressing nutrient manage-
13 ment activities affecting large bodies of water of
14 regional, national, or international significance;

15 “(D) has water quantity concerns, includ-
16 ing—

17 “(i) concerns for groundwater, surface
18 water, aquifer, or other water sources; or

19 “(ii) a need to promote water reten-
20 tion and flood prevention;

21 “(E) is vital habitat for migrating wildlife;

22 or

23 “(F) is subject to regulatory requirements
24 that could reduce the economic scope of agricul-
25 tural operations within the area.

1 “(2) EXPIRATION.—Critical conservation area
2 designations under this section shall expire after 5
3 years, subject to redesignation, except that the Sec-
4 retary may withdraw designation from an area if the
5 Secretary finds the area no longer meets the condi-
6 tions described in paragraph (1).

7 “(c) ADMINISTRATION.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the Secretary shall administer any part-
10 nership agreement or producer contract under this
11 section in a manner that is consistent with the terms
12 of the program.

13 “(2) RELATIONSHIP TO EXISTING ACTIVITY.—
14 The Secretary shall, to the maximum extent prac-
15 ticable, ensure that eligible activities carried out in
16 critical conservation areas designated under this sec-
17 tion complement and are consistent with other Fed-
18 eral and State programs and water quality and
19 quantity strategies.”.

20 “(b) EFFECTIVE DATE.—The amendment made by
21 this section shall take effect on October 1, 2013.

1 **Subtitle F—Other Conservation**
2 **Programs**

3 **SEC. 2501. CONSERVATION OF PRIVATE GRAZING LAND.**

4 Section 1240M(e) of the Food Security Act of 1985
5 (16 U.S.C. 3839bb(e)) is amended inserting “and
6 \$30,000,000 for each of fiscal years 2014 through 2018”
7 before the period at the end.

8 **SEC. 2502. GRASSROOTS SOURCE WATER PROTECTION**
9 **PROGRAM.**

10 Section 1240O(b) of the Food Security Act of 1985
11 (16 U.S.C. 3839bb–2(b)) is amended by inserting “and
12 \$15,000,000 for each of fiscal years 2014 through 2018”
13 before the period at the end.

14 **SEC. 2503. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
15 **CENTIVE PROGRAM.**

16 (a) FUNDING.—Section 1240R(f)(1) of the Food Se-
17 curity Act of 1985 (16 U.S.C. 3839bb–5(f)(1)) is amend-
18 ed—

19 (1) in the heading, by striking “FISCAL YEARS
20 2009 THROUGH 2012” and inserting “MANDATORY
21 FUNDING”; and

22 (2) by inserting “and \$40,000,000 for the pe-
23 riod of fiscal years 2014 through 2018” before the
24 period at the end.

1 (b) REPORT ON PROGRAM EFFECTIVENESS.—Not
2 later than 2 years after the date of enactment of this Act,
3 the Secretary of Agriculture shall submit to the Com-
4 mittee on Agriculture of the House of Representatives and
5 the Committee on Agriculture, Nutrition, and Forestry of
6 the Senate a report evaluating the effectiveness of the vol-
7 untary public access and habitat incentive program estab-
8 lished by section 1240R of the Food Security Act of 1985
9 (16 U.S.C. 3839bb–5), including—

10 (1) identifying cooperating agencies;

11 (2) identifying the number of land holdings and
12 total acres enrolled by State;

13 (3) evaluating the extent of improved access on
14 eligible land, improved wildlife habitat, and related
15 economic benefits; and

16 (4) any other relevant information and data re-
17 lating to the program that would be helpful to such
18 Committees.

19 (c) EFFECTIVE DATE.—The amendment made by
20 this section shall take effect on October 1, 2013.

21 **SEC. 2504. AGRICULTURE CONSERVATION EXPERIENCED**
22 **SERVICES PROGRAM.**

23 (a) FUNDING.—Section 1252 of the Food Security
24 Act of 1985 (16 U.S.C. 3851) is amended by striking sub-
25 section (c) and inserting the following:

1 “(c) FUNDING.—

2 “(1) IN GENERAL.—The Secretary may carry
3 out the ACES program using funds made available
4 to carry out each program under this title.

5 “(2) EXCLUSION.—Funds made available to
6 carry out the conservation reserve program may not
7 be used to carry out the ACES program.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall take effect on October 1, 2013.

10 **SEC. 2505. SMALL WATERSHED REHABILITATION PRO-**
11 **GRAM.**

12 Section 14(h)(2)(E) of the Watershed Protection and
13 Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is
14 amended by striking “2012” and inserting “2018”.

15 **SEC. 2506. EMERGENCY WATERSHED PROTECTION PRO-**
16 **GRAM.**

17 Section 403 of the Agricultural Credit Act of 1978
18 (16 U.S.C. 2203) is amended—

19 (1) by striking “SEC. 402.—The Secretary”
20 and inserting the following:

21 **“SEC. 402. EMERGENCY MEASURES.**

22 “(a) IN GENERAL.—The Secretary”; and

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

24 “(b) FLOODPLAIN EASEMENTS.—

1 “(1) MODIFICATION AND TERMINATION.—The
2 Secretary may modify or terminate a floodplain
3 easement administered by the Secretary under this
4 section if—

5 “(A) the current owner agrees to the modi-
6 fication or termination; and

7 “(B) the Secretary determines that the
8 modification or termination—

9 “(i) will address a compelling public
10 need for which there is no practicable al-
11 ternative; and

12 “(ii) is in the public interest.

13 “(2) CONSIDERATION.—

14 “(A) TERMINATION.—As consideration for
15 termination of an easement and associated
16 agreements under paragraph (1), the Secretary
17 shall enter into compensatory arrangements as
18 determined to be appropriate by the Secretary.

19 “(B) MODIFICATION.—In the case of a
20 modification under paragraph (1)—

21 “(i) as a condition of the modification,
22 the current owner shall enter into a com-
23 pensatory arrangement (as determined to
24 be appropriate by the Secretary) to incur
25 the costs of modification; and

1 “(ii) the Secretary shall ensure that—

2 “(I) the modification will not ad-
3 versely affect the floodplain functions
4 and values for which the easement
5 was acquired;

6 “(II) any adverse impacts will be
7 mitigated by enrollment and restora-
8 tion of other land that provides great-
9 er floodplain functions and values at
10 no additional cost to the Federal Gov-
11 ernment; and

12 “(III) the modification will result
13 in equal or greater environmental and
14 economic values to the United
15 States.”.

16 **SEC. 2507. TERMINAL LAKES ASSISTANCE.**

17 Section 2507 of the Food, Security, and Rural Invest-
18 ment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–
19 171) is amended to read as follows:

20 **“SEC. 2507. TERMINAL LAKES ASSISTANCE.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE LAND.—The term ‘eligible land’
23 means privately owned agricultural land (including
24 land in which a State has a property interest as a
25 result of state water law)—

1 “(A) that a landowner voluntarily agrees to
2 sell to a State; and

3 “(B) which—

4 “(i)(I) is ineligible for enrollment as a
5 wetland reserve easement established under
6 the Agricultural Conservation Easement
7 Program under subtitle H of the Food Se-
8 curity Act of 1985;

9 “(II) is flooded to—

10 “(aa) an average depth of at
11 least 6.5 feet; or

12 “(bb) a level below which the
13 State determines the management of
14 the water level is beyond the control
15 of the State or landowner; or

16 “(III) is inaccessible for agricultural
17 use due to the flooding of adjoining prop-
18 erty (such as islands of agricultural land
19 created by flooding);

20 “(ii) is located within a watershed
21 with water rights available for lease or
22 purchase; and

23 “(iii) has been used during at least 5
24 of the immediately preceding 30 years—

25 “(I) to produce crops or hay; or

1 “(II) as livestock pasture or
2 grazing.

3 “(2) PROGRAM.—The term ‘program’ means
4 the voluntary land purchase program established
5 under this section.

6 “(3) TERMINAL LAKE.—The term ‘terminal
7 lake’ means a lake and its associated riparian and
8 watershed resources that is—

9 “(A) considered flooded because there is no
10 natural outlet for water accumulating in the
11 lake or the associated riparian area such that
12 the watershed and surrounding land is consist-
13 ently flooded; or

14 “(B) considered terminal because it has no
15 natural outlet and is at risk due to a history of
16 consistent Federal assistance to address critical
17 resource conditions, including insufficient water
18 available to meet the needs of the lake, general
19 uses, and water rights.

20 “(b) ASSISTANCE.—The Secretary shall—

21 “(1) provide grants under subsection (c) for the
22 purchase of eligible land impacted by a terminal lake
23 described in subsection (a)(3)(A); and

24 “(2) provide funds to the Secretary of the Inte-
25 rior pursuant to subsection (e)(2) with assistance in

1 accordance with subsection (d) for terminal lakes de-
2 scribed in subsection (a)(3)(B).

3 “(c) LAND PURCHASE GRANTS.—

4 “(1) IN GENERAL.—Using funds provided
5 under subsection (e)(1), the Secretary shall make
6 available land purchase grants to States for the pur-
7 chase of eligible land in accordance with this sub-
8 section.

9 “(2) IMPLEMENTATION.—

10 “(A) AMOUNT.—A land purchase grant
11 shall be in an amount not to exceed the lesser
12 of—

13 “(i) 50 percent of the total purchase
14 price per acre of the eligible land; or

15 “(ii)(I) in the case of eligible land
16 that was used to produce crops or hay,
17 \$400 per acre; and

18 “(II) in the case of eligible land that
19 was pasture or grazing land, \$200 per
20 acre.

21 “(B) DETERMINATION OF PURCHASE
22 PRICE.—A State purchasing eligible land with a
23 land purchase grant shall ensure, to the max-
24 imum extent practicable, that the purchase
25 price of such land reflects the value, if any, of

1 other encumbrances on the eligible land to be
2 purchased, including easements and mineral
3 rights.

4 “(C) COST-SHARE REQUIRED.—To be eligi-
5 ble to receive a land purchase grant, a State
6 shall provide matching non-Federal funds in an
7 amount equal to 50 percent of the amount de-
8 scribed in subparagraph (A), including addi-
9 tional non-Federal funds.

10 “(D) CONDITIONS.—To receive a land pur-
11 chase grant, a State shall agree—

12 “(i) to ensure that any eligible land
13 purchased is—

14 “(I) conveyed in fee simple to the
15 State; and

16 “(II) free from mortgages or
17 other liens at the time title is trans-
18 ferred;

19 “(ii) to maintain ownership of the eli-
20 gible land in perpetuity;

21 “(iii) to pay (from funds other than
22 grant dollars awarded) any costs associ-
23 ated with the purchase of eligible land
24 under this section, including surveys and
25 legal fees; and

1 “(iv) to keep eligible land in a con-
2 serving use, as defined by the Secretary.

3 “(E) LOSS OF FEDERAL BENEFITS.—Eligi-
4 ble land purchased with a grant under this sec-
5 tion shall lose eligibility for any benefits under
6 other Federal programs, including—

7 “(i) benefits under title XII of the
8 Food Security Act of 1985 (16 U.S.C.
9 3801 et seq.);

10 “(ii) benefits under the Federal Crop
11 Insurance Act (7 U.S.C. 1501 et seq.); and

12 “(iii) covered benefits described in
13 section 1001D(b) of the Food Security Act
14 of 1985 (7 U.S.C. 1308–3a).

15 “(F) PROHIBITION.—Any Federal rights
16 or benefits associated with eligible land prior to
17 purchase by a State may not be transferred to
18 any other land or person in anticipation of or
19 as a result of such purchase.

20 “(d) WATER ASSISTANCE.—

21 “(1) IN GENERAL.—The Secretary of the Inte-
22 rior, acting through the Commissioner of Reclama-
23 tion, may use the funds described in subsection
24 (e)(2) to administer and provide financial assistance
25 to carry out this subsection to provide water and as-

1 sistance to a terminal lake described in subsection
2 (a)(3)(B) through willing sellers or willing partici-
3 pants only—

4 “(A) to lease water;

5 “(B) to purchase land, water appurtenant
6 to the land, and related interests; and

7 “(C) to carry out research, support and
8 conservation activities for associated fish, wild-
9 life, plant, and habitat resources.”

10 “(2) EXCLUSIONS.—The Secretary of the Inte-
11 rior may not use this subsection to deliver assistance
12 to the Great Salt Lake in Utah, lakes that are con-
13 sidered dry lakes, or other lakes that do not meet
14 the purposes of this section, as determined by the
15 Secretary of the Interior.

16 “(3) TRANSITIONAL PROVISION.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of this section, any funds made
19 available before the date of enactment of the
20 Agriculture Reform, Food, and Jobs Act of
21 2013 under a provision of law described in sub-
22 paragraph (B) shall remain available using the
23 provisions of law (including regulations) in ef-
24 fect on the day before the date of enactment of
25 that Act.

1 “(B) DESCRIBED LAWS.—The provisions
2 of law described in this section are—

3 “(i) section 2507 of the Farm Secu-
4 rity and Rural Investment Act of 2002 (43
5 U.S.C. 2211 note; Public Law 107–171)
6 (as in effect on the day before the date of
7 enactment of the Agriculture Reform,
8 Food, and Jobs Act of 2013);

9 “(ii) section 207 of the Energy and
10 Water Development Appropriations Act,
11 2003 (Public Law 108–7; 117 Stat. 146);

12 “(iii) section 208 of the Energy and
13 Water Development Appropriations Act,
14 2006 (Public Law 109–103; 119 Stat.
15 2268, 123 Stat. 2856); and

16 “(iv) section 208 of the Energy and
17 Water Development and Related Agencies
18 Appropriations Act, 2010 (Public Law
19 111–85; 123 Stat. 2858, 123 Stat. 2967,
20 125 Stat. 867).

21 “(e) FUNDING.—

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Sec-
24 retary to carry out subsection (c) \$25,000,000, to
25 remain available until expended.

1 “(2) COMMODITY CREDIT CORPORATION.—As
2 soon as practicable after the date of enactment of
3 the Agriculture Reform, Food, and Jobs Act of
4 2013, the Secretary shall transfer to the Bureau of
5 Reclamation Water and Related Resources Account
6 \$150,000,000 from the funds of the Commodity
7 Credit Corporation to carry out subsection (d), to re-
8 main available until expended.”.

9 **Subtitle G—Funding and**
10 **Administration**

11 **SEC. 2601. FUNDING.**

12 (a) IN GENERAL.—Section 1241 of the Food Security
13 Act of 1985 (16 U.S.C. 3841) is amended by striking sub-
14 section (a) and inserting the following:

15 “(a) ANNUAL FUNDING.—For each of fiscal years
16 2014 through 2018, the Secretary shall use the funds, fa-
17 cilities, and authorities of the Commodity Credit Corpora-
18 tion to carry out the following programs under this title
19 (including the provision of technical assistance):

20 “(1) The conservation reserve program under
21 subchapter B of chapter 1 of subtitle D, including,
22 to the maximum extent practicable—

23 “(A) \$10,000,000 for the period of fiscal
24 years 2014 through 2018 to provide payments
25 under paragraph (3) of section 1234(b) in con-

1 nection with thinning activities conducted on
2 land described in subparagraph (B)(iii) of that
3 paragraph; and

4 “(B) \$50,000,000 for the period of fiscal
5 years 2014 through 2018 to carry out section
6 1235(f) to facilitate the transfer of land subject
7 to contracts from retired or retiring owners and
8 operators to beginning farmers or ranchers and
9 socially disadvantaged farmers or ranchers.

10 “(2) The Agricultural Conservation Easement
11 Program under subtitle H using to the maximum ex-
12 tent practicable—

13 “(A) \$450,000,000 for fiscal year 2014;

14 “(B) \$475,000,000 for fiscal year 2015;

15 “(C) \$500,000,000 for fiscal year 2016;

16 “(D) \$525,000,000 for fiscal year 2017;

17 and

18 “(E) \$250,000,000 for fiscal year 2018.

19 “(3) The conservation security program under
20 subchapter A of chapter 2 of subtitle D, using such
21 sums as are necessary to administer contracts en-
22 tered into before September 30, 2008.

23 “(4) The conservation stewardship program
24 under subchapter B of chapter 2 of subtitle D.

1 “(5) The environmental quality incentives pro-
2 gram under chapter 4 of subtitle D, using, to the
3 maximum extent practicable—

4 “(A) \$1,500,000,000 for fiscal year 2014;

5 “(B) \$1,600,000,000 for fiscal year 2015;

6 and

7 “(C) \$1,650,000,000 for each of fiscal
8 years 2016 through 2018.”.

9 (b) GUARANTEED AVAILABILITY OF FUNDS.—Sec-
10 tion 1241 of the Food Security Act of 1985 (16 U.S.C.
11 3841) is amended—

12 (1) by redesignating subsections (b) through (h)
13 as subsections (c) through (i), respectively;

14 (2) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) AVAILABILITY OF FUNDS.—Amounts made
17 available by subsection (a) shall be used by the Secretary
18 to carry out the programs specified in such subsection for
19 fiscal years 2014 through 2018 and shall remain available
20 until expended. Amounts made available for the programs
21 specified in such subsection during a fiscal year through
22 modifications, cancellations, terminations, and other re-
23 lated administrative actions and not obligated in that fis-
24 cal year shall remain available for obligation during subse-
25 quent fiscal years, but shall reduce the amount of addi-

1 tional funds made available in the subsequent fiscal year
2 by an amount equal to the amount remaining unobli-
3 gated.”; and

4 (3) in subsection (d) (as redesignated by para-
5 graph (1)), by striking “subsection (b)” and insert-
6 ing “subsection (c)”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on October 1, 2013.

9 **SEC. 2602. TECHNICAL ASSISTANCE.**

10 Section 1241 of the Food Security Act of 1985 (16
11 U.S.C. 3841) is amended by striking subsection (c) (as
12 redesignated by section 2601(b)(1)) and inserting the fol-
13 lowing:

14 “(c) TECHNICAL ASSISTANCE.—

15 “(1) AVAILABILITY OF FUNDS.—Commodity
16 Credit Corporation funds made available for a fiscal
17 year for each of the programs specified in subsection
18 (a)—

19 “(A) shall be available for the provision of
20 technical assistance for the programs for which
21 funds are made available as necessary to imple-
22 ment the programs effectively; and

23 “(B) shall not be available for the provi-
24 sion of technical assistance for conservation
25 programs specified in subsection (a) other than

1 the program for which the funds were made
2 available.

3 “(2) REPORT.—Not later than December 31,
4 2013, the Secretary shall submit (and update as
5 necessary in subsequent years) to the Committee on
6 Agriculture of the House of Representatives and the
7 Committee on Agriculture, Nutrition, and Forestry
8 of the Senate a report—

9 “(A) detailing the amount of technical as-
10 sistance funds requested and apportioned in
11 each program specified in subsection (a) during
12 the preceding fiscal year; and

13 “(B) any other data relating to this provi-
14 sion that would be helpful to such Commit-
15 tees.”.

16 **SEC. 2603. REGIONAL EQUITY.**

17 Section 1241 of the Food Security Act of 1985 (16
18 U.S.C. 3841) is amended by striking subsection (e) (as
19 redesignated by section 2601(b)(1)) and inserting the fol-
20 lowing:

21 “(e) REGIONAL EQUITY.—

22 “(1) EQUITABLE DISTRIBUTION.—When deter-
23 mining funding allocations each fiscal year, the Sec-
24 retary shall, after considering available funding and
25 program demand in each State, provide a distribu-

1 tion of funds for conservation programs under sub-
2 title D (excluding the conservation reserve program
3 under subchapter B of chapter 1), subtitle H (ex-
4 cluding wetland reserve easements under section
5 1265C), and subtitle I to ensure equitable program
6 participation proportional to historical funding allo-
7 cations and usage by all States.

8 “(2) MINIMUM PERCENTAGE.—In determining
9 the specific funding allocations under paragraph (1),
10 the Secretary shall—

11 “(A) ensure that during the first quarter
12 of each fiscal year each State has the oppor-
13 tunity to establish that the State can use an ag-
14 gregate allocation amount of at least 0.6 per-
15 cent of the funds made available for those con-
16 servation programs; and

17 “(B) for each State that can so establish,
18 provide an aggregate amount of at least 0.6
19 percent of the funds made available for those
20 conservation programs.”.

1 **SEC. 2604. RESERVATION OF FUNDS TO PROVIDE ASSIST-**
2 **ANCE TO CERTAIN FARMERS OR RANCHERS**
3 **FOR CONSERVATION ACCESS.**

4 Subsection (h) of section 1241 of the Food Security
5 Act of 1985 (16 U.S.C. 3841) (as redesignated by section
6 2601(b)(1)) is amended—

7 (1) in paragraph (1) by striking “2012” and in-
8 serting “2018”; and

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

10 “(4) PREFERENCE.—In providing assistance
11 under paragraph (1), the Secretary shall give pref-
12 erence to a veteran farmer or rancher (as defined in
13 section 2501(e) of the Food, Agriculture, Conserva-
14 tion, and Trade Act of 1990 (7 U.S.C. 2279(e)))
15 that qualifies under subparagraph (A) or (B) of
16 paragraph (1).”.

17 **SEC. 2605. ANNUAL REPORT ON PROGRAM ENROLLMENTS**
18 **AND ASSISTANCE.**

19 Subsection (i) of section 1241 of the Food Security
20 Act of 1985 (16 U.S.C. 3841) (as redesignated by section
21 2601(b)(1)) is amended—

22 (1) in paragraph (1), by striking “wetlands re-
23 serve program” and inserting “agricultural conserva-
24 tion easement program”;

1 (2) by striking paragraphs (2) and (3) and re-
2 designating paragraphs (4), (5), and (6) as para-
3 graphs (2), (3), and (4), respectively;

4 (3) in paragraph (3) (as so redesignated)—

5 (A) by striking “agricultural water en-
6 hancement program” and inserting “regional
7 conservation partnership program”; and

8 (B) by striking “section 1240I(g)” and in-
9 serting “section 1271C(c)(3)”; and

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

11 “(5) Payments made under the conservation
12 stewardship program.

13 “(6) Waivers granted by the Secretary under
14 section 1265B(b)(2)(C).”.

15 **SEC. 2606. ADMINISTRATIVE REQUIREMENTS FOR CON-**
16 **SERVATION PROGRAMS.**

17 Section 1244 of the Food Security Act of 1985 (16
18 U.S.C. 3844) is amended—

19 (1) in subsection (a)(2), by adding at the end
20 the following:

21 “(E) Veteran farmers or ranchers (as de-
22 fined in section 2501(e) of the Food, Agri-
23 culture, Conservation, and Trade Act of 1990
24 (7 U.S.C. 2279(e))).”;

1 (2) in subsection (d), by inserting “, H, and I”
2 before the period at the end;

3 (3) in subsection (f)—

4 (A) in paragraph (1)(B), by striking
5 “country” and inserting “county”; and

6 (B) in paragraph (3), by striking “sub-
7 section (c)(2)(B) or (f)(4)” and inserting “sub-
8 section (c)(2)(A)(ii) or (f)(2)”; and

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

10 “(j) IMPROVED ADMINISTRATIVE EFFICIENCY AND
11 EFFECTIVENESS.—In administering a conservation pro-
12 gram under this title, the Secretary shall, to the maximum
13 extent practicable—

14 “(1) seek to reduce administrative burdens and
15 costs to producers by streamlining conservation
16 planning and program resources; and

17 “(2) take advantage of new technologies to en-
18 hance efficiency and effectiveness.

19 “(k) RELATION TO OTHER PAYMENTS.—Any pay-
20 ment received by an owner or operator under this title,
21 including an easement payment or rental payment, shall
22 be in addition to, and not affect, the total amount of pay-
23 ments that the owner or operator is otherwise eligible to
24 receive under any of the following:

25 “(1) This Act.

1 “(2) The Agricultural Act of 1949 (7 U.S.C.
2 1421 et seq.).

3 “(3) The Agriculture Reform, Food, and Jobs
4 Act of 2013.

5 “(4) Any law that succeeds a law specified in
6 paragraph (1), (2), or (3).

7 “(1) FUNDING FOR INDIAN TRIBES.—In carrying out
8 the conservation stewardship program under subchapter
9 B of chapter 2 of subtitle D and the environmental quality
10 incentives program under chapter 4 of subtitle D, the Sec-
11 retary may enter into alternative funding arrangements
12 with Indian tribes if the Secretary determines that the
13 goals and objectives of the programs will be met by such
14 arrangements, and that statutory limitations regarding
15 contracts with individual producers will not be exceeded
16 by any Tribal member.”.

17 **SEC. 2607. RULEMAKING AUTHORITY.**

18 Subtitle E of title XII of the Food Security Act of
19 1985 (16 U.S.C. 3841 et seq.) is amended by adding at
20 the end the following:

21 **“SEC. 1246. REGULATIONS.**

22 “(a) IN GENERAL.—The Secretary shall promulgate
23 such regulations as are necessary to implement programs
24 under this title, including such regulations as the Sec-
25 retary determines to be necessary to ensure a fair and rea-

1 sonable application of the limitations established under
2 section 1244(f).

3 “(b) RULEMAKING PROCEDURE.—The promulgation
4 of regulations and administration of programs under this
5 title—

6 “(1) shall be carried out without regard to—

7 “(A) the Statement of Policy of the Sec-
8 retary effective July 24, 1971 (36 Fed. Reg.
9 13804), relating to notices of proposed rule-
10 making and public participation in rulemaking;
11 and

12 “(B) chapter 35 of title 44, United States
13 Code (commonly known as the Paperwork Re-
14 duction Act); and

15 “(2) shall be made as an interim rule effective
16 on publication with an opportunity for notice and
17 comment.

18 “(c) CONGRESSIONAL REVIEW OF AGENCY RULE-
19 MAKING.—In promulgating regulations under this section,
20 the Secretary shall use the authority provided under sec-
21 tion 808 of title 5, United States Code.”.

22 **SEC. 2608. STANDARDS FOR STATE TECHNICAL COMMIT-**
23 **TEES.**

24 Section 1261(b) of the Food Security Act of 1985
25 (16 U.S.C. 3861(b)) is amended by striking “Not later

1 than 180 days after the date of enactment of the Food,
2 Conservation, and Energy Act of 2008, the Secretary shall
3 develop” and inserting “The Secretary shall review and
4 update as necessary”.

5 **SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CON-**
6 **SERVATION FOR CROP INSURANCE.**

7 (a) HIGHLY ERODIBLE LAND PROGRAM INELIGI-
8 BILITY.—

9 (1) IN GENERAL.—Section 1211(a)(1) of the
10 Food Security Act of 1985 (16 U.S.C. 3811(a)(1))
11 is amended—

12 (A) in subparagraph (C), by striking “or”
13 at the end;

14 (B) in subparagraph (D), by adding “or”
15 at the end; and

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

17 “(E) any portion of premium paid by the
18 Federal Crop Insurance Corporation for a plan
19 or policy of insurance under the Federal Crop
20 Insurance Act (7 U.S.C. 1501 et seq.);”.

21 (2) EXEMPTIONS.—Section 1212(a)(2) of the
22 Food Security Act of 1985 (16 U.S.C. 3812(a)(2))
23 is amended—

24 (A) in the first sentence, by striking “(2)
25 If,” and inserting the following:

1 “(2) ELIGIBILITY BASED ON COMPLIANCE WITH
2 CONSERVATION PLAN.—

3 “(A) IN GENERAL.—If,”;

4 (B) in the second sentence, by striking “In
5 carrying” and inserting the following:

6 “(B) MINIMIZATION OF DOCUMENTA-
7 TION.—In carrying”; and

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

9 “(C) CROP INSURANCE.—In the case of
10 payments that are subject to section 1211 for
11 the first time due to the amendment made by
12 section 2609(a) of the Agriculture Reform,
13 Food, and Jobs Act of 2013, any person who
14 produces an agricultural commodity on the land
15 that is the basis of the payments shall have
16 until January 1 of the fifth year after the date
17 on which the payments became subject to sec-
18 tion 1211 to develop and comply with an ap-
19 proved conservation plan.”.

20 (b) WETLAND CONSERVATION PROGRAM INELIGI-
21 BILITY.—Section 1221(b) of the Food Security Act of
22 1985 (16 U.S.C. 3821(b)) is amended by adding at the
23 end the following:

24 “(4) Any portion of premium paid by the Fed-
25 eral Crop Insurance Corporation for a plan or policy

1 of insurance under the Federal Crop Insurance Act
2 (7 U.S.C. 1501 et seq.).”.

3 **SEC. 2610. ADJUSTED GROSS INCOME LIMITATION FOR**
4 **CONSERVATION PROGRAMS.**

5 Section 1001D(b)(2)(A) of the Food Security Act of
6 1985 (7 U.S.C. 1308–3a(b)(2)(A)) is amended—

7 (1) by striking “LIMITS.—” and all that follows
8 through “clause (ii),” and inserting “LIMITS.—Not-
9 withstanding any other provision of law,”; and

10 (2) by striking clause (ii).

11 **Subtitle H—Repeal of Superseded**
12 **Program Authorities and Tran-**
13 **sitional Provisions**

14 **SEC. 2701. COMPREHENSIVE CONSERVATION ENHANCE-**
15 **MENT PROGRAM.**

16 Section 1230 of the Food Security Act of 1985 (16
17 U.S.C. 3830) is repealed.

18 **SEC. 2702. EMERGENCY FORESTRY CONSERVATION RE-**
19 **SERVE PROGRAM.**

20 (a) **REPEAL.**—Section 1231A of the Food Security
21 Act of 1985 (16 U.S.C. 3831a) is repealed.

22 (b) **TRANSITIONAL PROVISIONS.**—

23 (1) **EFFECT ON EXISTING CONTRACTS.**—The
24 amendment made by this section shall not affect the
25 validity or terms of any contract entered into by the

1 Secretary of Agriculture under section 1231A of the
2 Food Security Act of 1985 (16 U.S.C. 3831a) before
3 October 1, 2013, or any payments required to be
4 made in connection with the contract.

5 (2) FUNDING.—The Secretary may use funds
6 made available to carry out the conservation reserve
7 program under subchapter B of chapter 1 of subtitle
8 D of title XII of the Food Security Act of 1985 (16
9 U.S.C. 3831 et seq.) to continue to carry out con-
10 tracts referred to in paragraph (1) using the provi-
11 sions of law and regulation applicable to such con-
12 tracts as in existence on September 30, 2013.

13 (c) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect on October 1, 2013.

15 **SEC. 2703. WETLANDS RESERVE PROGRAM.**

16 (a) REPEAL.—Subchapter C of chapter 1 of subtitle
17 D of title XII of the Food Security Act of 1985 (16 U.S.C.
18 3837 et seq.) is repealed.

19 (b) TRANSITIONAL PROVISIONS.—

20 (1) EFFECT ON EXISTING CONTRACTS AND
21 EASEMENTS.—The amendment made by this section
22 shall not affect the validity or terms of any contract
23 or easement entered into by the Secretary of Agri-
24 culture under subchapter C of chapter 1 of subtitle
25 D of title XII of the Food Security Act of 1985 (16

1 U.S.C. 3837 et seq.) before October 1, 2013, or any
2 payments required to be made in connection with the
3 contract or easement.

4 (2) FUNDING.—

5 (A) USE OF PRIOR YEAR FUNDS.—Not-
6 withstanding the repeal of subchapter C of
7 chapter 1 of subtitle D of title XII of the Food
8 Security Act of 1985 (16 U.S.C. 3837 et seq.),
9 any funds made available from the Commodity
10 Credit Corporation to carry out the wetlands
11 reserve program under that subchapter for fis-
12 cal years 2009 through 2013 shall be made
13 available to carry out contracts or easements
14 referred to in paragraph (1) that were entered
15 into prior to October 1, 2013 (including the
16 provision of technical assistance), provided that
17 no such contract or easement is modified so as
18 to increase the amount of the payment received.

19 (B) OTHER.—The Secretary may use
20 funds made available to carry out the agricul-
21 tural conservation easement program under
22 subtitle H of title XII of the Food Security Act
23 of 1985, as added by section 2301, to continue
24 to carry out contracts and easements referred
25 to in paragraph (1) using the provisions of law

1 and regulation applicable to such contracts and
2 easements as in existence on September 30,
3 2013.

4 (c) EFFECTIVE DATE.—The amendment made by
5 this section shall take effect on October 1, 2013.

6 **SEC. 2704. FARMLAND PROTECTION PROGRAM AND FARM**
7 **VIABILITY PROGRAM.**

8 (a) REPEAL.—Subchapter C of chapter 2 of subtitle
9 D of title XII of the Food Security Act of 1985 (16 U.S.C.
10 3838h et seq.) is repealed.

11 (b) TRANSITIONAL PROVISIONS.—

12 (1) EFFECT ON EXISTING AGREEMENTS AND
13 EASEMENTS.—The amendment made by this section
14 shall not affect the validity or terms of any agree-
15 ment or easement entered into by the Secretary of
16 Agriculture under subchapter C of chapter 2 of sub-
17 title D of title XII of the Food Security Act of 1985
18 (16 U.S.C. 3838h et seq.) before October 1, 2013,
19 or any payments required to be made in connection
20 with the agreement or easement.

21 (2) FUNDING.—

22 (A) USE OF PRIOR YEAR FUNDS.—Not-
23 withstanding the repeal of subchapter C of
24 chapter 2 of subtitle D of title XII of the Food
25 Security Act of 1985 (16 U.S.C. 3838h et seq.),

1 any funds made available from the Commodity
2 Credit Corporation to carry out the farmland
3 protection program under that subchapter for
4 fiscal years 2009 through 2013 shall be made
5 available to carry out agreements and ease-
6 ments referred to in paragraph (1) that were
7 entered into prior to October 1, 2013 (including
8 the provision of technical assistance).

9 (B) OTHER.—On exhaustion of funds
10 made available under subparagraph (A), the
11 Secretary may use funds made available to
12 carry out the agricultural conservation ease-
13 ment program under subtitle H of title XII of
14 the Food Security Act of 1985, as added by
15 section 2301, to continue to carry out agree-
16 ments and easements referred to in paragraph
17 (1) using the provisions of law and regulation
18 applicable to such agreements and easement as
19 in existence on September 30, 2013.

20 (c) EFFECTIVE DATE.—The amendment made by
21 this section shall take effect on October 1, 2013.

22 **SEC. 2705. GRASSLAND RESERVE PROGRAM.**

23 (a) REPEAL.—Subchapter D of chapter 2 of subtitle
24 D of title XII of the Food Security Act of 1985 (16 U.S.C.
25 3838n et seq.) is repealed.

1 (b) TRANSITIONAL PROVISIONS.—

2 (1) EFFECT ON EXISTING CONTRACTS, AGREE-
3 MENTS, AND EASEMENTS.—The amendment made
4 by this section shall not affect the validity or terms
5 of any contract, agreement, or easement entered into
6 by the Secretary of Agriculture under subchapter D
7 of chapter 2 of subtitle D of title XII of the Food
8 Security Act of 1985 (16 U.S.C. 3838n et seq.) be-
9 fore October 1, 2013, or any payments required to
10 be made in connection with the contract, agreement,
11 or easement.

12 (2) FUNDING.—

13 (A) USE OF PRIOR YEAR FUNDS.—Not-
14 withstanding the repeal of subchapter D of
15 chapter 2 of subtitle D of title XII of the Food
16 Security Act of 1985 (16 U.S.C. 3838n et seq.),
17 any funds made available from the Commodity
18 Credit Corporation to carry out the grassland
19 reserve program under that subchapter for fis-
20 cal years 2009 through 2013 shall be made
21 available to carry out contracts, agreements, or
22 easements referred to in paragraph (1) that
23 were entered into prior to October 1, 2013 (in-
24 cluding the provision of technical assistance),
25 provided that no such contract, agreement, or

1 easement is modified so as to increase the
2 amount of the payment received.

3 (B) OTHER.—The Secretary may use
4 funds made available to carry out the agricul-
5 tural conservation easement program under
6 subtitle H of title XII of the Food Security Act
7 of 1985, as added by section 2301, to continue
8 to carry out contracts, agreements, and ease-
9 ments referred to in paragraph (1) using the
10 provisions of law and regulation applicable to
11 such contracts, agreements, and easements as
12 in existence on September 30, 2013.

13 (c) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect on October 1, 2013.

15 **SEC. 2706. AGRICULTURAL WATER ENHANCEMENT PRO-**
16 **GRAM.**

17 (a) REPEAL.—Section 1240I of the Food Security
18 Act of 1985 (16 U.S.C. 3839aa–9) is repealed.

19 (b) TRANSITIONAL PROVISIONS.—

20 (1) EFFECT ON EXISTING CONTRACTS AND
21 AGREEMENTS.—The amendment made by this sec-
22 tion shall not affect the validity or terms of any con-
23 tract or agreement entered into by the Secretary of
24 Agriculture under section 1240I of the Food Secu-
25 rity Act of 1985 (16 U.S.C. 3839aa–9) before Octo-

1 ber 1, 2013, or any payments required to be made
2 in connection with the contract or agreement.

3 (2) FUNDING.—

4 (A) USE OF PRIOR YEAR FUNDS.—Not-
5 withstanding the repeal of section 1240I of the
6 Food Security Act of 1985 (16 U.S.C. 3839aa–
7 9), any funds made available from the Com-
8 modity Credit Corporation to carry out the ag-
9 ricultural water enhancement program under
10 that section for fiscal years 2009 through 2013
11 shall be made available to carry out contracts
12 and agreements referred to in paragraph (1)
13 that were entered into prior to October 1, 2013
14 (including the provision of technical assistance).

15 (B) OTHER.—On exhaustion of funds
16 made available under subparagraph (A), the
17 Secretary may use funds made available to
18 carry out the regional conservation partnerships
19 program under subtitle I of title XII of the
20 Food Security Act of 1985, as added by section
21 2401, to continue to carry out contracts and
22 agreements referred to in paragraph (1) using
23 the provisions of law and regulation applicable
24 to such contracts and agreements as in exist-
25 ence on September 30, 2013.

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect on October 1, 2013.

3 **SEC. 2707. WILDLIFE HABITAT INCENTIVE PROGRAM.**

4 (a) REPEAL.—Section 1240N of the Food Security
5 Act of 1985 (16 U.S.C. 3839bb–1) is repealed.

6 (b) TRANSITIONAL PROVISIONS.—

7 (1) EFFECT ON EXISTING CONTRACTS.—The
8 amendment made by this section shall not affect the
9 validity or terms of any contract entered into by the
10 Secretary of Agriculture under section 1240N of the
11 Food Security Act of 1985 (16 U.S.C. 3839bb–1)
12 before October 1, 2013, or any payments required to
13 be made in connection with the contract.

14 (2) FUNDING.—

15 (A) USE OF PRIOR YEAR FUNDS.—Not-
16 withstanding the repeal of section 1240N of the
17 Food Security Act of 1985 (16 U.S.C. 3839bb–
18 1), any funds made available from the Com-
19 modity Credit Corporation to carry out the
20 wildlife habitat incentive program under that
21 section for fiscal years 2009 through 2013 shall
22 be made available to carry out contracts re-
23 ferred to in paragraph (1) which were entered
24 into prior to October 1, 2013 (including the
25 provision of technical assistance).

1 (B) OTHER.—On exhaustion of funds
2 made available under subparagraph (A), the
3 Secretary may use funds made available to
4 carry out the environmental quality incentives
5 program under chapter 4 of subtitle D of title
6 XII of the Food Security Act of 1985 (16
7 U.S.C. 3839aa et seq.) to continue to carry out
8 contracts referred to in paragraph (1) using the
9 provisions of law and regulation applicable to
10 such contracts as in existence on September 30,
11 2013.

12 (c) EFFECTIVE DATE.—The amendment made by
13 this section shall take effect on October 1, 2013.

14 **SEC. 2708. GREAT LAKES BASIN PROGRAM.**

15 (a) REPEAL.—Section 1240P of the Food Security
16 Act of 1985 (16 U.S.C. 3839bb–3) is repealed.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall take effect on October 1, 2013.

19 **SEC. 2709. CHESAPEAKE BAY WATERSHED PROGRAM.**

20 (a) REPEAL.—Section 1240Q of the Food Security
21 Act of 1985 (16 U.S.C. 3839bb–4) is repealed.

22 (b) TRANSITIONAL PROVISIONS.—

23 (1) EFFECT ON EXISTING CONTRACTS, AGREE-
24 MENTS, AND EASEMENTS.—The amendment made
25 by this section shall not affect the validity or terms

1 of any contract, agreement, or easement entered into
2 by the Secretary of Agriculture under section 1240Q
3 of the Food Security Act of 1985 (16 U.S.C.
4 3839bb–4) before October 1, 2013, or any payments
5 required to be made in connection with the contract,
6 agreement, or easement.

7 (2) FUNDING.—

8 (A) USE OF PRIOR YEAR FUNDS.—Not-
9 withstanding the repeal of section 1240Q of the
10 Food Security Act of 1985 (16 U.S.C. 3839bb–
11 4), any funds made available from the Com-
12 modity Credit Corporation to carry out the
13 Chesapeake Bay watershed program under that
14 section for fiscal years 2009 through 2013 shall
15 be made available to carry out contracts, agree-
16 ments, and easements referred to in paragraph
17 (1) that were entered into prior to October 1,
18 2013 (including the provision of technical as-
19 sistance).

20 (B) OTHER.—The Secretary may use
21 funds made available to carry out the regional
22 conservation partnerships program under sub-
23 title I of title XII of the Food Security Act of
24 1985, as added by section 2401, to continue to
25 carry out contracts, agreements, and easements

1 referred to in paragraph (1) using the provi-
2 sions of law and regulation applicable to such
3 contracts, agreements, and easements as in ex-
4 istence on September 30, 2013.

5 (c) EFFECTIVE DATE.—The amendment made by
6 this section shall take effect on October 1, 2013.

7 **SEC. 2710. COOPERATIVE CONSERVATION PARTNERSHIP**
8 **INITIATIVE.**

9 (a) REPEAL.—Section 1243 of the Food Security Act
10 of 1985 (16 U.S.C. 3843) is repealed.

11 (b) TRANSITIONAL PROVISIONS.—

12 (1) EFFECT ON EXISTING CONTRACTS AND
13 AGREEMENTS.—The amendment made by this sec-
14 tion shall not affect the validity or terms of any con-
15 tract or agreement entered into by the Secretary of
16 Agriculture under section 1243 of the Food Security
17 Act of 1985 (16 U.S.C. 3843) before October 1,
18 2013, or any payments required to be made in con-
19 nection with the contract or agreement.

20 (2) FUNDING.—

21 (A) USE OF PRIOR YEAR FUNDS.—Not-
22 withstanding the repeal of section 1243 of the
23 Food Security Act of 1985 (16 U.S.C. 3843),
24 any funds made available from the Commodity
25 Credit Corporation to carry out the cooperative

1 conservation partnership initiative under that
2 section for fiscal years 2009 through 2013 shall
3 be made available to carry out contracts and
4 agreements referred to in paragraph (1) that
5 were entered into prior to October 1, 2013 (in-
6 cluding the provision of technical assistance).

7 (B) OTHER.—On exhaustion of funds
8 made available under subparagraph (A), the
9 Secretary may use funds made available to
10 carry out the regional conservation partnerships
11 program under subtitle I of title XII of the
12 Food Security Act of 1985, as added by section
13 2401, to continue to carry out contracts and
14 agreements referred to in paragraph (1) using
15 the provisions of law and regulation applicable
16 to such contracts and agreements as in exist-
17 ence on September 30, 2013.

18 (c) EFFECTIVE DATE.—The amendment made by
19 this section shall take effect on October 1, 2013.

20 **SEC. 2711. ENVIRONMENTAL EASEMENT PROGRAM.**

21 Chapter 3 of subtitle D of title XII of the Food Secu-
22 rity Act of 1985 (16 U.S.C. 3839 et seq.) is repealed.

1 **SEC. 2712. TECHNICAL AMENDMENTS.**

2 (a) Section 1201(a) of the Food Security Act of 1985
3 (16 U.S.C. 3801(a)) is amended in the matter preceding
4 paragraph (1) by striking “E” and inserting “I”.

5 (b) Section 1211(a) of the Food Security Act of 1985
6 (16 U.S.C. 3811(a)) is amended by striking “predomi-
7 nate” each place it appears and inserting “predominant”.

8 (c) Section 1242(i) of the Food Security Act of 1985
9 (16 U.S.C. 3842(i)) is amended in the subsection heading
10 by striking “SPECIALITY” and inserting “SPECIALTY”.

11 **TITLE III—TRADE**

12 **Subtitle A—Food for Peace Act**

13 **SEC. 3001. SET-ASIDE FOR SUPPORT FOR ORGANIZATIONS**
14 **THROUGH WHICH NONEMERGENCY ASSIST-**
15 **ANCE IS PROVIDED.**

16 Effective October 1, 2013, section 202(e)(1) of the
17 Food for Peace Act (7 U.S.C. 1722(e)(1)) is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “13 percent” and inserting “15 per-
20 cent”; and

21 (2) in subparagraph (A), by striking “new” and
22 inserting “and enhancing”.

23 **SEC. 3002. FOOD AID QUALITY.**

24 Section 202(h) of the Food for Peace Act (7 U.S.C.
25 1722(h)) is amended—

1 (1) by striking paragraph (1) and inserting the
2 following:

3 “(1) IN GENERAL.—The Administrator shall
4 use funds made available for fiscal year 2014 and
5 subsequent fiscal years to carry out this title—

6 “(A) to assess the types and quality of ag-
7 ricultural commodities and products donated for
8 food aid;

9 “(B) to adjust products and formulations,
10 including potential introduction of new
11 fortificants and products, as necessary to cost-
12 effectively meet nutrient needs of target popu-
13 lations;

14 “(C) to test prototypes;

15 “(D) to adopt new specifications or im-
16 prove existing specifications for micronutrient
17 fortified food aid products, based on the latest
18 developments in food and nutrition science, and
19 in coordination with other international part-
20 ners;

21 “(E) to develop new program guidance to
22 facilitate improved matching of products to pur-
23 poses having nutritional intent, in coordination
24 with other international partners;

1 “(F) to develop improved guidance for im-
2 plementing partners on how to address nutri-
3 tional deficiencies that emerge among recipients
4 for whom food assistance is the sole source of
5 diet in emergency programs that extend beyond
6 1 year, in coordination with other international
7 partners; and

8 “(G) to evaluate, in appropriate settings
9 and as necessary, the performance and cost-ef-
10 fectiveness of new or modified specialized food
11 products and program approaches designed to
12 meet the nutritional needs of the most vulner-
13 able groups, such as pregnant and lactating
14 mothers, and children under the age of 5.”; and

15 (2) in paragraph (3), by striking “2011” and
16 inserting “2018”.

17 **SEC. 3003. MINIMUM LEVELS OF ASSISTANCE.**

18 Section 204(a) of the Food for Peace Act (7 U.S.C.
19 1724(a)) is amended—

20 (1) in paragraph (1), by striking “2012” and
21 inserting “2018”; and

22 (2) in paragraph (2), by striking “2012” and
23 inserting “2018”.

1 **SEC. 3004. REAUTHORIZATION OF FOOD AID CONSULT-**
2 **ATIVE GROUP.**

3 Section 205(f) of the Food for Peace Act (7 U.S.C.
4 1725(f)) is amended by striking “2012” and inserting
5 “2018”.

6 **SEC. 3005. OVERSIGHT, MONITORING, AND EVALUATION OF**
7 **FOOD FOR PEACE ACT PROGRAMS.**

8 Section 207(f) of the Food for Peace Act (7 U.S.C.
9 1726a(f)) is amended—

10 (1) by striking paragraph (4) and redesignating
11 paragraphs (5) and (6) as paragraphs (4) and (5),
12 respectively; and

13 (2) in subparagraph (A) of paragraph (5) (as
14 so redesignated)—

15 (A) by striking “2012” and inserting
16 “2018”; and

17 (B) by striking “during fiscal year 2009”
18 and inserting “during the period of fiscal years
19 2014 through 2018”.

20 **SEC. 3006. ASSISTANCE FOR STOCKPILING AND RAPID**
21 **TRANSPORTATION, DELIVERY, AND DIS-**
22 **TRIBUTION OF SHELF-STABLE PRE-**
23 **PACKAGED FOODS.**

24 Section 208(f) of the Food for Peace Act (7 U.S.C.
25 1726b(f)) is amended by striking “2012” and inserting
26 “2018”.

1 **SEC. 3007. LIMITATION ON TOTAL VOLUME OF COMMOD-**
2 **ITIES MONETIZED.**

3 Section 403 of the Food for Peace Act (7 U.S.C.
4 1733) is amended by adding at the end the following:

5 “(m) **LIMITATION ON MONETIZATION OF COMMOD-**
6 **ITIES.—**

7 “(1) **LIMITATION.—**

8 “(A) **IN GENERAL.—**Unless the Adminis-
9 trator grants a waiver under paragraph (2), no
10 commodity may be made available under this
11 Act unless the rate of return for the commodity
12 (as determined under subparagraph (B)) is at
13 least 70 percent.

14 “(B) **RATE OF RETURN.—**For purposes of
15 subparagraph (A), the rate of return shall be
16 equal to the proportion that—

17 “(i) the proceeds the implementing
18 partners generate through monetization;
19 bears to

20 “(ii) the cost to the Federal Govern-
21 ment to procure and ship the commodities
22 to a recipient country for monetization.

23 “(2) **WAIVER AUTHORITY.—**The Administrator
24 may waive the application of the limitation in para-
25 graph (1) with regard to a commodity for a recipient
26 country if the Administrator determines that it is

1 necessary to achieve the purposes of this Act in the
2 recipient country.

3 “(3) REPORT.—Not later than 90 days after a
4 waiver is granted under paragraph (2), the Adminis-
5 trator shall prepare, publish in the Federal Register,
6 and submit to the Committees on Foreign Affairs,
7 Agriculture, and Appropriations of the House of
8 Representatives, and the Committees on Appropria-
9 tions, Foreign Relations, and Agriculture, Nutrition,
10 and Forestry of the Senate a report that—

11 “(A) contains the reasons for granting the
12 waiver and the actual rate of return for the
13 commodity; and

14 “(B) includes for the commodity the costs
15 of bagging or further processing, ocean trans-
16 portation, inland transportation in the recipient
17 country, storage costs, and any other informa-
18 tion that the Administrator determines to be
19 necessary.”.

20 **SEC. 3008. FLEXIBILITY.**

21 Section 406 of the Food for Peace Act (7 U.S.C.
22 1736) is amended—

23 (1) by redesignating subsections (c) and (d) as
24 subsections (d) and (e), respectively; and

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

3 “(c) FLEXIBILITY.—Notwithstanding any other pro-
4 vision of law and as necessary to achieve the purposes of
5 this Act, funds available under this Act may be used to
6 pay the costs of up to 20 percent of activities conducted
7 in recipient countries by nonprofit voluntary organiza-
8 tions, cooperatives, or intergovernmental agencies or orga-
9 nizations.”.

10 **SEC. 3009. PROCUREMENT, TRANSPORTATION, TESTING,**
11 **AND STORAGE OF AGRICULTURAL COMMOD-**
12 **ITIES FOR PREPOSITIONING IN THE UNITED**
13 **STATES AND FOREIGN COUNTRIES.**

14 Section 407 of the Food for Peace Act (7 U.S.C.
15 1736a) is amended—

16 (1) in subparagraph (c)(4)(A)—

17 (A) by striking “2012” and inserting
18 “2018”; and

19 (B) by striking “for each such fiscal year
20 not more than \$10,000,000 of such funds” and
21 inserting “for each of fiscal years 2001 through
22 2012 not more than \$10,000,000 of such funds
23 and for each of fiscal years 2014 through 2018
24 not more than \$15,000,000 of such funds”; and

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

1 “(g) FUNDING FOR TESTING OF FOOD AID SHIP-
2 MENTS.—Funds made available for agricultural products
3 acquired under this Act and section 3107 of the Farm
4 Security and Rural Investment Act of 2002 (7 U.S.C.
5 1736o–1) may be used to pay for the testing of those agri-
6 cultural products.”.

7 **SEC. 3010. DEADLINE FOR AGREEMENTS TO FINANCE**
8 **SALES OR TO PROVIDE OTHER ASSISTANCE.**

9 Section 408 of the Food for Peace Act (7 U.S.C.
10 1736b) is amended by striking “2012” and inserting
11 “2018”.

12 **SEC. 3011. MINIMUM LEVEL OF NONEMERGENCY FOOD AS-**
13 **SISTANCE.**

14 Section 412 of the Food for Peace Act (7 U.S.C.
15 1736f) is amended by striking subsection (e) and inserting
16 the following:

17 “(e) MINIMUM LEVEL OF NONEMERGENCY FOOD AS-
18 SISTANCE.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 of the amounts made available to carry out emer-
21 gency and nonemergency food assistance programs
22 under title II, not less than 20 nor more than 30
23 percent for each of fiscal years 2014 through 2018
24 shall be expended for nonemergency food assistance
25 programs under title II.

1 “(2) MINIMUM LEVEL.—The amount made
2 available to carry out nonemergency food assistance
3 programs under title II shall not be less than
4 \$275,000,000 for any fiscal year.”.

5 **SEC. 3012. COORDINATION OF FOREIGN ASSISTANCE PRO-**
6 **GRAMS REPORT.**

7 Section 413 of the Food for Peace Act (7 U.S.C.
8 1736g) is amended—

9 (1) by striking “(a) IN GENERAL.—To the
10 maximum” and inserting “To the maximum”; and

11 (2) by striking subsection (b).

12 **SEC. 3013. MICRONUTRIENT FORTIFICATION PROGRAMS.**

13 (a) ELIMINATION OF OBSOLETE REFERENCE TO
14 STUDY.—Section 415(a)(2)(B) of the Food for Peace Act
15 (7 U.S.C. 1736g–2(a)(2)(B)) is amended by striking “,
16 using recommendations” and all that follows through
17 “quality enhancements”.

18 (b) EXTENSION.—Section 415(c) of the Food for
19 Peace Act (7 U.S.C. 1736g–2(c)) is amended by striking
20 “2012” and inserting “2018”.

21 **SEC. 3014. JOHN OGWONSKI AND DOUG BEREUTER FARM-**
22 **ER-TO-FARMER PROGRAM.**

23 Section 501 of the Food for Peace Act (7 U.S.C.
24 1737) is amended—

25 (1) in subsection (d)—

1 (A) by striking “0.5 percent” and inserting
2 “0.6 percent”; and
3 (B) by striking “2012” and inserting
4 “2018”; and
5 (2) in subsection (e)(1), by striking “2012” and
6 inserting “2018”.

7 **SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH**
8 **KOREA.**

9 (a) IN GENERAL.—No amounts may be obligated or
10 expended to provide assistance under title II of the Food
11 for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic
12 People’s Republic of Korea.

13 (b) NATIONAL INTEREST WAIVER.—The President
14 may waive subsection (a) if the President determines and
15 certifies to the Committees on Agriculture, Nutrition, and
16 Forestry and Foreign Relations of the Senate and the
17 Committees on Agriculture and Foreign Affairs of the
18 House of Representatives that the waiver is in the national
19 interest of the United States.

20 **Subtitle B—Agricultural Trade Act**
21 **of 1978**

22 **SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAMS.**

23 Section 211 of the Agricultural Trade Act of 1978
24 (7 U.S.C. 5641) is amended by striking subsection (b) and
25 inserting the following:

1 “(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The
2 Commodity Credit Corporation shall make available for
3 each of fiscal years 2014 through 2018 credit guarantees
4 under section 202(a) in an amount equal to not more than
5 \$4,500,000,000 in credit guarantees.”.

6 **SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.**

7 Section 211(c)(1)(A) of the Agricultural Trade Act
8 of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking
9 “2012” and inserting “2018”.

10 **SEC. 3103. FOREIGN MARKET DEVELOPMENT COOPERATOR**
11 **PROGRAM.**

12 Section 703(a) of the Agricultural Trade Act of 1978
13 (7 U.S.C. 5723(a)) is amended by striking “2012” and
14 inserting “2018”.

15 **Subtitle C—Other Agricultural**
16 **Trade Laws**

17 **SEC. 3201. FOOD FOR PROGRESS ACT OF 1985.**

18 (a) EXTENSION.—The Food for Progress Act of 1985
19 (7 U.S.C. 1736o) is amended—

20 (1) in subsection (f)(3), by striking “2012” and
21 inserting “2018”;

22 (2) in subsection (g), by striking “2012” and
23 inserting “2018”;

24 (3) in subsection (k), by striking “2012” and
25 inserting “2018”; and

1 (4) in subsection (l)(1), by striking “2012” and
2 inserting “2018”.

3 (b) REPEAL OF COMPLETED PROJECT.—Subsection
4 (f) of the Food for Progress Act of 1985 (7 U.S.C. 1736o)
5 is amended by striking paragraph (6).

6 (c) FLEXIBILITY.—The Food for Progress Act of
7 1985 (7 U.S.C. 1736o) is amended in subsection (l) by
8 adding at the end the following:

9 “(5) FLEXIBILITY.—Notwithstanding any other
10 provision of law and as necessary to achieve the pur-
11 poses of this Act, funds available under this Act may
12 be used to pay the costs of up to 20 percent of ac-
13 tivities conducted in recipient countries by nonprofit
14 voluntary organizations, cooperatives, or intergovern-
15 mental agencies or organizations.”.

16 (d) LIMITATION ON TOTAL VOLUME OF COMMOD-
17 ITIES MONETIZED.—The Food for Progress Act of 1985
18 (7 U.S.C. 1736o) is amended by adding at the end the
19 following:

20 “(p) LIMITATION ON MONETIZATION OF COMMOD-
21 ITIES.—

22 “(1) LIMITATION.—

23 “(A) IN GENERAL.—Unless the Secretary
24 grants a waiver under paragraph (2), no eligible
25 commodity may be made available under this

1 section unless the rate of return for the eligible
2 commodity (as determined under subparagraph
3 (B)) is at least 70 percent.

4 “(B) RATE OF RETURN.—For purposes of
5 subparagraph (A), the rate of return shall be
6 equal to the proportion that—

7 “(i) the proceeds the implementing
8 partners generate through monetization;
9 bears to

10 “(ii) the cost to the Federal Govern-
11 ment to procure and ship the eligible com-
12 modities to a recipient country for mone-
13 tization.

14 “(2) WAIVER AUTHORITY.—The Secretary may
15 waive the application of the limitation in paragraph
16 (1) with regard to an eligible commodity for a recipi-
17 ent country if the Secretary determines that it is
18 necessary to achieve the purposes of this Act in the
19 recipient country.

20 “(3) REPORT.—Not later than 90 days after a
21 waiver is granted under paragraph (2), the Sec-
22 retary shall prepare, publish in the Federal Register,
23 and submit to the Committees on Foreign Affairs,
24 Agriculture, and Appropriations of the House of
25 Representatives, and the Committees on Appropria-

1 7 U.S.C. 5622 note) is amended by striking “2012” and
2 inserting “2018”.

3 (b) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—
4 Section 1542(d)(1)(A)(i) of the Food, Agriculture, Con-
5 servation, and Trade Act of 1990 (Public Law 101–624;
6 7 U.S.C. 5622 note) is amended by striking “2012” and
7 inserting “2018”.

8 **SEC. 3204. MCGOVERN-DOLE INTERNATIONAL FOOD FOR**
9 **EDUCATION AND CHILD NUTRITION PRO-**
10 **GRAM.**

11 (a) REAUTHORIZATION.—Section 3107(l)(2) of the
12 Farm Security and Rural Investment Act of 2002 (7
13 U.S.C. 1736o–1(l)(2)) is amended by striking “2012” and
14 inserting “2018”.

15 (b) TECHNICAL CORRECTION.—Section 3107(d) of
16 the Farm Security and Rural Investment Act of 2002 (7
17 U.S.C. 1736o–1(d)) is amended by striking “to” in the
18 matter preceding paragraph (1).

19 **SEC. 3205. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.**

20 (a) PURPOSE.—Section 3205(b) of the Farm Secu-
21 rity and Rural Investment Act of 2002 (7 U.S.C. 5680(b))
22 is amended by striking “related barriers to trade” and in-
23 serting “technical barriers to trade”.

1 (b) FUNDING.—Section 3205(e)(2) of the Farm Se-
2 curity and Rural Investment Act of 2002 (7 U.S.C.
3 5680(e)(2)) is amended—

4 (1) by inserting “and” at the end of subpara-
5 graph (C); and

6 (2) by striking subparagraphs (D) and (E) and
7 inserting the following new subparagraph:

8 “(D) \$9,000,000 for each of fiscal years
9 2011 through 2018.”.

10 **SEC. 3206. GLOBAL CROP DIVERSITY TRUST.**

11 Section 3202(c) of the Food, Conservation, and En-
12 ergy Act of 2008 (Public Law 110–246; 22 U.S.C. 2220a
13 note) is amended by striking “2008 through 2012” and
14 inserting “2014 through 2018”.

15 **SEC. 3207. LOCAL AND REGIONAL FOOD AID PROCURE-**
16 **MENT PROJECTS.**

17 Section 3206 of the Food, Conservation, and Energy
18 Act of 2008 (7 U.S.C. 1726c) is amended—

19 (1) in subsection (b)—

20 (A) by striking “(b) STUDY; FIELD-BASED
21 PROJECTS.—” and all that follows through “(2)
22 FIELD-BASED PROJECTS.—” and inserting the
23 following:

24 “(b) FIELD-BASED PROJECTS.—”;

1 (B) by redesignating subparagraphs (A)
2 and (B) as paragraphs (1) and (2), respectively,
3 and indenting appropriately;

4 (C) in paragraph (1) (as so redesignated),
5 by striking “subparagraph (B)” and inserting
6 “paragraph (2)”; and

7 (D) in paragraph (2) (as so redesignated),
8 by striking “subparagraph (A)” and inserting
9 “paragraph (1)”;

10 (2) in subsection (c)(1), by striking “subsection
11 (b)(2)” and inserting “subsection (b)”;

12 (3) by striking subsections (d), (f), and (g);

13 (4) by redesignating subsection (e) as sub-
14 section (d);

15 (5) in subsection (d) (as so redesignated)—

16 (A) in paragraph (2)—

17 (i) by striking subparagraph (B); and

18 (ii) in subparagraph (A)—

19 (I) by striking “(A) APPLICA-
20 TION.—” and all that follows through

21 “To be eligible” in clause (i) and in-
22 serting the following:

23 “(A) IN GENERAL.—To be eligible”;

1 (II) by redesignating clause (ii)
2 as subparagraph (B) and indenting
3 appropriately; and
4 (III) in subparagraph (B) (as so
5 redesignated), by striking “clause (i)”
6 and inserting “subparagraph (A)”;
7 and
8 (B) by striking paragraph (4); and
9 (6) by adding at the end the following:

10 “(e) FUNDING.—

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this section \$40,000,000 for each of fiscal years
14 2014 through 2018.

15 “(2) PREFERENCE.—In carrying out this sec-
16 tion, the Secretary may give a preference to eligible
17 organizations that have, or are working toward,
18 projects under the McGovern-Dole International
19 Food for Education and Child Nutrition Program
20 established under section 3107 of the Farm Security
21 and Rural Investment Act of 2002 (7 U.S.C. 1736o–
22 1).

23 “(3) REPORTING.—Each year, the Secretary
24 shall submit to the appropriate committees of Con-

1 gress a report that describes the use of funds under
2 this section, including—

3 “(A) the impact of procurements and
4 projects on—

5 “(i) local and regional agricultural
6 producers; and

7 “(ii) markets and consumers, includ-
8 ing low-income consumers; and

9 “(B) implementation time frames and
10 costs.”.

11 **SEC. 3208. DONALD PAYNE HORN OF AFRICA FOOD RESIL-**
12 **IENCE PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Agency for
16 International Development.

17 (2) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the Committee on Agriculture, Nutri-
21 tion, and Forestry of the Senate;

22 (B) the Committee on Agriculture of the
23 House of Representatives;

24 (C) the Committee on Foreign Relations of
25 the Senate; and

1 (D) the Committee on Foreign Affairs of
2 the House of Representatives.

3 (3) ELIGIBLE ORGANIZATION.—The term “eligi-
4 ble organization” means an organization that is—

5 (A) a private voluntary organization or co-
6 operative that is, to the extent practicable, reg-
7 istered with the Administrator; or

8 (B) an intergovernmental organization,
9 such as the World Food Program.

10 (4) HORN OF AFRICA.—The term “Horn of Af-
11 rica” means the countries of—

12 (A) Ethiopia;

13 (B) Somalia;

14 (C) Kenya;

15 (D) Djibouti;

16 (E) Eritrea;

17 (F) South Sudan;

18 (G) Uganda; and

19 (H) such other countries as the Adminis-
20 trator determines to be appropriate after pro-
21 viding notification to the appropriate commit-
22 tees of Congress.

23 (5) RESILIENCE.—The term “resilience”
24 means—

1 (A) the capacity to mitigate the negative
2 impacts of crises (including natural disasters,
3 conflicts, and economic shocks) in order to re-
4 duce loss of life and depletion of productive as-
5 sets;

6 (B) the capacity to respond effectively to
7 crises, ensuring basic needs are met in a way
8 that is integrated with long-term development
9 efforts; and

10 (C) the capacity to recover and rebuild
11 after crises so that future shocks can be ab-
12 sorbed with less need for ongoing external as-
13 sistance.

14 (b) PURPOSE.—The purpose of this section is to es-
15 tablish a pilot program to effectively integrate all United
16 States-funded emergency and long-term development ac-
17 tivities that aim to improve food security in the Horn of
18 Africa, building resilience so as—

19 (1) to reduce the impacts of future crises;

20 (2) to enhance local capacity for emergency re-
21 sponse;

22 (3) to enhance sustainability of long-term devel-
23 opment programs targeting poor and vulnerable
24 households; and

1 (4) to reduce the need for repeated costly emer-
2 gency operations.

3 (c) STUDY.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of enactment of this Act, the Administrator
6 shall initiate a study of prior programs to support
7 resilience in the Horn of Africa conducted by—

8 (A) other donor countries;

9 (B) private voluntary organizations;

10 (C) the World Food Program of the
11 United Nations; and

12 (D) multilateral institutions, including the
13 World Bank.

14 (2) REQUIREMENTS.—The study shall—

15 (A) include all programs implemented
16 through the Agency for International Develop-
17 ment, the Department of Agriculture, the De-
18 partment of the Treasury, the Millennium Chal-
19 lenge Corporation, the Peace Corps, and other
20 relevant Federal agencies;

21 (B) evaluate how well the programs de-
22 scribed in subparagraph (A) work together to
23 complement each other and leverage impacts
24 across programs;

1 (C) include recommendations for how full
2 integration of efforts can be achieved; and

3 (D) evaluate the degree to which country-
4 led development plans support programs that
5 increase resilience, including review of the in-
6 vestments by each country in nutrition and
7 safety nets.

8 (3) REPORT.—Not later than 180 days after
9 the date of enactment of this Act, the Administrator
10 shall submit to the appropriate committees of Con-
11 gress a report containing the results of the study.

12 (d) FIELD-BASED PROJECT GRANTS OR COOPERA-
13 TIVE AGREEMENTS.—

14 (1) IN GENERAL.—The Administrator shall—

15 (A) provide grants to, or enter into cooper-
16 ative agreements with, eligible organizations to
17 carry out field-based projects that build resil-
18 ience in the Horn of Africa in accordance with
19 this section; and

20 (B) develop a project approval process to
21 ensure full integration of efforts.

22 (2) REQUIREMENTS OF ELIGIBLE ORGANIZA-
23 TIONS.—

24 (A) APPLICATION.—To be eligible to re-
25 ceive a grant from, or enter into a cooperative

1 agreement with, the Administrator under this
2 subsection, an eligible organization shall submit
3 to the Administrator an application by such
4 date, in such manner, and containing such in-
5 formation as the Administrator may require.

6 (B) COMPLETION REQUIREMENT.—To be
7 eligible to receive a grant from, or enter into a
8 cooperative agreement with, the Administrator
9 under this subsection, an eligible organization
10 shall agree—

11 (i) to collect, not later than September
12 30, 2016, data containing the information
13 required under subsection (f)(2) relating to
14 the field-based project funded through the
15 grant or cooperative agreement; and

16 (ii) to provide to the Administrator
17 the data collected under clause (i).

18 (3) REQUIREMENTS OF ADMINISTRATOR.—

19 (A) PROJECT DIVERSITY.—

20 (i) IN GENERAL.—Subject to clause
21 (ii) and subparagraph (B), in selecting
22 proposals for field-based projects to fund
23 under this section, the Administrator shall
24 select a diversity of projects, including
25 projects located in—

1 (I) areas most prone to repeated
2 crises;

3 (II) areas with effective existing
4 resilience programs that can be
5 scaled; and

6 (III) areas in all countries of the
7 Horn of Africa.

8 (ii) PRIORITY.—In selecting proposals
9 for field-based projects under clause (i),
10 the Administrator shall ensure that the se-
11 lected proposals are for field-based projects
12 that—

13 (I) effectively integrate emer-
14 gency and long-term development pro-
15 grams to improve sustainability;

16 (II) demonstrate the potential to
17 reduce the need for future emergency
18 assistance; and

19 (III) build targeted productive
20 safety nets, in coordination with host
21 country governments, through food
22 for work, cash for work, and other
23 proven program methodologies.

24 (B) AVAILABILITY.—The Administrator
25 shall not award a grant or cooperative agree-

1 ment or approve a field-based project under this
2 subsection until the date on which the Adminis-
3 trator promulgates regulations or issues guide-
4 lines under subsection (e).

5 (e) REGULATIONS; GUIDELINES.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of completion of the study under sub-
8 section (c), the Administrator shall promulgate regu-
9 lations or issue guidelines to carry out field-based
10 projects under this section.

11 (2) REQUIREMENTS.—In promulgating regula-
12 tions or issuing guidelines under paragraph (1), the
13 Administrator shall—

14 (A) take into consideration the results of
15 the study described in subsection (c); and

16 (B) provide an opportunity for public re-
17 view and comment.

18 (f) REPORT.—

19 (1) IN GENERAL.—Not later than November 1,
20 2016, the Administrator shall submit to the appro-
21 priate committees of Congress a report that—

22 (A) addresses each factor described in
23 paragraph (2); and

24 (B) is conducted in accordance with this
25 section.

1 (2) REQUIRED FACTORS.—The report shall in-
2 clude baseline and end-of-project data that meas-
3 ures—

4 (A) the prevalence of moderate and severe
5 hunger so as to provide an accurate accounting
6 of project impact on household access to and
7 consumption of food during every month of the
8 year prior to data collection;

9 (B) household ownership of and access to
10 productive assets, including at a minimum land,
11 livestock, homes, equipment, and other mate-
12 rials assets needed for income generation;

13 (C) household incomes, including informal
14 sources of employment; and

15 (D) the productive assets of women using
16 the Women's Empowerment in Agriculture
17 Index.

18 (3) PUBLIC ACCESS TO RECORDS AND RE-
19 PORTS.—Not later than 90 days after the date on
20 which the report is submitted under paragraph (1),
21 the Administrator shall provide public access to the
22 report.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$10,000,000 for each of fiscal years 2014 through 2018.

1 **SEC. 3209. AGRICULTURAL TRADE ENHANCEMENT STUDY.**

2 (a) DEFINITION OF AGRICULTURE COMMITTEES AND
3 SUBCOMMITTEES.—In this section, the term “agriculture
4 committees and subcommittees” means—

5 (1) the Committee on Agriculture of the House
6 of Representatives;

7 (2) the Committee on Agriculture, Nutrition,
8 and Forestry of the Senate; and

9 (3) the subcommittees on agriculture, rural de-
10 velopment, food and drug administration, and re-
11 lated agencies of the Committees on Appropriations
12 of the House of Representatives and the Senate.

13 (b) DEVELOPMENT.—The Secretary, in consultation
14 with the agriculture committees and subcommittees, shall
15 develop a study that takes into consideration a reorganiza-
16 tion of international trade functions for imports and ex-
17 ports at the Department of Agriculture.

18 (c) IMPLEMENTATION.—In implementing the study
19 under this section, the Secretary—

20 (1) in recognition of the importance of agricul-
21 tural exports to the farm economy and the economy
22 as a whole, may include a recommendation for the
23 establishment of an Under Secretary for Trade and
24 Foreign Agricultural Affairs;

25 (2) may take into consideration how the Under
26 Secretary described in paragraph (1) would serve as

1 a multiagency coordinator of sanitary and
2 phytosanitary issues and nontariff trade barriers in
3 agriculture with respect to imports and exports of
4 agricultural products; and

5 (3) shall take into consideration all implications
6 of a reorganization described in subsection (b) on
7 domestic programs and operations of the Depart-
8 ment of Agriculture.

9 (d) REPORT.—Not later than 180 days after the date
10 of enactment of this Act, the Secretary shall submit to
11 the agriculture committees and subcommittees a report
12 describing the results of the study under this section.

13 **TITLE IV—NUTRITION**
14 **Subtitle A—Supplemental**
15 **Nutrition Assistance Program**

16 **SEC. 4001. FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**
17 **ERVATIONS.**

18 Section 4(b)(6)(F) of the Food and Nutrition Act of
19 2008 (7 U.S.C. 2013(b)(6)(F)) is amended by striking
20 “2012” and inserting “2018”.

21 **SEC. 4002. STANDARD UTILITY ALLOWANCES BASED ON**
22 **THE RECEIPT OF ENERGY ASSISTANCE PAY-**
23 **MENTS.**

24 (a) STANDARD UTILITY ALLOWANCES IN THE SUP-
25 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section

1 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7
2 U.S.C. 2014(e)(6)(C)) is amended—

3 (1) in clause (i), by inserting “, subject to
4 clause (iv)” after “Secretary”; and

5 (2) in clause (iv), by striking subclause (I) and
6 inserting the following:

7 “(I) IN GENERAL.—Subject to
8 subclause (II), if a State agency elects
9 to use a standard utility allowance
10 that reflects heating and cooling costs,
11 the standard utility allowance shall be
12 made available to households that
13 have received a payment, or on behalf
14 of which a payment has been made,
15 under the Low-Income Home Energy
16 Assistance Act of 1981 (42 U.S.C.
17 8621 et seq.) or other similar energy
18 assistance program, if in the current
19 month or during the immediately pre-
20 ceding 12 months, the household ei-
21 ther has received a payment, or a pay-
22 ment has been made on behalf of the
23 household, that is greater than \$10
24 annually, as determined by the Sec-
25 retary.”.

1 (b) CONFORMING AMENDMENT.—Section
2 2605(f)(2)(A) of the Low-Income Home Energy Assist-
3 ance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended
4 by inserting before the semicolon at the end “, except that,
5 for purposes of the supplemental nutrition assistance pro-
6 gram established under the Food and Nutrition Act of
7 2008 (7 U.S.C. 2011 et seq.), such payments or allow-
8 ances were greater than \$10 annually, consistent with sec-
9 tion 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C.
10 2014(e)(6)(C)(iv)(I)), as determined by the Secretary of
11 Agriculture.”.

12 (c) EFFECTIVE AND IMPLEMENTATION DATE.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), this section and the amendments made by
15 this section shall take effect beginning on October 1,
16 2013, for all certification periods beginning after
17 that date.

18 (2) STATE OPTION TO DELAY IMPLEMENTATION
19 FOR CURRENT RECIPIENTS.—A State may, at the
20 option of the State, implement a policy that elimi-
21 nates or minimizes the effect of the amendments
22 made by this section for households that receive a
23 standard utility allowance as of the date of enact-
24 ment of this Act for not more than a 180-day period
25 beginning on the date on which the amendments

1 made by this section would otherwise affect the ben-
2 efits received by a household.

3 **SEC. 4003. ELIGIBILITY DISQUALIFICATIONS.**

4 Section 6(e)(3)(B) of Food and Nutrition Act of
5 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking
6 “section” and inserting the following: “section, subject to
7 the condition that the course or program of study—

8 “(i) is part of a program of career
9 and technical education (as defined in sec-
10 tion 3 of the Carl D. Perkins Career and
11 Technical Education Act of 2006 (20
12 U.S.C. 2302)) that may be completed in
13 not more than 4 years at an institution of
14 higher education (as defined in section 102
15 of the Higher Education Act of 1965 (20
16 U.S.C. 1002)); or

17 “(ii) is limited to remedial courses,
18 basic adult education, literacy, or English
19 as a second language;”.

20 **SEC. 4004. ENDING SUPPLEMENTAL NUTRITION ASSIST-**
21 **ANCE PROGRAM BENEFITS FOR LOTTERY OR**
22 **GAMBLING WINNERS.**

23 (a) IN GENERAL.—Section 6 of the Food and Nutri-
24 tion Act of 2008 (7 U.S.C. 2015) is amended by adding
25 at the end the following:

1 “(r) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT
2 OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

3 “(1) IN GENERAL.—Any household in which a
4 member receives substantial lottery or gambling
5 winnings, as determined by the Secretary, shall lose
6 eligibility for benefits immediately upon receipt of
7 the winnings.

8 “(2) DURATION OF INELIGIBILITY.—A house-
9 hold described in paragraph (1) shall remain ineli-
10 gible for participation until the household meets the
11 allowable financial resources and income eligibility
12 requirements under subsections (c), (d), (e), (f), (g),
13 (i), (k), (l), (m), and (n) of section 5.

14 “(3) AGREEMENTS.—As determined by the Sec-
15 retary, each State agency, to the maximum extent
16 practicable, shall establish agreements with entities
17 responsible for the regulation or sponsorship of gam-
18 ing in the State to determine whether individuals
19 participating in the supplemental nutrition assist-
20 ance program have received substantial lottery or
21 gambling winnings.”.

22 (b) CONFORMING AMENDMENTS.—Section 5(a) of
23 the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a))
24 is amended in the second sentence by striking “sections

1 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b),
2 (d)(2), (g), and (r) of section 6”.

3 **SEC. 4005. RETAIL FOOD STORES.**

4 (a) DEFINITION OF RETAIL FOOD STORE.—Sub-
5 section (o)(1)(A) of section 3 of the Food and Nutrition
6 Act of 2008 (7 U.S.C. 2012) (as redesignated by section
7 4018(a)(4)) is amended by striking “at least 2” and in-
8 serting “at least 3”.

9 (b) ALTERNATIVE BENEFIT DELIVERY.—Section
10 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C.
11 2016(f)) is amended—

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

14 “(2) IMPOSITION OF COSTS.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Secretary shall require
17 participating retail food stores (including res-
18 taurants participating in a State option res-
19 taurant program intended to serve the elderly,
20 disabled, and homeless) to pay 100 percent of
21 the costs of acquiring, and arrange for the im-
22 plementation of, electronic benefit transfer
23 point-of-sale equipment and supplies, including
24 related services.

1 “(B) EXEMPTIONS.—The Secretary may
2 exempt from subparagraph (A)—

3 “(i) farmers’ markets and other di-
4 rect-to-consumer markets, military com-
5 missaries, nonprofit food buying coopera-
6 tives, and establishments, organizations,
7 programs, or group living arrangements
8 described in paragraphs (5), (7), and (8)
9 of section 3(k); and

10 “(ii) establishments described in para-
11 graphs (3), (4), and (9) of section 3(k),
12 other than restaurants participating in a
13 State option restaurant program.

14 “(C) INTERCHANGE FEES.—Nothing in
15 this paragraph permits the charging of fees re-
16 lating to the redemption of supplemental nutri-
17 tion assistance program benefits, in accordance
18 with subsection (h)(13).”; and

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

20 “(4) TERMINATION OF MANUAL VOUCHERS.—

21 “(A) IN GENERAL.—Effective beginning on
22 the date of enactment of this paragraph, except
23 as provided in subparagraph (B), no State shall
24 issue manual vouchers to a household that re-
25 ceives supplemental nutrition assistance under

1 this Act or allow retail food stores to accept
2 manual vouchers as payment, unless the Sec-
3 retary determines that the manual vouchers are
4 necessary, such as in the event of an electronic
5 benefit transfer system failure or a disaster sit-
6 uation.

7 “(B) EXEMPTIONS.—The Secretary may
8 exempt categories of retail food stores or indi-
9 vidual retail food stores from subparagraph (A)
10 based on criteria established by the Secretary.

11 “(5) UNIQUE IDENTIFICATION NUMBER RE-
12 QUIRED.—

13 “(A) IN GENERAL.—To enhance the anti-
14 fraud protections of the program, the Secretary
15 shall require all parties providing electronic
16 benefit transfer services to provide for and
17 maintain unique terminal identification number
18 information through the supplemental nutrition
19 assistance program electronic benefit transfer
20 transaction routing system.

21 “(B) REGULATIONS.—

22 “(i) IN GENERAL.—Not earlier than 2
23 years after the date of enactment of this
24 paragraph, the Secretary shall issue pro-

1 posed regulations to carry out this para-
2 graph.

3 “(ii) COMMERCIAL PRACTICES.—In
4 issuing regulations to carry out this para-
5 graph, the Secretary shall consider existing
6 commercial practices for other point-of-sale
7 debit transactions.”.

8 (c) ELECTRONIC BENEFIT TRANSFERS.—Section
9 7(h)(3)(B) of the Food and Nutrition Act of 2008 (7
10 U.S.C. 2016(h)(3)(B)) is amended by striking “is oper-
11 ational—” and all that follows through “(ii) in the case
12 of other participating stores,” and inserting “is oper-
13 ational”.

14 (d) APPROVAL OF RETAIL FOOD STORES AND
15 WHOLESALE FOOD CONCERNS.—Section 9 of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

17 (1) in the second sentence of subsection
18 (a)(1)—

19 (A) in subparagraph (A), by inserting “,
20 including the depth of stock, variety of staple
21 food items, and the sale of excepted items de-
22 scribed in 3(k)(1)” after “applicant”; and

23 (B) by striking “; and (C)” and inserting
24 “; (C) whether the applicant is located in an

1 area with significantly limited access to food;
2 and (D)”; and

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

4 “(g) EBT SERVICE REQUIREMENT.—An approved
5 retail food store shall provide adequate EBT service as
6 described in section 7(h)(3)(B).”.

7 **SEC. 4006. IMPROVING SECURITY OF FOOD ASSISTANCE.**

8 Section 7(h)(8) of the Food and Nutrition Act of
9 2008 (7 U.S.C. 2016(h)(8)) is amended—

10 (1) by striking the paragraph heading and in-
11 serting “REPLACEMENT OF CARDS.—”;

12 (2) by striking “A State” and inserting the fol-
13 lowing:

14 “(A) FEES.—A State”; and

15 (3) by adding after subparagraph (A) (as so
16 designated by paragraph (2)) the following:

17 “(B) PURPOSEFUL LOSS OF CARDS.—

18 “(i) IN GENERAL.—Subject to terms
19 and conditions established by the Secretary
20 in accordance with clause (ii), if a house-
21 hold makes excessive requests for replace-
22 ment of the electronic benefit transfer card
23 of the household, the Secretary may re-
24 quire a State agency to decline to issue a
25 replacement card to the household unless

1 the household, upon request of the State
2 agency, provides an explanation for the
3 loss of the card.

4 “(ii) REQUIREMENTS.—The terms
5 and conditions established by the Secretary
6 shall provide that—

7 “(I) the household be given the
8 opportunity to provide the requested
9 explanation and meet the require-
10 ments under this paragraph promptly;

11 “(II) after an excessive number
12 of lost cards, the head of the house-
13 hold shall be required to review pro-
14 gram rights and responsibilities with
15 State agency personnel authorized to
16 make determinations under section
17 5(a); and

18 “(III) any action taken, including
19 actions required under section
20 6(b)(2), other than the withholding of
21 the electronic benefit transfer card
22 until an explanation described in sub-
23 clause (I) is provided, shall be con-
24 sistent with the due process protec-

1 tions under section 6(b) or 11(e)(10),
2 as appropriate.

3 “(C) PROTECTING VULNERABLE PER-
4 SONS.—In implementing this paragraph, a
5 State agency shall act to protect homeless per-
6 sons, persons with disabilities, victims of
7 crimes, and other vulnerable persons who lose
8 electronic benefit transfer cards but are not in-
9 tentionally committing fraud.

10 “(D) EFFECT ON ELIGIBILITY.—While a
11 State may decline to issue an electronic benefits
12 transfer card until a household satisfies the re-
13 quirements under this paragraph, nothing in
14 this paragraph shall be considered a denial of,
15 or limitation on, the eligibility for benefits
16 under section 5.”.

17 **SEC. 4007. TECHNOLOGY MODERNIZATION FOR RETAIL**
18 **FOOD STORES.**

19 (a) MOBILE TECHNOLOGIES.—Section 7(h) of the
20 Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as
21 amended by section 4018(e)) is amended by adding at the
22 end the following:

23 “(14) MOBILE TECHNOLOGIES.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the Secretary shall approve retail

1 food stores to redeem benefits through elec-
2 tronic means other than wired point of sale de-
3 vices for electronic benefit transfer transactions,
4 if the retail food stores—

5 “(i) establish recipient protections re-
6 garding privacy, ease of use, access, and
7 support similar to the protections provided
8 for transactions made in retail food stores;

9 “(ii) bear the costs of obtaining, in-
10 stall, and maintaining mobile tech-
11 nologies, including mechanisms needed to
12 process EBT cards and transaction fees;

13 “(iii) demonstrate the foods purchased
14 with benefits issued under this section
15 through mobile technologies are purchased
16 at a price not higher than the price of the
17 same food purchased by other methods
18 used by the retail food store, as determined
19 by the Secretary;

20 “(iv) provide adequate documentation
21 for each authorized transaction, as deter-
22 mined by the Secretary; and

23 “(v) meet other criteria as established
24 by the Secretary.

“(B) DEMONSTRATION PROJECT ON AC-
CEPTANCE OF BENEFITS OF MOBILE TRANS-
ACTIONS.—

“(i) IN GENERAL.—Before authorizing implementation of subparagraph (A) in all States, the Secretary shall pilot the use of mobile technologies determined by the Secretary to be appropriate to test the feasibility and implications for program integrity, by allowing retail food stores to accept benefits from recipients of supplemental nutrition assistance through mobile transactions.

“(ii) DEMONSTRATION PROJECTS.—
To be eligible to participate in a demonstration project under clause (i), a retail food store shall submit to the Secretary for approval a plan that includes—

“(I) a description of the technology;

“(II) the manner by which the retail food store will provide proof of the transaction to households;

“(III) the provision of data to the Secretary, consistent with require-

1 ments established by the Secretary, in
2 a manner that allows the Secretary to
3 evaluate the impact of the demonstra-
4 tion on participant access, ease of use,
5 and program integrity; and

6 “(IV) such other criteria as the
7 Secretary may require.

8 “(iii) DATE OF COMPLETION.—The
9 demonstration projects under this subpara-
10 graph shall be completed and final reports
11 submitted to the Secretary by not later
12 than July 1, 2015.

13 “(C) REPORT TO CONGRESS.—The Sec-
14 retary shall—

15 “(i) by not later than January 1,
16 2016, authorize implementation of sub-
17 paragraph (A) in all States, unless the
18 Secretary makes a finding, based on the
19 data provided under subparagraph (B),
20 that implementation in all States is not in
21 the best interest of the supplemental nutri-
22 tion assistance program; and

23 “(ii) if the determination made in
24 clause (i) is not to implement subpara-
25 graph (A) in all States, submit a report to

1 the Committee on Agriculture of the House
2 of Representatives and the Committee on
3 Agriculture, Nutrition, and Forestry of the
4 Senate that includes the basis of the find-
5 ing.”.

6 (b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE
7 TRANSACTIONS.—

8 (1) IN GENERAL.—Section 7 of the Food and
9 Nutrition Act of 2008 (7 U.S.C. 2016) is amended
10 by adding at the end the following:

11 “(k) OPTION TO ACCEPT PROGRAM BENEFITS
12 THROUGH ON-LINE TRANSACTIONS.—

13 “(1) IN GENERAL.—Subject to paragraph (4),
14 the Secretary shall approve retail food stores to ac-
15 cept benefits from recipients of supplemental nutri-
16 tion assistance through on-line transactions.

17 “(2) REQUIREMENTS TO ACCEPT BENEFITS.—A
18 retail food store seeking to accept benefits from re-
19 cipients of supplemental nutrition assistance through
20 on-line transactions shall—

21 “(A) establish recipient protections regard-
22 ing privacy, ease of use, access, and support
23 similar to the protections provided for trans-
24 actions made in retail food stores;

1 “(B) ensure benefits are not used to pay
2 delivery, ordering, convenience, or other fees or
3 charges;

4 “(C) clearly notify participating households
5 at the time a food order is placed—

6 “(i) of any delivery, ordering, conven-
7 ience, or other fee or charge associated
8 with the food purchase; and

9 “(ii) that any such fee cannot be paid
10 with benefits provided under this Act;

11 “(D) ensure the security of on-line trans-
12 actions by using the most effective technology
13 available that the Secretary considers appro-
14 priate and cost-effective and that is comparable
15 to the security of transactions at retail food
16 stores; and

17 “(E) meet other criteria as established by
18 the Secretary.

19 “(3) STATE AGENCY ACTION.—Each State
20 agency shall ensure that recipients of supplemental
21 nutrition assistance can use benefits on-line as de-
22 scribed in this subsection as appropriate.

23 “(4) DEMONSTRATION PROJECT ON ACCEPT-
24 ANCE OF BENEFITS THROUGH ON-LINE TRANS-
25 ACTIONS.—

1 “(A) IN GENERAL.—Before the Secretary
2 authorizes implementation of paragraph (1) in
3 all States, the Secretary shall carry out a num-
4 ber of demonstration projects as determined by
5 the Secretary to test the feasibility of allowing
6 retail food stores to accept benefits through on-
7 line transactions.

8 “(B) DEMONSTRATION PROJECTS.—To be
9 eligible to participate in a demonstration project
10 under subparagraph (A), a retail food store
11 shall submit to the Secretary for approval a
12 plan that includes—

13 “(i) a method of ensuring that bene-
14 fits may be used to purchase only eligible
15 items under this Act;

16 “(ii) a description of the method of
17 educating participant households about the
18 availability and operation of on-line pur-
19 chasing;

20 “(iii) adequate testing of the on-line
21 purchasing option prior to implementation;

22 “(iv) the provision of data as re-
23 quested by the Secretary for purposes of
24 analyzing the impact of the project on par-

1 participant access, ease of use, and program
2 integrity;

3 “(v) reports on progress, challenges,
4 and results, as determined by the Sec-
5 retary; and

6 “(vi) such other criteria, including se-
7 curity criteria, as established by the Sec-
8 retary.

9 “(C) DATE OF COMPLETION.—The dem-
10 demonstration projects under this paragraph shall
11 be completed and final reports submitted to the
12 Secretary by not later than July 1, 2015.

13 “(5) REPORT TO CONGRESS.—The Secretary
14 shall—

15 “(A) by not later than January 1, 2016,
16 authorize implementation of paragraph (1) in
17 all States, unless the Secretary makes a find-
18 ing, based on the data provided under para-
19 graph (4), that implementation in all States is
20 not in the best interest of the supplemental nu-
21 trition assistance program; and

22 “(B) if the determination made in sub-
23 paragraph (A) is not to implement in all States,
24 submit a report to the Committee on Agri-
25 culture of the House of Representatives and the

1 Committee on Agriculture, Nutrition, and For-
2 estry of the Senate that includes the basis of
3 the finding.”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 7(b) of the Food and Nutrition
6 Act of 2008 (7 U.S.C. 2016(b)) is amended by
7 striking “purchase food in retail food stores”
8 and inserting “purchase food from retail food
9 stores”.

10 (B) Section 10 of the Food and Nutrition
11 Act of 2008 (7 U.S.C. 2019) is amended in the
12 first sentence by inserting “retail food stores
13 authorized to accept and redeem benefits
14 through on-line transactions shall be authorized
15 to accept benefits prior to the delivery of food
16 if the delivery occurs within a reasonable time
17 of the purchase, as determined by the Sec-
18 retary,” after “food so purchased,”.

19 (c) SAVINGS CLAUSE.—Nothing in this section or an
20 amendment made by this section alter any requirements
21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2011
22 et seq.) unless specifically authorized in this section or an
23 amendment made by this section.

1 **SEC. 4008. USE OF BENEFITS FOR PURCHASE OF COMMU-**
2 **NITY-SUPPORTED AGRICULTURE SHARE.**

3 Subsection (o)(4) of section 3 of the Food and Nutri-
4 tion Act of 2008 (7 U.S.C. 2012) (as redesignated by sec-
5 tion 4018(a)(4)) is amended by inserting “, or agricultural
6 producers who market agricultural products directly to
7 consumers” after “such food”.

8 **SEC. 4009. RESTAURANT MEALS PROGRAM.**

9 (a) IN GENERAL.—Section 11(e) of the Food and
10 Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

11 (1) in paragraph (22), by striking “and” at the
12 end;

13 (2) in paragraph (23), by striking the period at
14 the end of subparagraph (C) and inserting “; and”;
15 and

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

17 “(24) if the State elects to carry out a program
18 to contract with private establishments to offer
19 meals at concessional prices, as described in para-
20 graphs 3, 4, and 9 of section 3(k)—

21 “(A) the plans of the State agency for op-
22 erating the program, including—

23 “(i) documentation of a need that eli-
24 gible homeless, elderly, and disabled clients
25 are underserved in a particular geographic
26 area;

1 “(ii) the manner by which the State
2 agency will limit participation to only those
3 private establishments that the State de-
4 termines necessary to meet the need identi-
5 fied in clause (i); and

6 “(iii) any other conditions the Sec-
7 retary may prescribe, such as the level of
8 security necessary to ensure that only eligi-
9 ble recipients participate in the program;
10 and

11 “(B) a report by the State agency to the
12 Secretary annually, the schedule of which shall
13 be established by the Secretary, that includes—

14 “(i) the number of households and in-
15 dividual recipients authorized to partici-
16 pate in the program, including any infor-
17 mation on whether the individual recipient
18 is elderly, disabled, or homeless; and

19 “(ii) an assessment of whether the
20 program is meeting an established need, as
21 documented under subparagraph (A)(i).”.

22 (b) APPROVAL OF RETAIL FOOD STORES AND
23 WHOLESALE FOOD CONCERNS.—Section 9 of the Food
24 and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended

1 by section 4005(d)(3)) is amended by adding at the end
2 the following:

3 “(h) PRIVATE ESTABLISHMENTS.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 no private establishment that contracts with a State
6 agency to offer meals at concessional prices as de-
7 scribed in paragraphs 3, 4, and 9 of section 3(k)
8 may be authorized to accept and redeem benefits un-
9 less the Secretary determines that the participation
10 of the private establishment is required to meet a
11 documented need in accordance with section
12 11(e)(24).

13 “(2) EXISTING CONTRACTS.—

14 “(A) IN GENERAL.—If, on the day before
15 the date of enactment of this subsection, a
16 State has entered into a contract with a private
17 establishment described in paragraph (1) and
18 the Secretary has not determined that the par-
19 ticipation of the private establishment is nec-
20 essary to meet a documented need in accord-
21 ance with section 11(e)(24), the Secretary shall
22 allow the operation of the private establishment
23 to continue without that determination of need
24 for a period not to exceed 180 days from the
25 date on which the Secretary establishes deter-

1 mination criteria, by regulation, under section
2 11(e)(24).

3 “(B) JUSTIFICATION.—If the Secretary
4 makes a determination to terminate a contract
5 with a private establishment that is in effect on
6 the date of enactment of this subsection, the
7 Secretary shall provide justification to the State
8 in which the private establishment is located for
9 that termination.

10 “(3) REPORT TO CONGRESS.—Not later than
11 90 days after September 30, 2013, and 90 days
12 after the last day of each fiscal year thereafter, the
13 Secretary shall report to the Committee on Agri-
14 culture of the House of Representatives and the
15 Committee on Agriculture, Nutrition, and Forestry
16 of the Senate on the effectiveness of a program
17 under this subsection using any information received
18 from States under section 11(e)(24) as well as any
19 other information the Secretary may have relating to
20 the manner in which benefits are used.”.

21 (c) CONFORMING AMENDMENTS.—Section 3(k) of
22 the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k))
23 is amended by inserting “subject to section 9(h)” after
24 “concessional prices” each place it appears.

1 **SEC. 4010. QUALITY CONTROL STANDARDS.**

2 (a) IN GENERAL.—Section 16(c)(1)(D)(i) of the
3 Food and Nutrition Act of 2008 (7 U.S.C.
4 2025(c)(1)(D)(i)) is amended by striking subclause (I).

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 13(a)(1) of the Food and Nutrition
7 Act of 2008 (7 U.S.C. 2022(a)(1)) is amended in
8 the first sentence by striking “section
9 16(c)(1)(D)(i)(III)” and inserting “section
10 16(c)(1)(D)(i)(II)”.

11 (2) Section 16(c)(1) of the Food and Nutrition
12 Act of 2008 (7 U.S.C. 2025(c)(1)) is amended—

13 (A) in subparagraph (D)(i)—

14 (i) by redesignating subclauses (II)
15 through (IV) as subclauses (I) through
16 (III), respectively; and

17 (ii) in subclause (III) (as so redesign-
18 dated), by striking “through (III)” and in-
19 serting “and (II)”;

20 (B) in subparagraph (E)(i), by striking
21 “(D)(i)(III)” and inserting “(D)(i)(II)”;

22 (C) in subparagraph (F), by striking
23 “(D)(i)(II)” each place it appears and inserting
24 “(D)(i)(I)”.

1 **SEC. 4011. PERFORMANCE BONUS PAYMENTS.**

2 Section 16(d) of the Food and Nutrition Act of 2008
3 (7 U.S.C. 2025(d)) is amended by adding at the end the
4 following:

5 “(5) USE OF PERFORMANCE BONUS PAY-
6 MENTS.—A State agency may use a performance
7 bonus payment received under this subsection only
8 to carry out the program established under this Act,
9 including investments in—

10 “(A) technology;

11 “(B) improvements in administration and
12 distribution; and

13 “(C) actions to prevent fraud, waste, and
14 abuse.”.

15 **SEC. 4012. FUNDING OF EMPLOYMENT AND TRAINING PRO-**
16 **GRAMS.**

17 Section 16(h)(1)(A) of the Food and Nutrition Act
18 of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended by striking
19 “section 18(a)(1), \$90,000,000” and all that follows
20 through the end of the subparagraph and inserting “sec-
21 tion 18(a)(1)—

22 “(i) for each of fiscal years 2014
23 through 2018, \$85,000,000; and

24 “(ii) for fiscal year 2019 and each fis-
25 cal year thereafter, \$79,000,000.”.

1 **SEC. 4013. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 18(a)(1) of the Food and Nutrition Act of
3 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sen-
4 tence by striking “2012” and inserting “2018”.

5 **SEC. 4014. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.**

6 Section 25 of the Food and Nutrition Act of 2008
7 (7 U.S.C. 2034) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)(B)—

10 (i) in clause (i)—

11 (I) in subclause (I), by inserting
12 after “individuals” the following:
13 “through food distribution, commu-
14 nity outreach to assist in participation
15 in Federally assisted nutrition pro-
16 grams, or improving access to food as
17 part of a comprehensive service;” and

18 (II) in subclause (III), by insert-
19 ing “food access,” after “food;” and

20 (ii) in clause (ii), by striking sub-
21 clause (I) and inserting the following:

22 “(I) equipment necessary for the
23 efficient operation of a project;” and

24 (B) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) HUNGER-FREE COMMUNITIES GOAL.—The
2 term ‘hunger-free communities goal’ means any of
3 the 14 goals described in House Concurrent Resolu-
4 tion 302, 102nd Congress, agreed to October 5,
5 1992.”;

6 (2) in subsection (c)—

7 (A) in the matter preceding paragraph (1),
8 by inserting “public food program service pro-
9 vider or a” before “private”;

10 (B) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “or” after the semicolon at the end;

13 (ii) in subparagraph (B), by inserting
14 “or” after the semicolon at the end; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(C) efforts to reduce food insecurity in
18 the community, including food distribution, im-
19 proving access to services, or coordinating serv-
20 ices and programs;”;

21 (C) in paragraph (2), by striking “and”
22 after the semicolon at the end;

23 (D) in paragraph (3), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (E) by adding at the end the following:

1 “(4) collaborate with 1 or more local partner
2 organizations to achieve at least 1 hunger-free com-
3 munities goal.”;

4 (3) in subsection (d)—

5 (A) in paragraph (3), by striking “or”
6 after the semicolon at the end;

7 (B) in paragraph (4), by striking the pe-
8 riod at the end and inserting “; or”; and

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

10 “(5) develop new resources and strategies to
11 help reduce food insecurity in the community and
12 prevent food insecurity in the future by—

13 “(A) developing creative food resources;

14 “(B) coordinating food services with park
15 and recreation programs and other community-
16 based outlets to reduce barriers to access; or

17 “(C) creating nutrition education programs
18 for at- risk populations to enhance food-pur-
19 chasing and food- preparation skills and to
20 heighten awareness of the connection between
21 diet and health.”;

22 (4) in subsection (f)(2), by striking “3 years”
23 and inserting “5 years”; and

24 (5) by striking subsections (h) and (i) and in-
25 serting the following:

1 “(h) REPORTS TO CONGRESS.—Not later than Sep-
2 tember 30, 2014, and each year thereafter, the Secretary
3 shall submit to Congress a report that describes each
4 grant made under this section, including—

5 “(1) a description of any activity funded;

6 “(2) the degree of success of each activity fund-
7 ed in achieving hunger-free community goals; and

8 “(3) the degree of success in improving the
9 long-term capacity of a community to address food
10 and agriculture problems related to hunger or access
11 to healthy food.”.

12 **SEC. 4015. EMERGENCY FOOD ASSISTANCE.**

13 (a) PURCHASE OF COMMODITIES.—Section 27(a) of
14 the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a))
15 is amended—

16 (1) in paragraph (1), by striking “2008
17 through 2012” and inserting “2014 through 2018”;

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

20 “(2) AMOUNTS.—The Secretary shall use to
21 carry out paragraph (1)—

22 “(A) for fiscal year 2013, \$265,750,000;
23 and

24 “(B) for each subsequent fiscal year, the
25 dollar amount of commodities specified in sub-

1 paragraph (A) adjusted by the percentage by
2 which the thrifty food plan has been adjusted
3 under section 3(u)(4) between June 30, 2013,
4 and June 30 of the immediately preceding fiscal
5 year, and subsequently increased by—

6 “(i) for fiscal year 2014, \$22,000,000;

7 “(ii) for fiscal year 2015,
8 \$18,000,000;

9 “(iii) for fiscal year 2016,
10 \$10,000,000; and

11 “(iv) for fiscal year 2017,
12 \$4,000,000.”; and

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

14 “(3) FUNDS AVAILABILITY.—For purposes of
15 the funds described in this subsection, the Secretary
16 shall—

17 “(A) make the funds available for 2 fiscal
18 years; and

19 “(B) allow States to carry over unex-
20 pended balances to the next fiscal year pursu-
21 ant to such terms and conditions as are deter-
22 mined by the Secretary.”.

23 (b) EMERGENCY FOOD PROGRAM INFRASTRUCTURE
24 GRANTS.—Section 209(d) of the Emergency Food Assist-

1 ance Act of 1983 (7 U.S.C. 7511a(d)) is amended by
2 striking “2012” and inserting “2018”.

3 **SEC. 4016. NUTRITION EDUCATION.**

4 Section 28(b) of the Food and Nutrition Act of 2008
5 (7 U.S.C. 2036a(b)) is amended by inserting “and phys-
6 ical activity” after “healthy food choices”.

7 **SEC. 4017. RETAIL FOOD STORE AND RECIPIENT TRAF-**
8 **FICKING.**

9 The Food and Nutrition Act of 2008 (7 U.S.C. 2011
10 et seq.) is amended by adding at the end the following:

11 **“SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAF-**
12 **FICKING.**

13 “(a) PURPOSE.—The purpose of this section is to
14 provide the Department of Agriculture with additional re-
15 sources to prevent trafficking in violation of this Act by
16 strengthening recipient and retail food store program in-
17 tegrity.

18 “(b) USE OF FUNDS.—

19 “(1) IN GENERAL.—Additional funds are pro-
20 vided under this section to supplement the retail
21 food store and recipient integrity activities of the
22 Department.

23 “(2) INFORMATION TECHNOLOGIES.—The Sec-
24 retary shall use an appropriate amount of the funds
25 provided under this section to employ information

1 technologies known as data mining and data
2 warehousing and other available information tech-
3 nologies to administer the supplemental nutrition as-
4 sistance program and enforce regulations promul-
5 gated under section 4(c).

6 “(c) FUNDING.—

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out
9 this section \$12,000,000 for each of fiscal years
10 2014 through 2018.

11 “(2) MANDATORY FUNDING.—

12 “(A) IN GENERAL.—Out of any funds in
13 the Treasury not otherwise appropriated, the
14 Secretary of the Treasury shall transfer to the
15 Secretary to carry out this section not less than
16 \$5,000,000 for fiscal year 2014 and each fiscal
17 year thereafter, to remain available until ex-
18 pended.

19 “(B) RECEIPT AND ACCEPTANCE.—The
20 Secretary shall be entitled to receive, shall ac-
21 cept, and shall use to carry out this section the
22 funds transferred under subparagraph (A),
23 without further appropriation.

24 “(C) MAINTENANCE OF FUNDING.—The
25 funding provided under subparagraph (A) shall

1 supplement (and not supplant) other Federal
2 funding for programs carried out under this
3 Act.”.

4 **SEC. 4018. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) Section 3 of the Food and Nutrition Act of 2008
6 (7 U.S.C. 2012) is amended—

7 (1) in subsection (g), by striking “coupon,” and
8 inserting “coupon”;

9 (2) in subsection (k)(7), by striking “or are”
10 and inserting “and”;

11 (3) by striking subsection (l);

12 (4) by redesignating subsections (m) through
13 (t) as subsections (l) through (s), respectively; and

14 (5) by inserting after subsection (s) (as so re-
15 designated) the following:

16 “(t) ‘Supplemental nutrition assistance program’
17 means the program operated pursuant to this Act.”.

18 (b) Section 4(a) of the Food and Nutrition Act of
19 2008 (7 U.S.C. 2013(a)) is amended in the last sentence
20 by striking “benefits” and inserting “Benefits”.

21 (c) Section 5 of the Food and Nutrition Act of 2008
22 (7 U.S.C. 2014) is amended—

23 (1) in the last sentence of subsection (i)(2)(D),
24 by striking “section 13(b)(2)” and inserting “section
25 13(b)”;

1 (2) in subsection (k)(4)(A), by striking “para-
2 graph (2)(H)” and inserting “paragraph (2)(G)”.

3 (d) Section 6(d)(4) of the Food and Nutrition Act
4 of 2008 (7 U.S.C. 2015(d)(4)) is amended in subpara-
5 graphs (B)(vii) and (F)(iii) by indenting both clauses ap-
6 propriately.

7 (e) Section 7(h) of the Food and Nutrition Act of
8 2008 (7 U.S.C. 2016(h)) is amended by redesignating the
9 second paragraph (12) (relating to interchange fees) as
10 paragraph (13).

11 (f) Section 9(a) of the Food and Nutrition Act of
12 2008 (7 U.S.C. 2018(a)) is amended by indenting para-
13 graph (3) appropriately.

14 (g) Section 12 of the Food and Nutrition Act of 2008
15 (7 U.S.C. 2021) is amended—

16 (1) in subsection (b)(3)(C), by striking “civil
17 money penalties” and inserting “civil penalties”; and

18 (2) in subsection (g)(1), by striking “(7 U.S.C.
19 1786)” and inserting “(42 U.S.C. 1786)”.

20 (h) Section 15(b)(1) of the Food and Nutrition Act
21 of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sen-
22 tence by striking “an benefit” and inserting “a benefit”.

23 (i) Section 16(a) of the Food and Nutrition Act of
24 2008 (7 U.S.C. 2025(a)) is amended in the proviso fol-
25 lowing paragraph (8) by striking “as amended.”.

1 (j) Section 18(e) of the Food and Nutrition Act of
2 2008 (7 U.S.C. 2027(e)) is amended in the first sentence
3 by striking “sections 7(f)” and inserting “section 7(f)”.

4 (k) Section 22(b)(10)(B)(i) of the Food and Nutri-
5 tion Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended
6 in the last sentence by striking “Food benefits” and in-
7 serting “Benefits”.

8 (l) Section 26(f)(3)(C) of the Food and Nutrition Act
9 of 2008 (7 U.S.C. 2035(f)(3)(C)) is amended by striking
10 “subsection” and inserting “subsections”.

11 (m) Section 27(a)(1) of the Food and Nutrition Act
12 of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking
13 “(Public Law 98–8; 7 U.S.C. 612c note)” and inserting
14 “(7 U.S.C. 7515)”.

15 (n) Section 509 of the Older Americans Act of 1965
16 (42 U.S.C. 3056g) is amended in the section heading by
17 striking “**FOOD STAMP PROGRAMS**” and inserting
18 “**SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
19 **GRAMS**”.

20 (o) Section 4115(c)(2)(H) of the Food, Conservation,
21 and Energy Act of 2008 (Public Law 110–246; 122 Stat.
22 1871) is amended by striking “531” and inserting “454”.

1 **Subtitle B—Commodity**
2 **Distribution Programs**

3 **SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.**

4 Section 4(a) of the Agriculture and Consumer Protec-
5 tion Act of 1973 (7 U.S.C. 612c note; Public Law 93–
6 86) is amended in the first sentence by striking “2012”
7 and inserting “2018”.

8 **SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

9 Section 5 of the Agriculture and Consumer Protec-
10 tion Act of 1973 (7 U.S.C. 612c note; Public Law 93–
11 86) is amended—

12 (1) in paragraphs (1) and (2)(B) of subsection
13 (a), by striking “2012” each place it appears and in-
14 serting “2018”;

15 (2) in the first sentence of subsection (d)(2), by
16 striking “2012” and inserting “2018”;

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

19 “(g) ELIGIBILITY.—Except as provided in subsection
20 (m), the States shall only provide assistance under the
21 commodity supplemental food program to low-income per-
22 sons aged 60 and older.”; and

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

24 “(m) PHASE-OUT.—Notwithstanding any other pro-
25 vision of law, an individual who receives assistance under

1 the commodity supplemental food program on the day be-
2 fore the date of enactment of this subsection shall con-
3 tinue to receive that assistance until the date on which
4 the individual is no longer eligible for assistance under the
5 eligibility requirements for the program in effect on the
6 day before the date of enactment of this subsection.”.

7 **SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO**
8 **SPECIAL NUTRITION PROJECTS.**

9 Section 1114(a)(2)(A) of the Agriculture and Food
10 Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the
11 first sentence by striking “2012” and inserting “2018”.

12 **SEC. 4104. PROCESSING OF COMMODITIES.**

13 (a) IN GENERAL.—Section 17 of the Commodity Dis-
14 tribution Reform Act and WIC Amendments of 1987 (7
15 U.S.C. 612c note; Public Law 100–237) is amended—

16 (1) in the section heading, by inserting “**AND**
17 **PROCESSING**” after “**DONATIONS**”; and

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

19 “(c) PROCESSING.—

20 “(1) IN GENERAL.—For any program included
21 under subsection (b), the Secretary may, notwith-
22 standing any other provision of Federal or State law
23 relating to the procurement of goods and services—

24 “(A) retain title to commodities delivered
25 to a processor, on behalf of a State (including

1 a State distributing agency and a recipient
2 agency), until such time as end products con-
3 taining the commodities, or similar commodities
4 as approved by the Secretary, are delivered to
5 a State distributing agency or to a recipient
6 agency; and

7 “(B) promulgate regulations to ensure ac-
8 countability for commodities provided to a proc-
9 essor for processing into end products, and to
10 facilitate processing of commodities into end
11 products for use by recipient agencies.

12 “(2) REGULATIONS.—The regulations described
13 in paragraph (1)(B) may provide that—

14 “(A) a processor that receives commodities
15 for processing into end products, or provides a
16 service with respect to the commodities or end
17 products, in accordance with the agreement of
18 the processor with a State distributing agency
19 or a recipient agency, provide to the Secretary
20 a bond or other means of financial assurance to
21 protect the value of the commodities; and

22 “(B) in the event a processor fails to de-
23 liver to a State distributing agency or a recipi-
24 ent agency an end product in conformance with

1 the processing agreement entered into under
2 this Act, the Secretary—

3 “(i) take action with respect to the
4 bond or other means of financial assurance
5 pursuant to regulations promulgated under
6 this subsection; and

7 “(ii) distribute any proceeds obtained
8 by the Secretary to 1 or more State dis-
9 tributing agencies and recipient agencies,
10 as determined appropriate by the Sec-
11 retary.”.

12 (b) DEFINITIONS.—Section 18 of the Commodity
13 Distribution Reform Act and WIC Amendments of 1987
14 (7 U.S.C. 612c note; Public Law 100–237) is amended
15 by striking paragraphs (1) and (2) and inserting the fol-
16 lowing:

17 “(1) COMMODITIES.—The term ‘commodities’
18 means agricultural commodities and their products
19 that are donated by the Secretary for use by recipi-
20 ent agencies.

21 “(2) END PRODUCT.—The term ‘end product’
22 means a food product that contains processed com-
23 modities.”.

24 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
25 Section 3 of the Commodity Distribution Reform Act and

1 WIC Amendments of 1987 (7 U.S.C. 612c note; Public
2 Law 100–237) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (2), by striking subpara-
5 graph (B) and inserting the following:

6 “(B) the program established under sec-
7 tion 4(b) of the Food and Nutrition Act of
8 2008 (7 U.S.C. 2013(b));”; and

9 (B) in paragraph (3)(D), by striking “the
10 Committee on Education and Labor” and in-
11 serting “the Committee on Education and the
12 Workforce”;

13 (2) in subsection (b)(1)(A)(ii), by striking “sec-
14 tion 32 of the Agricultural Adjustment Act (7
15 U.S.C. 601 et seq.)” and inserting “section 32 of
16 the Act of August 24, 1935 (7 U.S.C. 612c)”;

17 (3) in subsection (e)(1)(D)(iii), by striking sub-
18 clause (II) and inserting the following:

19 “(II) the program established
20 under section 4(b) of the Food and
21 Nutrition Act of 2008 (7 U.S.C.
22 2013(b));”; and

23 (4) in subsection (k), by striking “the Com-
24 mittee on Education and Labor” and inserting “the
25 Committee on Education and the Workforce”.

1 **Subtitle C—Miscellaneous**

2 **SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES**
3 **FOR DISTRIBUTION TO SCHOOLS AND SERV-**
4 **ICE INSTITUTIONS.**

5 Section 10603(b) of the Farm Security and Rural In-
6 vestment Act of 2002 (7 U.S.C. 612c–4(b)) is amended
7 by striking “2012” and inserting “2018”.

8 **SEC. 4202. SENIORS FARMERS’ MARKET NUTRITION PRO-**
9 **GRAM.**

10 Section 4402(a) of the Farm Security and Rural In-
11 vestment Act of 2002 (7 U.S.C. 3007(a)) is amended by
12 striking “2012” and inserting “2018”.

13 **SEC. 4203. NUTRITION INFORMATION AND AWARENESS**
14 **PILOT PROGRAM.**

15 Section 4403 of the Farm Security and Rural Invest-
16 ment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–
17 171) is repealed.

18 **SEC. 4204. HUNGER-FREE COMMUNITIES.**

19 Section 4405 of the Food, Conservation, and Energy
20 Act of 2008 (7 U.S.C. 7517) is amended to read as fol-
21 lows:

22 **“SEC. 4405. HUNGER-FREE COMMUNITIES.**

23 “(a) IN GENERAL.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) a nonprofit organization (including
2 an emergency feeding organization);

3 “(B) an agricultural cooperative;

4 “(C) a producer network or association;

5 “(D) a community health organization;

6 “(E) a public benefit corporation;

7 “(F) an economic development corporation;

8 “(G) a farmers’ market;

9 “(H) a community-supported agriculture
10 program;

11 “(I) a buying club;

12 “(J) a retail food store participating in the
13 supplemental nutrition assistance program;

14 “(K) a State, local, or tribal agency; and

15 “(L) any other entity the Secretary des-
16 ignates.

17 “(2) EMERGENCY FEEDING ORGANIZATION.—

18 The term ‘emergency feeding organization’ has the
19 meaning given the term in section 201A of the
20 Emergency Food Assistance Act of 1983 (7 U.S.C.
21 7501).

22 “(3) SUPPLEMENTAL NUTRITION ASSISTANCE
23 PROGRAM.—The term ‘supplemental nutrition assist-
24 ance program’ means the supplemental nutrition as-

1 sistance program established under the Food and
2 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

3 “(b) HUNGER-FREE COMMUNITIES INCENTIVE
4 GRANTS.—

5 “(1) AUTHORIZATION.—

6 “(A) IN GENERAL.—In each of the years
7 specified in subsection (c), the Secretary shall
8 make grants to eligible entities in accordance
9 with paragraph (2).

10 “(B) FEDERAL SHARE.—The Federal
11 share of the cost of carrying out an activity
12 under this subsection shall not exceed 50 per-
13 cent of the total cost of the activity.

14 “(C) NON-FEDERAL SHARE.—

15 “(i) IN GENERAL.—The non-Federal
16 share of the cost of an activity under this
17 subsection may be provided—

18 “(I) in cash or in-kind contribu-
19 tions as determined by the Secretary,
20 including facilities, equipment, or
21 services; and

22 “(II) by a State or local govern-
23 ment or a private source.

24 “(ii) LIMITATION.—In the case of a
25 for-profit entity, the non-Federal share de-

1 scribed in clause (i) shall not include serv-
2 ices of an employee, including salaries paid
3 or expenses covered by the employer.

4 “(2) CRITERIA.—

5 “(A) IN GENERAL.—For purposes of this
6 subsection, an eligible entity is a governmental
7 agency or nonprofit organization that—

8 “(i) meets the application criteria set
9 forth by the Secretary; and

10 “(ii) proposes a project that, at a
11 minimum—

12 “(I) has the support of the State
13 agency;

14 “(II) would increase the purchase
15 of fruits and vegetables by low-income
16 consumers participating in the supple-
17 mental nutrition assistance program
18 by providing incentives at the point of
19 purchase;

20 “(III) agrees to participate in the
21 evaluation described in paragraph (4);

22 “(IV) ensures that the same
23 terms and conditions apply to pur-
24 chases made by individuals with bene-
25 fits issued under this Act and incen-

1 tives provided for in this subsection as
2 apply to purchases made by individ-
3 uals who are not members of house-
4 holds receiving benefits, such as pro-
5 vided for in section 278.2(b) of title 7,
6 Code of Federal Regulations (or a
7 successor regulation); and

8 “(V) includes effective and effi-
9 cient technologies for benefit redemp-
10 tion systems that may be replicated in
11 other for States and communities.

12 “(B) PRIORITY.—In awarding grants
13 under this section, the Secretary shall give pri-
14 ority to projects that—

15 “(i) maximize the share of funds used
16 for direct incentives to participants;

17 “(ii) use direct-to-consumer sales mar-
18 keting;

19 “(iii) demonstrate a track record of
20 designing and implementing successful nu-
21 trition incentive programs that connect
22 low-income consumers and agricultural
23 producers;

24 “(iv) provide locally or regionally pro-
25 duced fruits and vegetables;

1 “(v) are located in underserved com-
2 munities; or

3 “(vi) address other criteria as estab-
4 lished by the Secretary.

5 “(3) APPLICABILITY.—

6 “(A) IN GENERAL.—The value of any ben-
7 efit provided to a participant in any activity
8 funded under this subsection shall not be con-
9 sidered income or resources for any purpose
10 under any Federal, State, or local law.

11 “(B) PROHIBITION ON COLLECTION OF
12 SALES TAXES.—Each State shall ensure that no
13 State or local tax is collected on a purchase of
14 food under this subsection.

15 “(C) NO LIMITATION ON BENEFITS.—A
16 grant made available under this subsection shall
17 not be used to carry out any project that limits
18 the use of benefits under the Food and Nutri-
19 tion Act of 2008 (7 U.S.C. 2011 et seq.) or any
20 other Federal nutrition law.

21 “(D) HOUSEHOLD ALLOTMENT.—Assist-
22 ance provided under this subsection to house-
23 holds receiving benefits under the supplemental
24 nutrition assistance program shall not—

1 “(i) be considered part of the supple-
2 mental nutrition assistance program bene-
3 fits of the household; or

4 “(ii) be used in the collection or dis-
5 position of claims under section 13 of the
6 Food and Nutrition Act of 2008 (7 U.S.C.
7 2022).

8 “(4) EVALUATION.—

9 “(A) INDEPENDENT EVALUATION.—The
10 Secretary shall provide for an independent eval-
11 uation of projects selected under this subsection
12 that measures the impact of each project on—

13 “(i) improving the nutrition and
14 health status of participating households
15 receiving incentives under this subsection;
16 and

17 “(ii) increasing fruit and vegetable
18 purchases in participating households.

19 “(B) REQUIREMENT.—The independent
20 evaluation under subparagraph (A) shall use
21 rigorous methodologies capable of producing
22 scientifically valid information regarding the ef-
23 fectiveness of a project.

24 “(C) COSTS.—The Secretary may use
25 funds not to exceed 10 percent of the funding

1 provided to carry out this section to pay costs
2 associated with administering, monitoring, and
3 evaluating each project.

4 “(c) FUNDING.—

5 “(1) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 subsection (b) \$5,000,000 for each of fiscal years
8 2014 through 2018.

9 “(2) MANDATORY FUNDING.—Of the funds of
10 the Commodity Credit Corporation, the Secretary
11 shall use to carry out subsection (b)—

12 “(A) \$15,000,000 for fiscal year 2014;

13 “(B) \$20,000,000 for each of fiscal years
14 2015 through 2017; and

15 “(C) \$25,000,000 for fiscal year 2018.”.

16 **SEC. 4205. HEALTHY FOOD FINANCING INITIATIVE.**

17 Subtitle D of title II of the Department of Agri-
18 culture Reorganization Act of 1994 (7 U.S.C. 6951 et
19 seq.) is amended by adding at the end the following:

20 **“SEC. 242. HEALTHY FOOD FINANCING INITIATIVE.**

21 “(a) PURPOSE.—The purpose of this section is to en-
22 hance the authorities of the Secretary to support efforts
23 to provide access to healthy food by establishing an initia-
24 tive to improve access to healthy foods in underserved
25 areas, to create and preserve quality jobs, and to revitalize

1 low-income communities by providing loans and grants to
2 eligible fresh, healthy food retailers to overcome the higher
3 costs and initial barriers to entry in underserved areas.

4 “(b) DEFINITIONS.—In this section:

5 “(1) COMMUNITY DEVELOPMENT FINANCIAL IN-
6 STITUTION.—The term ‘community development fi-
7 nancial institution’ has the meaning given the term
8 in section 103 of the Community Development
9 Banking and Financial Institutions Act of 1994 (12
10 U.S.C. 4702).

11 “(2) INITIATIVE.—The term ‘Initiative’ means
12 the Healthy Food Financing Initiative established
13 under subsection (c)(1).

14 “(3) NATIONAL FUND MANAGER.—The term
15 ‘national fund manager’ means a community devel-
16 opment financial institution that is—

17 “(A) in existence on the date of enactment
18 of this section; and

19 “(B) certified by the Community Develop-
20 ment Financial Institution Fund of the Depart-
21 ment of the Treasury to manage the Initiative
22 for purposes of—

23 “(i) raising private capital;

24 “(ii) providing financial and technical
25 assistance to partnerships; and

“(iii) funding eligible projects to attract fresh, healthy food retailers to underserved areas, in accordance with this section.

5 “(4) PARTNERSHIP.—The term ‘partnership’
6 means a regional, State, or local public-private part-
7 nership that—

8 “(A) is organized to improve access to
9 fresh, healthy foods;

10 “(B) provides financial and technical as-
11 sistance to eligible projects; and

12 “(C) meets such other criteria as the Sec-
13 retary may establish.

14 “(5) PERISHABLE FOOD.—The term ‘perishable
15 food’ means a staple food that is fresh, refrigerated,
16 or frozen.

“(6) **QUALITY JOB.**—The term ‘quality job’ means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

22 “(7) STAPLE FOOD.—

23 “(A) IN GENERAL.—The term ‘staple food’
24 means food that is a basic dietary item.

1 “(B) INCLUSIONS.—The term ‘staple food’
2 includes—

3 “(i) bread;

4 “(ii) flour;

5 “(iii) fruits;

6 “(iv) vegetables; and

7 “(v) meat.

8 “(c) INITIATIVE.—

9 “(1) ESTABLISHMENT.—The Secretary shall es-
10 tablish an initiative to achieve the purpose described
11 in subsection (a) in accordance with this subsection.

12 “(2) IMPLEMENTATION.—

13 “(A) IN GENERAL.—

14 “(i) IN GENERAL.—In carrying out
15 the Initiative, the Secretary shall provide
16 funding to entities with eligible projects, as
17 described in subparagraph (B), subject to
18 the priorities described in subparagraph
19 (C).

20 “(ii) USE OF FUNDS.—Funds pro-
21 vided to an entity pursuant to clause (i)
22 shall be used—

23 “(I) to create revolving loan pools
24 of capital or other products to provide

1 loans to finance eligible projects or
2 partnerships;

3 “(II) to provide grants for eligi-
4 ble projects or partnerships;

5 “(III) to provide technical assist-
6 ance to funded projects and entities
7 seeking Initiative funding; and

8 “(IV) to cover administrative ex-
9 penses of the national fund manager
10 in an amount not to exceed 10 per-
11 cent of the Federal funds provided.

12 “(B) ELIGIBLE PROJECTS.—Subject to the
13 approval of the Secretary, the national fund
14 manager shall establish eligibility criteria for
15 projects under the Initiative, which shall include
16 the existence or planned execution of agree-
17 ments—

18 “(i) to expand or preserve the avail-
19 ability of staple foods in underserved areas
20 with moderate- and low-income populations
21 by maintaining or increasing the number
22 of retail outlets that offer an assortment of
23 perishable food and staple food items, as
24 determined by the Secretary, in those
25 areas; and

1 “(ii) to accept benefits under the sup-
2 plemental nutrition assistance program es-
3 tablished under the Food and Nutrition
4 Act of 2008 (7 U.S.C. 2011 et seq.).

5 “(C) PRIORITIES.—In carrying out the Ini-
6 tiative, priority shall be given to projects that—

7 “(i) are located in severely distressed
8 low-income communities, as defined by the
9 Community Development Financial Insti-
10 tutions Fund of the Department of the
11 Treasury; and

12 “(ii) include 1 or more of the fol-
13 lowing characteristics:

14 “(I) The project will create or re-
15 tain quality jobs for low-income resi-
16 dents in the community.

17 “(II) The project supports re-
18 gional food systems and locally grown
19 foods, to the maximum extent prac-
20 ticable.

21 “(III) In areas served by public
22 transit, the project is accessible by
23 public transit.

24 “(IV) The project involves
25 women- or minority-owned businesses.

1 “(V) The project receives funding
2 from other sources, including other
3 Federal agencies.

4 “(VI) The project otherwise ad-
5 vances the purpose of this section, as
6 determined by the Secretary.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Secretary to carry
9 out this section \$125,000,000, to remain available until
10 expended.”.

11 **SEC. 4206. PULSE CROP PRODUCTS.**

12 (a) PURPOSE.—The purpose of this section is to en-
13 courage greater awareness and interest in the number and
14 variety of pulse crop products available to schoolchildren,
15 as recommended by the most recent Dietary Guidelines
16 for Americans published under section 301 of the National
17 Nutrition Monitoring and Related Research Act of 1990
18 (7 U.S.C. 5341).

19 (b) DEFINITIONS.—In this section:

20 (1) ELIGIBLE PULSE CROP.—The term “eligible
21 pulse crop” means dry beans, dry peas, lentils, and
22 chickpeas.

23 (2) PULSE CROP PRODUCT.—The term “pulse
24 crop product” means a food product derived in
25 whole or in part from an eligible pulse crop.

1 (c) PURCHASE OF PULSE CROPS AND PULSE CROP
2 PRODUCTS.—In addition to the commodities delivered
3 under section 6 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1755), the Secretary shall purchase
5 eligible pulse crops and pulse crop products for use in—

6 (1) the school lunch program established under
7 the Richard B. Russell National School Lunch Act
8 (42 U.S.C. 1751 et seq.); and

9 (2) the school breakfast program established by
10 section 4 of the Child Nutrition Act of 1966 (42
11 U.S.C. 1773).

12 (d) EVALUATION.—Not later than September 30,
13 2016, the Secretary shall conduct an evaluation of the ac-
14 tivities conducted under subsection (c), including—

15 (1) an evaluation of whether children partici-
16 pating in the school lunch and breakfast programs
17 described in subsection (c) increased overall con-
18 sumption of eligible pulse crops as a result of the ac-
19 tivities;

20 (2) an evaluation of which eligible pulse crops
21 and pulse crop products are most acceptable for use
22 in the school lunch and breakfast programs;

23 (3) any recommendations of the Secretary re-
24 garding the integration of the use of pulse crop

1 products in carrying out the school lunch and break-
2 fast programs;

3 (4) an evaluation of any change in the nutrient
4 composition in the school lunch and breakfast pro-
5 grams due to the activities; and

6 (5) an evaluation of any other outcomes deter-
7 mined to be appropriate by the Secretary.

8 (e) REPORT.—As soon as practicable after the com-
9 pletion of the evaluation under subsection (d), the Sec-
10 retary shall submit to the Committee on Agriculture, Nu-
11 trition, and Forestry of the Senate and the Committee on
12 Education and the Workforce of the House of Representa-
13 tive a report describing the results of the evaluation.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000, to remain available until expended.

17 **SEC. 4207. DIETARY GUIDELINES FOR AMERICANS.**

18 Section 301(a) of the National Nutrition Monitoring
19 and Related Research Act of 1990 (7 U.S.C. 5341(a)) is
20 amended by adding at the end the following:

21 “(3) PREGNANT WOMEN AND YOUNG CHIL-
22 DREN.—Not later than the 2020 report and in each
23 report thereafter, the Secretaries shall include na-
24 tional nutritional and dietary information and guide-

1 lines for pregnant women and children from birth
2 until the age of 2.”.

3 **SEC. 4208. PURCHASES OF LOCALLY PRODUCED FOODS.**

4 Section 9(j) of the Richard B. Russell National
5 School Lunch Act (42 U.S.C. 1758(j)) is amended—

6 (1) by redesignating paragraphs (1) through
7 (3) as subparagraphs (A) through (C), respectively,
8 and indenting the subparagraphs appropriately;

9 (2) by striking “The Secretary” and inserting
10 the following:

11 “(1) IN GENERAL.—The Secretary”;

12 (3) in paragraph (1) (as so redesignated)—

13 (A) in subparagraph (B)—

14 (i) by striking “paragraph (1) of the
15 policy described in that paragraph and
16 paragraph (3)” and inserting “subpara-
17 graph (A) of the policy described in that
18 subparagraph and subparagraph (C)”; and

19 (ii) by striking “and” at the end;

20 (B) in subparagraph (C), by striking the
21 period at the end and inserting “; and”; and

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

23 “(D) not later than 1 year after the date
24 of enactment of this subparagraph, in accord-
25 ance with paragraphs (2) and (3), conduct not

1 fewer than 5 demonstration projects through
2 school food authorities receiving funds under
3 this Act and the Child Nutrition Act of 1966
4 (42 U.S.C. 1771 et seq.) to facilitate the pur-
5 chase of unprocessed and minimally processed
6 locally grown and locally raised agricultural
7 products.”; and

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

9 “(2) SELECTION.—In conducting demonstration
10 projects under paragraph (1)(D), the Secretary shall
11 ensure that at least 1 project is located in a State
12 in each of—

13 “(A) the Pacific Northwest Region;

14 “(B) the Northeast Region;

15 “(C) the Western Region;

16 “(D) the Midwest Region; and

17 “(E) the Southern Region.

18 “(3) PRIORITY.—In selecting States for partici-
19 pation in the demonstration projects under para-
20 graph (2), the Secretary shall prioritize applications
21 based on—

22 “(A) the quantity and variety of growers of
23 local fruits and vegetables in the State;

24 “(B) the demonstrated commitment of the
25 State to farm-to-school efforts, as evidenced by

1 prior efforts to increase and promote farm-to-
2 school programs in the State; and

3 “(C) whether the State contains a suffi-
4 cient quantity of school districts of varying pop-
5 ulation sizes and geographical locations.”.

6 **SEC. 4209. MULTIAGENCY TASK FORCE.**

7 Subtitle D of title II of the Department of Agri-
8 culture Reorganization Act of 1994 (7 U.S.C. 6951 et
9 seq.) (as amended by section 4205) is amended by adding
10 at the end the following:

11 **“SEC. 243. MULTIAGENCY TASK FORCE.**

12 “(a) IN GENERAL.—The Secretary shall establish, in
13 the office of the Under Secretary for Food, Nutrition, and
14 Consumer Services, a multiagency task force for the pur-
15 pose of providing coordination and direction for com-
16 modity programs.

17 “(b) COMPOSITION.—The Task Force shall be com-
18 posed of at least 4 members, including—

19 “(1) a representative from the Food Distribu-
20 tion Division of the Food and Nutrition Service, who
21 shall—

22 “(A) be appointed by the Under Secretary
23 for Food, Nutrition, and Consumer Services;
24 and

1 “(B) serve as Chairperson of the Task
2 Force;

3 “(2) at least 1 representative from the Agricul-
4 tural Marketing Service, who shall be appointed by
5 the Under Secretary for Marketing and Regulatory
6 Programs;

7 “(3) at least 1 representative from the Farm
8 Services Agency, who shall be appointed by the
9 Under Secretary for Farm and Foreign Agricultural
10 Services; and

11 “(4) at least 1 representative from the Food
12 Safety and Inspection Service, who shall be ap-
13 pointed by the Under Secretary for Food Safety.

14 “(c) DUTIES.—

15 “(1) IN GENERAL.—The Task Force shall be
16 responsible for evaluation and monitoring of the
17 commodity programs to ensure that the commodity
18 programs meet the mission of the Department—

19 “(A) to support the United States farm
20 sector; and

21 “(B) to contribute to the health and well-
22 being of individuals in the United States
23 through the distribution of domestic agricul-
24 tural products through commodity programs.

1 “(2) SPECIFIC DUTIES.—In carrying out para-
2 graph (1), the Task Force shall—

3 “(A) review and make recommendations
4 regarding the specifications used for the pro-
5 curement of food commodities;

6 “(B) review and make recommendations
7 regarding the efficient and effective distribution
8 of food commodities; and

9 “(C) review and make recommendations
10 regarding the degree to which the quantity,
11 quality, and specifications of procured food
12 commodities align the needs of producers and
13 the preferences of recipient agencies.

14 “(d) REPORTS.—Not later than 1 year after the date
15 of enactment of this section, and annually thereafter, the
16 Secretary shall submit to Congress a report that describes,
17 for the period covered by the report—

18 “(1) the findings and recommendations of the
19 Task Force; and

20 “(2) policies implemented for the improvement
21 of commodity procurement programs.”.

22 **SEC. 4210. FOOD AND AGRICULTURE SERVICE LEARNING**
23 **PROGRAM.**

24 Subtitle D of title II of the Department of Agri-
25 culture Reorganization Act of 1994 (7 U.S.C. 6951 et

1 seq.) (as amended by section 4209) is amended by adding
2 at the end the following:

3 **“SEC. 244. FOOD AND AGRICULTURE SERVICE LEARNING**
4 **PROGRAM.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) APPROVED NATIONAL SERVICE POSI-
7 TION.—The term ‘approved national service position’
8 has the meaning given the term in section 101 of the
9 National and Community Service Act of 1990 (42
10 U.S.C. 12511)).

11 “(2) ELEMENTARY SCHOOL.—The term ‘ele-
12 mentary school’ has the meaning given the term in
13 section 9101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801).

15 “(3) PROGRAM.—The term ‘Program’ means
16 the Food and Agriculture Service Learning Program
17 established under subsection (b).

18 “(4) SECONDARY SCHOOL.—The term ‘sec-
19 ondary school’ has the meaning given the term in
20 section 9101 of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 7801).

22 “(b) ESTABLISHMENT.—The Secretary shall estab-
23 lish a Food and Agriculture Service Learning Program to
24 increase knowledge of agriculture and improve the nutri-
25 tional health of children.

1 “(c) PURPOSES.—The purposes of the Program
2 are—

3 “(1) to increase capacity for food, garden, and
4 nutrition education within host organizations or enti-
5 ties and school cafeterias and in the classroom;

6 “(2) to complement and build on the efforts of
7 the farm to school programs implemented under sec-
8 tion 18(g) of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1769(g));

10 “(3) to complement efforts by the Department
11 and school food authorities to implement school meal
12 programs under section 4(b)(3) of the Richard B.
13 Russell National School Lunch Act (42 U.S.C.
14 1753(b)(3));

15 “(4) to carry out activities that advance the nu-
16 tritional health of children and nutrition education
17 in elementary schools and secondary schools;

18 “(5) to build on activities carried out by the
19 Food and Nutrition Service and the Corporation for
20 National and Community Service by providing funds
21 to establish new approved national service positions
22 for a national service program; and

23 “(6) to further expand the impact of the efforts
24 described in paragraphs (1) through (5) through co-

1 ordination with the National Institute of Food and
2 Agriculture.

3 “(d) ELIGIBILITY.—In carrying out the Program, the
4 Secretary may make awards to an organization or other
5 entity that, as determined by the Secretary—

6 “(1) has a proven track record in carrying out
7 the activities described in subsection (c);

8 “(2) is designated as a national service organi-
9 zation by the Corporation for National and Commu-
10 nity Service under subtitle C of title I of the Na-
11 tional and Community Service Act of 1990 (42
12 U.S.C. 12571 et seq.);

13 “(3) works in underserved rural and urban
14 communities;

15 “(4) teaches and engages children in experien-
16 tial learning about agriculture, gardening, nutrition,
17 cooking, and where food comes from; and

18 “(5) facilitates a connection between elementary
19 schools and secondary schools and agricultural pro-
20 ducers in the local and regional area.

21 “(e) ACCOUNTABILITY.—

22 “(1) IN GENERAL.—The Secretary may require
23 an organization or other entity receiving an award
24 under subsection (d), or another qualified entity, to
25 collect and report any data on the activities carried

1 out under the Program, as determined by the Sec-
2 retary.

3 “(2) EVALUATION.—The Secretary shall—

4 “(A) conduct regular evaluation of the ac-
5 tivities carried out under the Program; and

6 “(B) submit to the Committee on Agri-
7 culture of the House of Representatives and the
8 Committee on Agriculture, Nutrition, and For-
9 estry of the Senate a report that includes a de-
10 scription of the results of an evaluation con-
11 ducted under subparagraph (A).

12 “(f) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated to carry out
15 this section \$25,000,000, to remain available until
16 expended.

17 “(2) USE OF CERTAIN FUNDS.—Of the funds
18 made available to carry out this section for a fiscal
19 year, 20 percent shall be made available to the Na-
20 tional Institute of Food and Agriculture to offset
21 costs associated with hosting, training, and over-
22 seeing individuals in approved national service posi-
23 tions under the Program.

24 “(3) MAINTENANCE OF EFFORT.—Funds made
25 available under paragraph (1) shall be used only to

1 supplement, not to supplant, the amount of Federal
2 funding otherwise expended for nutrition, research,
3 and extension programs of the Department.”.

4 **TITLE V—CREDIT**

5 **Subtitle A—Farmer Loans, Serv-** 6 **icing, and Other Assistance** 7 **Under the Consolidated Farm** 8 **and Rural Development Act**

9 **SEC. 5001. FARMER LOANS, SERVICING, AND OTHER ASSIST-** 10 **ANCE UNDER THE CONSOLIDATED FARM AND** 11 **RURAL DEVELOPMENT ACT.**

12 The Consolidated Farm and Rural Development Act
13 (as amended by section 6001) is amended by inserting
14 after section 3002 the following:

15 **“Subtitle A—Farmer Loans,** 16 **Servicing, and Other Assistance** 17 **“CHAPTER 1—FARM OWNERSHIP LOANS** 18 **“SEC. 3101. FARM OWNERSHIP LOANS.**

19 “(a) IN GENERAL.—The Secretary may make or
20 guarantee a farm ownership loan under this chapter to
21 an eligible farmer for a farm in the United States.

22 “(b) ELIGIBILITY.—A farmer shall be eligible under
23 subsection (a) only—

1 “(1) if the farmer, or, in the case of an entity,
2 1 or more individuals holding a majority interest in
3 the farmer—

4 “(A) is a citizen of the United States; and

5 “(B) in the case of a direct loan, has train-
6 ing or farming experience that the Secretary
7 determines is sufficient to ensure a reasonable
8 prospect of success in the farming operation
9 proposed by the farmer;

10 “(2)(A) in the case of a farmer that is an indi-
11 vidual, if the farmer is or proposes to become an
12 owner and operator of a farm that is not larger than
13 a family farm; or

14 “(B) in the case of a lessee-operator of a farm
15 located in the State of Hawaii, if the Secretary de-
16 termines that—

17 “(i) the farm is not larger than a family
18 farm;

19 “(ii) the farm cannot be acquired in fee
20 simple by the lessee-operator;

21 “(iii) adequate security is provided for the
22 loan with respect to the farm for which the les-
23 see-operator applies under this chapter; and

1 “(iv) there is a reasonable probability of
2 accomplishing the objectives and repayment of
3 the loan;

4 “(3) in the case of a farmer that is a coopera-
5 tive, corporation, partnership, trust, limited liability
6 company, joint operation, or such other legal entity
7 as the Secretary determines to be appropriate, with
8 respect to the entity and each farm in which the en-
9 tity has an ownership or operator interest—

10 “(A) if—

11 “(i) a majority interest is held by in-
12 dividuals who are related by blood or mar-
13 riage, as defined by the Secretary;

14 “(ii) all of the individuals are or pro-
15 pose to become owners or operators of a
16 farm that is not larger than a family farm;
17 and

18 “(iii) at least 1 of the individuals is or
19 proposes to become an operator of the
20 farm; or

21 “(B) if—

22 “(i) the entire interest is held by indi-
23 viduals who are related by blood or mar-
24 riage, as defined by the Secretary;

1 “(ii) all of the individuals are or pro-
2 pose to become farm operators; and

3 “(iii) the ownership interest of each
4 individual separately constitutes not larger
5 than a family farm, even if the ownership
6 interests of the individuals collectively con-
7 stitute larger than a family farm;

8 “(4) in the case of an entity that is, or will be-
9 come within a reasonable period of time, as deter-
10 mined by the Secretary, only the operator of a fam-
11 ily farm, if the 1 or more individuals who are the
12 owners of the family farm own—

13 “(A) a percentage of the family farm that
14 exceeds 50 percent; or

15 “(B) such other percentage as the Sec-
16 retary determines to be appropriate;

17 “(5) in the case of an operator described in
18 paragraph (3) that is owned, in whole or in part, by
19 1 or more other entities, if each of the individuals
20 that have a direct or indirect ownership interest in
21 such other entities also have a direct ownership in-
22 terest in the entity; and

23 “(6) if the farmer and each individual that
24 holds a majority interest in the farmer is unable to
25 obtain credit elsewhere.

1 “(c) DIRECT LOANS.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 the Secretary may make a direct loan under this
4 chapter only to a farmer who has participated in
5 business operations of a farm for not less than 3
6 years (or has other acceptable experience for a pe-
7 riod of time determined by the Secretary) and—

8 “(A) is a qualified beginning farmer;

9 “(B) has not received a previous direct
10 farm ownership loan made under this chapter;
11 or

12 “(C) has not received a direct farm owner-
13 ship loan under this chapter more than 10
14 years before the date on which the new loan
15 would be made.

16 “(2) YOUTH LOANS.—The operation of an en-
17 terprise by a youth under section 3201(d) shall not
18 be considered the operation of a farm for purposes
19 of paragraph (1).

20 **“SEC. 3102. PURPOSES OF LOANS.**

21 “(a) ALLOWED PURPOSES.—

22 “(1) DIRECT LOANS.—A farmer may use a di-
23 rect loan made under this chapter only—

24 “(A) to acquire or enlarge a farm;

1 “(B) to make capital improvements to a
2 farm;

3 “(C) to pay loan closing costs related to
4 acquiring, enlarging, or improving a farm;

5 “(D) to pay for activities to promote soil
6 and water conservation and protection described
7 in section 3103 on a farm; or

8 “(E) to refinance a temporary bridge loan
9 made by a commercial or cooperative lender to
10 a farmer for the acquisition of land for a farm,
11 if—

12 “(i) the Secretary approved an appli-
13 cation for a direct farm ownership loan to
14 the farmer for acquisition of the land; and

15 “(ii) funds for direct farm ownership
16 loans under section 3201(a) were not avail-
17 able at the time at which the application
18 was approved.

19 “(2) GUARANTEED LOANS.—A farmer may use
20 a loan guaranteed under this chapter only—

21 “(A) to acquire or enlarge a farm;

22 “(B) to make capital improvements to a
23 farm;

24 “(C) to pay loan closing costs related to
25 acquiring, enlarging, or improving a farm;

1 “(D) to pay for activities to promote soil
2 and water conservation and protection described
3 in section 3103 on a farm; or

4 “(E) to refinance indebtedness.

5 “(b) PREFERENCES.—In making or guaranteeing a
6 loan under this chapter for purchase of a farm, the Sec-
7 retary shall give preference to a person who—

8 “(1) has a dependent family;

9 “(2) to the extent practicable, is able to make
10 an initial down payment on the farm; or

11 “(3) is an owner of livestock or farm equipment
12 that is necessary to successfully carry out farming
13 operations.

14 “(c) HAZARD INSURANCE REQUIREMENT.—The Sec-
15 retary may not make a loan to a farmer under this chapter
16 unless the farmer has, or agrees to obtain, hazard insur-
17 ance on any real property to be acquired or improved with
18 the loan.

19 **“SEC. 3103. CONSERVATION LOAN AND LOAN GUARANTEE**
20 **PROGRAM.**

21 “(a) IN GENERAL.—The Secretary may make or
22 guarantee qualified conservation loans to eligible bor-
23 rowers under this section.

24 “(b) DEFINITIONS.—In this section:

1 “(1) CONSERVATION PLAN.—The term ‘con-
2 servation plan’ means a plan, approved by the Sec-
3 retary, that, for a farming operation, identifies the
4 conservation activities that will be addressed with
5 loan funds provided under this section, including—

6 “(A) the installation of conservation struc-
7 tures to address soil, water, and related re-
8 sources;

9 “(B) the establishment of forest cover for
10 sustained yield timber management, erosion
11 control, or shelter belt purposes;

12 “(C) the installation of water conservation
13 measures;

14 “(D) the installation of waste management
15 systems;

16 “(E) the establishment or improvement of
17 permanent pasture;

18 “(F) compliance with section 1212 of the
19 Food Security Act of 1985 (16 U.S.C. 3812);
20 and

21 “(G) other purposes consistent with the
22 plan, including the adoption of any other
23 emerging or existing conservation practices,
24 techniques, or technologies approved by the Sec-
25 retary.

1 “(2) QUALIFIED CONSERVATION LOAN.—The
2 term ‘qualified conservation loan’ means a loan, the
3 proceeds of which are used to cover the costs to the
4 borrower of carrying out a qualified conservation
5 project.

6 “(3) QUALIFIED CONSERVATION PROJECT.—
7 The term ‘qualified conservation project’ means con-
8 servation measures that address provisions of a con-
9 servation plan of the eligible borrower.

10 “(c) ELIGIBILITY.—

11 “(1) IN GENERAL.—The Secretary may make
12 or guarantee loans to farmers.

13 “(2) REQUIREMENTS.—To be eligible for a loan
14 under this section, applicants shall meet the citizen-
15 ship and training and experience requirements of
16 section 3101(b).

17 “(d) PRIORITY.—In making or guaranteeing loans
18 under this section, the Secretary shall give priority to—

19 “(1) qualified beginning farmers and socially
20 disadvantaged farmers;

21 “(2) owners or tenants who use the loans to
22 convert to sustainable or organic agricultural pro-
23 duction systems; and

24 “(3) producers who use the loans to build con-
25 servation structures or establish conservation prac-

1 tices to comply with section 1212 of the Food Secu-
2 rity Act of 1985 (16 U.S.C. 3812).

3 “(e) LIMITATIONS APPLICABLE TO LOAN GUARAN-
4 TEES.—The portion of a loan that the Secretary may
5 guarantee under this section shall not exceed 75 percent
6 of the principal amount of the loan.

7 “(f) ADMINISTRATIVE PROVISIONS.—The Secretary
8 shall ensure, to the maximum extent practicable, that
9 loans made or guaranteed under this section are distrib-
10 uted across diverse geographic regions.

11 “(g) CREDIT ELIGIBILITY.—The provisions of para-
12 graphs (1) and (3) of section 3406(a) shall not apply to
13 loans made or guaranteed under this section.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—For
15 each of fiscal years 2013 through 2018, there are author-
16 ized to be appropriated to the Secretary such sums as are
17 necessary to carry out this section.

18 **“SEC. 3104. LOAN MAXIMUMS.**

19 “(a) MAXIMUM.—

20 “(1) IN GENERAL.—The Secretary shall make
21 or guarantee no loan under sections 3101, 3102,
22 3103, 3106, and 3107 that would cause the unpaid
23 indebtedness under those sections of any 1 borrower
24 to exceed the lesser of—

1 “(A) the value of the farm or other secu-
2 rity, or

3 “(B)(i) in the case of a loan made by the
4 Secretary, \$300,000; or

5 “(ii) in the case of a loan guaranteed by
6 the Secretary, \$700,000 (as modified under
7 paragraph (2)).

8 “(2) MODIFICATION.—The amount specified in
9 paragraph (1)(B)(ii) shall be—

10 “(A) increased, beginning with fiscal year
11 2000, by the inflation percentage applicable to
12 the fiscal year in which the loan is guaranteed;
13 and

14 “(B) reduced by the amount of any unpaid
15 indebtedness of the borrower on loans under
16 chapter 2 that are guaranteed by the Secretary.

17 “(b) DETERMINATION OF VALUE.—In determining
18 the value of the farm, the Secretary shall consider apprais-
19 als made by competent appraisers under rules established
20 by the Secretary.

21 “(c) INFLATION PERCENTAGE.—For purposes of this
22 section, the inflation percentage applicable to a fiscal year
23 is the percentage (if any) by which—

24 “(1) the average of the Prices Paid By Farmers
25 Index (as compiled by the National Agricultural Sta-

1 tistics Service of the Department) for the 12-month
2 period ending on August 31 of the immediately pre-
3 ceding fiscal year; exceeds

4 “(2) the average of that index (as so defined)
5 for the 12-month period ending on August 31, 1996.

6 **“SEC. 3105. REPAYMENT REQUIREMENTS FOR FARM OWN-**
7 **ERSHIP LOANS.**

8 “(a) PERIOD FOR REPAYMENT.—The period for re-
9 payment of a loan under this chapter shall not exceed 40
10 years.

11 “(b) INTEREST RATES.—

12 “(1) IN GENERAL.—Except as otherwise pro-
13 vided in this title, the interest rate on a loan under
14 this chapter shall be determined by the Secretary at
15 a rate—

16 “(A) not to exceed the sum obtained by
17 adding—

18 “(i) the current average market yield
19 on outstanding marketable obligations of
20 the United States with remaining periods
21 to maturity comparable to the average ma-
22 turity of the loan; and

23 “(ii) an amount not to exceed 1 per-
24 cent, as determined by the Secretary; and

1 “(B) adjusted to the nearest $\frac{1}{8}$ of 1 per-
2 cent.

3 “(2) LOW INCOME FARM OWNERSHIP LOANS.—
4 Except as provided in paragraph (3), the interest
5 rate on a loan (other than a guaranteed loan) under
6 section 3106 shall be determined by the Secretary at
7 a rate that is—

8 “(A) not greater than the sum obtained by
9 adding—

10 “(i) an amount that does not exceed
11 $\frac{1}{2}$ of the current average market yield on
12 outstanding marketable obligations of the
13 United States with maturities of 5 years;
14 and

15 “(ii) an amount not to exceed 1 per-
16 cent per year, as the Secretary determines
17 is appropriate; and

18 “(B) not less than 5 percent per year.

19 “(3) JOINT FINANCING ARRANGEMENT.—If a
20 direct farm ownership loan is made under this chap-
21 ter as part of a joint financing arrangement and the
22 amount of the direct farm ownership loan does not
23 exceed 50 percent of the total principal amount fi-
24 nanced under the arrangement, the interest rate on

1 the direct farm ownership loan shall be at least 4
2 percent annually.

3 “(4) GUARANTEED LOANS.—The interest rate
4 on a loan made under this chapter as a guaranteed
5 loan shall be such rate as may be agreed on by the
6 borrower and the lender, but not in excess of any
7 rate determined by the Secretary.

8 “(c) PAYMENT OF CHARGES.—A borrower of a loan
9 made or guaranteed under this chapter shall pay such fees
10 and other charges as the Secretary may require, and pre-
11 pay to the Secretary such taxes and insurance as the Sec-
12 retary may require, on such terms and conditions as the
13 Secretary may prescribe.

14 “(d) SECURITY.—

15 “(1) IN GENERAL.—The Secretary shall take as
16 security for an obligation entered into in connection
17 with a loan, a mortgage on a farm with respect to
18 which the loan is made or such other security as the
19 Secretary may require.

20 “(2) LIENS TO UNITED STATES.—An instru-
21 ment for security under paragraph (1) may con-
22 stitute a lien running to the United States notwith-
23 standing the fact that the note for the security may
24 be held by a lender other than the United States.

1 “(3) MULTIPLE LOANS.—A borrower may use
2 the same collateral to secure 2 or more loans made
3 or guaranteed under this chapter, except that the
4 outstanding amount of the loans may not exceed the
5 total value of the collateral.

6 “(e) MINERAL RIGHTS AS COLLATERAL.—

7 “(1) IN GENERAL.—In the case of a farm own-
8 ership loan made after December 23, 1985, unless
9 appraised values of the rights to oil, gas, or other
10 minerals are specifically included as part of the ap-
11 praised value of collateral securing the loan, the
12 rights to oil, gas, or other minerals located under
13 the property shall not be considered part of the col-
14 lateral securing the loan.

15 “(2) COMPENSATORY PAYMENTS.—Nothing in
16 this subsection prevents the inclusion of, as part of
17 the collateral securing the loan, any payment or
18 other compensation the borrower may receive for
19 damages to the surface of the collateral real estate
20 resulting from the exploration for or recovery of
21 minerals.

22 “(f) ADDITIONAL COLLATERAL.—The Secretary may
23 not—

24 “(1) require any borrower to provide additional
25 collateral to secure a farmer program loan made or

1 guaranteed under this subtitle, if the borrower is
2 current in the payment of principal and interest on
3 the loan; or

4 “(2) bring any action to foreclose, or otherwise
5 liquidate, the loan as a result of the failure of a bor-
6 rower to provide additional collateral to secure the
7 loan, if the borrower was current in the payment of
8 principal and interest on the loan at the time the ad-
9 ditional collateral was requested.

10 **“SEC. 3106. LIMITED-RESOURCE LOANS.**

11 “(a) IN GENERAL.—The Secretary may make or
12 guarantee a limited-resource loan for any of the purposes
13 specified in sections 3102(a) or 3103(a) to a farmer in
14 the United States who—

15 “(1) in the case of an entity, all members,
16 stockholders, or partners are eligible under section
17 3101(b);

18 “(2) has a low income; and

19 “(3) demonstrates a need to maximize the in-
20 come of the farmer from farming operations.

21 “(b) INSTALLMENTS.—A loan made or guaranteed
22 under this section shall be repayable in such installments
23 as the Secretary determines will provide for reduced pay-
24 ments during the initial repayment period of the loan and

1 larger payments during the remainder of the repayment
2 period of the loan.

3 “(c) INTEREST RATES.—Except as provided in sec-
4 tion 3105(b)(3) and in section 3204(b)(3), the interest
5 rate on loans (other than guaranteed loans) under this
6 section shall not be—

7 “(1) greater than the sum obtained by add-
8 ing—

9 “(A) an amount that does not exceed $\frac{1}{2}$ of
10 the current average market yield on out-
11 standing marketable obligations of the United
12 States with maturities of 5 years; and

13 “(B) an amount not exceeding 1 percent
14 per year, as the Secretary determines is appro-
15 priate; or

16 “(2) less than 5 percent per year.

17 **“SEC. 3107. DOWNPAYMENT LOAN PROGRAM.**

18 “(a) IN GENERAL.—

19 “(1) ESTABLISHMENT.—Notwithstanding any
20 other provision of this chapter, the Secretary shall
21 establish, under the farm ownership loan program
22 established under this chapter, a program under
23 which loans shall be made under this section to a
24 qualified beginning farmer or a socially disadvan-

1 taged farmer for a downpayment on a farm owner-
2 ship loan.

3 “(2) COORDINATION.—The Secretary shall be
4 the primary coordinator of credit supervision for the
5 downpayment loan program established under this
6 section, in consultation with a commercial or cooper-
7 ative lender and, if applicable, a contracting credit
8 counseling service selected under section 3420(c).

9 “(b) LOAN TERMS.—

10 “(1) PRINCIPAL.—Each loan made under this
11 section shall be in an amount that does not exceed
12 45 percent of the lesser of—

13 “(A) the purchase price of the farm to be
14 acquired;

15 “(B) the appraised value of the farm to be
16 acquired; or

17 “(C) \$667,000.

18 “(2) INTEREST RATE.—The interest rate on
19 any loan made by the Secretary under this section
20 shall be a rate equal to the greater of—

21 “(A) the difference between—

22 “(i) 4 percent; and

23 “(ii) the interest rate for farm owner-
24 ship loans under this chapter; or

25 “(B) 1.5 percent.

1 “(3) DURATION.—Each loan under this section
2 shall be made for a period of 20 years or less, at the
3 option of the borrower.

4 “(4) REPAYMENT.—Each borrower of a loan
5 under this section shall repay the loan to the Sec-
6 retary in equal annual installments.

7 “(5) NATURE OF RETAINED SECURITY INTER-
8 EST.—The Secretary shall retain an interest in each
9 farm acquired with a loan made under this section
10 that shall—

11 “(A) be secured by the farm;

12 “(B) be junior only to such interests in the
13 farm as may be conveyed at the time of acquisi-
14 tion to the person (including a lender) from
15 whom the borrower obtained a loan used to ac-
16 quire the farm; and

17 “(C) require the borrower to obtain the
18 permission of the Secretary before the borrower
19 may grant an additional security interest in the
20 farm.

21 “(c) LIMITATIONS.—

22 “(1) BORROWERS REQUIRED TO MAKE MIN-
23 IMUM DOWN PAYMENT.—The Secretary shall not
24 make a loan under this section to any borrower with
25 respect to a farm if the contribution of the borrower

1 to the down payment on the farm will be less than
2 5 percent of the purchase price of the farm.

3 “(2) PROHIBITED TYPES OF FINANCING.—The
4 Secretary shall not make a loan under this section
5 with respect to a farm if the farm is to be acquired
6 with other financing that contains any of the fol-
7 lowing conditions:

8 “(A) The financing is to be amortized over
9 a period of less than 30 years.

10 “(B) A balloon payment will be due on the
11 financing during the 20-year period beginning
12 on the date on which the loan is to be made by
13 the Secretary.

14 “(d) ADMINISTRATION.—In carrying out this section,
15 the Secretary shall, to the maximum extent practicable—

16 “(1) facilitate the transfer of farms from retir-
17 ing farmers to persons eligible for insured loans
18 under this subtitle;

19 “(2) make efforts to widely publicize the avail-
20 ability of loans under this section among—

21 “(A) potentially eligible recipients of the
22 loans;

23 “(B) retiring farmers; and

24 “(C) applicants for farm ownership loans
25 under this chapter;

1 “(3) encourage retiring farmers to assist in the
2 sale of their farms to qualified beginning farmers
3 and socially disadvantaged farmers providing seller
4 financing;

5 “(4) coordinate the loan program established by
6 this section with State programs that provide farm
7 ownership or operating loans for beginning farmers
8 or socially disadvantaged farmers; and

9 “(5) establish annual performance goals to pro-
10 mote the use of the down payment loan program and
11 other joint financing arrangements as the preferred
12 choice for direct real estate loans made by any lend-
13 er to a qualified beginning farmer or socially dis-
14 advantaged farmer.

15 **“SEC. 3108. BEGINNING FARMER AND SOCIALLY DISADVAN-**
16 **TAGED FARMER CONTRACT LAND SALES**
17 **PROGRAM.**

18 “(a) IN GENERAL.—The Secretary shall, in accord-
19 ance with this section, guarantee a loan made by a private
20 seller of a farm to a qualified beginning farmer or socially
21 disadvantaged farmer on a contract land sales basis.

22 “(b) ELIGIBILITY.—To be eligible for a loan guar-
23 antee under subsection (a)—

24 “(1) the qualified beginning farmer or socially
25 disadvantaged farmer shall—

1 “(A) on the date the contract land sale
2 that is subject of the loan is complete, own and
3 operate the farm that is the subject of the con-
4 tract land sale;

5 “(B) have a credit history that—

6 “(i) includes a record of satisfactory
7 debt repayment, as determined by the Sec-
8 retary; and

9 “(ii) is acceptable to the Secretary;
10 and

11 “(C) demonstrate to the Secretary that the
12 farmer is unable to obtain sufficient credit with-
13 out a guarantee to finance any actual need of
14 the farmer at a reasonable rate or term; and

15 “(2) the loan shall meet applicable underwriting
16 criteria, as determined by the Secretary.

17 “(c) LIMITATIONS.—The Secretary shall not provide
18 a loan guarantee under subsection (a) if—

19 “(1) the contribution of the qualified beginning
20 farmer or socially disadvantaged farmer to the down
21 payment for the farm that is the subject of the con-
22 tract land sale would be less than 5 percent of the
23 purchase price of the farm; or

1 “(2) the purchase price or the appraisal value
2 of the farm that is the subject of the contract land
3 sale is greater than \$500,000.

4 “(d) PERIOD OF GUARANTEE.—A loan guarantee
5 under this section shall be in effect for the 10-year period
6 beginning on the date on which the guarantee is provided.

7 “(e) GUARANTEE PLAN.—

8 “(1) SELECTION OF PLAN.—A private seller of
9 a farm who makes a loan guaranteed by the Sec-
10 retary under subsection (a) may select—

11 “(A) a prompt payment guarantee plan,
12 which shall cover—

13 “(i) 3 amortized annual installments;
14 or

15 “(ii) an amount equal to 3 annual in-
16 stallments (including an amount equal to
17 the total cost of any tax and insurance in-
18 curred during the period covered by the
19 annual installments); or

20 “(B) a standard guarantee plan, which
21 shall cover an amount equal to 90 percent of
22 the outstanding principal of the loan.

23 “(2) ELIGIBILITY FOR STANDARD GUARANTEE
24 PLAN.—To be eligible for a standard guarantee plan

1 referred to in paragraph (1)(B), a private seller
2 shall—

3 “(A) secure a commercial lending institu-
4 tion or similar entity, as determined by the Sec-
5 retary, to serve as an escrow agent; or

6 “(B) in cooperation with the farmer, use
7 an appropriate alternate arrangement, as deter-
8 mined by the Secretary.

9 **“CHAPTER 2—OPERATING LOANS**

10 **“SEC. 3201. OPERATING LOANS.**

11 “(a) IN GENERAL.—The Secretary may make or
12 guarantee an operating loan under this chapter to an eligi-
13 ble farmer in the United States.

14 “(b) ELIGIBILITY.—A farmer shall be eligible under
15 subsection (a) only—

16 “(1) if the farmer, or an individual holding a
17 majority interest in the farmer—

18 “(A) is a citizen of the United States; and

19 “(B) has training or farming experience
20 that the Secretary determines is sufficient to
21 ensure a reasonable prospect of success in the
22 farming operation proposed by the farmer;

23 “(2) in the case of a farmer that is an indi-
24 vidual, if the farmer is or proposes to become an op-

1 erator of a farm that is not larger than a family
2 farm;

3 “(3) in the case of a farmer that is a coopera-
4 tive, corporation, partnership, trust, limited liability
5 company, joint operation, or other such legal entity
6 as the Secretary determines to be appropriate, with
7 respect to the entity and each farm in which the en-
8 tity has an ownership or operator interest—

9 “(A) if—

10 “(i) a majority interest is held by in-
11 dividuals who are related by blood or mar-
12 riage, as defined by the Secretary;

13 “(ii) all of the individuals are or pro-
14 pose to become owners or operators of a
15 farm that is not larger than a family farm;
16 and

17 “(iii) at least 1 of the individuals is or
18 proposes to become an operator of the
19 farm; or

20 “(B) if—

21 “(i) the entire interest is held by indi-
22 viduals who are related by blood or mar-
23 riage, as defined by the Secretary;

24 “(ii) all of the individuals are or pro-
25 pose to become farm operators; and

1 “(iii) the ownership interest of each
2 individual separately constitutes not larger
3 than a family farm, even if the ownership
4 interests of the individuals collectively con-
5 stitute larger than a family farm;

6 “(4) in the case of an operator described in
7 paragraph (3) that is owned, in whole or in part by
8 1 or more other entities, if not less than 75 percent
9 of the ownership interests of each other entity is
10 owned directly or indirectly by 1 or more individuals
11 who own the family farm; and

12 “(5) if the farmer and each individual that
13 holds a majority interest in the farmer is unable to
14 obtain credit elsewhere.

15 “(c) DIRECT LOANS.—

16 “(1) IN GENERAL.—The Secretary may make a
17 direct loan under this chapter only to a farmer
18 who—

19 “(A) is a qualified beginning farmer;

20 “(B) has not received a previous direct op-
21 erating loan made under this chapter; or

22 “(C) has not received a direct operating
23 loan made under this chapter for a total of 10
24 years, plus any year the farmer or rancher did
25 not receive a direct operating loan after the

1 year in which the borrower initially received a
2 direct operating loan under this chapter, as de-
3 termined by the Secretary.

4 “(2) YOUTH LOANS.—In this subsection, the
5 term ‘direct operating loan’ shall not include a loan
6 made to a youth under subsection (d).

7 “(3) WAIVERS.—

8 “(A) FARM OPERATIONS ON TRIBAL
9 LAND.—The Secretary shall waive the limita-
10 tion under paragraph (1)(C) for a direct loan
11 made under this chapter to a farmer whose
12 farm land is subject to the jurisdiction of an In-
13 dian tribe and whose loan is secured by 1 or
14 more security instruments that are subject to
15 the jurisdiction of an Indian tribe if the Sec-
16 retary determines that commercial credit is not
17 generally available for such farm operations.

18 “(B) OTHER FARM OPERATIONS.—On a
19 case-by-case determination not subject to ad-
20 ministrative appeal, the Secretary may grant a
21 borrower a waiver, 1 time only for a period of
22 2 years, of the limitation under paragraph
23 (1)(C) for a direct operating loan if the bor-
24 rower demonstrates to the satisfaction of the
25 Secretary that—

1 “(i) the borrower has a viable farm
2 operation;

3 “(ii) the borrower applied for commer-
4 cial credit from at least 2 commercial lend-
5 ers;

6 “(iii) the borrower was unable to ob-
7 tain a commercial loan (including a loan
8 guaranteed by the Secretary); and

9 “(iv) the borrower successfully has
10 completed, or will complete within 1 year,
11 borrower training under section 3419
12 (from which requirement the Secretary
13 shall not grant a waiver under section
14 3419(f)).

15 “(d) YOUTH LOANS.—

16 “(1) IN GENERAL.—Notwithstanding subsection
17 (b), except for citizenship and credit requirements, a
18 loan may be made under this chapter to a youth who
19 is a rural resident to enable the youth to operate an
20 enterprise in connection with the participation in a
21 youth organization, as determined by the Secretary.

22 “(2) FULL PERSONAL LIABILITY.—A youth re-
23 ceiving a loan under this subsection who executes a
24 promissory note for the loan shall incur full personal
25 liability for the indebtedness evidenced by the note,

1 in accordance with the terms of the note, free of any
2 disability of minority.

3 “(3) COSIGNER.—The Secretary may accept the
4 personal liability of a cosigner of a promissory note
5 for a loan under this subsection, in addition to the
6 personal liability of the youth borrower.

7 “(4) YOUTH ENTERPRISES NOT FARMING.—The
8 operation of an enterprise by a youth under this
9 subsection shall not be considered the operation of
10 a farm under this subtitle.

11 “(5) RELATION TO OTHER LOAN PROGRAMS.—
12 Notwithstanding any other provision of law, if a bor-
13 rower becomes delinquent with respect to a youth
14 loan made under this subsection, the borrower shall
15 not become ineligible, as a result of the delinquency,
16 to receive loans and loan guarantees from the Fed-
17 eral government to pay for education expenses of the
18 borrower.

19 “(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY
20 FOODS FOR THE HUNGRY.—

21 “(1) DEFINITION OF GLEANER.—In this sub-
22 section, the term ‘gleaner’ means an entity that—

23 “(A) collects edible, surplus food that
24 would be thrown away and distributes the food

1 to agencies or nonprofit organizations that feed
2 the hungry; or

3 “(B) harvests for free distribution to the
4 needy, or for donation to agencies or nonprofit
5 organizations for ultimate distribution to the
6 needy, an agricultural crop that has been do-
7 nated by the owner of the crop.

8 “(2) PROGRAM.—Not later than 180 days after
9 the date of enactment of this subsection, the Sec-
10 retary shall establish, within the operating loan pro-
11 gram established under this chapter, a pilot program
12 under which the Secretary makes loans available to
13 eligible entities to assist the entities in providing
14 food to the hungry.

15 “(3) ELIGIBILITY.—In addition to any other
16 person eligible under the terms and conditions of the
17 operating loan program established under this chap-
18 ter, gleaners shall be eligible to receive loans under
19 this subsection.

20 “(4) LOAN AMOUNT.—

21 “(A) IN GENERAL.—Each loan issued
22 under the program shall be in an amount of not
23 less than \$500 and not more than \$5,000.

24 “(B) REDISTRIBUTION.—If the eligible re-
25 cipients in a State do not use the full allocation

1 of loans that are available to eligible recipients
2 in the State under this subsection, the Sec-
3 retary may use any unused amounts to make
4 loans available to eligible entities in other
5 States in accordance with this subsection.

6 “(5) LOAN PROCESSING.—

7 “(A) IN GENERAL.—The Secretary shall
8 process any loan application submitted under
9 the program not later than 30 days after the
10 date on which the application was submitted.

11 “(B) EXPEDITING APPLICATIONS.—The
12 Secretary shall take any measure the Secretary
13 determines necessary to expedite any applica-
14 tion submitted under the program.

15 “(6) PAPERWORK REDUCTION.—The Secretary
16 shall take measures to reduce any paperwork re-
17 quirements for loans under the program.

18 “(7) PROGRAM INTEGRITY.—The Secretary
19 shall take such actions as are necessary to ensure
20 the integrity of the program established under this
21 subsection.

22 “(8) MAXIMUM AMOUNT.—Of funds that are
23 made available to carry out this chapter, the Sec-
24 retary shall use to carry out this subsection a total
25 amount of not more than \$500,000.

1 “(9) REPORT.—Not later than 180 days after
2 the maximum amount of funds are used to carry out
3 this subsection under paragraph (8), the Secretary
4 shall submit to the Committee on Agriculture of the
5 House of Representatives and the Committee on Ag-
6 riculture, Nutrition, and Forestry of the Senate a
7 report that describes the results of the pilot program
8 and the feasibility of expanding the program.

9 **“SEC. 3202. PURPOSES OF LOANS.**

10 “(a) DIRECT LOANS.—A direct loan may be made
11 under this chapter only—

12 “(1) to pay the costs incident to reorganizing a
13 farm for more profitable operation;

14 “(2) to purchase livestock, poultry, or farm
15 equipment;

16 “(3) to purchase feed, seed, fertilizer, insecti-
17 cide, or farm supplies, or to meet other essential
18 farm operating expenses, including cash rent;

19 “(4) to finance land or water development, use,
20 or conservation;

21 “(5) to pay loan closing costs;

22 “(6) to assist a farmer in changing the equip-
23 ment, facilities, or methods of operation of a farm
24 to comply with a standard promulgated under sec-
25 tion 6 of the Occupational Safety and Health Act of

1 1970 (29 U.S.C. 655) or a standard adopted by a
2 State under a plan approved under section 18 of
3 that Act (29 U.S.C. 667), if the Secretary deter-
4 mines that without assistance under this paragraph
5 the farmer is likely to suffer substantial economic in-
6 jury in complying with the standard;

7 “(7) to train a limited-resource borrower receiv-
8 ing a loan under section 3106 in maintaining
9 records of farming operations;

10 “(8) to train a borrower under section 3419;

11 “(9) to refinance the indebtedness of a bor-
12 rower, if the borrower—

13 “(A) has refinanced a loan under this
14 chapter not more than 4 times previously; and

15 “(B)(i) is a direct loan borrower under this
16 subtitle at the time of the refinancing and has
17 suffered a qualifying loss because of a natural
18 or major disaster or emergency; or

19 “(ii) is refinancing a debt obtained from a
20 creditor other than the Secretary; or

21 “(10) to provide other farm or home needs, in-
22 cluding family subsistence.

23 “(b) GUARANTEED LOANS.—A loan may be guaran-
24 teed under this chapter only—

1 “(1) to pay the costs incident to reorganizing a
2 farm for more profitable operation;

3 “(2) to purchase livestock, poultry, or farm
4 equipment;

5 “(3) to purchase feed, seed, fertilizer, insecti-
6 cide, or farm supplies, or to meet other essential
7 farm operating expenses, including cash rent;

8 “(4) to finance land or water development, use,
9 or conservation;

10 “(5) to refinance indebtedness;

11 “(6) to pay loan closing costs;

12 “(7) to assist a farmer in changing the equip-
13 ment, facilities, or methods of operation of a farm
14 to comply with a standard promulgated under sec-
15 tion 6 of the Occupational Safety and Health Act of
16 1970 (29 U.S.C. 655) or a standard adopted by a
17 State under a plan approved under section 18 of
18 that Act (29 U.S.C. 667), if the Secretary deter-
19 mines that without assistance under this paragraph
20 the farmer is likely to suffer substantial economic in-
21 jury due to compliance with the standard;

22 “(8) to train a borrower under section 3419; or

23 “(9) to provide other farm or home needs, in-
24 cluding family subsistence.

1 “(c) HAZARD INSURANCE REQUIREMENT.—The Sec-
2 retary may not make a loan to a farmer under this chapter
3 unless the farmer has, or agrees to obtain, hazard insur-
4 ance on the property to be acquired with the loan.

5 “(d) PRIVATE RESERVE.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of this title, the Secretary may reserve a
8 portion of any loan made under this chapter to be
9 placed in an unsupervised bank account that may be
10 used at the discretion of the borrower for the basic
11 family needs of the borrower and the immediate
12 family of the borrower.

13 “(2) LIMIT ON SIZE OF THE RESERVE.—The
14 size of the reserve shall not exceed the lesser of—

15 “(A) 10 percent of the loan;

16 “(B) \$5,000; or

17 “(C) the amount needed to provide for the
18 basic family needs of the borrower and the im-
19 mediate family of the borrower for 3 calendar
20 months.

21 **“SEC. 3203. RESTRICTIONS ON LOANS.**

22 “(a) REQUIREMENTS.—

23 “(1) IN GENERAL.—The Secretary may not
24 make or guarantee a loan under this chapter—

1 “(A) that would cause the total principal
2 indebtedness outstanding at any 1 time for
3 loans made under this chapter to any 1 bor-
4 rower to exceed—

5 “(i)(I) in the case of a loan made by
6 the Secretary, \$300,000; or

7 “(II) in the case of a loan guaranteed
8 by the Secretary, \$700,000 (as modified
9 under paragraph (2)); or

10 “(B) for the purchasing or leasing of land
11 other than for cash rent, or for carrying on a
12 land leasing or land purchasing program.

13 “(2) MODIFICATION.—The amount specified in
14 paragraph (1)(A)(ii) shall be—

15 “(A) increased, beginning with fiscal year
16 2000, by the inflation percentage applicable to
17 the fiscal year in which the loan is guaranteed;
18 and

19 “(B) reduced by the unpaid indebtedness
20 of the borrower on loans under sections speci-
21 fied in section 3104 that are guaranteed by the
22 Secretary.

23 “(b) INFLATION PERCENTAGE.—For purposes of this
24 section, the inflation percentage applicable to a fiscal year
25 is the percentage (if any) by which—

1 “(1) the average of the Prices Paid By Farmers
2 Index (as compiled by the National Agricultural Sta-
3 tistics Service of the Department) for the 12-month
4 period ending on August 31 of the immediately pre-
5 ceding fiscal year; exceeds

6 “(2) the average of that index (as so defined)
7 for the 12-month period ending on August 31, 1996.

8 **“SEC. 3204. TERMS OF LOANS.**

9 “(a) PERSONAL LIABILITY.—A borrower of a loan
10 made under this chapter shall secure the loan with the
11 full personal liability of the borrower and such other secu-
12 rity as the Secretary may prescribe.

13 “(b) INTEREST RATES.—

14 “(1) MAXIMUM RATE.—

15 “(A) IN GENERAL.—Except as provided in
16 paragraphs (2) and (3), the interest rate on a
17 loan made under this chapter (other than a
18 guaranteed loan) shall be determined by the
19 Secretary at a rate not to exceed the sum ob-
20 tained by adding—

21 “(i) the current average market yield
22 on outstanding marketable obligations of
23 the United States with remaining periods
24 to maturity comparable to the average ma-
25 turity of the loan; and

1 “(ii) an additional charge not to ex-
2 ceed 1 percent, as determined by the Sec-
3 retary.

4 “(B) ADJUSTMENT.—The sum obtained
5 under subparagraph (A) shall be adjusted to
6 the nearest $\frac{1}{8}$ of 1 percent.

7 “(2) GUARANTEED LOAN.—The interest rate on
8 a guaranteed loan made under this chapter shall be
9 such rate as may be agreed on by the borrower and
10 the lender, but may not exceed any rate prescribed
11 by the Secretary.

12 “(3) LOW INCOME LOAN.—The interest rate on
13 a direct loan made under this chapter to a low-in-
14 come, limited-resource borrower shall be determined
15 by the Secretary at a rate that is not—

16 “(A) greater than the sum obtained by
17 adding—

18 “(i) an amount that does not exceed
19 $\frac{1}{2}$ of the current average market yield on
20 outstanding marketable obligations of the
21 United States with a maturity of 5 years;
22 and

23 “(ii) an amount not to exceed 1 per-
24 cent per year, as the Secretary determines
25 is appropriate; or

1 “(B) less than 5 percent per year.

2 “(c) PERIOD FOR REPAYMENT.—The period for re-
3 payment of a loan made under this chapter may not ex-
4 ceed 7 years.

5 “(d) LINE-OF-CREDIT LOANS.—

6 “(1) IN GENERAL.—A loan made or guaranteed
7 by the Secretary under this chapter may be in the
8 form of a line-of-credit loan.

9 “(2) TERM.—A line-of-credit loan under para-
10 graph (1) shall terminate not later than 5 years
11 after the date that the loan is made or guaranteed.

12 “(3) ELIGIBILITY.—For purposes of deter-
13 mining eligibility for an operating loan under this
14 chapter, each year during which a farmer takes an
15 advance or draws on a line-of-credit loan the farmer
16 shall be considered as having received an operating
17 loan for 1 year.

18 “(4) TERMINATION OF DELINQUENT LOANS.—
19 If a borrower does not pay an installment on a line-
20 of-credit loan on schedule, the borrower may not
21 take an advance or draw on the line-of-credit, unless
22 the Secretary determines that—

23 “(A) the failure of the borrower to pay on
24 schedule was due to unusual conditions that the
25 borrower could not control; and

1 “(B) the borrower will reduce the line-of-
2 credit balance to the scheduled level at the end
3 of—

4 “(i) the production cycle; or

5 “(ii) the marketing of the agricultural
6 products of the borrower.

7 “(5) AGRICULTURAL COMMODITIES.—A line-of-
8 credit loan may be used to finance the production or
9 marketing of an agricultural commodity that is eligi-
10 ble for a price support program of the Department.

11 **“CHAPTER 3—EMERGENCY LOANS**

12 **“SEC. 3301. EMERGENCY LOANS.**

13 “(a) IN GENERAL.—The Secretary shall make or
14 guarantee an emergency loan under this chapter to an eli-
15 gible farmer (including a commercial fisherman) only to
16 the extent and in such amounts as provided in advance
17 in appropriation Acts.

18 “(b) ELIGIBILITY.—An established farmer shall be
19 eligible under subsection (a) only—

20 “(1) if the farmer or an individual holding a
21 majority interest in the farmer—

22 “(A) is a citizen of the United States; and

23 “(B) has experience and resources that the
24 Secretary determines are sufficient to ensure a

1 reasonable prospect of success in the farming
2 operation proposed by the farmer;

3 “(2) in the case of a farmer that is an indi-
4 vidual, if the farmer is—

5 “(A) in the case of a loan for a purpose
6 under chapter 1, an owner, operator, or lessee-
7 operator described in section 3101(b)(2); and

8 “(B) in the case of a loan for a purpose
9 under chapter 2, an operator of a farm that is
10 not larger than a family farm;

11 “(3) in the case of a farmer that is a coopera-
12 tive, corporation, partnership, trust, limited liability
13 company, joint operation, or such other legal entity
14 as the Secretary determines to be appropriate, with
15 respect to the entity and each farm in which the en-
16 tity has an ownership or operator interest—

17 “(A) if—

18 “(i) a majority interest is held by in-
19 dividuals who are related by blood or mar-
20 riage, as defined by the Secretary;

21 “(ii) all of the individuals are or pro-
22 pose to become owners or operators of a
23 farm that is not larger than a family farm;
24 and

1 “(iii) at least 1 of the individuals is or
2 proposes to become an operator of the
3 farm; or

4 “(B) if—

5 “(i) the entire interest is held by indi-
6 viduals who are related by blood or mar-
7 riage, as defined by the Secretary;

8 “(ii) all of the individuals are or pro-
9 pose to become farm operators; and

10 “(iii) the ownership interest of each
11 individual separately constitutes not larger
12 than a family farm, even if the ownership
13 interests of the individuals collectively con-
14 stitute larger than a family farm;

15 “(4) if the entity is owned, in whole or in part,
16 by 1 or more other entities and each individual who
17 is an owner of the family farm involved has a direct
18 or indirect ownership interest in each of the other
19 entities;

20 “(5) if the farmer and any individual that holds
21 a majority interest in the farmer is unable to obtain
22 credit elsewhere; and

23 “(6)(A) if the Secretary finds that the oper-
24 ations of the farmer have been substantially affected
25 by—

1 “(i) a natural or major disaster or emer-
2 gency designated by the President under the
3 Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et seq.);
5 or

6 “(ii) a quarantine imposed by the Sec-
7 retary under the Plant Protection Act (7 U.S.C.
8 7701 et seq.) or the Animal Health Protection
9 Act (7 U.S.C. 8301 et seq.); or

10 “(B) if the farmer conducts farming operations
11 in a county or a county contiguous to a county in
12 which the Secretary has found that farming oper-
13 ations have been substantially affected by a natural
14 or major disaster or emergency.

15 “(c) TIME FOR ACCEPTING AN APPLICATION.—The
16 Secretary shall accept an application for a loan under this
17 chapter from a farmer at any time during the 8-month
18 period beginning on the date that—

19 “(1) the Secretary determines that farming op-
20 erations of the farmer have been substantially af-
21 fected by—

22 “(A) a quarantine imposed by the Sec-
23 retary under the Plant Protection Act (7 U.S.C.
24 7701 et seq.) or the Animal Health Protection
25 Act (7 U.S.C. 8301 et seq.); or

1 “(B) a natural disaster; or

2 “(2) the President makes a major disaster or
3 emergency designation with respect to the affected
4 county of the farmer referred to in subsection
5 (b)(5)(B).

6 “(d) HAZARD INSURANCE REQUIREMENT.—The Sec-
7 retary may not make a loan to a farmer under this chapter
8 to cover a property loss unless the farmer had hazard in-
9 surance that insured the property at the time of the loss.

10 “(e) FAMILY FARM.—The Secretary shall conduct
11 the loan program under this chapter in a manner that will
12 foster and encourage the family farm system of agri-
13 culture, consistent with the reaffirmation of policy and
14 declaration of the intent of Congress contained in section
15 102(a) of the Food and Agriculture Act of 1977 (7 U.S.C.
16 2266(a)).

17 **“SEC. 3302. PURPOSES OF LOANS.**

18 “Subject to the limitations on the amounts of loans
19 provided in section 3303(a), a loan may be made or guar-
20 anteed under this chapter for—

21 “(1) any purpose authorized for a loan under
22 chapter 1 or 2; and

23 “(2) crop or livestock purposes that are—

24 “(A) necessitated by a quarantine, natural
25 disaster, major disaster, or emergency; and

1 “(B) considered desirable by the farmer.

2 **“SEC. 3303. TERMS OF LOANS.**

3 “(a) MAXIMUM AMOUNT OF LOAN.—The Secretary
4 may not make or guarantee a loan under this chapter to
5 a borrower who has suffered a loss in an amount that—

6 “(1) exceeds the actual loss caused by a dis-
7 aster; or

8 “(2) would cause the total indebtedness of the
9 borrower under this chapter to exceed \$500,000.

10 “(b) INTEREST RATES.—Any portion of a loan under
11 this chapter up to the amount of the actual loss suffered
12 by a farmer caused by a disaster shall be at a rate pre-
13 scribed by the Secretary, but not in excess of 8 percent
14 per annum.

15 “(c) INTEREST SUBSIDIES FOR GUARANTEED
16 LOANS.—In the case of a guaranteed loan under this
17 chapter, the Secretary may pay an interest subsidy to the
18 lender for any portion of the loan up to the amount of
19 the actual loss suffered by a farmer caused by a disaster.

20 “(d) TIME FOR REPAYMENT.—

21 “(1) IN GENERAL.—Subject to paragraph (2), a
22 loan under this chapter shall be repayable at such
23 times as the Secretary may determine, considering
24 the purpose of the loan and the nature and effect of
25 the disaster, but not later than the maximum repay-

1 ment period allowed for a loan for a similar purpose
2 under chapters 1 and 2.

3 “(2) EXTENDED REPAYMENT PERIOD.—The
4 Secretary may, if the loan is for a purpose described
5 in chapter 2 and the Secretary determines that the
6 need of the loan applicant justifies the longer repay-
7 ment period, make the loan repayable at the end of
8 a period of more than 7 years, but not more than
9 20 years.

10 “(e) SECURITY FOR LOAN.—

11 “(1) IN GENERAL.—A borrower of a loan made
12 under this chapter shall secure the loan with the full
13 personal liability of the borrower and such other se-
14 curity as the Secretary may prescribe.

15 “(2) ADEQUATE SECURITY.—Subject to para-
16 graph (3), the Secretary may not make or guarantee
17 a loan under this chapter unless the security for the
18 loan is adequate to ensure repayment of the loan.

19 “(3) INADEQUATE SECURITY DUE TO DIS-
20 ASTER.—If adequate security for a loan under this
21 chapter is not available because of a disaster, the
22 Secretary shall accept as security any collateral that
23 is available if the Secretary is confident that the col-
24 lateral and the repayment ability of the farmer are
25 adequate security for the loan.

1 “(4) VALUATION OF FARM ASSETS.—If a farm
2 asset (including land, livestock, or equipment) is
3 used as collateral to secure a loan applied for under
4 this chapter and the governor of the State in which
5 the farm is located requests assistance under this
6 chapter or the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5121 et
8 seq.) for the portion of the State in which the asset
9 is located, the Secretary shall establish the value of
10 the asset as of the day before the occurrence of the
11 natural or major disaster or emergency.

12 “(f) REVIEW OF LOAN.—

13 “(1) IN GENERAL.—In the case of a loan made,
14 but not guaranteed, under section 3301, the Sec-
15 retary shall review the loan 3 years after the loan
16 is made, and every 2 years thereafter for the term
17 of the loan.

18 “(2) TERMINATION OF FEDERAL ASSIST-
19 ANCE.—If, based on a review under paragraph (1),
20 the Secretary determines that the borrower is able to
21 obtain a loan from a non-Federal source at reason-
22 able rates and terms, the borrower shall, on request
23 by the Secretary, apply for, and accept, a non-Fed-
24 eral loan in a sufficient amount to repay the Sec-
25 retary.

1 **“SEC. 3304. PRODUCTION LOSSES.**

2 “(a) IN GENERAL.—The Secretary shall make or
3 guarantee a loan under this chapter to an eligible farmer
4 for production losses if a single enterprise that constitutes
5 a basic part of the farming operation of the farmer has
6 sustained at least a 30 percent loss in normal per acre
7 or per animal production, or such lesser percentage as the
8 Secretary may determine, as a result of a disaster.

9 “(b) BASIS FOR PERCENTAGE.—A percentage loss
10 under subsection (a) shall be based on the average month-
11 ly price in effect for the previous crop or calendar year,
12 as appropriate.

13 “(c) AMOUNT OF LOAN.—A loan under subsection
14 (a) shall be in an amount that is equal to 80 percent, or
15 such greater percentage as the Secretary may determine,
16 of the total calculated actual production loss sustained by
17 the farmer.

18 **“CHAPTER 4—GENERAL FARMER LOAN**
19 **PROVISIONS**

20 **“SEC. 3401. AGRICULTURAL CREDIT INSURANCE FUND.**

21 “The fund established pursuant to section 11(a) of
22 the Bankhead-Jones Farm Tenant Act (60 Stat. 1075,
23 chapter 964) shall be known as the Agricultural Credit
24 Insurance Fund (referred to in this section as the ‘Fund’,
25 unless the context otherwise requires) for the discharge
26 of the obligations of the Secretary under agreements in-

1 suring loans under this subtitle and loans and mortgages
2 insured under prior authority.

3 **“SEC. 3402. GUARANTEED FARMER LOANS.**

4 “(a) IN GENERAL.—The Secretary may provide fi-
5 nancial assistance to a borrower for a purpose provided
6 in this subtitle by guaranteeing a loan made by any Fed-
7 eral or State chartered bank, savings and loan association,
8 cooperative lending agency, or other legally organized
9 lending agency.

10 “(b) INTEREST RATE.—The interest rate payable by
11 a borrower on the portion of a guaranteed loan that is
12 sold by a lender to the secondary market under this sub-
13 title may be lower than the interest rate charged on the
14 portion retained by the lender, but shall not exceed the
15 average interest rate charged by the lender on loans made
16 to farm borrowers.

17 “(c) FEES.—In the case of a loan guarantee on a
18 loan made by a commercial or cooperative lender related
19 to a loan made by the Secretary under section 3107—

20 “(1) the Secretary shall not charge a fee to any
21 person (including a lender); and

22 “(2) a lender may charge a loan origination and
23 servicing fee in an amount not to exceed 1 percent
24 of the amount of the loan.

1 “(d) MAXIMUM GUARANTEE OF 90 PERCENT.—Ex-
2 cept as provided in subsections (e) and (f), a loan guar-
3 antee under this subtitle shall be for not more than 90
4 percent of the principal and interest due on the loan.

5 “(e) REFINANCED LOANS GUARANTEED AT 95 PER-
6 CENT.—The Secretary shall guarantee 95 percent of—

7 “(1) in the case of a loan that solely refinances
8 a direct loan made under this subtitle, the principal
9 and interest due on the loan on the date of the refi-
10 nancing; or

11 “(2) in the case of a loan that is used for mul-
12 tiple purposes, the portion of the loan that refi-
13 nances the principal and interest due on a direct
14 loan made under this subtitle that is outstanding on
15 the date the loan is guaranteed.

16 “(f) BEGINNING FARMER LOANS GUARANTEED UP
17 TO 95 PERCENT.—The Secretary may guarantee not more
18 than 95 percent of—

19 “(1) a farm ownership loan for acquiring a
20 farm to a borrower who is participating in the down-
21 payment loan program under section 3107; or

22 “(2) an operating loan to a borrower who is
23 participating in the downpayment loan program
24 under section 3107 that is made during the period

1 that the borrower has a direct loan outstanding
2 under chapter 1 for acquiring a farm.

3 “(g) GUARANTEE OF LOANS MADE UNDER STATE
4 BEGINNING FARMER PROGRAMS.—The Secretary may
5 guarantee under this subtitle a loan made under a State
6 beginning farmer program, including a loan financed by
7 the net proceeds of a qualified small issue agricultural
8 bond for land or property described in section
9 144(a)(12)(B)(ii) of the Internal Revenue Code of 1986.

10 “(h) PARTIAL LIQUIDATIONS.—If a partial liquida-
11 tion of a delinquent loan is performed (with the prior con-
12 sent of the Secretary) as part of loan servicing by a guar-
13 anteed lender under this subtitle, the Secretary shall not
14 require full liquidation of the loan for the lender to be
15 eligible to receive payment on losses.

16 **“SEC. 3403. PROVISION OF INFORMATION TO BORROWERS.**

17 “(a) APPROVAL NOTIFICATION.—The Secretary shall
18 approve or disapprove an application for a loan or loan
19 guarantee made under this subtitle, and notify the appli-
20 cant of such action, not later than 60 days after the date
21 on which the Secretary has received a complete application
22 for the loan or loan guarantee.

23 “(b) LIST OF LENDERS.—The Secretary shall make
24 available to any farmer, on request, a list of lenders in
25 the area that participate in guaranteed farmer program

1 loan programs established under this subtitle, and other
2 lenders in the area that express a desire to participate in
3 the programs and that request inclusion on the list.

4 “(c) OTHER INFORMATION.—

5 “(1) IN GENERAL.—On the request of a bor-
6 rower, the Secretary shall make available to the bor-
7 rower—

8 “(A) a copy of each document signed by
9 the borrower;

10 “(B) a copy of each appraisal performed
11 with respect to the loan; and

12 “(C) any document that the Secretary is
13 required to provide to the borrower under any
14 law in effect on the date of the request.

15 “(2) RULE OF CONSTRUCTION.—Paragraph (1)
16 shall not supersede any duty imposed on the Sec-
17 retary by a law in effect on January 5, 1988, unless
18 the duty directly conflicts with a duty under para-
19 graph (1).

20 **“SEC. 3404. NOTICE OF LOAN SERVICE PROGRAMS.**

21 “(a) REQUIREMENT.—The Secretary shall provide
22 notice by certified mail to each borrower who is at least
23 90 days past due on the payment of principal or interest
24 on a loan made under this subtitle.

1 “(b) CONTENTS.—The notice required under sub-
2 section (a) shall—

3 “(1) include a summary of all primary loan
4 service programs, homestead retention programs,
5 debt settlement programs, and appeal procedures,
6 including the eligibility criteria, and terms and con-
7 ditions of the programs and procedures;

8 “(2) include a summary of the manner in which
9 the borrower may apply, and be considered, for all
10 such programs, except that the Secretary shall not
11 require the borrower to select among the programs
12 or waive any right to be considered for any program
13 carried out by the Secretary;

14 “(3) advise the borrower regarding all filing re-
15 quirements and any deadlines that must be met for
16 requesting loan servicing;

17 “(4) provide any relevant forms, including ap-
18 plicable response forms;

19 “(5) advise the borrower that a copy of regula-
20 tions is available on request; and

21 “(6) be designed to be readable and under-
22 standable by the borrower.

23 “(c) CONTAINED IN REGULATIONS.—All notices re-
24 quired by this section shall be contained in the regulations
25 issued to carry out this subtitle.

1 “(d) TIMING.—The notice described in subsection (b)
2 shall be provided—

3 “(1) at the time an application is made for par-
4 ticipation in a loan service program;

5 “(2) on written request of the borrower; and

6 “(3) before the earliest of the date of—

7 “(A) initiating any liquidation;

8 “(B) requesting the conveyance of security
9 property;

10 “(C) accelerating the loan;

11 “(D) repossessing property;

12 “(E) foreclosing on property; or

13 “(F) taking any other collection action.

14 “(e) CONSIDERATION OF BORROWERS FOR LOAN
15 SERVICE PROGRAMS.—

16 “(1) IN GENERAL.—The Secretary shall con-
17 sider a farmer program loan borrower for all loan
18 service programs if, not later than 60 days after re-
19 ceipt of the notice described in subsection (b), the
20 borrower requests the consideration in writing.

21 “(2) PRIORITY.—In considering a borrower for
22 a loan service program, the Secretary shall place the
23 highest priority on the preservation of the farming
24 operations of the borrower.

1 **“SEC. 3405. PLANTING AND PRODUCTION HISTORY GUIDE-**
2 **LINES.**

3 “(a) IN GENERAL.—The Secretary shall ensure that
4 appropriate procedures, including, to the extent prac-
5 ticable, onsite inspections, or use of county or State yield
6 averages, are used in calculating future yields for an appli-
7 cant for a loan, when an accurate projection cannot be
8 made because the past production history of the farmer
9 has been affected by a natural or major disaster or emer-
10 gency.

11 “(b) CALCULATION OF YIELDS.—

12 “(1) IN GENERAL.—For the purpose of aver-
13 aging the past yields of the farm of a farmer over
14 a period of crop years to calculate the future yield
15 of the farm under this subtitle, the Secretary shall
16 permit the farmer to exclude the crop year with the
17 lowest actual or county average yield for the farm
18 from the calculation, if the farmer was affected by
19 a natural or major disaster or emergency during at
20 least 2 of the crop years during the period.

21 “(2) AFFECTED BY A NATURAL OR MAJOR DIS-
22 ASTER OR EMERGENCY.—A farmer was affected by
23 a natural or major disaster or emergency under
24 paragraph (1) if the Secretary finds that the farm-
25 ing operations of the farmer have been substantially
26 affected by a natural or major disaster or emer-

1 gency, including a farmer who has a qualifying loss
2 but is not located in a designated or declared dis-
3 aster area.

4 “(3) APPLICATION OF SUBSECTION.—This sub-
5 section shall apply to any action taken by the Sec-
6 retary that involves—

7 “(A) a loan under chapter 1 or 2; and

8 “(B) the yield of a farm of a farmer, in-
9 cluding making a loan or loan guarantee, serv-
10 icing a loan, or making a credit sale.

11 **“SEC. 3406. SPECIAL CONDITIONS AND LIMITATIONS ON**
12 **LOANS.**

13 “(a) APPLICANT REQUIREMENTS.—In connection
14 with a loan made or guaranteed under this subtitle, the
15 Secretary shall require—

16 “(1) the applicant—

17 “(A) to certify in writing that, and the
18 Secretary shall determine whether, the appli-
19 cant is unable to obtain credit elsewhere; and

20 “(B) to furnish an appropriate written fi-
21 nancial statement;

22 “(2) except for a guaranteed loan, an agree-
23 ment by the borrower that if at any time it appears
24 to the Secretary that the borrower may be able to
25 obtain a loan from a production credit association,

1 a Federal land bank, or other responsible coopera-
2 tive or private credit source (or, in the case of a bor-
3 rower under section 3106, the borrower may be able
4 to obtain a loan under section 3101), at reasonable
5 rates and terms for loans for similar purposes and
6 periods of time, the borrower will, on request by the
7 Secretary, apply for and accept the loan in a suffi-
8 cient amount to repay the Secretary or the insured
9 lender, or both, and to pay for any stock necessary
10 to be purchased in a cooperative lending agency in
11 connection with the loan;

12 “(3) such provision for supervision of the oper-
13 ations of the borrower as the Secretary shall con-
14 sider necessary to achieve the objectives of the loan
15 and protect the interests of the United States; and

16 “(4) the application of a person who is a vet-
17 eran for a loan under chapter 1 or 2 to be given
18 preference over a similar application from a person
19 who is not a veteran if the applications are on file
20 in a county or area office at the same time.

21 “(b) AGENCY PROCESSING REQUIREMENTS.—

22 “(1) NOTIFICATIONS.—

23 “(A) INCOMPLETE APPLICATION NOTIFICA-
24 TION.—If an application for a loan or loan
25 guarantee under this subtitle (other than an op-

erating loan or loan guarantee) is incomplete,
the Secretary shall inform the applicant of the
reasons the application is incomplete not later
than 20 days after the date on which the Sec-
retary has received the application.

“(B) OPERATING LOANS.—

“(i) ADDITIONAL INFORMATION
NEEDED.—Not later than 10 calendar
days after the Secretary receives an appli-
cation for an operating loan or loan guar-
antee, the Secretary shall notify the appli-
cant of any information required before a
decision may be made on the application.

“(ii) INFORMATION NOT RECEIVED.—

If, not later than 20 calendar days after
the date a request is made pursuant to
clause (i) with respect to an application,
the Secretary has not received the informa-
tion requested, the Secretary shall notify
the applicant and the district office of the
Farm Service Agency, in writing, of the
outstanding information.

“(C) REQUEST INFORMATION.—

“(i) IN GENERAL.—On receipt of an
application, the Secretary shall request

1 from other parties such information as
2 may be needed in connection with the ap-
3 plication.

4 “(ii) INFORMATION FROM AN AGENCY
5 OF THE DEPARTMENT.—Not later than 15
6 calendar days after the date on which an
7 agency of the Department receives a re-
8 quest for information made pursuant to
9 subparagraph (A), the agency shall provide
10 the Secretary with the requested informa-
11 tion.

12 “(2) REPORT OF PENDING APPLICATIONS.—

13 “(A) IN GENERAL.—A county office shall
14 notify the district office of the Farm Service
15 Agency of each application for an operating
16 loan or loan guarantee that is pending more
17 than 45 days after receipt, and the reasons for
18 which the application is pending.

19 “(B) ACTION ON PENDING APPLICA-
20 TIONS.—A district office that receives a notice
21 provided under subparagraph (A) with respect
22 to an application shall immediately take steps
23 to ensure that final action is taken on the appli-
24 cation not later than 15 days after the date of
25 the receipt of the notice.

1 “(B) DISAPPROVAL DUE TO LACK OF
2 FUNDS.—

3 “(i) IN GENERAL.—Notwithstanding
4 paragraph (1), each application for a loan
5 or loan guarantee under section 3601(e),
6 or for a loan under section 3501(a) or
7 3502(a), that is to be disapproved by the
8 Secretary solely because the Secretary
9 lacks the funds necessary to make the loan
10 or guarantee shall not be disapproved but
11 shall be placed in pending status.

12 “(ii) RECONSIDERATION.—The Sec-
13 retary shall retain each pending application
14 and reconsider the application beginning
15 on the date that sufficient funds become
16 available.

17 “(iii) NOTIFICATION.—Not later than
18 60 days after funds become available re-
19 garding each pending application, the Sec-
20 retary shall notify the applicant of the ap-
21 proval or disapproval of funding for the
22 application.

23 “(4) APPROVALS ON APPEAL.—If an application
24 for a loan or loan guarantee under this subtitle is
25 disapproved by the Secretary, but that action is sub-

1 sequently reversed or revised as the result of an ap-
2 peal within the Department or to the courts of the
3 United States and the application is returned to the
4 Secretary for further consideration, the Secretary
5 shall act on the application and provide the appli-
6 cant with notice of the action not later than 15 days
7 after the date of return of the application to the
8 Secretary.

9 “(5) PROVISION OF PROCEEDS.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), if an application for a guar-
12 anteed loan under this subtitle is approved by
13 the Secretary, the Secretary shall provide the
14 loan proceeds to the applicant not later than 15
15 days (or such longer period as the applicant
16 may approve) after the application for the loan
17 is approved by the Secretary.

18 “(B) LACK OF FUNDS.—If the Secretary is
19 unable to provide the loan proceeds to the ap-
20 plicant during the 15-day period described in
21 subparagraph (A) because sufficient funds are
22 not available to the Secretary for that purpose,
23 the Secretary shall provide the loan proceeds to
24 the applicant as soon as practicable (but in no
25 event later than 15 days unless the applicant

1 agrees to a longer period) after sufficient funds
2 for that purpose become available to the Sec-
3 retary.

4 **“SEC. 3407. GRADUATION OF BORROWERS.**

5 “(a) GRADUATION OF SEASONED DIRECT LOAN
6 BORROWERS TO THE LOAN GUARANTEE PROGRAM.—

7 “(1) REVIEW OF LOANS.—

8 “(A) IN GENERAL.—The Secretary, or a
9 contracting third party, shall annually review
10 under section 3420 the loans of each seasoned
11 direct loan borrower.

12 “(B) ASSISTANCE.—If, based on the re-
13 view, it is determined that a borrower would be
14 able to obtain a loan, guaranteed by the Sec-
15 retary, from a commercial or cooperative lender
16 at reasonable rates and terms for loans for
17 similar purposes and periods of time, the Sec-
18 retary shall assist the borrower in applying for
19 the commercial or cooperative loan.

20 “(2) PROSPECTUS.—

21 “(A) IN GENERAL.—In accordance with
22 section 3422, the Secretary shall prepare a pro-
23 spectus on each seasoned direct loan borrower
24 determined eligible to obtain a guaranteed loan.

1 “(B) REQUIREMENTS.—The prospectus
2 shall contain a description of the amounts of
3 the loan guarantee and interest assistance that
4 the Secretary will provide to the seasoned direct
5 loan borrower to enable the seasoned direct loan
6 borrower to carry out a financially viable farm-
7 ing plan if a guaranteed loan is made.

8 “(3) VERIFICATION.—

9 “(A) IN GENERAL.—The Secretary shall
10 provide a prospectus of a seasoned direct loan
11 borrower to each approved lender whose lending
12 area includes the location of the seasoned direct
13 loan borrower.

14 “(B) NOTIFICATION.—The Secretary shall
15 notify each borrower of a loan that a prospectus
16 has been provided to a lender under subpara-
17 graph (A).

18 “(C) CREDIT EXTENDED.—If the Sec-
19 retary receives an offer from an approved lend-
20 er to extend credit to the seasoned direct loan
21 borrower under terms and conditions contained
22 in the prospectus, the seasoned direct loan bor-
23 rower shall not be eligible for a loan from the
24 Secretary under chapter 1 or 2, except as other-
25 wise provided in this section.

1 “(4) INSUFFICIENT ASSISTANCE OR OFFERS.—

2 If the Secretary is unable to provide loan guarantees
3 and, if necessary, interest assistance to the seasoned
4 direct loan borrower under this section in amounts
5 sufficient to enable the seasoned direct loan bor-
6 rower to borrow from commercial sources the
7 amount required to carry out a financially viable
8 farming plan, or if the Secretary does not receive an
9 offer from an approved lender to extend credit to a
10 seasoned direct loan borrower under the terms and
11 conditions contained in the prospectus, the Secretary
12 shall make a loan to the seasoned direct loan bor-
13 rower under chapter 1 or 2, whichever is applicable.

14 “(5) INTEREST RATE REDUCTIONS.—To the ex-
15 tent necessary for the borrower to obtain a loan,
16 guaranteed by the Secretary, from a commercial or
17 cooperative lender, the Secretary shall provide inter-
18 est rate reductions as provided for under section
19 3413.

20 “(b) TRANSITION TO PRIVATE COMMERCIAL OR
21 OTHER SOURCES OF CREDIT.—

22 “(1) IN GENERAL.—In making an operating or
23 ownership loan, the Secretary shall establish a plan
24 and promulgate regulations (including performance
25 criteria) that promote the goal of transitioning bor-

1 rowers to private commercial credit and other
2 sources of credit in the shortest period of time prac-
3 ticable.

4 “(2) COORDINATION.—In carrying out this sec-
5 tion, the Secretary shall integrate and coordinate the
6 transition policy described in subsection (a) with—

7 “(A) the borrower training program estab-
8 lished by section 3419;

9 “(B) the loan assessment process estab-
10 lished by section 3420;

11 “(C) the supervised credit requirement es-
12 tablished by section 3421;

13 “(D) the market placement program estab-
14 lished by section 3422; and

15 “(E) other appropriate programs and au-
16 thorities, as determined by the Secretary.

17 “(c) GRADUATION OF BORROWERS WITH OPERATING
18 LOANS OR GUARANTEES TO PRIVATE COMMERCIAL
19 CREDIT.—The Secretary shall establish a plan, in coordi-
20 nation with activities under sections 3419 through 3422,
21 to encourage each borrower with an outstanding loan
22 under this chapter, or with respect to whom there is an
23 outstanding guarantee under this chapter, to graduate to
24 private commercial or other sources of credit.

1 **“SEC. 3408. DEBT ADJUSTMENT AND CREDIT COUNSELING.**

2 “In carrying out this subtitle, the Secretary may—

3 “(1) provide voluntary debt adjustment assist-
4 ance between—

5 “(A) farmers; and

6 “(B) the creditors of the farmers;

7 “(2) cooperate with State, territorial, and local
8 agencies and committees engaged in the debt adjust-
9 ment; and

10 “(3) give credit counseling.

11 **“SEC. 3409. SECURITY SERVICING.**

12 “(a) SALE OF PROPERTY.—

13 “(1) IN GENERAL.—Subject to this subsection
14 and subsection (e)(1), the Secretary shall offer to
15 sell real property that is acquired by the Secretary
16 under this subtitle using the following order and
17 method of sale:

18 “(A) ADVERTISEMENT.—Not later than 15
19 days after acquiring real property, the Sec-
20 retary shall publicly advertise the property for
21 sale.

22 “(B) QUALIFIED BEGINNING FARMER.—

23 “(i) IN GENERAL.—Not later than 75
24 days after acquiring real property, the Sec-
25 retary shall offer to sell the property to a
26 qualified beginning farmer or a socially

1 disadvantaged farmer at current market
2 value based on a current appraisal.

3 “(ii) RANDOM SELECTION.—If more
4 than 1 qualified beginning farmer or so-
5 cially disadvantaged farmer offers to pur-
6 chase the property, the Secretary shall se-
7 lect between the qualified applicants on a
8 random basis.

9 “(iii) APPEAL OF RANDOM SELEC-
10 TION.—A random selection or denial by
11 the Secretary of a qualified beginning
12 farmer or a socially disadvantaged farmer
13 for farm inventory property under this
14 subparagraph shall be final and not admin-
15 istratively appealable.

16 “(C) PUBLIC SALE.—If no acceptable offer
17 is received from a qualified beginning farmer or
18 a socially disadvantaged farmer under subpara-
19 graph (B) not later than 135 days after acquir-
20 ing the real property, the Secretary shall, not
21 later than 30 days after the 135-day period, sell
22 the property after public notice at a public sale,
23 and, if no acceptable bid is received, by nego-
24 tiated sale, at the best price obtainable.

25 “(2) INTEREST.—

“(A) IN GENERAL.—Subject to subpara-
graph (B), any conveyance of real property
under this subsection shall include all of the in-
terest of the United States in the property, in-
cluding mineral rights.

6 “(B) CONSERVATION.—The Secretary may
7 for conservation purposes grant or sell an ease-
8 ment, restriction, development right, or similar
9 legal right to real property to a State, a polit-
10 ical subdivision of a State, or a private non-
11 profit organization separately from the under-
12 lying fee or other rights to the property owned
13 by the United States.

“(3) OTHER LAW.—Subtitle I of title 40,
United States Code, and title III of the Federal
Property and Administrative Services Act of 1949
(41 U.S.C. 251 et seq.) shall not apply to any exer-
cise of authority under this subtitle.

19 “(4) LEASE OF PROPERTY.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), the Secretary may not lease any real
22 property acquired under this subtitle.

23 “(B) EXCEPTION.—

24 “(i) QUALIFIED BEGINNING FARMER
25 OR SOCIALLY DISADVANTAGED FARMER.—

1 The Secretary may lease or contract to sell
2 to a qualified beginning farmer or a so-
3 cially disadvantaged farmer a farm ac-
4 quired by the Secretary under this subtitle
5 if the qualified beginning farmer qualifies
6 for a credit sale or direct farm ownership
7 loan under chapter 1 but credit sale au-
8 thority for loans or direct farm ownership
9 loan funds, respectively, are not available.

10 “(ii) TERM.—The term of a lease or
11 contract to sell to a qualified beginning
12 farmer or a socially disadvantaged farmer
13 under clause (i) shall be until the earlier
14 of—

15 “(I) the date that is 18 months
16 after the date of the lease or sale; or

17 “(II) the date that direct farm
18 ownership loan funds or credit sale
19 authority for loans becomes available
20 to the qualified beginning farmer or
21 socially disadvantaged farmer.

22 “(iii) INCOME-PRODUCING CAPA-
23 BILITY.—In determining the rental rate on
24 real property leased under this subpara-
25 graph, the Secretary shall consider the in-

1 come-producing capability of the property
2 during the term that the property is
3 leased.

4 “(5) EXPEDITED DETERMINATION.—

“(A) IN GENERAL.—On the request of an applicant, not later than 30 days after denial of the application, the appropriate State director shall provide an expedited review and determination of whether the applicant is a qualified beginning farmer or a socially disadvantaged farmer for the purpose of acquiring farm inventory property.

13 “(B) APPEAL.—The determination of a
14 State Director under subparagraph (A) shall be
15 final and not administratively appealable.

16 “(C) EFFECTS OF DETERMINATIONS.—

“(i) IN GENERAL.—The Secretary shall maintain statistical data on the number and results of determinations made under subparagraph (A) and the effect of the determinations on—

22 “(I) selling farm inventory prop-
23 erty to qualified beginning farmers or
24 socially disadvantaged farmers; and

1 “(II) disposing of real property
2 in inventory.

3 “(ii) NOTIFICATION.—The Secretary
4 shall notify the Committee on Agriculture
5 of the House of Representatives and the
6 Committee on Agriculture, Nutrition, and
7 Forestry of the Senate if the Secretary de-
8 termines that the review process under
9 subparagraph (A) is adversely affecting the
10 selling of farm inventory property to quali-
11 fied beginning farmers or socially dis-
12 advantaged farmers or the disposing of
13 real property in inventory.

14 “(b) ROAD AND UTILITY EASEMENTS AND CON-
15 DEMNATIONS.—In the case of any real property adminis-
16 tered under this subtitle, the Secretary may grant or sell
17 easements or rights-of-way for roads, utilities, and other
18 appurtenances that are not inconsistent with the public
19 interest.

20 “(c) SALE OR LEASE OF FARMLAND.—

21 “(1) DISPOSITION OF REAL PROPERTY ON IN-
22 DIAN RESERVATIONS.—

23 “(A) DEFINITION OF INDIAN RESERVA-
24 TION.—In this paragraph, the term ‘Indian res-
25 ervation’ means—

1 “(i) all land located within the limits
2 of any Indian reservation under the juris-
3 diction of the United States, notwith-
4 standing the issuance of any patent, and,
5 including any right-of-way running through
6 the reservation;

7 “(ii) trust or restricted land located
8 within the boundaries of a former reserva-
9 tion of an Indian tribe in the State of
10 Oklahoma; or

11 “(iii) all Indian allotments the Indian
12 titles to which have not been extinguished
13 if the allotments are subject to the juris-
14 diction of an Indian tribe.

15 “(B) DISPOSITION.—Except as provided in
16 paragraph (3), the Secretary shall dispose of or
17 administer the property as provided in this
18 paragraph when—

19 “(i) the Secretary acquires property
20 under this subtitle that is located within an
21 Indian reservation; and

22 “(ii) the borrower-owner is the Indian
23 tribe that has jurisdiction over the reserva-
24 tion in which the real property is located

1 or the borrower-owner is a member of the
2 Indian tribe;

3 “(C) PRIORITY.—Not later than 90 days
4 after acquiring the property, the Secretary shall
5 afford an opportunity to purchase or lease the
6 real property in accordance with the order of
7 priority established under subparagraph (D) to
8 the Indian tribe having jurisdiction over the In-
9 dian reservation within which the real property
10 is located or, if no order of priority is estab-
11 lished by the Indian tribe under subparagraph
12 (D), in the following order:

13 “(i) An Indian member of the Indian
14 tribe that has jurisdiction over the reserva-
15 tion within which the real property is lo-
16 cated.

17 “(ii) An Indian corporate entity.

18 “(iii) The Indian tribe.

19 “(D) REVISION OF PRIORITY AND RE-
20 STRICTION OF ELIGIBILITY.—The governing
21 body of any Indian tribe having jurisdiction
22 over an Indian reservation may revise the order
23 of priority provided in subparagraph (C) under
24 which land located within the reservation shall
25 be offered for purchase or lease by the Sec-

1 retary under subparagraph (C) and may re-
2 strict the eligibility for the purchase or lease
3 to—

4 “(i) persons who are members of the
5 Indian tribe;

6 “(ii) Indian corporate entities that are
7 authorized by the Indian tribe to lease or
8 purchase land within the boundaries of the
9 reservation; or

10 “(iii) the Indian tribe itself.

11 “(E) TRANSFER OF PROPERTY TO SEC-
12 RETARY OF THE INTERIOR.—

13 “(i) IN GENERAL.—If real property
14 described in subparagraph (B) is not pur-
15 chased or leased under subparagraph (C)
16 and the Indian tribe having jurisdiction
17 over the reservation within which the real
18 property is located is unable to purchase or
19 lease the real property, the Secretary shall
20 transfer the real property to the Secretary
21 of the Interior who shall administer the
22 real property as if the real property were
23 held in trust by the United States for the
24 benefit of the Indian tribe.

1 “(ii) USE OF RENTAL INCOME.—From
2 the rental income derived from the lease of
3 the transferred real property, and all other
4 income generated from the transferred real
5 property, the Secretary of the Interior
6 shall pay the State, county, municipal, or
7 other local taxes to which the transferred
8 real property was subject at the time of ac-
9 quisition by the Secretary, until the earlier
10 of—

11 “(I) the expiration of the 4-year
12 period beginning on the date on which
13 the real property is so transferred; or

14 “(II) such time as the land is
15 transferred into trust pursuant to
16 subparagraph (H).

17 “(F) RESPONSIBILITIES OF SECRE-
18 TARIES.—If any real property is transferred to
19 the Secretary of the Interior under subpara-
20 graph (E)—

21 “(i) the Secretary of Agriculture shall
22 have no further responsibility under this
23 subtitle for—

24 “(I) collection of any amounts
25 with regard to the farm program loan

1 that had been secured by the real
2 property;

3 “(II) any lien arising out of the
4 loan transaction; or

5 “(III) repayment of any amount
6 with regard to the loan transaction or
7 lien to the Treasury of the United
8 States; and

9 “(ii) the Secretary of the Interior
10 shall succeed to all right, title, and interest
11 of the Secretary of Agriculture in the real
12 estate arising from the farm program loan
13 transaction, including the obligation to
14 remit to the Treasury of the United States,
15 in repayment of the original loan, the
16 amounts provided in subparagraph (G).

17 “(G) USE OF INCOME.—After the payment
18 of any taxes that are required to be paid under
19 subparagraph (E)(ii), all remaining rental in-
20 come derived from the lease of the real property
21 transferred to the Secretary of the Interior
22 under subparagraph (E)(i), and all other in-
23 come generated from the real property trans-
24 ferred to the Secretary of the Interior under
25 that subparagraph, shall be deposited as mis-

1 cellaneous receipts in the Treasury of the
2 United States until the amount deposited is
3 equal to the lesser of—

4 “(i) the amount of the outstanding
5 lien of the United States against the real
6 property, as of the date the real property
7 was acquired by the Secretary;

8 “(ii) the fair market value of the real
9 property, as of the date of the transfer to
10 the Secretary of the Interior; or

11 “(iii) the capitalized value of the real
12 property, as of the date of the transfer to
13 the Secretary of the Interior.

14 “(H) HOLDING OF TITLE IN TRUST.—If
15 the total amount that is required to be depos-
16 ited under subparagraph (G) with respect to
17 any real property has been deposited into the
18 Treasury of the United States, title to the real
19 property shall be held in trust by the United
20 States for the benefit of the Indian tribe having
21 jurisdiction over the Indian reservation within
22 which the real property is located.

23 “(I) PAYMENT OF REMAINING LIEN OR
24 FAIR MARKET VALUE OF PROPERTY.—

1 “(i) IN GENERAL.—Notwithstanding
2 any other subparagraph of this paragraph,
3 the Indian tribe having jurisdiction over
4 the Indian reservation within which the
5 real property described in subparagraph
6 (B) is located may, at any time after the
7 real property has been transferred to the
8 Secretary of the Interior under subpara-
9 graph (E), offer to pay the remaining
10 amount on the lien or the fair market
11 value of the real property, whichever is
12 less.

13 “(ii) EFFECT OF PAYMENT.—On pay-
14 ment of the amount, title to the real prop-
15 erty shall be held by the United States in
16 trust for the tribe and the trust or re-
17 stricted land that has been acquired by the
18 Secretary under foreclosure or voluntary
19 transfer under a loan made or insured
20 under this subtitle and transferred to an
21 Indian person, entity, or tribe under this
22 paragraph shall be considered to have
23 never lost trust or restricted status.

24 “(J) APPLICABILITY.—

1 “(i) IN GENERAL.—This paragraph
2 shall apply to all land in the land inventory
3 established under this subtitle (as of No-
4 vember 28, 1990) that was (immediately
5 prior to the date) owned by an Indian bor-
6 rower-owner described in subparagraph
7 (B) and that is situated within an Indian
8 reservation, regardless of the date of fore-
9 closure or acquisition by the Secretary.

10 “(ii) OPPORTUNITY TO PURCHASE OR
11 LEASE.—The Secretary shall afford an op-
12 portunity to an Indian person, entity, or
13 tribe to purchase or lease the real property
14 as provided in subparagraph (C).

15 “(iii) TRANSFER.—If the right is not
16 exercised or no expression of intent to ex-
17 ercise the right is received within 180 days
18 after November 28, 1990, the Secretary
19 shall transfer the real property to the Sec-
20 retary of the Interior as provided in sub-
21 paragraph (E).

22 “(2) ADDITIONAL RIGHTS.—The rights pro-
23 vided in this subsection shall be in addition to any
24 right of first refusal under the law of the State in
25 which the property is located.

1 “(3) DISPOSITION OF REAL PROPERTY ON IN-
2 DIAN RESERVATIONS AFTER PROCEDURES EX-
3 HAUSTED.—

4 “(A) IN GENERAL.—The Secretary shall
5 dispose of or administer real property described
6 in paragraph (1)(B) only as provided in para-
7 graph (1), as modified by this paragraph, if—

8 “(i) the real property described in
9 paragraph (1)(B) is located within an In-
10 dian reservation;

11 “(ii) the borrower-owner is an Indian
12 tribe that has jurisdiction over the reserva-
13 tion in which the real property is located
14 or the borrower-owner is a member of an
15 Indian tribe;

16 “(iii) the borrower-owner has obtained
17 a loan made or guaranteed under this sub-
18 title; and

19 “(iv) the borrower-owner and the Sec-
20 retary have exhausted all of the procedures
21 provided for in this subtitle to permit a
22 borrower-owner to retain title to the real
23 property, so that it is necessary for the
24 borrower-owner to relinquish title.

1 “(B) NOTICE OF RIGHT TO CONVEY PROP-
2 PERTY.—The Secretary shall provide the bor-
3 rower-owner of real property that is described
4 in subparagraph (A) with written notice of—

5 “(i) the right of the borrower-owner to
6 voluntarily convey the real property to the
7 Secretary; and

8 “(ii) the fact that real property so
9 conveyed will be placed in the inventory of
10 the Secretary.

11 “(C) NOTICE OF RIGHTS AND PROTEC-
12 TIONS.—The Secretary shall provide the bor-
13 rower-owner of the real property with written
14 notice of the rights and protections provided
15 under this subtitle to the borrower-owner, and
16 the Indian tribe that has jurisdiction over the
17 reservation in which the real property is lo-
18 cated, from foreclosure or liquidation of the real
19 property, including written notice—

20 “(i) of paragraph (1), this paragraph,
21 and subsection (e)(3);

22 “(ii) if the borrower-owner does not
23 voluntarily convey the real property to the
24 Secretary, that—

1 “(I) the Secretary may foreclose
2 on the property;

3 “(II) in the event of foreclosure,
4 the property will be offered for sale;

5 “(III) the Secretary shall offer a
6 bid for the property that is equal to
7 the fair market value of the property
8 or the outstanding principal and inter-
9 est of the loan, whichever is higher;

10 “(IV) the property may be pur-
11 chased by another party; and

12 “(V) if the property is purchased
13 by another party, the property will not
14 be placed in the inventory of the Sec-
15 retary and the borrower-owner will
16 forfeit the rights and protections pro-
17 vided under this subtitle; and

18 “(iii) of the opportunity of the bor-
19 rower-owner to consult with the Indian
20 tribe that has jurisdiction over the reserva-
21 tion in which the real property is located
22 or counsel to determine if State or tribal
23 law provides rights and protections that
24 are more beneficial than the rights and

1 protections provided the borrower-owner
2 under this subtitle.

3 “(D) ACCEPTANCE OF VOLUNTARY CON-
4 VEYANCE.—

5 “(i) IN GENERAL.—Except as pro-
6 vided in clause (ii), the Secretary shall ac-
7 cept the voluntary conveyance of real prop-
8 erty described in subparagraph (A).

9 “(ii) HAZARDOUS SUBSTANCES.—If a
10 hazardous substance (as defined in section
11 101(14) of the Comprehensive Environ-
12 mental Response, Compensation, and Li-
13 ability Act of 1980 (42 U.S.C. 9601(14)))
14 is located on the property and the Sec-
15 retary takes remedial action to protect
16 human health or the environment if the
17 property is taken into inventory, the Sec-
18 retary shall accept the voluntary convey-
19 ance of the property only if the Secretary
20 determines that the conveyance is in the
21 best interests of the Federal Government.

22 “(E) FORECLOSURE PROCEDURES.—

23 “(i) NOTICE TO BORROWER.—If an
24 Indian borrower-owner does not voluntarily
25 convey to the Secretary real property de-

scribed in subparagraph (A), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide the Indian borrower-owner with the option of—

“(I) requiring the Secretary to assign the loan and security instruments to the Secretary of the Interior, if the Secretary of the Interior agrees to an assignment releasing the Secretary of Agriculture from all further responsibility for collection of any amounts with regard to the loan secured by the real property; or

“(II) requiring the Secretary to assign the loan and security instruments to the tribe having jurisdiction over the reservation in which the real property is located, if the tribe agrees to assume the loan under the terms specified in clause (iii).

“(ii) NOTICE TO TRIBE.—If an Indian borrower-owner does not voluntarily convey to the Secretary real property described in subparagraph (A), not less than 30 days

1 before a foreclosure sale of the property,
2 the Secretary shall provide written notice
3 to the Indian tribe that has jurisdiction
4 over the reservation in which the real prop-
5 erty is located of—

6 “(I) the sale;

7 “(II) the fair market value of the
8 property; and

9 “(III) the requirements of this
10 paragraph.

11 “(iii) ASSUMED LOANS.—If an Indian
12 tribe assumes a loan under clause (i)—

13 “(I) the Secretary shall not fore-
14 close the loan because of any default
15 that occurred prior to the date of the
16 assumption;

17 “(II) the loan shall be for the
18 lesser of the outstanding principal and
19 interest of the loan or the fair market
20 value of the property; and

21 “(III) the loan shall be treated as
22 though the loan was made under Pub-
23 lic Law 91–229 (25 U.S.C. 488 et
24 seq.).

25 “(F) AMOUNT OF BID BY SECRETARY.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), at a foreclosure sale of
3 real property described in subparagraph
4 (A), the Secretary shall offer a bid for the
5 property that is equal to the higher of—

6 “(I) the fair market value of the
7 property; or

8 “(II) the outstanding principal
9 and interest on the loan.

10 “(ii) HAZARDOUS SUBSTANCES.—If a
11 hazardous substance (as defined in section
12 101(14) of the Comprehensive Environ-
13 mental Response, Compensation, and Li-
14 ability Act of 1980 (42 U.S.C. 9601(14)))
15 is located on the property and the Sec-
16 retary takes remedial action to protect
17 human health or the environment if the
18 property is taken into inventory, clause (i)
19 shall apply only if the Secretary determines
20 that bidding is in the best interests of the
21 Federal Government.

22 “(4) DETRIMENTAL EFFECT ON VALUE OF
23 AREA FARMLAND.—The Secretary shall not offer for
24 sale or sell any farmland referred to in paragraphs
25 (1) through (3) if placing the farmland on the mar-

1 ket will have a detrimental effect on the value of
2 farmland in the area.

3 “(5) INSTALLMENT SALES AND MULTIPLE OP-
4 ERATORS.—

5 “(A) IN GENERAL.—The Secretary may
6 sell farmland administered under this subtitle
7 through an installment sale or similar device
8 that contains such terms as the Secretary con-
9 siderers necessary to protect the investment of
10 the Federal Government in the land.

11 “(B) SALE OF CONTRACT.—The Secretary
12 may subsequently sell any contract entered into
13 to carry out subparagraph (A).

14 “(6) HIGHLY ERODIBLE LAND.—In the case of
15 farmland administered under this subtitle that is
16 highly erodible land (as defined in section 1201 of
17 the Food Security Act of 1985 (16 U.S.C. 3801)),
18 the Secretary may require the use of specified con-
19 servation practices on the land as a condition of the
20 sale or lease of the land.

21 “(7) NO EFFECT ON ACREAGE ALLOTMENTS,
22 MARKETING QUOTAS, OR ACREAGE BASES.—Not-
23 withstanding any other law, compliance by the Sec-
24 retary with this subsection shall not cause any acre-
25 age allotment, marketing quota, or acreage base as-

1 signed to the property to lapse, terminate, be re-
2 duced, or otherwise be adversely affected.

3 “(8) NO PREEMPTION OF STATE LAW.—If a
4 conflict exists between any provision of this sub-
5 section and any provision of the law of any State
6 providing a right of first refusal to the owner of
7 farmland or the operator of a farm before the sale
8 or lease of land to any other person, the provision
9 of State law shall prevail.

10 “(d) RELEASE OF NORMAL INCOME SECURITY.—

11 “(1) DEFINITION OF NORMAL INCOME SEC-
12 RITY.—In this subsection:

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the term ‘normal income se-
15 curity’ means all security not considered basic
16 security, including crops, livestock, poultry
17 products, Farm Service Agency payments and
18 Commodity Credit Corporation payments, and
19 other property covered by Farm Service Agency
20 liens that is sold in conjunction with the oper-
21 ation of a farm or other business.

22 “(B) EXCEPTIONS.—The term ‘normal in-
23 come security’ does not include any equipment
24 (including fixtures in States that have adopted

1 the Uniform Commercial Code), or foundation
2 herd or flock, that is—

3 “(i) the basis of the farming or other
4 operation; and

5 “(ii) the basic security for a farmer
6 program loan.

7 “(2) GENERAL RELEASE.—The Secretary shall
8 release from the normal income security provided for
9 a loan an amount sufficient to pay for the essential
10 household and farm operating expenses of the bor-
11 rower, until such time as the Secretary accelerates
12 the loan.

13 “(3) NOTICE OF REPORTING REQUIREMENTS
14 AND RIGHTS.—If a borrower is required to plan for
15 or to report as to how proceeds from the sale of col-
16 lateral property will be used, the Secretary shall no-
17 tify the borrower of—

18 “(A) the requirement; and

19 “(B) the right to the release of funds
20 under this subsection and the means by which
21 a request for the funds may be made.

22 “(e) EASEMENTS ON INVENTORIED PROPERTY.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 in the disposal of real property under this section,
25 the Secretary shall establish perpetual wetland con-

1 servation easements to protect and restore wetland
2 or converted wetland that exists on inventoried prop-
3 erty.

4 “(2) LIMITATION.—The Secretary shall not es-
5 tablish a wetland conservation easement on an
6 inventoried property that—

7 “(A) was cropland on the date the prop-
8 erty entered the inventory of the Secretary; or

9 “(B) was used for farming at any time
10 during the period—

11 “(i) beginning on the date that is 5
12 years before the property entered the in-
13 ventory of the Secretary; and

14 “(ii) ending on the date on which the
15 property entered the inventory of the Sec-
16 retary.

17 “(3) NOTIFICATION.—The Secretary shall pro-
18 vide prior written notification to a borrower consid-
19 ering homestead retention that a wetland conserva-
20 tion easement may be placed on land for which the
21 borrower is negotiating a lease option.

22 “(4) APPRAISED VALUE.—The appraised value
23 of the farm shall reflect the value of the land due
24 to the placement of wetland conservation easements.

1 **“SEC. 3410. CONTRACTS ON LOAN SECURITY PROPERTIES.**

2 “(a) CONTRACTS ON LOAN SECURITY PROP-
3 ERTIES.—Subject to subsection (b), the Secretary may
4 enter into a contract related to real property for conserva-
5 tion, recreation, or wildlife purposes.

6 “(b) LIMITATIONS.—The Secretary may enter into a
7 contract under subsection (a) if—

8 “(1) the property is wetland, upland, or highly
9 erodible land;

10 “(2) the property is determined by the Sec-
11 retary to be suitable for the purpose involved; and

12 “(3)(A) the property secures a loan made under
13 a law administered and held by the Secretary; and

14 “(B) the contract would better enable a quali-
15 fied borrower to repay the loan in a timely manner,
16 as determined by the Secretary.

17 “(c) TERMS AND CONDITIONS.—The terms and con-
18 ditions specified in a contract under subsection (a) shall—

19 “(1) specify the purposes for which the real
20 property may be used;

21 “(2) identify any conservation measure to be
22 taken, and any recreational and wildlife use to be al-
23 lowed, with respect to the real property; and

24 “(3) require the owner to permit the Secretary,
25 and any person or governmental entity designated by
26 the Secretary, to have access to the real property for

1 the purpose of monitoring compliance with the con-
2 tract.

3 “(d) REDUCTION OR FORGIVENESS OF DEBT.—

4 “(1) IN GENERAL.—Subject to this section, the
5 Secretary may reduce or forgive the outstanding
6 debt of a borrower—

7 “(A) in the case of a borrower to whom the
8 Secretary has made an outstanding loan under
9 a law administered by the Secretary, by can-
10 celing that part of the aggregate amount of the
11 outstanding loan that bears the same ratio to
12 the aggregate amount as—

13 “(i) the number of acres of the real
14 property of the borrower that are subject
15 to the contract; bears to

16 “(ii) the aggregate number of acres
17 securing the loan; or

18 “(B) in any other case, by treating as pre-
19 paid that part of the principal amount of a new
20 loan to the borrower issued and held by the
21 Secretary under a law administered by the Sec-
22 retary that bears the same ratio to the principal
23 amount as—

1 “(i) the number of acres of the real
2 property of the borrower that are subject
3 to the contract; bears to

4 “(ii) the aggregate number of acres
5 securing the new loan.

6 “(2) MAXIMUM CANCELED AMOUNT.—The
7 amount canceled or treated as prepaid under para-
8 graph (1) shall not exceed—

9 “(A) in the case of a delinquent loan, the
10 greater of—

11 “(i) the value of the land on which the
12 contract is entered into; or

13 “(ii) the difference between—

14 “(I) the amount of the out-
15 standing loan secured by the land;
16 and

17 “(II) the value of the land; or

18 “(B) in the case of a nondelinquent loan,
19 33 percent of the amount of the loan secured
20 by the land.

21 “(e) CONSULTATION WITH FISH AND WILDLIFE
22 SERVICE.—If the Secretary uses the authority provided by
23 this section, the Secretary shall consult with the Director
24 of the Fish and Wildlife Service for the purposes of—

1 “(1) selecting real property in which the Sec-
2 retary may enter into a contract under this section;

3 “(2) formulating the terms and conditions of
4 the contract; and

5 “(3) enforcing the contract.

6 “(f) ENFORCEMENT.—The Secretary, and any person
7 or governmental entity (including an agency of the Fed-
8 eral Government) designated by the Secretary, may en-
9 force a contract entered into by the Secretary under this
10 section.

11 **“SEC. 3411. DEBT RESTRUCTURING AND LOAN SERVICING.**

12 “(a) IN GENERAL.—The Secretary shall modify a de-
13 linquent farmer program loan made under this subtitle,
14 or purchased from the lender or the Federal Deposit In-
15 surance Corporation under section 3902, to the maximum
16 extent practicable—

17 “(1) to avoid a loss to the Secretary on the
18 loan, with priority consideration being placed on
19 writing-down the loan principal and interest (subject
20 to subsections (d) and (e)), and debt set-aside (sub-
21 ject to subsection (e)), to facilitate keeping the bor-
22 rower on the farm, or otherwise through the use of
23 primary loan service programs under this section;
24 and

1 “(2) to ensure that a borrower is able to con-
2 tinue farming operations.

3 “(b) ELIGIBILITY.—To be eligible to obtain assist-
4 ance under subsection (a)—

5 “(1) the delinquency shall be due to a cir-
6 cumstance beyond the control of the borrower, as de-
7 fined in regulations issued by the Secretary, except
8 that the regulations shall require that, if the value
9 of the assets calculated under subsection
10 (c)(2)(A)(ii) that may be realized through liquida-
11 tion or other methods would produce enough income
12 to make the delinquent loan current, the borrower
13 shall not be eligible for assistance under subsection
14 (a);

15 “(2) the borrower shall have acted in good faith
16 with the Secretary in connection with the loan as de-
17 fined in regulations issued by the Secretary;

18 “(3) the borrower shall present a preliminary
19 plan to the Secretary that contains reasonable as-
20 sumptions that demonstrate that the borrower will
21 be able—

22 “(A) to meet the necessary family living
23 and farm operating expenses of the borrower;
24 and

1 “(B) to service all debts of the borrower,
2 including restructured loans; and

“(4) the loan, if restructured, shall result in a net recovery to the Federal Government, during the term of the loan as restructured, that would be more than or equal to the net recovery to the Federal Government from an involuntary liquidation or foreclosure on the property securing the loan.

9 “(c) RESTRUCTURING DETERMINATIONS.—

“(1) DETERMINATION OF NET RECOVERY.—In determining the net recovery from the involuntary liquidation of a loan under this section, the Secretary shall calculate—

14 “(A) the recovery value of the collateral se-
15 curing the loan, in accordance with paragraph
16 (2); and

17 “(B) the value of the restructured loan, in
18 accordance with paragraph (3).

19 “(2) RECOVERY VALUE.—For the purpose of
20 paragraph (1), the recovery value of the collateral
21 securing the loan shall be based on the difference be-
22 tween—

23 “(A)(i) the amount of the current ap-
24 praised value of the interests of the borrower in
25 the property securing the loan; and

1 “(ii) the value of the interests of the bor-
2 rower in all other assets that are—

3 “(I) not essential for necessary family
4 living expenses;

5 “(II) not essential to the operation of
6 the farm; and

7 “(III) not exempt from judgment
8 creditors or in a bankruptcy action under
9 Federal or State law;

10 “(B) the estimated administrative, attor-
11 ney, and other expenses associated with the liq-
12 uidation and disposition of the loan and collat-
13 eral, including—

14 “(i) the payment of prior liens;

15 “(ii) taxes and assessments, deprecia-
16 tion, management costs, the yearly per-
17 centage decrease or increase in the value of
18 the property, and lost interest income, each
19 calculated for the average holding period
20 for the type of property involved;

21 “(iii) resale expenses, such as repairs,
22 commissions, and advertising; and

23 “(iv) other administrative and attor-
24 ney costs; and

1 “(C) the value, as determined by the Sec-
2 retary, of any property not included in subpara-
3 graph (A)(i) if the property is specified in any
4 security agreement with respect to the loan and
5 the Secretary determines that the value of the
6 property should be included for purposes of this
7 section.

8 “(3) VALUE OF THE RESTRUCTURED LOAN.—

9 “(A) IN GENERAL.—For the purpose of
10 paragraph (1), the value of the restructured
11 loan shall be based on the present value of pay-
12 ments that the borrower would make to the
13 Federal Government if the terms of the loan
14 were modified under any combination of pri-
15 mary loan service programs to ensure that the
16 borrower is able to meet the obligations and
17 continue farming operations.

18 “(B) PRESENT VALUE.—For the purpose
19 of calculating the present value referred to in
20 subparagraph (A), the Secretary shall use a dis-
21 count rate of not more than the current rate at
22 the time of the calculation of 90-day Treasury
23 bills.

24 “(C) CASH FLOW MARGIN.—For the pur-
25 pose of assessing under subparagraph (A) the

1 ability of a borrower to meet debt obligations
2 and continue farming operations, the Secretary
3 shall assume that the borrower needs up to 110
4 percent of the amount indicated for payment of
5 farm operating expenses, debt service obliga-
6 tions, and family living expenses.

7 “(4) NOTIFICATION.—Not later than 90 days
8 after receipt of a written request for restructuring
9 from the borrower, the Secretary shall—

10 “(A) make the calculations specified in
11 paragraphs (2) and (3);

12 “(B) notify the borrower in writing of the
13 results of the calculations; and

14 “(C) provide documentation for the cal-
15 culations.

16 “(5) RESTRUCTURING OF LOANS.—

17 “(A) IN GENERAL.—If the value of a re-
18 structured loan is greater than or equal to the
19 recovery value of the collateral securing the
20 loan, not later than 45 days after notifying the
21 borrower under paragraph (4), the Secretary
22 shall offer to restructure the loan obligations of
23 the borrower under this subtitle through pri-
24 mary loan service programs that would enable
25 the borrower to meet the obligations (as modi-

1 fied) under the loan and to continue the farm-
2 ing operations of the borrower.

3 “(B) RESTRUCTURING.—If the borrower
4 accepts an offer under subparagraph (A), not
5 later than 45 days after receipt of notice of ac-
6 ceptance, the Secretary shall restructure the
7 loan accordingly.

8 “(6) TERMINATION OF LOAN OBLIGATIONS.—
9 The obligations of a borrower to the Secretary under
10 a loan shall terminate if—

11 “(A) the borrower satisfies the require-
12 ments of paragraphs (1) and (2) of subsection
13 (b);

14 “(B) the value of the restructured loan is
15 less than the recovery value; and

16 “(C) not later than 90 days after receipt
17 of the notification described in paragraph
18 (4)(B), the borrower pays (or obtains third-
19 party financing to pay) the Secretary an
20 amount equal to the current market value.

21 “(7) NEGOTIATION OF APPRAISAL.—

22 “(A) IN GENERAL.—In making a deter-
23 mination concerning restructuring under this
24 subsection, the Secretary, at the request of the
25 borrower, shall enter into negotiations with the

1 borrower concerning appraisals required under
2 this subsection.

3 “(B) INDEPENDENT APPRAISAL.—

4 “(i) IN GENERAL.—If the borrower,
5 based on a separate current appraisal, ob-
6 jects to the decision of the Secretary re-
7 garding an appraisal, the borrower and the
8 Secretary shall mutually agree, to the ex-
9 tent practicable, on an independent ap-
10 praiser who shall conduct another ap-
11 praisal of the property of the borrower.

12 “(ii) VALUE OF FINAL APPRAISAL.—

13 The average of the 2 appraisals under
14 clause (i) that are closest in value shall be-
15 come the final appraisal under this para-
16 graph.

17 “(iii) COST OF APPRAISAL.—The bor-

18 rower and the Secretary shall each pay $\frac{1}{2}$
19 of the cost of any independent appraisal.

20 “(d) PRINCIPAL AND INTEREST WRITE-DOWN.—

21 “(1) IN GENERAL.—

22 “(A) PRIORITY CONSIDERATION.—In se-
23 lecting the restructuring alternatives to be used
24 in the case of a borrower who has requested re-
25 structuring under this section, the Secretary

1 shall give priority consideration to the use of a
2 principal and interest write-down if other credi-
3 tors of the borrower (other than any creditor
4 who is fully collateralized) representing a sub-
5 stantial portion of the total debt of the bor-
6 rower held by the creditors of the borrower,
7 agree to participate in the development of the
8 restructuring plan or agree to participate in a
9 State mediation program.

10 “(B) FAILURE OF CREDITORS TO
11 AGREE.—Failure of creditors to agree to par-
12 ticipate in the restructuring plan or mediation
13 program shall not preclude the use of a prin-
14 cipal and interest write-down by the Secretary
15 if the Secretary determines that restructuring
16 results in the least cost to the Secretary.

17 “(2) PARTICIPATION OF CREDITORS.—Before
18 eliminating the option to use debt write-down in the
19 case of a borrower, the Secretary shall make a rea-
20 sonable effort to contact the creditors of the bor-
21 rower, either directly or through the borrower, and
22 encourage the creditors to participate with the Sec-
23 retary in the development of a restructuring plan for
24 the borrower.

25 “(e) SHARED APPRECIATION ARRANGEMENTS.—

1 “(1) IN GENERAL.—As a condition of restruc-
2 turing a loan in accordance with this section, the
3 borrower of the loan may be required to enter into
4 a shared appreciation arrangement that requires the
5 repayment of amounts written off or set aside.

6 “(2) TERMS.—A shared appreciation agreement
7 shall—

8 “(A) have a term not to exceed 10 years;
9 and

10 “(B) provide for recapture based on the
11 difference between the appraised values of the
12 real security property at the time of restruc-
13 turing and at the time of recapture.

14 “(3) PERCENTAGE OF RECAPTURE.—The
15 amount of the appreciation to be recaptured by the
16 Secretary shall be—

17 “(A) 75 percent of the appreciation in the
18 value of the real security property if the recap-
19 ture occurs not later than 4 years after the date
20 of restructuring; and

21 “(B) 50 percent if the recapture occurs
22 during the remainder of the term of the agree-
23 ment.

24 “(4) TIME OF RECAPTURE.—Recapture shall
25 take place on the date that is the earliest of—

1 “(A) the end of the term of the agreement;

2 “(B) the conveyance of the real security

3 property;

4 “(C) the repayment of the loans; or

5 “(D) the cessation of farming operations

6 by the borrower.

7 “(5) TRANSFER OF TITLE.—Transfer of title to
8 the spouse of a borrower on the death of the bor-
9 rower shall not be treated as a conveyance for the
10 purpose of paragraph (4).

11 “(6) NOTICE OF RECAPTURE.—Not later than
12 12 months before the end of the term of a shared
13 appreciation arrangement, the Secretary shall notify
14 the borrower involved of the provisions of the ar-
15 rangement.

16 “(7) FINANCING OF RECAPTURE PAYMENT.—

17 “(A) IN GENERAL.—The Secretary may
18 amortize a recapture payment owed to the Sec-
19 retary under this subsection.

20 “(B) TERM.—The term of an amortization
21 under this paragraph may not exceed 25 years.

22 “(C) INTEREST RATE.—The interest rate
23 applicable to an amortization under this para-
24 graph may not exceed the rate applicable to a

1 loan to reacquire homestead property less 100
2 basis points.

3 “(D) REAMORTIZATION.—

4 “(i) IN GENERAL.—The Secretary
5 may modify the amortization of a recap-
6 ture payment referred to in subparagraph
7 (A) of this paragraph on which a payment
8 has become delinquent if—

9 “(I) the default is due to cir-
10 cumstances beyond the control of the
11 borrower; and

12 “(II) the borrower acted in good
13 faith (as determined by the Secretary)
14 in attempting to repay the recapture
15 amount.

16 “(ii) LIMITATIONS.—

17 “(I) TERM OF REAMORTIZA-
18 TION.—The term of a reamortization
19 under this subparagraph may not ex-
20 ceed 25 years from the date of the
21 original amortization agreement.

22 “(II) NO REDUCTION OR PRIN-
23 CIPAL OR UNPAID INTEREST DUE.—A
24 reamortization of a recapture payment
25 under this subparagraph may not pro-

1 vide for reducing the outstanding
2 principal or unpaid interest due on
3 the recapture payment.

4 “(f) INTEREST RATES.—Any loan for farm owner-
5 ship purposes, farm operating purposes, or disaster emer-
6 gency purposes, that is deferred, consolidated, resched-
7 uled, or reamortized shall, notwithstanding any other pro-
8 vision of this subtitle, bear interest on the balance of the
9 original loan and for the term of the original loan at a
10 rate that is the lowest of—

11 “(1) the rate of interest on the original loan;

12 “(2) the rate being charged by the Secretary
13 for loans, other than guaranteed loans, of the same
14 type at the time at which the borrower applies for
15 a deferral, consolidation, rescheduling, or re-
16 amortization; or

17 “(3) the rate being charged by the Secretary
18 for loans, other than guaranteed loans, of the same
19 type at the time of the deferral, consolidation, re-
20 scheduling, or reamortization.

21 “(g) PERIOD AND EFFECT.—

22 “(1) PERIOD.—The Secretary may consolidate
23 or reschedule outstanding loans for payment over a
24 period not to exceed 7 years (or, in the case of loans

1 for farm operating purposes, 15 years) from the
2 date of the consolidation or rescheduling.

3 “(2) EFFECT.—The amount of unpaid principal
4 and interest of the prior loans so consolidated or re-
5 scheduled shall not create a new charge against any
6 loan levels authorized by law.

7 “(h) PREREQUISITES TO FORECLOSURE OR LIQUIDA-
8 TION.—No foreclosure or other similar action shall be
9 taken to liquidate any loan determined to be ineligible for
10 restructuring by the Secretary under this section—

11 “(1) until the borrower has been given the op-
12 portunity to appeal the decision; and

13 “(2) if the borrower appeals, the appeals proc-
14 ess has been completed, and a determination has
15 been made that the loan is ineligible for restruc-
16 turing.

17 “(i) NOTICE OF INELIGIBILITY FOR RESTRUC-
18 TURING.—

19 “(1) IN GENERAL.—A notice of ineligibility for
20 restructuring shall be sent to the borrower by reg-
21 istered or certified mail not later than 15 days after
22 a determination of ineligibility.

23 “(2) CONTENTS.—The notice required under
24 paragraph (1) shall contain—

1 “(A) the determination and the reasons for
2 the determination;

3 “(B) the computations used to make the
4 determination, including the calculation of the
5 recovery value of the collateral securing the
6 loan; and

7 “(C) a statement of the right of the bor-
8 rower to appeal the decision to the appeals divi-
9 sion, and to appear before a hearing officer.

10 “(j) INDEPENDENT APPRAISALS.—

11 “(1) IN GENERAL.—An appeal may include a
12 request by the borrower for an independent ap-
13 praisal of any property securing the loan.

14 “(2) PROCESS FOR APPRAISAL.—On a request
15 under paragraph (1), the Secretary shall present the
16 borrower with a list of 3 appraisers approved by the
17 county supervisor, from which the borrower shall se-
18 lect an appraiser to conduct the appraisal.

19 “(3) COST.—The cost of an appraisal under
20 this subsection shall be paid by the borrower.

21 “(4) RESULT.—The result of an appraisal
22 under this subsection shall be considered in any final
23 determination concerning the loan.

24 “(5) COPY.—A copy of any appraisal under this
25 subsection shall be provided to the borrower.

1 “(k) ONLY 1 WRITE-DOWN OR NET RECOVERY BUY-
2 OUT PER BORROWER FOR A LOAN MADE AFTER JANU-
3 ARY 6, 1988.—

4 “(1) IN GENERAL.—The Secretary may provide
5 for each borrower not more than 1 write-down or net
6 recovery buy-out under this section with respect to
7 all loans made to the borrower after January 6,
8 1988.

9 “(2) SPECIAL RULE.—For purposes of para-
10 graph (1), the Secretary shall treat any loan made
11 on or before January 6, 1988, with respect to which
12 a restructuring, write-down, or net recovery buy-out
13 is provided under this section after January 6, 1988,
14 as a loan made after January 6, 1988.

15 “(l) LIQUIDATION OF ASSETS.—The Secretary may
16 not use the authority provided by this section to reduce
17 or terminate any portion of the debt of the borrower that
18 the borrower could pay through the liquidation of assets
19 (or through the payment of the loan value of the assets,
20 if the loan value is greater than the liquidation value) de-
21 scribed in subsection (c)(2)(A)(ii).

22 “(m) LIFETIME LIMITATION ON DEBT FORGIVENESS
23 PER BORROWER.—The Secretary may provide each bor-
24 rower not more than \$300,000 in debt forgiveness under
25 this section.

1 **“SEC. 3412. RELIEF FOR MOBILIZED MILITARY RESERVISTS**
2 **FROM CERTAIN AGRICULTURAL LOAN OBLI-**
3 **GATIONS.**

4 “(a) DEFINITION OF MOBILIZED MILITARY RESERV-
5 IST.—In this section, the term ‘mobilized military reserv-
6 ist’ means an individual who—

7 “(1) is on active duty under section 688,
8 12301(a), 12301(g), 12302, 12304, 12306, or
9 12406, or chapter 15 of title 10, United States
10 Code, or any other provision of law during a war or
11 during a national emergency declared by the Presi-
12 dent or Congress, regardless of the location at which
13 the active duty service is performed; or

14 “(2) in the case of a member of the National
15 Guard, is on full-time National Guard duty (as de-
16 fined in section 101(d)(5) of title 10, United States
17 Code) under a call to active service authorized by
18 the President or the Secretary of Defense for a pe-
19 riod of more than 30 consecutive days under section
20 502(f) of title 32, United States Code, for purposes
21 of responding to a national emergency declared by
22 the President and supported by Federal funds.

23 “(b) FORGIVENESS OF INTEREST PAYMENTS DUE
24 WHILE BORROWER IS A MOBILIZED MILITARY RESERV-
25 IST.—Any requirement that a borrower of a direct loan
26 made under this subtitle make any interest payment on

1 the loan that would otherwise be required to be made while
2 the borrower is a mobilized military reservist is rescinded.

3 “(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE
4 WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY
5 RESERVIST.—The due date of any payment of principal
6 on a direct loan made to a borrower under this subtitle
7 that would otherwise be required to be made while or after
8 the borrower is a mobilized military reservist is deferred
9 for a period equal in length to the period for which the
10 borrower is a mobilized military reservist.

11 “(d) NONACCRUAL OF INTEREST.—Interest on a di-
12 rect loan made to a borrower described in this section shall
13 not accrue during the period the borrower is a mobilized
14 military reservist.

15 “(e) BORROWER NOT CONSIDERED TO BE DELIN-
16 QUENT OR RECEIVING DEBT FORGIVENESS.—Notwith-
17 standing section 3425 or any other provision of this title,
18 a borrower who receives assistance under this section shall
19 not, as a result of the assistance, be considered to be delin-
20 quent or receiving debt forgiveness for purposes of receiv-
21 ing a direct or guaranteed loan under this subtitle.

22 **“SEC. 3413. INTEREST RATE REDUCTION PROGRAM.**

23 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish and carry out in accordance with this sec-

1 tion an interest rate reduction program for any loan guar-
2 anteed under this subtitle.

3 “(b) ENTERING INTO CONTRACTS.—The Secretary
4 shall enter into a contract with, and make payments to,
5 an institution to reduce, during the term of the contract,
6 the interest rate paid by the borrower on the guaranteed
7 loan if—

8 “(1) the borrower—

9 “(A) is unable to obtain credit elsewhere;

10 “(B) is unable to make payments on the
11 loan in a timely manner; and

12 “(C) during the 24-month period beginning
13 on the date on which the contract is entered
14 into, has a total estimated cash income, includ-
15 ing all farm and nonfarm income, that will
16 equal or exceed the total estimated cash ex-
17 penses, including all farm and nonfarm ex-
18 penses, to be incurred by the borrower during
19 the period; and

20 “(2) during the term of the contract, the lender
21 reduces the annual rate of interest payable on the
22 loan by a minimum percentage specified in the con-
23 tract.

24 “(c) PAYMENTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 in return for a contract entered into by a lender
3 under subsection (b) for the reduction of the interest
4 rate paid on a loan, the Secretary shall make pay-
5 ments to the lender in an amount equal to not more
6 than 100 percent of the cost of reducing the annual
7 rate of interest payable on the loan.

8 “(2) LIMITATION.—Payments under paragraph
9 (1) may not exceed the cost of reducing the rate by
10 more than 400 basis points.

11 “(d) TERM.—The term of a contract entered into
12 under this section to reduce the interest rate on a guaran-
13 teed loan may not exceed the outstanding term of the loan.

14 “(e) CONDITION ON FORECLOSURE.—Notwith-
15 standing any other law, any contract of guarantee on a
16 farm loan entered into under this subtitle shall contain
17 a condition that the lender of the loan may not initiate
18 a foreclosure action on the loan until 60 days after a de-
19 termination is made with respect to the eligibility of the
20 borrower to participate in the program established under
21 this section.

22 **“SEC. 3414. HOMESTEAD PROPERTY.**

23 “(a) DEFINITIONS.—In this section:

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the Small Busi-
3 ness Administration.

4 “(2) BORROWER-OWNER.—The term ‘borrower-
5 owner’ means—

6 “(A) a borrower-owner of a loan made or
7 guaranteed by the Secretary or the Adminis-
8 trator who meets the eligibility requirements of
9 subsection (c)(1); or

10 “(B) in a case in which an owner of home-
11 stead property pledged the property to secure
12 the loan and the owner is different than the
13 borrower, the owner.

14 “(3) FARM PROGRAM LOAN.—The term ‘farm
15 program loan’ means a loan made by the Adminis-
16 trator under the Small Business Act (15 U.S.C. 631
17 et seq.) for any of the purposes authorized for loans
18 under chapter 1 or 2.

19 “(4) HOMESTEAD PROPERTY.—The term
20 ‘homestead property’ means—

21 “(A) the principal residence and adjoining
22 property possessed and occupied by a borrower-
23 owner, including a reasonable number of farm
24 outbuildings located on the adjoining land that

1 are useful to any occupant of the homestead;
2 and

3 “(B) not more than 10 acres of adjoining
4 land that is used to maintain the family of the
5 borrower-owner.

6 “(b) RETENTION OF HOMESTEAD PROPERTY.—

7 “(1) IN GENERAL.—The Secretary or the Ad-
8 ministrator shall, on application by a borrower-
9 owner who meets the eligibility requirements of sub-
10 section (c)(1), permit the borrower-owner to retain
11 possession and occupancy of homestead property
12 under the terms set forth, and until the action de-
13 scribed in this section has been completed, if—

14 “(A) the Secretary forecloses or takes into
15 inventory property securing a loan made under
16 this subtitle;

17 “(B) the Administrator forecloses or takes
18 into inventory property securing a farm pro-
19 gram loan made under the Small Business Act
20 (15 U.S.C. 631 et seq.); or

21 “(C) the borrower-owner of a loan made by
22 the Secretary or the Administrator files a peti-
23 tion in bankruptcy that results in the convey-
24 ance of the homestead property to the Secretary
25 or the Administrator, or agrees to voluntarily

1 liquidate or convey the property in whole or in
2 part.

3 “(2) PERIOD OF OCCUPANCY.—Subject to sub-
4 section (c), the Secretary or the Administrator shall
5 not grant a period of occupancy of less than 3 nor
6 more than 5 years.

7 “(c) ELIGIBILITY.—

8 “(1) IN GENERAL.—To be eligible to occupy
9 homestead property, a borrower-owner of a loan
10 made by the Secretary or the Administrator shall—

11 “(A) apply for the occupancy not later
12 than 30 days after the property is acquired by
13 the Secretary or Administrator;

14 “(B) have received from farming oper-
15 ations gross farm income that is reasonably
16 commensurate with—

17 “(i) the size and location of the farm-
18 ing unit of the borrower-owner; and

19 “(ii) local agricultural conditions (in-
20 cluding natural and economic conditions),
21 during at least 2 calendar years of the 6-
22 year period preceding the calendar year in
23 which the application is made;

24 “(C) have received from farming oper-
25 ations at least 60 percent of the gross annual

1 income of the borrower-owner and any spouse
2 of the borrower-owner during at least 2 cal-
3 endar years of the 6-year period described in
4 subparagraph (B);

5 “(D) have continuously occupied the home-
6 stead property during the 6-year period de-
7 scribed in subparagraph (B), except that the re-
8 quirement of this subparagraph may be waived
9 if a borrower-owner, due to circumstances be-
10 yond the control of the borrower-owner, had to
11 leave the homestead property for a period of
12 time not to exceed 12 months during the 6-year
13 period;

14 “(E) during the period of occupancy of the
15 homestead property, pay a reasonable sum as
16 rent for the property to the Secretary or the
17 Administrator in an amount substantially equiv-
18 alent to rents charged for similar residential
19 properties in the area in which the homestead
20 property is located;

21 “(F) during the period of the occupancy of
22 the homestead property, maintain the property
23 in good condition; and

1 “(G) meet such other reasonable and nec-
2 essary terms and conditions as the Secretary
3 may require.

4 “(2) DEFINITION OF FARMING OPERATIONS.—
5 In subparagraphs (B) and (C) of paragraph (1), the
6 term ‘farming operations’ includes rent paid by a
7 lessee of agricultural land during a period in which
8 the borrower-owner, due to circumstances beyond
9 the control of the borrower-owner, is unable to ac-
10 tively farm the land.

11 “(3) TERMINATION OF RIGHTS.—

12 “(A) IN GENERAL.—For purposes of para-
13 graph (1)(E), the failure of the borrower-owner
14 to make a timely rental payment shall con-
15 stitute cause for the termination of all rights of
16 the borrower-owner to possession and occu-
17 pancy of the homestead property under this sec-
18 tion.

19 “(B) PROCEDURE FOR TERMINATION.—In
20 effecting a termination under subparagraph
21 (A), the Secretary shall—

22 “(i) afford the borrower-owner or les-
23 see the notice and hearing procedural
24 rights described in subtitle H of the De-

1 partment of Agriculture Reorganization
2 Act of 1994 (7 U.S.C. 6991 et seq.); and
3 “(ii) comply with any applicable State
4 and local law governing eviction of a per-
5 son from residential property.

6 “(4) RIGHTS OF BORROWER-OWNER.—

7 “(A) PERIOD OF OCCUPANCY.—Subject to
8 subsection (b)(2), the period of occupancy al-
9 lowed the borrower-owner of homestead prop-
10 erty under this section shall be the period re-
11 quested in writing by the borrower-owner.

12 “(B) RIGHT TO REACQUIRE.—

13 “(i) IN GENERAL.—During the period
14 the borrower-owner occupies the homestead
15 property, the borrower-owner shall have a
16 right to reacquire the homestead property
17 on such terms and conditions as the Sec-
18 retary shall determine.

19 “(ii) SOCIALLY DISADVANTAGED BOR-
20 ROWER-OWNER.—During the period of oc-
21 cupancy of a borrower-owner who is a so-
22 cially disadvantaged farmer, the borrower-
23 owner or a member of the immediate fam-
24 ily of the borrower-owner shall have a right
25 of first refusal to reacquire the homestead

1 property on such terms and conditions as
2 the Secretary shall determine.

3 “(iii) INDEPENDENT APPRAISAL.—

4 The Secretary may not demand a payment
5 for the homestead property that is in ex-
6 cess of the current market value of the
7 homestead property as established by an
8 independent appraisal.

9 “(iv) CONDUCT OF APPRAISAL.—An
10 independent appraisal under clause (iii)
11 shall be conducted by an appraiser selected
12 by the borrower-owner, or, in the case of a
13 borrower-owner who is a socially disadvan-
14 tagged farmer, the immediate family mem-
15 ber of the borrower-owner, from a list of 3
16 appraisers approved by the county super-
17 visor.

18 “(5) TRANSFER OF RIGHTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), no right of a borrower-owner
21 under this section, and no agreement entered
22 into between the borrower-owner and the Sec-
23 retary for occupancy of the homestead property,
24 shall be transferable or assignable by the bor-
25 rower-owner or by operation of law.

1 “(B) DEATH OR INCOMPETENCY.—In the
2 case of death or incompetency of the borrower-
3 owner, the right and agreement shall be trans-
4 ferable to a spouse of the borrower-owner if the
5 spouse agrees to comply with any terms and
6 conditions of the right or agreement.

7 “(6) NOTIFICATION.—Not later than the date
8 of acquisition of the property securing a loan made
9 under this subtitle, the Secretary shall notify the
10 borrower-owner of the property of the availability of
11 homestead protection rights under this section.

12 “(d) END OF PERIOD OF OCCUPANCY.—

13 “(1) IN GENERAL.—At the end of the period of
14 occupancy allowed a borrower-owner under sub-
15 section (c), the Secretary or the Administrator shall
16 grant to the borrower-owner a right of first refusal
17 to reacquire the homestead property on such terms
18 and conditions (which may include payment of prin-
19 cipal in installments) as the Secretary or the Admin-
20 istrator shall determine.

21 “(2) TERMS AND CONDITIONS.—The terms and
22 conditions granted under paragraph (1) may not be
23 less favorable than those offered by the Secretary or
24 Administrator or intended by the Secretary or Ad-
25 ministrator to be offered to any other buyer.

1 “(e) MAXIMUM PAYMENT OF PRINCIPAL.—

2 “(1) IN GENERAL.—At the time a reacquisition
3 agreement is entered into, the Secretary or the Ad-
4 ministrator may not demand a total payment of
5 principal that is in excess of the value of the home-
6 stead property.

7 “(2) DETERMINATION OF VALUE.—To the max-
8 imum extent practicable, the value of the homestead
9 property shall be determined by an independent ap-
10 praisal made during the 180-day period beginning
11 on the date of receipt of the application of the bor-
12 rower-owner to retain possession and occupancy of
13 the homestead property.

14 “(f) TITLE NOT NEEDED TO ENTER INTO CON-
15 TRACTS.—The Secretary may enter into a contract au-
16 thorized by this section before the Secretary acquires title
17 to the homestead property that is the subject of the con-
18 tract.

19 “(g) STATE LAW PREVAILS.—In the event of a con-
20 flict between this section and a provision of State law re-
21 lating to the right of a borrower-owner to designate for
22 separate sale or redeem part or all of the real property
23 securing a loan foreclosed on by a lender to the borrower-
24 owner, the provision of State law shall prevail.

1 **“SEC. 3415. TRANSFER OF INVENTORY LAND.**

2 “(a) IN GENERAL.—Subject to subsection (b), the
3 Secretary may transfer to a Federal or State agency, for
4 conservation purposes, any real property, or interest in
5 real property, administered by the Secretary under this
6 subtitle—

7 “(1) with respect to which the rights of all prior
8 owners and operators have expired;

9 “(2) that is eligible to be disposed of in accord-
10 ance with section 3409; and

11 “(3) that—

12 “(A) has marginal value for agricultural
13 production;

14 “(B) is environmentally sensitive; or

15 “(C) has special management importance.

16 “(b) CONDITIONS.—The Secretary may not transfer
17 any property or interest in property under subsection (a)
18 unless—

19 “(1) at least 2 public notices are given of the
20 transfer;

21 “(2) if requested, at least 1 public meeting is
22 held prior to the transfer; and

23 “(3) the Governor and at least 1 elected county
24 official of the State and county in which the prop-
25 erty is located are consulted prior to the transfer.

1 **“SEC. 3416. TARGET PARTICIPATION RATES.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish annual target participation rates, on a county-
5 wide basis, that shall ensure that members of so-
6 cially disadvantaged groups shall—

7 “(A) receive loans made or guaranteed
8 under chapter 1; and

9 “(B) have the opportunity to purchase or
10 lease farmland acquired by the Secretary under
11 this subtitle.

12 “(2) GROUP POPULATION.—Except as provided
13 in paragraph (3), in establishing the target rates,
14 the Secretary shall take into consideration—

15 “(A) the portion of the population of the
16 county made up of the socially disadvantaged
17 groups; and

18 “(B) the availability of inventory farmland
19 in the county.

20 “(3) GENDER.—In the case of gender, target
21 participation rates shall take into consideration the
22 number of current and potential socially disadvan-
23 taged farmers in a State in proportion to the total
24 number of farmers in the State.

25 “(b) RESERVATION AND ALLOCATION.—

1 “(1) RESERVATION.—To the maximum extent
2 practicable, the Secretary shall reserve sufficient
3 loan funds made available under chapter 1 for use
4 by members of socially disadvantaged groups identi-
5 fied under target participation rates established
6 under subsection (a).

7 “(2) ALLOCATION.—The Secretary shall allo-
8 cate the loans on the basis of the proportion of
9 members of socially disadvantaged groups in a coun-
10 ty and the availability of inventory farmland, with
11 the greatest amount of loan funds being distributed
12 in the county with the greatest proportion of socially
13 disadvantaged group members and the greatest
14 quantity of available inventory farmland.

15 “(3) INDIAN RESERVATIONS.—In distributing
16 loan funds in counties within the boundaries of an
17 Indian reservation, the Secretary shall allocate the
18 funds on a reservation-wide basis.

19 “(c) OPERATING LOANS.—

20 “(1) ESTABLISHMENT.—

21 “(A) IN GENERAL.—The Secretary shall
22 establish annual target participation rates that
23 shall ensure that socially disadvantaged farmers
24 receive loans made or guaranteed under chapter
25 2.

1 “(B) CONSIDERATIONS.—In establishing
2 the target rates, the Secretary shall consider
3 the number of socially disadvantaged farmers in
4 a State in proportion to the total number of
5 farmers in the State.

6 “(2) RESERVATION AND ALLOCATION.—

7 “(A) IN GENERAL.—To the maximum ex-
8 tent practicable, the Secretary shall reserve and
9 allocate the proportion of the loan funds of each
10 State made available under chapter 2 that is
11 equal to the target participation rate of the
12 State for use by the socially disadvantaged
13 farmers in the State.

14 “(B) DISTRIBUTION.—To the maximum
15 extent practicable, the Secretary shall distribute
16 the total loan funds reserved under subpara-
17 graph (A) on a county-by-county basis accord-
18 ing to the number of socially disadvantaged
19 farmers in the county.

20 “(C) REALLOCATION OF UNUSED
21 FUNDS.—Any funds reserved and allocated
22 under this paragraph but not used within a
23 State shall, to the extent necessary to satisfy
24 pending applications under this subtitle, be
25 available for use by socially disadvantaged

1 farmers in other States, as determined by the
2 Secretary, and any remaining funds shall be re-
3 allocated within the State.

4 “(d) REPORT.—The Secretary shall prepare and sub-
5 mit to the Committee on Agriculture of the House of Rep-
6 resentatives and the Committee on Agriculture, Nutrition,
7 and Forestry of the Senate a report that describes the an-
8 nual target participation rates and the success in meeting
9 the rates.

10 “(e) IMPLEMENTATION CONSISTENT WITH SUPREME
11 COURT HOLDING.—Not later than 180 days after April
12 4, 1996, the Secretary shall ensure that the implementa-
13 tion of this section is consistent with the holding of the
14 Supreme Court in *Adarand Constructors, Inc. v. Federico*
15 *Pena*, Secretary of Transportation, 115 S. Ct. 2097
16 (1995).

17 **“SEC. 3417. COMPROMISE OR ADJUSTMENT OF DEBTS OR**
18 **CLAIMS BY GUARANTEED LENDER.**

19 “(a) LOSS BY LENDER.—If the lender of a guaran-
20 teed farmer program loan takes any action described in
21 section 3903(a)(4) with respect to the loan and the Sec-
22 retary approves the action, for purposes of the guarantee,
23 the lender shall be treated as having sustained a loss equal
24 to the amount by which—

1 “(1) the outstanding balance of the loan imme-
2 diately before the action; exceeds

3 “(2) the outstanding balance of the loan imme-
4 diately after the action.

5 “(b) NET PRESENT VALUE OF LOAN.—The Sec-
6 retary shall approve the taking of an action described in
7 section 3903(a)(4) by the lender of a guaranteed farmer
8 program loan with respect to the loan if the action reduces
9 the net present value of the loan to an amount equal to
10 not less than the greater of—

11 “(1) the greatest net present value of a loan the
12 borrower could reasonably be expected to repay; and

13 “(2) the difference between—

14 “(A) the greatest amount that the lender
15 of the loan could reasonably expect to recover
16 from the borrower through bankruptcy, or liq-
17 uidation of the property securing the loan; and

18 “(B) all reasonable and necessary costs
19 and expenses that the lender of the loan could
20 reasonably expect to incur to preserve or dis-
21 pose of the property (including all associated
22 legal and property management costs) in the
23 course of such a bankruptcy or liquidation.

24 “(c) NO LIMITATION ON AUTHORITY.—This section
25 shall not limit the authority of the Secretary to enter into

1 a shared appreciation arrangement with a borrower under
2 section 3411(e).

3 **“SEC. 3418. WAIVER OF MEDIATION RIGHTS BY BOR-**
4 **ROWERS.**

5 “The Secretary may not make or guarantee any
6 farmer program loan to a farm borrower on the condition
7 that the borrower waive any right under the mediation
8 program of any State.

9 **“SEC. 3419. BORROWER TRAINING.**

10 “(a) IN GENERAL.—The Secretary shall contract to
11 provide educational training to all borrowers of direct
12 loans made under this subtitle in financial and farm man-
13 agement concepts associated with commercial farming.

14 “(b) CONTRACT.—

15 “(1) IN GENERAL.—The Secretary may con-
16 tract with a State or private provider of farm man-
17 agement and credit counseling services (including a
18 community college, the extension service of a State,
19 a State department of agriculture, or a nonprofit or-
20 ganization) to carry out this section.

21 “(2) CONSULTATION.—The Secretary may con-
22 sult with the chief executive officer of a State con-
23 cerning the identity of the contracting organization
24 and the process for contracting.

25 “(c) ELIGIBILITY FOR LOANS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 to be eligible to obtain a direct loan under this sub-
3 title, a borrower shall be required to obtain manage-
4 ment assistance under this section, appropriate to
5 the management ability of the borrower during the
6 determination of eligibility for the loan.

7 “(2) LOAN CONDITIONS.—The need of a bor-
8 rower who satisfies the criteria set out in section
9 3101(b)(1)(B) or 3201(b)(1)(B) for management as-
10 sistance under this section shall not be cause for de-
11 nial of eligibility of the borrower for a direct loan
12 under this subtitle.

13 “(d) GUIDELINES AND CURRICULUM.—The Sec-
14 retary shall issue regulations establishing guidelines and
15 curriculum for the borrower training program established
16 under this section.

17 “(e) PAYMENT.—A borrower—

18 “(1) shall pay for training received under this
19 section; and

20 “(2) may use funds from operating loans made
21 under chapter 2 to pay for the training.

22 “(f) WAIVERS.—

23 “(1) IN GENERAL.—The Secretary may waive
24 the requirements of this section for an individual
25 borrower on a determination that the borrower dem-

1 onstrates adequate knowledge in areas described in
2 this section.

3 “(2) CRITERIA.—The Secretary shall establish
4 criteria providing for the application of paragraph
5 (1) consistently in all counties nationwide.

6 **“SEC. 3420. LOAN ASSESSMENTS.**

7 “(a) IN GENERAL.—After an applicant is determined
8 to be eligible for assistance under this subtitle, the Sec-
9 retary shall evaluate, in accordance with regulations issued
10 by the Secretary, the farming plan and financial situation
11 of each qualified farmer applicant.

12 “(b) DETERMINATIONS.—In evaluating the farming
13 plan and financial situation of an applicant under this sec-
14 tion, the Secretary shall determine—

15 “(1) the amount that the applicant needs to
16 borrow to carry out the proposed farming plan;

17 “(2) the rate of interest that the applicant
18 would need to be able to cover expenses and build
19 an adequate equity base;

20 “(3) the goals of the proposed farming plan of
21 the applicant;

22 “(4) the financial viability of the plan and any
23 changes that are necessary to make the plan viable;
24 and

1 “(5) whether assistance is necessary under this
2 subtitle and, if so, the amount of the assistance.

3 “(c) CONTRACT.—The Secretary may contract with
4 a third party (including an entity that is eligible to provide
5 borrower training under section 3419(b)) to conduct a
6 loan assessment under this section.

7 “(d) REVIEW OF LOANS.—

8 “(1) IN GENERAL.—Loan assessments con-
9 ducted under this section shall include biannual re-
10 view of direct loans, and periodic review (as deter-
11 mined necessary by the Secretary) of guaranteed
12 loans, made under this subtitle to assess the
13 progress of a borrower in meeting the goals for the
14 farm operation.

15 “(2) CONTRACTS.—The Secretary may contract
16 with an entity that is eligible to provide borrower
17 training under section 3419(b) to conduct a loan re-
18 view under paragraph (1).

19 “(3) PROBLEM ASSESSMENTS.—If a borrower is
20 delinquent in payments on a direct or guaranteed
21 loan made under this subtitle, the Secretary or the
22 contracting entity shall determine the cause of, and
23 action necessary to correct, the delinquency.

1 “(e) GUIDELINES.—The Secretary shall issue regula-
2 tions providing guidelines for loan assessments conducted
3 under this section.

4 **“SEC. 3421. SUPERVISED CREDIT.**

5 “The Secretary shall provide adequate training to
6 employees of the Farm Service Agency on credit analysis
7 and financial and farm management—

8 “(1) to better acquaint the employees with what
9 constitutes adequate financial data on which to base
10 a direct or guaranteed loan approval decision; and

11 “(2) to ensure proper supervision of farmer
12 program loans.

13 **“SEC. 3422. MARKET PLACEMENT.**

14 “The Secretary shall establish a market placement
15 program for a qualified beginning farmer and any other
16 borrower of farmer program loans that the Secretary be-
17 lieves has a reasonable chance of qualifying for commercial
18 credit with a guarantee provided under this subtitle.

19 **“SEC. 3423. RECORDKEEPING OF LOANS BY GENDER OF**
20 **BORROWER.**

21 “The Secretary shall classify, by gender, records of
22 applicants for loans and loan guarantees under this sub-
23 title.

1 **“SEC. 3424. CROP INSURANCE REQUIREMENT.**

2 “(a) IN GENERAL.—As a condition of obtaining any
3 benefit (including a direct loan, loan guarantee, or pay-
4 ment) described in subsection (b), a borrower shall be re-
5 quired to obtain at least catastrophic risk protection insur-
6 ance coverage under section 508 of the Federal Crop In-
7 surance Act (7 U.S.C. 1508) for the crop and crop year
8 for which the benefit is sought, if the coverage is offered
9 by the Federal Crop Insurance Corporation.

10 “(b) APPLICABLE BENEFITS.—Subsection (a) shall
11 apply to—

12 “(1) a farm ownership loan under section 3102;

13 “(2) an operating loan under section 3202; and

14 “(3) an emergency loan under section 3301.

15 **“SEC. 3425. LOAN AND LOAN SERVICING LIMITATIONS.**

16 “(a) DELINQUENT BORROWERS PROHIBITED FROM
17 OBTAINING DIRECT OPERATING LOANS.—The Secretary
18 may not make a direct operating loan under chapter 2
19 to a borrower who is delinquent on any loan made or guar-
20 anteed under this subtitle.

21 “(b) LOANS PROHIBITED FOR BORROWERS THAT
22 HAVE RECEIVED DEBT FORGIVENESS.—

23 “(1) PROHIBITIONS.—Except as provided in
24 paragraph (2)—

25 “(A) the Secretary may not make a loan
26 under this subtitle to a borrower that has re-

1 ceived debt forgiveness on a loan made or guar-
2 anteed under this subtitle; and

3 “(B) the Secretary may not guarantee a
4 loan under this subtitle to a borrower that has
5 received—

6 “(i) debt forgiveness after April 4,
7 1996, on a loan made or guaranteed under
8 this subtitle; or

9 “(ii) received debt forgiveness on more
10 than 3 occasions on or before April 4,
11 1996.

12 “(2) EXCEPTIONS.—

13 “(A) IN GENERAL.—The Secretary may
14 make a direct or guaranteed farm operating
15 loan for paying annual farm operating expenses
16 of a borrower who—

17 “(i) was restructured with a write-
18 down under section 3411;

19 “(ii) is current on payments under a
20 confirmed reorganization plan under chap-
21 ters 11, 12, or 13 of title 11 of the United
22 States Code; or

“(iii) received debt forgiveness on not more than 1 occasion resulting directly and primarily from a major disaster or emer-

1 agency designated by the President on or
2 after April 4, 1996, under the Robert T.
3 Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5121 et seq.).

5 “(B) EMERGENCY LOANS.—The Secretary
6 may make an emergency loan under section
7 3301 to a borrower that—

8 “(i) on or before April 4, 1996, re-
9 ceived not more than 1 debt forgiveness on
10 a loan made or guaranteed under this sub-
11 title; and

12 “(ii) after April 4, 1996, has not re-
13 ceived debt forgiveness on a loan made or
14 guaranteed under this subtitle.

15 “(c) NO MORE THAN 1 DEBT FORGIVENESS FOR A
16 BORROWER ON A DIRECT LOAN.—The Secretary may not
17 provide to a borrower debt forgiveness on a direct loan
18 made under this subtitle if the borrower has received debt
19 forgiveness on another direct loan made under this sub-
20 title.

21 **“SEC. 3426. SHORT FORM CERTIFICATION OF FARM PRO-**
22 **GRAM BORROWER COMPLIANCE.**

23 “The Secretary shall develop and use a consolidated
24 short form for farmer program loan borrowers to use in
25 certifying compliance with any applicable provision of law

1 (including a regulation) that serves as an eligibility pre-
2 requisite for a loan made under this subtitle.

3 **“SEC. 3427. UNDERWRITING FORMS AND STANDARDS.**

4 “In the administration of this subtitle, the Secretary
5 shall, to the extent practicable, use underwriting forms,
6 standards, practices, and terminology similar to the forms,
7 standards, practices, and terminology used by lenders in
8 the private sector.

9 **“SEC. 3428. BEGINNING FARMER INDIVIDUAL DEVELOP-**
10 **MENT ACCOUNTS PILOT PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) DEMONSTRATION PROGRAM.—The term
13 ‘demonstration program’ means a demonstration
14 program carried out by a qualified entity under the
15 pilot program established in subsection (b)(1).

16 “(2) ELIGIBLE PARTICIPANT.—The term ‘eligi-
17 ble participant’ means a qualified beginning farmer
18 that—

19 “(A) lacks significant financial resources
20 or assets; and

21 “(B) has an income that is less than—

22 “(i) 80 percent of the median income
23 of the State in which the farmer resides; or

24 “(ii) 200 percent of the most recent
25 annual Federal Poverty Income Guidelines

1 published by the Department of Health
2 and Human Services for the State.

3 “(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—
4 The term ‘individual development account’ means a
5 savings account described in subsection (b)(4)(A).

6 “(4) QUALIFIED ENTITY.—

7 “(A) IN GENERAL.—The term ‘qualified
8 entity’ means—

9 “(i) 1 or more organizations—

10 “(I) described in section
11 501(c)(3) of the Internal Revenue
12 Code of 1986; and

13 “(II) exempt from taxation under
14 section 501(a) of such Code; or

15 “(ii) a State, local, or tribal govern-
16 ment submitting an application jointly with
17 an organization described in clause (i).

18 “(B) NO PROHIBITION ON COLLABORA-
19 TION.—An organization described in subpara-
20 graph (A)(i) may collaborate with a financial
21 institution or for-profit community development
22 corporation to carry out the purposes of this
23 section.

24 “(b) PILOT PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a pilot program to be known as the ‘New Farm-
3 er Individual Development Accounts Pilot Program’
4 under which the Secretary shall work through quali-
5 fied entities to establish demonstration programs—

6 “(A) of at least 5 years in duration; and

7 “(B) in at least 15 States.

8 “(2) COORDINATION.—The Secretary shall op-
9 erate the pilot program through and in coordination
10 with the farmer program loans of the Farm Service
11 Agency.

12 “(3) RESERVE FUNDS.—

13 “(A) IN GENERAL.—A qualified entity car-
14 rying out a demonstration program under this
15 section shall establish a reserve fund consisting
16 of a non-Federal match of 50 percent of the
17 total amount of the grant awarded to the dem-
18 onstration program under this section.

19 “(B) FEDERAL FUNDS.—After the quali-
20 fied entity has deposited the non-Federal
21 matching funds described in subparagraph (A)
22 in the reserve fund, the Secretary shall provide
23 the total amount of the grant awarded under
24 this section to the demonstration program for
25 deposit in the reserve fund.

1 “(C) USE OF FUNDS.—Of the funds depos-
2 ited under subparagraph (B) in the reserve
3 fund established for a demonstration program,
4 the qualified entity carrying out the demonstra-
5 tion program—

6 “(i) may use up to 10 percent for ad-
7 ministrative expenses; and

8 “(ii) shall use the remainder in mak-
9 ing matching awards described in para-
10 graph (4)(B)(ii)(I).

11 “(D) INTEREST.—Any interest earned on
12 amounts in a reserve fund established under
13 subparagraph (A) may be used by the qualified
14 entity as additional matching funds for, or to
15 administer, the demonstration program.

16 “(E) GUIDANCE.—The Secretary shall
17 issue guidance regarding the investment re-
18 quirements of reserve funds established under
19 this paragraph.

20 “(F) REVERSION.—On the date on which
21 all funds remaining in any individual develop-
22 ment account established by a qualified entity
23 have reverted under paragraph (5)(B)(ii) to the
24 reserve fund established by the qualified entity,
25 there shall revert to the Treasury of the United

1 States a percentage of the amount (if any) in
2 the reserve fund equal to—

3 “(i) the amount of Federal funds de-
4 posited in the reserve fund under subpara-
5 graph (B) that were not used for adminis-
6 trative expenses; divided by

7 “(ii) the total amount of funds depos-
8 ited in the reserve fund.

9 “(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

10 “(A) IN GENERAL.—A qualified entity re-
11 ceiving a grant under this section shall establish
12 and administer individual development accounts
13 for eligible participants.

14 “(B) CONTRACT REQUIREMENTS.—To be
15 eligible to receive funds under this section from
16 a qualified entity, an eligible participant shall
17 enter into a contract with only 1 qualified enti-
18 ty under which—

19 “(i) the eligible participant agrees—

20 “(I) to deposit a certain amount
21 of funds of the eligible participant in
22 a personal savings account, as pre-
23 scribed by the contractual agreement
24 between the eligible participant and
25 the qualified entity;

1 “(II) to use the funds described
2 in subclause (I) only for 1 or more eli-
3 gible expenditures described in para-
4 graph (5)(A); and

5 “(III) to complete financial train-
6 ing; and

7 “(ii) the qualified entity agrees—

8 “(I) to deposit, not later than 1
9 month after an amount is deposited
10 pursuant to clause (i)(I), at least a
11 100-percent, and up to a 200-percent,
12 match of that amount into the indi-
13 vidual development account estab-
14 lished for the eligible participant; and

15 “(II) with uses of funds proposed
16 by the eligible participant.

17 “(C) LIMITATION.—

18 “(i) IN GENERAL.—A qualified entity
19 administering a demonstration program
20 under this section may provide not more
21 than \$6,000 for each fiscal year in match-
22 ing funds to the individual development ac-
23 count established by the qualified entity
24 for an eligible participant.

1 “(ii) TREATMENT OF AMOUNT.—An
2 amount provided under clause (i) shall not
3 be considered to be a gift or loan for mort-
4 gage purposes.

5 “(5) ELIGIBLE EXPENDITURES.—

6 “(A) IN GENERAL.—An eligible expendi-
7 ture described in this subparagraph is an ex-
8 penditure—

9 “(i) to purchase farmland or make a
10 down payment on an accepted purchase
11 offer for farmland;

12 “(ii) to make mortgage payments on
13 farmland purchased pursuant to clause (i),
14 for up to 180 days after the date of the
15 purchase;

16 “(iii) to purchase breeding stock, fruit
17 or nut trees, or trees to harvest for timber;
18 and

19 “(iv) for other similar expenditures,
20 as determined by the Secretary.

21 “(B) TIMING.—

22 “(i) IN GENERAL.—An eligible partici-
23 pant may make an eligible expenditure at
24 any time during the 2-year period begin-
25 ning on the date on which the last match-

1 ing funds are provided under paragraph
2 (4)(B)(ii)(I) to the individual development
3 account established for the eligible partici-
4 pant.

5 “(ii) UNEXPENDED FUNDS.—At the
6 end of the period described in clause (i),
7 any funds remaining in an individual devel-
8 opment account established for an eligible
9 participant shall revert to the reserve fund
10 of the demonstration program under which
11 the account was established.

12 “(c) APPLICATIONS.—

13 “(1) IN GENERAL.—A qualified entity that
14 seeks to carry out a demonstration program under
15 this section may submit to the Secretary an applica-
16 tion at such time, in such form, and containing such
17 information as the Secretary may prescribe.

18 “(2) CRITERIA.—In considering whether to ap-
19 prove an application to carry out a demonstration
20 program under this section, the Secretary shall as-
21 sess—

22 “(A) the degree to which the demonstra-
23 tion program described in the application is
24 likely to aid eligible participants in successfully
25 pursuing new farming opportunities;

1 “(B) the experience and ability of the
2 qualified entity to responsibly administer the
3 demonstration program;

4 “(C) the experience and ability of the
5 qualified entity in recruiting, educating, and as-
6 sisting eligible participants to increase economic
7 independence and pursue or advance farming
8 opportunities;

9 “(D) the aggregate amount of direct funds
10 from non-Federal public sector and private
11 sources that are formally committed to the
12 demonstration program as matching contribu-
13 tions;

14 “(E) the adequacy of the plan of the quali-
15 fied entity to provide information relevant to an
16 evaluation of the demonstration program; and

17 “(F) such other factors as the Secretary
18 considers to be appropriate.

19 “(3) PREFERENCES.—In considering an appli-
20 cation to conduct a demonstration program under
21 this section, the Secretary shall give preference to an
22 application from a qualified entity that dem-
23 onstrates—

1 “(A) a track record of serving clients tar-
2 geted by the program, including, as appro-
3 priate, socially disadvantaged farmers; and

4 “(B) expertise in dealing with financial
5 management aspects of farming.

6 “(4) APPROVAL.—Not later than 1 year after
7 the date of enactment of this section, in accordance
8 with this section, the Secretary shall, on a competi-
9 tive basis, approve such applications to conduct dem-
10 onstration programs as the Secretary considers ap-
11 propriate.

12 “(5) TERM OF AUTHORITY.—If the Secretary
13 approves an application to carry out a demonstration
14 program, the Secretary shall authorize the applicant
15 to carry out the project for a period of 5 years, plus
16 an additional 2 years to make eligible expenditures
17 in accordance with subsection (b)(5)(B).

18 “(d) GRANT AUTHORITY.—

19 “(1) IN GENERAL.—The Secretary shall make a
20 grant to a qualified entity authorized to carry out a
21 demonstration program under this section.

22 “(2) MAXIMUM AMOUNT OF GRANTS.—The ag-
23 gregate amount of grant funds provided to a dem-
24 onstration program carried out under this section
25 shall not exceed \$250,000.

1 “(3) TIMING OF GRANT PAYMENTS.—The Sec-
2 retary shall pay the amounts awarded under a grant
3 made under this section—

4 “(A) on the awarding of the grant; or

5 “(B) pursuant to such payment plan as
6 the qualified entity may specify.

7 “(e) REPORTS.—

8 “(1) ANNUAL PROGRESS REPORTS.—

9 “(A) IN GENERAL.—Not later than 60
10 days after the end of the calendar year in which
11 the Secretary authorizes a qualified entity to
12 carry out a demonstration program under this
13 section, and annually thereafter until the con-
14 clusion of the demonstration program, the
15 qualified entity shall prepare an annual report
16 that includes, for the period covered by the re-
17 port—

18 “(i) an evaluation of the progress of
19 the demonstration program;

20 “(ii) information about the dem-
21 onstration program, including the eligible
22 participants and the individual develop-
23 ment accounts that have been established;
24 and

1 “(iii) such other information as the
2 Secretary may require.

3 “(B) SUBMISSION OF REPORTS.—A quali-
4 fied entity shall submit each report required
5 under subparagraph (A) to the Secretary.

6 “(2) REPORTS BY THE SECRETARY.—Not later
7 than 1 year after the date on which all demonstra-
8 tion programs under this section are concluded, the
9 Secretary shall submit to Congress a final report
10 that describes the results and findings of all reports
11 and evaluations carried out under this section.

12 “(f) ANNUAL REVIEW.—The Secretary may conduct
13 an annual review of the financial records of a qualified
14 entity—

15 “(1) to assess the financial soundness of the
16 qualified entity; and

17 “(2) to determine the use of grant funds made
18 available to the qualified entity under this section.

19 “(g) REGULATIONS.—In carrying out this section,
20 the Secretary may promulgate regulations to ensure that
21 the program includes provisions for—

22 “(1) the termination of demonstration pro-
23 grams;

24 “(2) control of the reserve funds in the case of
25 such a termination;

1 “(3) transfer of demonstration programs to
2 other qualified entities; and

3 “(4) remissions from a reserve fund to the Sec-
4 retary in a case in which a demonstration program
5 is terminated without transfer to a new qualified en-
6 tity.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$5,000,000 for each of fiscal years 2013 through 2018.

10 **“SEC. 3429. FARMER LOAN PILOT PROJECTS.**

11 “(a) IN GENERAL.—The Secretary may conduct pilot
12 projects of limited scope and duration that are consistent
13 with this subtitle to evaluate processes and techniques that
14 may improve the efficiency and effectiveness of the pro-
15 grams carried out under this subtitle

16 “(b) NOTIFICATION.—The Secretary shall—

17 “(1) not less than 60 days before the date on
18 which the Secretary initiates a pilot project under
19 subsection (a), submit notice of the proposed pilot
20 project to the Committee on Agriculture of the
21 House of Representatives and the Committee on Ag-
22 riculture, Nutrition, and Forestry of the Senate; and

23 “(2) consider any recommendations or feedback
24 provided to the Secretary in response to the notice
25 provided under paragraph (1).

1 **“SEC. 3430. PROHIBITION ON USE OF LOANS FOR CERTAIN**
2 **PURPOSES.**

3 “(a) IN GENERAL.—Except as provided in sub-
4 sections (b) and (c), the Secretary may not approve a loan
5 under this subtitle to drain, dredge, fill, level, or otherwise
6 manipulate a wetland (as defined in section 1201(a) of
7 the Food Security Act of 1985 (16 U.S.C. 3801(a))), or
8 to engage in any activity that results in impairing or re-
9 ducing the flow, circulation, or reach of water.

10 “(b) PRIOR ACTIVITY.—Subsection (a) does not
11 apply in the case of—

12 “(1) an activity related to the maintenance of
13 a previously converted wetland; or

14 “(2) an activity that had already commenced
15 before November 28, 1990.

16 “(c) EXCEPTION.—This section shall not apply to a
17 loan made or guaranteed under this subtitle for a utility
18 line.

19 **“SEC. 3431. AUTHORIZATION OF APPROPRIATIONS AND AL-**
20 **LOCATION OF FUNDS.**

21 “(a) AUTHORIZATION FOR LOANS.—

22 “(1) IN GENERAL.—The Secretary may make
23 or guarantee loans under chapters 1 and 2 from the
24 Agricultural Credit Insurance Fund for not more
25 than \$4,226,000,000 for each of fiscal years 2013
26 through 2018, of which, for each fiscal year—

1 “(A) \$1,200,000,000 shall be for direct
2 loans, of which—

3 “(i) \$350,000,000 shall be for farm
4 ownership loans; and

5 “(ii) \$850,000,000 shall be for oper-
6 ating loans; and

7 “(B) \$3,026,000,000 shall be for guaran-
8 teed loans, of which—

9 “(i) \$1,000,000,000 shall be for guar-
10 antees of farm ownership loans; and

“(ii) \$2,026,000,000 shall be for
guarantees of operating loans.”

13 “(2) BEGINNING FARMERS.—

14 “(A) DIRECT LOANS.—

15 “(i) FARM OWNERSHIP LOANS.—

“(I) IN GENERAL.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve an amount that is not less than 75 percent of the total amount for qualified beginning farmers.

23 “(II) DOWN PAYMENT LOANS;
24 JOINT FINANCING ARRANGEMENTS.—

25 Of the amounts reserved for a fiscal

1 year under subclause (I), the Sec-
2 retary shall reserve an amount not
3 less than $\frac{2}{3}$ of the amount for the
4 down payment loan program under
5 section 3107 and joint financing ar-
6 rangements under section 3105 until
7 April 1 of the fiscal year.

8 “(ii) OPERATING LOANS.—Of the
9 amounts made available under paragraph
10 (1) for direct operating loans, the Sec-
11 retary shall reserve for qualified beginning
12 farmers for each of fiscal years 2013
13 through 2018, an amount that is not less
14 than 50 percent of the total amount.

15 “(iii) FUNDS RESERVED UNTIL SEP-
16 TEMBER 1.—Except as provided in clause
17 (i)(II), funds reserved for qualified begin-
18 ning farmers under this subparagraph for
19 a fiscal year shall be reserved only until
20 September 1 of the fiscal year.

21 “(B) GUARANTEED LOANS.—

22 “(i) FARM OWNERSHIP LOANS.—Of
23 the amounts made available under para-
24 graph (1) for guarantees of farm owner-
25 ship loans, the Secretary shall reserve an

1 amount that is not less than 40 percent of
2 the total amount for qualified beginning
3 farmers.

4 “(ii) OPERATING LOANS.—Of the
5 amounts made available under paragraph
6 (1) for guarantees of operating loans, the
7 Secretary shall reserve 40 percent for
8 qualified beginning farmers.

9 “(iii) FUNDS RESERVED UNTIL APRIL
10 1.—Funds reserved for qualified beginning
11 farmers under this subparagraph for a fis-
12 cal year shall be reserved only until April
13 1 of the fiscal year.

14 “(C) RESERVED FUNDS FOR ALL QUALI-
15 FIED BEGINNING FARMERS.—If a qualified be-
16 ginning farmer meets the eligibility criteria for
17 receiving a direct or guaranteed loan under sec-
18 tion 3101, 3107, or 3201, the Secretary shall
19 make or guarantee the loan if sufficient funds
20 reserved under this paragraph are available to
21 make or guarantee the loan.

22 “(3) TRANSFER FOR DOWN PAYMENT LOANS.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B)—

1 “(4) TRANSFER FOR CREDIT SALES OF FARM
2 INVENTORY PROPERTY.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graphs (B) and (C), beginning on September 1
5 of each fiscal year, the Secretary may use avail-
6 able funds made available under chapter 3 for
7 the fiscal year to fund the credit sale of farm
8 real estate in the inventory of the Secretary.

9 “(B) SUPPLEMENTAL APPROPRIATIONS.—
10 The transfer authority provided under subpara-
11 graph (A) shall not apply to any funds made
12 available to the Secretary for any fiscal year
13 under an Act making supplemental appropria-
14 tions.

15 “(C) LIMITATION.—The Secretary shall
16 limit the transfer of funds under subparagraph
17 (A) so that all emergency disaster loans that
18 have been approved, or will be approved, by the
19 Secretary during the fiscal year will be made to
20 the extent of available amounts.

21 “(5) AVAILABILITY OF FUNDS.—Funds made
22 available to carry out this subtitle shall remain avail-
23 able until expended.

24 “(b) COST PROJECTIONS.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 long-term cost projections for loan program author-
3 izations required under subsection (a).

4 “(2) ANALYSIS.—Each projection under para-
5 graph (1) shall include analyses of—

6 “(A) the long-term costs of the lending lev-
7 els that the Secretary requests to be authorized
8 under subsection (a); and

9 “(B) the long-term costs for increases in
10 lending levels beyond those requested to be au-
11 thorized, based on increments of \$10,000,000
12 or such other levels as the Secretary considers
13 appropriate.

14 “(3) SUBMISSION TO CONGRESS.—The Sec-
15 retary shall submit to the Committees on Agri-
16 culture and Appropriations of the House of Rep-
17 resentatives and the Committees on Agriculture, Nu-
18 trition, and Forestry and Appropriations of the Sen-
19 ate reports containing the long-term cost projections
20 for the 3-year period beginning with fiscal year 1983
21 and each 3-year period thereafter at the time the re-
22 quests for authorizations for those periods are sub-
23 mitted to Congress.

24 “(c) LOW-INCOME, LIMITED-RESOURCE BOR-
25 ROWERS.—

1 “(1) RESERVE.—Notwithstanding any other
2 provision of law, not less than 25 percent of the
3 loans for farm ownership purposes for each fiscal
4 year under this subtitle shall be for low-income, lim-
5 ited-resource borrowers.

6 “(2) NOTIFICATION.—The Secretary shall pro-
7 vide notification to farm borrowers under this sub-
8 title in the normal course of loan making and loan
9 servicing operations, of the provisions of this subtitle
10 relating to low-income, limited-resource borrowers
11 and the procedures by which persons may apply for
12 loans under the low-income, limited-resource bor-
13 rower program.”.

14 **Subtitle B—Miscellaneous**

15 **SEC. 5101. STATE AGRICULTURAL MEDIATION PROGRAMS.**

16 Section 506 of the Agricultural Credit Act of 1987
17 (7 U.S.C. 5106) is amended by striking “2015” and in-
18 serting “2018”.

19 **SEC. 5102. LOANS TO PURCHASERS OF HIGHLY** 20 **FRACTIONATED LAND.**

21 (a) IN GENERAL.—The first sentence of Public Law
22 91–229 (25 U.S.C. 488) is amended—

23 (1) in subsection (a), in the first sentence, by
24 striking “loans from” and all that follows through
25 “1929)” and inserting “direct loans in a manner

1 consistent with direct loans pursuant to chapter 4 of
2 subtitle A of the Consolidated Farm and Rural De-
3 velopment Act”;

4 (2) in subsection (b)(1)—

5 (A) by striking “pursuant to section 205(c)
6 of the Indian Land Consolidation Act (25
7 U.S.C. 2204(c))”; and

8 (B) by inserting “or to intermediaries in
9 order to establish revolving loan funds for the
10 purchase of highly fractionated land under that
11 section” before the period at the end; and

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

13 “(c) CONSULTATION REQUIRED.—In determining
14 regulations and procedures to define eligible purchasers of
15 highly fractionated land under this section, the Secretary
16 of Agriculture shall consult with the Secretary of the Inte-
17 rior.”.

18 **SEC. 5103. REMOVAL OF DUPLICATIVE APPRAISALS.**

19 Notwithstanding any other law (including regula-
20 tions), in making loans under the first section of Public
21 Law 91–229 (25 U.S.C. 488), borrowers who are Indian
22 tribes, members of Indian tribes, or tribal corporations
23 shall only be required to obtain 1 appraisal under an ap-
24 praisal standard recognized as of the date of enactment

1 of this Act by the Secretary or the Secretary of the Inte-
2 rior.

3 **TITLE VI—RURAL**
4 **DEVELOPMENT**
5 **Subtitle A—Reorganization of the**
6 **Consolidated Farm and Rural**
7 **Development Act**

8 **SEC. 6001. REORGANIZATION OF THE CONSOLIDATED FARM**
9 **AND RURAL DEVELOPMENT ACT.**

10 Title III of the Agricultural Act of 1961 (7 U.S.C.
11 1921 et seq.) is amended to read as follows:

12 **“TITLE III—AGRICULTURAL**
13 **CREDIT**

14 **“SEC. 3001. SHORT TITLE; TABLE OF CONTENTS.**

15 “(a) SHORT TITLE.—This title may be cited as the
16 ‘Consolidated Farm and Rural Development Act’.

17 “(b) TABLE OF CONTENTS.—The table of contents
18 of this title is as follows:

“TITLE III—AGRICULTURAL CREDIT

“Sec. 3001. Short title; table of contents.

“Sec. 3002. Definitions.

“Subtitle A—Farmer Loans, Servicing, and Other Assistance

“CHAPTER 1—FARM OWNERSHIP LOANS

“Sec. 3101. Farm ownership loans.

“Sec. 3102. Purposes of loans.

“Sec. 3103. Conservation loan and loan guarantee program.

“Sec. 3104. Loan maximums.

“Sec. 3105. Repayment requirements for farm ownership loans.

“Sec. 3106. Limited-resource loans.

“Sec. 3107. Downpayment loan program.

561

“Sec. 3108. Beginning farmer and socially disadvantaged farmer contract land sales program.

“CHAPTER 2—OPERATING LOANS

“Sec. 3201. Operating loans.

“Sec. 3202. Purposes of loans.

“Sec. 3203. Restrictions on loans.

“Sec. 3204. Terms of loans.

“CHAPTER 3—EMERGENCY LOANS

“Sec. 3301. Emergency loans.

“Sec. 3302. Purposes of loans.

“Sec. 3303. Terms of loans.

“Sec. 3304. Production losses.

“CHAPTER 4—GENERAL FARMER LOAN PROVISIONS

“Sec. 3401. Agricultural Credit Insurance Fund.

“Sec. 3402. Guaranteed farmer loans.

“Sec. 3403. Provision of information to borrowers.

“Sec. 3404. Notice of loan service programs.

“Sec. 3405. Planting and production history guidelines.

“Sec. 3406. Special conditions and limitations on loans.

“Sec. 3407. Graduation of borrowers.

“Sec. 3408. Debt adjustment and credit counseling.

“Sec. 3409. Security servicing.

“Sec. 3410. Contracts on loan security properties.

“Sec. 3411. Debt restructuring and loan servicing.

“Sec. 3412. Relief for mobilized military reservists from certain agricultural loan obligations.

“Sec. 3413. Interest rate reduction program.

“Sec. 3414. Homestead property.

“Sec. 3415. Transfer of inventory land.

“Sec. 3416. Target participation rates.

“Sec. 3417. Compromise or adjustment of debts or claims by guaranteed lender.

“Sec. 3418. Waiver of mediation rights by borrowers.

“Sec. 3419. Borrower training.

“Sec. 3420. Loan assessments.

“Sec. 3421. Supervised credit.

“Sec. 3422. Market placement.

“Sec. 3423. Recordkeeping of loans by gender of borrower.

“Sec. 3424. Crop insurance requirement.

“Sec. 3425. Loan and loan servicing limitations.

“Sec. 3426. Short form certification of farm program borrower compliance.

“Sec. 3427. Underwriting forms and standards.

“Sec. 3428. Beginning farmer individual development accounts pilot program.

“Sec. 3429. Farmer loan pilot projects.

“Sec. 3430. Prohibition on use of loans for certain purposes.

“Sec. 3431. Authorization of appropriations and allocation of funds.

“Subtitle B—Rural Development

“CHAPTER 1—RURAL COMMUNITY PROGRAMS

562

- “Sec. 3501. Water and waste disposal loans, loan guarantees, and grants.
- “Sec. 3502. Community facilities loans, loan guarantees, and grants.
- “Sec. 3503. Health care services.

“CHAPTER 2—RURAL BUSINESS AND COOPERATIVE DEVELOPMENT

- “Sec. 3601. Business programs.
- “Sec. 3602. Rural Business Investment Program.

“CHAPTER 3—GENERAL RURAL DEVELOPMENT PROVISIONS

- “Sec. 3701. General provisions for loans and grants.
- “Sec. 3702. Strategic economic and community development.
- “Sec. 3703. Guaranteed rural development loans.
- “Sec. 3704. Rural Development Insurance Fund.
- “Sec. 3705. Rural economic area partnership zones.
- “Sec. 3706. Streamlining applications and improving accessibility of rural development programs.
- “Sec. 3707. State Rural Development Partnership.

“CHAPTER 4—DELTA REGIONAL AUTHORITY

- “Sec. 3801. Definitions.
- “Sec. 3802. Delta Regional Authority.
- “Sec. 3803. Economic and community development grants.
- “Sec. 3804. Supplements to Federal grant programs.
- “Sec. 3805. Local development districts; certification and administrative expenses.
- “Sec. 3806. Distressed counties and areas and nondistressed counties.
- “Sec. 3807. Development planning process.
- “Sec. 3808. Program development criteria.
- “Sec. 3809. Approval of development plans and projects.
- “Sec. 3810. Consent of States.
- “Sec. 3811. Records.
- “Sec. 3812. Annual report.
- “Sec. 3813. Authorization of appropriations.
- “Sec. 3814. Termination of authority.

“CHAPTER 5—NORTHERN GREAT PLAINS REGIONAL AUTHORITY

- “Sec. 3821. Definitions.
- “Sec. 3822. Northern Great Plains Regional Authority.
- “Sec. 3823. Interstate cooperation for economic opportunity and efficiency.
- “Sec. 3824. Economic and community development grants.
- “Sec. 3825. Supplements to Federal grant programs.
- “Sec. 3826. Multistate and local development districts and organizations and Northern Great Plains Inc.
- “Sec. 3827. Distressed counties and areas and nondistressed counties.
- “Sec. 3828. Development planning process.
- “Sec. 3829. Program development criteria.
- “Sec. 3830. Approval of development plans and projects.
- “Sec. 3831. Consent of States.
- “Sec. 3832. Records.
- “Sec. 3833. Annual report.
- “Sec. 3834. Authorization of appropriations.
- “Sec. 3835. Termination of authority.

“Subtitle C—General Provisions

- “Sec. 3901. Full faith and credit.
- “Sec. 3902. Purchase and sale of guaranteed portions of loans.
- “Sec. 3903. Administration.
- “Sec. 3904. Loan moratorium and policy on foreclosures.
- “Sec. 3905. Oil and gas royalty payments on loans.
- “Sec. 3906. Taxation.
- “Sec. 3907. Conflicts of interest.
- “Sec. 3908. Loan summary statements.
- “Sec. 3909. Certified lenders program.
- “Sec. 3910. Loans to resident aliens.
- “Sec. 3911. Expedited clearing of title to inventory property.
- “Sec. 3912. Transfer of land to Secretary.
- “Sec. 3913. Competitive sourcing limitations.
- “Sec. 3914. Regulations.

1 “SEC. 3002. DEFINITIONS.

2 “In this title (unless the context otherwise requires):

3 “(1) ABLE TO OBTAIN CREDIT ELSEWHERE.—

4 The term ‘able to obtain credit elsewhere’ means
5 able to obtain a loan from a production credit asso-
6 ciation, a Federal land bank, or other responsible co-
7 operative or private credit source (or, in the case of
8 a borrower under section 3106, the borrower may be
9 able to obtain a loan under section 3101) at reason-
10 able rates and terms, taking into consideration pre-
11 vailing private and cooperative rates and terms in
12 the community in or near which the applicant re-
13 sides for loans for similar purposes and periods of
14 time.

15 “(2) AGRICULTURAL CREDIT INSURANCE
16 FUND.—The term ‘Agricultural Credit Insurance
17 Fund’ means the fund established under section
18 3401.

1 “(3) APPROVED LENDER.—The term ‘approved
2 lender’ means—

3 “(A) a lender approved prior to October
4 28, 1992, by the Secretary under the approved
5 lender program established by exhibit A to sub-
6 part B of part 1980 of title 7, Code of Federal
7 Regulations (as in effect on January 1, 1991);
8 or

9 “(B) a lender certified under section 3909.

10 “(4) AQUACULTURE.—The term ‘aquaculture’
11 means the culture or husbandry of aquatic animals
12 or plants by private industry for commercial pur-
13 poses, including the culture and growing of fish by
14 private industry for the purpose of creating or aug-
15 menting publicly owned and regulated stocks of fish.

16 “(5) BEGINNING FARMER.—The term ‘begin-
17 ning farmer’ has the meaning given the term by the
18 Secretary.

19 “(6) BORROWER.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term ‘borrower’ means
22 an individual or entity who has an outstanding
23 obligation to the Secretary under any loan
24 made or guaranteed under this title, without re-
25 gard to whether the loan has been accelerated.

1 “(B) EXCLUSIONS.—The term ‘borrower’
2 does not include an individual or entity all of
3 whose loans and accounts have been foreclosed
4 on or liquidated, voluntarily or otherwise.

5 “(7) COUNTY COMMITTEE.—The term ‘county
6 committee’ means the appropriate county committee
7 established under section 8(b)(5) of the Soil Con-
8 servation and Domestic Allotment Act (16 U.S.C.
9 590h(b)(5)).

10 “(8) DEBT FORGIVENESS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the term ‘debt forgiveness’
13 means reducing or terminating a loan made or
14 guaranteed under this title, in a manner that
15 results in a loss to the Secretary, through—

16 “(i) writing down or writing off a loan
17 under section 3411;

18 “(ii) compromising, adjusting, reduc-
19 ing, or charging-off a debt or claim under
20 section 3903;

21 “(iii) paying a loss on a guaranteed
22 loan under this title; or

23 “(iv) discharging a debt as a result of
24 bankruptcy.

1 “(B) LOAN RESTRUCTURING.—The term
2 ‘debt forgiveness’ does not include consolida-
3 tion, rescheduling, reamortization, or deferral.

4 “(9) DEPARTMENT.—The term ‘Department’
5 means the Department of Agriculture.

6 “(10) DIRECT LOAN.—The term ‘direct loan’
7 means a loan made by the Secretary from appro-
8 priated funds.

9 “(11) ENTITY.—The term ‘entity’ means a cor-
10 poration, farm cooperative, partnership, joint oper-
11 ation, governmental entity, or other legal organiza-
12 tion, as determined by the Secretary.

13 “(12) FARM.—The term ‘farm’ means an oper-
14 ation involved in—

15 “(A) the production of an agricultural
16 commodity;

17 “(B) ranching; or

18 “(C) aquaculture.

19 “(13) FARMER.—The term ‘farmer’ means an
20 individual or entity engaged primarily and directly
21 in—

22 “(A) the production of an agricultural
23 commodity;

24 “(B) ranching; or

25 “(C) aquaculture.

1 “(14) FARMER PROGRAM LOAN.—The term
2 ‘farmer program loan’ means—

3 “(A) a farm ownership loan under section
4 3101;

5 “(B) a conservation loan under section
6 3103;

7 “(C) an operating loan under section 3201;

8 “(D) an emergency loan under section
9 3301;

10 “(E) an economic emergency loan under
11 section 202 of the Emergency Agricultural
12 Credit Adjustment Act of 1978 (7 U.S.C. prec.
13 1961 note; Public Law 95–334);

14 “(F) a loan for a farm service building
15 under section 502 of the Housing Act of 1949
16 (42 U.S.C. 1472);

17 “(G) an economic opportunity loan under
18 section 602 of the Economic Opportunity Act of
19 1964 (Public Law 88–452; 42 U.S.C. 2942
20 note) (as it existed before the amendment made
21 by section 683(a) of the Omnibus Budget Rec-
22 onciliation Act of 1981 (Public Law 97–35; 95
23 Stat. 519));

24 “(H) a softwood timber loan under section
25 608 of the Agricultural Programs Adjustment

1 Act of 1984 (7 U.S.C. 1981 note; Public Law
2 98–258); or

3 “(I) any other loan described in section
4 343(a)(10) of this title (as it existed before the
5 amendment made by section 2 of the Agri-
6 culture Reform, Food, and Jobs Act of 2013)
7 that is outstanding on the date of enactment of
8 that Act.

9 “(15) FARM SERVICE AGENCY.—The term
10 ‘Farm Service Agency’ means the offices of the
11 Farm Service Agency to which the Secretary dele-
12 gates responsibility to carry out this title.

13 “(16) GOVERNMENTAL ENTITY.—The term
14 ‘governmental entity’ means any agency of a State
15 or a unit of local government of a State, or subdivi-
16 sion thereof.

17 “(17) GUARANTEE.—The term ‘guarantee’
18 means guaranteeing the payment of a loan origi-
19 nated, held, and serviced by a private financial agen-
20 cy, or lender, approved by the Secretary.

21 “(18) HIGHLY ERODIBLE LAND.—The term
22 ‘highly erodible land’ has the meaning given the
23 term in section 1201(a) of the Food Security Act of
24 1985 (16 U.S.C. 3801(a)).

1 “(19) HOMESTEAD RETENTION.—The term
2 ‘homestead retention’ means homestead retention as
3 authorized under section 3414.

4 “(20) INDIAN TRIBE.—The term ‘Indian tribe’
5 means a Federal or State-recognized Indian tribe or
6 other federally recognized Indian tribal group (in-
7 cluding a Tribal College or University, as defined in
8 section 316(b) of the Higher Education Act of 1965
9 (20 U.S.C. 1059c(b)).

10 “(21) LOAN SERVICE PROGRAM.—The term
11 ‘loan service program’ means, with respect to a
12 farmer program loan borrower, a primary loan serv-
13 ice program or a homestead retention program.

14 “(22) NATURAL OR MAJOR DISASTER OR EMER-
15 GENCY.—The term ‘natural or major disaster or
16 emergency’ means—

17 “(A) a disaster due to nonmanmade causes
18 declared by the Secretary; or

19 “(B) a major disaster or emergency des-
20 ignated by the President under the Robert T.
21 Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5121 et seq.).

23 “(23) PRIMARY LOAN SERVICE PROGRAM.—The
24 term ‘primary loan service program’ means, with re-
25 spect to a farmer program loan—

1 “(A) loan consolidation, rescheduling, or
2 reamortization;

3 “(B) interest rate reduction, including the
4 use of the limited resource program;

5 “(C) loan restructuring, including deferral,
6 set aside, or writing down of the principal or
7 accumulated interest charges, or both, of the
8 loan; or

9 “(D) any combination of actions described
10 in subparagraphs (A), (B), and (C).

11 “(24) PRIME FARMLAND.—The term ‘prime
12 farmland’ means prime farmland and unique farm-
13 land (as defined in subsections (a) and (b) of section
14 657.5 of title 7, Code of Federal Regulations
15 (1980)).

16 “(25) PROJECT.—For purposes of section
17 3501, the term ‘project’ includes a facility providing
18 central service or a facility serving an individual
19 property, or both.

20 “(26) QUALIFIED BEGINNING FARMER.—The
21 term ‘qualified beginning farmer’ means an appli-
22 cant, regardless of whether the applicant is partici-
23 pating in a program under section 3107, who—

24 “(A) is eligible for assistance under sub-
25 title A;

1 “(B) has not operated a farm, or has oper-
2 ated a farm for not more than 10 years;

3 “(C) in the case of a cooperative, corpora-
4 tion, partnership, or joint operation, has mem-
5 bers, stockholders, partners, or joint operators
6 who are all related to each other by blood or
7 marriage;

8 “(D) in the case of a farmer who is the
9 owner and operator of a farm—

10 “(i) in the case of a loan made to an
11 individual, individually or with the imme-
12 diate family of the applicant—

13 “(I) materially and substantially
14 participates in the operation of the
15 farm; and

16 “(II) provides substantial day-to-
17 day labor and management of the
18 farm, consistent with the practices in
19 the State or county in which the farm
20 is located; or

21 “(ii)(I) in the case of a loan made to
22 a cooperative, corporation, partnership, or
23 joint operation, has members, stockholders,
24 partners, or joint operators who materially

1 and substantially participate in the oper-
2 ation of the farm; and

3 “(II) in the case of a loan made to a
4 corporation, has stockholders who all qual-
5 ify individually as beginning farmers;

6 “(E) in the case of an applicant seeking to
7 become an owner and operator of a farm—

8 “(i) in the case of a loan made to an
9 individual, individually or with the imme-
10 diate family of the applicant, will—

11 “(I) materially and substantially
12 participate in the operation of the
13 farm; and

14 “(II) provide substantial day-to-
15 day labor and management of the
16 farm, consistent with the practices in
17 the State or county in which the farm
18 is located; or

19 “(ii)(I) in the case of a loan made to
20 a cooperative, corporation, partnership, or
21 joint operation, will have members, stock-
22 holders, partners, or joint operators who
23 will materially and substantially participate
24 in the operation of the farm; and

1 “(II) in the case of a loan made to a
2 corporation, has stockholders who will all
3 qualify individually as beginning farmers;

4 “(F) agrees to participate in such loan as-
5 sessment, borrower training, and financial man-
6 agement programs as the Secretary may re-
7 quire;

8 “(G)(i) does not own farm land; or

9 “(ii) directly or through interests in family
10 farm corporations, owns farm land, the aggre-
11 gate acreage of which does not exceed 30 per-
12 cent of the average acreage of the farms, as the
13 case may be, in the county in which the farm
14 operations of the applicant are located, as re-
15 ported in the most recent census of agriculture
16 taken in accordance with the Census of Agri-
17 culture Act of 1997 (7 U.S.C. 2204g et seq.),
18 except that this subparagraph shall not apply to
19 a loan made or guaranteed under chapter 2 of
20 subtitle A; and

21 “(H) demonstrates that the available re-
22 sources of the applicant and any spouse of the
23 applicant are not sufficient to enable the appli-
24 cant to farm on a viable scale.

1 “(27) RECREATIONAL PURPOSE.—For purposes
2 of section 3410, the term ‘recreational purpose’ has
3 the meaning provided by the Secretary, but shall in-
4 clude hunting.

5 “(28) RURAL AND RURAL AREA.—

6 “(A) IN GENERAL.—Subject to any deter-
7 mination made under subparagraph (B), the
8 terms ‘rural’ and ‘rural area’ mean any area
9 other than—

10 “(i) a city or town that has a popu-
11 lation of greater than 50,000 inhabitants;
12 and

13 “(ii) any urbanized area contiguous
14 and adjacent to a city or town described in
15 clause (i).

16 “(B) DETERMINATION OF AREAS RURAL IN
17 CHARACTER.—

18 “(i) IN GENERAL.—If part of an area
19 described in subparagraph (A)(ii) was eli-
20 gible under the definitions of the terms
21 ‘rural’ and ‘rural area’ in section 343 (as
22 in effect on the day before the date of en-
23 actment of the Agriculture Reform, Food,
24 and Jobs Act of 2013) for community fa-
25 cility, water and waste disposal, and

1 broadband programs, that area shall re-
2 main eligible unless the Secretary, acting
3 through the Under Secretary for Rural De-
4 velopment (referred to in this subpara-
5 graph as the ‘Under Secretary’), deter-
6 mines the area is no longer rural, based on
7 the criteria described in clause (iii).

8 “(ii) OTHER AREAS.—On petition of a
9 unit of local government in an urbanized
10 area described in subparagraph (A)(ii), or
11 on the initiative of the Under Secretary,
12 the Under Secretary may determine that
13 part of an area is rural, based on the cri-
14 teria described in clause (iii).

15 “(iii) CRITERIA.—In making a deter-
16 mination under clause (i), the Under Sec-
17 retary shall consider—

18 “(I) population density;

19 “(II) economic conditions, favor-
20 ing a rural determination for areas
21 facing—

22 “(aa) chronic unemployment
23 in excess of statewide averages;

24 “(bb) sudden loss of employ-
25 ment from natural disaster or the

1 loss of a significant employer in
2 the area; or

3 “(cc) chronic poverty dem-
4 onstrated at the census block or
5 county level compared to state-
6 wide median household income;
7 and

8 “(III) commuting patterns, favor-
9 ing a rural determination for areas
10 that can demonstrate higher propor-
11 tions of the population living and
12 working in the area.

13 “(iv) ADMINISTRATION.—In carrying
14 out this subparagraph, the Under Sec-
15 retary shall—

16 “(I) not delegate the authority to
17 carry out this subparagraph;

18 “(II) not make a determination
19 under clause (i) until the date that is
20 3 years after the date of enactment of
21 the Agriculture Reform, Food, and
22 Jobs Act of 2013;

23 “(III) consult with the applicable
24 rural development State or regional

1 director of the Department and the
2 Governor of the respective State;

3 “(IV) provide an opportunity to
4 appeal to the Under Secretary a de-
5 termination made under this subpara-
6 graph;

7 “(V) release to the public notice
8 of a petition filed or initiative of the
9 Under Secretary under this subpara-
10 graph not later than 30 days after re-
11 ceipt of the petition or the commence-
12 ment of the initiative, as appropriate;

13 “(VI) make a determination
14 under this subparagraph not less than
15 15 days, and not more than 60 days,
16 after the release of the notice under
17 subclause (V); and

18 “(VII) submit to the Committee
19 on Agriculture of the House of Rep-
20 resentatives and the Committee on
21 Agriculture, Nutrition, and Forestry
22 of the Senate an annual report on ac-
23 tions taken to carry out this subpara-
24 graph.

1 “(v) HAWAII AND PUERTO RICO.—

2 Notwithstanding any other provision of
3 this subsection, within the areas of the
4 County of Honolulu, Hawaii, and the Com-
5 monwealth of Puerto Rico, the Under Sec-
6 retary may designate any part of the areas
7 as a rural area if the Under Secretary de-
8 termines that the part is not urban in
9 character, other than any area included in
10 the Honolulu Census Designated Place or
11 the San Juan Census Designated Place.

12 “(C) EXCLUSIONS.—Notwithstanding any
13 other provision of this paragraph, in deter-
14 mining which census blocks in an urbanized
15 area are not in a rural area (as defined in this
16 paragraph), the Secretary shall exclude any
17 cluster of census blocks that would otherwise be
18 considered not in a rural area only because the
19 cluster is adjacent to not more than 2 census
20 blocks that are otherwise considered not in a
21 rural area under this paragraph.

22 “(29) SEASONED DIRECT LOAN BORROWER.—

23 The term ‘seasoned direct loan borrower’ means a
24 borrower who could reasonably be expected to qual-

1 ify for commercial credit using criteria determined
2 by the Secretary.

3 “(30) SECRETARY.—The term ‘Secretary’
4 means the Secretary of Agriculture.

5 “(31) SOCIALLY DISADVANTAGED FARMER.—
6 The term ‘socially disadvantaged farmer’ means a
7 farmer who is a member of a socially disadvantaged
8 group.

9 “(32) SOCIALLY DISADVANTAGED GROUP.—The
10 term ‘socially disadvantaged group’ means a group
11 whose members have been subjected to racial, ethnic,
12 or gender prejudice because of the identity of the
13 members as members of a group without regard to
14 the individual qualities of the members.

15 “(33) SOLAR ENERGY.—The term ‘solar energy’
16 means energy derived from sources (other than fossil
17 fuels) and technologies included in the Federal Non-
18 nuclear Energy Research and Development Act of
19 1974 (42 U.S.C. 5901 et seq.).

20 “(34) STATE.—The term ‘State’ means—

21 “(A) in this title (other than subtitle A),
22 each of the 50 States, the Commonwealth of
23 Puerto Rico, the Virgin Islands, Guam, Amer-
24 ican Samoa, the Commonwealth of the North-
25 ern Mariana Islands, the Republic of the Mar-

1 shall Islands, the Federated States of Micro-
2 nesia, and the Republic of Palau; and

3 “(B) in subtitle A, each of the 50 States,
4 the Commonwealth of Puerto Rico, the Virgin
5 Islands, Guam, American Samoa, the Common-
6 wealth of the Northern Mariana Islands, and,
7 to the extent the Secretary determines it to be
8 feasible and appropriate, the Republic of the
9 Marshall Islands, the Federated States of Mi-
10 cronesia, and the Republic of Palau.

11 “(35) STATE BEGINNING FARMER PROGRAM.—
12 The term ‘State beginning farmer program’ means
13 any program that is—

14 “(A) carried out by, or under contract
15 with, a State; and

16 “(B) designed to assist qualified beginning
17 farmers in obtaining the financial assistance
18 necessary to enter agriculture and establish via-
19 ble farming operations.

20 “(36) VETERAN.—The term ‘veteran’ has the
21 meaning given the term in section 101 of title 38,
22 United States Code.

23 “(37) WETLAND.—The term ‘wetland’ has the
24 meaning given the term in section 1201(a) of the
25 Food Security Act of 1985 (16 U.S.C. 3801(a)).

1 “(38) WILDLIFE.—The term ‘wildlife’ means
2 fish or wildlife (as defined in section 2(a) of the
3 Lacey Act Amendments of 1981 (16 U.S.C.
4 3371(a))).

5 **“Subtitle B—Rural Development**

6 **“CHAPTER 1—RURAL COMMUNITY**

7 **PROGRAMS**

8 **“SEC. 3501. WATER AND WASTE DISPOSAL LOANS, LOAN**
9 **GUARANTEES, AND GRANTS.**

10 “(a) IN GENERAL.—The Secretary may make grants
11 and loans and issue loan guarantees (including a guar-
12 antee of a loan financed by the net proceeds of a bond
13 described in section 142(a) of the Internal Revenue Code
14 of 1986) to eligible entities described in subsection (b) for
15 projects in rural areas that primarily serve rural residents
16 to provide for—

17 “(1) the development, storage, treatment, puri-
18 fication, or distribution of water or the collection,
19 treatment, or disposal of waste; and

20 “(2) financial assistance and other aid in the
21 planning of projects for purposes described in para-
22 graph (1).

23 “(b) ELIGIBLE ENTITIES.—Entities eligible for as-
24 sistance described in subsection (a) are—

1 “(1) associations (including corporations not
2 operated for profit);

3 “(2) Indian tribes;

4 “(3) public and quasi-public agencies; and

5 “(4) in the case of a project to attach an indi-
6 vidual property in a rural area to a water system to
7 alleviate a health risk, an individual.

8 “(c) LOAN AND LOAN GUARANTEE REQUIRE-
9 MENTS.—In connection with loans made or guaranteed
10 under this section, the Secretary shall require the appli-
11 cant—

12 “(1) to certify in writing, and the Secretary
13 shall determine, that the applicant is unable to ob-
14 tain credit elsewhere to finance the actual needs of
15 the applicant at reasonable rates and terms, taking
16 into consideration prevailing private and cooperative
17 rates and terms in the community in or near which
18 the applicant resides for loans for similar purposes
19 and periods of time; and

20 “(2) to furnish an appropriate written financial
21 statement.

22 “(d) GRANT AMOUNTS.—

23 “(1) MAXIMUM.—Except as otherwise provided
24 in this subsection, the amount of any grant made
25 under this section shall not exceed 75 percent of the

1 development cost of the project for which the grant
2 is provided.

3 “(2) GRANT RATE.—The Secretary shall estab-
4 lish the grant rate for each project in conformity
5 with regulations issued by the Secretary that shall
6 provide for a graduated scale of grant rates that es-
7 tablish higher rates for projects in communities that
8 have—

9 “(A) lower community population;

10 “(B) higher rates of outmigration; and

11 “(C) lower income levels.

12 “(3) LOCAL SHARE REQUIREMENTS.—Grants
13 made under this section may be used to pay the
14 local share requirements of another Federal grant-
15 in-aid program to the extent permitted under the
16 law providing for the grant-in-aid program.

17 “(e) SPECIAL GRANTS.—

18 “(1) REVOLVING FUNDS FOR FINANCING
19 WATER AND WASTEWATER PROJECTS.—

20 “(A) IN GENERAL.—The Secretary may
21 make grants to qualified, nonprofit entities in
22 rural areas to capitalize revolving funds for the
23 purpose of providing financing to eligible enti-
24 ties for—

1 “(i) predevelopment costs associated
2 with proposed water and wastewater
3 projects or with existing water and waste-
4 water systems; and

5 “(ii) short-term costs incurred for re-
6 placement equipment, small-scale extension
7 services, or other small capital projects
8 that are not part of the regular operations
9 and maintenance activities of existing
10 water and wastewater systems.

11 “(B) MAXIMUM AMOUNT OF FINANCING.—
12 The amount of financing made to an eligible
13 entity under this paragraph shall not exceed—

14 “(i) \$100,000 for costs described in
15 subparagraph (A)(i); and

16 “(ii) \$100,000 for costs described in
17 subparagraph (A)(ii).

18 “(C) TERM.—The term of financing pro-
19 vided to an eligible entity under this paragraph
20 shall not exceed 10 years.

21 “(D) ADMINISTRATION.—The Secretary
22 shall limit the amount of grant funds that may
23 be used by a grant recipient for administrative
24 costs incurred under this paragraph.

1 “(E) ANNUAL REPORT.—A nonprofit enti-
2 ty receiving a grant under this paragraph shall
3 submit to the Secretary an annual report that
4 describes the number and size of communities
5 served and the type of financing provided.

6 “(F) AUTHORIZATION OF APPROPRIA-
7 TIONS.—There is authorized to be appropriated
8 to carry out this paragraph \$30,000,000 for
9 each of fiscal years 2014 through 2018.

10 “(2) EMERGENCY AND IMMINENT COMMUNITY
11 WATER ASSISTANCE PROGRAM.—

12 “(A) IN GENERAL.—The Secretary shall
13 provide grants in accordance with this para-
14 graph to assist the residents of rural areas and
15 small communities to secure adequate quan-
16 tities of safe water—

17 “(i) after a significant decline in the
18 quantity or quality of water available from
19 the water supplies of the rural areas and
20 small communities, or when such a decline
21 is imminent; or

22 “(ii) when repairs, partial replace-
23 ment, or significant maintenance efforts on
24 established water systems would remedy—

1 “(I) an acute or imminent short-
2 age of quality water; or

3 “(II) a significant or imminent
4 decline in the quantity or quality of
5 water that is available.

6 “(B) PRIORITY.—In carrying out subpara-
7 graph (A), the Secretary shall—

8 “(i) give priority to projects described
9 in subparagraph (A)(i); and

10 “(ii) provide at least 70 percent of all
11 grants under this paragraph to those
12 projects.

13 “(C) ELIGIBILITY.—To be eligible to ob-
14 tain a grant under this paragraph, an applicant
15 shall—

16 “(i) be a public or private nonprofit
17 entity; and

18 “(ii) in the case of a grant made
19 under subparagraph (A)(i), demonstrate to
20 the Secretary that the decline referred to
21 in that subparagraph occurred, or will
22 occur, not later than 2 years after the date
23 on which the application was filed for the
24 grant.

25 “(D) USES.—

1 “(i) IN GENERAL.—Grants made
2 under this paragraph may be used—

3 “(I) for waterline extensions from
4 existing systems, laying of new
5 waterlines, repairs, significant maintenance,
6 digging of new wells, equipment replacement,
7 and hook and tap
8 fees;

9 “(II) for any other appropriate
10 purpose associated with developing
11 sources of, treating, storing, or distributing
12 water;

13 “(III) to assist communities in
14 complying with the requirements of
15 the Federal Water Pollution Control
16 Act (33 U.S.C. 1251 et seq.) or the
17 Safe Drinking Water Act (42 U.S.C.
18 300f et seq.); and

19 “(IV) to provide potable water to
20 communities through other means.

21 “(ii) JOINT PROPOSALS.—

22 “(I) IN GENERAL.—Subject to
23 the restrictions in subparagraph (E),
24 nothing in this paragraph precludes
25 rural communities from submitting

1 joint proposals for emergency water
2 assistance.

3 “(II) CONSIDERATION OF RE-
4 STRICTIONS.—The restrictions in sub-
5 paragraph (E) shall be considered in
6 the aggregate, depending on the num-
7 ber of communities involved.

8 “(E) RESTRICTIONS.—

9 “(i) MAXIMUM INCOME.—No grant
10 provided under this paragraph shall be
11 used to assist any rural area or community
12 that has a median household income in ex-
13 cess of the State nonmetropolitan median
14 household income according to the most re-
15 cent decennial census of the United States.

16 “(ii) SET-ASIDE FOR SMALLER COM-
17 MUNITIES.—Not less than 50 percent of
18 the funds allocated under this paragraph
19 shall be allocated to rural communities
20 with populations that do not exceed 3,000
21 inhabitants.

22 “(F) MAXIMUM GRANTS.—Grants made
23 under this paragraph may not exceed—

24 “(i) in the case of each grant made
25 under subparagraph (A)(i), \$500,000; and

1 “(ii) in the case of each grant made
2 under subparagraph (A)(ii), \$150,000.

3 “(G) FULL FUNDING.—Subject to sub-
4 paragraph (F), grants under this paragraph
5 shall be made in an amount equal to 100 per-
6 cent of the costs of the projects conducted
7 under this paragraph.

8 “(H) APPLICATION.—

9 “(i) NATIONALLY COMPETITIVE AP-
10 PPLICATION PROCESS.—

11 “(I) IN GENERAL.—The Sec-
12 retary shall develop a nationally com-
13 petitive application process to award
14 grants under this paragraph.

15 “(II) REQUIREMENTS.—The
16 process shall include criteria for evalu-
17 ating applications, including popu-
18 lation, median household income, and
19 the severity of the decline, or immi-
20 nent decline, in the quantity or qual-
21 ity of water.

22 “(ii) TIMING OF REVIEW OF APPLICA-
23 TIONS.—

24 “(I) SIMPLIFIED APPLICATION.—

25 The application process developed by

1 the Secretary under clause (i) shall in-
2 clude a simplified application form
3 that will permit expedited consider-
4 ation of an application for a grant
5 filed under this paragraph.

6 “(II) PRIORITY REVIEW.—In
7 processing applications for any water
8 or waste grant or loan authorized
9 under this section, the Secretary shall
10 afford priority processing to an appli-
11 cation for a grant under this para-
12 graph to the extent funds will be
13 available for an award on the applica-
14 tion at the conclusion of priority proc-
15 essing.

16 “(III) TIMING.—The Secretary
17 shall, to the maximum extent prac-
18 ticable, review and act on an applica-
19 tion under this paragraph not later
20 than 60 days after the date on which
21 the application is submitted to the
22 Secretary.

23 “(I) FUNDING.—

24 “(i) RESERVATION.—

1 “(I) IN GENERAL.—For each fis-
2 cal year, not less than 3 nor more
3 than 5 percent of the total amount
4 made available to carry out this sec-
5 tion for the fiscal year shall be re-
6 served for grants under this para-
7 graph.

8 “(II) RELEASE.—Funds reserved
9 under subclause (I) for a fiscal year
10 shall be reserved only until July 1 of
11 the fiscal year.

12 “(ii) AUTHORIZATION OF APPROPRIA-
13 TIONS.—In addition to funds made avail-
14 able under clause (i), there is authorized to
15 be appropriated to carry out this para-
16 graph \$35,000,000 for each of fiscal years
17 2014 through 2018.

18 “(3) WATER AND WASTE FACILITY LOANS AND
19 GRANTS TO ALLEVIATE HEALTH RISKS.—

20 “(A) DEFINITION OF COOPERATIVE.—In
21 this paragraph, the term ‘cooperative’ means a
22 cooperative formed specifically for the purpose
23 of the installation, expansion, improvement, or
24 operation of water supply or waste disposal fa-
25 cilities or systems.

1 “(B) LOANS AND GRANTS TO PERSONS
2 OTHER THAN INDIVIDUALS.—

3 “(i) IN GENERAL.—The Secretary
4 shall make or guarantee loans and make
5 grants to provide for the conservation, de-
6 velopment, use, and control of water (in-
7 cluding the extension or improvement of
8 existing water supply systems) and the in-
9 stallation or improvement of drainage or
10 waste disposal facilities and essential com-
11 munity facilities, including necessary re-
12 lated equipment, training, and technical
13 assistance to—

14 “(I) rural water supply corpora-
15 tions, cooperatives, or similar entities;

16 “(II) Indian tribes on Federal or
17 State reservations and other federally
18 recognized Indian tribes;

19 “(III) rural or native villages in
20 the State of Alaska;

21 “(IV) native tribal health consor-
22 tiums;

23 “(V) public agencies; and

24 “(VI) Native Hawaiian Home
25 Lands.

1 “(ii) ELIGIBLE PROJECTS.—Loans
2 and grants described in clause (i) shall be
3 available only to provide the described
4 water and waste facilities and services to
5 communities whose residents face signifi-
6 cant health risks, as determined by the
7 Secretary, due to the fact that a significant
8 proportion of the residents of the commu-
9 nity do not have access to, or are not
10 served by, adequate affordable—

11 “(I) water supply systems; or

12 “(II) waste disposal facilities.

13 “(iii) MATCHING REQUIREMENTS.—
14 For entities described under subclauses
15 (III), (IV), or (V) of clause (i) to be eligi-
16 ble to receive a grant for water supply sys-
17 tems or waste disposal facilities, the State
18 in which the project will occur shall pro-
19 vide 25 percent in matching funds from
20 non-Federal sources.

21 “(iv) CERTAIN AREAS TARGETED.—

22 “(I) IN GENERAL.—Loans and
23 grants under clause (i) shall be made
24 only if the loan or grant funds will be
25 used primarily to provide water or

1 waste services, or both, to residents of
2 a county or census area—

3 “(aa) the per capita income
4 of the residents of which is not
5 more than 70 percent of the na-
6 tional average per capita income,
7 as determined by the Department
8 of Commerce; and

9 “(bb) the unemployment
10 rate of the residents of which is
11 not less than 125 percent of the
12 national average unemployment
13 rate, as determined by the Bu-
14 reau of Labor Statistics.

15 “(II) EXCEPTIONS.—Notwith-
16 standing subclause (I), loans and
17 grants under clause (i) may also be
18 made if the loan or grant funds will
19 be used primarily to provide water or
20 waste services, or both, to residents
21 of—

22 “(aa) a rural area that was
23 recognized as a colonia as of Oc-
24 tober 1, 1989; or

“(bb) an area described
under subclause (II), (III), or
(VI) of clause (i).

4 “(C) LOANS AND GRANTS TO INDIVID-
5 UALS.—

“(i) IN GENERAL.—The Secretary shall make or guarantee loans and make grants to individuals who reside in a community described in subparagraph (B)(i) for the purpose of extending water supply and waste disposal systems, connecting the systems to the residences of the individuals, or installing plumbing and fixtures within the residences of the individuals to facilitate the use of the water supply and waste disposal systems.

1 which the residence of the borrower will be
2 connected.

3 “(iv) MANNER IN WHICH LOANS AND
4 GRANTS ARE TO BE MADE.—Loans and
5 grants to individuals under clause (i) shall
6 be made—

7 “(I) directly to the individuals by
8 the Secretary; or

9 “(II) to the individuals through
10 the rural water supply corporation,
11 cooperative, or similar entity, or pub-
12 lic agency, providing the water supply
13 or waste disposal services, pursuant to
14 regulations issued by the Secretary.

15 “(D) PREFERENCE.—The Secretary shall
16 give preference in the awarding of loans and
17 grants under subparagraphs (B) and (C) to en-
18 tities described in clause (i) of subparagraph
19 (B) that propose to provide water supply or
20 waste disposal services to the residents of In-
21 dian reservations, rural or native villages in the
22 State of Alaska, Native Hawaiian Home Lands,
23 and those rural subdivisions commonly referred
24 to as colonias, that are characterized by sub-
25 standard housing, inadequate roads and drain-

1 age, and a lack of adequate water or waste fa-
2 cilities.

3 “(E) RELATIONSHIP TO OTHER AUTHOR-
4 ITY.—Notwithstanding any other provision of
5 law, the head of any Federal agency may enter
6 into interagency agreements with Federal,
7 State, tribal, and other entities to share re-
8 sources, including transferring and accepting
9 funds, equipment, or other supplies, to carry
10 out the activities described in this paragraph.

11 “(F) AUTHORIZATION OF APPROPRIA-
12 TIONS.—There are authorized to be appro-
13 priated—

14 “(i) for grants under this paragraph,
15 \$60,000,000 for each fiscal year;

16 “(ii) for loans under this paragraph,
17 \$60,000,000 for each fiscal year; and

18 “(iii) in addition to grants provided
19 under clause (i), for grants under this sec-
20 tion to benefit Indian tribes, \$20,000,000
21 for each fiscal year.

22 “(4) SOLID WASTE MANAGEMENT GRANTS.—

23 “(A) IN GENERAL.—The Secretary may
24 make grants to nonprofit organizations for the
25 provision of regional technical assistance to

1 local and regional governments and related
2 agencies for the purpose of reducing or elimi-
3 nating pollution of water resources and improv-
4 ing the planning and management of solid
5 waste disposal facilities in rural areas.

6 “(B) TECHNICAL ASSISTANCE GRANT
7 AMOUNTS.—Grants made under this paragraph
8 for the provision of technical assistance shall be
9 made for 100 percent of the cost of the tech-
10 nical assistance.

11 “(C) AUTHORIZATION OF APPROPRIA-
12 TIONS.—There is authorized to be appropriated
13 to carry out this paragraph \$10,000,000 for
14 each of fiscal years 2014 through 2018.

15 “(5) RURAL WATER AND WASTEWATER TECH-
16 NICAL ASSISTANCE AND TRAINING PROGRAMS.—

17 “(A) GRANTS TO NONPROFITS.—

18 “(i) IN GENERAL.—The Secretary
19 may make grants to nonprofit organiza-
20 tions to enable the organizations to provide
21 to associations that provide water and
22 wastewater services in rural areas technical
23 assistance and training—

24 “(I) to identify, and evaluate al-
25 ternative solutions to, problems relat-

1 ing to the obtaining, storage, treat-
2 ment, purification, or distribution of
3 water or the collection, treatment, or
4 disposal of waste in rural areas;

5 “(II) to prepare applications to
6 receive financial assistance for any
7 purpose specified in subsection (a)(1)
8 from any public or private source; and

9 “(III) to improve the operation
10 and maintenance practices at any ex-
11 isting works for the storage, treat-
12 ment, purification, or distribution of
13 water or the collection, treatment, or
14 disposal of waste in rural areas.

15 “(ii) SELECTION PRIORITY.—In se-
16 lecting recipients of grants to be made
17 under clause (i), the Secretary shall give
18 priority to nonprofit organizations that
19 have experience in providing the technical
20 assistance and training described in clause
21 (i) to associations serving rural areas in
22 which—

23 “(I) residents have low income;
24 and

600

1 “(II) water supply systems or
2 waste facilities are unhealthful.

3 “(iii) FUNDING.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), not less
6 than 1 nor more than 3 percent of
7 any funds made available to carry out
8 water and waste disposal projects de-
9 scribed in subsection (a) for any fiscal
10 year shall be reserved for grants
11 under this paragraph.

12 “(II) EXCEPTION.—The min-
13 imum amount specified in subclause
14 (I) shall not apply if the aggregate
15 amount of grant funds requested by
16 applications that qualify for grants re-
17 ceived by the Secretary from eligible
18 nonprofit organizations for the fiscal
19 year totals less than 1 percent of
20 those funds.

21 “(B) RURAL WATER AND WASTEWATER
22 CIRCUIT RIDER PROGRAM.—

23 “(i) IN GENERAL.—The Secretary
24 shall continue a national rural water and
25 wastewater circuit rider program that—

601

1 “(I) is consistent with the activi-
2 ties and results of the program con-
3 ducted before January 1, 2012, as de-
4 termined by the Secretary; and

5 “(II) received funding from the
6 Secretary, acting through the Admin-
7 istrator of the Rural Utilities Service.

8 “(ii) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appro-
10 priated to carry out this subparagraph
11 \$25,000,000 for fiscal year 2014 and each
12 fiscal year thereafter.

13 “(6) SEARCH PROGRAM.—

14 “(A) IN GENERAL.—The Secretary may es-
15 tablish a Special Evaluation Assistance for
16 Rural Communities and Households
17 (SEARCH) program to make predevelopment
18 planning grants for feasibility studies, design
19 assistance, and technical assistance, to finan-
20 cially distressed communities in rural areas
21 with populations of 2,500 or fewer inhabitants
22 for water and waste disposal projects described
23 in this section.

24 “(B) TERMS.—

1 “(i) DOCUMENTATION.—With respect
2 to grants made under this paragraph, the
3 Secretary shall require the lowest quantity
4 of documentation practicable.

5 “(ii) MATCHING.—Notwithstanding
6 any other provision of this section, the Sec-
7 retary may fund up to 100 percent of the
8 eligible costs of grants provided under this
9 paragraph, as determined by the Secretary.

10 “(iii) FUNDING.—The Secretary may
11 use not more than 4 percent of the total
12 amount of funds made available for a fiscal
13 year for water, waste disposal, and essen-
14 tial community facility activities under this
15 chapter to carry out this paragraph.

16 “(C) RELATIONSHIP TO OTHER AUTHOR-
17 ITY.—

18 “(i) IN GENERAL.—The funds and au-
19 thorities provided under this paragraph are
20 in addition to any other funds or authori-
21 ties the Secretary may have to carry out
22 activities described in this section.

23 “(ii) AUTHORIZED ACTIVITIES.—The
24 Secretary may furnish financial assistance

1 or other aid in planning projects for the
2 purposes described in subparagraph (A).

3 “(f) PRIORITY.—In making grants and loans, and
4 guaranteeing loans, for water, wastewater, and waste dis-
5 posal projects under this section, the Secretary shall give
6 priority consideration to projects that serve rural commu-
7 nities that, as determined by the Secretary—

8 “(1) have a population of less than 5,500 per-
9 manent residents;

10 “(2) have a community water, wastewater, or
11 waste disposal system that—

12 “(A) is experiencing—

13 “(i) an unanticipated reduction in the
14 quality of water, the quantity of water, or
15 the ability to deliver water; or

16 “(ii) some other deterioration in the
17 supply of water to the community;

18 “(B) is not adequate to meet the needs of
19 the community; and

20 “(C) requires immediate corrective action;

21 “(3) are experiencing outmigration;

22 “(4) have a high percentage of low-income resi-
23 dents; or

24 “(5) are isolated from other significant popu-
25 lation centers.

1 “(g) CURTAILMENT OR LIMITATION OF SERVICE
2 PROHIBITED.—The service provided or made available
3 through any such association shall not be curtailed or lim-
4 ited by inclusion of the area served by such association
5 within the boundaries of any municipal corporation or
6 other public body, or by the granting of any private fran-
7 chise for similar service within such area during the term
8 of such loan; nor shall the happening of any such event
9 be the basis of requiring such association to secure any
10 franchise, license, or permit as a condition to continuing
11 to serve the area served by the association at the time
12 of the occurrence of such event.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as are necessary.

16 **“SEC. 3502. COMMUNITY FACILITIES LOANS, LOAN GUARAN-**
17 **TEES, AND GRANTS.**

18 “(a) IN GENERAL.—The Secretary may make grants
19 and loans and issue loan guarantees (including a guar-
20 antee of a loan financed by the net proceeds of a bond
21 described in section 142(a) of the Internal Revenue Code
22 of 1986) to eligible entities described in subsection (b) for
23 projects in rural areas that primarily serve rural residents
24 to provide for—

25 “(1) essential community facilities, including—

1 “(A) necessary equipment;

2 “(B) recreational developments; and

3 “(2) financial assistance and other assistance in
4 the planning of projects for purposes described in
5 this section.

6 “(b) ELIGIBLE ENTITIES.—Entities eligible for as-
7 sistance described in subsection (a) are—

8 “(1) associations (including corporations not
9 operated for profit);

10 “(2) Indian tribes (including groups of individ-
11 uals described in paragraph (4) of section 815 of the
12 Native American Programs Act of 1974 (42 U.S.C.
13 2992c)); and

14 “(3) public and quasi-public agencies.

15 “(c) LOAN AND LOAN GUARANTEE REQUIRE-
16 MENTS.—

17 “(1) IN GENERAL.—In connection with loans
18 made or guaranteed under this section, the Sec-
19 retary shall require the applicant—

20 “(A) to certify in writing, and the Sec-
21 retary shall determine, that the applicant is un-
22 able to obtain credit elsewhere to finance the
23 actual needs of the applicant; and

24 “(B) to furnish an appropriate written fi-
25 nancial statement.

1 “(2) DEBT RESTRUCTURING AND LOAN SERV-
2 ICING FOR COMMUNITY FACILITY LOANS.—The Sec-
3 retary shall establish and implement a program that
4 is similar to the program established under section
5 3411, except that the debt restructuring and loan
6 servicing procedures shall apply to delinquent com-
7 munity facility program loans to a hospital or health
8 care facility under subsection (a).

9 “(d) GRANT AMOUNTS.—

10 “(1) MAXIMUM.—Except as otherwise provided
11 in this subsection, the amount of any grant made
12 under this section shall not exceed 75 percent of the
13 development cost of the project for which the grant
14 is provided.

15 “(2) GRANT RATE.—The Secretary shall estab-
16 lish the grant rate for each project in conformity
17 with regulations issued by the Secretary that shall
18 provide for a graduated scale of grant rates that es-
19 tablish higher rates for projects in communities that
20 have—

21 “(A) low community population;

22 “(B) high rates of outmigration; and

23 “(C) low income levels.

24 “(3) LOCAL SHARE REQUIREMENTS.—Grants
25 made under this section may be used to pay the

1 local share requirements of another Federal grant-
2 in-aid program to the extent permitted under the
3 law providing for the grant-in-aid program.

4 “(e) PRIORITY.—In making grants and loans, and
5 guaranteeing loans under this section, the Secretary shall
6 give priority consideration to projects that serve rural
7 communities that—

8 “(1) have a population of less than 20,000 per-
9 manent residents;

10 “(2) are experiencing outmigration;

11 “(3) have a high percentage of low-income resi-
12 dents; or

13 “(4) are isolated from other significant popu-
14 lation centers.

15 “(f) TRIBAL COLLEGES AND UNIVERSITIES.—

16 “(1) IN GENERAL.—The Secretary may make
17 grants to an entity that is a Tribal College or Uni-
18 versity (as defined in section 316(b) of the Higher
19 Education Act of 1965 (20 U.S.C. 1059c(b))) to
20 provide the Federal share of the cost of developing
21 specific Tribal College or University essential com-
22 munity facilities in rural areas.

23 “(2) FEDERAL SHARE.—The Secretary shall es-
24 tablish the maximum percentage of the cost of the
25 project that may be covered by a grant under this

1 subsection, except that the Secretary may not re-
2 quire non-Federal financial support in an amount
3 that is greater than 5 percent of the total cost of the
4 project.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this subsection \$10,000,000 for each of fiscal years
8 2014 through 2018.

9 “(g) TECHNICAL ASSISTANCE FOR COMMUNITY FA-
10 CILITIES PROJECTS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary may use funds made available for com-
13 munity facilities programs authorized under this sec-
14 tion to provide technical assistance to applicants and
15 participants for community facilities programs.

16 “(2) FUNDING.—The Secretary may use not
17 more than 3 percent of the amount of funds made
18 available to participants for a fiscal year for a com-
19 munity facilities program to provide technical assist-
20 ance described in paragraph (1).

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section
23 such sums as are necessary.

1 **“SEC. 3503. HEALTH CARE SERVICES.**

2 “(a) PURPOSE.—The purpose of this section is to ad-
3 dress the continued unmet health needs in the Delta re-
4 gion through cooperation among health care professionals,
5 institutions of higher education, research institutions, and
6 other individuals and entities in the region.

7 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
8 tion, the term ‘eligible entity’ means a consortium of re-
9 gional institutions of higher education, academic health
10 and research institutes, and economic development entities
11 located in the Delta region that have experience in ad-
12 dressing the health care issues in the region.

13 “(c) GRANTS.—To carry out the purpose described
14 in subsection (a), the Secretary may award a grant to an
15 eligible entity for—

16 “(1) the development of—

17 “(A) health care services;

18 “(B) health education programs; and

19 “(C) health care job training programs;

20 and

21 “(2) the development and expansion of public
22 health-related facilities in the Delta region to ad-
23 dress longstanding and unmet health needs of the
24 region.

25 “(d) USE.—As a condition of the receipt of the grant,
26 the eligible entity shall use the grant to fund projects and

1 activities described in subsection (c), based on input solic-
2 ited from local governments, public health care providers,
3 and other entities in the Delta region.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to the Secretary to carry
6 out this section \$3,000,000 for each of fiscal years 2014
7 through 2018.

8 **“CHAPTER 2—RURAL BUSINESS AND**
9 **COOPERATIVE DEVELOPMENT**

10 **“SEC. 3601. BUSINESS PROGRAMS.**

11 “(a) RURAL BUSINESS DEVELOPMENT GRANTS.—

12 “(1) IN GENERAL.—The Secretary may make
13 grants under this subsection to eligible entities de-
14 scribed in paragraph (2) in rural areas that pri-
15 marily serve rural areas for purposes described in
16 paragraph (3).

17 “(2) ELIGIBLE ENTITIES.—The Secretary may
18 make grants under this subsection to—

19 “(A) governmental entities;

20 “(B) Indian tribes; and

21 “(C) nonprofit entities.

22 “(3) ELIGIBLE PURPOSES FOR GRANTS.—Eligi-
23 ble entities that receive grants under this subsection
24 may use the grant funds for—

25 “(A) business opportunity projects that—

1 “(i) identify and analyze business op-
2 portunities;

3 “(ii) identify, train, and provide tech-
4 nical assistance to existing or prospective
5 rural entrepreneurs and managers;

6 “(iii) assist in the establishment of
7 new rural businesses and the maintenance
8 of existing businesses, including through
9 business support centers;

10 “(iv) conduct regional, community,
11 and local economic development planning
12 and coordination, and leadership develop-
13 ment; and

14 “(v) establish centers for training,
15 technology, and trade that will provide
16 training to rural businesses in the use of
17 interactive communications technologies to
18 develop international trade opportunities
19 and markets; and

20 “(B) projects that support the development
21 of business enterprises that finance or facili-
22 tate—

23 “(i) the development of small and
24 emerging private business enterprise;

1 “(ii) the establishment, expansion,
2 and operation of rural distance learning
3 networks;

4 “(iii) the development of rural learn-
5 ing programs that provide educational in-
6 struction or job training instruction related
7 to potential employment or job advance-
8 ment to adult students; and

9 “(iv) the provision of technical assist-
10 ance and training to rural communities for
11 the purpose of improving passenger trans-
12 portation services or facilities.

13 “(4) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to the Sec-
15 retary to carry out this subsection \$65,000,000 for
16 each of fiscal years 2014 through 2018, to remain
17 available until expended.

18 “(b) VALUE-ADDED AGRICULTURAL PRODUCER
19 GRANTS.—

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

21 “(A) MID-TIER VALUE CHAIN.—The term
22 ‘mid-tier value chain’ means a local and re-
23 gional supply network that links independent
24 producers with businesses and cooperatives that

1 market value-added agricultural products in a
2 manner that—

3 “(i) targets and strengthens the prof-
4 itability and competitiveness of small- and
5 medium-sized farms that are structured as
6 family farms; and

7 “(ii) obtains agreement from an eligi-
8 ble agricultural producer group, farmer co-
9 operative, or majority-controlled producer-
10 based business venture that is engaged in
11 the value chain on a marketing strategy.

12 “(B) PRODUCER.—The term ‘producer’
13 means a farmer.

14 “(C) VALUE-ADDED AGRICULTURAL PROD-
15 UCT.—The term ‘value-added agricultural prod-
16 uct’ means any agricultural commodity or prod-
17 uct—

18 “(i) that—

19 “(I) has undergone a change in
20 physical state;

21 “(II) was produced in a manner
22 that enhances the value of the agricul-
23 tural commodity or product, as dem-
24 onstrated through a business plan

1 that shows the enhanced value, as de-
2 termined by the Secretary;

3 “(III) is physically segregated in
4 a manner that results in the enhance-
5 ment of the value of the agricultural
6 commodity or product;

7 “(IV) is a source of farm-based
8 renewable energy, including E-85
9 fuel; or

10 “(V) is aggregated and marketed
11 as a locally produced agricultural food
12 product; and

13 “(ii) for which, as a result of the
14 change in physical state or the manner in
15 which the agricultural commodity or prod-
16 uct was produced, marketed, or seg-
17 regated—

18 “(I) the customer base for the
19 agricultural commodity or product is
20 expanded; and

21 “(II) a greater portion of the rev-
22 enue derived from the marketing,
23 processing, or physical segregation of
24 the agricultural commodity or product

1 is available to the producer of the
2 commodity or product.

3 “(2) GRANTS.—

4 “(A) IN GENERAL.—The Secretary may
5 make grants under this subsection to—

6 “(i) independent producers of value-
7 added agricultural products; and

8 “(ii) an agricultural producer group,
9 farmer cooperative, or majority-controlled
10 producer-based business venture, as deter-
11 mined by the Secretary.

12 “(B) GRANTS TO A PRODUCER.—A grantee
13 under subparagraph (A)(i) shall use the
14 grant—

15 “(i) to develop a business plan or per-
16 form a feasibility study to establish a via-
17 ble marketing opportunity (including
18 through mid-tier value chains) for value-
19 added agricultural products; or

20 “(ii) to provide capital to establish al-
21 liances or business ventures that allow the
22 producer to better compete in domestic or
23 international markets.

24 “(C) GRANTS TO AN AGRICULTURAL PRO-
25 DUCER GROUP, COOPERATIVE OR PRODUCER-

1 BASED BUSINESS VENTURE.—A grantee under
2 subparagraph (A)(ii) shall use the grant—

3 “(i) to develop a business plan for via-
4 ble marketing opportunities in emerging
5 markets for a value-added agricultural
6 product; or

7 “(ii) to develop strategies that are in-
8 tended to create marketing opportunities
9 in emerging markets for the value-added
10 agricultural product.

11 “(D) AWARD SELECTION.—

12 “(i) PRIORITY.—In awarding grants
13 under this subsection, the Secretary shall
14 give priority to projects—

15 “(I) that contribute to increasing
16 opportunities for operators of small-
17 and medium-sized farms that are
18 structured as family farms; or

19 “(II) at least $\frac{1}{4}$ of the recipients
20 of which are beginning farmers or so-
21 cially disadvantaged farmers.

22 “(ii) RANKING.—In evaluating and
23 ranking proposals under this subsection,
24 the Secretary shall provide substantial

1 weight to the priorities described in clause
2 (i).

3 “(E) AMOUNT OF GRANT.—

4 “(i) IN GENERAL.—The total amount
5 provided to a grant recipient under this
6 subsection shall not exceed \$500,000.

7 “(ii) MAJORITY-CONTROLLED, PRO-
8 DUCER-BASED BUSINESS VENTURES.—The
9 total amount of all grants provided to ma-
10 jority-controlled, producer-based business
11 ventures under this subsection for a fiscal
12 year shall not exceed 10 percent of the
13 amount of funds used to make all grants
14 for the fiscal year under this subsection.

15 “(F) TERM.—The term of a grant under
16 this paragraph shall not exceed 3 years.

17 “(G) SIMPLIFIED APPLICATION.—The Sec-
18 retary shall offer a simplified application form
19 and process for project proposals requesting
20 less than \$50,000 under this subsection.

21 “(3) FUNDING.—

22 “(A) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There is authorized to be appropriated
24 to carry out this subsection \$40,000,000 for
25 each of fiscal years 2014 through 2018.

1 “(B) RESERVATION OF FUNDS FOR
2 PROJECTS TO BENEFIT BEGINNING FARMERS,
3 SOCIALLY DISADVANTAGED FARMERS, AND MID-
4 TIER VALUE CHAINS.—

5 “(i) IN GENERAL.—The Secretary
6 shall reserve 10 percent of the amounts
7 made available for each fiscal year under
8 this subsection to fund projects that ben-
9 efit beginning farmers or socially disadvan-
10 taged farmers.

11 “(ii) MID-TIER VALUE CHAINS.—The
12 Secretary shall reserve 10 percent of the
13 amounts made available for each fiscal
14 year under this subsection to fund applica-
15 tions of eligible entities described in para-
16 graph (2) that propose to develop mid-tier
17 value chains.

18 “(iii) UNOBLIGATED AMOUNTS.—Any
19 amounts in the reserves for a fiscal year
20 established under clauses (i) and (ii) that
21 are not obligated by June 30 of the fiscal
22 year shall be available to the Secretary to
23 make grants under this subsection to eligi-
24 ble entities in any State, as determined by
25 the Secretary.

1 “(C) MANDATORY FUNDING.—Of the
2 funds of the Commodity Credit Corporation, the
3 Secretary shall use to carry out this subsection
4 \$12,500,000 for each of fiscal years 2014
5 through 2018, to remain available until ex-
6 pended.

7 “(c) RURAL COOPERATIVE DEVELOPMENT
8 GRANTS.—

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

10 “(A) NONPROFIT INSTITUTION.—The term
11 ‘nonprofit institution’ means any organization
12 or institution, including an accredited institu-
13 tion of higher education, no part of the net
14 earnings of which inures, or may lawfully inure,
15 to the benefit of any private shareholder or in-
16 dividual.

17 “(B) UNITED STATES.—The term ‘United
18 States’ means—

19 “(i) the several States; and

20 “(ii) the District of Columbia.

21 “(2) GRANTS.—The Secretary shall make
22 grants under this subsection to nonprofit institutions
23 for the purpose of enabling the nonprofit institutions
24 to establish and operate centers for rural cooperative
25 development.

1 “(3) GOALS.—The goals of a center funded
2 under this subsection shall be to facilitate the cre-
3 ation of jobs in rural areas through the development
4 of new rural cooperatives, value -added processing,
5 and rural businesses.

6 “(4) APPLICATION.—

7 “(A) IN GENERAL.—Any nonprofit institu-
8 tion seeking a grant under paragraph (2) shall
9 submit to the Secretary an application con-
10 taining a plan for the establishment and oper-
11 ation by the institution of 1 or more centers for
12 cooperative development.

13 “(B) REQUIREMENTS.—The Secretary
14 may approve an application if the plan contains
15 the following:

16 “(i) A provision that substantiates
17 that the center will effectively serve rural
18 areas in the United States.

19 “(ii) A provision that the primary ob-
20 jective of the center will be to improve the
21 economic condition of rural areas through
22 cooperative development.

23 “(iii) A description of the activities
24 that the center will carry out to accomplish

1 the objective, which may include pro-
2 grams—

3 “(I) for applied research and fea-
4 sibility studies that may be useful to
5 individuals, cooperatives, small busi-
6 nesses, and other similar entities in
7 rural areas served by the center;

8 “(II) for the collection, interpre-
9 tation, and dissemination of informa-
10 tion that may be useful to individuals,
11 cooperatives, small businesses, and
12 other similar entities in rural areas
13 served by the center;

14 “(III) providing training and in-
15 struction for individuals, cooperatives,
16 small businesses, and other similar
17 entities in rural areas served by the
18 center;

19 “(IV) providing loans and grants
20 to individuals, cooperatives, small
21 businesses, and other similar entities
22 in rural areas served by the center;

23 “(V) providing technical assist-
24 ance, research services, and advisory
25 services to individuals, cooperatives,

1 small businesses, and other similar
2 entities in rural areas served by the
3 center; and

4 “(VI) providing for the coordina-
5 tion of services and sharing of infor-
6 mation by the center.

7 “(iv) A description of the contribu-
8 tions that the activities are likely to make
9 to the improvement of the economic condi-
10 tions of the rural areas for which the cen-
11 ter will provide services.

12 “(v) Provisions that the center, in car-
13 rying out the activities, will seek, if appro-
14 priate, the advice, participation, expertise,
15 and assistance of representatives of busi-
16 ness, industry, educational institutions, the
17 Federal Government, and State and local
18 governments.

19 “(vi) Provisions that the center will
20 take all practicable steps to develop con-
21 tinuing sources of financial support for the
22 center, particularly from sources in the pri-
23 vate sector.

24 “(vii) Provisions for—

1 “(I) monitoring and evaluating
2 the activities by the nonprofit institu-
3 tion operating the center; and

4 “(II) accounting for funds re-
5 ceived by the institution under this
6 section.

7 “(5) AWARDING GRANTS.—

8 “(A) IN GENERAL.—Grants made under
9 paragraph (2) shall be made on a competitive
10 basis.

11 “(B) PREFERENCE.—In making grants
12 under paragraph (2), the Secretary shall give
13 preference to grant applications providing for
14 the establishment of centers for rural coopera-
15 tive development that—

16 “(i) demonstrate a proven track
17 record in carrying out activities to promote
18 and assist the development of cooperatively
19 and mutually owned businesses;

20 “(ii) demonstrate previous expertise in
21 providing technical assistance in rural
22 areas to promote and assist the develop-
23 ment of cooperatively and mutually owned
24 businesses;

1 that the Secretary shall not require non-
2 Federal financial support in an amount
3 that is greater than 5 percent in the case
4 of a 1994 institution (as defined in section
5 532 of the Equity in Educational Land-
6 Grant Status Act of 1994 (7 U.S.C. 301
7 note; Public Law 103–382)).

8 “(6) GRANT PERIOD.—

9 “(A) IN GENERAL.—A grant awarded to a
10 center that has received no prior funding under
11 this subsection shall be made for a period of 1
12 year.

13 “(B) MULTIYEAR GRANTS.—If the Sec-
14 retary determines it to be in the best interest
15 of the program, the Secretary shall award
16 grants for a period of more than 1 year, but
17 not more than 3 years, to a center that has suc-
18 cessfully met the requirements of paragraph
19 (5)(B), as determined by the Secretary.

20 “(7) AUTHORITY TO EXTEND GRANT PERIOD.—

21 The Secretary may extend for 1 additional 12-month
22 period the period during which a grantee may use a
23 grant made under this subsection.

1 “(8) TECHNICAL ASSISTANCE TO PREVENT EX-
2 CESSIVE UNEMPLOYMENT OR UNDEREMPLOY-
3 MENT.—

4 “(A) IN GENERAL.—In carrying out this
5 subsection, the Secretary may provide technical
6 assistance to alleviate or prevent conditions of
7 excessive unemployment, underemployment,
8 outmigration, or low employment growth in eco-
9 nomically distressed rural areas that the Sec-
10 retary determines have a substantial need for
11 the assistance.

12 “(B) INCLUSIONS.—The assistance may
13 include planning and feasibility studies, man-
14 agement and operational assistance, and studies
15 evaluating the need for the development poten-
16 tial of projects that increase employment and
17 improve economic growth in the areas.

18 “(9) GRANTS TO DEFRAY ADMINISTRATIVE
19 COSTS.—

20 “(A) IN GENERAL.—The Secretary may
21 make grants to defray not to exceed 75 percent
22 of the costs incurred by organizations and pub-
23 lic bodies to carry out projects for which grants
24 or loans are made under this subsection.

1 “(B) COST-SHARING.—For purposes of de-
2 termining the non-Federal share of the costs,
3 the Secretary shall include contributions in cash
4 and in kind, fairly evaluated, including prem-
5 ises, equipment, and services.

6 “(10) COOPERATIVE RESEARCH PROGRAM.—
7 The Secretary shall offer to enter into a cooperative
8 research agreement with 1 or more qualified aca-
9 demic institutions in each fiscal year to conduct re-
10 search on the effects of all types of cooperatives on
11 the national economy.

12 “(11) ADDRESSING NEEDS OF MINORITY COM-
13 MUNITIES.—

14 “(A) IN GENERAL.—If the total amount
15 appropriated under paragraph (13) for a fiscal
16 year exceeds \$7,500,000, the Secretary shall re-
17 serve an amount equal to 20 percent of the
18 total amount appropriated for grants for coop-
19 erative development centers, individual coopera-
20 tives, or groups of cooperatives—

21 “(i) that serve socially disadvantaged
22 groups; and

23 “(ii) a majority of the boards of direc-
24 tors or governing boards of which are com-

1 prised of individuals who are members of
2 socially disadvantaged groups.

3 “(B) INSUFFICIENT APPLICATIONS.—To
4 the extent there are insufficient applications to
5 carry out subparagraph (A), the Secretary shall
6 use the funds as otherwise authorized by this
7 subsection.

8 “(12) INTERAGENCY WORKING GROUP.—Not
9 later than 90 days after the date of enactment of
10 the Agriculture Reform, Food, and Jobs Act of
11 2013, the Secretary shall coordinate and chair an
12 interagency working group to foster cooperative de-
13 velopment and ensure coordination with Federal
14 agencies and national and local cooperative organiza-
15 tions that have cooperative programs and interests.

16 “(13) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 this subsection \$50,000,000 for each of fiscal years
19 2014 through 2018.

20 “(d) APPROPRIATE TECHNOLOGY TRANSFER FOR
21 RURAL AREAS PROGRAM.—

22 “(1) DEFINITION OF NATIONAL NONPROFIT AG-
23 RICULTURAL ASSISTANCE INSTITUTION.—In this
24 subsection, the term ‘national nonprofit agricultural
25 assistance institution’ means an organization that—

1 “(A) is described in section 501(c)(3) of
2 the Internal Revenue Code of 1986 and exempt
3 from taxation under 501(a) of that Code;

4 “(B) has staff and offices in multiple re-
5 gions of the United States;

6 “(C) has experience and expertise in oper-
7 ating national agricultural technical assistance
8 programs;

9 “(D) expands markets for the agricultural
10 commodities produced by producers through the
11 use of practices that enhance the environment,
12 natural resource base, and quality of life; and

13 “(E) improves the economic viability of ag-
14 ricultural operations.

15 “(2) ESTABLISHMENT.—The Secretary shall es-
16 tablish a national appropriate technology transfer
17 for rural areas program to assist agricultural pro-
18 ducers that are seeking information—

19 “(A) to reduce input costs;

20 “(B) to conserve energy resources;

21 “(C) to diversify operations through new
22 energy crops and energy generation facilities;
23 and

24 “(D) to expand markets for agricultural
25 commodities produced by the producers by

1 using practices that enhance the environment,
2 natural resource base, and quality of life.

3 “(3) IMPLEMENTATION.—

4 “(A) IN GENERAL.—The Secretary shall
5 carry out the program under this subsection by
6 making a grant to, or offering to enter into a
7 cooperative agreement with, a national non-
8 profit agricultural assistance institution.

9 “(B) GRANT AMOUNT.—A grant made, or
10 cooperative agreement entered into, under sub-
11 paragraph (A) shall provide 100 percent of the
12 cost of providing information described in para-
13 graph (2).

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to carry out
16 this subsection \$5,000,000 for each of fiscal years
17 2014 through 2018.

18 “(e) BUSINESS AND INDUSTRY DIRECT AND GUAR-
19 ANTEED LOANS.—

20 “(1) DEFINITION OF BUSINESS AND INDUSTRY
21 LOAN.—In this section, the term ‘business and in-
22 dustry loan’ means a direct loan that is made, or a
23 loan that is guaranteed, by the Secretary under this
24 subsection.

1 “(2) LOAN PURPOSES.—The Secretary may
2 make business and industry loans to public, private,
3 or cooperative organizations organized for profit or
4 nonprofit, private investment funds that invest pri-
5 marily in cooperative organizations, or to individ-
6 uals—

7 “(A) to improve, develop, or finance busi-
8 ness, industry, and employment and improve
9 the economic and environmental climate in
10 rural communities, including pollution abate-
11 ment and control;

12 “(B) to conserve, develop, and use water
13 for aquaculture purposes in rural areas; and

14 “(C) to reduce the reliance on nonrenew-
15 able energy resources by encouraging the devel-
16 opment and construction of renewable energy
17 systems (including solar energy systems, wind
18 energy systems, and anaerobic digestors for the
19 purpose of energy generation), including the
20 modification of existing systems, in rural areas.

21 “(3) LOAN GUARANTEES FOR CERTAIN
22 LOANS.—The Secretary may guarantee loans made
23 under this subsection to finance the issuance of
24 bonds for the projects described in paragraph (2).

25 “(4) MAXIMUM AMOUNT OF PRINCIPAL.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, no loan may be
3 made or guaranteed under this subsection that
4 exceeds \$25,000,000 in principal amount.

5 “(B) LIMITATIONS ON LOAN GUARANTEES
6 FOR COOPERATIVE ORGANIZATIONS.—

7 “(i) PRINCIPAL AMOUNT.—Subject to
8 clause (ii), the principal amount of a busi-
9 ness and industry loan made to a coopera-
10 tive organization and guaranteed under
11 this subsection shall not exceed
12 \$40,000,000.

13 “(ii) USE.—To be eligible for a guar-
14 antee under this subsection for a business
15 and industry loan made to a cooperative
16 organization, the principal amount of the
17 loan in excess of \$25,000,000 shall be used
18 to carry out a project that is in a rural
19 area and—

20 “(I) provides for the value-added
21 processing of agricultural commod-
22 ities; or

23 “(II) significantly benefits 1 or
24 more entities eligible for assistance for

1 the purposes described in paragraph
2 (2), as determined by the Secretary.

3 “(iii) APPLICATIONS.—If a coopera-
4 tive organization submits an application
5 for a guarantee under this paragraph, the
6 Secretary shall make the determination
7 whether to approve the application, and
8 the Secretary may not delegate this au-
9 thority.

10 “(iv) MAXIMUM AMOUNT.—The total
11 amount of business and industry loans
12 made to cooperative organizations and
13 guaranteed for a fiscal year under this
14 subsection with principal amounts that are
15 in excess of \$25,000,000 may not exceed
16 10 percent of the total amount of business
17 and industry loans guaranteed for the fis-
18 cal year under this subsection.

19 “(5) FEES.—The Secretary may assess a 1-
20 time fee and an annual renewal fee for any guaran-
21 teed business and industry loan in an amount that
22 does not exceed 3 percent of the guaranteed prin-
23 cipal portion of the loan.

24 “(6) INTANGIBLE ASSETS.—In determining
25 whether a cooperative organization is eligible for a

1 guaranteed business and industry loan, the Sec-
2 retary may consider the market value of a properly
3 appraised brand name, patent, or trademark of the
4 cooperative.

5 “(7) LOAN APPRAISALS.—The Secretary may
6 require that any appraisal made in connection with
7 a business and industry loan be conducted by a spe-
8 cialized appraiser that uses standards that are com-
9 parable to standards used for similar purposes in the
10 private sector, as determined by the Secretary.

11 “(8) LOAN GUARANTEES FOR THE PURCHASE
12 OF COOPERATIVE STOCK.—

13 “(A) IN GENERAL.—The Secretary may
14 guarantee a business and industry loan to indi-
15 vidual farmers to purchase capital stock of a
16 farmer cooperative established for the purpose
17 of processing an agricultural commodity.

18 “(B) PROCESSING CONTRACTS DURING INI-
19 TIAL PERIOD.—A cooperative described in sub-
20 paragraph (A) for which a farmer receives a
21 guarantee to purchase stock under that sub-
22 paragraph may contract for services to process
23 agricultural commodities or otherwise process
24 value added for the period beginning on the
25 date of the startup of the cooperative in order

1 to provide adequate time for the planning and
2 construction of the processing facility of the co-
3 operative.

4 “(C) FINANCIAL INFORMATION.—Financial
5 information required by the Secretary from a
6 farmer as a condition of making a business and
7 industry loan guarantee under this paragraph
8 shall be provided in the manner generally re-
9 quired by commercial agricultural lenders in the
10 applicable area.

11 “(9) LOANS TO COOPERATIVES.—

12 “(A) ELIGIBILITY.—

13 “(i) IN GENERAL.—The Secretary
14 may make or guarantee a business and in-
15 dustry loan to a cooperative organization
16 that is headquartered in a metropolitan
17 area if the loan is—

18 “(I) used for a project or venture
19 described in paragraph (2) that is lo-
20 cated in a rural area; or

21 “(II) a loan guarantee that meets
22 the requirements of paragraph (10).

23 “(ii) EQUITY.—The Secretary may
24 guarantee a loan made for the purchase of
25 preferred stock or similar equity issued by

1 a cooperative organization or a fund that
2 invests primarily in cooperative organiza-
3 tions, if the guarantee significantly bene-
4 fits 1 or more entities eligible for assist-
5 ance for the purposes described in para-
6 graph (2)(A), as determined by the Sec-
7 retary.

8 “(B) REFINANCING.—A cooperative orga-
9 nization that is eligible for a business and in-
10 dustry loan shall be eligible to refinance an ex-
11 isting business and industry loan with a lender
12 if—

13 “(i) the cooperative organization—

14 “(I) is current and performing
15 with respect to the existing loan; and

16 “(II)(aa) is not, and has not
17 been, in payment default, with respect
18 to the existing loan; or

19 “(bb) has not converted any of
20 the collateral with respect to the exist-
21 ing loan; and

22 “(ii) there is adequate security or full
23 collateral for the refinanced loan.

24 “(10) LOAN GUARANTEES IN NONRURAL
25 AREAS.—The Secretary may guarantee a business

1 and industry loan to a cooperative organization for
2 a facility that is not located in a rural area if—

3 “(A) the primary purpose of the loan guar-
4 antee is for a facility to provide value-added
5 processing for agricultural producers that are
6 located within 80 miles of the facility;

7 “(B) the applicant demonstrates to the
8 Secretary that the primary benefit of the loan
9 guarantee will be to provide employment for
10 residents of a rural area; and

11 “(C) the total amount of business and in-
12 dustry loans guaranteed for a fiscal year under
13 this paragraph does not exceed 10 percent of
14 the business and industry loans guaranteed for
15 the fiscal year under this subsection.

16 “(11) LOCALLY OR REGIONALLY PRODUCED AG-
17 RICULTURAL FOOD PRODUCTS.—

18 “(A) DEFINITIONS.—In this paragraph:

19 “(i) LOCALLY OR REGIONALLY PRO-
20 DUCED AGRICULTURAL FOOD PRODUCT.—

21 The term ‘locally or regionally produced
22 agricultural food product’ means any agri-
23 cultural food product that is raised, pro-
24 duced, and distributed in—

1 “(I) the locality or region in
2 which the final product is marketed,
3 so that the total distance that the
4 product is transported is less than
5 400 miles from the origin of the prod-
6 uct; or

7 “(II) the State in which the
8 product is produced.

9 “(ii) UNDERSERVED COMMUNITY.—
10 The term ‘underserved community’ means
11 a community (including an urban or rural
12 community and an Indian tribal commu-
13 nity) that, as determined by the Secretary,
14 has—

15 “(I) limited access to affordable,
16 healthy foods, including fresh fruits
17 and vegetables, in grocery retail stores
18 or farmer-to-consumer direct markets;
19 and

20 “(II) a high rate of hunger or
21 food insecurity or a high poverty rate.

22 “(B) LOAN AND LOAN GUARANTEE PRO-
23 GRAM.—

24 “(i) IN GENERAL.—The Secretary
25 shall make or guarantee loans to individ-

1 uals, cooperatives, cooperative organiza-
2 tions, businesses, and other entities to es-
3 tablish and facilitate enterprises that proc-
4 ess, distribute, aggregate, store, and mar-
5 ket locally or regionally produced agricul-
6 tural food products to support community
7 development and farm income.

8 “(ii) REQUIREMENT.—The recipient
9 of a loan or loan guarantee under this
10 paragraph shall include in an appropriate
11 agreement with retail and institutional fa-
12 cilities to which the recipient sells locally
13 or regionally produced agricultural food
14 products a requirement to inform con-
15 sumers of the retail or institutional facili-
16 ties that the consumers are purchasing or
17 consuming locally or regionally produced
18 agricultural food products.

19 “(iii) PRIORITY.—In making or guar-
20 anteeing a loan under this paragraph, the
21 Secretary shall give priority to projects
22 that have components benefitting under-
23 served communities.

24 “(iv) REPORTS.—Not later than 2
25 years after the date of enactment of the

1 Agriculture Reform, Food, and Jobs Act of
2 2013 and annually thereafter, the Sec-
3 retary shall submit to the Committee on
4 Agriculture of the House of Representa-
5 tives and the Committee on Agriculture,
6 Nutrition, and Forestry of the Senate, and
7 publish on the Internet, a report that de-
8 scribes projects carried out using loans or
9 loan guarantees made under clause (i), in-
10 cluding—

11 “(I) summary information about
12 all projects;

13 “(II) the characteristics of the
14 communities served; and

15 “(III) resulting benefits.

16 “(v) RESERVATION OF FUNDS.—For
17 each of fiscal years 2014 through 2018,
18 the Secretary shall reserve not less than 5
19 percent of the total amount of funds made
20 available to carry out this subsection to
21 carry out this paragraph until April 1 of
22 the fiscal year.

23 “(vi) OUTREACH.—The Secretary
24 shall develop and implement an outreach
25 plan to publicize the availability of loans

1 and loan guarantees under this paragraph,
2 working closely with rural cooperative de-
3 velopment centers, credit unions, commu-
4 nity development financial institutions, re-
5 gional economic development authorities,
6 and other financial and economic develop-
7 ment entities.

8 “(12) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated to carry out
10 this subsection \$75,000,000 for each of fiscal years
11 2014 through 2018.

12 “(f) RELENDING PROGRAMS.—

13 “(1) INTERMEDIATE RELENDING PROGRAM.—

14 “(A) IN GENERAL.—The Secretary may
15 make or guarantee loans to eligible entities de-
16 scribed in subparagraph (B) so that the eligible
17 entities may relend the funds to individuals and
18 entities for the purposes described in subpara-
19 graph (C).

20 “(B) ELIGIBLE ENTITIES.—Entities eligi-
21 ble for loans and loan guarantees described in
22 subparagraph (A) are—

23 “(i) public agencies;

24 “(ii) Indian tribes;

25 “(iii) cooperatives; and

1 “(iv) nonprofit corporations.

2 “(C) ELIGIBLE PURPOSES.—The proceeds
3 from loans made or guaranteed by the Sec-
4 retary pursuant to subparagraph (A) may be
5 relent by eligible entities for projects that—

6 “(i) predominately serve communities
7 in rural areas; and

8 “(ii) as determined by the Secretary—

9 “(I) promote community develop-
10 ment;

11 “(II) establish new businesses;

12 “(III) establish and support
13 microlending programs; and

14 “(IV) create or retain employ-
15 ment opportunities.

16 “(D) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There is authorized to be appropriated
18 to carry out this subsection \$50,000,000 for
19 each of fiscal years 2014 through 2018.

20 “(2) RURAL MICROENTREPRENEUR ASSISTANCE
21 PROGRAM.—

22 “(A) DEFINITIONS.—In this paragraph:

23 “(i) MICROENTREPRENEUR.—The
24 term ‘microentrepreneur’ means an owner
25 and operator, or prospective owner and op-

erator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this subsection, as determined by the Secretary.

“(ii) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term ‘microenterprise development organization’ means an organization that is—

“(I) a nonprofit entity;

“(II) an Indian tribe, the tribal government of which certifies to the Secretary that—

“(aa) no microenterprise development organization serves the Indian tribe; and

“(bb) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe;

“(III) a public institution of higher education; or

“(IV) a collaboration of rural nonprofit entities serving a region or State, if 1 lead nonprofit entity is the

1 sole underwriter of all loans and is re-
2 sponsible for associated risks.

3 “(iii) MICROLOAN.—The term
4 ‘microloan’ means a business loan of not
5 more than \$50,000 that is provided to a
6 rural microenterprise.

7 “(iv) PROGRAM.—The term ‘program’
8 means the rural microentrepreneur assist-
9 ance program established under subpara-
10 graph (B).

11 “(v) RURAL MICROENTERPRISE.—The
12 term ‘rural microenterprise’ means a busi-
13 ness entity with not more than 10 full-time
14 equivalent employees located in a rural
15 area.

16 “(vi) TRAINING.—The term ‘training’
17 means teaching broad business principles
18 or general business skills in a group or
19 public setting.

20 “(vii) TECHNICAL ASSISTANCE.—The
21 term ‘technical assistance’ means working
22 with a business client in a 1-to-1 manner
23 to provide business and financial manage-
24 ment counseling, assist in the preparation
25 of business or marketing plans, or provide

645

1 other skills tailored to an individual micro-
2 entrepreneur.

3 “(B) RURAL MICROENTREPRENEUR AS-
4 SISTANCE PROGRAM.—

5 “(i) ESTABLISHMENT.—The Secretary
6 shall establish a rural microentrepreneur
7 assistance program to provide loans and
8 grants to support microentrepreneurs in
9 the development and ongoing success of
10 rural microenterprises.

11 “(ii) PURPOSE.—The purpose of the
12 program is to provide microentrepreneurs
13 with—

14 “(I) the skills necessary to estab-
15 lish new rural microenterprises; and

“(II) continuing technical and financial assistance related to the successful operation of rural microenterprises.

20 “(iii) LOANS.—

21 “(I) IN GENERAL.—The Sec-
22 retary shall make loans to microenter-
23 prise development organizations for
24 the purpose of providing fixed-interest
25 rate microloans to microentrepreneurs

646

1 for startup and growing rural micro-
2 enterprises.

3 “(II) LOAN TERMS.—A loan
4 made by the Secretary to a microen-
5 terprise development organization
6 under this subparagraph shall—

7 “(aa) be for a term not to
8 exceed 20 years; and

9 “(bb) bear an annual inter-
10 est rate of at least 1 percent.

11 “(III) LOAN LOSS RESERVE
12 FUND.—The Secretary shall require
13 each microenterprise development or-
14 ganization that receives a loan under
15 this subparagraph to—

16 “(aa) establish a loan loss
17 reserve fund; and

18 “(bb) maintain the reserve
19 fund in an amount equal to at
20 least 5 percent of the outstanding
21 balance of such loans owed by
22 the microenterprise development
23 organization, until all obligations
24 owed to the Secretary under this
25 subparagraph are repaid.

647

1 “(IV) DEFERRAL OF INTEREST
2 AND PRINCIPAL.—The Secretary may
3 permit the deferral of payments on
4 principal and interest due on a loan to
5 a microenterprise development organi-
6 zation made under this paragraph for
7 a 2-year period beginning on the date
8 on which the loan is made.

9 “(iv) GRANTS TO SUPPORT RURAL MI-
10 CROENTERPRISE DEVELOPMENT.—

11 “(I) IN GENERAL.—The Sec-
12 retary shall make grants to microen-
13 terprise development organizations—

14 “(aa) to provide training
15 and technical assistance, and
16 other related services to rural
17 microentrepreneurs; and

18 “(bb) to carry out such
19 other projects and activities as
20 the Secretary determines appro-
21 priate to further the purposes of
22 the program.

23 “(II) SELECTION.—In making
24 grants under subclause (I), the Sec-
25 retary shall—

1 “(aa) place an emphasis on
2 microenterprise development or-
3 ganizations that serve micro-
4 entrepreneurs that are located in
5 rural areas that have suffered
6 significant outward migration, as
7 determined by the Secretary; and

8 “(bb) ensure, to the max-
9 imum extent practicable, that
10 grant recipients include microen-
11 terprise development organiza-
12 tions of varying sizes and that
13 serve racially and ethnically di-
14 verse populations.

15 “(v) GRANTS TO ASSIST MICROENTRE-
16 PRENEURS.—

17 “(I) IN GENERAL.—The Sec-
18 retary shall make annual grants to
19 microenterprise development organiza-
20 tions to provide technical assistance to
21 microentrepreneurs that—

22 “(aa) received a loan from
23 the microenterprise development
24 organization under subparagraph
25 (B)(iii); or

1 “(bb) are seeking a loan
2 from the microenterprise develop-
3 ment organization under sub-
4 paragraph (B)(iii).

5 “(II) MAXIMUM AMOUNT OF
6 TECHNICAL ASSISTANCE GRANT.—The
7 maximum amount of a grant under
8 this clause shall be in an amount
9 equal to not more than 25 percent of
10 the total outstanding balance of
11 microloans made by the microenter-
12 prise development organization under
13 clause (iii), as of the date the grant is
14 awarded.

15 “(vi) ADMINISTRATIVE EXPENSES.—
16 Not more than 10 percent of a grant re-
17 ceived by a microenterprise development
18 organization for a fiscal year under this
19 subparagraph may be used to pay adminis-
20 trative expenses.

21 “(C) ADMINISTRATION.—

22 “(i) MATCHING REQUIREMENT.—As a
23 condition of any grant made under clauses
24 (iv) and (v) of subparagraph (B), the Sec-
25 retary shall require the microenterprise de-

development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds (including community development block grants), indirect costs, or in-kind goods or services.

“(ii) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

17 “(D) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There is authorized to be appropriated
19 to carry out this paragraph \$40,000,000 for
20 each of fiscal years 2014 through 2018.

21 “(E) MANDATORY FUNDING FOR FISCAL
22 YEARS 2014 THROUGH 2018.—Of the funds of
23 the Commodity Credit Corporation, the Sec-
24 retary shall use to carry out this paragraph
25 \$3,000,000 for each of fiscal years 2014

1 through 2018, to remain available until ex-
2 pended.

3 **“SEC. 3602. RURAL BUSINESS INVESTMENT PROGRAM.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) ARTICLES.—The term ‘articles’ means ar-
6 ticles of incorporation for an incorporated body or
7 the functional equivalent or other similar documents
8 specified by the Secretary for other business entities.

9 “(2) DEVELOPMENTAL VENTURE CAPITAL.—
10 The term ‘developmental venture capital’ means cap-
11 ital in the form of equity capital investments in rural
12 business investment companies with an objective of
13 fostering economic development in rural areas.

14 “(3) EMPLOYEE WELFARE BENEFIT PLAN;
15 PENSION PLAN.—

16 “(A) IN GENERAL.—The terms ‘employee
17 welfare benefit plan’ and ‘pension plan’ have
18 the meanings given the terms in section 3 of
19 the Employee Retirement Income Security Act
20 of 1974 (29 U.S.C. 1002).

21 “(B) INCLUSIONS.—The terms ‘employee
22 welfare benefit plan’ and ‘pension plan’ in-
23 clude—

24 “(i) public and private pension or re-
25 tirement plans subject to this subtitle; and

1 “(ii) similar plans not covered by this
2 subtitle that have been established, and
3 that are maintained, by the Federal Gov-
4 ernment or any State (including by a polit-
5 ical subdivision, agency, or instrumentality
6 of the Federal Government or a State) for
7 the benefit of employees.

8 “(4) EQUITY CAPITAL.—The term ‘equity cap-
9 ital’ means common or preferred stock or a similar
10 instrument, including subordinated debt with equity
11 features.

12 “(5) LEVERAGE.—The term ‘leverage’ in-
13 cludes—

14 “(A) debentures purchased or guaranteed
15 by the Secretary;

16 “(B) participating securities purchased or
17 guaranteed by the Secretary; and

18 “(C) preferred securities outstanding as of
19 the date of enactment of the Agriculture Re-
20 form, Food, and Jobs Act of 2013.

21 “(6) LICENSE.—The term ‘license’ means a li-
22 cense issued by the Secretary in accordance with in
23 subsection (d)(5).

24 “(7) LIMITED LIABILITY COMPANY.—The term
25 ‘limited liability company’ means a business entity

1 that is organized and operating in accordance with
2 a State limited liability company law approved by
3 the Secretary.

4 “(8) MEMBER.—The term ‘member’ means,
5 with respect to a rural business investment company
6 that is a limited liability company, a holder of an
7 ownership interest, or a person otherwise admitted
8 to membership in the limited liability company.

9 “(9) OPERATIONAL ASSISTANCE.—The term
10 ‘operational assistance’ means management, mar-
11 keting, and other technical assistance that assists a
12 rural business concern with business development.

13 “(10) PARTICIPATION AGREEMENT.—The term
14 ‘participation agreement’ means an agreement, be-
15 tween the Secretary and a rural business investment
16 company granted final approval under subsection
17 (d)(5), that requires the rural business investment
18 company to make investments in smaller enterprises
19 in rural areas.

20 “(11) PRIVATE CAPITAL.—

21 “(A) IN GENERAL.—The term ‘private cap-
22 ital’ means the total of—

23 “(i)(I) the paid-in capital and paid-in
24 surplus of a corporate rural business in-
25 vestment company;

1 “(II) the contributed capital of the
2 partners of a partnership rural business in-
3 vestment company; or

4 “(III) the equity investment of the
5 members of a limited liability company
6 rural business investment company; and

7 “(ii) unfunded binding commitments
8 from investors that meet criteria estab-
9 lished by the Secretary to contribute cap-
10 ital to the rural business investment com-
11 pany, except that—

12 “(I) unfunded commitments may
13 be counted as private capital for pur-
14 poses of approval by the Secretary of
15 any request for leverage; but

16 “(II) leverage shall not be funded
17 based on the commitments.

18 “(B) EXCLUSIONS.—The term ‘private
19 capital’ does not include—

20 “(i) any funds borrowed by a rural
21 business investment company from any
22 source;

23 “(ii) any funds obtained through the
24 issuance of leverage; or

1 “(iii) any funds obtained directly or
2 indirectly from the Federal Government or
3 any State (including by a political subdivi-
4 sion, agency, or instrumentality of the
5 Federal Government or a State), except
6 for—

7 “(I) funds obtained from the
8 business revenues (excluding any gov-
9 ernmental appropriation) of any Fed-
10 erally chartered or government-spon-
11 sored enterprise established prior to
12 the date of enactment of the Agri-
13 culture Reform, Food, and Jobs Act
14 of 2013;

15 “(II) funds invested by an em-
16 ployee welfare benefit plan or pension
17 plan; and

18 “(III) any qualified nonprivate
19 funds (if the investors of the qualified
20 nonprivate funds do not control, di-
21 rectly or indirectly, the management,
22 board of directors, general partners,
23 or members of the rural business in-
24 vestment company).

1 “(12) QUALIFIED NONPRIVATE FUNDS.—The
2 term ‘qualified nonprivate funds’ means any—

3 “(A) funds directly or indirectly invested in
4 any applicant or rural business investment com-
5 pany on or before the date of enactment of the
6 Agriculture Reform, Food, and Jobs Act of
7 2013 by any Federal agency, other than the
8 Department, under a provision of law explicitly
9 mandating the inclusion of those funds in the
10 definition of the term ‘private capital’; and

11 “(B) funds invested in any applicant or
12 rural business investment company by 1 or
13 more entities of any State (including by a polit-
14 ical subdivision, agency, or instrumentality of
15 the State and including any guarantee extended
16 by those entities) in an aggregate amount that
17 does not exceed 33 percent of the private cap-
18 ital of the applicant or rural business invest-
19 ment company.

20 “(13) RURAL BUSINESS CONCERN.—The term
21 ‘rural business concern’ means—

22 “(A) a public, private, or cooperative for-
23 profit or nonprofit organization;

24 “(B) a for-profit or nonprofit business con-
25 trolled by an Indian tribe; or

1 “(C) any other person or entity that pri-
2 marily operates in a rural area, as determined
3 by the Secretary.

4 “(14) RURAL BUSINESS INVESTMENT COM-
5 PANY.—The term ‘rural business investment com-
6 pany’ means a company that—

7 “(A) has been granted final approval by
8 the Secretary under subsection (d)(5); and

9 “(B) has entered into a participation
10 agreement with the Secretary.

11 “(15) SMALLER ENTERPRISE.—

12 “(A) IN GENERAL.—The term ‘smaller en-
13 terprise’ means any rural business concern that,
14 together with its affiliates—

15 “(i) has—

16 “(I) a net financial worth of not
17 more than \$6,000,000, as of the date
18 on which assistance is provided under
19 this section to the rural business con-
20 cern; and

21 “(II) except as provided in sub-
22 paragraph (B), an average net income
23 for the 2-year period preceding the
24 date on which assistance is provided
25 under this section to the rural busi-

1 ness concern, of not more than
2 \$2,000,000, after Federal income
3 taxes (excluding any carryover losses);
4 or

5 “(ii) satisfies the standard industrial
6 classification size standards established by
7 the Administrator of the Small Business
8 Administration for the industry in which
9 the rural business concern is primarily en-
10 gaged.

11 “(B) EXCEPTION.—For purposes of sub-
12 paragraph (A)(i)(II), if the rural business con-
13 cern is not required by law to pay Federal in-
14 come taxes at the enterprise level, but is re-
15 quired to pass income through to the share-
16 holders, partners, beneficiaries, or other equi-
17 table owners of the business concern, the net in-
18 come of the business concern shall be deter-
19 mined by allowing a deduction in an amount
20 equal to the total of—

21 “(i) if the rural business concern is
22 not required by law to pay State (and
23 local, if any) income taxes at the enterprise
24 level, the product obtained by multi-
25 plying—

1 “(I) the net income (determined
2 without regard to this subparagraph);
3 by

4 “(II) the marginal State income
5 tax rate (or by the combined State
6 and local income tax rates, as applica-
7 ble) that would have applied if the
8 business concern were a corporation;
9 and

10 “(ii) the product obtained by multi-
11 plying—

12 “(I) the net income (so deter-
13 mined) less any deduction for State
14 (and local) income taxes calculated
15 under clause (i); by

16 “(II) the marginal Federal in-
17 come tax rate that would have applied
18 if the rural business concern were a
19 corporation.

20 “(b) PURPOSES.—The purposes of the Rural Busi-
21 ness Investment Program established under this section
22 are—

23 “(1) to promote economic development and the
24 creation of wealth and job opportunities in rural
25 areas and among individuals living in those areas by

1 encouraging developmental venture capital invest-
2 ments in smaller enterprises primarily located in
3 rural areas; and

4 “(2) to establish a developmental venture cap-
5 ital program, with the mission of addressing the
6 unmet equity investment needs of small enterprises
7 located in rural areas, by authorizing the Sec-
8 retary—

9 “(A) to enter into participation agreements
10 with rural business investment companies;

11 “(B) to guarantee debentures of rural
12 business investment companies to enable each
13 rural business investment company to make de-
14 velopmental venture capital investments in
15 smaller enterprises in rural areas; and

16 “(C) to make grants to rural business in-
17 vestment companies, and to other entities, for
18 the purpose of providing operational assistance
19 to smaller enterprises financed, or expected to
20 be financed, by rural business investment com-
21 panies.

22 “(c) ESTABLISHMENT.—In accordance with this sub-
23 title, the Secretary shall establish a Rural Business Invest-
24 ment Program, under which the Secretary may—

1 “(1) enter into participation agreements with
2 companies granted final approval under subsection
3 (d)(5) for the purposes described in subsection (b);

4 “(2) guarantee the debentures issued by rural
5 business investment companies as provided in sub-
6 section (e); and

7 “(3) make grants to rural business investment
8 companies, and to other entities, under subsection
9 (h).

10 “(d) SELECTION OF RURAL BUSINESS INVESTMENT
11 COMPANIES.—

12 “(1) ELIGIBILITY.—A company shall be eligible
13 to apply to participate, as a rural business invest-
14 ment company, in the program established under
15 this section if—

16 “(A) the company is a newly formed for-
17 profit entity or a newly formed for-profit sub-
18 sidiary of such an entity;

19 “(B) the company has a management team
20 with experience in community development fi-
21 nancing or relevant venture capital financing;
22 and

23 “(C) the company will invest in enterprises
24 that will create wealth and job opportunities in

1 rural areas, with an emphasis on smaller enter-
2 prises.

3 “(2) APPLICATION.—To participate, as a rural
4 business investment company, in the program estab-
5 lished under this section, a company meeting the eli-
6 gibility requirements of paragraph (1) shall submit
7 an application to the Secretary that includes—

8 “(A) a business plan describing how the
9 company intends to make successful develop-
10 mental venture capital investments in identified
11 rural areas;

12 “(B) information regarding the community
13 development finance or relevant venture capital
14 qualifications and general reputation of the
15 management of the company;

16 “(C) a description of how the company in-
17 tends to work with community-based organiza-
18 tions and local entities (including local economic
19 development companies, local lenders, and local
20 investors) and to seek to address the unmet eq-
21 uity capital needs of the communities served;

22 “(D) a proposal describing how the com-
23 pany intends to use the grant funds provided
24 under this section to provide operational assist-
25 ance to smaller enterprises financed by the

1 company, including information regarding
2 whether the company intends to use licensed
3 professionals, as necessary, on the staff of the
4 company or from an outside entity;

5 “(E) with respect to binding commitments
6 to be made to the company under this section,
7 an estimate of the ratio of cash to in-kind con-
8 tributions;

9 “(F) a description of the criteria to be
10 used to evaluate whether and to what extent the
11 company meets the purposes of the program es-
12 tablished under this section;

13 “(G) information regarding the manage-
14 ment and financial strength of any parent firm,
15 affiliated firm, or any other firm essential to
16 the success of the business plan of the com-
17 pany; and

18 “(H) such other information as the Sec-
19 retary may require.

20 “(3) STATUS.—Not later than 90 days after the
21 initial receipt by the Secretary of an application
22 under this subsection, the Secretary shall provide to
23 the applicant a written report describing the status
24 of the application and any requirements remaining
25 for completion of the application.

1 “(4) MATTERS CONSIDERED.—In reviewing and
2 processing any application under this subsection, the
3 Secretary shall—

4 “(A) determine whether—

5 “(i) the applicant meets the require-
6 ments of paragraph (5); and

7 “(ii) the management of the applicant
8 is qualified and has the knowledge, experi-
9 ence, and capability necessary to comply
10 with this section;

11 “(B) take into consideration—

12 “(i) the need for and availability of fi-
13 nancing for rural business concerns in the
14 geographic area in which the applicant is
15 to commence business;

16 “(ii) the general business reputation
17 of the owners and management of the ap-
18 plicant; and

19 “(iii) the probability of successful op-
20 erations of the applicant, including ade-
21 quate profitability and financial soundness;
22 and

23 “(C) not take into consideration any pro-
24 jected shortage or unavailability of grant funds
25 or leverage.

1 “(5) APPROVAL; LICENSE.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the Secretary may approve
4 an applicant to operate as a rural business in-
5 vestment company under this subtitle and li-
6 cense the applicant as a rural business invest-
7 ment company, if—

8 “(i) the Secretary determines that the
9 application satisfies the requirements of
10 paragraph (2);

11 “(ii) the area in which the rural busi-
12 ness investment company is to conduct its
13 operations, and establishment of branch of-
14 fices or agencies (if authorized by the arti-
15 cles), are approved by the Secretary; and

16 “(iii) the applicant enters into a par-
17 ticipation agreement with the Secretary.

18 “(B) CAPITAL REQUIREMENTS.—

19 “(i) IN GENERAL.—Notwithstanding
20 any other provision of this section, the Sec-
21 retary may approve an applicant to operate
22 as a rural business investment company
23 under this section and designate the appli-
24 cant as a rural business investment com-

666

1 pany, if the Secretary determines that the
2 applicant—

3 “(I) has private capital as deter-
4 mined by the Secretary;

5 “(II) would otherwise be ap-
6 proved under this section, except that
7 the applicant does not satisfy the re-
8 quirements of subsection (i)(3); and

9 “(III) has a viable business plan
10 that—

11 “(aa) reasonably projects
12 profitable operations; and

13 “(bb) has a reasonable time-
14 table for achieving a level of pri-
15 vate capital that satisfies the re-
16 quirements of subsection (i)(3).

17 “(ii) LEVERAGE.—An applicant ap-
18 proved under clause (i) shall not be eligible
19 to receive leverage under this section until
20 the applicant satisfies the requirements of
21 section 3602(i)(3).

22 “(iii) GRANTS.—An applicant ap-
23 proved under clause (i) shall be eligible for
24 grants under subsection (h) in proportion

1 to the private capital of the applicant, as
2 determined by the Secretary.

3 “(e) DEBENTURES.—

4 “(1) IN GENERAL.—The Secretary may guar-
5 antee the timely payment of principal and interest,
6 as scheduled, on debentures issued by any rural
7 business investment company.

8 “(2) TERMS AND CONDITIONS.—The Secretary
9 may make guarantees under this subsection on such
10 terms and conditions as the Secretary considers ap-
11 propriate, except that the term of any debenture
12 guaranteed under this section shall not exceed 15
13 years.

14 “(3) FULL FAITH AND CREDIT OF THE UNITED
15 STATES.—Section 3901 shall apply to any guarantee
16 under this subsection.

17 “(4) MAXIMUM GUARANTEE.—Under this sub-
18 section, the Secretary may—

19 “(A) guarantee the debentures issued by a
20 rural business investment company only to the
21 extent that the total face amount of out-
22 standing guaranteed debentures of the rural
23 business investment company does not exceed
24 the lesser of—

1 “(i) 300 percent of the private capital
2 of the rural business investment company;

3 or

4 “(ii) \$105,000,000; and

5 “(B) provide for the use of discounted de-
6 bentures.

7 “(f) ISSUANCE AND GUARANTEE OF TRUST CERTIFI-
8 CATES.—

9 “(1) ISSUANCE.—The Secretary may issue trust
10 certificates representing ownership of all or a frac-
11 tional part of debentures issued by a rural business
12 investment company and guaranteed by the Sec-
13 retary under this section, if the certificates are
14 based on and backed by a trust or pool approved by
15 the Secretary and composed solely of guaranteed de-
16 bentures.

17 “(2) GUARANTEE.—

18 “(A) IN GENERAL.—The Secretary may,
19 under such terms and conditions as the Sec-
20 retary considers appropriate, guarantee the
21 timely payment of the principal of and interest
22 on trust certificates issued by the Secretary or
23 agents of the Secretary for purposes of this
24 subsection.

1 “(B) LIMITATION.—Each guarantee under
2 this paragraph shall be limited to the extent of
3 principal and interest on the guaranteed deben-
4 tures that compose the trust or pool.

5 “(C) PREPAYMENT OR DEFAULT.—

6 “(i) IN GENERAL.—

7 “(I) AUTHORITY TO PREPAY.—A
8 debenture may be prepaid at any time
9 without penalty.

10 “(II) REDUCTION OF GUAR-
11 ANTEE.—Subject to subclause (I), if a
12 debenture in a trust or pool is pre-
13 paid, or in the event of default of such
14 a debenture, the guarantee of timely
15 payment of principal and interest on
16 the trust certificates shall be reduced
17 in proportion to the amount of prin-
18 cipal and interest the prepaid deben-
19 ture represents in the trust or pool.

20 “(ii) INTEREST.—Interest on prepaid
21 or defaulted debentures shall accrue and be
22 guaranteed by the Secretary only through
23 the date of payment of the guarantee.

24 “(iii) REDEMPTION.—At any time
25 during the term of a trust certificate, the

1 trust certificate may be called for redemp-
2 tion due to prepayment or default of all
3 debentures.

4 “(3) FULL FAITH AND CREDIT OF THE UNITED
5 STATES.—Section 3901 shall apply to any guarantee
6 of a trust certificate issued by the Secretary under
7 this section.

8 “(4) SUBROGATION AND OWNERSHIP RIGHTS.—

9 “(A) SUBROGATION.—If the Secretary
10 pays a claim under a guarantee issued under
11 this section, the claim shall be subrogated fully
12 to the rights satisfied by the payment.

13 “(B) OWNERSHIP RIGHTS.—No Federal,
14 State, or local law shall preclude or limit the ex-
15 ercise by the Secretary of the ownership rights
16 of the Secretary in a debenture residing in a
17 trust or pool against which 1 or more trust cer-
18 tificates are issued under this subsection.

19 “(5) MANAGEMENT AND ADMINISTRATION.—

20 “(A) REGISTRATION.—The Secretary shall
21 provide for a central registration of all trust
22 certificates issued under this subsection.

23 “(B) CREATION OF POOLS.—The Secretary
24 may—

1 “(i) maintain such commercial bank
2 accounts or investments in obligations of
3 the United States as may be necessary to
4 facilitate the creation of trusts or pools
5 backed by debentures guaranteed under
6 this subtitle; and

7 “(ii) issue trust certificates to facili-
8 tate the creation of those trusts or pools.

9 “(C) FIDELITY BOND OR INSURANCE RE-
10 QUIREMENT.—Any agent performing functions
11 on behalf of the Secretary under this paragraph
12 shall provide a fidelity bond or insurance in
13 such amount as the Secretary considers to be
14 necessary to fully protect the interests of the
15 United States.

16 “(D) REGULATION OF BROKERS AND
17 DEALERS.—The Secretary may regulate brokers
18 and dealers in trust certificates issued under
19 this subsection.

20 “(E) ELECTRONIC REGISTRATION.—Noth-
21 ing in this paragraph prohibits the use of a
22 book-entry or other electronic form of registra-
23 tion for trust certificates issued under this sub-
24 section.

25 “(g) FEES.—

“(1) IN GENERAL.—The Secretary may charge
a fee that does not exceed \$500 with respect to any
guarantee or grant issued under this section.

“(2) TRUST CERTIFICATE.—Notwithstanding paragraph (1), the Secretary shall not collect a fee for any guarantee of a trust certificate under subsection (f), except that any agent of the Secretary may collect a fee that does not exceed \$500 for the functions described in subsection (f)(5)(B).

10 “(3) LICENSE.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may prescribe fees to be paid by each applicant for a license to operate as a rural business investment company under this section.

16 “(B) USE OF AMOUNTS.—Fees collected
17 under this paragraph—

18 “(i) shall be deposited in the account
19 for salaries and expenses of the Secretary;

20 “(ii) are authorized to be appropriated
21 solely to cover the costs of licensing exami-
22 nations; and

23 “(iii) shall—

24 “(I) in the case of a license
25 issued before the date of enactment of

1 the Agriculture Reform, Food, and
2 Jobs Act of 2013, not exceed \$500 for
3 any fee collected under this para-
4 graph; and

5 “(II) in the case of a license
6 issued after the date of enactment of
7 the Agriculture Reform, Food, and
8 Jobs Act of 2013, be a rate as deter-
9 mined by the Secretary.

10 “(C) PROHIBITION ON COLLECTION OF
11 CERTAIN FEES.—In the case of a license de-
12 scribed in subparagraph (A) that was approved
13 before July 1, 2007, the Secretary shall not col-
14 lect any fees due on or after the date of enact-
15 ment of the Agriculture Reform, Food, and
16 Jobs Act of 2013.

17 “(h) OPERATIONAL ASSISTANCE GRANTS.—

18 “(1) IN GENERAL.—In accordance with this
19 subsection, the Secretary may make grants to rural
20 business investment companies and to other entities,
21 as authorized by this section, to provide operational
22 assistance to smaller enterprises financed, or ex-
23 pected to be financed, by the entities.

24 “(2) TERMS.—Grants made under this sub-
25 section shall be made over a multiyear period (not

1 to exceed 10 years) under such terms as the Sec-
2 retary may require.

3 “(3) USE OF FUNDS.—The proceeds of a grant
4 made under this subsection may be used by the rural
5 business investment company receiving the grant
6 only to provide operational assistance in connection
7 with an equity or prospective equity investment in a
8 business located in a rural area.

9 “(4) SUBMISSION OF PLANS.—A rural business
10 investment company shall be eligible for a grant
11 under this subsection only if the rural business in-
12 vestment company submits to the Secretary, in such
13 form and manner as the Secretary may require, a
14 plan for use of the grant.

15 “(5) GRANT AMOUNT.—

16 “(A) RURAL BUSINESS INVESTMENT COM-
17 PANIES.—The amount of a grant made under
18 this subsection to a rural business investment
19 company shall be equal to the lesser of—

20 “(i) 10 percent of the private capital
21 raised by the rural business investment
22 company; or

23 “(ii) \$1,000,000.

24 “(6) OTHER ENTITIES.—The amount of a
25 grant made under this subsection to any entity other

1 than a rural business investment company shall be
2 equal to the resources (in cash or in kind) raised by
3 the entity in accordance with the requirements appli-
4 cable to rural business investment companies under
5 this section.

6 “(i) RURAL BUSINESS INVESTMENT COMPANIES.—

7 “(1) ORGANIZATION.—For purposes of this
8 subsection, a rural business investment company
9 shall—

10 “(A) be an incorporated body, a limited li-
11 ability company, or a limited partnership orga-
12 nized and chartered or otherwise existing under
13 State law solely for the purpose of performing
14 the functions and conducting the activities au-
15 thorized by this section; and

16 “(B)(i) if incorporated, have succession for
17 a period of not less than 30 years unless earlier
18 dissolved by the shareholders of the rural busi-
19 ness investment company; and

20 “(ii) if a limited partnership or a limited li-
21 ability company, have succession for a period of
22 not less than 10 years; and

23 “(iii) possess the powers reasonably nec-
24 essary to perform the functions and conduct the
25 activities.

1 “(2) ARTICLES.—The articles of any rural busi-
2 ness investment company—

3 “(A) shall specify in general terms—

4 “(i) the purposes for which the rural
5 business investment company is formed;

6 “(ii) the name of the rural business
7 investment company;

8 “(iii) the 1 or more areas in which the
9 operations of the rural business investment
10 company are to be carried out;

11 “(iv) the place where the principal of-
12 fice of the rural business investment com-
13 pany is to be located; and

14 “(v) the amount and classes of the
15 shares of capital stock of the rural busi-
16 ness investment company;

17 “(B) may contain any other provisions
18 consistent with this section that the rural busi-
19 ness investment company may determine appro-
20 priate to adopt for the regulation of the busi-
21 ness of the rural business investment company
22 and the conduct of the affairs of the rural busi-
23 ness investment company; and

24 “(C) shall be subject to the approval of the
25 Secretary.

1 “(3) CAPITAL REQUIREMENTS.—

2 “(A) IN GENERAL.—Each rural business
3 investment company shall be required to meet
4 the capital requirements as provided by the Sec-
5 retary.

6 “(B) TIME FRAME.—Each rural business
7 investment company shall have a period of 2
8 years to meet the capital requirements of this
9 paragraph.

10 “(C) ADEQUACY.—In addition to the re-
11 quirements of subparagraph (A), the Secretary
12 shall—

13 “(i) determine whether the private
14 capital of each rural business investment
15 company is adequate to ensure a reason-
16 able prospect that the rural business in-
17 vestment company will be operated soundly
18 and profitably, and managed actively and
19 prudently in accordance with the articles of
20 the rural business investment company;

21 “(ii) determine that the rural business
22 investment company will be able to comply
23 with the requirements of this section;

24 “(iii) require that at least 75 percent
25 of the capital of each rural business invest-

- 1 ment company is invested in rural business
- 2 concerns;

“(iv) ensure that the rural business investment company is designed primarily to meet equity capital needs of the businesses in which the rural business investment company invests and not to compete with traditional small business financing by commercial lenders; and

“(v) require that the rural business investment company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

“(4) DIVERSIFICATION OF OWNERSHIP.—The Secretary shall ensure that the management of each rural business investment company licensed after the date of enactment of the Agriculture Reform, Food, and Jobs Act of 2013 is sufficiently diversified from and unaffiliated with the ownership of the rural business investment company so as to ensure independence and objectivity in the financial management and oversight of the investments and operations of the rural business investment company.

25 “(j) FINANCIAL INSTITUTION INVESTMENTS.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection and notwithstanding any
3 other provision of law, the following banks, associa-
4 tions, and institutions are eligible both to establish
5 and invest in any rural business investment company
6 or in any entity established to invest solely in rural
7 business investment companies:

8 “(A) Any bank or savings association the
9 deposits of which are insured under the Federal
10 Deposit Insurance Act (12 U.S.C. 1811 et
11 seq.), including an investment pool created en-
12 tirely by such bank or savings association.

13 “(B) Any Farm Credit System institution
14 described in subsection 1.2(a) of the Farm
15 Credit Act of 1971 (12 U.S.C. 2002(a)).

16 “(2) LIMITATION.—No bank, association, or in-
17 stitution described in paragraph (1) may make in-
18 vestments described in paragraph (1) that are great-
19 er than 5 percent of the capital and surplus of the
20 bank, association, or institution.

21 “(3) LIMITATION ON RURAL BUSINESS INVEST-
22 MENT COMPANIES CONTROLLED BY FARM CREDIT
23 SYSTEM INSTITUTIONS.—If a Farm Credit System
24 institution described in section 1.2(a) of the Farm
25 Credit Act of 1971 (12 U.S.C. 2002(a)) holds more

1 than 25 percent of the shares of a rural business in-
2 vestment company, either alone or in conjunction
3 with other System institutions (or affiliates), the
4 rural business investment company shall not provide
5 equity investments in, or provide other financial as-
6 sistance to, entities that are not otherwise eligible to
7 receive financing from the Farm Credit System
8 under that Act (12 U.S.C. 2001 et seq.).

9 “(k) EXAMINATIONS.—

10 “(1) IN GENERAL.—Each rural business invest-
11 ment company that participates in the program es-
12 tablished under this section shall be subject to ex-
13 aminations made at the direction of the Secretary in
14 accordance with this subsection.

15 “(2) ASSISTANCE OF PRIVATE SECTOR ENTI-
16 TIES.—An examination under this subsection may be
17 conducted with the assistance of a private sector en-
18 tity that has the qualifications and the expertise nec-
19 essary to conduct such an examination.

20 “(3) COSTS.—

21 “(A) IN GENERAL.—The Secretary may
22 assess the cost of an examination under this
23 section, including compensation of the exam-
24 iners, against the rural business investment
25 company examined.

1 “(B) PAYMENT.—Any rural business in-
2 vestment company against which the Secretary
3 assesses costs under this subparagraph shall
4 pay the costs.

5 “(4) DEPOSIT OF FUNDS.—Funds collected
6 under this subsection shall—

7 “(A) be deposited in the account that in-
8 curred the costs for carrying out this sub-
9 section;

10 “(B) be made available to the Secretary to
11 carry out this subsection, without further ap-
12 propriation; and

13 “(C) remain available until expended.

14 “(I) REPORTING REQUIREMENTS.—

15 “(1) RURAL BUSINESS INVESTMENT COMPA-
16 NIES.—Each entity that participates in a program
17 established under this section shall provide to the
18 Secretary such information as the Secretary may re-
19 quire, including—

20 “(A) information relating to the measure-
21 ment criteria that the entity proposed in the
22 program application of the rural business in-
23 vestment company; and

24 “(B) in each case in which the entity
25 under this section makes an investment in, or

1 a loan or grant to, a business that is not lo-
2 cated in a rural area, a report on the number
3 and percentage of employees of the business
4 who reside in those areas.

5 “(2) PUBLIC REPORTS.—

6 “(A) IN GENERAL.—The Secretary shall
7 prepare and make available to the public an an-
8 nual report on the programs established under
9 this section, including detailed information on—

10 “(i) the number of rural business in-
11 vestment companies licensed by the Sec-
12 retary during the previous fiscal year;

13 “(ii) the aggregate amount of leverage
14 that rural business investment companies
15 have received from the Federal Govern-
16 ment during the previous fiscal year;

17 “(iii) the aggregate number of each
18 type of leveraged instruments used by
19 rural business investment companies dur-
20 ing the previous fiscal year and how each
21 number compares to previous fiscal years;

22 “(iv) the number of rural business in-
23 vestment company licenses surrendered
24 and the number of rural business invest-
25 ment companies placed in liquidation dur-

1 ing the previous fiscal year, identifying the
2 amount of leverage each rural business in-
3 vestment company has received from the
4 Federal Government and the type of lever-
5 age instruments each rural business invest-
6 ment company has used;

7 “(v) the amount of losses sustained by
8 the Federal Government as a result of op-
9 erations under this section during the pre-
10 vious fiscal year and an estimate of the
11 total losses that the Federal Government
12 can reasonably expect to incur as a result
13 of the operations during the current fiscal
14 year;

15 “(vi) actions taken by the Secretary to
16 maximize recoupment of funds of the Fed-
17 eral Government expended to implement
18 and administer the Rural Business Invest-
19 ment Program under this section during
20 the previous fiscal year and to ensure com-
21 pliance with the requirements of this sec-
22 tion (including regulations);

23 “(vii) the amount of Federal Govern-
24 ment leverage that each licensee received

1 in the previous fiscal year and the types of
2 leverage instruments each licensee used;

3 “(viii) for each type of financing in-
4 strument, the sizes, types of geographic lo-
5 cations, and other characteristics of the
6 small business investment companies using
7 the instrument during the previous fiscal
8 year, including the extent to which the in-
9 vestment companies have used the leverage
10 from each instrument to make loans or eq-
11 uity investments in rural areas; and

12 “(ix) the actions of the Secretary to
13 carry out this section

14 “(B) PROHIBITION.—In compiling the re-
15 port required under subparagraph (A), the Sec-
16 retary may not—

17 “(i) compile the report in a manner
18 that permits identification of any par-
19 ticular type of investment by an individual
20 rural business investment company or
21 small business concern in which a rural
22 business investment company invests; or

23 “(ii) release any information that is
24 prohibited under section 1905 of title 18,
25 United States Code.

1 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$25,000,000 for the period of fiscal years 2008 through
4 2018.”.

5 **“CHAPTER 3—GENERAL RURAL**
6 **DEVELOPMENT PROVISIONS**

7 **“SEC. 3701. GENERAL PROVISIONS FOR LOANS AND**
8 **GRANTS.**

9 “(a) PERIOD FOR REPAYMENT.—Unless otherwise
10 specifically provided for in this subtitle, the period for re-
11 payment of a loan under this subtitle shall not exceed 40
12 years.

13 “(b) INTEREST RATES.—

14 “(1) IN GENERAL.—Except as otherwise pro-
15 vided in this title, the interest rate on a loan under
16 this subtitle shall be determined by the Secretary at
17 a rate—

18 “(A) not to exceed a sum obtained by add-
19 ing—

20 “(i) the current average market yield
21 on outstanding marketable obligations of
22 the United States with remaining periods
23 to maturity comparable to the average ma-
24 turity of the loan; and

1 “(ii) an amount not to exceed 1 per-
2 cent, as determined by the Secretary; and

3 “(B) adjusted to the nearest $\frac{1}{8}$ of 1 per-
4 cent.

5 “(2) WATER AND WASTE FACILITY LOANS AND
6 COMMUNITY FACILITIES LOANS.—

7 “(A) IN GENERAL.—Notwithstanding any
8 provision of State law limiting the rate or
9 amount of interest that may be charged, taken,
10 received, or reserved, except as provided in sub-
11 paragraph (C) and paragraph (4), the interest
12 rate on a loan (other than a guaranteed loan)
13 to a public body or nonprofit association (in-
14 cluding an Indian tribe) for a water or waste
15 disposal facility or essential community facility
16 shall be determined by the Secretary at a rate
17 not to exceed—

18 “(i) the current market yield on out-
19 standing municipal obligations with re-
20 maining periods to maturity comparable to
21 the average maturity for the loan, and ad-
22 justed to the nearest $\frac{1}{8}$ of 1 percent;

23 “(ii) 5 percent per year for a loan
24 that is for the upgrading of a facility or
25 construction of a new facility as required

1 to meet applicable health or sanitary
2 standards in—

3 “(I) an area in which the median
4 family income of the persons to be
5 served by the facility is below the pov-
6 erty line (as defined in section 673 of
7 the Community Services Block Grant
8 Act (42 U.S.C. 9902)); and

9 “(II) any areas the Secretary
10 may designate in which a significant
11 percentage of the persons to be served
12 by the facilities are low income per-
13 sons, as determined by the Secretary;
14 and

15 “(iii) 7 percent per year for a loan for
16 a facility that does not qualify for the 5
17 percent per year interest rate prescribed in
18 clause (ii) but that is located in an area in
19 a State in which the median household in-
20 come of the persons to be served by the fa-
21 cility does not exceed 100 percent of the
22 statewide nonmetropolitan median house-
23 hold income for the State.

24 “(B) HEALTH CARE AND RELATED FACILI-
25 TIES.—Notwithstanding subparagraph (A), the

1 Secretary shall establish a rate for a loan for a
2 health care or related facility that is—

3 “(i) based solely on the income of the
4 area to be served; and

5 “(ii) otherwise consistent with sub-
6 paragraph (A).

7 “(C) INTEREST RATES FOR WATER AND
8 WASTE DISPOSAL FACILITIES LOANS.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clause (ii) and notwithstanding
11 subparagraph (A), in the case of a direct
12 loan for a water or waste disposal facil-
13 ity—

14 “(I) in the case of a loan that
15 would be subject to the 5 percent in-
16 terest rate limitation under subpara-
17 graph (A), the Secretary shall estab-
18 lish the interest rate at a rate that is
19 equal to 60 percent of the current
20 market yield for outstanding munic-
21 ipal obligations with remaining peri-
22 ods to maturity comparable to the av-
23 erage maturity of the loan, adjusted
24 to the nearest $\frac{1}{8}$ of 1 percent; and

1 “(II) in the case of a loan that
2 would be subject to the 7 percent limi-
3 tation under subparagraph (A), the
4 Secretary shall establish the interest
5 rate at a rate that is equal to 80 per-
6 cent of the current market yield for
7 outstanding municipal obligations
8 with remaining periods to maturity
9 comparable to the average maturity of
10 the loan, adjusted to the nearest $\frac{1}{8}$ of
11 1 percent.

12 “(ii) EXCEPTION.—Clause (i) does not
13 apply to a loan for a specific project that
14 is the subject of a loan that has been ap-
15 proved, but not closed, as of the date of
16 enactment of the Agriculture Reform,
17 Food, and Jobs Act of 2013.

18 “(3) INTEREST RATES ON BUSINESS AND
19 OTHER LOANS.—

20 “(A) IN GENERAL.—Except as provided in
21 paragraph (4), the interest rates on loans under
22 sections 3501(a)(1) (other than guaranteed
23 loans and loans as described in paragraph
24 (2)(A)) shall be as determined by the Secretary
25 in accordance with subparagraph (B).

1 “(B) MINIMUM RATE.—The interest rates
2 described in subparagraph (A) shall be not less
3 than the sum obtained by adding—

4 “(i) such rates as determined by the
5 Secretary of the Treasury taking into con-
6 sideration the current average market yield
7 on outstanding marketable obligations of
8 the United States with remaining periods
9 to maturity comparable to the average ma-
10 turities of such loans, adjusted in the judg-
11 ment of the Secretary of the Treasury to
12 provide for rates comparable to the rates
13 prevailing in the private market for similar
14 loans and considering the insurance by the
15 Secretary of the loans; and

16 “(ii) an additional charge, prescribed
17 by the Secretary, to cover the losses of the
18 Secretary and cost of administration,
19 which shall be deposited in the Rural De-
20 velopment Insurance Fund, and further
21 adjusted to the nearest $\frac{1}{8}$ of 1 percent.

22 “(4) INTEREST RATES ADJUSTMENTS.—

23 “(A) ADJUSTMENTS.—Notwithstanding
24 any other provision of this subsection, in the
25 case of loans (other than guaranteed loans)

1 made or guaranteed under the authorities of
2 this title specified in subparagraph (C) for ac-
3 tivities that involve the use of prime farmland,
4 the interest rates shall be the interest rates oth-
5 erwise applicable under this section increased
6 by 2 percent per year.

7 “(B) PRIME FARMLAND.—

8 “(i) IN GENERAL.—Wherever prac-
9 ticable, construction by a State, munici-
10 pality, or other political subdivision of local
11 government that is supported by loans de-
12 scribed in subparagraph (A) shall be
13 placed on land that is not prime farmland,
14 in order to preserve the maximum prac-
15 ticable quantity of prime farmlands for
16 production of food and fiber.

17 “(ii) INCREASED RATE.—In any case
18 in which other options exist for the siting
19 of construction described in clause (i) and
20 the governmental authority still desires to
21 carry out the construction on prime farm-
22 land, the 2-percent interest rate increase
23 provided by this paragraph shall apply, but
24 that increased interest rate shall not apply
25 where such other options do not exist.

1 “(C) APPLICABLE AUTHORITIES.—The au-
2 thorities referred to in subparagraph (A) are—

3 “(i) the provisions of section 3502(a)
4 relating to loans for recreational develop-
5 ments and essential community facilities;

6 “(ii) section 3601(e)(2)(A); and

7 “(iii) section 3601(c).

8 “(c) PAYMENT OF CHARGES.—A borrower of a loan
9 made or guaranteed under this subtitle shall pay such fees
10 and other charges as the Secretary may require, and pre-
11 pay to the Secretary such taxes and insurance as the Sec-
12 retary may require, on such terms and conditions as the
13 Secretary may prescribe.

14 “(d) SECURITY.—

15 “(1) IN GENERAL.—The Secretary shall take as
16 security for an obligation entered into in connection
17 with a loan made under this subtitle such security
18 as the Secretary may require.

19 “(2) LIENS TO UNITED STATES.—An instru-
20 ment for security under paragraph (1) may con-
21 stitute a lien running to the United States notwith-
22 standing the fact that the note for the security may
23 be held by a lender other than the United States.

24 “(3) MULTIPLE LOANS.—A borrower may use
25 the same collateral to secure 2 or more loans made

1 or guaranteed under this subtitle, except that the
2 outstanding amount of the loans may not exceed the
3 total value of the collateral.

4 “(e) **LEGAL COUNSEL FOR SMALL LOANS.**—In the
5 case of a loan of less than \$500,000 made or guaranteed
6 under section 3501 that is evidenced by a note or mort-
7 gage (as distinguished from a bond issue), the borrower
8 shall not be required to appoint bond counsel to review
9 the legal validity of the loan if the Secretary has available
10 legal counsel to perform the review.

11 **“SEC. 3702. STRATEGIC ECONOMIC AND COMMUNITY DE-**
12 **VELOPMENT.**

13 “(a) **PRIORITY.**—In the case of any rural develop-
14 ment program authorized by this subtitle, the Secretary
15 may give priority to applications that are otherwise eligible
16 and support strategic community and economic develop-
17 ment plans on a multijurisdictional basis, as approved by
18 the Secretary.

19 “(b) **EVALUATION.**—In evaluating strategic applica-
20 tions, the Secretary shall give a higher priority to strategic
21 applications for a plan described in subsection (a) that
22 demonstrate—

23 “(1) the plan was developed through the col-
24 laboration of multiple stakeholders in the service
25 area of the plan, including the participation of com-

1 binations of stakeholders such as State, local, and
2 tribal governments, nonprofit institutions, institu-
3 tions of higher education, and private entities;

4 “(2) an understanding of the applicable re-
5 gional resources that could support the plan, includ-
6 ing natural resources, human resources, infrastruc-
7 ture, and financial resources;

8 “(3) investment from other Federal agencies;

9 “(4) investment from philanthropic organiza-
10 tions; and

11 “(5) clear objectives for the plan and the ability
12 to establish measurable performance measures and
13 to track progress toward meeting the objectives.

14 **“SEC. 3703. GUARANTEED RURAL DEVELOPMENT LOANS.**

15 “(a) IN GENERAL.—The Secretary may provide fi-
16 nancial assistance to a borrower for a purpose provided
17 in this subtitle by guaranteeing a loan made by any Fed-
18 eral or State chartered bank, savings and loan association,
19 cooperative lending agency, or other legally organized
20 lending agency.

21 “(b) INTEREST RATE.—The interest rate payable by
22 a borrower on the portion of a guaranteed loan that is
23 sold by a lender to the secondary market under this sub-
24 title may be lower than the interest rate charged on the
25 portion retained by the lender.

1 “(c) MAXIMUM GUARANTEE OF 90 PERCENT.—Ex-
2 cept as provided in subsections (d) and (e), a loan guar-
3 antee under this subtitle shall be for not more than 90
4 percent of the principal and interest due on the loan.

5 “(d) REFINANCED LOANS GUARANTEED AT 95 PER-
6 CENT.—The Secretary shall guarantee 95 percent of—

7 “(1) in the case of a loan that solely refinances
8 a direct loan made under this subtitle, the principal
9 and interest due on the loan on the date of the refi-
10 nancing; or

11 “(2) in the case of a loan that is used for mul-
12 tiple purposes, the portion of the loan that refi-
13 nances the principal and interest due on a direct
14 loan made under this subtitle that is outstanding on
15 the date on which the loan is guaranteed.

16 “(e) RISK OF LOSS.—

17 “(1) IN GENERAL.—Subject to subsection (b),
18 the Secretary may not make a loan under section
19 3501 or 3601 unless the Secretary determines that
20 no other lender is willing to make the loan and as-
21 sume 10 percent of the potential loss to be sustained
22 from the loan.

23 “(2) EXCEPTION FOR NONPROFIT GROUPS.—
24 Paragraph (1) shall not apply to a public body or
25 nonprofit association, including an Indian tribe.

1 **“SEC. 3704. RURAL DEVELOPMENT INSURANCE FUND.**

2 “(a) DEFINITION OF RURAL DEVELOPMENT
3 LOAN.—In this section, the term ‘rural development loan’
4 means a loan provided for by section 3501 or 3601.

5 “(b) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund to be known as the
7 ‘Rural Development Insurance Fund’ that shall be used
8 by the Secretary to discharge the obligations of the Sec-
9 retary under contracts making or guaranteeing rural de-
10 velopment loans.

11 **“SEC. 3705. RURAL ECONOMIC AREA PARTNERSHIP ZONES.**

12 “(a) IN GENERAL.—The Secretary may designate ad-
13 ditional areas as rural economic area partnership zones
14 to be assisted under this chapter—

15 “(1) through an open, competitive process; and

16 “(2) with priority given to rural areas—

17 “(A) with excessive unemployment or
18 underemployment, a high percentage of low-in-
19 come residents, or high rates of outmigration,
20 as determined by the Secretary; and

21 “(B) that the Secretary determines have a
22 substantial need for assistance.

23 “(b) REQUIREMENTS.—The Secretary shall carry out
24 those rural economic area partnership zones administra-
25 tively in effect on the date of enactment of the Agriculture
26 Reform, Food, and Jobs Act of 2013 in accordance with

1 the terms and conditions contained in the memoranda of
2 agreement entered into by the Secretary for the rural eco-
3 nomic area partnership zones.

4 **“SEC. 3706. STREAMLINING APPLICATIONS AND IMPROV-**
5 **ING ACCESSIBILITY OF RURAL DEVELOP-**
6 **MENT PROGRAMS.**

7 “The Secretary shall expedite the process of creating
8 user-friendly and accessible application forms and proce-
9 dures prioritizing programs and applications at the indi-
10 vidual applicant level with an emphasis on utilizing cur-
11 rent technology including online applications and submis-
12 sion processes.

13 **“SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) AGENCY WITH RURAL RESPONSIBIL-
16 ITIES.—The term ‘agency with rural responsibilities’
17 means any executive agency (as defined in section
18 105 of title 5, United States Code) that implements
19 a Federal law, or administers a program, targeted at
20 or having a significant impact on rural areas.

21 “(2) PARTNERSHIP.—The term ‘Partnership’
22 means the State Rural Development Partnership
23 continued by subsection (b).

24 “(3) STATE RURAL DEVELOPMENT COUNCIL.—
25 The term ‘State rural development council’ means a

1 State rural development council that meets the re-
2 quirements of subsection (c).

3 “(b) PARTNERSHIP.—

4 “(1) IN GENERAL.—The Secretary shall sup-
5 port the State Rural Development Partnership com-
6 prised of State rural development councils.

7 “(2) PURPOSES.—The purposes of the Partner-
8 ship are to empower and build the capacity of
9 States, regions, and rural communities to design
10 flexible and innovative responses to their rural devel-
11 opment needs in a manner that maximizes collabo-
12 rative public- and private-sector cooperation and
13 minimizes regulatory redundancy.

14 “(3) COORDINATING PANEL.—A panel con-
15 sisting of representatives of State rural development
16 councils shall be established—

17 “(A) to lead and coordinate the strategic
18 operation and policies of the Partnership; and

19 “(B) to facilitate effective communication
20 among the members of the Partnership, includ-
21 ing the sharing of best practices.

22 “(4) ROLE OF FEDERAL GOVERNMENT.—The
23 role of the Federal Government in the Partnership
24 may be that of a partner and facilitator, with Fed-
25 eral agencies authorized—

1 “(A) to cooperate with States to implement
2 the Partnership;

3 “(B) to provide States with the technical
4 and administrative support necessary to plan
5 and implement tailored rural development strat-
6 egies to meet local needs;

7 “(C) to ensure that the head of each agen-
8 cy with rural responsibilities directs appropriate
9 field staff to participate fully with the State
10 rural development council within the jurisdic-
11 tion of the field staff; and

12 “(D) to enter into cooperative agreements
13 with, and to provide grants and other assistance
14 to, State rural development councils.

15 “(c) STATE RURAL DEVELOPMENT COUNCILS.—

16 “(1) ESTABLISHMENT.—Notwithstanding chap-
17 ter 63 of title 31, United States Code, each State
18 may elect to participate in the Partnership by enter-
19 ing into an agreement with the Secretary to recog-
20 nize a State rural development council.

21 “(2) COMPOSITION.—A State rural development
22 council shall—

23 “(A) be composed of representatives of
24 Federal, State, local, and tribal governments,
25 nonprofit organizations, regional organizations,

1 the private sector, and other entities committed
2 to rural advancement; and

3 “(B) have a nonpartisan and nondiscrim-
4 inatory membership that—

5 “(i) is broad and representative of the
6 economic, social, and political diversity of
7 the State; and

8 “(ii) shall be responsible for the gov-
9 ernance and operations of the State rural
10 development council.

11 “(3) DUTIES.—A State rural development
12 council shall—

13 “(A) facilitate collaboration among Fed-
14 eral, State, local, and tribal governments and
15 the private and nonprofit sectors in the plan-
16 ning and implementation of programs and poli-
17 cies that have an impact on rural areas of the
18 State;

19 “(B) monitor, report, and comment on
20 policies and programs that address, or fail to
21 address, the needs of the rural areas of the
22 State;

23 “(C) as part of the Partnership, facilitate
24 the development of strategies to reduce or elimi-
25 nate conflicting or duplicative administrative or

1 regulatory requirements of Federal, State, local,
2 and tribal governments; and

3 “(D)(i) provide to the Secretary an annual
4 plan with goals and performance measures; and

5 “(ii) submit to the Secretary an annual re-
6 port on the progress of the State rural develop-
7 ment council in meeting the goals and meas-
8 ures.

9 “(4) FEDERAL PARTICIPATION IN STATE RURAL
10 DEVELOPMENT COUNCILS.—

11 “(A) IN GENERAL.—A State Director for
12 Rural Development of the Department of Agri-
13 culture, other employees of the Department,
14 and employees of other Federal agencies with
15 rural responsibilities shall fully participate as
16 voting members in the governance and oper-
17 ations of State rural development councils (in-
18 cluding activities related to grants, contracts,
19 and other agreements in accordance with this
20 section) on an equal basis with other members
21 of the State rural development councils.

22 “(B) CONFLICTS.—Participation by a Fed-
23 eral employee in a State rural development
24 council in accordance with this paragraph shall

1 not constitute a violation of section 205 or 208
2 of title 18, United States Code.

3 “(d) ADMINISTRATIVE SUPPORT OF THE PARTNER-
4 SHIP.—

5 “(1) DETAIL OF EMPLOYEES.—

6 “(A) IN GENERAL.—In order to provide
7 experience in intergovernmental collaboration,
8 the head of an agency with rural responsibilities
9 that elects to participate in the Partnership
10 may, and is encouraged to, detail to the Sec-
11 retary for the support of the Partnership 1 or
12 more employees of the agency with rural re-
13 sponsibilities without reimbursement for a pe-
14 riod of up to 1 year.

15 “(B) CIVIL SERVICE STATUS.—The detail
16 shall be without interruption or loss of civil
17 service status or privilege.

18 “(2) ADDITIONAL SUPPORT.—The Secretary
19 may provide for any additional support staff to the
20 Partnership as the Secretary determines to be nec-
21 essary to carry out the duties of the Partnership.

22 “(3) INTERMEDIARIES.—The Secretary may
23 enter into a contract with a qualified intermediary
24 under which the intermediary shall be responsible
25 for providing administrative and technical assistance

1 to a State rural development council, including ad-
2 ministering the financial assistance available to the
3 State rural development council.

4 “(e) MATCHING REQUIREMENTS FOR STATE RURAL
5 DEVELOPMENT COUNCILS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), a State rural development council shall
8 provide matching funds, or in-kind goods or services,
9 to support the activities of the State rural develop-
10 ment council in an amount that is not less than 33
11 percent of the amount of Federal funds received
12 from a Federal agency under subsection (f)(2).

13 “(2) EXCEPTIONS TO MATCHING REQUIREMENT
14 FOR CERTAIN FEDERAL FUNDS.—Paragraph (1)
15 shall not apply to funds, grants, funds provided
16 under contracts or cooperative agreements, gifts,
17 contributions, or technical assistance received by a
18 State rural development council from a Federal
19 agency that are used—

20 “(A) to support 1 or more specific pro-
21 gram or project activities; or

22 “(B) to reimburse the State rural develop-
23 ment council for services provided to the Fed-
24 eral agency providing the funds, grants, funds
25 provided under contracts or cooperative agree-

1 ments, gifts, contributions, or technical assist-
2 ance.

3 “(3) DEPARTMENT’S SHARE.—The Secretary
4 shall develop a plan to decrease, over time, the share
5 of the Department of Agriculture of the cost of the
6 core operations of State rural development councils.

7 “(f) FUNDING.—

8 “(1) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this section \$5,000,000 for each of fiscal years 2014
11 through 2018.

12 “(2) FEDERAL AGENCIES.—

13 “(A) IN GENERAL.—Notwithstanding any
14 other provision of law limiting the ability of an
15 agency, along with other agencies, to provide
16 funds to a State rural development council in
17 order to carry out the purposes of this section,
18 a Federal agency may make grants, gifts, or
19 contributions to, provide technical assistance to,
20 or enter into contracts or cooperative agree-
21 ments with, a State rural development council.

22 “(B) ASSISTANCE.—Federal agencies are
23 encouraged to use funds made available for pro-
24 grams that have an impact on rural areas to
25 provide assistance to, and enter into contracts

1 with, a State rural development council, as de-
2 scribed in subparagraph (A).

3 “(3) CONTRIBUTIONS.—A State rural develop-
4 ment council may accept private contributions.

5 “(g) TERMINATION.—The authority provided under
6 this section shall terminate on September 30, 2018.

7 **“CHAPTER 4—DELTA REGIONAL**
8 **AUTHORITY**

9 **“SEC. 3801. DEFINITIONS.**

10 “In this chapter:

11 “(1) AUTHORITY.—The term ‘Authority’ means
12 the Delta Regional Authority established by section
13 3802.

14 “(2) FEDERAL GRANT PROGRAM.—The term
15 ‘Federal grant program’ means a Federal grant pro-
16 gram to provide assistance in—

17 “(A) acquiring or developing land;

18 “(B) constructing or equipping a highway,
19 road, bridge, or facility; or

20 “(C) carrying out other economic develop-
21 ment activities.

22 “(3) REGION.—The term ‘region’ means the
23 Lower Mississippi (as defined in section 4 of the
24 Delta Development Act (42 U.S.C. 3121 note; Pub-
25 lic Law 100–460)).

1 **“SEC. 3802. DELTA REGIONAL AUTHORITY.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—There is established the
4 Delta Regional Authority.

5 “(2) COMPOSITION.—The Authority shall be
6 composed of—

7 “(A) a Federal member, to be appointed
8 by the President, with the advice and consent
9 of the Senate; and

10 “(B) the Governor (or a designee of the
11 Governor) of each State in the region that
12 elects to participate in the Authority.

13 “(3) COCHAIRPERSONS.—The Authority shall
14 be headed by—

15 “(A) the Federal member, who shall serve
16 as—

17 “(i) the Federal cochairperson; and

18 “(ii) a liaison between the Federal
19 Government and the Authority; and

20 “(B) a State cochairperson, who shall be—

21 “(i) a Governor of a participating
22 State in the region; and

23 “(ii) elected by the State members for
24 a term of not less than 1 year.

25 “(4) ALABAMA.—Notwithstanding any other
26 provision of law, the State of Alabama shall be a full

1 member of the Authority and shall be entitled to all
2 rights and privileges that the membership affords to
3 all other participating States in the Authority.

4 “(b) ALTERNATE MEMBERS.—

5 “(1) STATE ALTERNATES.—The State member
6 of a participating State may have a single alternate,
7 who shall be—

8 “(A) a resident of that State; and

9 “(B) appointed by the Governor of the
10 State.

11 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—
12 The President shall appoint an alternate Federal co-
13 chairperson.

14 “(3) QUORUM.—A State alternate shall not be
15 counted toward the establishment of a quorum of
16 the Authority in any instance in which a quorum of
17 the State members is required to be present.

18 “(4) DELEGATION OF POWER.—No power or
19 responsibility of the Authority specified in para-
20 graphs (2) and (3) of subsection (c), and no voting
21 right of any Authority member, shall be delegated to
22 any person—

23 “(A) who is not an Authority member; or

24 “(B) who is not entitled to vote in Author-
25 ity meetings.

1 “(c) VOTING.—

2 “(1) IN GENERAL.—A decision by the Authority
3 shall require a majority vote of the Authority (not
4 including any member representing a State that is
5 delinquent under subsection (g)(2)(C)) to be effective.
6

7 “(2) QUORUM.—A quorum of State members
8 shall be required to be present for the Authority to
9 make any policy decision, including—

10 “(A) a modification or revision of an Authority policy decision;
11

12 “(B) approval of a State or regional development plan; and
13

14 “(C) any allocation of funds among the
15 States.

16 “(3) PROJECT AND GRANT PROPOSALS.—The
17 approval of project and grant proposals shall be—

18 “(A) a responsibility of the Authority; and

19 “(B) conducted in accordance with section
20 3809.

21 “(4) VOTING BY ALTERNATE MEMBERS.—An
22 alternate member shall vote in the case of the absence,
23 death, disability, removal, or resignation of
24 the Federal or State representative for which the alternate member is an alternate.
25

1 “(d) DUTIES.—The Authority shall—

2 “(1) develop, on a continuing basis, comprehen-
3 sive and coordinated plans and programs to establish
4 priorities and approve grants for the economic devel-
5 opment of the region, giving due consideration to
6 other Federal, State, and local planning and devel-
7 opment activities in the region;

8 “(2) review, and where appropriate amend, pri-
9 orities in a development plan for the region (includ-
10 ing 5-year regional outcome targets);

11 “(3) assess the needs and assets of the region
12 based on available research, demonstrations, inves-
13 tigations, assessments, and evaluations of the region
14 prepared by Federal, State, and local agencies, uni-
15 versities, local development districts, and other non-
16 profit groups;

17 “(4) formulate and recommend to the Gov-
18 ernors and legislatures of States that participate in
19 the Authority forms of interstate cooperation;

20 “(5) work with State and local agencies in de-
21 veloping appropriate model legislation;

22 “(6)(A) enhance the capacity of, and provide
23 support for, local development districts in the region;
24 or

1 “(B) if no local development district exists in
2 an area in a participating State in the region, foster
3 the creation of a local development district;

4 “(7) encourage private investment in industrial,
5 commercial, and other economic development
6 projects in the region; and

7 “(8) cooperate with and assist State govern-
8 ments with economic development programs of par-
9 ticipating States.

10 “(e) ADMINISTRATION.—In carrying out subsection
11 (d), the Authority may—

12 “(1) hold such hearings, sit and act at such
13 times and places, take such testimony, receive such
14 evidence, and print or otherwise reproduce and dis-
15 tribute a description of the proceedings and reports
16 on actions by the Authority as the Authority con-
17 siders appropriate;

18 “(2) authorize, through the Federal or State co-
19 chairperson or any other member of the Authority
20 designated by the Authority, the administration of
21 oaths if the Authority determines that testimony
22 should be taken or evidence received under oath;

23 “(3) request from any Federal, State, or local
24 department or agency such information as may be
25 available to or procurable by the department or

1 agency that may be of use to the Authority in car-
2 rying out duties of the Authority;

3 “(4) adopt, amend, and repeal bylaws, rules,
4 and regulations governing the conduct of Authority
5 business and the performance of Authority duties;

6 “(5) request the head of any Federal depart-
7 ment or agency to detail to the Authority such per-
8 sonnel as the Authority requires to carry out duties
9 of the Authority, each such detail to be without loss
10 of seniority, pay, or other employee status;

11 “(6) request the head of any State department
12 or agency or local government to detail to the Au-
13 thority such personnel as the Authority requires to
14 carry out duties of the Authority, each such detail
15 to be without loss of seniority, pay, or other em-
16 ployee status;

17 “(7) provide for coverage of Authority employ-
18 ees in a suitable retirement and employee benefit
19 system by—

20 “(A) making arrangements or entering
21 into contracts with any participating State gov-
22 ernment; or

23 “(B) otherwise providing retirement and
24 other employee benefit coverage;

1 “(8) accept, use, and dispose of gifts or dona-
2 tions of services or real, personal, tangible, or intan-
3 gible property;

4 “(9) enter into and perform such contracts,
5 leases, cooperative agreements, or other transactions
6 as are necessary to carry out Authority duties, in-
7 cluding any contracts, leases, or cooperative agree-
8 ments with—

9 “(A) any department, agency, or instru-
10 mentality of the United States;

11 “(B) any State (including a political sub-
12 division, agency, or instrumentality of the
13 State); or

14 “(C) any person, firm, association, or cor-
15 poration; and

16 “(10) establish and maintain a central office
17 and field offices at such locations as the Authority
18 may select.

19 “(f) FEDERAL AGENCY COOPERATION.—A Federal
20 agency shall—

21 “(1) cooperate with the Authority; and

22 “(2) provide, on request of the Federal cochair-
23 person, appropriate assistance in carrying out this
24 chapter, in accordance with applicable Federal laws
25 (including regulations).

1 “(g) ADMINISTRATIVE EXPENSES.—

2 “(1) IN GENERAL.—Administrative expenses of
3 the Authority (except for the expenses of the Fed-
4 eral cochairperson, including expenses of the alter-
5 nate and staff of the Federal cochairperson, which
6 shall be paid solely by the Federal Government)
7 shall be paid—

8 “(A) by the Federal Government, in an
9 amount equal to 50 percent of the administra-
10 tive expenses; and

11 “(B) by the States in the region partici-
12 pating in the Authority, in an amount equal to
13 50 percent of the administrative expenses.

14 “(2) STATE SHARE.—

15 “(A) IN GENERAL.—The share of adminis-
16 trative expenses of the Authority to be paid by
17 each State shall be determined by the Author-
18 ity.

19 “(B) NO FEDERAL PARTICIPATION.—The
20 Federal cochairperson shall not participate or
21 vote in any decision under subparagraph (A).

22 “(C) DELINQUENT STATES.—If a State is
23 delinquent in payment of the State’s share of
24 administrative expenses of the Authority under
25 this subsection—

1 “(i) no assistance under this chapter
2 shall be furnished to the State (including
3 assistance to a political subdivision or a
4 resident of the State); and

5 “(ii) no member of the Authority from
6 the State shall participate or vote in any
7 action by the Authority.

8 “(h) COMPENSATION.—

9 “(1) FEDERAL COCHAIRPERSON.—The Federal
10 cochairperson shall be compensated by the Federal
11 Government at level III of the Executive Schedule in
12 subchapter II of chapter 53 of title 5, United States
13 Code.

14 “(2) ALTERNATE FEDERAL COCHAIRPERSON.—
15 The alternate Federal cochairperson—

“(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

19 “(B) when not actively serving as an alter-
20 nate for the Federal cochairperson, shall per-
21 form such functions and duties as are delegated
22 by the Federal cochairperson.

23 “(3) STATE MEMBERS AND ALTERNATES.—

24 “(A) IN GENERAL.—A State shall com-
25 pensate each member and alternate rep-

1 resenting the State on the Authority at the rate
2 established by law of the State.

3 “(B) NO ADDITIONAL COMPENSATION.—
4 No State member or alternate member shall re-
5 ceive any salary, or any contribution to or sup-
6 plementation of salary from any source other
7 than the State for services provided by the
8 member or alternate to the Authority.

9 “(4) DETAILED EMPLOYEES.—

10 “(A) IN GENERAL.—No person detailed to
11 serve the Authority under subsection (e)(6)
12 shall receive any salary or any contribution to
13 or supplementation of salary for services pro-
14 vided to the Authority from—

15 “(i) any source other than the State,
16 local, or intergovernmental department or
17 agency from which the person was detailed;
18 or

19 “(ii) the Authority.

20 “(B) VIOLATION.—Any person that vio-
21 lates this paragraph shall be fined not more
22 than \$5,000, imprisoned not more than 1 year,
23 or both.

24 “(C) APPLICABLE LAW.—The Federal co-
25 chairperson, the alternate Federal cochair-

1 person, and any Federal officer or employee de-
2 tailed to duty on the Authority under sub-
3 section (e)(5) shall not be subject to subpara-
4 graph (A), but shall remain subject to sections
5 202 through 209 of title 18, United States
6 Code.

7 “(5) ADDITIONAL PERSONNEL.—

8 “(A) COMPENSATION.—

9 “(i) IN GENERAL.—The Authority
10 may appoint and fix the compensation of
11 an executive director and such other per-
12 sonnel as are necessary to enable the Au-
13 thority to carry out the duties of the Au-
14 thority.

15 “(ii) EXCEPTION.—Compensation
16 under clause (i) shall not exceed the max-
17 imum rate for the Senior Executive Service
18 under section 5382 of title 5, United
19 States Code, including any applicable local-
20 ity-based comparability payment that may
21 be authorized under section 5304(h)(2)(C)
22 of that title.

23 “(B) EXECUTIVE DIRECTOR.—The execu-
24 tive director shall be responsible for—

1 “(i) the carrying out of the adminis-
2 trative duties of the Authority;

3 “(ii) direction of the Authority staff;
4 and

5 “(iii) such other duties as the Author-
6 ity may assign.

7 “(C) NO FEDERAL EMPLOYEE STATUS.—
8 No member, alternate, officer, or employee of
9 the Authority (except the Federal cochairperson
10 of the Authority, the alternate and staff for the
11 Federal cochairperson, and any Federal em-
12 ployee detailed to the Authority under sub-
13 section (e)(5)) shall be considered to be a Fed-
14 eral employee for any purpose.

15 “(i) CONFLICTS OF INTEREST.—

16 “(1) IN GENERAL.—Except as provided under
17 paragraph (2), no State member, alternate, officer,
18 or employee of the Authority shall participate per-
19 sonally and substantially as a member, alternate, of-
20 ficer, or employee of the Authority, through decision,
21 approval, disapproval, recommendation, the ren-
22 dering of advice, investigation, or otherwise, in any
23 proceeding, application, request for a ruling or other
24 determination, contract, claim, controversy, or other
25 matter in which, to knowledge of the member, alter-

1 nate, officer, or employee, there is a financial inter-
2 est of—

3 “(A) the member, alternate, officer, or em-
4 ployee;

5 “(B) the spouse, minor child, partner, or
6 organization (other than a State or political
7 subdivision of the State) of the member, alter-
8 nate, officer, or employee, in which the member,
9 alternate, officer, or employee is serving as offi-
10 cer, director, trustee, partner, or employee; or

11 “(C) any person or organization with
12 whom the member, alternate, officer, or em-
13 ployee is negotiating or has any arrangement
14 concerning prospective employment.

15 “(2) DISCLOSURE.—Paragraph (1) shall not
16 apply if the State member, alternate, officer, or em-
17 ployee—

18 “(A) immediately advises the Authority of
19 the nature and circumstances of the proceeding,
20 application, request for a ruling or other deter-
21 mination, contract, claim, controversy, or other
22 particular matter presenting a potential conflict
23 of interest;

24 “(B) makes full disclosure of the financial
25 interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

8 “(3) VIOLATION.—Any person that violates this
9 subsection shall be fined not more than \$10,000, im-
10 prisoned not more than 2 years, or both.

11 “(j) VALIDITY OF CONTRACTS, LOANS, AND
12 GRANTS.—The Authority may declare void any contract,
13 loan, or grant of or by the Authority in relation to which
14 the Authority determines that there has been a violation
15 of any provision under subsection (h)(4), subsection (i),
16 or sections 202 through 209 of title 18, United States
17 Code.

18 "SEC. 3803. ECONOMIC AND COMMUNITY DEVELOPMENT
19 GRANTS.

20 “(a) IN GENERAL.—The Authority may approve
21 grants to States and public and nonprofit entities for
22 projects, approved in accordance with section 3809—

23 “(1) to develop the transportation infrastruc-
24 ture of the region for the purpose of facilitating eco-
25 nomic development in the region (except that grants

1 for this purpose may only be made to a State or
2 local government);

3 “(2) to assist the region in obtaining the job
4 training, employment-related education, and busi-
5 ness development (with an emphasis on entrepre-
6 neurship) that are needed to build and maintain
7 strong local economies;

8 “(3) to provide assistance to severely distressed
9 and underdeveloped areas that lack financial re-
10 sources for improving basic public services;

11 “(4) to provide assistance to severely distressed
12 and underdeveloped areas that lack financial re-
13 sources for equipping industrial parks and related
14 facilities; and

15 “(5) to otherwise achieve the purposes of this
16 chapter.

17 “(b) FUNDING.—

18 “(1) IN GENERAL.—Funds for grants under
19 subsection (a) may be provided—

20 “(A) entirely from appropriations to carry
21 out this section;

22 “(B) in combination with funds available
23 under another Federal or Federal grant pro-
24 gram; or

25 “(C) from any other source.

1 “(2) PRIORITY OF FUNDING.—To best build the
2 foundations for long-term economic development and
3 to complement other Federal and State resources in
4 the region, Federal funds available under this chap-
5 ter shall be focused on the activities in the following
6 order or priority:

7 “(A) Basic public infrastructure in dis-
8 tressed counties and isolated areas of distress.

9 “(B) Transportation infrastructure for the
10 purpose of facilitating economic development in
11 the region.

12 “(C) Business development, with emphasis
13 on entrepreneurship.

14 “(D) Job training or employment-related
15 education, with emphasis on use of existing
16 public educational institutions located in the re-
17 gion.

18 **“SEC. 3804. SUPPLEMENTS TO FEDERAL GRANT PRO-**
19 **GRAMS.**

20 “(a) FINDING.—Congress finds that certain States
21 and local communities of the region, including local devel-
22 opment districts, may be unable to take maximum advan-
23 tage of Federal grant programs for which the States and
24 communities are eligible because—

1 “(1) the States or communities lack the eco-
2 nomic resources to provide the required matching
3 share; or

4 “(2) there are insufficient funds available under
5 the applicable Federal law authorizing the Federal
6 grant program to meet pressing needs of the region.

7 “(b) FEDERAL GRANT PROGRAM FUNDING.—Not-
8 withstanding any provision of law limiting the Federal
9 share, the areas eligible for assistance, or the authoriza-
10 tions of appropriations of any Federal grant program, and
11 in accordance with subsection (c), the Authority, with the
12 approval of the Federal cochairperson and with respect to
13 a project to be carried out in the region—

14 “(1) may increase the Federal share of the
15 costs of a project under the Federal grant program
16 to not more than 90 percent (except as provided in
17 section 3806(b)); and

18 “(2) shall use amounts made available to carry
19 out this chapter to pay the increased Federal share.

20 “(c) CERTIFICATIONS.—

21 “(1) IN GENERAL.—In the case of any project
22 for which all or any portion of the basic Federal
23 share of the costs of the project is proposed to be
24 paid under this section, no Federal contribution
25 shall be made until the Federal official admin-

1 istering the Federal law that authorizes the Federal
2 grant program certifies that the project—

3 “(A) meets (except as provided in sub-
4 section (b)) the applicable requirements of the
5 applicable Federal grant program; and

6 “(B) could be approved for Federal con-
7 tribution under the Federal grant program if
8 funds were available under the law for the
9 project.

10 “(2) CERTIFICATION BY AUTHORITY.—

11 “(A) IN GENERAL.—The certifications and
12 determinations required to be made by the Au-
13 thority for approval of projects under this Act
14 in accordance with section 3809 shall be—

15 “(i) controlling; and

16 “(ii) accepted by the Federal agencies.

17 “(B) ACCEPTANCE BY FEDERAL COCHAIR-
18 PERSON.—In the case of any project described
19 in paragraph (1), any finding, report, certifi-
20 cation, or documentation required to be sub-
21 mitted with respect to the project to the head
22 of the department, agency, or instrumentality of
23 the Federal Government responsible for the ad-
24 ministration of the Federal grant program

1 under which the project is carried out shall be
2 accepted by the Federal cochairperson.

3 **“SEC. 3805. LOCAL DEVELOPMENT DISTRICTS; CERTIFI-**
4 **CATION AND ADMINISTRATIVE EXPENSES.**

5 “(a) DEFINITION OF LOCAL DEVELOPMENT DIS-
6 TRICT.—In this section, the term ‘local development dis-
7 trict’ means an entity that—

8 “(1) is—

9 “(A) a planning district in existence on the
10 date of enactment of the Agriculture Reform,
11 Food, and Jobs Act of 2013 that is recognized
12 by the Secretary; or

13 “(B) if an entity described in subpara-
14 graph (A) does not exist—

15 “(i) organized and operated in a man-
16 ner that ensures broad-based community
17 participation and an effective opportunity
18 for other nonprofit groups to contribute to
19 the development and implementation of
20 programs in the region;

21 “(ii) governed by a policy board with
22 at least a simple majority of members con-
23 sisting of elected officials or employees of
24 a general purpose unit of local government

1 who have been appointed to represent the
2 government;

3 “(iii) certified to the Authority as hav-
4 ing a charter or authority that includes the
5 economic development of counties or parts
6 of counties or other political subdivisions
7 within the region—

8 “(I) by the Governor of each
9 State in which the entity is located; or

10 “(II) by the State officer des-
11 ignated by the appropriate State law
12 to make the certification; and

13 “(iv)(I) a nonprofit incorporated body
14 organized or chartered under the law of
15 the State in which the entity is located;

16 “(II) a nonprofit agency or instru-
17 mentality of a State or local government;

18 “(III) a public organization estab-
19 lished before December 21, 2000, under
20 State law for creation of multi-jurisdic-
21 tional, area-wide planning organizations; or

22 “(IV) a nonprofit association or com-
23 bination of bodies, agencies, and instru-
24 mentalities described in subclauses (I)
25 through (III); and

1 “(2) has not, as certified by the Federal co-
2 chairperson—

3 “(A) inappropriately used Federal grant
4 funds from any Federal source; or

5 “(B) appointed an officer who, during the
6 period in which another entity inappropriately
7 used Federal grant funds from any Federal
8 source, was an officer of the other entity.

9 “(b) GRANTS TO LOCAL DEVELOPMENT DIS-
10 TRICTS.—

11 “(1) IN GENERAL.—The Authority shall make
12 grants for administrative expenses under this sec-
13 tion.

14 “(2) CONDITIONS FOR GRANTS.—

15 “(A) MAXIMUM AMOUNT.—The amount of
16 any grant awarded under paragraph (1) shall
17 not exceed 80 percent of the administrative ex-
18 penses of the local development district receiv-
19 ing the grant.

20 “(B) MAXIMUM PERIOD.—No grant de-
21 scribed in paragraph (1) shall be awarded to a
22 State agency certified as a local development
23 district for a period greater than 3 years.

24 “(C) LOCAL SHARE.—The contributions of
25 a local development district for administrative

1 expenses may be in cash or in kind, fairly evalu-
2 ated, including space, equipment, and services.

3 “(c) DUTIES OF LOCAL DEVELOPMENT DIS-
4 TRICTS.—A local development district shall—

5 “(1) operate as a lead organization serving
6 multicounty areas in the region at the local level;
7 and

8 “(2) serve as a liaison between State and local
9 governments, nonprofit organizations (including
10 community-based groups and educational institu-
11 tions), the business community, and citizens that—

12 “(A) are involved in multijurisdictional
13 planning;

14 “(B) provide technical assistance to local
15 jurisdictions and potential grantees; and

16 “(C) provide leadership and civic develop-
17 ment assistance.

18 **“SEC. 3806. DISTRESSED COUNTIES AND AREAS AND NON-
19 DISTRESSED COUNTIES.**

20 “(a) DESIGNATIONS.—Each year, the Authority, in
21 accordance with such criteria as the Authority may estab-
22 lish, shall designate—

23 “(1) as distressed counties, counties in the re-
24 gion that are the most severely and persistently dis-

1 tressed and underdeveloped and have high rates of
2 poverty or unemployment;

3 “(2) as nondistressed counties, counties in the
4 region that are not designated as distressed counties
5 under paragraph (1); and

6 “(3) as isolated areas of distress, areas located
7 in nondistressed counties (as designated under para-
8 graph (2)) that have high rates of poverty or unem-
9 ployment.

10 “(b) DISTRESSED COUNTIES.—

11 “(1) IN GENERAL.—The Authority shall allo-
12 cate at least 75 percent of the appropriations made
13 available under section 3813 for programs and
14 projects designed to serve the needs of distressed
15 counties and isolated areas of distress in the region.

16 “(2) FUNDING LIMITATIONS.—The funding lim-
17 itations under section 3804(b) shall not apply to a
18 project providing transportation or basic public serv-
19 ices to residents of 1 or more distressed counties or
20 isolated areas of distress in the region.

21 “(c) NONDISTRESSED COUNTIES.—

22 “(1) IN GENERAL.—Except as provided in this
23 subsection, no funds shall be provided under this
24 chapter for a project located in a county designated
25 as a nondistressed county under subsection (a)(2).

1 “(2) EXCEPTIONS.—

2 “(A) IN GENERAL.—The funding prohibi-
3 tion under paragraph (1) shall not apply to
4 grants to fund the administrative expenses of
5 local development districts under section
6 3805(b).

7 “(B) MULTICOUNTY PROJECTS.—The Au-
8 thority may waive the application of the fund-
9 ing prohibition under paragraph (1) to a multi-
10 county project that includes participation by a
11 nondistressed county; or any other type of
12 project if the Authority determines that the
13 project could bring significant benefits to areas
14 of the region outside a nondistressed county.

15 “(C) ISOLATED AREAS OF DISTRESS.—For
16 a designation of an isolated area of distress for
17 assistance to be effective, the designation shall
18 be supported—

19 “(i) by the most recent Federal data
20 available; or

21 “(ii) if no recent Federal data are
22 available, by the most recent data available
23 through the government of the State in
24 which the isolated area of distress is lo-
25 cated.

1 “(d) TRANSPORTATION AND BASIC PUBLIC INFRA-
2 STRUCTURE.—The Authority shall allocate at least 50 per-
3 cent of any funds made available under section 3813 for
4 transportation and basic public infrastructure projects au-
5 thorized under paragraphs (1) and (3) of section 3803(a).

6 **“SEC. 3807. DEVELOPMENT PLANNING PROCESS.**

7 “(a) STATE DEVELOPMENT PLAN.—In accordance
8 with policies established by the Authority, each State
9 member shall submit a development plan for the area of
10 the region represented by the State member.

11 “(b) CONTENT OF PLAN.—A State development plan
12 submitted under subsection (a) shall reflect the goals, ob-
13 jectives, and priorities identified in the regional develop-
14 ment plan developed under section 3802(d)(2).

15 “(c) CONSULTATION WITH INTERESTED LOCAL PAR-
16 TIES.—In carrying out the development planning process
17 (including the selection of programs and projects for as-
18 sistance), a State may—

19 “(1) consult with—

20 “(A) local development districts; and

21 “(B) local units of government; and

22 “(2) take into consideration the goals, objec-
23 tives, priorities, and recommendations of the entities
24 described in paragraph (1).

25 “(d) PUBLIC PARTICIPATION.—

1 “(1) IN GENERAL.—The Authority and applica-
2 ble State and local development districts shall en-
3 courage and assist, to the maximum extent prac-
4 ticable, public participation in the development, revi-
5 sion, and implementation of all plans and programs
6 under this chapter.

7 “(2) REGULATIONS.—The Authority shall de-
8 velop guidelines for providing public participation
9 described in paragraph (1), including public hear-
10 ings.

11 **“SEC. 3808. PROGRAM DEVELOPMENT CRITERIA.**

12 “(a) IN GENERAL.—In considering programs and
13 projects to be provided assistance under this chapter and
14 in establishing a priority ranking of the requests for as-
15 sistance provided by the Authority, the Authority shall fol-
16 low procedures that ensure, to the maximum extent prac-
17 ticable, consideration of—

18 “(1) the relationship of the project or class of
19 projects to overall regional development;

20 “(2) the per capita income and poverty and un-
21 employment rates in an area;

22 “(3) the financial resources available to the ap-
23 plicants for assistance seeking to carry out the
24 project, with emphasis on ensuring that projects are

1 adequately financed to maximize the probability of
2 successful economic development;

3 “(4) the importance of the project or class of
4 projects in relation to other projects or classes of
5 projects that may be in competition for the same
6 funds;

7 “(5) the prospects that the project for which as-
8 sistance is sought will improve, on a continuing rath-
9 er than a temporary basis, the opportunities for em-
10 ployment, the average level of income, or the eco-
11 nomic development of the area served by the project;
12 and

13 “(6) the extent to which the project design pro-
14 vides for detailed outcome measurements by which
15 grant expenditures and the results of the expendi-
16 tures may be evaluated.

17 “(b) NO RELOCATION ASSISTANCE.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), no financial assistance authorized by this
20 chapter shall be used to assist a person or entity in
21 relocating from 1 area to another.

22 “(2) OUTSIDE BUSINESSES.—Financial assist-
23 ance under this chapter may be used as otherwise
24 authorized by this subtitle to attract businesses from
25 outside the region to the region.

1 “(c) REDUCTION OF FUNDS.—Funds may be pro-
2 vided for a program or project in a State under this chap-
3 ter only if the Authority determines that the level of Fed-
4 eral or State financial assistance provided under a law
5 other than this chapter, for the same type of program or
6 project in the same area of the State within the region,
7 will not be reduced as a result of funds made available
8 by this chapter.

9 **“SEC. 3809. APPROVAL OF DEVELOPMENT PLANS AND**
10 **PROJECTS.**

11 “(a) IN GENERAL.—A State or regional development
12 plan or any multistate subregional plan that is proposed
13 for development under this chapter shall be reviewed and
14 approved by the Authority.

15 “(b) EVALUATION BY STATE MEMBER.—An applica-
16 tion for a grant or any other assistance for a project under
17 this chapter shall be made through and evaluated for ap-
18 proval by the State member of the Authority representing
19 the applicant.

20 “(c) CERTIFICATION.—An application for a grant or
21 other assistance for a project shall be approved only on
22 certification by the State member that the application for
23 the project—

24 “(1) describes ways in which the project com-
25 plies with any applicable State development plan;

1 “(2) meets applicable criteria under section
2 3808;

3 “(3) provides adequate assurance that the pro-
4 posed project will be properly administered, oper-
5 ated, and maintained; and

6 “(4) otherwise meets the requirements of this
7 chapter.

8 “(d) APPROVAL OF GRANT APPLICATIONS.—On cer-
9 tification by a State member of the Authority of an appli-
10 cation for a grant or other assistance for a specific project
11 under this section, an affirmative vote of the Authority
12 under section 3802(c) shall be required for approval of
13 the application.

14 **“SEC. 3810. CONSENT OF STATES.**

15 “Nothing in this chapter requires any State to engage
16 in or accept any program under this chapter without the
17 consent of the State.

18 **“SEC. 3811. RECORDS.**

19 “(a) RECORDS OF THE AUTHORITY.—

20 “(1) IN GENERAL.—The Authority shall main-
21 tain accurate and complete records of all trans-
22 actions and activities of the Authority.

23 “(2) AVAILABILITY.—All records of the Author-
24 ity shall be available for audit and examination by
25 the Comptroller General of the United States and

1 the Inspector General of the Department of Agri-
2 culture (including authorized representatives of the
3 Comptroller General and the Inspector General of
4 the Department of Agriculture).

5 “(b) RECORDS OF RECIPIENTS OF FEDERAL ASSIST-
6 ANCE.—

7 “(1) IN GENERAL.—A recipient of Federal
8 funds under this chapter shall, as required by the
9 Authority, maintain accurate and complete records
10 of transactions and activities financed with Federal
11 funds and report on the transactions and activities
12 to the Authority.

13 “(2) AVAILABILITY.—All records required
14 under paragraph (1) shall be available for audit by
15 the Comptroller General of the United States, the
16 Inspector General of the Department of Agriculture,
17 and the Authority (including authorized representa-
18 tives of the Comptroller General, the Inspector Gen-
19 eral of the Department of Agriculture, and the Au-
20 thority).

21 **“SEC. 3812. ANNUAL REPORT.**

22 “Not later than 180 days after the end of each fiscal
23 year, the Authority shall submit to the President and to
24 Congress a report describing the activities carried out
25 under this chapter.

1 **“SEC. 3813. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There is authorized to be appro-
3 priated to the Authority to carry out this chapter
4 \$30,000,000 for each of fiscal years 2014 through 2018,
5 to remain available until expended.

6 “(b) ADMINISTRATIVE EXPENSES.—Not more than 5
7 percent of the amount appropriated under subsection (a)
8 for a fiscal year shall be used for administrative expenses
9 of the Authority.

10 **“SEC. 3814. TERMINATION OF AUTHORITY.**

11 “‘This chapter and the authority provided under this
12 chapter expire on October 1, 2018.

13 **“CHAPTER 5—NORTHERN GREAT PLAINS**
14 **REGIONAL AUTHORITY**

15 **“SEC. 3821. DEFINITIONS.**

16 “‘In this chapter:

17 “(1) AUTHORITY.—The term ‘Authority’ means
18 the Northern Great Plains Regional Authority estab-
19 lished by section 3822.

20 “(2) FEDERAL GRANT PROGRAM.—The term
21 ‘Federal grant program’ means a Federal grant pro-
22 gram to provide assistance in—

23 “(A) implementing the recommendations of
24 the Northern Great Plains Rural Development
25 Commission established by the Northern Great

1 Plains Rural Development Act (7 U.S.C. 2661
2 note; Public Law 103–318);

3 “(B) acquiring or developing land;

4 “(C) constructing or equipping a highway,
5 road, bridge, or facility;

6 “(D) carrying out other economic develop-
7 ment activities; or

8 “(E) conducting research activities related
9 to the activities described in subparagraphs (A)
10 through (D).

11 “(3) REGION.—The term ‘region’ means the
12 States of Iowa, Minnesota, Missouri (other than
13 counties included in the Delta Regional Authority),
14 Nebraska, North Dakota, and South Dakota.

15 **“SEC. 3822. NORTHERN GREAT PLAINS REGIONAL AUTHOR-**
16 **ITY.**

17 “(a) ESTABLISHMENT.—

18 “(1) IN GENERAL.—There is established the
19 Northern Great Plains Regional Authority.

20 “(2) COMPOSITION.—The Authority shall be
21 composed of—

22 “(A) a Federal member, to be appointed
23 by the President, by and with the advice and
24 consent of the Senate;

1 “(B) the Governor (or a designee of the
2 Governor) of each State in the region that
3 elects to participate in the Authority; and

4 “(C) a member of an Indian tribe, who
5 shall be a chairperson of an Indian tribe in the
6 region or a designee of such a chairperson, to
7 be appointed by the President, by and with the
8 advice and consent of the Senate.

9 “(3) COCHAIRPERSONS.—The Authority shall
10 be headed by—

11 “(A) the Federal member, who shall serve
12 as—

13 “(i) the Federal cochairperson; and

14 “(ii) a liaison between the Federal
15 Government and the Authority;

16 “(B) a State cochairperson, who shall be—

17 “(i) a Governor of a participating
18 State in the region; and

19 “(ii) elected by the State members for
20 a term of not less than 1 year; and

21 “(C) the member of an Indian tribe, who
22 shall serve as—

23 “(i) the tribal cochairperson; and

1 “(ii) a liaison between the govern-
2 ments of Indian tribes in the region and
3 the Authority.

4 “(4) FAILURE TO CONFIRM.—

5 “(A) FEDERAL MEMBER.—Notwith-
6 standing any other provision of this section, if
7 a Federal member described in paragraph
8 (2)(A) has not been confirmed by the Senate by
9 not later than 180 days after the date of enact-
10 ment of the Agriculture Reform, Food, and
11 Jobs Act of 2013, the Authority may organize
12 and operate without the Federal member.

13 “(B) TRIBAL COCHAIRPERSON.—In the
14 case of the tribal cochairperson, if no tribal co-
15 chairperson is confirmed by the Senate, the re-
16 gional authority shall consult and coordinate
17 with the leaders of Indian tribes in the region
18 concerning the activities of the Authority, as
19 appropriate.

20 “(b) ALTERNATE MEMBERS.—

21 “(1) ALTERNATE FEDERAL COCHAIRPERSON.—
22 The President shall appoint an alternate Federal co-
23 chairperson.

24 “(2) STATE ALTERNATES.—

1 “(A) IN GENERAL.—The State member of
2 a participating State may have a single alter-
3 nate, who shall be—

4 “(i) a resident of that State; and

5 “(ii) appointed by the Governor of the
6 State.

7 “(B) QUORUM.—A State alternate member
8 shall not be counted toward the establishment
9 of a quorum of the members of the Authority
10 in any case in which a quorum of the State
11 members is required to be present.

12 “(3) ALTERNATE TRIBAL COCHAIRPERSON.—
13 The President shall appoint an alternate tribal co-
14 chairperson, by and with the advice and consent of
15 the Senate.

16 “(4) DELEGATION OF POWER.—No power or
17 responsibility of the Authority specified in para-
18 graphs (2) and (3) of subsection (c), and no voting
19 right of any member of the Authority, shall be dele-
20 gated to any person who is not—

21 “(A) a member of the Authority; or

22 “(B) entitled to vote in Authority meet-
23 ings.

24 “(c) VOTING.—

1 “(1) IN GENERAL.—A decision by the Authority
2 shall require a majority vote of the Authority (not
3 including any member representing a State that is
4 delinquent under subsection (g)(2)(D)) to be effective.
5

6 “(2) QUORUM.—A quorum of State members
7 shall be required to be present for the Authority to
8 make any policy decision, including—

9 “(A) a modification or revision of an Authority policy decision;
10

11 “(B) approval of a State or regional development plan; and
12

13 “(C) any allocation of funds among the
14 States.

15 “(3) PROJECT AND GRANT PROPOSALS.—The
16 approval of project and grant proposals shall be—

17 “(A) a responsibility of the Authority; and

18 “(B) conducted in accordance with section
19 3830.

20 “(4) VOTING BY ALTERNATE MEMBERS.—An
21 alternate member shall vote in the case of the absence,
22 death, disability, removal, or resignation of
23 the Federal, State, or Indian tribe member for
24 whom the alternate member is an alternate.

25 “(d) DUTIES.—The Authority shall—

1 “(1) develop, on a continuing basis, comprehen-
2 sive and coordinated plans and programs for
3 multistate cooperation to advance the economic and
4 social well-being of the region and to approve grants
5 for the economic development of the region, giving
6 due consideration to other Federal, State, tribal, and
7 local planning and development activities in the re-
8 gion;

9 “(2) review, and when appropriate amend, pri-
10 orities in a development plan for the region (includ-
11 ing 5-year regional outcome targets);

12 “(3) assess the needs and assets of the region
13 based on available research, demonstrations, inves-
14 tigations, assessments, and evaluations of the region
15 prepared by Federal, State, tribal, and local agen-
16 cies, universities, regional and local development dis-
17 tricts or organizations, and other nonprofit groups;

18 “(4) formulate and recommend to the Gov-
19 ernors and legislatures of States that participate in
20 the Authority forms of interstate cooperation for—

21 “(A) renewable energy development and
22 transmission;

23 “(B) transportation planning and economic
24 development;

25 “(C) information technology;

1 “(D) movement of freight and individuals
2 within the region;

3 “(E) federally funded research at institu-
4 tions of higher education; and

5 “(F) conservation land management;

6 “(5) work with State, tribal, and local agencies
7 in developing appropriate model legislation;

8 “(6) enhance the capacity of, and provide sup-
9 port for, multistate development and research orga-
10 nizations, local development organizations and dis-
11 tricts, and resource conservation districts in the re-
12 gion;

13 “(7) encourage private investment in industrial,
14 commercial, renewable energy, and other economic
15 development projects in the region; and

16 “(8) cooperate with and assist State govern-
17 ments with economic development programs of par-
18 ticipating States.

19 “(e) ADMINISTRATION.—In carrying out subsection
20 (d), the Authority may—

21 “(1) hold such hearings, sit and act at such
22 times and places, take such testimony, receive such
23 evidence, and print or otherwise reproduce and dis-
24 tribute a description of the proceedings and reports

1 on actions by the Authority as the Authority con-
2 siders appropriate;

3 “(2) authorize, through the Federal, State, or
4 tribal cochairperson or any other member of the Au-
5 thority designated by the Authority, the administra-
6 tion of oaths if the Authority determines that testi-
7 mony should be taken or evidence received under
8 oath;

9 “(3) request from any Federal, State, tribal, or
10 local agency such information as may be available to
11 or procurable by the agency that may be of use to
12 the Authority in carrying out the duties of the Au-
13 thority;

14 “(4) adopt, amend, and repeal bylaws and rules
15 governing the conduct of business and the perform-
16 ance of duties of the Authority;

17 “(5) request the head of any Federal agency to
18 detail to the Authority such personnel as the Au-
19 thority requires to carry out duties of the Authority,
20 each such detail to be without loss of seniority, pay,
21 or other employee status;

22 “(6) request the head of any State agency, trib-
23 al government, or local government to detail to the
24 Authority such personnel as the Authority requires
25 to carry out duties of the Authority, each such detail

1 to be without loss of seniority, pay, or other em-
2 ployee status;

3 “(7) provide for coverage of Authority employ-
4 ees in a suitable retirement and employee benefit
5 system by—

6 “(A) making arrangements or entering
7 into contracts with any participating State gov-
8 ernment or tribal government; or

9 “(B) otherwise providing retirement and
10 other employee benefit coverage;

11 “(8) accept, use, and dispose of gifts or dona-
12 tions of services or real, personal, tangible, or intan-
13 gible property;

14 “(9) enter into and perform such contracts,
15 leases, cooperative agreements, or other transactions
16 as are necessary to carry out Authority duties, in-
17 cluding any contracts, leases, or cooperative agree-
18 ments with—

19 “(A) any department, agency, or instru-
20 mentality of the United States;

21 “(B) any State (including a political sub-
22 division, agency, or instrumentality of the
23 State);

24 “(C) any Indian tribe in the region; or

1 “(D) any person, firm, association, or cor-
2 poration; and

3 “(10) establish and maintain a central office
4 and field offices at such locations as the Authority
5 may select.

6 “(f) FEDERAL AGENCY COOPERATION.—A Federal
7 agency shall—

8 “(1) cooperate with the Authority; and

9 “(2) provide, on request of a cochairperson, ap-
10 propriate assistance in carrying out this chapter, in
11 accordance with applicable Federal laws (including
12 regulations).

13 “(g) ADMINISTRATIVE EXPENSES.—

14 “(1) FEDERAL SHARE.—The Federal share of
15 the administrative expenses of the Authority shall
16 be—

17 “(A) for fiscal year 2014, 100 percent;

18 “(B) for fiscal year 2015, 75 percent; and

19 “(C) for fiscal year 2016 and each fiscal
20 year thereafter, 50 percent.

21 “(2) NON-FEDERAL SHARE.—

22 “(A) IN GENERAL.—The non-Federal
23 share of the administrative expenses of the Au-
24 thority shall be paid by non-Federal sources in
25 the States that participate in the Authority.

1 “(B) SHARE PAID BY EACH STATE.—The
2 share of administrative expenses of the Author-
3 ity to be paid by non-Federal sources in each
4 State shall be determined by the Authority.

5 “(C) NO FEDERAL PARTICIPATION.—The
6 Federal cochairperson shall not participate or
7 vote in any decision under subparagraph (B).

8 “(D) DELINQUENT STATES.—If a State is
9 delinquent in payment of the State’s share of
10 administrative expenses of the Authority under
11 this subsection—

12 “(i) no assistance under this chapter
13 shall be provided to the State (including
14 assistance to a political subdivision or a
15 resident of the State); and

16 “(ii) no member of the Authority from
17 the State shall participate or vote in any
18 action by the Authority.

19 “(h) COMPENSATION.—

20 “(1) FEDERAL AND TRIBAL COCHAIR-
21 PERSONS.—The Federal cochairperson and the tribal
22 cochairperson shall be compensated by the Federal
23 Government at the annual rate of basic pay pre-
24 scribed for level III of the Executive Schedule in

1 subchapter II of chapter 53 of title 5, United States
2 Code.

3 “(2) ALTERNATE FEDERAL AND TRIBAL CO-
4 CHAIRPERSONS.—The alternate Federal cochair-
5 person and the alternate tribal cochairperson—

6 “(A) shall be compensated by the Federal
7 Government at the annual rate of basic pay
8 prescribed for level V of the Executive Schedule
9 described in paragraph (1); and

10 “(B) when not actively serving as an alter-
11 nate, shall perform such functions and duties as
12 are delegated by the Federal cochairperson or
13 the tribal cochairperson, respectively.

14 “(3) STATE MEMBERS AND ALTERNATES.—

15 “(A) IN GENERAL.—A State shall com-
16 pensate each member and alternate rep-
17 resenting the State on the Authority at the rate
18 established by State law.

19 “(B) NO ADDITIONAL COMPENSATION.—
20 No State member or alternate member shall re-
21 ceive any salary, or any contribution to or sup-
22 plementation of salary from any source other
23 than the State for services provided by the
24 member or alternate member to the Authority.

25 “(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to
serve the Authority under subsection (e)(6)
shall receive any salary or any contribution to
or supplementation of salary for services pro-
vided to the Authority from—

6 “(i) any source other than the State,
7 tribal, local, or intergovernmental agency
8 from which the person was detailed; or

9 “(ii) the Authority.

10 “(B) VIOLATION.—Any person that vio-
11 lates this paragraph shall be fined not more
12 than \$5,000, imprisoned not more than 1 year,
13 or both.

“(C) APPLICABLE LAW.—The Federal co-
chairperson, the alternate Federal cochair-
person, and any Federal officer or employee de-
tailed to duty on the Authority under sub-
section (e)(5) shall not be subject to subpara-
graph (A), but shall remain subject to sections
202 through 209 of title 18, United States
Code.

22 “(5) ADDITIONAL PERSONNEL.—

23 “(A) COMPENSATION.—

24 “(i) IN GENERAL.—The Authority
25 may appoint and fix the compensation of

1 an executive director and such other per-
2 sonnel as are necessary to enable the Au-
3 thority to carry out the duties of the Au-
4 thority.

5 “(ii) EXCEPTION.—Compensation
6 under clause (i) shall not exceed the max-
7 imum rate for the Senior Executive Service
8 under section 5382 of title 5, United
9 States Code, including any applicable local-
10 ity-based comparability payment that may
11 be authorized under section 5304(h)(2)(C)
12 of that title.

13 “(B) EXECUTIVE DIRECTOR.—The execu-
14 tive director shall be responsible for—

15 “(i) the carrying out of the adminis-
16 trative duties of the Authority;

17 “(ii) direction of the Authority staff;
18 and

19 “(iii) such other duties as the Author-
20 ity may assign.

21 “(C) NO FEDERAL EMPLOYEE STATUS.—
22 No member, alternate, officer, or employee of
23 the Authority (except the Federal cochairperson
24 of the Authority, the alternate and staff for the
25 Federal cochairperson, and any Federal em-

1 employee detailed to the Authority under sub-
2 section (e)(5)) shall be considered to be a Fed-
3 eral employee for any purpose.

4 “(i) CONFLICTS OF INTEREST.—

5 “(1) IN GENERAL.—Except as provided under
6 paragraph (2), no State member, Indian tribe mem-
7 ber, State alternate, officer, or employee of the Au-
8 thority shall participate personally and substantially
9 as a member, alternate, officer, or employee of the
10 Authority, through decision, approval, disapproval,
11 recommendation, the rendering of advice, investiga-
12 tion, or otherwise, in any proceeding, application, re-
13 quest for a ruling or other determination, contract,
14 claim, controversy, or other matter in which, to
15 knowledge of the member, alternate, officer, or em-
16 ployee, there is a financial interest of—

17 “(A) the member, alternate, officer, or em-
18 ployee;

19 “(B) the spouse, minor child, partner, or
20 organization (other than a State or political
21 subdivision of the State or the Indian tribe) of
22 the member, alternate, officer, or employee, in
23 which the member, alternate, officer, or em-
24 ployee is serving as officer, director, trustee,
25 partner, or employee; or

1 “(C) any person or organization with
2 whom the member, alternate, officer, or em-
3 ployee is negotiating or has any arrangement
4 concerning prospective employment.

5 “(2) DISCLOSURE.—Paragraph (1) shall not
6 apply if the State member, Indian tribe member, al-
7 ternate, officer, or employee—

8 “(A) immediately advises the Authority of
9 the nature and circumstances of the proceeding,
10 application, request for a ruling or other deter-
11 mination, contract, claim, controversy, or other
12 particular matter presenting a potential conflict
13 of interest;

14 “(B) makes full disclosure of the financial
15 interest; and

16 “(C) before the proceeding concerning the
17 matter presenting the conflict of interest, re-
18 ceives a written determination by the Authority
19 that the interest is not so substantial as to be
20 likely to affect the integrity of the services that
21 the Authority may expect from the State mem-
22 ber, Indian tribe member, alternate, officer, or
23 employee.

1 “(3) VIOLATION.—Any person that violates this
2 subsection shall be fined not more than \$10,000, im-
3 prisoned not more than 2 years, or both.

4 “(j) VALIDITY OF CONTRACTS, LOANS, AND
5 GRANTS.—The Authority may declare void any contract,
6 loan, or grant of or by the Authority in relation to which
7 the Authority determines that there has been a violation
8 of any provision under subsection (h)(4) or subsection (i)
9 of this chapter, or sections 202 through 209 of title 18,
10 United States Code.

11 **“SEC. 3823. INTERSTATE COOPERATION FOR ECONOMIC**
12 **OPPORTUNITY AND EFFICIENCY.**

13 “(a) IN GENERAL.—The Authority shall provide as-
14 sistance to States in developing regional plans to address
15 multistate economic issues, including plans—

16 “(1) to develop a regional transmission system
17 for movement of renewable energy to markets out-
18 side the region;

19 “(2) to address regional transportation con-
20 cerns, including the establishment of a Northern
21 Great Plains Regional Transportation Working
22 Group;

23 “(3) to encourage and support interstate col-
24 laboration on federally funded research that is in the
25 national interest; and

1 “(4) to establish a Regional Working Group on
2 Agriculture Development and Transportation.

3 “(b) ECONOMIC ISSUES.—The multistate economic
4 issues referred to in subsection (a) shall include—

5 “(1) renewable energy development and trans-
6 mission;

7 “(2) transportation planning and economic de-
8 velopment;

9 “(3) information technology;

10 “(4) movement of freight and individuals within
11 the region;

12 “(5) federally funded research at institutions of
13 higher education; and

14 “(6) conservation land management.

15 **“SEC. 3824. ECONOMIC AND COMMUNITY DEVELOPMENT**
16 **GRANTS.**

17 “(a) IN GENERAL.—The Authority may approve
18 grants to States, Indian tribes, local governments, and
19 public and nonprofit organizations for projects, approved
20 in accordance with section 3830—

21 “(1) to assist the region in obtaining the job
22 training, employment-related education, and busi-
23 ness development (with an emphasis on entrepre-
24 neurship) that are needed to build and maintain
25 strong local economies;

1 “(2) to develop the transportation, renewable
2 energy transmission, and telecommunication infra-
3 structure of the region for the purpose of facilitating
4 economic development in the region (except that
5 grants for this purpose may be made only to States,
6 Indian tribes, local governments, and nonprofit orga-
7 nizations);

8 “(3) to provide assistance to severely distressed
9 and underdeveloped areas that lack financial re-
10 sources for improving basic public services;

11 “(4) to provide assistance to severely distressed
12 and underdeveloped areas that lack financial re-
13 sources for equipping industrial parks and related
14 facilities; and

15 “(5) to otherwise achieve the purposes of this
16 chapter.

17 “(b) FUNDING.—

18 “(1) IN GENERAL.—Funds for grants under
19 subsection (a) may be provided—

20 “(A) entirely from appropriations to carry
21 out this section;

22 “(B) in combination with funds available
23 under another Federal grant program; or

24 “(C) from any other source.

1 “(2) PRIORITY OF FUNDING.—To best build the
2 foundations for long-term economic development and
3 to complement other Federal, State, and tribal re-
4 sources in the region, Federal funds available under
5 this chapter shall be focused on the following activi-
6 ties:

7 “(A) Basic public infrastructure in dis-
8 tressed counties and isolated areas of distress.

9 “(B) Transportation and telecommuni-
10 cation infrastructure for the purpose of facili-
11 tating economic development in the region.

12 “(C) Business development, with emphasis
13 on entrepreneurship.

14 “(D) Job training or employment-related
15 education, with emphasis on use of existing
16 public educational institutions located in the re-
17 gion.

18 **“SEC. 3825. SUPPLEMENTS TO FEDERAL GRANT PRO-**
19 **GRAMS.**

20 “(a) FINDING.—Congress finds that certain States
21 and local communities of the region may be unable to take
22 maximum advantage of Federal grant programs for which
23 the States and communities are eligible because—

1 “(1) the States and communities lack the eco-
2 nomic resources to provide the required matching
3 share; or

4 “(2) there are insufficient funds available under
5 the applicable Federal law authorizing the Federal
6 grant program to meet pressing needs of the region.

7 “(b) FEDERAL GRANT PROGRAM FUNDING.—Not-
8 withstanding any provision of law limiting the Federal
9 share, the areas eligible for assistance, or the authoriza-
10 tions of appropriations, under any Federal grant program,
11 and in accordance with subsection (c), the Authority, with
12 the approval of the Federal cochairperson and with respect
13 to a project to be carried out in the region—

14 “(1) may increase the Federal share of the
15 costs of a project under any Federal grant program
16 to not more than 90 percent (except as provided in
17 section 3827(b)); and

18 “(2) shall use amounts made available to carry
19 out this chapter to pay the increased Federal share.

20 “(c) CERTIFICATIONS.—

21 “(1) IN GENERAL.—In the case of any project
22 for which all or any portion of the basic Federal
23 share of the costs of the project is proposed to be
24 paid under this section, no Federal contribution
25 shall be made until the Federal official admin-

1 istering the Federal law that authorizes the Federal
2 grant program certifies that the project—

3 “(A) meets (except as provided in sub-
4 section (b)) the applicable requirements of the
5 applicable Federal grant program; and

6 “(B) could be approved for Federal con-
7 tribution under the Federal grant program if
8 funds were available under the law for the
9 project.

10 “(2) CERTIFICATION BY AUTHORITY.—

11 “(A) IN GENERAL.—The certifications and
12 determinations required to be made by the Au-
13 thority for approval of projects under this Act
14 in accordance with section 3830 shall be—

15 “(i) controlling; and

16 “(ii) accepted by the Federal agencies.

17 “(B) ACCEPTANCE BY FEDERAL COCHAIR-
18 PERSON.—In the case of any project described
19 in paragraph (1), any finding, report, certifi-
20 cation, or documentation required to be sub-
21 mitted with respect to the project to the head
22 of the department, agency, or instrumentality of
23 the Federal Government responsible for the ad-
24 ministration of the Federal grant program

1 under which the project is carried out shall be
2 accepted by the Federal cochairperson.

3 **“SEC. 3826. MULTISTATE AND LOCAL DEVELOPMENT DIS-**
4 **TRICTS AND ORGANIZATIONS AND NORTH-**
5 **ERN GREAT PLAINS INC.**

6 “(a) DEFINITION OF MULTISTATE AND LOCAL DE-
7 VELOPMENT DISTRICT OR ORGANIZATION.—In this sec-
8 tion, the term ‘multistate and local development district
9 or organization’ means an entity—

10 “(1) that—

11 “(A) is a planning district that is recog-
12 nized by the Economic Development Adminis-
13 tration of the Department of Commerce; or

14 “(B) is—

15 “(i) organized and operated in a man-
16 ner that ensures broad-based community
17 participation and an effective opportunity
18 for other nonprofit groups to contribute to
19 the development and implementation of
20 programs in the region;

21 “(ii) a nonprofit incorporated body or-
22 ganized or chartered under the law of the
23 State in which the entity is located;

24 “(iii) a nonprofit agency or instru-
25 mentality of a State or local government;

1 “(iv) a public organization established
2 before the date of enactment of the Agri-
3 culture Reform, Food, and Jobs Act of
4 2013 under State law for creation of multi-
5 jurisdictional, area-wide planning organiza-
6 tions;

7 “(v) a nonprofit agency or instrumen-
8 tality of a State that was established for
9 the purpose of assisting with multistate co-
10 operation; or

11 “(vi) a nonprofit association or com-
12 bination of bodies, agencies, and instru-
13 mentalities described in clauses (ii)
14 through (v); and

15 “(2) that has not, as certified by the Authority
16 (in consultation with the Federal cochairperson or
17 Secretary, as appropriate)—

18 “(A) inappropriately used Federal grant
19 funds from any Federal source; or

20 “(B) appointed an officer who, during the
21 period in which another entity inappropriately
22 used Federal grant funds from any Federal
23 source, was an officer of the other entity.

24 “(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL
25 DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

1 “(1) IN GENERAL.—The Authority may make
2 grants for administrative expenses under this section
3 to multistate, local, and regional development dis-
4 tricts and organizations.

5 “(2) CONDITIONS FOR GRANTS.—

6 “(A) MAXIMUM AMOUNT.—The amount of
7 any grant awarded under paragraph (1) shall
8 not exceed 80 percent of the administrative ex-
9 penses of the multistate, local, or regional de-
10 velopment district or organization receiving the
11 grant.

12 “(B) MAXIMUM PERIOD.—No grant de-
13 scribed in paragraph (1) shall be awarded for a
14 period of greater than 3 years.

15 “(3) LOCAL SHARE.—The contributions of a
16 multistate, local, or regional development district or
17 organization for administrative expenses may be in
18 cash or in kind, fairly evaluated, including space,
19 equipment, and services.

20 “(c) DUTIES.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), a local development district shall operate
23 as a lead organization serving multicounty areas in
24 the region at the local level.

1 “(2) DESIGNATION.—The Federal cochair-
2 person may designate an Indian tribe or multijuris-
3 dictional organization to serve as a lead organization
4 in such cases as the Federal cochairperson or Sec-
5 retary, as appropriate, determines appropriate.

6 “(d) NORTHERN GREAT PLAINS INC.—Northern
7 Great Plains Inc., a nonprofit corporation incorporated in
8 the State of Minnesota to implement the recommendations
9 of the Northern Great Plains Rural Development Commis-
10 sion established by the Northern Great Plains Rural De-
11 velopment Act (7 U.S.C. 2661 note; Public Law 103–
12 318)—

13 “(1) shall serve as an independent, primary re-
14 source for the Authority on issues of concern to the
15 region;

16 “(2) shall advise the Authority on development
17 of international trade;

18 “(3) may provide research, education, training,
19 and other support to the Authority; and

20 “(4) may carry out other activities on its own
21 behalf or on behalf of other entities.

1 **“SEC. 3827. DISTRESSED COUNTIES AND AREAS AND NON-**
2 **DISTRESSED COUNTIES.**

3 “(a) DESIGNATIONS.—Each year, the Authority, in
4 accordance with such criteria as the Authority may estab-
5 lish, shall designate—

6 “(1) as distressed counties, counties in the re-
7 gion that are the most severely and persistently dis-
8 tressed and underdeveloped and have high rates of
9 poverty, unemployment, or outmigration;

10 “(2) as nondistressed counties, counties in the
11 region that are not designated as distressed counties
12 under paragraph (1); and

13 “(3) as isolated areas of distress, areas located
14 in nondistressed counties (as designated under para-
15 graph (2)) that have high rates of poverty, unem-
16 ployment, or outmigration.

17 “(b) DISTRESSED COUNTIES.—

18 “(1) IN GENERAL.—The Authority shall allo-
19 cate at least 50 percent of the appropriations made
20 available under section 3834 for programs and
21 projects designed to serve the needs of distressed
22 counties and isolated areas of distress in the region.

23 “(2) FUNDING LIMITATIONS.—The funding lim-
24 itations under section 3825(b) shall not apply to a
25 project to provide transportation or telecommuni-
26 cation or basic public services to residents of 1 or

1 more distressed counties or isolated areas of distress
2 in the region.

3 “(c) TRANSPORTATION, TELECOMMUNICATION, RE-
4 NEWABLE ENERGY, AND BASIC PUBLIC INFRASTRUC-
5 TURE.—The Authority shall allocate at least 50 percent
6 of any funds made available under section 3834 for trans-
7 portation, telecommunication, renewable energy, and basic
8 public infrastructure projects authorized under para-
9 graphs (1) and (3) of section 3824(a).

10 **“SEC. 3828. DEVELOPMENT PLANNING PROCESS.**

11 “(a) STATE DEVELOPMENT PLAN.—In accordance
12 with policies established by the Authority, each State
13 member shall submit a development plan for the area of
14 the region represented by the State member.

15 “(b) CONTENT OF PLAN.—A State development plan
16 submitted under subsection (a) shall reflect the goals, ob-
17 jectives, and priorities identified in the regional develop-
18 ment plan developed under section 3823(d)(2).

19 “(c) CONSULTATION WITH INTERESTED LOCAL PAR-
20 TIES.—In carrying out the development planning process
21 (including the selection of programs and projects for as-
22 sistance), a State may—

23 “(1) consult with—

24 “(A) multistate, regional, and local devel-
25 opment districts and organizations; and

1 “(B) local units of government; and

2 “(2) take into consideration the goals, objec-
3 tives, priorities, and recommendations of the entities
4 described in paragraph (1).

5 “(d) PUBLIC PARTICIPATION.—

6 “(1) IN GENERAL.—The Authority and applica-
7 ble multistate, regional, and local development dis-
8 tricts and organizations shall encourage and assist,
9 to the maximum extent practicable, public participa-
10 tion in the development, revision, and implementa-
11 tion of all plans and programs under this chapter.

12 “(2) REGULATIONS.—The Authority shall de-
13 velop guidelines for providing public participation
14 described in paragraph (1), including public hear-
15 ings.

16 **“SEC. 3829. PROGRAM DEVELOPMENT CRITERIA.**

17 “(a) IN GENERAL.—In considering programs and
18 projects to be provided assistance under this chapter, and
19 in establishing a priority ranking of the requests for as-
20 sistance provided to the Authority, the Authority shall fol-
21 low procedures that ensure, to the maximum extent prac-
22 ticable, consideration of—

23 “(1) the relationship of the project or class of
24 projects to overall multistate or regional develop-
25 ment;

1 “(2) the per capita income and poverty and un-
2 employment and outmigration rates in an area;

3 “(3) the financial resources available to the ap-
4 plicants for assistance seeking to carry out the
5 project, with emphasis on ensuring that projects are
6 adequately financed to maximize the probability of
7 successful economic development;

8 “(4) the importance of the project or class of
9 projects in relation to other projects or classes of
10 projects that may be in competition for the same
11 funds;

12 “(5) the prospects that the project for which as-
13 sistance is sought will improve, on a continuing rath-
14 er than a temporary basis, the opportunities for em-
15 ployment, the average level of income, or the eco-
16 nomic development of the area to be served by the
17 project; and

18 “(6) the extent to which the project design pro-
19 vides for detailed outcome measurements by which
20 grant expenditures and the results of the expendi-
21 tures may be evaluated.

22 “(b) NO RELOCATION ASSISTANCE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), no financial assistance authorized by this

1 chapter shall be used to assist a person or entity in
2 relocating from 1 area to another.

3 “(2) OUTSIDE BUSINESSES.—Financial assist-
4 ance under this chapter may be used as otherwise
5 authorized by this title to attract businesses from
6 outside the region to the region.

7 “(c) MAINTENANCE OF EFFORT.—Funds may be
8 provided for a program or project in a State under this
9 chapter only if the Authority determines that the level of
10 Federal or State financial assistance provided under a law
11 other than this chapter, for the same type of program or
12 project in the same area of the State within the region,
13 will not be reduced as a result of funds made available
14 by this chapter.

15 **“SEC. 3830. APPROVAL OF DEVELOPMENT PLANS AND**
16 **PROJECTS.**

17 “(a) IN GENERAL.—A State or regional development
18 plan or any multistate subregional plan that is proposed
19 for development under this chapter shall be reviewed by
20 the Authority.

21 “(b) EVALUATION BY STATE MEMBER.—An applica-
22 tion for a grant or any other assistance for a project under
23 this chapter shall be made through and evaluated for ap-
24 proval by the State member of the Authority representing
25 the applicant.

1 “(c) CERTIFICATION.—An application for a grant or
2 other assistance for a project shall be approved only on
3 certification by the State member that the application for
4 the project—

5 “(1) describes ways in which the project com-
6 plies with any applicable State development plan;

7 “(2) meets applicable criteria under section
8 3829;

9 “(3) provides adequate assurance that the pro-
10 posed project will be properly administered, oper-
11 ated, and maintained; and

12 “(4) otherwise meets the requirements of this
13 chapter.

14 “(d) VOTES FOR DECISIONS.—On certification by a
15 State member of the Authority of an application for a
16 grant or other assistance for a specific project under this
17 section, an affirmative vote of the Authority under section
18 3822(c) shall be required for approval of the application.

19 **“SEC. 3831. CONSENT OF STATES.**

20 “Nothing in this chapter requires any State to engage
21 in or accept any program under this chapter without the
22 consent of the State.

23 **“SEC. 3832. RECORDS.**

24 “(a) RECORDS OF THE AUTHORITY.—

1 “(1) IN GENERAL.—The Authority shall main-
2 tain accurate and complete records of all trans-
3 actions and activities of the Authority.

4 “(2) AVAILABILITY.—All records of the Author-
5 ity shall be available for audit and examination by
6 the Comptroller General of the United States and
7 the Inspector General of the Department of Agri-
8 culture (including authorized representatives of the
9 Comptroller General and the Inspector General of
10 the Department of Agriculture).

11 “(b) RECORDS OF RECIPIENTS OF FEDERAL ASSIST-
12 ANCE.—

13 “(1) IN GENERAL.—A recipient of Federal
14 funds under this chapter shall, as required by the
15 Authority, maintain accurate and complete records
16 of transactions and activities financed with Federal
17 funds and report to the Authority on the trans-
18 actions and activities to the Authority.

19 “(2) AVAILABILITY.—All records required
20 under paragraph (1) shall be available for audit by
21 the Comptroller General of the United States, the
22 Inspector General of the Department of Agriculture,
23 and the Authority (including authorized representa-
24 tives of the Comptroller General, the Inspector Gen-

1 eral of the Department of Agriculture, and the Au-
2 thority).

3 “(c) ANNUAL AUDIT.—The Inspector General of the
4 Department of Agriculture shall audit the activities, trans-
5 actions, and records of the Authority on an annual basis
6 for any fiscal year for which funds are appropriated.

7 **“SEC. 3833. ANNUAL REPORT.**

8 “Not later than 180 days after the end of each fiscal
9 year, the Authority shall submit to the President and to
10 Congress a report describing the activities carried out
11 under this chapter.

12 **“SEC. 3834. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—There is authorized to be appro-
14 priated to the Authority to carry out this chapter
15 \$30,000,000 for each of fiscal years 2014 through 2018,
16 to remain available until expended.

17 “(b) ADMINISTRATIVE EXPENSES.—Not more than 5
18 percent of the amount appropriated under subsection (a)
19 for a fiscal year shall be used for administrative expenses
20 of the Authority.

21 “(c) MINIMUM STATE SHARE OF GRANTS.—Notwith-
22 standing any other provision of this chapter, for any fiscal
23 year, the aggregate amount of grants received by a State
24 and all persons or entities in the State under this chapter

1 shall be not less than $\frac{1}{3}$ of the product obtained by multi-
2 plying—

3 “(1) the aggregate amount of grants under this
4 chapter for the fiscal year; and

5 “(2) the ratio that—

6 “(A) the population of the State (as deter-
7 mined by the Secretary of Commerce based on
8 the most recent decennial census for which data
9 are available); bears to

10 “(B) the population of the region (as so
11 determined).

12 **“SEC. 3835. TERMINATION OF AUTHORITY.**

13 “The authority provided by this chapter terminates
14 effective October 1, 2018.

15 **“Subtitle C—General Provisions**

16 **“SEC. 3901. FULL FAITH AND CREDIT.**

17 “(a) IN GENERAL.—A guarantee executed by the
18 Secretary under this title shall be an obligation supported
19 by the full faith and credit of the United States.

20 “(b) CONTESTABILITY.—A guarantee executed by the
21 Secretary under this title shall be incontestable except for
22 fraud or misrepresentation that the lender or any holder—

23 “(1) has actual knowledge of at the time the
24 guarantee is executed; or

25 “(2) participates in or condones.

1 **“SEC. 3902. PURCHASE AND SALE OF GUARANTEED POR-**
2 **TIONS OF LOANS.**

3 “(a) IN GENERAL.—Subject to subsections (b) and
4 (c), the Secretary may purchase, on such terms and condi-
5 tions as the Secretary considers appropriate, the guaran-
6 teed portion of a loan guaranteed under this title, if the
7 Secretary determines that an adequate secondary market
8 is not available in the private sector.

9 “(b) MAXIMUM PAYMENT.—The Secretary may not
10 pay for any guaranteed portion of a loan under subsection
11 (a) in excess of an amount equal to the unpaid principal
12 balance and accrued interest on the guaranteed portion
13 of the loan.

14 “(c) SOURCES OF FUNDING.—The Secretary may use
15 for the purchases—

16 “(1) funds from the Rural Development Insur-
17 ance Fund with respect to rural development loans
18 (as defined in section 3704(a)); and

19 “(2) funds from the Agricultural Credit Insur-
20 ance Fund with respect to all other loans under this
21 title.

22 “(d) SALE OF GUARANTEED LOANS.—

23 “(1) SALES.—

24 “(A) REGULATION.—

25 “(i) IN GENERAL.—The guaranteed
26 portion of any loan made under this title

1 may be sold by the lender, and by any sub-
2 sequent holder, in accordance with such
3 regulations governing the sales as the Sec-
4 retary shall establish, subject to clauses (ii)
5 and (iii).

6 “(ii) FEES TO BE PAID IN FULL.—All
7 fees due the Secretary with respect to a
8 guaranteed loan shall be paid in full before
9 any sale.

10 “(iii) LOAN TO BE FULLY DIS-
11 BURSED.—The loan shall be fully dis-
12 bursed to the borrower before the sale.

13 “(B) POST-SALE.—After a loan is sold in
14 the secondary market, the lender shall—

15 “(i) remain obligated under the guar-
16 antee agreement of the lender with the
17 Secretary; and

18 “(ii) continue to service the loan in
19 accordance with the terms and conditions
20 of that agreement.

21 “(C) PROCEDURES.—The Secretary shall
22 develop such procedures as are necessary for—

23 “(i) the facilitation, administration,
24 and promotion of secondary market oper-
25 ations; and

1 “(ii) determining the increase of ac-
2 cess of farmers to capital at reasonable
3 rates and terms as a result of secondary
4 market operations.

5 “(D) RIGHTS TO PREPAY.—This sub-
6 section does not impede or extinguish—

7 “(i) the right of the borrower or the
8 successor in interest to the borrower to
9 prepay (in whole or in part) any loan made
10 under this title; or

11 “(ii) the rights of any party under any
12 provision of this title.

13 “(2) ISSUE POOL CERTIFICATES.—

14 “(A) IN GENERAL.—The Secretary may,
15 directly or through a market maker approved
16 by the Secretary, issue pool certificates rep-
17 resenting ownership of part or all of the guar-
18 anteed portion of any loan guaranteed by the
19 Secretary under this title.

20 “(B) APPROVAL.—Certificates under sub-
21 paragraph (A) shall be based on and backed by
22 a pool established or approved by the Secretary
23 and composed solely of the entire guaranteed
24 portion of the loans.

1 “(C) GUARANTEE OF POOL.—On such
2 terms and conditions as the Secretary considers
3 appropriate, the Secretary may guarantee the
4 timely payment of the principal and interest on
5 pool certificates issued on behalf of the Sec-
6 retary by approved market makers for purposes
7 of this subsection.

8 “(D) LIMITATIONS.—A guarantee under
9 subparagraph (C) shall be limited to the extent
10 of principal and interest on the guaranteed por-
11 tions of loans that compose the pool.

12 “(E) PREPAYMENT.—If a loan in a pool is
13 prepaid, either voluntarily or by reason of de-
14 fault, the guarantee of timely payment of prin-
15 cipal and interest on the pool certificates shall
16 be reduced in proportion to the amount of prin-
17 cipal and interest that the prepaid loan rep-
18 represents in the pool.

19 “(F) INTEREST ACCRUAL.—Interest on
20 prepaid or defaulted loans shall accrue and be
21 guaranteed by the Secretary only through the
22 date of payment on the guarantee.

23 “(G) REDEMPTION.—During the term of
24 the pool certificate, the certificate may be called

1 for redemption due to prepayment or default of
2 all loans constituting the pool.

3 “(H) FULL FAITH AND CREDIT.—The full
4 faith and credit of the United States is pledged
5 to the payment of all amounts that may be re-
6 quired to be paid under any guarantee of the
7 pool certificates issued by approved market
8 makers under this subsection.

9 “(I) FEES.—

10 “(i) IN GENERAL.—The Secretary
11 shall not collect any fee for any guarantee
12 under this subsection.

13 “(ii) SECRETARIAL FUNCTIONS.—
14 Clause (i) does not preclude the Secretary
15 from collecting a fee for the functions de-
16 scribed in paragraph (3).

17 “(J) DEFAULT.—Not later than 30 days
18 after a borrower of a guaranteed loan is in de-
19 fault of any principal or interest payment due
20 for 60 days or more, the Secretary shall—

21 “(i) purchase the pool certificates rep-
22 resenting ownership of the guaranteed por-
23 tion of the loan; and

24 “(ii) pay the registered holder of the
25 certificates an amount equal to the guaran-

1 teed portion of the loan represented by the
2 certificate.

“(K) PAYMENT OF CLAIMS.—If the Secretary pays a claim under a guarantee issued under this subsection, the claim shall be subrogated fully to the rights satisfied by the payment, as may be provided by the Secretary.

8 “(L) APPLICATION OF LAWS.—No State or
9 local law, and no Federal law, shall preclude or
10 limit the exercise by the Secretary of the owner-
11 ship rights of the Secretary in the portions of
12 loans constituting the pool against which the
13 certificates are issued.

14 “(3) DUTIES OF THE SECRETARY.—

15 “(A) IN GENERAL.—On the adoption of
16 final rules and regulations, the Secretary
17 shall—

18 “(i) provide for the central collection
19 of registration information from all partici-
20 pating market makers for all loans and
21 pool certificates sold under paragraphs (1)
22 and (2), including, with respect to each
23 original sale and any subsequent sale—

1 “(I) identification of the interest
2 rate paid by the borrower to the lend-
3 er;

4 “(II) the servicing fee of the
5 lender;

6 “(III) disclosure of whether in-
7 terest on the loan is at a fixed or vari-
8 able rate;

9 “(IV) identification of each pur-
10 chaser of a pool certificate;

11 “(V) the interest rate paid on the
12 certificate; and

13 “(VI) such other information as
14 the Secretary considers appropriate.

15 “(ii) before any sale, require the seller
16 (as defined in subparagraph (B)) to dis-
17 close to each prospective purchaser of the
18 portion of a loan guaranteed under this
19 title and to each prospective purchaser of
20 a pool certificate issued under paragraph
21 (2) information on the terms, conditions,
22 and yield of such instrument;

23 “(iii) provide for adequate custody of
24 any pooled guaranteed loans;

1 “(iv) take such actions as are nec-
2 essary, in restructuring pools of the guar-
3 anteed portion of loans, to minimize the es-
4 timated costs of paying claims under guar-
5 antees issued under this subsection;

6 “(v) require each market maker—

7 “(I) to service all pools formed,
8 and participations sold, by the market
9 maker; and

10 “(II) to provide the Secretary
11 with information relating to the collec-
12 tion and disbursement of all periodic
13 payments, prepayments, and default
14 funds from lenders, to or from the re-
15 serve fund that the Secretary shall es-
16 tablish to enable the timely payment
17 guarantee to be self-funding, and
18 from all beneficial holders; and

19 “(vi) regulate market makers in pool
20 certificates sold under this subsection.

21 “(B) DEFINITION OF SELLER.—For pur-
22 poses of subparagraph (A)(ii), if the instrument
23 being sold is a loan, the term ‘seller’ does not
24 include—

25 “(i) the person who made the loan; or

1 “(ii) any person who sells 3 or fewer
2 guaranteed loans per year.

3 “(4) CONTRACT FOR SERVICES.—The Secretary
4 may contract for goods and services to be used for
5 the purposes of this subsection without regard to ti-
6 tles 5, 40, and 41, United States Code (including
7 any regulations issued under those titles).

8 **“SEC. 3903. ADMINISTRATION.**

9 “(a) POWERS OF SECRETARY.—The Secretary
10 may—

11 “(1)(A) administer the powers and duties of the
12 Secretary through such national, area, State, or
13 local offices and employees in the United States as
14 the Secretary determines to be necessary; and

15 “(B) authorize an office to serve an area com-
16 posed of 2 or more States if the Secretary deter-
17 mines that the volume of business in the area is not
18 sufficient to justify separate State offices;

19 “(2)(A) accept and use voluntary and uncom-
20 pensated services; and

21 “(B) with the consent of the agency concerned,
22 use the officers, employees, equipment, and informa-
23 tion of any agency of the Federal Government, or of
24 any State, territory, or political subdivision;

1 “(3) subject to appropriations, make necessary
2 expenditures for the purchase or hire of passenger
3 vehicles, and such other facilities and services as the
4 Secretary may from time to time find necessary for
5 the proper administration of this title;

6 “(4) subject to subsection (b), compromise, ad-
7 just, reduce, or charge-off debts or claims (including
8 debts and claims arising from loan guarantees), and
9 adjust, modify, subordinate, or release the terms of
10 security instruments, leases, contracts, and agree-
11 ments entered into or administered by the Farm
12 Service Agency, the Rural Utilities Service, the
13 Rural Housing Service, the Rural Business-Coopera-
14 tive Service, or successor agencies under this title,
15 except for activities conducted under the Housing
16 Act of 1949 (42 U.S.C. 1441 et seq.);

17 “(5)(A) except for activities conducted under
18 the Housing Act of 1949 (42 U.S.C. 1441 et seq.),
19 collect all claims and obligations administered by the
20 Farm Service Agency, the Rural Utilities Service,
21 the Rural Housing Service, or the Rural Business-
22 Cooperative Service, or under any mortgage, lease,
23 contract, or agreement entered into or administered
24 by the Agency or Service; and

1 “(B) if the Secretary determines the action is
2 necessary and advisable, pursue the collection to
3 final collection in any court having jurisdiction;

4 “(6) release mortgage and other contract liens
5 if it appears that the mortgage and liens have no
6 present or prospective value or that the enforcement
7 of the mortgage and liens likely would be ineffectual
8 or uneconomical;

9 “(7) obtain fidelity bonds protecting the Fed-
10 eral Government against fraud and dishonesty of of-
11 ficers and employees of the Farm Service Agency,
12 the Rural Utilities Service, the Rural Housing Serv-
13 ice, or the Rural Business-Cooperative Service in
14 lieu of faithful performance of duties bonds under
15 section 14 of title 6, United States Code, but other-
16 wise in accordance with the section;

17 “(8) consent to—

18 “(A) long-term leases of facilities financed
19 under this title notwithstanding the failure of
20 the lessee to meet any of the requirements of
21 this title if the long-term leases are necessary to
22 ensure the continuation of services for which fi-
23 nancing was extended to the lessor; and

24 “(B) the transfer of property securing any
25 loan or financed by any loan or grant made or

1 guaranteed by the Farm Service Agency, the
2 Rural Utilities Service, the Rural Housing Serv-
3 ice, or the Rural Business-Cooperative Service
4 under this title, or any other law administered
5 by the Secretary, on such terms as the Sec-
6 retary considers necessary to carry out the pur-
7 pose of the loan or grant or to protect the fi-
8 nancial interest of the Federal Government,
9 provided that the Secretary shall document the
10 consent of the Secretary for the transfer of the
11 property of a borrower in the file of the bor-
12 rower; and

13 “(9) notwithstanding that an area ceases, or
14 has ceased, to be rural, in a rural area, or an eligible
15 area, make loans and grants, and approve transfers
16 and assumptions, under this title on the same basis
17 as though the area still was rural in connection with
18 property securing any loan made or guaranteed by
19 the Secretary under this title or in connection with
20 any property held by the Secretary under this title.

21 “(b) LOAN ADJUSTMENTS.—

22 “(1) NO LIQUIDATION OF PROPERTY.—The
23 Secretary may not require liquidation of property se-
24 curing any farmer program loan or acceleration of
25 any payment required under any farmer program

1 loan as a prerequisite to initiating an action author-
2 ized under subsection (a).

3 “(2) RELEASE OF PERSONAL LIABILITY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Secretary may release a
6 borrower or other person obligated on a debt
7 (other than debt incurred under the Housing
8 Act of 1949 (42 U.S.C. 1441 et seq.)) from
9 personal liability with or without payment of
10 any consideration at the time of the com-
11 promise, adjustment, reduction, or charge-off of
12 any claim.

13 “(B) EXCEPTION.—No compromise, ad-
14 justment, reduction, or charge-off of any claim
15 may be made or carried out after the claim has
16 been referred to the Attorney General, unless
17 the Attorney General approves.

18 “(3) RURAL ELECTRIFICATION SECURITY IN-
19 STRUMENTS.—In the case of a security instrument
20 entered into under the Rural Electrification Act of
21 1936 (7 U.S.C. 901 et seq.), the Secretary shall no-
22 tify the Attorney General of the intent of the Sec-
23 retary to exercise the authority of the Secretary
24 under paragraph (2).

1 “(c) SIMPLIFIED APPLICATION FORMS FOR LOAN
2 GUARANTEES.—

3 “(1) IN GENERAL.—The Secretary shall provide
4 to lenders a short, simplified application form for
5 guarantees under this title of—

6 “(A) farmer program loans the principal
7 amount of which is \$125,000 or less; and

8 “(B) business and industry guaranteed
9 loans under section 3601(a)(2)(A) the principal
10 amount of which is—

11 “(i) \$400,000 or less; or

12 “(ii) if the Secretary determines that
13 there is not a significant increased risk of
14 a default on the loan, \$600,000 or less.

15 “(2) WATER AND WASTE DISPOSAL GRANTS
16 AND LOANS.—The Secretary shall develop an appli-
17 cation process that accelerates, to the maximum ex-
18 tent practicable, the processing of applications for
19 water and waste disposal grants or direct or guaran-
20 teed loans under section 3501(a)(1) the grant award
21 amount or principal loan amount, respectively, of
22 which is \$300,000 or less.

23 “(3) ADMINISTRATION.—In developing an ap-
24 plication under this subsection, the Secretary shall—

1 “(A) consult with commercial and coopera-
2 tive lenders; and

3 “(B) ensure that—

4 “(i) the form can be completed manu-
5 ally or electronically, at the option of the
6 lender;

7 “(ii) the form minimizes the docu-
8 mentation required to accompany the form;

9 “(iii) the cost of completing and proc-
10 essing the form is minimal; and

11 “(iv) the form can be completed and
12 processed in an expeditious manner.

13 “(d) USE OF ATTORNEYS FOR PROSECUTION OR DE-
14 FENSE OF CLAIMS.—The Secretary may use for the pros-
15 ecution or defense of any claim or obligation described in
16 subsection (a)(5) the Attorney General, the General Coun-
17 sel of the Department, or a private attorney who has en-
18 tered into a contract with the Secretary.

19 “(e) PRIVATE COLLECTION AGENCY.—The Secretary
20 may use a private collection agency to collect a claim or
21 obligation described in subsection (a)(5).

22 “(f) SECURITY SERVICING.—

23 “(1) IN GENERAL.—The Secretary may—

24 “(A) make advances, without regard to any
25 loan or total indebtedness limitation, to pre-

1 serve and protect the security for, or the lien or
2 priority of the lien securing any loan or other
3 indebtedness owing to or acquired by the Sec-
4 retary under this title or under any other pro-
5 gram administered by the Farm Service Agen-
6 cy, the Rural Utilities Service, the Rural Hous-
7 ing Service, or the Rural Business-Cooperative
8 Service applicable program, as determined by
9 the Secretary; and

10 “(B)(i) bid for and purchase at any execu-
11 tion, foreclosure, or other sale or otherwise ac-
12 quire property on which the United States has
13 a lien by reason of a judgment or execution
14 arising from, or that is pledged, mortgaged,
15 conveyed, attached, or levied on to secure the
16 payment of, the indebtedness regardless of
17 whether the property is subject to other liens;

18 “(ii) accept title to any property so pur-
19 chased or acquired; and

20 “(iii) sell, manage, or otherwise dispose of
21 the property in accordance with this subsection.

22 “(2) OPERATION OR LEASE OF REALTY.—Ex-
23 cept as provided in subsections (c) and (e), real
24 property administered under this title may be oper-
25 ated or leased by the Secretary for such period as

1 the Secretary may consider necessary to protect the
2 investment of the Federal Government in the prop-
3 erty.

4 “(g) PAYMENTS TO LENDERS.—

5 “(1) REQUIREMENT.—Not later than 90 days
6 after a court of competent jurisdiction confirms a
7 plan of reorganization under chapter 12 of title 11,
8 United States Code, for any borrower to whom a
9 lender has made a loan guaranteed under this title,
10 the Secretary shall pay the lender an amount esti-
11 mated by the Secretary to be equal to the loss in-
12 curred by the lender for purposes of the guarantee.

13 “(2) PAYMENT TOWARD LOAN GUARANTEE.—

14 Any amount paid to a lender under this subsection
15 with respect to a loan guaranteed under this title
16 shall be treated as payment towards satisfaction of
17 the loan guarantee.

18 **“SEC. 3904. LOAN MORATORIUM AND POLICY ON FORE-**
19 **CLOSURES.**

20 “(a) IN GENERAL.—In addition to any other author-
21 ity that the Secretary may have to defer principal and in-
22 terest and forgo foreclosure, the Secretary may permit, at
23 the request of the borrower, the deferral of principal and
24 interest on any outstanding loan made or guaranteed by
25 the Secretary under this title, or under any other law ad-

1 ministered by the Farm Service Agency, the Rural Utili-
2 ties Service, the Rural Housing Service, or the Rural Busi-
3 ness-Cooperative Service, and may forgo foreclosure of the
4 loan, for such period as the Secretary considers necessary
5 on a showing by the borrower that, due to circumstances
6 beyond the control of the borrower, the borrower is tempo-
7 rarily unable to continue making payments of the principal
8 and interest when due without unduly impairing the
9 standard of living of the borrower.

10 “(b) INTEREST.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), the Secretary may permit any loan de-
13 ferred under this section to bear no interest during
14 or after the deferral period.

15 “(2) EXCEPTION.—If the security instrument
16 securing the loan is foreclosed, such interest as is in-
17 cluded in the purchase price at the foreclosure shall
18 become part of the principal and draw interest from
19 the date of foreclosure at the rate prescribed by law.

20 “(c) MORATORIUM REGARDING CIVIL RIGHTS
21 CLAIMS.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, effective beginning on May
24 22, 2008, there shall be in effect a moratorium, with
25 respect to farmer program loans made under subtitle

1 A, on all acceleration and foreclosure proceedings in-
2 stituted by the Department against any farmer
3 who—

4 “(A) has pending against the Department
5 a claim of program discrimination that is ac-
6 cepted by the Department as valid; or

7 “(B) files a claim of program discrimina-
8 tion that is accepted by the Department as
9 valid.

10 “(2) WAIVER OF INTEREST AND OFFSETS.—
11 During the period of the moratorium, the Secretary
12 shall waive the accrual of interest and offsets on all
13 farmer program loans made under subtitle A for
14 which loan acceleration or foreclosure proceedings
15 have been suspended under paragraph (1).

16 “(3) TERMINATION OF MORATORIUM.—The
17 moratorium shall terminate with respect to a claim
18 of discrimination by a farmer on the earlier of—

19 “(A) the date the Secretary resolves the
20 claim; or

21 “(B) if the farmer appeals the decision of
22 the Secretary on the claim to a court of com-
23 petent jurisdiction, the date that the court ren-
24 ders a final decision on the claim.

1 “(4) FAILURE TO PREVAIL.—If a farmer does
2 not prevail on a claim of discrimination described in
3 paragraph (1), the farmer shall be liable for any in-
4 terest and offsets that accrued during the period
5 that loan acceleration or foreclosure proceedings
6 have been suspended under paragraph (1).

7 **“SEC. 3905. OIL AND GAS ROYALTY PAYMENTS ON LOANS.**

8 “(a) IN GENERAL.—The Secretary shall permit a
9 borrower of a loan made or guaranteed under this title
10 to make a prospective payment on the loan with proceeds
11 from—

12 “(1) the leasing of oil, gas, or other mineral
13 rights to real property used to secure the loan; or

14 “(2) the sale of oil, gas, or other minerals re-
15 moved from real property used to secure the loan, if
16 the value of the rights to the oil, gas, or other min-
17 erals has not been used to secure the loan.

18 “(b) APPLICABILITY.—Subsection (a) shall not apply
19 to a borrower of a loan made or guaranteed under this
20 title with respect to which a liquidation or foreclosure pro-
21 ceeding was pending on December 23, 1985.

22 **“SEC. 3906. TAXATION.**

23 “(a) IN GENERAL.—Except as provided in subsection
24 (b), all property subject to a lien held by the United States
25 or the title to which is acquired or held by the Secretary

1 under this title (other than property used for administra-
2 tive purposes) shall be subject to taxation by State, terri-
3 tory, district, and local political subdivisions in the same
4 manner and to the same extent as other property is taxed.

5 “(b) EXCEPTIONS.—No tax shall be imposed or col-
6 lected as described in subsection (a) if the tax (whether
7 as a tax on the instrument or in connection with con-
8 veying, transferring, or recording the instrument) is based
9 on—

10 “(1) the value of any notes or mortgages or
11 other lien instruments held by or transferred to the
12 Secretary;

13 “(2) any notes or lien instruments administered
14 under this title that are made, assigned, or held by
15 a person otherwise liable for the tax; or

16 “(3) the value of any property conveyed or
17 transferred to the Secretary.

18 “(c) FAILURE TO PAY OR COLLECT TAX.—The fail-
19 ure to pay or collect a tax under subsection (a) shall not—

20 “(1) be a ground for—

21 “(A) refusal to record or file an instru-
22 ment; or

23 “(B) failure to provide notice; or

24 “(2) prevent the enforcement of the instrument
25 in any Federal or State court.

1 **“SEC. 3907. CONFLICTS OF INTEREST.**

2 “(a) ACCEPTANCE OF CONSIDERATION PROHIB-
3 ITED.—No officer, attorney, or other employee of the De-
4 partment shall, directly or indirectly, be the beneficiary
5 of or receive any fee, commission, gift, or other consider-
6 ation for or in connection with any transaction or business
7 under this title other than such salary, fee, or other com-
8 pensation as the officer, attorney, or employee may receive
9 as the officer, attorney, or employee.

10 “(b) ACQUISITION OF INTEREST IN LAND PROHIB-
11 ITED.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), no officer or employee of the Department
14 who acts on or reviews an application made by any
15 person under this title for a loan to purchase land
16 may acquire, directly or indirectly, any interest in
17 the land for a period of 3 years after the date on
18 which the action is taken or the review is made.

19 “(2) FORMER COUNTY COMMITTEE MEM-
20 BERS.—Paragraph (1) shall not apply to a former
21 member of a county committee on a determination
22 by the Secretary, prior to the acquisition of the in-
23 terest, that the former member acted in good faith
24 when acting on or reviewing the application.

25 “(c) PENALTIES.—Any person violating this section
26 shall, on conviction of the violation, be punished by a fine

1 of not more than \$2,000 or imprisonment for not more
2 than 2 years, or both.

3 **“SEC. 3908. LOAN SUMMARY STATEMENTS.**

4 “(a) DEFINITION OF SUMMARY PERIOD.—In this
5 section, the term ‘summary period’ means the period be-
6 ginning on the date of issuance of the preceding loan sum-
7 mary statement and ending on the date of issuance of the
8 current loan summary statement.

9 “(b) ISSUANCE OF STATEMENTS.—On the request of
10 a borrower of a loan made (but not guaranteed) under
11 this title, the Secretary shall issue to the borrower a loan
12 summary statement that reflects the account activity dur-
13 ing the summary period for each loan made under this
14 title to the borrower, including—

15 “(1) the outstanding amount of principal due
16 on each loan at the beginning of the summary pe-
17 riod;

18 “(2) the interest rate charged on each loan;

19 “(3) the amount of payments made on, and the
20 application of the payments to, each loan during the
21 summary period and an explanation of the basis for
22 the application of the payments;

23 “(4) the amount of principal and interest due
24 on each loan at the end of the summary period;

1 “(5) the total amount of unpaid principal and
2 interest on all loans at the end of the summary pe-
3 riod;

4 “(6) any delinquency in the repayment of any
5 loan;

6 “(7) a schedule of the amount and date of pay-
7 ments due on each loan; and

8 “(8) the procedure the borrower may use to ob-
9 tain more information concerning the status of the
10 loans.

11 **“SEC. 3909. CERTIFIED LENDERS PROGRAM.**

12 “(a) CERTIFIED LENDERS PROGRAM.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish a program under which the Secretary shall
15 guarantee loans under this title that are made by
16 lending institutions certified by the Secretary.

17 “(2) CERTIFICATION REQUIREMENTS.—The
18 Secretary shall certify a lending institution that
19 meets such criteria as the Secretary may prescribe
20 in regulations, including the ability of the institution
21 to properly make, service, and liquidate the loans of
22 the institution.

23 “(3) CONDITION OF CERTIFICATION.—

24 “(A) IN GENERAL.—As a condition of the
25 certification, the Secretary shall require the in-

1 stitution to undertake to service the loans guar-
2 anteed by the Secretary under this section,
3 using standards that are not less stringent than
4 generally accepted banking standards con-
5 cerning loan servicing employed by prudent
6 commercial or cooperative lenders.

7 “(B) MONITORING.—The Secretary shall,
8 at least annually, monitor the performance of
9 each certified lender to ensure that the condi-
10 tions of the certification are being met.

11 “(4) EFFECT OF CERTIFICATION.—Notwith-
12 standing any other provision of law:

13 “(A) AMOUNT OF LOAN GUARANTEE.—In
14 the case of a loan made or guaranteed under
15 subtitle A, the Secretary shall guarantee not
16 more than 80 percent of a loan made under this
17 section by a certified lending institution as de-
18 scribed in paragraph (1), subject to a deter-
19 mination that the borrower of the loan meets
20 the eligibility requirements and such other cri-
21 teria as may be applicable to loans guaranteed
22 by the Secretary under other provisions of this
23 title.

24 “(B) CERTIFICATIONS BY LENDING INSTI-
25 TUTIONS.—In the case of loans to be guaran-

1 teed by the Secretary under this section, the
2 Secretary shall permit certified lending institu-
3 tions to make appropriate certifications (as pro-
4 vided by regulations issued by the Secretary)—

5 “(i) relating to issues such as credit-
6 worthiness, repayment ability, adequacy of
7 collateral, and feasibility of farm operation;
8 and

9 “(ii) that the borrower is in compli-
10 ance with all requirements of law, includ-
11 ing regulations issued by the Secretary.

12 “(C) APPROVAL PROCESS.—

13 “(i) IN GENERAL.—The Secretary
14 shall approve or disapprove a guarantee
15 not later than 14 days after the date that
16 the lending institution applies to the Sec-
17 retary for the guarantee.

18 “(ii) DISAPPROVAL.—If the Secretary
19 disapproves the loan application during the
20 14-day period, the Secretary shall state, in
21 writing, all of the reasons the application
22 was disapproved.

23 “(5) RELATIONSHIP TO OTHER REQUIRE-
24 MENTS.—Nothing in this section affects the respon-
25 sibility of the Secretary to certify eligibility, review

1 financial information, and otherwise assess an appli-
2 cation.

3 “(b) PREFERRED CERTIFIED LENDERS PROGRAM.—

4 “(1) IN GENERAL.—The Secretary shall estab-
5 lish a Preferred Certified Lenders Program for lend-
6 ers under this title who establish—

7 “(A) knowledge of, and experience under,
8 the program established under subsection (a);

9 “(B) knowledge of the regulations con-
10 cerning the guaranteed loan program; and

11 “(C) proficiency related to the certified
12 lender program requirements.

13 “(2) REVOCATION OF DESIGNATION.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), the designation of a lender as a Pre-
16 ferred Certified Lender shall be revoked at any
17 time—

18 “(i) that the Secretary determines
19 that the lender is not adhering to the rules
20 and regulations applicable to the program;
21 or

22 “(ii) if the loss experiences of a Pre-
23 ferred Certified Lender are excessive as
24 compared to other Preferred Certified
25 Lenders.

1 “(B) EFFECT.—A suspension or revocation
2 under subparagraph (A) shall not affect any
3 outstanding guarantee.

“(3) CONDITION OF CERTIFICATION.—As a condition of preferred certification, the Secretary shall require the institution to undertake to service the loans guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative lenders.

“(4) MONITORING.—The Secretary shall, at least annually, monitor the performance of each Preferred Certified Lender to ensure that the conditions of certification are being met.

15 “(5) EFFECT OF PREFERRED LENDER CERTIFI-
16 CATION.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, the Secretary shall—

“(i) guarantee not more than 80 per-
cent of an approved loan made by a cer-
tified lending institution as described in
this subsection, subject to a determination
that the borrower meets the eligibility re-
quirements or such other criteria as may
be applicable to loans guaranteed by the

1 Secretary under other provisions of this
2 title;

3 “(ii) permit certified lending institu-
4 tions—

5 “(I) to make all decisions, with
6 respect to loans to be guaranteed by
7 the Secretary under this subsection
8 relating to credit worthiness, the clos-
9 ing, monitoring, collection and liquida-
10 tion of loans; and

11 “(II) to accept appropriate cer-
12 tifications, as provided by regulations
13 issued by the Secretary, that the bor-
14 rower is in compliance with all re-
15 quirements of law or regulations pro-
16 mulgated by the Secretary; and

17 “(iii) be considered to have guaran-
18 teed 80 percent of a loan made by a pre-
19 ferred certified lending institution as de-
20 scribed in paragraph (1), if the Secretary
21 fails to approve or reject the application of
22 such institution within 14 calendar days
23 after the date that the lending institution
24 presented the application to the Secretary.

1 “(B) REQUIREMENT.—If the Secretary re-
2 jects an application under subparagraph (A)(iii)
3 during the 14-day period, the Secretary shall
4 state, in writing, the reasons the application
5 was rejected.

6 “(c) ADMINISTRATION OF CERTIFIED LENDERS AND
7 PREFERRED CERTIFIED LENDERS PROGRAMS.—The Sec-
8 retary may administer the loan guarantee programs under
9 subsections (a) and (b) through central offices established
10 in States or in multi-State areas.

11 **“SEC. 3910. LOANS TO RESIDENT ALIENS.**

12 “(a) IN GENERAL.—Notwithstanding the provisions
13 of this title limiting the making of a loan to a citizen of
14 the United States, the Secretary may make a loan under
15 this title to an alien lawfully admitted to the United States
16 for permanent residence under the Immigration and Na-
17 tionality Act (8 U.S.C. 1101 et seq.).

18 “(b) REGULATIONS.—

19 “(1) IN GENERAL.—No loan may be made
20 under this title to an alien referred to in subsection
21 (a) until the Secretary issues regulations estab-
22 lishing the terms and conditions under which the
23 alien may receive the loan.

24 “(2) REQUIREMENT.—The Secretary shall sub-
25 mit the regulations to the Committee on Agriculture

1 of the House of Representatives and the Committee
2 on Agriculture, Nutrition, and Forestry of the Sen-
3 ate at least 30 days prior to the date on which the
4 regulations are published in the Federal Register.

5 **“SEC. 3911. EXPEDITED CLEARING OF TITLE TO INVENTORY**
6 **PROPERTY.**

7 “(a) IN GENERAL.—The Secretary may employ local
8 attorneys, on a case-by-case basis, to process all legal pro-
9 cedures necessary to clear the title to foreclosed properties
10 in the inventory of the Department.

11 “(b) COMPENSATION.—Attorneys shall be com-
12 pensated at not more than the usual and customary
13 charges of the attorneys for the work.

14 **“SEC. 3912. TRANSFER OF LAND TO SECRETARY.**

15 “The President may at any time, in the discretion
16 of the President, transfer to the Secretary any right, inter-
17 est, or title held by the United States in any land acquired
18 in the program of national defense and no longer needed
19 for that purpose that the President finds suitable for the
20 purposes of this title, and the Secretary shall dispose of
21 the transferred land in the manner and subject to the
22 terms and conditions of this title.

23 **“SEC. 3913. COMPETITIVE SOURCING LIMITATIONS.**

24 “The Secretary may not complete a study of, or enter
25 into a contract with a private party to carry out, without

1 specific authorization in a subsequent Act of Congress, a
2 competitive sourcing activity of the Secretary, including
3 support personnel of the Department, relating to rural de-
4 velopment or farmer program loans.

5 **“SEC. 3914. REGULATIONS.**

6 “The Secretary may issue such regulations, prescribe
7 such terms and conditions for making or guaranteeing
8 loans, security instruments, and agreements, except as
9 otherwise specified in this title, and make such delegations
10 of authority as the Secretary considers necessary to carry
11 out this title.”.

12 **SEC. 6002. CONFORMING AMENDMENTS.**

13 (a) Section 17(c) of the Rural Electrification Act of
14 1936 (7 U.S.C. 917(c)) is amended by striking paragraph
15 (1) and inserting the following:

16 “(1) Subtitle B of the Consolidated Farm and
17 Rural Development Act.”.

18 (b) Section 305(c)(2)(B)(i)(I) of the Rural Elec-
19 trification Act of 1936 (7 U.S.C. 935(c)(2)(B)(i)(I)) is
20 amended by striking “section 307(a)(3)(A) of the Consoli-
21 dated Farm and Rural Development Act (7 U.S.C.
22 1927(a)(3)(A))” and inserting “section 3701(b)(2) of the
23 Consolidated Farm and Rural Development Act”.

1 (c) Section 306F(a)(1) of the Rural Electrification
2 Act of 1936 (7 U.S.C. 936f(a)(1)) is amended by striking
3 subparagraph (B) and inserting the following:

4 “(B) chapter 1 of subtitle B of the Con-
5 solidated Farm and Rural Development Act.”.

6 (d) Section 2333(d) of the Food, Agriculture, Con-
7 servation, and Trade Act of 1990 (7 U.S.C. 950aaa–2(d))
8 is amended—

9 (1) in paragraph (11), by adding “and” at the
10 end;

11 (2) by striking paragraph (12); and

12 (3) by redesignating paragraph (13) as para-
13 graph (12).

14 (e) Section 601(b) of the Rural Electrification Act
15 of 1936 (7 U.S.C. 950bb(b)) is amended by striking para-
16 graph (3).

17 (f) Section 602(5) of the Emergency Livestock Feed
18 Assistance Act of 1988 (7 U.S.C. 1471(5)) is amended
19 by striking “section 355(e)(1)(D)(ii) of the Consolidated
20 Farm and Rural Development Act (7 U.S.C.
21 1985(e)(1)(D)(ii))” and inserting “section 3409(c)(1)(A)
22 of the Consolidated Farm and Rural Development Act”.

23 (g) Section 508 of the Federal Crop Insurance Act
24 (7 U.S.C. 1508) is amended—

1 (1) in subsection (b)(7)(A), by striking “section
2 371 of the Consolidated Farm and Rural Develop-
3 ment Act (7 U.S.C. 2008f)” and inserting “section
4 3424 of the Consolidated Farm and Rural Develop-
5 ment Act”; and

6 (2) in subsection (n)(2), by striking “subtitle C
7 of the Consolidated Farm and Rural Development
8 Act (7 U.S.C. 1961 et seq.)” and inserting “chapter
9 3 of subtitle A of the Consolidated Farm and Rural
10 Development Act”.

11 (h) Section 231(a) of the Agricultural Risk Protec-
12 tion Act of 2000 (7 U.S.C. 1632a(a)) is amended—

13 (1) in paragraph (1), by striking “section
14 343(a) of the Consolidated Farm and Rural Develop-
15 ment Act (7 U.S.C. 1991(a))” and inserting “sec-
16 tion 3002 of the Consolidated Farm and Rural De-
17 velopment Act”; and

18 (2) in paragraph (4), by striking “section
19 355(e) of the Consolidated Farm and Rural Develop-
20 ment Act (7 U.S.C. 2003(e))” and inserting “sec-
21 tion 3002 of the Consolidated Farm and Rural De-
22 velopment Act”.

23 (i) Section 14204(a) of the Food, Conservation, and
24 Energy Act of 2008 (7 U.S.C. 2008q–1(a)) is amended
25 by striking “an entity described in section 379C(a) of the

1 Consolidated Farm and Rural Development Act (7 U.S.C.
2 2008q(a))” and inserting “an entity determined by the
3 Secretary”.

4 (j) Section 607(c)(6) of the Rural Development Pol-
5 icy Act of 1972 (7 U.S.C. 2204b(c)(6)) is amended in the
6 last sentence—

7 (1) by striking “, and” and inserting “and
8 any”; and

9 (2) by striking “required under section
10 306(a)(12) of the Consolidated Farm and Rural De-
11 velopment Act”.

12 (k) Section 901(b) of the Agricultural Act of 1970
13 (7 U.S.C. 2204b–1(b)) is amended by striking “rural
14 areas as defined in the private business enterprise excep-
15 tion in section 306(a)(7) of the Consolidated Farmers
16 Home Administration Act of 1961, as amended (7 U.S.C.
17 1926)” and inserting “rural areas, as defined in section
18 3002 of the Consolidated Farm and Rural Development
19 Act”.

20 (l) Section 14220 of the Food, Conservation, and En-
21 ergy Act of 2008 (7 U.S.C. 2206b) is amended by striking
22 “section 343(a)(13)(A) of the Consolidated Farm and
23 Rural Development Act)” and inserting “section 3002 of
24 the Consolidated Farm and Rural Development Act)”.

1 (m) Section 2501(c)(2)(D) of the Food, Agriculture,
2 Conservation, and Trade Act of 1990 (7 U.S.C.
3 2279(c)(2)(D)) is amended by striking “sections
4 355(a)(1) and 355(c) of the Consolidated Farm and Rural
5 Development Act (7 U.S.C. 2003(a)(1))” and inserting
6 “paragraphs (1) and (3) of section 3416(a) of the Consoli-
7 dated Farm and Rural Development Act”.

8 (n) Section 2501A(b) of the Food, Agriculture, Con-
9 servation, and Trade Act of 1990 (7 U.S.C. 2279–1(b))
10 is amended by striking “section 355(e) of the Consolidated
11 Farm and Rural Development Act (7 U.S.C. 2003(e))”
12 and inserting “section 3002 of the Consolidated Farm and
13 Rural Development Act”.

14 (o) Section 7405(c)(8)(B) of the Farm Security and
15 Rural Investment Act of 2002 (7 U.S.C. 3319f(c)(8)(B))
16 is amended by striking “section 355(e) of the Consolidated
17 Farm and Rural Development Act (7 U.S.C. 2003(e))”
18 and inserting “section 3002 of the Consolidated Farm and
19 Rural Development Act)”.

20 (p) Section 1101(d)(2)(A) of the Food, Conservation,
21 and Energy Act of 2008 (7 U.S.C. 8711(d)(2)(A)) is
22 amended by striking “section 355(e) of the Consolidated
23 Farm and Rural Development Act (7 U.S.C. 2003(e))”
24 and inserting “section 3002 of the Consolidated Farm and
25 Rural Development Act)”.

1 (q) Section 1302(d)(2)(A) of the Food, Conservation,
2 and Energy Act of 2008 (7 U.S.C. 8752(d)(2)(A)) is
3 amended by striking “section 355(e) of the Consolidated
4 Farm and Rural Development Act (7 U.S.C. 2003(e))”
5 and inserting “section 3002 of the Consolidated Farm and
6 Rural Development Act”.

7 (r) Section 2375(g) of the Food, Agriculture, Con-
8 servation, and Trade Act of 1990 (7 U.S.C. 6613(g)) is
9 amended by striking “section 304(b), 306(a), or 310B(e)
10 of the Consolidated Farm and Rural Development Act (7
11 U.S.C. 1924(b), 1926(a), and 1932(e))” and inserting
12 “subtitle B of the Consolidated Farm and Rural Develop-
13 ment Act”.

14 (s) Section 226B(a)(1) of the Department of Agri-
15 culture Reorganization Act of 1994 (7 U.S.C. 6934(a)(1))
16 is amended by striking “section 343(a) of the Consolidated
17 Farm and Rural Development Act (7 U.S.C. 1991(a))”
18 and inserting “section 3002 of the Consolidated Farm and
19 Rural Development Act”.

20 (t) Section 196(i)(3)(B) of the Federal Agriculture
21 Improvement and Reform Act of 1996 (7 U.S.C.
22 7333(i)(3)(B)) is amended by striking “subtitle C of the
23 Consolidated Farm and Rural Development Act (7 U.S.C.
24 1961 et seq.)” and inserting “chapter 3 of subtitle A of
25 the Consolidated Farm and Rural Development Act”.

1 (u) Section 9009(a)(1) of the Farm Security and
2 Rural Investment Act of 2002 (7 U.S.C. 8109(a)(1)) is
3 amended by striking “section 343(a)(13)(A) of the Con-
4 solidated Farm and Rural Development Act (7 U.S.C.
5 1991(a)(13)(A)))” and inserting “section 3002 of the
6 Consolidated Farm and Rural Development Act”.

7 (v) Section 9011(c)(2)(B)(v) of the Farm Security
8 and Rural Investment Act of 2002 (7 U.S.C.
9 8111(c)(2)(B)(v)) is amended by striking subclause (I)
10 and inserting the following:

11 “(I) beginning farmers (as de-
12 fined in accordance with section 3002
13 of the Consolidated Farm and Rural
14 Development Act); or”.

15 (w) Section 7(b)(2)(B) of the Small Business Act (15
16 U.S.C. 636(b)(2)(B)) is amended by striking “section 321
17 of the Consolidated Farm and Rural Development Act (7
18 U.S.C. 1961)” and inserting “section 3301 of the Consoli-
19 dated Farm and Rural Development Act”.

20 (x) Section 8(b)(5)(B)(iii)(III)(bb) of the Soil Con-
21 servation and Domestic Allotment Act (16 U.S.C.
22 590h(b)(5)(B)(iii)(III)(bb)) is amended by striking “sec-
23 tion 355(e)(1) of the Consolidated Farm and Rural Devel-
24 opment Act (7 U.S.C. 2003(e)(1))” and inserting “section

1 3002 of the Consolidated Farm and Rural Development
2 Act)”.
3

4 (y) Section 10(b)(3) of the Cooperative Forestry As-
5 sistance Act of 1978 (16 U.S.C. 2106(b)(3)) is amended
6 in the last sentence by striking “set out in the first clause
7 of section 306(a)(7) of the Consolidated Farm and Rural
8 Development Act” and inserting “given the term in sec-
9 tion 3002 of the Consolidated Farm and Rural Develop-
ment Act”.

10 (z) Section 1201(a)(2) of the Food Security Act of
11 1985 (16 U.S.C. 3801(a)(2)) is amended by striking “sec-
12 tion 343(a)(8) of the Consolidated Farm and Rural Devel-
13 opment Act (7 U.S.C. 1991(a)(8))” and inserting “section
14 3002 of the Consolidated Farm and Rural Development
15 Act”.

16 (aa) Section 1238(2) of the Food Security Act of
17 1985 (16 U.S.C. 3838(2)) is amended by striking “section
18 343(a) of the Consolidated Farm and Rural Development
19 Act (7 U.S.C. 1991(a))” and inserting “section 3002 of
20 the Consolidated Farm and Rural Development Act”.

21 (bb) Section 5 of Public Law 91–229 (25 U.S.C. 492)
22 is amended by striking “section 307(a)(3)(B) of the Con-
23 solidated Farmers Home Administration Act of 1961, as
24 amended, and to the provisions of subtitle D of that Act
25 except sections 340, 341, 342, and 343” and inserting

1 “3105(b)(2) of the Consolidated Farm and Rural Develop-
2 ment Act”.

3 (cc) Section 6(c) of Public Law 91–229 (25 U.S.C.
4 493(c)) is amended by striking “section 333B of the Con-
5 solidated Farm and Rural Development Act (7 U.S.C.
6 1983b)” and inserting “subtitle H of the Department of
7 Agriculture Reorganization Act of 1994 (7 U.S.C. 6991
8 et seq.)”.

9 (dd) Section 181(a)(2)(B)(ii) of the Internal Revenue
10 Code of 1986 is amended by striking “section 2009aa–
11 1 of title 7, United States Code” and inserting “section
12 3801 of the Consolidated Farm and Rural Development
13 Act”.

14 (ee) Section 515(b)(3) of the Housing Act of 1949
15 (42 U.S.C. 1485(b)(3)) is amended by striking “all the
16 provisions of section 309 and the second and third sen-
17 tences of section 308 of the Consolidated Farmers Home
18 Administration Act of 1961, including the authority in
19 section 309(f)(1) of that Act” and inserting “section 3401
20 of the Consolidated Farm and Rural Development Act”.

21 (ff) Section 517(b) of the Housing Act of 1949 (42
22 U.S.C. 1487(b)) is amended in the third sentence by strik-
23 ing “(7 U.S.C. 1929)” and inserting “under section 3401
24 of the Consolidated Farm and Rural Development Act”.

1 (gg) Section 3(8) of the Public Works and Economic
2 Development Act of 1965 (42 U.S.C. 3122(8)) is amend-
3 ed—

4 (1) by striking subparagraph (B) and inserting
5 the following:

6 “(B) the Delta Regional Authority estab-
7 lished under chapter 4 of subtitle B of the Con-
8 solidated Farm and Rural Development Act;”;
9 and

10 (2) by striking subparagraph (D) and inserting
11 the following:

12 “(D) the Northern Great Plains Regional
13 Authority established under chapter 5 of sub-
14 title B of the Consolidated Farm and Rural De-
15 velopment Act.”.

16 (hh) Section 310(a) of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5153(a)) is amended by striking paragraph (4) and insert-
19 ing the following:

20 “(4) Chapter 1 of subtitle B of the Consoli-
21 dated Farm and Rural Development Act.”.

22 (ii) Section 582(d)(1) of the National Flood Insur-
23 ance Reform Act of 1994 (42 U.S.C. 5154a(d)(1)) is
24 amended by striking “section 321(a) of the Consolidated
25 Farm and Rural Development Act (7 U.S.C. 1961(a))”

1 and inserting “section 3301(b) of the Consolidated Farm
2 and Rural Development Act”.

3 (jj) Section 213(c)(1) of the Biomass Energy and Al-
4 cohol Fuels Act of 1980 (42 U.S.C. 8813(c)(1)) is amend-
5 ed in the first sentence by striking “section 309 of the
6 Consolidated Farm and Rural Development Act or the
7 Rural Development Insurance Fund in section 309A of
8 such Act” and inserting “under section 3401 of the Con-
9 solidated Farm and Rural Development Act or the Rural
10 Development Insurance Fund under section 3704 of that
11 Act”.

12 (kk) Section 1323(b)(2) of the Food Security Act of
13 1985 (Public Law 99–198; 7 U.S.C. 1932 note) is amend-
14 ed—

15 (1) in subparagraph (A), by inserting “and” at
16 the end;

17 (2) in subparagraph (B), by striking “; and” at
18 the end and inserting a period; and

19 (3) by striking subparagraph (C).

20 **Subtitle B—Rural Electrification**

21 **SEC. 6101. DEFINITION OF RURAL AREA.**

22 Section 13(3) of the Rural Electrification Act of 1936
23 (7 U.S.C. 913(A)) is amended by striking subparagraph
24 (A) and inserting the following:

1 “(A) any area described in section
2 3002(28)(A)(i) of the Consolidated Farm and
3 Rural Development Act; and”.

4 **SEC. 6102. GUARANTEES FOR BONDS AND NOTES ISSUED**
5 **FOR ELECTRIFICATION OR TELEPHONE PUR-**
6 **POSES.**

7 Section 313A(f) of the Rural Electrification Act of
8 1936 (7 U.S.C. 940c–1(f)) is amended by striking “2012”
9 and inserting “2018”.

10 **SEC. 6103. EXPANSION OF 911 ACCESS.**

11 Section 315(d) of the Rural Electrification Act of
12 1936 (7 U.S.C. 940e(d)) is amended by striking “2012”
13 and inserting “2018”.

14 **SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS**
15 **SERVICES IN RURAL AREAS.**

16 Section 601 of the Rural Electrification Act of 1936
17 (7 U.S.C. 950bb) is amended—

18 (1) in subsection (a), by striking “loans and”
19 and inserting “grants, loans, and”;

20 (2) in subsection (b), by striking paragraph (3)
21 and inserting the following:

22 “(3) RURAL AREA.—The term ‘rural area’
23 means any area described in section 3002 of the
24 Consolidated Farm and Rural Development Act.”;

25 (3) in subsection (c)—

1 (A) in the subsection heading, by striking
2 “LOANS AND” and inserting “GRANTS, LOANS,
3 AND”;

4 (B) in paragraph (1), by inserting “make
5 grants and” after “Secretary shall”;

6 (C) by striking paragraph (2) and insert-
7 ing the following:

8 “(2) PRIORITY.—

9 “(A) IN GENERAL.—In making grants,
10 loans, or loan guarantees under paragraph (1),
11 the Secretary shall—

12 “(i) establish not less than 2, and not
13 more than 4, evaluation periods for each
14 fiscal year to compare grant, loan, and
15 loan guarantee applications and to
16 prioritize grants, loans, and loan guaran-
17 tees to all or part of rural communities
18 that do not have residential broadband
19 service that meets the minimum acceptable
20 level of broadband service established
21 under subsection (e);

22 “(ii) give the highest priority to appli-
23 cants that offer to provide broadband serv-
24 ice to the greatest proportion of unserved
25 rural households or rural households that

1 do not have residential broadband service
2 that meets the minimum acceptable level of
3 broadband service established under sub-
4 section (e), as—

5 “(I) certified by the affected
6 community, city, county, or designee;
7 or

8 “(II) demonstrated on—

9 “(aa) the broadband map of
10 the affected State if the map con-
11 tains address-level data; or

12 “(bb) the National
13 Broadband Map if address-level
14 data is unavailable; and

15 “(iii) provide equal consideration to
16 all qualified applicants, including those
17 that have not previously received grants,
18 loans, or loan guarantees under paragraph
19 (1).

20 “(B) OTHER.—After giving priority to the
21 applicants described in subparagraph (A), the
22 Secretary shall then give priority to projects
23 that serve rural communities—

24 “(i) with a population of less than
25 20,000 permanent residents;

1 “(ii) experiencing outmigration;

2 “(iii) with a high percentage of low-in-
3 come residents; and

4 “(iv) that are isolated from other sig-
5 nificant population centers.”; and

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

7 “(3) GRANT AMOUNTS.—

8 “(A) ELIGIBILITY.—To be eligible for a
9 grant under this section, the project that is the
10 subject of the grant shall be carried out in a
11 rural area.

12 “(B) MAXIMUM.—Except as provided in
13 subparagraph (D), the amount of any grant
14 made under this section shall not exceed 50
15 percent of the development costs of the project
16 for which the grant is provided.

17 “(C) GRANT RATE.—The Secretary shall
18 establish the grant rate for each project in ac-
19 cordance with regulations issued by the Sec-
20 retary that shall provide for a graduated scale
21 of grant rates that establish higher rates for
22 projects in communities that have—

23 “(i) remote locations;

24 “(ii) low community populations;

25 “(iii) low income levels;

1 “(iv) developed the applications of the
2 communities with the participation of com-
3 binations of stakeholders, including—

4 “(I) State, local, and tribal gov-
5 ernments;

6 “(II) nonprofit institutions;

7 “(III) institutions of higher edu-
8 cation;

9 “(IV) private entities; and

10 “(V) philanthropic organizations;

11 and

12 “(v) targeted funding to provide the
13 minimum acceptable level of broadband
14 service established under subsection (e) in
15 all or part of an unserved community that
16 is below that minimum acceptable level of
17 broadband service.

18 “(D) SECRETARIAL AUTHORITY TO AD-
19 JUST.—The Secretary may make grants of up
20 to 75 percent of the development costs of the
21 project for which the grant is provided to an el-
22 igible entity if the Secretary determines that
23 the project serves a remote or low income area
24 that does not have access to broadband service

1 from any provider of broadband service (includ-
2 ing the applicant).”;

3 (4) in subsection (d)—

4 (A) in paragraph (1)(A)—

5 (i) in the matter preceding clause (i),
6 by striking “loan or” and inserting “grant,
7 loan, or”;

8 (ii) by striking clause (i) and inserting
9 the following:

10 “(i) demonstrate the ability to fur-
11 nish, improve in order to meet the min-
12 imum acceptable level of broadband service
13 established under subsection (e), or extend
14 broadband service to all or part of an
15 unserved rural area or an area below the
16 minimum acceptable level of broadband
17 service established under subsection (e);”;

18 (iii) in clause (ii), by striking “a loan
19 application” and inserting “an applica-
20 tion”; and

21 (iv) in clause (iii)—

22 (I) by striking “the loan applica-
23 tion” and inserting “the application”;
24 and

1 (II) by striking “proceeds from
2 the loan made or guaranteed under
3 this section are” and inserting “as-
4 sistance under this section is”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in the matter preceding clause

8 (i)—

9 (aa) by striking “the pro-
10 ceeds of a loan made or guaran-
11 teed” and inserting “assistance”;
12 and

13 (bb) by striking “for the
14 loan or loan guarantee” and in-
15 serting “of the eligible entity”;

16 (II) in clause (i), by striking “is
17 offered broadband service by not more
18 than 1 incumbent service provider”
19 and inserting “are unserved or have
20 service levels below the minimum ac-
21 ceptable level of broadband service es-
22 tablished under subsection (e)”; and

23 (III) in clause (ii), by striking
24 “3” and inserting “2”;

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(B) ADJUSTMENTS.—

4 “(i) INCREASE.—The Secretary may
5 increase the household percentage require-
6 ment under subparagraph (A)(i) if—

7 “(I) more than 25 percent of the
8 costs of the project are funded by
9 grants made under this section; or

10 “(II) the proposed service terri-
11 tory includes 1 or more communities
12 with a population in excess of 20,000.

13 “(ii) REDUCTION.—The Secretary
14 may reduce the household percentage re-
15 quirement under subparagraph (A)(i)—

16 “(I) to not less than 15 percent,
17 if the proposed service territory does
18 not have a population in excess of
19 5,000 people; or

20 “(II) to not less than 18 percent,
21 if the proposed service territory does
22 not have a population in excess of
23 7,500 people.”; and

24 (iii) in subparagraph (C)—

1 (I) in the subparagraph heading,
2 by striking “3” and inserting “2”; and

3 (II) in clause (i), by inserting
4 “the minimum acceptable level of
5 broadband service established under
6 subsection (e) in” after “service to”;

7 (C) in paragraph (3)—

8 (i) in subparagraph (A), by striking
9 “loan or” and inserting “grant, loan, or”;
10 and

11 (ii) in subparagraph (B), by adding at
12 the end the following:

13 “(iii) INFORMATION.—Information
14 submitted under this subparagraph shall
15 be—

16 “(I) certified by the affected
17 community, city, county, or designee;
18 and

19 “(II) demonstrated on—

20 “(aa) the broadband map of
21 the affected State if the map con-
22 tains address-level data; or

23 “(bb) the National
24 Broadband Map if address-level
25 data is unavailable.”;

1 (D) in paragraph (4)—

2 (i) by striking “Subject to paragraph
3 (1),” and inserting the following:

4 “(A) IN GENERAL.—Subject to paragraph
5 (1) and subparagraph (B),”;

6 (ii) by striking “loan or” and insert-
7 ing “grant, loan, or”; and

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

10 “(B) PILOT PROGRAMS.—The Secretary
11 may carry out pilot programs in conjunction
12 with interested entities described in subpara-
13 graph (A) (which may be in partnership with
14 other entities, as determined appropriate by the
15 Secretary) to address areas that are unserved
16 or have service levels below the minimum ac-
17 ceptable level of broadband service established
18 under subsection (e).”;

19 (E) in paragraph (5)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “loan or” and in-
22 serting “grant, loan, or”; and

23 (ii) in subparagraph (C), by inserting
24 “, and proportion relative to the service
25 territory,” after “estimated number”;

1 (F) in paragraph (6), by striking “loan or”
2 and inserting “grant, loan, or”;

3 (G) in paragraph (7), by striking “a loan
4 application” and inserting “an application”;
5 and

6 (H) by adding at the end the following:

7 “(8) TRANSPARENCY AND REPORTING.—The
8 Secretary—

9 “(A) shall require any entity receiving as-
10 sistance under this section to submit quarterly,
11 in a format specified by the Secretary, a report
12 that describes—

13 “(i) the use by the entity of the assist-
14 ance, including new equipment and capac-
15 ity enhancements that support high-speed
16 broadband access for educational institu-
17 tions, health care providers, and public
18 safety service providers (including the esti-
19 mated number of end users who are cur-
20 rently using or forecasted to use the new
21 or upgraded infrastructure); and

22 “(ii) the progress towards fulfilling
23 the objectives for which the assistance was
24 granted, including—

1 “(I) the number and location of
2 residences and businesses that will re-
3 ceive new broadband service, existing
4 network service improvements, and fa-
5 cility upgrades resulting from the
6 Federal assistance;

7 “(II) the speed of broadband
8 service;

9 “(III) the price of broadband
10 service;

11 “(IV) any changes in broadband
12 service adoption rates, including new
13 subscribers generated from demand-
14 side projects; and

15 “(V) any other metrics the Sec-
16 retary determines to be appropriate;

17 “(B) shall maintain a fully searchable
18 database, accessible on the Internet at no cost
19 to the public, that contains, at a minimum—

20 “(i) a list of each entity that has ap-
21 plied for assistance under this section;

22 “(ii) a description of each application,
23 including the status of each application;

24 “(iii) for each entity receiving assist-
25 ance under this section—

1 “(I) the name of the entity;

2 “(II) the type of assistance being
3 received;

4 “(III) the purpose for which the
5 entity is receiving the assistance; and

6 “(IV) each quarterly report sub-
7 mitted under subparagraph (A); and

8 “(iv) such other information as is suf-
9 ficient to allow the public to understand
10 and monitor assistance provided under this
11 section;

12 “(C) shall, in addition to other authority
13 under applicable law, establish written proce-
14 dures for all broadband programs administered
15 by the Secretary that, to the maximum extent
16 practicable—

17 “(i) recover funds from loan defaults;

18 “(ii)(I) deobligate awards to grantees
19 that demonstrate an insufficient level of
20 performance (including failure to meet
21 build-out requirements, service quality
22 issues, or other metrics determined by the
23 Secretary) or wasteful or fraudulent spend-
24 ing; and

1 “(II) award those funds, on a com-
2 petitive basis, to new or existing applicants
3 consistent with this section; and

4 “(iii) consolidate and minimize overlap
5 among the programs;

6 “(D) with respect to an application for as-
7 sistance under this section, shall—

8 “(i) promptly post on the website of
9 the Rural Utility Service—

10 “(I) an announcement that iden-
11 tifies—

12 “(aa) each applicant;

13 “(bb) the amount and type
14 of support requested by each ap-
15 plicant; and

16 “(II) a list of the census block
17 groups or proposed service territory,
18 in a manner specified by the Sec-
19 retary, that the applicant proposes to
20 service;

21 “(ii) provide not less than 15 days for
22 broadband service providers to voluntarily
23 submit information about the broadband
24 services that the providers offer in the
25 groups or tracts listed under clause (i)(II)

1 so that the Secretary may assess whether
2 the applications submitted meet the eligi-
3 bility requirements under this section; and

4 “(iii) if no broadband service provider
5 submits information under clause (ii), con-
6 sider the number of providers in the group
7 or tract to be established by reference to—

8 “(I) the most current National
9 Broadband Map of the National Tele-
10 communications and Information Ad-
11 ministration; or

12 “(II) any other data regarding
13 the availability of broadband service
14 that the Secretary may collect or ob-
15 tain through reasonable efforts; and

16 “(E) may establish additional reporting
17 and information requirements for any recipient
18 of any assistance under this section so as to en-
19 sure compliance with this section.”;

20 (5) in subsection (e)—

21 (A) by redesignating paragraph (2) as
22 paragraph (3); and

23 (B) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 for purposes of this section, the minimum acceptable
3 level of broadband service for a rural area shall be
4 at least—

5 “(A) a 4-Mbps downstream transmission
6 capacity; and

7 “(B) a 1-Mbps upstream transmission ca-
8 pacity.

9 “(2) ADJUSTMENTS.—

10 “(A) IN GENERAL.—At least once every 2
11 years, the Secretary shall review, and may ad-
12 just, the minimum acceptable level of
13 broadband service established under paragraph
14 (1) to ensure that high quality, cost-effective
15 broadband service is provided to rural areas
16 over time.

17 “(B) CONSIDERATIONS.—In making an
18 adjustment to the minimum acceptable level of
19 broadband service under subparagraph (A), the
20 Secretary may consider establishing different
21 transmission rates for fixed broadband service
22 and mobile broadband service.”;

23 (6) in subsection (f), by striking “make a loan
24 or loan guarantee” and inserting “provide assist-
25 ance”;

1 (7) in subsection (g), by striking paragraph (2)
2 and inserting the following:

3 “(2) TERMS.—In determining the term and
4 conditions of a loan or loan guarantee, the Secretary
5 may—

6 “(A) consider whether the recipient would
7 be serving an area that is unserved; and

8 “(B) if the Secretary makes a determina-
9 tion in the affirmative under subparagraph (A),
10 establish a limited initial deferral period or
11 comparable terms necessary to achieve the fi-
12 nancial feasibility and long-term sustainability
13 of the project.”;

14 (8) in subsection (j)—

15 (A) in the matter preceding paragraph (1),
16 by striking “loan and loan guarantee”;

17 (B) in paragraph (1)—

18 (i) by inserting “grants and” after
19 “number of”; and

20 (ii) by inserting “, including any loan
21 terms or conditions for which the Secretary
22 provided additional assistance to unserved
23 areas” before the semicolon at the end;

24 (C) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “loan”; and

3 (ii) in subparagraph (B), by striking
4 “loans and” and inserting “grants, loans,
5 and”;

6 (D) in paragraph (3), by striking “loan”;

7 (E) in paragraph (5), by striking “and” at
8 the end;

9 (F) in paragraph (6), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (G) by adding at the end the following:

12 “(7) the overall progress towards fulfilling the
13 goal of improving the quality of rural life by expand-
14 ing rural broadband access, as demonstrated by
15 metrics, including—

16 “(A) the number of residences and busi-
17 nesses receiving new broadband services;

18 “(B) network improvements, including fa-
19 cility upgrades and equipment purchases;

20 “(C) average broadband speeds and prices
21 on a local and statewide basis;

22 “(D) any changes in broadband adoption
23 rates; and

24 “(E) any specific activities that increased
25 high speed broadband access for educational in-

1 stitutions, health care providers. and public
2 safety service providers.”; and

3 (9) by redesignating subsections (k) and (l) as
4 subsections (l) and (m), respectively;

5 (10) by inserting after subsection (j) the fol-
6 lowing:

7 “(k) BROADBAND BUILDOUT DATA.—

8 “(1) IN GENERAL.—As a condition of receiving
9 a grant, loan, or loan guarantee under this section,
10 a recipient of assistance shall provide to the Sec-
11 retary address-level broadband buildout data that in-
12 dicates the location of new broadband service that is
13 being provided or upgraded within the service terri-
14 tory supported by the grant, loan, or loan guar-
15 antee—

16 “(A) for purposes of inclusion in the semi-
17 annual updates to the National Broadband Map
18 that is managed by the National Telecommuni-
19 cations and Information Administration (re-
20 ferred to in this subsection as the ‘Administra-
21 tion’); and

22 “(B) not later than 30 days after the ear-
23 lier of—

1 “(i) the date of completion of any
2 project milestone established by the Sec-
3 retary; or

4 “(ii) the date of completion of the
5 project.

6 “(2) ADDRESS-LEVEL DATA.—Effective begin-
7 ning on the date the Administration receives data
8 described in paragraph (1), the Administration shall
9 use only address-level broadband buildout data for
10 the National Broadband Map.

11 “(3) CORRECTIONS.—

12 “(A) IN GENERAL.—The Secretary shall
13 submit to the Administration any correction to
14 the National Broadband Map that is based on
15 the actual level of broadband coverage within
16 the rural area, including any requests for a cor-
17 rection from an elected or economic develop-
18 ment official.

19 “(B) INCORPORATION.—Not later than 30
20 days after the date on which the Administration
21 receives a correction submitted under subpara-
22 graph (A), the Administration shall incorporate
23 the correction into the National Broadband
24 Map.

1 “(C) USE.—If the Secretary has submitted
2 a correction to the Administration under sub-
3 paragraph (A), but the National Broadband
4 Map has not been updated to reflect the correct
5 by the date on which the Secretary is making
6 a grant or loan award decision under this sec-
7 tion, the Secretary may use the correction sub-
8 mitted under that subparagraph for purposes of
9 make the grant or loan award decision.”;

10 (11) subsection (l) (as redesignated by para-
11 graph (9))—

12 (A) in paragraph (1)—

13 (i) by striking “\$25,000,000” and in-
14 serting “\$50,000,000”; and

15 (ii) by striking “2012” and inserting
16 “2018”; and

17 (B) in paragraph (2)(A)—

18 (i) in clause (i), by striking “and” at
19 the end;

20 (ii) in clause (ii), by striking the pe-
21 riod at the end and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(iii) set aside at least 1 percent to be
25 used for—

1 “(I) conducting oversight under
2 this section; and

3 “(II) implementing accountability
4 measures and related activities au-
5 thorized under this section.”; and

6 (12) in subsection (m) (as redesignated by
7 paragraph (9))—

8 (A) by striking “loan or” and inserting
9 “grant, loan, or”; and

10 (B) by striking “2012” and inserting
11 “2018”.

12 **Subtitle C—Miscellaneous**

13 **SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
15 2335A of the Food, Agriculture, Conservation, and Trade
16 Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking
17 “2012” and inserting “2018”.

18 (b) CONFORMING AMENDMENT.—Section 1(b) of
19 Public Law 102–551 (7 U.S.C. 950aaa note) is amended
20 by striking “2012” and inserting “2018”.

21 **SEC. 6202. DEFINITION OF RURAL AREA FOR PURPOSES OF** 22 **THE HOUSING ACT OF 1949.**

23 The second sentence of section 520 of the Housing
24 Act of 1949 (42 U.S.C. 1490) is amended—

1 (1) by striking “1990 or 2000 decennial census
2 shall continue to be so classified until the receipt of
3 data from the decennial census in the year 2010”
4 and inserting “1990, 2000, or 2010 decennial cen-
5 sus, and any area deemed to be a ‘rural area’ for
6 purposes of this title under any other provision of
7 law at any time during the period beginning Janu-
8 ary 1, 2000, and ending December 31, 2010, shall
9 continue to be so classified until the receipt of data
10 from the decennial census in the year 2020”; and
11 (2) by striking “25,000” and inserting
12 “35,000”.

13 **SEC. 6203. RURAL ENERGY SAVINGS PROGRAM.**

14 Subtitle E of title VI of the Farm Security and Rural
15 Investment Act of 2002 (Public Law 107–171; 116 Stat.
16 424) is amended by adding at the end the following:

17 **“SEC. 6407. RURAL ENERGY SAVINGS PROGRAM.**

18 “(a) PURPOSE.—The purpose of this section is to cre-
19 ate jobs, promote rural development, and help rural fami-
20 lies and small businesses achieve cost savings by providing
21 loans to qualified consumers to implement durable cost-
22 effective energy efficiency measures.

23 “(b) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) any public power district, public util-
2 ity district, or similar entity, or any electric co-
3 operative described in section 501(c)(12) or
4 1381(a)(2) of the Internal Revenue Code of
5 1986, that borrowed and repaid, prepaid, or is
6 paying an electric loan made or guaranteed by
7 the Rural Utilities Service (or any predecessor
8 agency);

9 “(B) any entity primarily owned or con-
10 trolled by 1 or more entities described in sub-
11 paragraph (A); or

12 “(C) any other entity that is an eligible
13 borrower of the Rural Utility Service, as deter-
14 mined under section 1710.101 of title 7, Code
15 of Federal Regulations (or a successor regula-
16 tion).

17 “(2) ENERGY EFFICIENCY MEASURES.—The
18 term ‘energy efficiency measures’ means, for or at
19 property served by an eligible entity, structural im-
20 provements and investments in cost-effective, com-
21 mercial technologies to increase energy efficiency.

22 “(3) QUALIFIED CONSUMER.—The term ‘quali-
23 fied consumer’ means a consumer served by an eligi-
24 ble entity that has the ability to repay a loan made

1 under subsection (d), as determined by the eligible
2 entity.

3 “(4) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Agriculture, acting through the Ad-
5 ministrator of the Rural Utilities Service.

6 “(c) LOANS TO ELIGIBLE ENTITIES.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary shall make loans to eligible entities
9 that agree to use the loan funds to make loans to
10 qualified consumers for the purpose of implementing
11 energy efficiency measures.

12 “(2) REQUIREMENTS.—

13 “(A) IN GENERAL.—As a condition of re-
14 ceiving a loan under this subsection, an eligible
15 entity shall—

16 “(i) establish a list of energy effi-
17 ciency measures that is expected to de-
18 crease energy use or costs of qualified con-
19 sumers;

20 “(ii) prepare an implementation plan
21 for use of the loan funds, including use of
22 any interest to be received pursuant to
23 subsection (d)(1)(A);

24 “(iii) provide for appropriate measure-
25 ment and verification to ensure—

1 “(I) the effectiveness of the en-
2 ergy efficiency loans made by the eli-
3 gible entity; and

4 “(II) that there is no conflict of
5 interest in carrying out this section;
6 and

7 “(iv) demonstrate expertise in effec-
8 tive use of energy efficiency measures at
9 an appropriate scale.

10 “(B) REVISION OF LIST OF ENERGY EFFI-
11 CIENCY MEASURES.—Subject to the approval of
12 the Secretary, an eligible entity may update the
13 list required under subparagraph (A)(i) to ac-
14 count for newly available efficiency technologies.

15 “(C) EXISTING ENERGY EFFICIENCY PRO-
16 GRAMS.—An eligible entity that, at any time be-
17 fore the date that is 60 days after the date of
18 enactment of this section, has established an
19 energy efficiency program for qualified con-
20 sumers may use an existing list of energy effi-
21 ciency measures, implementation plan, or meas-
22 urement and verification system of that pro-
23 gram to satisfy the requirements of subpara-
24 graph (A) if the Secretary determines the list,

1 plan, or systems are consistent with the pur-
2 poses of this section.

3 “(3) NO INTEREST.—A loan under this sub-
4 section shall bear no interest.

5 “(4) REPAYMENT.—With respect to a loan
6 under paragraph (1)—

7 “(A) the term shall not exceed 20 years
8 from the date on which the loan is closed; and

9 “(B) except as provided in paragraph (6),
10 the repayment of each advance shall be amor-
11 tized for a period not to exceed 10 years.

12 “(5) AMOUNT OF ADVANCES.—Any advance of
13 loan funds to an eligible entity in any single year
14 shall not exceed 50 percent of the approved loan
15 amount.

16 “(6) SPECIAL ADVANCE FOR START-UP ACTIVI-
17 TIES.—

18 “(A) IN GENERAL.—In order to assist an
19 eligible entity in defraying the appropriate
20 start-up costs (as determined by the Secretary)
21 of establishing new programs or modifying ex-
22 isting programs to carry out subsection (d), the
23 Secretary shall allow an eligible entity to re-
24 quest a special advance.

1 “(B) AMOUNT.—No eligible entity may re-
2 ceive a special advance under this paragraph
3 for an amount that is greater than 4 percent of
4 the loan amount received by the eligible entity
5 under paragraph (1).

6 “(C) REPAYMENT.—Repayment of the spe-
7 cial advance—

8 “(i) shall be required during the 10-
9 year period beginning on the date on which
10 the special advance is made; and

11 “(ii) at the election of the eligible en-
12 tity, may be deferred to the end of the 10-
13 year period.

14 “(7) LIMITATION.—All special advances shall be
15 made under a loan described in paragraph (1) dur-
16 ing the first 10 years of the term of the loan.

17 “(d) LOANS TO QUALIFIED CONSUMERS.—

18 “(1) TERMS OF LOANS.—Loans made by an eli-
19 gible entity to qualified consumers using loan funds
20 provided by the Secretary under subsection (c)—

21 “(A) may bear interest, not to exceed 3
22 percent, to be used for purposes that include—

23 “(i) to establish a loan loss reserve;
24 and

1 “(ii) to offset personnel and program
2 costs of eligible entities to provide the
3 loans;

4 “(B) shall finance energy efficiency meas-
5 ures for the purpose of decreasing energy usage
6 or costs of the qualified consumer by an
7 amount that ensures, to the maximum extent
8 practicable, that a loan term of not more than
9 10 years will not pose an undue financial bur-
10 den on the qualified consumer, as determined
11 by the eligible entity;

12 “(C) shall not be used to fund purchases
13 of, or modifications to, personal property unless
14 the personal property is or becomes attached to
15 real property (including a manufactured home)
16 as a fixture;

17 “(D) shall be repaid through charges
18 added to the electric bill for the property for, or
19 at which, energy efficiency measures are or will
20 be implemented, on the condition that this re-
21 quirement does not prohibit—

22 “(i) the voluntary prepayment of a
23 loan by the owner of the property; or

24 “(ii) the use of any additional repay-
25 ment mechanisms that are—

1 “(I) demonstrated to have appro-
2 priate risk mitigation features, as de-
3 termined by the eligible entity; or

4 “(II) required if the qualified
5 consumer is no longer a customer of
6 the eligible entity; and

7 “(E) shall require an energy audit by an
8 eligible entity to determine the impact of pro-
9 posed energy efficiency measures on the energy
10 costs and consumption of the qualified con-
11 sumer.

12 “(2) CONTRACTORS.—In addition to any other
13 qualified general contractor, eligible entities may
14 serve as general contractors.

15 “(e) CONTRACT FOR MEASUREMENT AND
16 VERIFICATION, TRAINING, AND TECHNICAL ASSIST-
17 ANCE.—

18 “(1) IN GENERAL.—Not later than 90 days
19 after the date of enactment of this section, the Sec-
20 retary—

21 “(A) shall establish a plan for measure-
22 ment and verification, training, and technical
23 assistance of the program; and

24 “(B) may enter into 1 or more contracts
25 with a qualified entity for the purposes of—

1 “(i) providing measurement and
2 verification activities; and

3 “(ii) developing a program to provide
4 technical assistance and training to the
5 employees of eligible entities to carry out
6 this section.

7 “(2) USE OF SUBCONTRACTORS AUTHOR-
8 IZED.—A qualified entity that enters into a contract
9 under paragraph (1) may use subcontractors to as-
10 sist the qualified entity in carrying out the contract.

11 “(f) FAST START DEMONSTRATION PROJECTS.—

12 “(1) IN GENERAL.—The Secretary shall offer to
13 enter into agreements with eligible entities (or
14 groups of eligible entities) that have energy effi-
15 ciency programs described in subsection (c)(2)(C) to
16 establish an energy efficiency loan demonstration
17 projects consistent with the purposes of this section.

18 “(2) EVALUATION CRITERIA.—In determining
19 which eligible entities to award loans under this sec-
20 tion, the Secretary shall take into consideration eligi-
21 ble entities that—

22 “(A) implement approaches to energy au-
23 dits and investments in energy efficiency meas-
24 ures that yield measurable and predictable sav-
25 ings;

1 “(B) use measurement and verification
2 processes to determine the effectiveness of en-
3 ergy efficiency loans made by eligible entities;

4 “(C) include training for employees of eli-
5 gible entities, including any contractors of such
6 entities, to implement or oversee the activities
7 described in subparagraphs (A) and (B);

8 “(D) provide for the participation of a ma-
9 jority of eligible entities in a State;

10 “(E) reduce the need for generating capac-
11 ity;

12 “(F) provide efficiency loans to—

13 “(i) in the case of a single eligible en-
14 tity, not fewer than 20,000 consumers; or

15 “(ii) in the case of a group of eligible
16 entities, not fewer than 80,000 consumers;
17 and

18 “(G) serve areas in which, as determined
19 by the Secretary, a large percentage of con-
20 sumers reside—

21 “(i) in manufactured homes; or

22 “(ii) in housing units that are more
23 than 50 years old.

24 “(3) DEADLINE FOR IMPLEMENTATION.—To
25 the maximum extent practicable, the Secretary shall

1 enter into agreements described in paragraph (1) by
2 not later than 90 days after the date of enactment
3 of this section.

4 “(4) EFFECT ON AVAILABILITY OF LOANS NA-
5 TIONALLY.—Nothing in this subsection shall delay
6 the availability of loans to eligible entities on a na-
7 tional basis beginning not later than 180 days after
8 the date of enactment of this section.

9 “(5) ADDITIONAL DEMONSTRATION PROJECT
10 AUTHORITY.—

11 “(A) IN GENERAL.—The Secretary may
12 conduct demonstration projects in addition to
13 the project required by paragraph (1).

14 “(B) INAPPLICABILITY OF CERTAIN CRI-
15 TERIA.—The additional demonstration projects
16 may be carried out without regard to subpara-
17 graphs (D), (F), or (G) of paragraph (2).

18 “(g) ADDITIONAL AUTHORITY.—The authority pro-
19 vided in this section is in addition to any other authority
20 of the Secretary to offer loans under any other law.

21 “(h) EFFECTIVE PERIOD.—Subject to the availability
22 of funds and except as otherwise provided in this section,
23 the loans and other expenditures required to be made
24 under this section shall be available until expended, with

1 the Secretary authorized to make new loans as loans are
2 repaid.

3 “(i) REGULATIONS.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, not later than 180 days
6 after the date of enactment of this section, the Sec-
7 retary shall promulgate such regulations as are nec-
8 essary to implement this section.

9 “(2) PROCEDURE.—The promulgation of the
10 regulations and administration of this section shall
11 be made without regard to—

12 “(A) the Statement of Policy of the Sec-
13 retary of Agriculture effective July 24, 1971
14 (36 Fed. Reg. 13804), relating to notices of
15 proposed rulemaking and public participation in
16 rulemaking; and

17 “(B) chapter 35 of title 44, United States
18 Code (commonly known as the ‘Paperwork Re-
19 duction Act’).

20 “(3) CONGRESSIONAL REVIEW OF AGENCY
21 RULEMAKING.—In carrying out this section, the Sec-
22 retary shall use the authority provided under section
23 808 of title 5, United States Code.

24 “(4) INTERIM REGULATIONS.—Notwithstanding
25 paragraphs (1) and (2), to the extent regulations are

1 necessary to carry out any provision of this section,
2 the Secretary shall implement such regulations
3 through the promulgation of an interim rule.”.

4 **SEC. 6204. FUNDING OF PENDING RURAL DEVELOPMENT**
5 **LOAN AND GRANT APPLICATIONS.**

6 (a) IN GENERAL.—The Secretary shall use funds
7 made available under subsection (b) to provide funds for
8 applications that are pending on the date of enactment
9 of this Act in accordance with the terms and conditions
10 of section 6029 of the Food, Conservation, and Energy
11 Act of 2008 (Public Law 110–246; 122 Stat. 1955).

12 (b) FUNDING.—Notwithstanding any other provision
13 of law, beginning in fiscal year 2014, of the funds of the
14 Commodity Credit Corporation, the Secretary shall use to
15 carry out this section \$50,000,000, to remain available
16 until expended.

17 **SEC. 6205. STUDY OF RURAL TRANSPORTATION ISSUES.**

18 (a) IN GENERAL.—The Secretary and the Secretary
19 of Transportation shall jointly conduct a study of trans-
20 portation issues regarding the movement of agricultural
21 products, domestically produced renewable fuels, and do-
22 mestically produced resources for the production of elec-
23 tricity for rural areas of the United States, and economic
24 development in those areas.

1 (b) INCLUSIONS.—The study shall include an exam-
2 ination of—

3 (1) the importance of freight transportation, in-
4 cluding rail, truck, and barge, to—

5 (A) the delivery of equipment, seed, fer-
6 tilizer, and other products important to the de-
7 velopment of agricultural commodities and
8 products;

9 (B) the movement of agricultural commod-
10 ities and products to market;

11 (C) the delivery of ethanol and other re-
12 newable fuels;

13 (D) the delivery of domestically produced
14 resources for use in the generation of electricity
15 for rural areas;

16 (E) the location of grain elevators, ethanol
17 plants, and other facilities;

18 (F) the development of manufacturing fa-
19 cilities in rural areas; and

20 (G) the vitality and economic development
21 of rural communities;

22 (2) the sufficiency in rural areas of transpor-
23 tation capacity, the sufficiency of competition in the
24 transportation system, the reliability of transpor-

1 tation services, and the reasonableness of transpor-
2 tation rates;

3 (3) the sufficiency of facility investment in rural
4 areas necessary for efficient and cost-effective trans-
5 portation; and

6 (4) the accessibility to shippers in rural areas
7 of Federal processes for the resolution of grievances
8 arising within various transportation modes.

9 (c) REPORT TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this Act, the Secretary and
11 the Secretary of Transportation shall submit a report to
12 Congress that contains the results of the study required
13 under subsection (a).

14 (d) PERIODIC UPDATES.—The Secretary and the
15 Secretary of Transportation shall publish triennially an
16 updated version of the study described in subsection (a).

17 **SEC. 6206. AGRICULTURAL TRANSPORTATION POLICY.**

18 Section 203 of the Agricultural Marketing Act of
19 1946 (7 U.S.C. 1622) is amended by striking subsection
20 (j) and inserting the following:

21 “(j) POLICY DEVELOPMENT PROCEEDINGS.—The
22 Secretary shall participate on behalf of the interests of ag-
23 riculture and rural America in all policy development pro-
24 ceedings or other proceedings of the Surface Transpor-

1 tation Board that may establish freight rail transportation
2 policy affecting agriculture and rural America.”.

3 **TITLE VII—RESEARCH, EXTEN-**
4 **SION, AND RELATED MAT-**
5 **TERS**

6 **Subtitle A—National Agricultural**
7 **Research, Extension, and Teach-**
8 **ing Policy Act of 1977**

9 **SEC. 7101. NATIONAL AGRICULTURAL RESEARCH, EXTEN-**
10 **SION, EDUCATION, AND ECONOMICS ADVI-**
11 **SORY BOARD.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1408(h) of the National Agricultural Research, Extension,
14 and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is
15 amended by striking “2012” and inserting “2018”.

16 (b) DUTIES OF NATIONAL AGRICULTURAL RE-
17 SEARCH, EXTENSION, EDUCATION, AND ECONOMICS AD-
18 VISORY BOARD.—Section 1408(c) of the National Agricul-
19 tural Research, Extension, and Teaching Policy Act of
20 1977 (7 U.S.C. 3123(c)) is amended—

21 (1) in paragraph (3), by striking “and” at the
22 end;

23 (2) in paragraph (4)(C), by striking the period
24 at the end and inserting “; and”; and

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

1 “(5) consult with industry groups on agricul-
2 tural research, extension, education, and economics,
3 and make recommendations to the Secretary based
4 on that consultation.”.

5 **SEC. 7102. SPECIALTY CROP COMMITTEE.**

6 Section 1408A of the National Agricultural Research,
7 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
8 3123a) is amended—

9 (1) in subsection (b)—

10 (A) by striking “Individuals” and inserting
11 the following:

12 “(1) ELIGIBILITY.—Individuals”;

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

15 “(2) SERVICE.—Members”; and

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

17 “(3) DIVERSITY.—Membership of the specialty
18 crops committee shall reflect diversity in the spe-
19 cialty crops represented.”;

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

22 “(6) Analysis of alignment of specialty crop
23 committee recommendations with specialty crop re-
24 search initiative grants awarded under section

1 412(d) of the Agricultural Research, Extension, and
2 Education Reform Act of 1998 (7 U.S.C. 7632).”;

3 (3) by redesignating subsections (d) and (e) as
4 subsections (e) and (f), respectively;

5 (4) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) CONSULTATION WITH SPECIALTY CROP INDUS-
8 TRY.—In studying the scope and effectiveness of programs
9 under subsection (a), the specialty crops committee shall
10 consult on an ongoing basis with diverse sectors of the
11 specialty crop industry.”; and

12 (5) in subsection (f) (as redesignated by para-
13 graph (3)), by striking “subsection (d)” and insert-
14 ing “subsection (e)”.

15 **SEC. 7103. VETERINARY SERVICES GRANT PROGRAM.**

16 The National Agricultural Research, Extension, and
17 Teaching Policy Act of 1977 is amended by inserting after
18 section 1415A (7 U.S.C. 3151a) the following:

19 **“SEC. 1415B. VETERINARY SERVICES GRANT PROGRAM.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) QUALIFIED ENTITY.—The term ‘qualified
22 entity’ means—

23 “(A) a for-profit or nonprofit entity located
24 in the United States that operates a veterinary
25 clinic providing veterinary services—

1 “(i) in a rural area, as defined in sec-
2 tion 343(a) of the Consolidated Farm and
3 Rural Development Act (7 U.S.C.
4 1991(a)); and

5 “(ii) in response to a veterinarian
6 shortage situation;

7 “(B) a State, national, allied, or regional
8 veterinary organization or specialty board rec-
9 ognized by the American Veterinary Medical
10 Association;

11 “(C) a college or school of veterinary medi-
12 cine accredited by the American Veterinary
13 Medical Association;

14 “(D) a university research foundation or
15 veterinary medical foundation;

16 “(E) a department of veterinary science or
17 department of comparative medicine accredited
18 by the Department of Education;

19 “(F) a State agricultural experiment sta-
20 tion; and

21 “(G) a State, local, or tribal government
22 agency.

23 “(2) VETERINARIAN SHORTAGE SITUATION.—
24 The term ‘veterinarian shortage situation’ means a

1 veterinarian shortage situation determined by the
2 Secretary under section 1415A(b).

3 “(b) ESTABLISHMENT OF PROGRAM.—

4 “(1) COMPETITIVE GRANTS.—The Secretary
5 shall carry out a program to make competitive
6 grants to qualified entities that carry out programs
7 or activities described in paragraph (2) for the pur-
8 pose of developing, implementing, and sustaining
9 veterinary services.

10 “(2) ELIGIBILITY REQUIREMENTS.—To be eligi-
11 ble to receive a grant described in paragraph (1), a
12 qualified entity shall carry out programs or activities
13 that the Secretary determines will—

14 “(A) substantially relieve veterinarian
15 shortage situations;

16 “(B) support or facilitate private veteri-
17 nary practices engaged in public health activi-
18 ties; or

19 “(C) support or facilitate the practices of
20 veterinarians who are participating in or have
21 successfully completed a service requirement
22 under section 1415A(a)(2).

23 “(c) AWARD PROCESSES AND PREFERENCES.—

1 “(1) APPLICATION, EVALUATION, AND INPUT
2 PROCESSES.—In administering the grant program
3 under this section, the Secretary shall—

4 “(A) use an appropriate application and
5 evaluation process, as determined by the Sec-
6 retary; and

7 “(B) seek the input of interested persons.

8 “(2) GRANT PREFERENCES.—In selecting re-
9 cipients of grants to be used for any of the purposes
10 described in paragraphs (2) through (6) of sub-
11 section (d), the Secretary shall give a preference to
12 qualified entities that provide documentation of co-
13 ordination with other qualified entities, with respect
14 to any such purpose.

15 “(3) ADDITIONAL PREFERENCES.—In awarding
16 grants under this section, the Secretary may develop
17 additional preferences by taking into account the
18 amount of funds available for grants and the pur-
19 poses for which the grant funds will be used.

20 “(4) APPLICABILITY OF OTHER PROVISIONS.—
21 Sections 1413B, 1462(a), 1469(a)(3), 1469(c), and
22 1470 apply to the administration of the grant pro-
23 gram under this section.

24 “(d) USE OF GRANTS TO RELIEVE VETERINARIAN
25 SHORTAGE SITUATIONS AND SUPPORT VETERINARY

1 SERVICES.—A qualified entity may use funds provided by
2 grants under this section to relieve veterinarian shortage
3 situations and support veterinary services for the following
4 purposes:

5 “(1) To assist veterinarians with establishing or
6 expanding practices for the purpose of—

7 “(A) equipping veterinary offices;

8 “(B) sharing in the reasonable overhead
9 costs of the practices, as determined by the Sec-
10 retary; or

11 “(C) establishing mobile veterinary facili-
12 ties in which a portion of the facilities will ad-
13 dress education or extension needs.

14 “(2) To promote recruitment (including for pro-
15 grams in secondary schools), placement, and reten-
16 tion of veterinarians, veterinary technicians, stu-
17 dents of veterinary medicine, and students of veteri-
18 nary technology.

19 “(3) To allow veterinary students, veterinary in-
20 terns, externs, fellows, and residents, and veterinary
21 technician students to cover expenses (other than
22 the types of expenses described in 1415A(c)(5)) to
23 attend training programs in food safety or food ani-
24 mal medicine.

1 “(4) To establish or expand accredited veteri-
2 nary education programs (including faculty recruit-
3 ment and retention), veterinary residency and fellow-
4 ship programs, or veterinary internship and
5 externship programs carried out in coordination with
6 accredited colleges of veterinary medicine.

7 “(5) To assess veterinarian shortage situations
8 and the preparation of applications submitted to the
9 Secretary for designation as a veterinarian shortage
10 situation under section 1415A(b).

11 “(6) To provide continuing education and ex-
12 tension, including veterinary telemedicine and other
13 distance-based education, for veterinarians, veteri-
14 nary technicians, and other health professionals
15 needed to strengthen veterinary programs and en-
16 hance food safety.

17 “(e) SPECIAL REQUIREMENTS FOR CERTAIN
18 GRANTS.—

19 “(1) TERMS OF SERVICE REQUIREMENTS.—

20 “(A) IN GENERAL.—Grants provided
21 under this section for the purpose specified in
22 subsection (d)(1) shall be subject to an agree-
23 ment between the Secretary and the grant re-
24 cipient that includes a required term of service

1 for the recipient, as established by the Sec-
2 retary.

3 “(B) CONSIDERATIONS.—In establishing a
4 term of service under subparagraph (A), the
5 Secretary shall consider only—

6 “(i) the amount of the grant awarded;
7 and

8 “(ii) the specific purpose of the grant.

9 “(2) BREACH REMEDIES.—

10 “(A) IN GENERAL.—An agreement under
11 paragraph (1) shall provide remedies for any
12 breach of the agreement by the grant recipient,
13 including repayment or partial repayment of the
14 grant funds, with interest.

15 “(B) WAIVER.—The Secretary may grant
16 a waiver of the repayment obligation for breach
17 of contract if the Secretary determines that the
18 grant recipient demonstrates extreme hardship
19 or extreme need.

20 “(C) TREATMENT OF AMOUNTS RECOV-
21 ERED.—Funds recovered under this paragraph
22 shall—

23 “(i) be credited to the account avail-
24 able to carry out this section; and

25 “(ii) remain available until expended.

1 “(f) COST-SHARING REQUIREMENTS.—

2 “(1) RECIPIENT SHARE.—Subject to paragraph
3 (2), to be eligible to receive a grant under this sec-
4 tion, a qualified entity shall provide matching non-
5 Federal funds, either in cash or in-kind support, in
6 an amount equal to not less than 25 percent of the
7 Federal funds provided by the grant.

8 “(2) WAIVER.—The Secretary may establish, by
9 regulation, conditions under which the cost-sharing
10 requirements of paragraph (1) may be reduced or
11 waived.

12 “(g) PROHIBITION ON USE OF GRANT FUNDS FOR
13 CONSTRUCTION.—Funds made available for grants under
14 this section may not be used—

15 “(1) to construct a new building or facility; or

16 “(2) to acquire, expand, remodel, or alter an ex-
17 isting building or facility, including site grading and
18 improvement and architect fees.

19 “(h) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this section, the Secretary shall pro-
21 mulgate regulations to carry out this section.

22 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$10,000,000 for fiscal year 2014 and each

1 fiscal year thereafter, to remain available until ex-
2 pended.”.

3 **SEC. 7104. GRANTS AND FELLOWSHIPS FOR FOOD AND AG-**
4 **RICULTURE SCIENCES EDUCATION.**

5 Section 1417(m) of the National Agricultural Re-
6 search, Extension, and Teaching Policy Act of 1977 (7
7 U.S.C. 3152(m)) is amended by striking “section
8 \$60,000,000” and all that follows and inserting the fol-
9 lowing: “section—

10 “(1) \$60,000,000 for each of fiscal years 1990
11 through 2013; and

12 “(2) \$40,000,000 for each of fiscal years 2014
13 through 2018.”.

14 **SEC. 7105. AGRICULTURAL AND FOOD POLICY RESEARCH**
15 **CENTERS.**

16 Section 1419A of the National Agricultural Research,
17 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
18 3155) is amended—

19 (1) in the section heading, by inserting “**AGRI-**
20 **CULTURAL AND FOOD**” before “**POLICY**”;

21 (2) in subsection (a), in the matter preceding
22 paragraph (1)—

23 (A) by striking “Secretary may” and in-
24 serting “Secretary shall, acting through the Of-
25 fice of the Chief Economist,”; and

1 (B) by inserting “with a history of pro-
2 viding unbiased, nonpartisan economic analysis
3 to Congress” after “subsection (b)”;

4 (3) in subsection (b), by striking “other re-
5 search institutions” and all that follows through
6 “shall be eligible” and inserting “other public re-
7 search institutions and organizations shall be eligi-
8 ble”;

9 (4) in subsection (c)—

10 (A) in the matter preceding paragraph (1),
11 by inserting “, with preference given to policy
12 research centers having extensive databases,
13 models, and demonstrated experience in pro-
14 viding Congress with agricultural market pro-
15 jections, rural development analysis, agricul-
16 tural policy analysis, and baseline projections at
17 the farm, multiregional, national, and inter-
18 national levels , including information, analysis,
19 and research relating to drought mitigation,”
20 after “with this section”; and

21 (B) in paragraph (2), by inserting “ap-
22 plied” after “theoretical”; and

23 (5) by striking subsection (d) and inserting the
24 following:

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$10,000,000 for fiscal year 2013 and each fiscal year
4 thereafter.”.

5 **SEC. 7106. EDUCATION GRANTS TO ALASKA NATIVE SERV-**
6 **ING INSTITUTIONS AND NATIVE HAWAIIAN**
7 **SERVING INSTITUTIONS.**

8 Section 1419B of the National Agricultural Research,
9 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
10 3156) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “(or
13 grants without regard to any requirement for
14 competition)”; and

15 (B) in paragraph (3), by striking “2012”
16 and inserting “2018”; and

17 (2) in subsection (b)(1), by striking “(or grants
18 without regard to any requirement for competi-
19 tion)”; and

20 (3) in paragraph (3), by striking “2012” and
21 inserting “2018”.

22 **SEC. 7107. NUTRITION EDUCATION PROGRAM.**

23 Section 1425(f) of the National Agricultural Re-
24 search, Extension, and Teaching Policy Act of 1977 (7

1 U.S.C. 3175(f)) is amended by striking “2012” and in-
2 serting “2018”.

3 **SEC. 7108. CONTINUING ANIMAL HEALTH AND DISEASE RE-**
4 **SEARCH PROGRAMS.**

5 Section 1433 of the National Agricultural Research,
6 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
7 3195) is amended by striking the section designation and
8 heading and all that follows through subsection (a) and
9 inserting the following:

10 **“SEC. 1433. APPROPRIATIONS FOR CONTINUING ANIMAL**
11 **HEALTH AND DISEASE RESEARCH PRO-**
12 **GRAMS.**

13 “(a) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There are authorized to be
15 appropriated to support continuing animal health
16 and disease research programs at eligible institutions
17 such sums as are necessary, but not to exceed
18 \$25,000,000 for each of fiscal years 1991 through
19 2018.

20 “(2) USE OF FUNDS.—Funds made available
21 under this section shall be used—

22 “(A) to meet the expenses of conducting
23 animal health and disease research, publishing
24 and disseminating the results of such research,
25 and contributing to the retirement of employees

1 subject to the Act of March 4, 1940 (7 U.S.C.
2 331);

3 “(B) for administrative planning and di-
4 rection; and

5 “(C) to purchase equipment and supplies
6 necessary for conducting research described in
7 subparagraph (A).”.

8 **SEC. 7109. GRANTS TO UPGRADE AGRICULTURAL AND**
9 **FOOD SCIENCES FACILITIES AT 1890 LAND-**
10 **GRANT COLLEGES, INCLUDING TUSKEGEE**
11 **UNIVERSITY.**

12 Section 1447(b) of the National Agricultural Re-
13 search, Extension, and Teaching Policy Act of 1977 (7
14 U.S.C. 3222b(b)) is amended by striking “2012” and in-
15 serting “2018”.

16 **SEC. 7110. GRANTS TO UPGRADE AGRICULTURAL AND**
17 **FOOD SCIENCES FACILITIES AND EQUIP-**
18 **MENT AT INSULAR AREA LAND-GRANT INSTI-**
19 **TUTIONS.**

20 Section 1447B(d) of the National Agricultural Re-
21 search, Extension, and Teaching Policy Act of 1977 (7
22 U.S.C. 3222b–2(d)) is amended by striking “2012” and
23 inserting “2018”.

1 **SEC. 7111. HISPANIC-SERVING INSTITUTIONS.**

2 Section 1455(c) of the National Agricultural Re-
3 search, Extension, and Teaching Policy Act of 1977 (7
4 U.S.C. 3241(c)) is amended by striking “2012” and in-
5 serting “2018”.

6 **SEC. 7112. COMPETITIVE GRANTS FOR INTERNATIONAL AG-**
7 **RICULTURAL SCIENCE AND EDUCATION PRO-**
8 **GRAMS.**

9 Section 1459A of the National Agricultural Research,
10 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
11 3292b) is amended by striking subsection (c) and insert-
12 ing the following:

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this sec-
15 tion—

16 “(1) such sums as are necessary for each of fis-
17 cal years 1999 through 2013; and

18 “(2) \$5,000,000 for each of fiscal years 2014
19 through 2018.”.

20 **SEC. 7113. UNIVERSITY RESEARCH.**

21 Section 1463 of the National Agricultural Research,
22 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
23 3311) is amended in each of subsections (a) and (b) by
24 striking “2012” each place it appears and inserting
25 “2018”.

1 **SEC. 7114. EXTENSION SERVICE.**

2 Section 1464 of the National Agricultural Research,
3 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
4 3312) is amended by striking “2012” and inserting
5 “2018”.

6 **SEC. 7115. SUPPLEMENTAL AND ALTERNATIVE CROPS.**

7 (a) AUTHORIZATION OF APPROPRIATIONS AND TER-
8 MINATION.—Section 1473D of the National Agricultural
9 Research, Extension, and Teaching Policy Act of 1977 (7
10 U.S.C. 3319d) is amended—

11 (1) in subsection (a), by striking “2012” and
12 inserting “2018”; and

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

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this sec-
16 tion—

17 “(1) such sums as are necessary for each of fis-
18 cal years 2012 and 2013; and

19 “(2) \$1,000,000 for each of fiscal years 2014
20 through 2018.”.

21 (b) COMPETITIVE GRANTS.—Section 1473D(c)(1) of
22 the National Agricultural Research, Extension, and
23 Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(1)) is
24 amended by striking “use such research funding, special
25 or competitive grants, or other means, as the Secretary
26 determines,” and inserting “make competitive grants”.

1 **SEC. 7116. CAPACITY BUILDING GRANTS FOR NLGCA INSTI-**
2 **TUTIONS.**

3 Section 1473F(b) of the National Agricultural Re-
4 search, Extension, and Teaching Policy Act of 1977 (7
5 U.S.C. 3319i(b)) is amended by striking “2012” and in-
6 serting “2018”.

7 **SEC. 7117. AQUACULTURE ASSISTANCE PROGRAMS.**

8 (a) COMPETITIVE GRANTS.—Section 1475(b) of the
9 National Agricultural Research, Extension, and Teaching
10 Policy Act of 1977 (7 U.S.C. 3322(b)) is amended in the
11 matter preceding paragraph (1) by inserting “competi-
12 tive” before “grants”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
14 1477 of the National Agricultural Research, Extension,
15 and Teaching Policy Act of 1977 (7 U.S.C. 3324) is
16 amended to read as follows:

17 **“SEC. 1477. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) IN GENERAL.—There are authorized to be ap-
19 propriated to carry out this subtitle—

20 “(1) \$7,500,000 for each of fiscal years 1991
21 through 2013; and

22 “(2) \$5,000,000 for each of fiscal years 2014
23 through 2018.

24 “(b) PROHIBITION ON USE.—Funds made available
25 under this section may not be used to acquire or construct
26 a building.”.

1 **SEC. 7118. RANGELAND RESEARCH PROGRAMS.**

2 Section 1483(a) of the National Agricultural Re-
3 search, Extension, and Teaching Policy Act of 1977 (7
4 U.S.C. 3336(a)) is amended by striking “subtitle” and all
5 that follows and inserting the following: “subtitle—

6 “(1) \$10,000,000 for each of fiscal years 1991
7 through 2013; and

8 “(2) \$2,000,000 for each of fiscal years 2014
9 through 2018.”.

10 **SEC. 7119. SPECIAL AUTHORIZATION FOR BIOSECURITY**
11 **PLANNING AND RESPONSE.**

12 Section 1484(a) of the National Agricultural Re-
13 search, Extension, and Teaching Policy Act of 1977 (7
14 U.S.C. 3351(a)) is amended by striking “response such
15 sums as are necessary” and all that follows and inserting
16 the following: “response—

17 “(1) such sums as are necessary for each of fis-
18 cal years 2002 through 2013; and

19 “(2) \$20,000,000 for each of fiscal years 2014
20 through 2018.”.

21 **SEC. 7120. DISTANCE EDUCATION AND RESIDENT INSTRU-**
22 **CTION GRANTS PROGRAM FOR INSULAR AREA**
23 **INSTITUTIONS OF HIGHER EDUCATION.**

24 (a) DISTANCE EDUCATION GRANTS FOR INSULAR
25 AREAS.—

1 (1) COMPETITIVE GRANTS.—Section 1490(a) of
2 the National Agricultural Research, Extension, and
3 Teaching Policy Act of 1977 (7 U.S.C. 3362(a)) is
4 amended by striking “or noncompetitive”.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—
6 Section 1490(f) of the National Agricultural Re-
7 search, Extension, and Teaching Policy Act of 1977
8 (7 U.S.C. 3362(f)) is amended by striking “section”
9 and all that follows and inserting the following: “sec-
10 tion—

11 “(1) such sums as are necessary for each of fis-
12 cal years 2002 through 2013; and

13 “(2) \$2,000,000 for each of fiscal years 2014
14 through 2018.”.

15 (b) RESIDENT INSTRUCTION GRANTS FOR INSULAR
16 AREAS.—Section 1491(c) of the National Agricultural Re-
17 search, Extension, and Teaching Policy Act of 1977 (7
18 U.S.C. 3363(c)) is amended by striking “such sums as
19 are necessary” and all that follows and inserting the fol-
20 lowing: “to carry out this section—

21 “(1) such sums as are necessary for each of fis-
22 cal years 2002 through 2013; and

23 “(2) \$2,000,000 for each of fiscal years 2014
24 through 2018.”.

1 **Subtitle B—Food, Agriculture, Con-**
2 **servation, and Trade Act of 1990**

3 **SEC. 7201. BEST UTILIZATION OF BIOLOGICAL APPLICA-**
4 **TIONS.**

5 Section 1624 of the Food, Agriculture, Conservation,
6 and Trade Act of 1990 (7 U.S.C. 5814) is amended—

7 (1) by striking “\$40,000,000 for each fiscal
8 year”; and

9 (2) by inserting “\$40,000,000 for each of fiscal
10 years 2014 through 2018” after “chapter”.

11 **SEC. 7202. INTEGRATED MANAGEMENT SYSTEMS.**

12 Section 1627 of the Food, Agriculture, Conservation,
13 and Trade Act of 1990 (7 U.S.C. 5821) is amended by
14 striking subsection (d) and inserting the following:

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 through the National Institute of Food and Agriculture
18 \$20,000,000 for each of fiscal years 2014 through 2018.”.

19 **SEC. 7203. SUSTAINABLE AGRICULTURE TECHNOLOGY DE-**
20 **VELOPMENT AND TRANSFER PROGRAM.**

21 Section 1628 of the Food, Agriculture, Conservation,
22 and Trade Act of 1990 (7 U.S.C. 5831) is amended by
23 striking subsection (f) and inserting the following:

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

1 such sums as are necessary for each of fiscal years 2014
2 through 2018.”.

3 **SEC. 7204. NATIONAL TRAINING PROGRAM.**

4 Section 1629 of the Food, Agriculture, Conservation,
5 and Trade Act of 1990 (7 U.S.C. 5832) is amended by
6 striking subsection (i) and inserting the following:

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out the National
9 Training Program \$20,000,000 for each of fiscal years
10 2014 through 2018.”.

11 **SEC. 7205. NATIONAL GENETICS RESOURCES PROGRAM.**

12 Section 1635(b) of the Food, Agriculture, Conserva-
13 tion, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amend-
14 ed—

15 (1) by striking “such funds as may be nec-
16 essary”; and

17 (2) by striking “subtitle” and all that follows
18 and inserting the following: “subtitle—

19 “(1) such sums as are necessary for each of fis-
20 cal years 1991 through 2013; and

21 “(2) \$1,000,000 for each of fiscal years 2014
22 through 2018.”.

1 **SEC. 7206. NATIONAL AGRICULTURAL WEATHER INFORMA-**
2 **TION SYSTEM.**

3 Section 1641(c) of the Food, Agriculture, Conserva-
4 tion, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amend-
5 ed by inserting “and \$1,000,000 for each of fiscal years
6 2014 through 2018” before the period at the end.

7 **SEC. 7207. AGRICULTURAL GENOME INITIATIVE.**

8 Section 1671(c) of the Food, Agriculture, Conserva-
9 tion, and Trade Act of 1990 (7 U.S.C. 5924(c)) is amend-
10 ed by adding at the end the following:

11 “(3) CONSORTIA.—The Secretary shall encour-
12 age awards under this section to consortia of eligible
13 entities.”.

14 **SEC. 7208. HIGH-PRIORITY RESEARCH AND EXTENSION INI-**
15 **TIATIVES.**

16 Section 1672 of the Food, Agriculture, Conservation,
17 and Trade Act of 1990 (7 U.S.C. 5925) is amended—

18 (1) in the first sentence of subsection (a), by
19 striking “subsections (e) through (i) of”;

20 (2) in subsection (b)(2)—

21 (A) by striking the first sentence and in-
22 serting the following:

23 “(A) IN GENERAL.—To facilitate the mak-
24 ing of research and extension grants under sub-
25 section (d), the Secretary may appoint a task

1 force to make recommendations to the Sec-
2 retary.”; and

3 (B) in the second sentence, by striking
4 “The Secretary may not incur costs in excess of
5 \$1,000 for any fiscal year in connection with
6 each” and inserting the following:

7 “(B) COSTS.—The Secretary may not
8 incur costs in excess of \$1,000 for any fiscal
9 year in connection with a”;

10 (3) in subsection (e)—

11 (A) by striking paragraphs (1) through
12 (5), (7), (8), (11) through (39), (41) through
13 (43), (47), (48), (51), and (52);

14 (B) by redesignating paragraphs (6), (9),
15 (10), (40), (44), (45), (46), (49), and (50) as
16 paragraphs (1), (2), (3), (4), (5), (6), (7), (8),
17 and (9), respectively; and

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

19 “(10) CORN, SOYBEAN MEAL, CEREAL GRAINS,
20 AND GRAIN BYPRODUCTS RESEARCH AND EXTEN-
21 SION.—Research and extension grants may be made
22 under this section for the purpose of carrying out or
23 enhancing research to improve the digestibility, nu-
24 tritional value, and efficiency of use of corn, soybean

1 meal, cereal grains, and grain byproducts for the
2 poultry and food animal production industries.”;

3 (4) by striking subsections (f), (g), and (i);

4 (5) by inserting after subsection (e) the fol-
5 lowing:

6 “(f) PULSE HEALTH INITIATIVE.—

7 “(1) DEFINITIONS.—In this subsection;

8 “(A) INITIATIVE.—The term ‘Initiative’
9 means the pulse health initiative established by
10 paragraph (2).

11 “(B) PULSE.—The term ‘pulse’ means dry
12 beans, dry peas, lentils, and chickpeas or
13 garbanzo beans.

14 “(2) ESTABLISHMENT.—Notwithstanding any
15 other provision of law, during the period beginning
16 on the date of enactment of the Agriculture Reform,
17 Food, and Jobs Act of 2013 and ending on Sep-
18 tember 30, 2018, the Secretary shall carry out a
19 pulse crop health and extension initiative to address
20 the critical needs of the pulse crop industry by devel-
21 oping and disseminating science-based tools and in-
22 formation, including—

23 “(A) research in health and nutrition, such
24 as—

1 “(i) identifying global dietary patterns
2 of pulse crops in relation to population
3 health;

4 “(ii) researching pulse crop diets and
5 the ability of the diets to reduce obesity
6 and associated chronic disease (including
7 cardiovascular disease, type 2 diabetes,
8 and cancer); and

9 “(iii) identifying the underlying mech-
10 anisms of the health benefits of pulse crop
11 consumption (including disease biomarkers,
12 bioactive components, and relevant plant
13 genetic components to enhance the health
14 promoting value of pulse crops);

15 “(B) research in functionality, such as—

16 “(i) improving the functional prop-
17 erties of pulse crops and pulse fractions;

18 “(ii) developing new and innovative
19 technologies to improve pulse crops as an
20 ingredient in food products; and

21 “(iii) developing nutrient-dense food
22 product solutions to ameliorate chronic dis-
23 ease and enhance food security worldwide;

24 “(C) research in sustainability to enhance
25 global food security, such as—

1 “(i) plant breeding, genetics and
2 genomics to improve productivity, nutrient
3 density, and phytonutrient content for a
4 growing world population;

5 “(ii) pest and disease management,
6 including resistance to pests and diseases
7 resulting in reduced application manage-
8 ment strategies; and

9 “(iii) improving nitrogen fixation to
10 reduce the carbon and energy footprint of
11 agriculture;

12 “(D) optimizing pulse cropping systems to
13 reduce water usage; and

14 “(E) education and technical service, such
15 as—

16 “(i) providing technical expertise to
17 help food companies include nutrient-dense
18 pulse crops in innovative and healthy
19 foods; and

20 “(ii) establishing an educational pro-
21 gram to encourage the consumption and
22 production of pulse crops in the United
23 States and other countries.

24 “(3) ELIGIBLE ENTITIES.—The Secretary may
25 carry out the Initiative through—

1 “(A) Federal agencies, including the Agri-
2 cultural Research Service and the National In-
3 stitute of Food and Agriculture;

4 “(B) National Laboratories;

5 “(C) institutions of higher education;

6 “(D) research institutions or organizations;

7 “(E) private organizations or corporations;

8 “(F) State agricultural experiment sta-
9 tions;

10 “(G) individuals; or

11 “(H) groups consisting of 2 or more enti-
12 ties or individuals described in subparagraphs
13 (A) through (G).

14 “(4) RESEARCH PROJECT GRANTS.—

15 “(A) IN GENERAL.—In carrying out this
16 subsection, the Secretary shall award grants on
17 a competitive basis.

18 “(B) IN GENERAL.—The Secretary shall—

19 “(i) seek and accept proposals for
20 grants;

21 “(ii) determine the relevance and
22 merit of proposals through a system of
23 peer review, in consultation with the pulse
24 crop industry; and

1 “(iii) award grants on the basis of
2 merit, quality, and relevance.

3 “(C) PRIORITIES.—In making grants
4 under this subsection, the Secretary shall pro-
5 vide a higher priority to projects that—

6 “(i) are multistate, multiinstitutional,
7 and multidisciplinary; and

8 “(ii) include explicit mechanisms to
9 communicate results to the pulse crop in-
10 dustry and the public.

11 “(5) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to carry out
13 this subsection \$25,000,000 for each of fiscal years
14 2014 through 2018.

15 “(g) FORESTRY PRODUCTS ADVANCED UTILIZATION
16 RESEARCH.—

17 “(1) ESTABLISHMENT.—The Secretary shall es-
18 tablish a forestry and forestry products research and
19 extension initiative to develop and disseminate
20 science-based tools that address the needs of the for-
21 estry sector and their respective regions, forest and
22 timberland owners and managers, and forestry prod-
23 ucts engineering, manufacturing, and related inter-
24 ests, including—

1 “(A) research in wood quality improvement
2 with respect to lumber strength and grade yield;

3 “(B) improvement in forestry products,
4 lumber, and evaluation standards and valuation
5 techniques;

6 “(C) research and development of novel en-
7 gineered lumber products and renewable energy
8 from wood;

9 “(D) efforts to improve lumber quality and
10 value based on forest management techniques;

11 “(E) efforts to improve forestry products
12 conversion and manufacturing efficiency, pro-
13 ductivity, and profitability over the long term
14 (including forestry product marketing); and

15 “(F) other research to support the lon-
16 gevity, sustainability, and profitability of
17 timberland through sound management and uti-
18 lization.

19 “(2) GRANTS.—

20 “(A) IN GENERAL.—As part of the initia-
21 tive described in paragraph (1), the Secretary
22 shall make grants to eligible entities to carry
23 out the activities described in subparagraphs
24 (A) through (F) of paragraph (1).

1 “(B) ELIGIBLE ENTITIES.—Entities eligi-
2 ble for grants described in subparagraph (A)
3 shall include—

4 “(i) Federal agencies;

5 “(ii) National Laboratories

6 “(iii) colleges and universities;

7 “(iv) research institutions and organi-
8 zations;

9 “(v) private organizations or corpora-
10 tions;

11 “(vi) State agricultural experiment
12 stations; and

13 “(vii) groups consisting of 2 or more
14 such entities.

15 “(C) PRIORITIES.—In making grants, the
16 Secretary shall give higher priority to projects
17 that—

18 “(i) are multistate, multiinstitutional,
19 or multidisciplinary;

20 “(ii) include explicit mechanisms to
21 communicate results to producers, forestry
22 industry stakeholders, policymakers, and
23 the public; and

24 “(iii) have—

1 “(I) extensive history and dem-
2 onstrated experience in forestry and
3 forestry products research;

4 “(II) existing capacity in forestry
5 products research and dissemination;
6 and

7 “(III) a demonstrated means of
8 evaluating and responding to the
9 needs of the related commercial sec-
10 tor.

11 “(D) ADMINISTRATION.—

12 “(i) SELECTION PROCESS.—In award-
13 ing grants under this subsection, the Sec-
14 retary shall—

15 “(I) seek and accept proposals;

16 “(II) determine the relevance and
17 merit of proposals through a system
18 of peer and merit review; and

19 “(III) award grants on the basis
20 of merit, quality, and relevance.

21 “(ii) TERMS.—The term of a grant
22 made under this paragraph may not exceed
23 10 years.

24 “(iii) MATCHING FUNDS.—The Sec-
25 retary shall require the recipient of a grant

1 to provide funds or in-kind support from
2 non-Federal sources in an amount that is
3 at least equal to the amount provided by
4 the Federal Government.

5 “(iv) BUILDINGS AND FACILITIES.—
6 Funds made available under this para-
7 graph shall not be used for the construc-
8 tion of a new building or facility or the ac-
9 quisition, expansion, remodeling, or alter-
10 ation of an existing building or facility (in-
11 cluding site grading and improvement, and
12 architect fees).

13 “(v) COORDINATION.—The Secretary
14 shall ensure that any activities carried out
15 under this paragraph are done in coordina-
16 tion with the Forest Products Laboratory.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—

18 “(A) IN GENERAL.—There is authorized to
19 be appropriated to carry out this subsection
20 \$7,000,000 for each of fiscal years 2014
21 through 2018.

22 “(B) MATCHING FUNDS.—To the extent
23 practicable, the Secretary shall match any
24 funds received under subparagraph (A) with
25 funds received for the research and development

1 program of the Forest Service under section 3
2 of the Forest and Rangeland Renewable Re-
3 sources Research Act of 1978 (16 U.S.C.
4 1642).

5 “(h) TRAINING COORDINATION FOR FOOD AND AGRI-
6 CULTURE PROTECTION.—

7 “(1) IN GENERAL.—The Secretary shall make
8 grants and enter into contracts or cooperative agree-
9 ments with eligible entities described in paragraph
10 (2) for the purposes of establishing a Comprehensive
11 Food Safety Training Network.

12 “(2) ELIGIBILITY.—

13 “(A) IN GENERAL.—For purposes of this
14 subsection, an eligible entity is a multiinstitu-
15 tional consortium that includes—

16 “(i) a nonprofit institution that pro-
17 vides administering food protection train-
18 ing; and

19 “(ii) 1 or more training centers in in-
20 stitutions of higher education that have
21 demonstrated expertise in developing and
22 delivering community-based training in
23 food and agricultural safety and defense.

24 “(B) REQUIREMENTS.—To ensure that co-
25 ordination and administration is provided

1 across all the disciplines and provide com-
2 prehensive food protection training, the Sec-
3 retary may only consider an entire consortium
4 collectively rather than on an institution-by-in-
5 stitution basis.

6 “(C) MEMBERSHIP.—An eligible entity
7 may alter the consortium membership to meet
8 specific training expertise needs.

9 “(3) DUTIES OF ELIGIBLE ENTITY.—As a con-
10 dition of the receipt of assistance under this sub-
11 section, an eligible entity, in cooperation with the
12 Secretary, shall establish and maintain the network
13 for an internationally integrated training system to
14 enhance protection of the United States food supply,
15 including, at a minimum—

16 “(A) developing curricula and a training
17 network to provide basic, technical, manage-
18 ment, and leadership training to regulatory and
19 public health officials, producers, processors,
20 and other agrifood businesses;

21 “(B) serving as the hub for the adminis-
22 tration of an open training network;

23 “(C) implementing standards to ensure the
24 delivery of quality training through a national
25 curricula;

1 “(D) building and overseeing a nationally
2 recognized instructor cadre to ensure the avail-
3 ability of highly qualified instructors;

4 “(E) reviewing training proposed through
5 the National Institute of Food and Agriculture
6 and other relevant Federal agencies that report
7 to the Secretary on the quality and content of
8 proposed and existing courses;

9 “(F) assisting Federal agencies in the im-
10 plementation of food protection training re-
11 quirements including requirements contained in
12 the Agriculture Reform, Food, and Jobs Act of
13 2013, the FDA Food Safety Modernization Act
14 (Public Law 111–353; 124 Stat. 3885), and
15 amendments made by those Acts; and

16 “(G) performing evaluation and outcome-
17 based studies to provide to the Secretary feed-
18 back on the effectiveness and impact of training
19 and metrics on jurisdictions and sectors within
20 the food safety system.

21 “(4) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this section \$20,000,000 for each of fiscal years
24 2014 through 2018, to remain available until ex-
25 pended.”;

1 (6) in subsection (h), by striking “2012” each
2 place it appears and inserting “2018”;

3 (7) by redesignating subsection (j) as sub-
4 section (i); and

5 (8) in subsection (i) (as so redesignated), by
6 striking “2012” and inserting “2018”.

7 **SEC. 7209. ORGANIC AGRICULTURE RESEARCH AND EXTEN-**
8 **SION INITIATIVE.**

9 Section 1672B of the Food, Agriculture, Conserva-
10 tion, and Trade Act of 1990 (7 U.S.C. 5925b) is amend-
11 ed—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),
14 by inserting “, education,” after “support re-
15 search”;

16 (B) in paragraph (1), by inserting “and
17 improvement” after “development”;

18 (C) in paragraph (2), by striking “to pro-
19 ducers and processors who use organic meth-
20 ods” and inserting “of organic agricultural pro-
21 duction and methods to producers, processors,
22 and rural communities”;

23 (D) in paragraph (5), by inserting “and
24 researching solutions to” after “identifying”;
25 and

1 (E) in paragraph (6), by striking “and
2 marketing” and inserting “, marketing, and
3 food safety”;

4 (2) by striking subsection (e);

5 (3) by redesignating subsection (f) as sub-
6 section (e); and

7 (4) in paragraph (1) of subsection (e) (as so re-
8 designated)—

9 (A) in the heading, by striking “FOR FIS-
10 CAL YEARS 2008 THROUGH 2012”;

11 (B) in subparagraph (A), by striking
12 “and” at the end;

13 (C) in subparagraph (B), by striking the
14 period at the end and inserting “; and”; and

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

16 “(C) \$16,000,000 for each of fiscal years
17 2014 through 2018.”.

18 **SEC. 7210. FARM BUSINESS MANAGEMENT.**

19 Section 1672D(d) of the Food, Agriculture, Con-
20 servation, and Trade Act of 1990 (7 U.S.C. 5925f(d)) is
21 amended by striking “such sums as are necessary to carry
22 out this section.” and inserting the following: “to carry
23 out this section—

24 “(1) such sums as are necessary for fiscal year
25 2013; and

1 “(2) \$5,000,000 for each of fiscal years 2014
2 through 2018.”.

3 **SEC. 7211. REGIONAL CENTERS OF EXCELLENCE.**

4 Subtitle H of the Food, Agriculture, Conservation,
5 and Trade Act of 1990 is amended by inserting after sec-
6 tion 1672D (7 U.S.C. 5925) the following:

7 **“SEC. 1673. REGIONAL CENTERS OF EXCELLENCE.**

8 “(a) ESTABLISHMENT.—The Secretary may
9 prioritize regional centers of excellence established for spe-
10 cific agricultural commodities for the receipt of funding.

11 “(b) COMPOSITION.—A regional center of excellence
12 shall be composed of 1 or more colleges and universities
13 (including land-grant institutions, schools of forestry,
14 schools of veterinary medicine, or NLGCA Institutions (as
15 defined in section 1404 of the National Agricultural Re-
16 search, Extension, and Teaching Policy Act of 1977 (7
17 U.S.C. 3103))) that provide financial support to the re-
18 gional center of excellence.

19 “(c) CRITERIA FOR REGIONAL CENTERS OF EXCEL-
20 LENCE.—The criteria for consideration to be a regional
21 center of excellence shall include efforts—

22 “(1) to ensure coordination and cost-effective-
23 ness by reducing unnecessarily duplicative efforts re-
24 garding research, teaching, and extension;

1 “(2) to leverage available resources by using
2 public/private partnerships among agricultural in-
3 dustry groups, institutions of higher education, and
4 the Federal Government;

5 “(3) to implement teaching initiatives to in-
6 crease awareness and effectively disseminate solu-
7 tions to target audiences through extension activi-
8 ties;

9 “(4) to increase the economic returns to rural
10 communities by identifying, attracting, and directing
11 funds to high-priority agricultural issues; and

12 “(5) to improve teaching capacity and infra-
13 structure at colleges and universities (including land-
14 grant institutions, schools of forestry, and schools of
15 veterinary medicine, and NLGCA Institutions).

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$10,000,000 for each of fiscal years 2014 through 2018.”.

19 **SEC. 7212. ASSISTIVE TECHNOLOGY PROGRAM FOR FARM-**
20 **ERS WITH DISABILITIES.**

21 Section 1680(c)(1) of the Food, Agriculture, Con-
22 servation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1))
23 is amended—

24 (1) by striking “is” and inserting “are”; and

1 (2) by striking “section” and all that follows
2 and inserting the following: “section—
3 “(A) \$6,000,000 for each of fiscal years
4 1999 through 2013; and
5 “(B) \$5,000,000 for each of fiscal years
6 2014 through 2018.”.

7 **SEC. 7213. NATIONAL RURAL INFORMATION CENTER**
8 **CLEARINGHOUSE.**

9 Section 2381(e) of the Food, Agriculture, Conserva-
10 tion, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is
11 amended by striking “2012” and inserting “2018”.

12 **Subtitle C—Agricultural Research,**
13 **Extension, and Education Re-**
14 **form Act of 1998**

15 **SEC. 7301. RELEVANCE AND MERIT OF AGRICULTURAL RE-**
16 **SEARCH, EXTENSION, AND EDUCATION FUND-**
17 **ED BY THE DEPARTMENT.**

18 Section 103(a)(2) of the Agricultural Research, Ex-
19 tension, and Education Reform Act of 1998 (7 U.S.C.
20 7613(a)(2)) is amended—

21 (1) by striking the paragraph designation and
22 heading and inserting the following:

23 “(2) RELEVANCE AND MERIT REVIEW OF RE-
24 SEARCH, EXTENSION, AND EDUCATION GRANTS.—”;

25 (2) in subparagraph (A)—

1 (A) by inserting “relevance and” before
2 “merit”; and

3 (B) by striking “extension or education”
4 and inserting, “research, extension, or edu-
5 cation”; and

6 (3) in subparagraph (B) by inserting “on a con-
7 tinuous basis” after “procedures”.

8 **SEC. 7302. INTEGRATED RESEARCH, EDUCATION, AND EX-**
9 **TENSION COMPETITIVE GRANTS PROGRAM.**

10 Section 406(f) of the Agricultural Research, Exten-
11 sion, and Education Reform Act of 1998 (7 U.S.C.
12 7626(f)) is amended by striking “2012” and inserting
13 “2018”.

14 **SEC. 7303. SUPPORT FOR RESEARCH REGARDING DISEASES**
15 **OF WHEAT, TRITICALE, AND BARLEY CAUSED**
16 **BY FUSARIUM GRAMINEARUM OR BY**
17 **TILLETIA INDICA.**

18 Section 408(e) of the Agricultural Research, Exten-
19 sion, and Education Reform Act of 1998 (7 U.S.C.
20 7628(e)) is amended by striking “such sums as may be
21 necessary for each of fiscal years 1999 through 2012” and
22 inserting “\$10,000,000 for each of fiscal years 2014
23 through 2018”.

1 **SEC. 7304. GRANTS FOR YOUTH ORGANIZATIONS.**

2 Section 410(d) of the Agricultural Research, Exten-
3 sion, and Education Reform Act of 1998 (7 U.S.C.
4 7630(d)) is amended by striking “section such sums as
5 are necessary” and all that follows and inserting the fol-
6 lowing: “section—

7 “(1) such sums as are necessary for each of fis-
8 cal years 2008 through 2013; and

9 “(2) \$3,000,000 for each of fiscal years 2014
10 through 2018.”.

11 **SEC. 7305. SPECIALTY CROP RESEARCH INITIATIVE.**

12 Section 412 of the Agricultural Research, Extension,
13 and Education Reform Act of 1998 (7 U.S.C. 7632) is
14 amended—

15 (1) in subsection (b)(3), by inserting “handling
16 and processing,” after “production efficiency,”;

17 (2) in subsection (e)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (B), by striking
20 “and” at the end;

21 (ii) in subparagraph (C), by striking
22 the period at the end and inserting “;
23 and”; and

24 (iii) by inserting after subparagraph
25 (C) the following:

1 “(D) consult with the specialty crops com-
2 mittee authorized under section 1408A of the
3 National Agricultural Research, Extension, and
4 Teaching Policy Act of 1977 (7 U.S.C. 3123a)
5 during the peer and merit review process.”; and

6 (B) in paragraph (3), by striking “non-
7 Federal” and all that follows through the end
8 of the paragraph and inserting “other sources
9 in an amount that is at least equal to the
10 amount provided by a grant received under this
11 section.”; and

12 (3) in subsection (h), by striking paragraph (3)
13 and inserting the following:

14 “(3) SUBSEQUENT FUNDING.—Of the funds of
15 the Commodity Credit Corporation, the Secretary
16 shall make available to carry out this section—

17 “(A) \$25,000,000 for fiscal year 2014;

18 “(B) \$30,000,000 for each of fiscal years
19 2015 and 2016;

20 “(C) \$65,000,000 for fiscal year 2017; and

21 “(D) \$50,000,000 for fiscal year 2018 and
22 each fiscal year thereafter.”.

1 **SEC. 7306. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE**
2 **PROGRAM.**

3 Section 604(e) of the Agricultural Research, Exten-
4 sion, and Education Reform Act of 1998 (7 U.S.C.
5 7642(e)) is amended by striking “2012” and inserting
6 “2018”.

7 **SEC. 7307. OFFICE OF PEST MANAGEMENT POLICY.**

8 Section 614(f) of the Agricultural Research, Exten-
9 sion, and Education Reform Act of 1998 (7 U.S.C.
10 7653(f)) is amended—

11 (1) by striking “such sums as are necessary”;
12 and

13 (2) by striking “section” and all that follows
14 and inserting the following: “section—

15 “(1) such sums as are necessary for each of fis-
16 cal years 1999 through 2013; and

17 “(2) \$3,000,000 for each of fiscal years 2014
18 through 2018.”.

19 **SEC. 7308. AUTHORIZATION OF REGIONAL INTEGRATED**
20 **PEST MANAGEMENT CENTERS.**

21 Subtitle B of title VI of the Agricultural Research,
22 Extension, and Education Reform Act of 1998 (7 U.S.C.
23 7651 et seq.) is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 621. AUTHORIZATION OF REGIONAL INTEGRATED**
2 **PEST MANAGEMENT CENTERS.**

3 “(a) IN GENERAL.—There are established 4 regional
4 integrated pest management centers (referred to in this
5 section as the ‘Centers’), which shall be located at such
6 specific locations in the north central, northeastern, south-
7 ern, and western regions of the United States as the Sec-
8 retary shall specify.

9 “(b) PURPOSES.—The purposes of the Centers shall
10 be—

11 “(1) to strengthen the connection of the De-
12 partment with production agriculture, research, and
13 extension programs, and agricultural stakeholders
14 throughout the United States;

15 “(2) to increase the effectiveness of providing
16 pest management solutions for the private and pub-
17 lic sectors;

18 “(3) to quickly respond to information needs of
19 the public and private sectors; and

20 “(4) to improve communication among the rel-
21 evant stakeholders.

22 “(c) DUTIES.—In meeting the purposes described in
23 subsection (b) and otherwise carrying out this section, the
24 Centers shall—

25 “(1) develop regional strategies to address pest
26 management needs;

1 “(2) assist the Department and partner institu-
2 tions of the Department in identifying, prioritizing,
3 and coordinating a national pest management re-
4 search, extension, and education program imple-
5 mented on a regional basis;

6 “(3) establish a national pest management com-
7 munication network that includes—

8 “(A) the agencies of the Department and
9 other government agencies;

10 “(B) scientists at institutions of higher
11 education; and

12 “(C) stakeholders focusing on pest man-
13 agement issues;

14 “(4) serve as regional hubs responsible for en-
15 suring efficient access to pest management expertise
16 and data available through institutions of higher
17 education; and

18 “(5) on behalf of the Department, manage
19 grants that can be most effectively and efficiently
20 delivered at the regional level, as determined by the
21 Secretary.”.

22 **Subtitle D—Other Laws**

23 **SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.**

24 Section 16(a) of the Critical Agricultural Materials
25 Act (7 U.S.C. 178n(a)) is amended—

1 (1) by striking “such sums as are necessary”;

2 and

3 (2) by striking “Act” and all that follows and

4 inserting the following: “Act—

5 “(1) such sums as are necessary for each of fis-

6 cal years 1991 through 2013; and

7 “(2) \$2,000,000 for each of fiscal years 2014

8 through 2018.”.

9 **SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS**

10 **ACT OF 1994.**

11 (a) DEFINITION OF 1994 INSTITUTIONS.—Section

12 532 of the Equity in Educational Land-Grant Status Act

13 of 1994 (7 U.S.C. 301 note; Public Law 103–382) is

14 amended to read as follows:

15 **“SEC. 532. DEFINITION OF 1994 INSTITUTIONS.**

16 “In this part, the term ‘1994 Institutions’ means any

17 1 of the following:

18 “(1) Aaniiih Nakoda College.

19 “(2) Bay Mills Community College.

20 “(3) Blackfeet Community College.

21 “(4) Cankdeska Cikana Community College.

22 “(5) Chief Dull Knife Memorial College.

23 “(6) College of Menominee Nation.

24 “(7) College of the Muscogee Nation.

25 “(8) D-Q University.

1 “(9) Dine College.

2 “(10) Fond du Lac Tribal and Community Col-
3 lege.

4 “(11) Fort Berthold Community College.

5 “(12) Fort Peck Community College.

6 “(13) Haskell Indian Nations University.

7 “(14) Ilisagvik College.

8 “(15) Institute of American Indian and Alaska
9 Native Culture and Arts Development.

10 “(16) Keweenaw Bay Ojibwa Community Col-
11 lege.

12 “(17) Lac Courte Oreilles Ojibwa Community
13 College.

14 “(18) Leech Lake Tribal College.

15 “(19) Little Big Horn College.

16 “(20) Little Priest Tribal College.

17 “(21) Navajo Technical College.

18 “(22) Nebraska Indian Community College.

19 “(23) Northwest Indian College.

20 “(24) Oglala Lakota College.

21 “(25) Saginaw Chippewa Tribal College.

22 “(26) Salish Kootenai College.

23 “(27) Sinte Gleska University.

24 “(28) Sisseton Wahpeton College.

25 “(29) Sitting Bull College.

1 “(30) Southwestern Indian Polytechnic Insti-
2 tute.

3 “(31) Stone Child College.

4 “(32) Tohono O’odham Community College.

5 “(33) Turtle Mountain Community College.

6 “(34) United Tribes Technical College.

7 “(35) White Earth Tribal and Community Col-
8 lege.”.

9 (b) ENDOWMENT FOR 1994 INSTITUTIONS.—

10 (1) IN GENERAL.—Section 533 of the Equity in
11 Educational Land-Grant Status Act of 1994 (7
12 U.S.C. 301 note; Public Law 103–382) is amend-
13 ed—

14 (A) in subsection (a)(2)(A)(ii), by striking
15 “of such Act as added by section 534(b)(1) of
16 this part” and inserting “of that Act (7 U.S.C.
17 343(b)(3)) and for programs for children,
18 youth, and families at risk and for Federally
19 recognized tribes implemented under section
20 3(d) of that Act (7 U.S.C. 343(d))”; and

21 (B) in subsection (b), in the first sentence
22 by striking “2012” and inserting “2018”.

23 (2) CONFORMING AMENDMENT.—Section 3(d)
24 of the Smith-Lever Act (7 U.S.C. 343(d)) is amend-
25 ed in the second sentence by inserting “and, in the

1 case of programs for children, youth, and families at
2 risk and for Federally recognized tribes, the 1994
3 Institutions (as defined in section 532 of the Equity
4 in Educational Land-Grant Status Act of 1994 (7
5 U.S.C. 301 note; Public Law 103–382)),” before
6 “may compete for”.

7 (c) INSTITUTIONAL CAPACITY BUILDING GRANTS.—
8 Section 535 of the Equity in Educational Land-Grant Sta-
9 tus Act of 1994 (7 U.S.C. 301 note; Public Law 103–
10 382) is amended by striking “2012” each place it appears
11 in subsections (b)(1) and (c) and inserting “2018”.

12 (d) RESEARCH GRANTS.—

13 (1) AUTHORIZATION OF APPROPRIATIONS.—
14 Section 536(c) of the Equity in Educational Land-
15 Grant Status Act of 1994 (7 U.S.C. 301 note; Pub-
16 lic Law 103–382) is amended in the first sentence
17 by striking “2012” and inserting “2018”.

18 (2) RESEARCH GRANT REQUIREMENTS.—Sec-
19 tion 536(b) of the Equity in Educational Land-
20 Grant Status Act of 1994 (7 U.S.C. 301 note; Pub-
21 lic Law 103–382) is amended by striking “with at
22 least 1 other land-grant college or university” and
23 all that follows and inserting the following: “with—
24 “(1) the Agricultural Research Service of the
25 Department of Agriculture; or

1 “(2) at least 1—

2 “(A) other land-grant college or university
3 (exclusive of another 1994 Institution);

4 “(B) non-land-grant college of agriculture
5 (as defined in section 1404 of the National Ag-
6 ricultural Research, Extension, and Teaching
7 Policy Act of 1977 (7 U.S.C. 3103)); or

8 “(C) cooperating forestry school (as de-
9 fined in that section).”.

10 (e) EFFECTIVE DATE.—The amendments made by
11 subsections (a), (b), and (d)(2) take effect on October 1,
12 2013.

13 **SEC. 7403. RESEARCH FACILITIES ACT.**

14 Section 6(a) of the Research Facilities Act (7 U.S.C.
15 390d(a)) is amended by striking “2012” and inserting
16 “2018”.

17 **SEC. 7404. COMPETITIVE, SPECIAL, AND FACILITIES RE-**
18 **SEARCH GRANT ACT.**

19 Section 2 of the Competitive, Special, and Facilities
20 Research Grant Act (7 U.S.C. 450i) is amended—

21 (1) in subsection (b)(11)(A), in the matter pre-
22 ceding clause (i), by striking “2012” and inserting
23 “2018”; and

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

1 “(1) STREAMLINING GRANT APPLICATION PROC-
2 ESS.—Not later than 1 year after the date of enactment
3 of this subsection, the Secretary shall submit to Congress
4 a report that includes—

5 “(1) an analysis of barriers that exist in the
6 competitive grants process administered by the Na-
7 tional Institute of Food and Agriculture that prevent
8 eligible institutions and organizations with limited
9 institutional capacity from successfully applying and
10 competing for competitive grants; and

11 “(2) specific recommendations for future steps
12 that the Department can take to streamline the
13 competitive grants application process so as to re-
14 move the barriers and increase the success rates of
15 applicants described in paragraph (1).”.

16 **SEC. 7405. ENHANCED USE LEASE AUTHORITY PILOT PRO-**
17 **GRAM UNDER DEPARTMENT OF AGRI-**
18 **CULTURE REORGANIZATION ACT OF 1994.**

19 Section 308(b)(6) of the Department of Agriculture
20 Reorganization Act of 1994 (7 U.S.C. 3125a note; Public
21 Law 103–354) is amended by striking subparagraph (A)
22 and inserting the following:

23 “(A) on September 30, 2018; or”.

1 SEC. 7406. RENEWABLE RESOURCES EXTENSION ACT OF
2 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking “2012” and inserting “2018”.

(b) **TERMINATION DATE.**—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking “2012” and inserting “2018”.

11 SEC. 7407. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking “2012” each place it appears and inserting “2018”.

15 SEC. 7408. BEGINNING FARMER AND RANCHER DEVELOP-
16 MENT PROGRAM UNDER FARM SECURITY
17 AND RURAL INVESTMENT ACT OF 2002.

18 Section 7405 of the Farm Security and Rural Invest-
19 ment Act of 2002 (7 U.S.C. 3319f) is amended—

20 (1) in subsection (c)(8)—

21 (A) in subparagraph (B), by striking
22 “and” at the end;

23 (B) in subparagraph (C), by striking the
24 period at the end and inserting “; and”; and

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

1 “(D) beginning farmers and ranchers who
2 are veterans (as defined in section 101 of title
3 38, United States Code).”; and

4 (2) by redesignating subsection (h) as sub-
5 section (i);

6 (3) by inserting after subsection (g) the fol-
7 lowing:

8 “(h) STATE GRANTS.—

9 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
10 this subsection, the term ‘eligible entity’ means—

11 “(A) an agency of a State or political sub-
12 division of a State;

13 “(B) a national, State, or regional organi-
14 zation of agricultural producers; and

15 “(C) any other entity determined appro-
16 priate by the Secretary.

17 “(2) GRANTS.—The Secretary shall use such
18 sums as are necessary of funds made available to
19 carry out this section for each fiscal year under sub-
20 section (i) to make grants to States, on a competi-
21 tive basis, which States shall use the grants to make
22 grants to eligible entities to establish and improve
23 farm safety programs at the local level.”; and

24 (4) in subsection (i) (as redesignated by para-
25 graph (2))—

1 (A) in paragraph (1)—

2 (i) in the heading, by striking “FOR
3 FISCAL YEARS 2009 THROUGH 2012”;

4 (ii) in subparagraph (A), by striking
5 “and” at the end;

6 (iii) in subparagraph (B), by striking
7 the period at the end and inserting “;
8 and”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(C) \$17,000,000 for each of fiscal years
12 2014 through 2018, to remain available until
13 expended.”;

14 (B) in paragraph (2)—

15 (i) in the heading, by striking “FOR
16 FISCAL YEARS 2009 THROUGH 2012”; and

17 (ii) striking “2012” and inserting
18 “2018”; and

19 (C) by striking paragraph (3).

1 **Subtitle E—Food, Conservation,**
2 **and Energy Act of 2008**

3 **PART I—AGRICULTURAL SECURITY**

4 **SEC. 7501. AGRICULTURAL BIOSECURITY COMMUNICATION**
5 **CENTER.**

6 Section 14112 of the Food, Conservation, and En-
7 ergy Act of 2008 (7 U.S.C. 8912) is amended by striking
8 subsection (c) and inserting the following:

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this sec-
11 tion—

12 “(1) such sums as are necessary for each of fis-
13 cal years 2008 through 2013; and

14 “(2) \$2,000,000 for each of fiscal years 2014
15 through 2018.”.

16 **SEC. 7502. ASSISTANCE TO BUILD LOCAL CAPACITY IN AG-**
17 **RICULTURAL BIOSECURITY PLANNING, PREP-**
18 **ARATION, AND RESPONSE.**

19 Section 14113 of the Food, Conservation, and En-
20 ergy Act of 2008 (7 U.S.C. 8913) is amended—

21 (1) in subsection (a)(2)—

22 (A) by striking “such sums as may be nec-
23 essary”; and

1 (B) by striking “subsection” and all that
2 follows and inserting the following: “sub-
3 section—

4 “(1) such sums as are necessary for each of fis-
5 cal years 2008 through 2013; and

6 “(2) \$15,000,000 for each of fiscal years 2014
7 through 2018.”; and

8 (2) in subsection (b)(2), by striking “is author-
9 ized to be appropriated to carry out this subsection”
10 and all that follows and inserting the following: “are
11 authorized to be appropriated to carry out this sub-
12 section—

13 “(1) \$25,000,000 for each of fiscal years 2008
14 through 2013; and

15 “(2) \$15,000,000 for each of fiscal years 2014
16 through 2018.”.

17 **SEC. 7503. RESEARCH AND DEVELOPMENT OF AGRICUL-**
18 **TURAL COUNTERMEASURES.**

19 Section 14121(b) of the Food, Conservation, and En-
20 ergy Act of 2008 (7 U.S.C. 8921(b)) is amended by strik-
21 ing “is authorized to be appropriated to carry out this sec-
22 tion” and all that follows and inserting the following: “are
23 authorized to be appropriated to carry out this section—

24 “(1) \$50,000,000 for each of fiscal years 2008
25 through 2013; and

1 “(2) \$15,000,000 for each of fiscal years 2014
2 through 2018.”.

3 **SEC. 7504. AGRICULTURAL BIOSECURITY GRANT PROGRAM.**

4 Section 14122(e) of the Food, Conservation, and En-
5 ergy Act of 2008 (7 U.S.C. 8922(e)) is amended—

6 (1) by striking “such sums as are necessary”;
7 and

8 (2) by striking “section” and all that follows
9 and inserting the following: “section—

10 “(1) such sums as are necessary for each of fis-
11 cal years 2008 through 2013, to remain available
12 until expended; and

13 “(2) \$5,000,000 for each of fiscal years 2014
14 through 2018, to remain available until expended.”.

15 **PART II—MISCELLANEOUS**

16 **SEC. 7511. GRAZINGLANDS RESEARCH LABORATORY.**

17 Section 7502 of the Food, Conservation, and Energy
18 Act of 2008 (Public Law 110–246; 112 Stat. 2019) is
19 amended by striking “for the 5-year period beginning on
20 the date of enactment of this Act” and inserting “until
21 September 30, 2018”.

22 **SEC. 7512. BUDGET SUBMISSION AND FUNDING.**

23 Section 7506 of the Food, Conservation, and Energy
24 Act of 2008 (7 U.S.C. 7614c) is amended—

25 (1) in subsection (a)—

1 (A) by striking “(a) DEFINITION OF COM-
2 PETITIVE PROGRAMS.—In this section, the
3 term”; and inserting the following:

4 “(a) DEFINITIONS.—In this section:

5 “(1) COMPETITIVE PROGRAMS.—The term”;
6 and

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

8 “(2) COVERED PROGRAM.—The term ‘covered
9 program’ means—

10 “(A) each research program carried out by
11 the Agricultural Research Service or the Eco-
12 nomic Research Service for which annual appro-
13 priations are requested in the annual budget
14 submission of the President; and

15 “(B) each competitive program (as defined
16 in section 251(f)(1) of the Department of Agri-
17 culture Reorganization Act of 1994 (7 U.S.C.
18 6971(f)(1))) carried out by the National Insti-
19 tute of Food and Agriculture for which annual
20 appropriations are requested in the annual
21 budget submission of the President.

22 “(3) REQUEST FOR AWARDS.—The term ‘re-
23 quest for awards’ means a funding announcement
24 published by the National Institute of Food and Ag-
25 riculture that provides detailed information on fund-

1 ing opportunities at the Institute, including the pur-
2 pose, eligibility, restriction, focus areas, evaluation
3 criteria, regulatory information, and instructions on
4 how to apply for such opportunities.”; and

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

6 “(e) ADDITIONAL PRESIDENTIAL BUDGET SUBMIS-
7 SION REQUIREMENT.—

8 “(1) IN GENERAL.—Each year, the President
9 shall submit to Congress, together with the annual
10 budget submission of the President, the information
11 described in paragraph (2) for each funding request
12 for a covered program.

13 “(2) INFORMATION DESCRIBED.—The informa-
14 tion described in this paragraph includes—

15 “(A) baseline information, including with
16 respect to each covered program—

17 “(i) the funding level for the program
18 for the fiscal year preceding the year the
19 annual budget submission of the President
20 is submitted;

21 “(ii) the funding level requested in the
22 annual budget submission of the President,
23 including any increase or decrease in the
24 funding level; and

1 “(iii) an explanation justifying any
2 change from the funding level specified in
3 clause (i) to the level specified in clause
4 (ii);

5 “(B) with respect to each covered program
6 that is carried out by the Economic Research
7 Service or the Agricultural Research Service,
8 the location and staff years of the program;

9 “(C) the proposed funding levels to be allo-
10 cated to, and the expected publication date,
11 scope, and allocation level for, each request for
12 awards to be published under—

13 “(i) each priority area specified in sec-
14 tion 2(b)(2) of the Competitive, Special,
15 and Facilities Research Grant Act (7
16 U.S.C. 450i(b)(2));

17 “(ii) each research and extension
18 project carried out under section 1621(a)
19 of the Food, Agriculture, Conservation,
20 and Trade Act of 1990 (7 U.S.C.
21 5811(a));

22 “(iii) each grant awarded under sec-
23 tion 1672B(a) of the Food, Agriculture,
24 Conservation, and Trade Act of 1990 (7
25 U.S.C. 5925b(a));

1 “(iv) each grant awarded under sec-
2 tion 412(b) of the Agricultural Research,
3 Extension, and Education Reform Act of
4 1998 (7 U.S.C. 7632(b)); and

5 “(v) each grant awarded under
6 7405(c)(1) of the Farm Security and
7 Rural Investment Act of 2002 (7 U.S.C.
8 3319f(c)(1)); or

9 “(D) any other information the Secretary
10 determines will increase congressional oversight
11 with respect to covered programs.

12 “(f) REPORT OF THE SECRETARY OF AGRI-
13 CULTURE.—Each year on a date that is not later than
14 the date on which the President submits the annual budg-
15 et submission, the Secretary shall submit to Congress a
16 report containing a description of the agricultural re-
17 search, extension, and education activities carried out by
18 the Federal Government during the fiscal year that imme-
19 diately precedes the year for which the report is submitted,
20 including—

21 “(1) a review of the extent to which those ac-
22 tivities—

23 “(A) are duplicative or overlap within the
24 Department of Agriculture; or

1 “(B) are similar to activities carried out
2 by—

3 “(i) other Federal agencies;

4 “(ii) the States (including the District
5 of Columbia, the Commonwealth of Puerto
6 Rico, and other territories or possessions
7 of the United States);

8 “(iii) institutions of higher education
9 (as defined in section 101 of the Higher
10 Education Act of 1965 (20 U.S.C. 1001));
11 or

12 “(iv) the private sector; and

13 “(2) for each report submitted under this sec-
14 tion on or after January 1, 2014, a 5-year projection
15 of national priorities with respect to agricultural re-
16 search, extension, and education, taking into account
17 both domestic and international needs.”.

18 **SEC. 7513. NATURAL PRODUCTS RESEARCH PROGRAM.**

19 Section 7525 of the Food, Conservation, and Energy
20 Act of 2008 (7 U.S.C. 5937) is amended by striking sub-
21 section (e) and inserting the following:

22 “(e) **AUTHORIZATION OF APPROPRIATIONS.**—There
23 is authorized to be appropriated to carry out this section
24 \$7,000,000 for each of fiscal years 2014 through 2018.”.

1 **SEC. 7514. SUN GRANT PROGRAM.**

2 (a) IN GENERAL.—Section 7526 of the Food, Con-
3 servation, and Energy Act of 2008 (7 U.S.C. 8114) is
4 amended—

5 (1) in subsection (a)(4)(B), by striking “the
6 Department of Energy” and inserting “other appro-
7 priate Federal agencies (as determined by the Sec-
8 retary)”;

9 (2) in subsection (b)(1)—

10 (A) in subparagraph (A), by striking “at
11 South Dakota State University”;

12 (B) in subparagraph (B), by striking “at
13 the University of Tennessee at Knoxville”;

14 (C) in subparagraph (C), by striking “at
15 Oklahoma State University”;

16 (D) in subparagraph (D), by striking “at
17 Oregon State University”;

18 (E) in subparagraph (E), by striking “at
19 Cornell University”; and

20 (F) in subparagraph (F), by striking “at
21 the University of Hawaii”;

22 (3) in subsection (c)(1)—

23 (A) in subparagraph (B), by striking
24 “multistate” and all that follows through “tech-
25 nology implementation” and inserting “inte-
26 grated, multistate research, extension, and edu-

1 cation programs on technology development and
2 technology implementation”;

3 (B) by striking subparagraph (C); and

4 (C) by redesignating subparagraph (D) as
5 subparagraph (C);

6 (4) in subsection (d)—

7 (A) in paragraph (1)—

8 (i) by striking “gasification” and in-
9 serting “bioproducts”; and

10 (ii) by striking “the Department of
11 Energy” and inserting “other appropriate
12 Federal agencies”;

13 (B) by striking paragraph (2);

14 (C) by redesignating paragraphs (3) and
15 (4) as paragraphs (2) and (3), respectively; and

16 (D) in paragraph (1), by striking “in ac-
17 cordance with paragraph (2)”;

18 (5) in subsection (g), by striking “2012” and
19 inserting “2018”.

20 (b) CONFORMING AMENDMENTS.—Section 7526(f) of
21 the Food, Conservation, and Energy Act of 2008 (7
22 U.S.C. 8114(f)) is amended—

23 (1) in paragraph (1), by striking “subsection
24 (c)(1)(D)(i)” and inserting “subsection (c)(1)(C)(i)”;

25 and

1 (2) in paragraph (2), by striking “subsection
2 (d)(1)” and inserting “subsection (d)”.

3 **Subtitle F—Miscellaneous**

4 **SEC. 7601. FOUNDATION FOR FOOD AND AGRICULTURE RE-**
5 **SEARCH.**

6 (a) DEFINITIONS.—In this section:

7 (1) BOARD.—The term “Board” means the
8 Board of Directors described in subsection (e).

9 (2) DEPARTMENT.—The term “Department”
10 means the Department of Agriculture.

11 (3) FOUNDATION.—The term “Foundation”
12 means the Foundation for Food and Agriculture Re-
13 search established under subsection (b).

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) ESTABLISHMENT.—

17 (1) IN GENERAL.—The Secretary shall establish
18 a nonprofit corporation to be known as the “Foun-
19 dation for Food and Agriculture Research”.

20 (2) STATUS.—The Foundation shall not be an
21 agency or instrumentality of the United States Gov-
22 ernment.

23 (c) PURPOSES.—The purposes of the Foundation
24 shall be—

1 (1) to advance the research mission of the De-
2 partment by supporting agricultural research activi-
3 ties focused on addressing key problems of national
4 and international significance including—

5 (A) plant health, production, and plant
6 products;

7 (B) animal health, production, and prod-
8 ucts;

9 (C) food safety, nutrition, and health;

10 (D) renewable energy, natural resources,
11 and the environment;

12 (E) agricultural and food security;

13 (F) agriculture systems and technology;
14 and

15 (G) agriculture economics and rural com-
16 munities; and

17 (2) to foster collaboration with agricultural re-
18 searchers from the Federal Government, institutions
19 of higher education, industry, and nonprofit organi-
20 zations.

21 (d) DUTIES.—

22 (1) IN GENERAL.—The Foundation shall—

23 (A) award grants to, or enter into con-
24 tracts, memoranda of understanding, or cooper-
25 ative agreements with, scientists and entities,

1 which may include agricultural research agen-
2 cies in the Department, university consortia,
3 public-private partnerships, institutions of high-
4 er education, nonprofit organizations, and in-
5 dustry, to efficiently and effectively advance the
6 goals and priorities of the Foundation;

7 (B) in consultation with the Secretary—

8 (i) identify existing and proposed Fed-
9 eral intramural and extramural research
10 and development programs relating to the
11 purposes of the Foundation described in
12 subsection (c); and

13 (ii) coordinate Foundation activities
14 with those programs so as to minimize du-
15 plication of existing efforts;

16 (C) identify unmet and emerging agricul-
17 tural research needs after reviewing the Road-
18 map for Agricultural Research, Education and
19 Extension as required by section 7504 of the
20 Food, Conservation, and Energy Act of 2008 (7
21 U.S.C. 7614a);

22 (D) facilitate technology transfer and re-
23 lease of information and data gathered from the
24 activities of the Foundation to the agricultural
25 research community;

1 (E) promote and encourage the develop-
2 ment of the next generation of agricultural re-
3 search scientists; and

4 (F) carry out such other activities as the
5 Board determines to be consistent with the pur-
6 poses of the Foundation.

7 (2) AUTHORITY.—Subject to paragraph (3), the
8 Foundation shall be the sole entity responsible for
9 carrying out the duties enumerated in this sub-
10 section.

11 (3) RELATIONSHIP TO OTHER ACTIVITIES.—
12 The activities described in paragraph (1) shall be
13 supplemental to any other activities at the Depart-
14 ment and shall not preempt any authority or respon-
15 sibility of the Department under another provision
16 of law.

17 (e) BOARD OF DIRECTORS.—

18 (1) ESTABLISHMENT.—The Foundation shall
19 be governed by a Board of Directors.

20 (2) COMPOSITION.—

21 (A) IN GENERAL.—The Board shall be
22 composed of appointed and ex-officio, nonvoting
23 members.

1 (B) EX-OFFICIO MEMBERS.—The ex-officio
2 members of the Board shall be the following in-
3 dividuals or designees:

4 (i) The Secretary.

5 (ii) The Under Secretary of Agri-
6 culture for Research, Education, and Eco-
7 nomics.

8 (iii) The Administrator of the Agricul-
9 tural Research Service.

10 (iv) The Director of the National In-
11 stitute of Food and Agriculture.

12 (v) The Director of the National
13 Science Foundation.

14 (C) APPOINTED MEMBERS.—

15 (i) IN GENERAL.—The ex-officio mem-
16 bers of the Board under subparagraph (B)
17 shall, by majority vote, appoint to the
18 Board 15 individuals, of whom—

19 (I) 8 shall be selected from a list
20 of candidates to be provided by the
21 National Academy of Sciences; and

22 (II) 7 shall be selected from lists
23 of candidates provided by industry.

24 (ii) REQUIREMENTS.—

1 (I) EXPERTISE.—The ex-officio
2 members shall ensure that a majority
3 of the members of the Board have ac-
4 tual experience in agricultural re-
5 search and, to the extent practicable,
6 represent diverse sectors of agri-
7 culture.

8 (II) LIMITATION.—No employee
9 of the Federal Government may serve
10 as an appointed member of the Board
11 under this subparagraph.

12 (III) NOT FEDERAL EMPLOY-
13 MENT.—Appointment to the Board
14 under this subparagraph shall not
15 constitute Federal employment.

16 (iii) AUTHORITY.—All appointed
17 members of the Board shall be voting
18 members.

19 (D) CHAIR.—The Board shall, from among
20 the members of the Board, designate an indi-
21 vidual to serve as Chair of the Board.

22 (3) INITIAL MEETING.—Not later than 60 days
23 after the date of enactment of this Act, the Sec-
24 retary shall convene a meeting of the ex-officio mem-
25 bers of the Board—

1 (A) to incorporate the Foundation; and

2 (B) to appoint the members of the Board

3 in accordance with paragraph (2)(C)(i).

4 (4) DUTIES.—

5 (A) IN GENERAL.—The Board shall—

6 (i) establish bylaws for the Founda-

7 tion that, at a minimum, include—

8 (I) policies for the selection of fu-

9 ture Board members, officers, employ-

10 ees, agents, and contractors of the

11 Foundation;

12 (II) policies, including ethical

13 standards, for—

14 (aa) the acceptance, sollicita-

15 tion, and disposition of donations

16 and grants to the Foundation;

17 and

18 (bb) the disposition of assets

19 of the Foundation, including ap-

20 propriate limits on the ability of

21 donors to designate, by stipula-

22 tion or restriction, the use or re-

23 cipient of donated funds;

24 (III) policies that would subject

25 all employees, fellows, trainees, and

1 other agents of the Foundation (in-
2 cluding members of the Board) to the
3 conflict of interest standards under
4 section 208 of title 18, United States
5 Code;

6 (IV) policies for writing, editing,
7 printing, publishing, and vending of
8 books and other materials;

9 (V) policies for the conduct of
10 the general operations of the Founda-
11 tion, including a cap on administrative
12 expenses for recipients of a grant,
13 contract, or cooperative agreement
14 from the Foundation; and

15 (VI) specific duties for the Exec-
16 utive Director;

17 (ii) prioritize and provide overall di-
18 rection for the activities of the Foundation;

19 (iii) evaluate the performance of the
20 Executive Director; and

21 (iv) carry out any other necessary ac-
22 tivities regarding the Foundation.

23 (B) ESTABLISHMENT OF BYLAWS.—In es-
24 tablishing bylaws under subparagraph (A)(i),

1 the Board shall ensure that the bylaws do
2 not—

3 (i) reflect unfavorably on the ability of
4 the Foundation to carry out the duties of
5 the Foundation in a fair and objective
6 manner; or

7 (ii) compromise, or appear to com-
8 promise, the integrity of any governmental
9 agency or program, or any officer or em-
10 ployee employed by or involved in a govern-
11 mental agency or program.

12 (5) TERMS AND VACANCIES.—

13 (A) TERMS.—

14 (i) IN GENERAL.—The term of each
15 member of the Board appointed under
16 paragraph (2)(C) shall be 5 years.

17 (ii) PARTIAL TERMS.—If a member of
18 the Board does not serve the full term ap-
19 plicable under clause (i), the individual ap-
20 pointed to fill the resulting vacancy shall
21 be appointed for the remainder of the term
22 of the predecessor of the individual.

23 (iii) TRANSITION.—A member of the
24 Board may continue to serve after the ex-

1 piration of the term of the member until a
2 successor is appointed.

3 (B) VACANCIES.—Any vacancy in the
4 membership of the Board shall be filled in the
5 manner in which the original position was made
6 and shall not affect the power of the remaining
7 members to execute the duties of the Board.

8 (6) COMPENSATION.—Members of the Board
9 may not receive compensation for service on the
10 Board but may be reimbursed for travel, subsist-
11 ence, and other necessary expenses incurred in car-
12 rying out the duties of the Board.

13 (7) MEETINGS AND QUORUM.—A majority of
14 the members of the Board shall constitute a quorum
15 for purposes of conducting business of the Board.

16 (f) ADMINISTRATION.—

17 (1) EXECUTIVE DIRECTOR.—

18 (A) IN GENERAL.—The Board shall hire
19 an Executive Director who shall carry out such
20 duties and responsibilities as the Board may
21 prescribe.

22 (B) SERVICE.—The Executive Director
23 shall serve at the pleasure of the Board.

24 (2) ADMINISTRATIVE POWERS.—

1 (A) IN GENERAL.—In carrying out this
2 section, the Board, acting through the Execu-
3 tive Director, may—

4 (i) adopt, alter, and use a corporate
5 seal, which shall be judicially noticed;

6 (ii) hire, promote, compensate, and
7 discharge 1 or more officers, employees,
8 and agents, as may be necessary, and de-
9 fine the duties of the officers, employees,
10 and agents;

11 (iii) solicit and accept any funds,
12 gifts, grants, devises, or bequests of real or
13 personal property made to the Foundation,
14 including such support from private enti-
15 ties;

16 (iv) prescribe the manner in which—
17 (I) real or personal property of
18 the Foundation is acquired, held, and
19 transferred;

20 (II) general operations of the
21 Foundation are to be conducted; and

22 (III) the privileges granted to the
23 Board by law are exercised and en-
24 joyed;

1 (v) with the consent of the applicable
2 executive department or independent agen-
3 cy, use the information, services, and facili-
4 ties of the department or agency in car-
5 rying out this section;

6 (vi) enter into contracts with public
7 and private organizations for the writing,
8 editing, printing, and publishing of books
9 and other material;

10 (vii) hold, administer, invest, and
11 spend any gift, devise, or bequest of real or
12 personal property made to the Foundation;

13 (viii) enter into such contracts, leases,
14 cooperative agreements, and other trans-
15 actions as the Board considers appropriate
16 to conduct the activities of the Foundation;

17 (ix) modify or consent to the modifica-
18 tion of any contract or agreement to which
19 the Foundation is a party or in which the
20 Foundation has an interest;

21 (x) take such action as may be nec-
22 essary to obtain patents and licenses for
23 devices and procedures developed by the
24 Foundation and employees of the Founda-
25 tion;

1 (xi) sue and be sued in the corporate
2 name of the Foundation, and complain and
3 defend in courts of competent jurisdiction;

4 (xii) appoint other groups of advisors
5 as may be determined necessary to carry
6 out the functions of the Foundation; and

7 (xiii) exercise such other incidental
8 powers as are necessary to carry out the
9 duties and functions of the Foundation in
10 accordance with this section.

11 (B) LIMITATION.—No appointed member
12 of the Board or officer or employee of the
13 Foundation or of any program established by
14 the Foundation (other than ex-officio members
15 of the Board) shall exercise administrative con-
16 trol over any Federal employee.

17 (3) RECORDS.—

18 (A) AUDITS.—The Foundation shall—

19 (i) provide for annual audits of the fi-
20 nancial condition of the Foundation; and

21 (ii) make the audits, and all other
22 records, documents, and other papers of
23 the Foundation, available to the Secretary
24 and the Comptroller General of the United
25 States for examination or audit.

1 (B) REPORTS.—

2 (i) ANNUAL REPORT ON FOUNDA-
3 TION.—

4 (I) IN GENERAL.—Not later than
5 5 months following the end of each
6 fiscal year, the Foundation shall pub-
7 lish a report for the preceding fiscal
8 year that includes—

9 (aa) a description of Foun-
10 dation activities, including ac-
11 complishments; and

12 (bb) a comprehensive state-
13 ment of the operations and finan-
14 cial condition of the Foundation.

15 (II) FINANCIAL CONDITION.—

16 Each report under subclause (I) shall
17 include a description of all gifts or
18 grants to the Foundation of real or
19 personal property or money, which
20 shall include—

21 (aa) the source of the gifts
22 or grants; and

23 (bb) any restrictions on the
24 purposes for which the gift or
25 grant may be used.

1 (III) AVAILABILITY.—The Foun-
2 dation shall—

3 (aa) make copies of each re-
4 port submitted under subclause
5 (I) available for public inspection;
6 and

7 (bb) on request, provide a
8 copy of the report to any indi-
9 vidual.

10 (IV) PUBLIC MEETING.—The
11 Board shall hold an annual public
12 meeting to summarize the activities of
13 the Foundation.

14 (ii) GRANT REPORTING.—Any recipi-
15 ent of a grant under subsection (d)(1)(A)
16 shall provide the Foundation with a report
17 at the conclusion of any research or studies
18 conducted the describes the results of the
19 research or studies, including any data
20 generated.

21 (4) INTEGRITY.—

22 (A) IN GENERAL.—To ensure integrity in
23 the operations of the Foundation, the Board
24 shall develop and enforce procedures relating to
25 standards of conduct, financial disclosure state-

ments, conflict of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

(B) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(i) the individual;

(ii) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or

(iii) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

(5) INTELLECTUAL PROPERTY.—The Board shall adopt written standards to govern ownership of any intellectual property rights derived from the collaborative efforts of the Foundation.

(6) LIABILITY.—The United States shall not be liable for any debts, defaults, acts, or omissions of

1 the Foundation nor shall the full faith and credit of
2 the United States extend to any obligations of the
3 Foundation.

4 (g) FUNDS.—

5 (1) MANDATORY FUNDING.—

6 (A) IN GENERAL.—On October 1, 2013, of
7 the funds of the Commodity Credit Corporation,
8 the Secretary shall transfer to the Foundation
9 to carry out this section \$100,000,000, to re-
10 main available until expended under the condi-
11 tions described in subparagraph (B).

12 (B) CONDITIONS ON EXPENDITURE.—The
13 Foundation may use the funds made available
14 under subparagraph (A) to carry out the pur-
15 poses of the Foundation only to the extent that
16 the Foundation secures an equal amount of
17 non-Federal matching funds for each expendi-
18 ture.

19 (C) PROHIBITION ON CONSTRUCTION.—
20 None of the funds made available under sub-
21 paragraph (A) may be used for construction.

22 (2) SEPARATION OF FUNDS.—The Executive
23 Director shall ensure that any funds received under
24 paragraph (1) are held in separate accounts from

1 funds received from nongovernmental entities as de-
2 scribed in subsection (f)(2)(A)(iii).

3 **SEC. 7602. AGRICULTURAL AND FOOD LAW RESEARCH,**
4 **LEGAL TOOLS, AND INFORMATION.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the farms, ranches, and forests of the
7 United States are impacted by a complex and rap-
8 idly evolving web of competition and international,
9 Federal, State, and local laws (including regula-
10 tions);

11 (2) objective, scholarly, and authoritative agri-
12 cultural and food law research, legal tools, and infor-
13 mation helps the farm, ranch, and forestry commu-
14 nity contribute to the strength of the United States
15 through improved conservation, environmental pro-
16 tection, job creation, economic development, renew-
17 able energy production, outdoor recreational oppor-
18 tunities, and increased and diversified local and re-
19 gional supplies of food, fiber, and fuel; and

20 (3) the vast agricultural community of the
21 United States, including farmers, ranchers, for-
22 esters, attorneys, policymakers, and extension per-
23 sonnel, need access to agricultural and food law re-
24 search and information provided by an objective,
25 scholarly, and neutral source.

1 (b) PARTNERSHIPS.—The Secretary, acting through
2 the National Agricultural Library, shall support the dis-
3 semination of objective, scholarly, and authoritative agri-
4 cultural and food law research, legal tools, and informa-
5 tion by entering into cooperative agreements with institu-
6 tions of higher education that on the date of enactment
7 of this Act are carrying out objective programs for re-
8 search, legal tools, and information in agricultural and
9 food law.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
11 fiscal year, the Secretary may use not more than
12 \$5,000,000 of the amounts made available to the National
13 Agricultural Library to carry out this section.

14 **TITLE VIII—FORESTRY**
15 **Subtitle A—Repeal of Certain**
16 **Forestry Programs**

17 **SEC. 8001. FOREST LAND ENHANCEMENT PROGRAM.**

18 (a) REPEAL.—Section 4 of the Cooperative Forestry
19 Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

20 (b) CONFORMING AMENDMENT.—Section 8002 of the
21 Farm Security and Rural Investment Act of 2002 (Public
22 Law 107–171; 16 U.S.C. 2103 note) is amended by strik-
23 ing subsection (a).

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on October 1, 2013.

1 **SEC. 8002. HISPANIC-SERVING INSTITUTION AGRICUL-**
2 **TURAL LAND NATIONAL RESOURCES LEAD-**
3 **ERSHIP PROGRAM.**

4 (a) REPEAL.—Section 8402 of the Food, Conserva-
5 tion, and Energy Act of 2008 (16 U.S.C. 1649a) is re-
6 pealed.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall take effect on October 1, 2013.

9 **SEC. 8003. TRIBAL WATERSHED FORESTRY ASSISTANCE**
10 **PROGRAM.**

11 (a) REPEAL.—Section 303 of the Healthy Forests
12 Restoration Act of 2003 (16 U.S.C. 6542) is repealed.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect on October 1, 2013.

15 **Subtitle B—Reauthorization of Co-**
16 **operative Forestry Assistance**
17 **Act of 1978 Programs**

18 **SEC. 8101. STATE-WIDE ASSESSMENT AND STRATEGIES FOR**
19 **FOREST RESOURCES.**

20 Section 2A(f)(1) of the Cooperative Forestry Assist-
21 ance Act of 1978 (16 U.S.C. 2101a(f)(1)) is amended by
22 striking “2012” and inserting “2018”.

1 **Subtitle C—Reauthorization of**
2 **Other Forestry-Related Laws**

3 **SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.**

4 Section 2371(d)(2) of the Food, Agriculture, Con-
5 servation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2))
6 is amended by striking “2012” and inserting “2018”.

7 **SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.**

8 Section 2405(d) of the Global Climate Change Pre-
9 vention Act of 1990 (7 U.S.C. 6704(d)) is amended by
10 striking “2012” and inserting “2018”.

11 **SEC. 8203. INSECT AND DISEASE INFESTATION.**

12 Title VI of the Healthy Forests Restoration Act of
13 2003 (16 U.S.C. 6591 et seq.) is amended by adding at
14 the end the following:

15 **“SEC. 602. DESIGNATION OF TREATMENT AREAS.**

16 “(a) DEFINITION OF DECLINING FOREST
17 HEALTH.—In this section, the term ‘declining forest
18 health’ means a forest that is experiencing—

19 “(1) substantially increased tree mortality due
20 to insect or disease infestation; or

21 “(2) dieback due to infestation or defoliation by
22 insects or disease.

23 **“(b) DESIGNATION OF TREATMENT AREAS.—**

24 “(1) INITIAL AREAS.—Not later than 60 days
25 after the date of enactment of the Agriculture Re-

1 form, Food, and Jobs Act of 2013, the Secretary
2 shall, if requested by the Governor of the State, des-
3 ignate as part of an insect and disease treatment
4 program 1 or more subwatersheds (sixth-level hydro-
5 logic units, according to the System of Hydrologic
6 Unit Codes of the United States Geological Survey)
7 in at least 1 national forest in each State that is ex-
8 perienicing an insect or disease epidemic.

9 “(2) ADDITIONAL AREAS.—After the end of the
10 60-day period described in paragraph (1), the Sec-
11 retary may designate additional subwatersheds
12 under this section as needed to address insect or dis-
13 ease threats.

14 “(c) REQUIREMENTS.—To be designated a subwater-
15 shed under subsection (b), the subwatershed shall be—

16 “(1) experiencing declining forest health, based
17 on annual forest health surveys conducted by the
18 Secretary;

19 “(2) at risk of experiencing substantially in-
20 creased tree mortality over the next 15 years due to
21 insect or disease infestation, based on the most re-
22 cent National Insect and Disease Risk Map pub-
23 lished by the Forest Service; or

1 “(3) in an area in which the risk of hazard
2 trees poses an imminent risk to public infrastruc-
3 ture, health, or safety.

4 “(d) TREATMENT OF AREAS.—

5 “(1) IN GENERAL.—The Secretary may carry
6 out priority projects on Federal land in the sub-
7 watersheds designated under subsection (b) to re-
8 duce the risk or extent of, or increase the resilience
9 to, insect or disease infestation in the subwater-
10 sheds.

11 “(2) AUTHORITY.—Any project under para-
12 graph (1) for which a public notice to initiate
13 scoping is issued on or before September 30, 2018,
14 may be carried out in accordance with subsections
15 (b), (c), and (d) of section 102, and sections 104,
16 105, and 106.

17 “(3) EFFECT.—Projects carried out under this
18 subsection shall be considered authorized hazardous
19 fuel reduction projects for purposes of the authori-
20 ties described in paragraph (2).

21 “(4) REPORT.—Not later than September 30,
22 2018, the Secretary shall issue a report on actions
23 taken to carry out this subsection, including—

24 “(A) an evaluation of the progress towards
25 project goals; and

1 “(B) recommendations for modifications to
2 the projects and management treatments.

3 “(e) TREE RETENTION.—The Secretary shall carry
4 out projects under subsection (d) in a manner that maxi-
5 mizes the retention of old-growth and large trees, as ap-
6 propriate for the forest type, to the extent that the trees
7 promote stands that are resilient to insects and disease.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$200,000,000 for each of fiscal years 2014 through
11 2018.”.

12 **SEC. 8204. STEWARDSHIP END RESULT CONTRACTING**
13 **PROJECTS.**

14 (a) IN GENERAL.—Title VI of the Healthy Forests
15 Restoration Act of 2003 (16 U.S.C. 6591) (as amended
16 by section 8203) is amended by adding at the end the fol-
17 lowing:

18 **“SEC. 603. STEWARDSHIP END RESULT CONTRACTING**
19 **PROJECTS.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) CHIEF.—The term ‘Chief’ means the Chief
22 of the Forest Service.

23 “(2) DIRECTOR.—The term ‘Director’ means
24 the Director of the Bureau of Land Management.

1 “(b) PROJECTS.—The Chief and the Director, via
2 agreement or contract as appropriate, may enter into
3 stewardship contracting projects with private persons or
4 other public or private entities to perform services to
5 achieve land management goals for the national forests
6 and the public lands that meet local and rural community
7 needs.

8 “(c) LAND MANAGEMENT GOALS.—The land man-
9 agement goals of a project under subsection (b) may in-
10 clude—

11 “(1) road and trail maintenance or obliteration
12 to restore or maintain water quality;

13 “(2) soil productivity, habitat for wildlife and
14 fisheries, or other resource values;

15 “(3) setting of prescribed fires to improve the
16 composition, structure, condition, and health of
17 stands or to improve wildlife habitat;

18 “(4) removing vegetation or other activities to
19 promote healthy forest stands, reduce fire hazards,
20 or achieve other land management objectives;

21 “(5) watershed restoration and maintenance;

22 “(6) restoration and maintenance of wildlife
23 and fish; or

24 “(7) control of noxious and exotic weeds and re-
25 establishing.

1 “(d) AGREEMENTS OR CONTRACTS.—

2 “(1) PROCUREMENT PROCEDURE.—A source
3 for performance of an agreement or contract under
4 subsection (b) shall be selected on a best-value basis,
5 including consideration of source under other public
6 and private agreements or contracts.

7 “(2) CONTRACT FOR SALE OF PROPERTY.—A
8 contract entered into under this section may, at the
9 discretion of the Secretary of Agriculture, be consid-
10 ered a contract for the sale of property under such
11 terms as the Secretary may prescribe without regard
12 to any other provision of law.

13 “(3) TERM.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the Chief and the Director
16 may enter into a contract under subsection (b)
17 in accordance with section 3903 of title 41,
18 United States Code.

19 “(B) MAXIMUM.—The period of the con-
20 tract under subsection (b) may exceed 5 years
21 but may not exceed 10 years.

22 “(4) OFFSETS.—

23 “(A) IN GENERAL.—The Chief and the Di-
24 rector may apply the value of timber or other
25 forest products removed as an offset against the

1 cost of services received under the agreement or
2 contract described in subsection (b).

3 “(B) METHODS OF APPRAISAL.—The value
4 of timber or other forest products used as an
5 offset under subparagraph (A)—

6 “(i) shall be determined using appro-
7 priate methods of appraisal commensurate
8 with the quantity of products to be re-
9 moved; and

10 “(ii) may—

11 “(I) be determined using a unit
12 of measure appropriate to the con-
13 tracts; and

14 “(II) may include valuing prod-
15 ucts on a per-acre basis.

16 “(5) RELATION TO OTHER LAWS.—Notwith-
17 standing subsections (d) and (g) of section 14 of the
18 National Forest Management Act of 1976 (16
19 U.S.C. 472a), the Chief may enter into an agree-
20 ment or contract under subsection (b).

21 “(6) CONTRACTING OFFICER.—Notwithstanding
22 any other provision of law, the Secretary or the Sec-
23 retary of the Interior may determine the appropriate
24 contracting officer to enter into and administer an
25 agreement or contract under subsection (b).

1 “(e) RECEIPTS.—

2 “(1) IN GENERAL.—The Chief and the Director
3 may collect monies from an agreement or contract
4 under subsection (b) if the collection is a secondary
5 objective of negotiating the contract that will best
6 achieve the purposes of this section.

7 “(2) USE.—Monies from an agreement or con-
8 tract under subsection (b)—

9 “(A) may be retained by the Chief and the
10 Director; and

11 “(B) shall be available for expenditure
12 without further appropriation at the project site
13 from which the monies are collected or at an-
14 other project site.

15 “(3) RELATION TO OTHER LAWS.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of law, the value of services re-
18 ceived by the Chief or the Director under a
19 stewardship contract project conducted under
20 this section, and any payments made or re-
21 sources provided by the contractor, Chief, or
22 Director shall not be considered monies received
23 from the National Forest System or the public
24 lands.

1 “(B) KNUTSON-VANDERBERG ACT.—The
2 Act of June 9, 1930 (commonly known as the
3 ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et
4 seq.) shall not apply to any agreement or con-
5 tract under subsection (b).

6 “(f) COSTS OF REMOVAL.—Notwithstanding the fact
7 that a contractor did not harvest the timber, the Chief
8 may collect deposits from a contractor covering the costs
9 of removal of timber or other forest products under—

10 “(1) the Act of August 11, 1916 (16 U.S.C.
11 490); and

12 “(2) the Act of June 30, 1914 (16 U.S.C. 498).

13 “(g) PERFORMANCE AND PAYMENT GUARANTEES.—

14 “(1) IN GENERAL.—The Chief and the Director
15 may require performance and payment bonds under
16 sections 28.103–2 and 28.103–3 of the Federal Ac-
17 quisition Regulation, in an amount that the con-
18 tracting officer considers sufficient to protect the in-
19 vestment in receipts by the Federal Government
20 generated by the contractor from the estimated
21 value of the forest products to be removed under a
22 contract under subsection (b).

23 “(2) EXCESS OFFSET VALUE.—If the offset
24 value of the forest products exceeds the value of the

1 resource improvement treatments, the Chief and the
2 Director may—

3 “(A) collect any residual receipts under the
4 Act of June 9, 1930 (commonly known as the
5 ‘Knutson-Vanderberg Act’) (16 U.S.C. 576 et
6 seq.); and

7 “(B) apply the excess to other authorized
8 stewardship projects.

9 “(h) MONITORING AND EVALUATION.—

10 “(1) IN GENERAL.—The Chief and the Director
11 shall establish a multiparty monitoring and evalua-
12 tion process that accesses the stewardship con-
13 tracting projects conducted under this section.

14 “(2) PARTICIPANTS.—Other than the Chief and
15 Director, participants in the process described in
16 paragraph (1) may include—

17 “(A) any cooperating governmental agen-
18 cies, including tribal governments; and

19 “(B) any other interested groups or indi-
20 viduals.

21 “(i) REPORTING.—Not later than 1 year after the
22 date of enactment of this section, and annually thereafter,
23 the Chief and the Director shall report to the Committee
24 on Agriculture, Nutrition, and Forestry of the Senate and

1 the Committee on Agriculture of the House of Representa-
2 tives on—

3 “(1) the status of development, execution, and
4 administration of agreements or contracts under
5 subsection (b);

6 “(2) the specific accomplishments that have re-
7 sulted; and

8 “(3) the role of local communities in the devel-
9 opment of agreements or contract plans.”.

10 (b) CONFORMING AMENDMENT.—Section 347 of the
11 Department of the Interior and Related Agencies Appro-
12 priations Act, 1999 (16 U.S.C. 2104 note; Public Law
13 105–277) is repealed.

14 **SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.**

15 (a) DEFINITION OF ACREAGE OWNED BY INDIAN
16 TRIBES.—Section 502(e)(3) of the Healthy Forests Res-
17 toration Act (16 U.S.C. 6572(e)(3)) is amended—

18 (1) in subparagraph (C), by striking “subpara-
19 graphs (A) and (B)” and inserting “clauses (i) and
20 (ii)”;

21 (2) by redesignating subparagraphs (A) through
22 (C) as clauses (i) through (iii), respectively, and in-
23 denting appropriately; and

24 (3) by striking “In the case of” and inserting
25 the following:

1 “(A) DEFINITION OF ACREAGE OWNED BY
2 INDIAN TRIBES.—In this paragraph, the term
3 ‘acreage owned by Indian tribes’ includes—

4 “(i) land that is held in trust by the
5 United States for Indian tribes or indi-
6 vidual Indians;

7 “(ii) land, the title to which is held by
8 Indian tribes or individual Indians subject
9 to Federal restrictions against alienation
10 or encumbrance;

11 “(iii) land that is subject to rights of
12 use, occupancy, and benefit of certain In-
13 dian tribes;

14 “(iv) land that is held in fee title by
15 an Indian tribe; or

16 “(v) land that is owned by a native
17 corporation formed under section 17 of the
18 Act of June 18, 1934 (commonly known as
19 the ‘Indian Reorganization Act’) (25
20 U.S.C. 477) or section 8 of the Alaska Na-
21 tive Claims Settlement Act (43 U.S.C.
22 1607); or

23 “(vi) a combination of 1 or more
24 types of land described in clauses (i)
25 through (v).

1 “(B) ENROLLMENT OF ACREAGE.—In the
2 case of”.

3 (b) CHANGE IN FUNDING SOURCE FOR HEALTHY
4 FORESTS RESERVE PROGRAM.—Section 508 of the
5 Healthy Forests Restoration Act of 2003 (16 U.S.C.
6 6578) is amended—

7 (1) in subsection (a), by striking “IN GEN-
8 ERAL” and inserting “FISCAL YEARS 2009
9 THROUGH 2013”;

10 (2) by redesignating subsection (b) as sub-
11 section (d); and

12 (3) by inserting after subsection (a) the fol-
13 lowing:

14 “(b) FISCAL YEARS 2014 THROUGH 2018.—There is
15 authorized to be appropriated to the Secretary of Agri-
16 culture to carry out this section \$9,750,000 for each of
17 fiscal years 2014 through 2018.

18 “(c) ADDITIONAL SOURCE OF FUNDS.—In addition
19 to funds appropriated pursuant to the authorization of ap-
20 propriations in subsection (b) for a fiscal year, the Sec-
21 retary may use such amount of the funds appropriated
22 for that fiscal year to carry out the Soil Conservation and
23 Domestic Allotment Act (16 U.S.C. 590a et seq.) as the
24 Secretary determines necessary to cover the cost of tech-
25 nical assistance, management, and enforcement respon-

1 sibilities for land enrolled in the healthy forests reserve
2 program pursuant to subsections (a) and (b) of section
3 504.”.

4 **Subtitle D—Miscellaneous** 5 **Provisions**

6 **SEC. 8301. MCINTIRE-STENNIS COOPERATIVE FORESTRY** 7 **ACT.**

8 (a) 1890 WAIVERS.—Section 4 of Public Law 87–
9 788 (commonly known as the “McIntire-Stennis Coopera-
10 tive Forestry Act”) (16 U.S.C. 582a–3) is amended by
11 inserting “The matching funds requirement shall not be
12 applicable to eligible 1890 Institutions (as defined in sec-
13 tion 2 of the Agricultural Research, Extension, and Edu-
14 cation Reform Act of 1998 (7 U.S.C. 7601)) if the alloca-
15 tion is below \$200,000.” before “The Secretary is author-
16 ized” in the second sentence.

17 (b) PARTICIPATION.—Section 8 of Public Law 87–
18 788 (commonly known as the “McIntire-Stennis Coopera-
19 tive Forestry Act”) (16 U.S.C. 582a–7) is amended by
20 inserting “the Federated States of Micronesia, American
21 Samoa, the Northern Mariana Islands, the District of Co-
22 lumbia,” before “and Guam”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section take effect on October 1, 2013.

1 **SEC. 8302. REVISION OF STRATEGIC PLAN FOR FOREST IN-**
2 **VENTORY AND ANALYSIS.**

3 (a) REVISION REQUIRED.—Not later than 180 days
4 after the date of enactment of this Act, the Secretary of
5 Agriculture shall revise the strategic plan for forest inven-
6 tory and analysis initially prepared pursuant to section
7 3(e) of the Forest and Rangeland Renewable Resources
8 Research Act of 1978 (16 U.S.C. 1642(e)) to address the
9 requirements imposed by subsection (b).

10 (b) ELEMENTS OF REVISED STRATEGIC PLAN.—In
11 revising the strategic plan, the Secretary of Agriculture
12 shall describe in detail the organization, procedures, and
13 funding needed to achieve each of the following:

14 (1) Complete the transition to a fully
15 annualized forest inventory program and include in-
16 ventory and analysis of interior Alaska.

17 (2) Implement an annualized inventory of trees
18 in urban settings, including the status and trends of
19 trees and forests, and assessments of their eco-
20 system services, values, health, and risk to pests and
21 diseases.

22 (3) Report information on renewable biomass
23 supplies and carbon stocks at the local, State, re-
24 gional, and national level, including by ownership
25 type.

1 (4) Engage State foresters and other users of
2 information from the forest inventory and analysis
3 in reevaluating the list of core data variables col-
4 lected on forest inventory and analysis plots with an
5 emphasis on demonstrated need.

6 (5) Improve the timeliness of the timber prod-
7 uct output program and accessibility of the
8 annualized information on that database.

9 (6) Foster greater cooperation among the forest
10 inventory and analysis program, research station
11 leaders, and State foresters and other users of infor-
12 mation from the forest inventory and analysis.

13 (7) Availability of and access to non-Federal re-
14 sources to improve information analysis and infor-
15 mation management.

16 (8) Collaborate with the Natural Resources
17 Conservation Service, National Aeronautics and
18 Space Administration, National Oceanic and Atmos-
19 pheric Administration, and United States Geological
20 Survey to integrate remote sensing, spatial analysis
21 techniques, and other new technologies in the forest
22 inventory and analysis program.

23 (9) Understand and report on changes in land
24 cover and use.

1 (10) Expand existing programs to promote sus-
2 tainable forest stewardship through increased under-
3 standing, in partnership with other Federal agencies,
4 of the over 10 million family forest owners, their de-
5 mographics, and the barriers to forest stewardship.

6 (11) Implement procedures to improve the sta-
7 tistical precision of estimates at the sub-State level.

8 (c) SUBMISSION OF REVISED STRATEGIC PLAN.—
9 The Secretary of Agriculture shall submit the revised stra-
10 tegic plan to the Committee on Agriculture of the House
11 of Representatives and the Committee on Agriculture, Nu-
12 trition, and Forestry of the Senate.

13 **TITLE IX—ENERGY**

14 **SEC. 9001. DEFINITIONS.**

15 Section 9001 of the Farm Security and Rural Invest-
16 ment Act of 2002 (7 U.S.C. 8101) is amended—

17 (1) by redesignating paragraphs (9) through
18 (12) and (13) and (14) as paragraphs (10) through
19 (13) and (15) and (16) respectively;

20 (2) by inserting after paragraph (8) the fol-
21 lowing:

22 “(9) FOREST PRODUCT.—The term ‘forest
23 product’ means a product made from materials de-
24 rived from the practice of forestry or the manage-
25 ment of growing timber , including—

1 “(A) pulp, paper, paperboard, pellets, lum-
2 ber, and wood products; and

3 “(B) any recycled products derived from
4 forest materials.”; and

5 (3) by inserting after paragraph (13) (as redes-
6 ignated by paragraph (1)) the following:

7 “(14) RENEWABLE CHEMICAL.—The term ‘re-
8 newable chemical’ means a monomer, polymer, plas-
9 tic, formulated product, or chemical substance pro-
10 duced from renewable biomass.”.

11 **SEC. 9002. BIOBASED MARKETS PROGRAM.**

12 (a) IN GENERAL.—Section 9002 of the Farm Secu-
13 rity and Rural Investment Act of 2002 (7 U.S.C. 8102)
14 is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2)(A)(i)—

17 (i) in subclause (I), by striking “and”
18 at the end;

19 (ii) in subclause (II)(bb), by striking
20 the period at the end and inserting “;
21 and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(III) establish a targeted
25 biobased-only procurement require-

1 ment under which the procuring agen-
2 cy shall issue a certain number of
3 biobased-only contracts when the pro-
4 curing agency is purchasing products,
5 or purchasing services that include the
6 use of products, that are included in
7 a biobased product category des-
8 ignated by the Secretary.”; and

9 (B) in paragraph (3)—

10 (i) in subparagraph (B)—

11 (I) in clause (v), by inserting “as
12 determined to be necessary by the
13 Secretary based on the availability of
14 data,” before “provide information”;

15 (II) by redesignating clauses (v)
16 and (vi) as clauses (vii) and (viii), re-
17 spectively; and

18 (III) by inserting after clause (iv)
19 the following:

20 “(v) require reporting of quantities
21 and types of biobased products purchased
22 by procuring agencies;

23 “(vi) focus on products that meet the
24 biobased content requirements, including
25 forest products, that apply an innovative

1 approach to growing, harvesting, sourcing,
2 procuring, processing, manufacturing, or
3 application of biobased products regardless
4 of the date of entry of the products into
5 the marketplace;” and

6 (ii) by adding at the end the fol-
7 lowing:

8 “(F) REQUIRED DESIGNATIONS.—Not
9 later than 1 year after the date of enactment of
10 this subparagraph, the Secretary shall begin to
11 designate intermediate ingredients or feedstocks
12 and assembled and finished biobased products
13 in the guidelines issued under this paragraph.”;
14 (2) in subsection (b)—

15 (A) in paragraph (3)—

16 (i) by striking “The Secretary” and
17 inserting the following:

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

19 (ii) by adding at the end the fol-
20 lowing:

21 “(B) AUDITING AND COMPLIANCE.—The
22 Secretary may carry out such auditing and
23 compliance activities as the Secretary deter-
24 mines to be necessary to ensure compliance
25 with subparagraph (A).”; and

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

2 “(4) ASSEMBLED AND FINISHED PRODUCTS.—

3 Not later than 1 year after the date of enactment
4 of this paragraph, the Secretary shall begin issuing
5 criteria for determining which assembled and fin-
6 ished products may qualify to receive the label under
7 paragraph (1).”;

8 (3) by redesignating subsections (d), (e), (f),
9 (g), and (h) as subsections (e), (f), (g), (i), and (j),
10 respectively;

11 (4) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) OUTREACH, EDUCATION, AND PROMOTION.—

14 “(1) IN GENERAL.—The Secretary may engage
15 in outreach, educational, and promotional activities
16 intended to increase knowledge, awareness, and ben-
17 efits of biobased products.

18 “(2) AUTHORIZED ACTIVITIES.—In carrying
19 out this subsection, the Secretary may—

20 “(A) conduct consumer education and out-
21 reach (including consumer and awareness sur-
22 veys);

23 “(B) conduct outreach to and support for
24 State and local governments interested in im-
25 plementing biobased purchasing programs;

1 “(C) partner with industry and nonprofit
2 groups to produce educational and outreach
3 materials and conduct educational and outreach
4 events;

5 “(D) sponsor special conferences and
6 events to bring together buyers and sellers of
7 biobased products; and

8 “(E) support pilot and demonstration
9 projects.”;

10 (5) in subsection (h) (as redesignated by para-
11 graph (3))—

12 (A) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A) by striking “The report” and in-
15 serting “Each report under paragraph
16 (1)”;

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

19 (iii) in subparagraph (B)(ii), by strik-
20 ing the period at the end and inserting a
21 semicolon; and

22 (iv) by adding at the end the fol-
23 lowing:

24 “(C) the progress made by other Federal
25 agencies in compliance with the biobased pro-

1 curement requirements, including the quantity
2 of purchases made; and

3 “(D) the status of outreach, educational,
4 and promotional activities carried out by the
5 Secretary under subsection (d), including the
6 attainment of specific milestones and overall re-
7 sults.”; and

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

9 “(3) ECONOMIC IMPACT STUDY AND REPORT.—

10 “(A) IN GENERAL.—The Secretary shall
11 conduct a study to assess the economic impact
12 of the biobased products industry, including—

13 “(i) the quantity of biobased products
14 sold;

15 “(ii) the value of the biobased prod-
16 ucts;

17 “(iii) the quantity of jobs created;

18 “(iv) the quantity of petroleum dis-
19 placed;

20 “(v) other environmental benefits; and

21 “(vi) areas in which the use or manu-
22 facturing of biobased products could be
23 more effectively used, including identifying
24 any technical and economic obstacles and

1 recommending how those obstacles can be
2 overcome.

3 “(B) REPORT.—Not later than 180 days
4 after the date of enactment of this subpara-
5 graph, the Secretary shall submit to Congress a
6 report describing the results of the study con-
7 ducted under subparagraph (A).”.

8 (6) by inserting after subsection (g) (as redesign-
9 nated by paragraph (3)) the following:

10 “(h) FOREST PRODUCTS LABORATORY COORDINA-
11 TION.—In determining whether products are eligible for
12 the ‘USDA Certified Biobased Product’ label, the Sec-
13 retary (acting through the Forest Products Laboratory)
14 shall provide appropriate technical and other assistance to
15 the program and applicants for forest products.”; and

16 (7) in subsection (j) (as redesignated by para-
17 graph (3))—

18 (A) in the heading of paragraph (1), by in-
19 serting “FOR FISCAL YEARS 2008 THROUGH
20 2012” after “FUNDING”;

21 (B) in the heading of paragraph (2), by in-
22 serting “FOR FISCAL YEARS 2009 THROUGH
23 2013” after “FUNDING”; and

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

1 “(3) FISCAL YEARS 2014 THROUGH 2018.—
2 There is authorized to be appropriated to carry out
3 this section \$2,000,000 for each of fiscal years 2014
4 through 2018.

5 “(4) MANDATORY FUNDING FOR FISCAL YEARS
6 2014 THROUGH 2018.—Of the funds of the Com-
7 modity Credit Corporation, the Secretary shall use
8 to carry out this section \$3,000,000 for each of fis-
9 cal years 2014 through 2018.”.

10 (b) CONFORMING AMENDMENT.—Section
11 944(c)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C.
12 16253(c)(2)(A)) is amended by striking “section
13 9002(h)(1)” and inserting “section 9002(b)”.

14 **SEC. 9003. BIOREFINERY, RENEWABLE CHEMICAL, AND**
15 **BIOBASED PRODUCT MANUFACTURING AS-**
16 **SISTANCE.**

17 (a) PROGRAM ADJUSTMENTS.—

18 (1) IN GENERAL.—Section 9003 of the Farm
19 Security and Rural Investment Act of 2002 (7
20 U.S.C. 8103) is amended—

21 (A) in the section heading, by inserting “,
22 **RENEWABLE CHEMICAL, AND BIOBASED**
23 **PRODUCT MANUFACTURING**” after “**BIO-**
24 **REFINERY**”;

1 (B) in subsection (a), in the matter pre-
2 ceding paragraph (1), by inserting “renewable
3 chemicals, and biobased product manufac-
4 turing” after “advanced biofuels,”;

5 (C) in subsection (b)—

6 (i) by redesignating paragraphs (1)
7 and (2) as paragraphs (2) and (3), respec-
8 tively; and

9 (ii) by inserting before paragraph (2)
10 (as so redesignated) the following:

11 “(1) BIOBASED PRODUCT MANUFACTURING.—
12 The term ‘biobased product manufacturing’ means
13 development, construction, and retrofitting of tech-
14 nologically new commercial-scale processing and
15 manufacturing equipment and required facilities that
16 will be used to convert renewable chemicals and
17 other biobased outputs of biorefineries into end-user
18 products on a commercial scale.”; and

19 (D) in subsection (c)—

20 (i) in paragraph (1), by striking
21 “and” at the end;

22 (ii) in paragraph (2), by striking the
23 period at the end and inserting “; and”;
24 and

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

3 “(3) grants and loan guarantees to fund the de-
4 velopment and construction of renewable chemical
5 and biobased product manufacturing facilities.”.

6 (2) EFFECTIVE DATE.—The amendments made
7 by paragraph (1) shall take effect on October 1,
8 2013.

9 (b) FUNDING.—Section 9003(h) of the Farm Secu-
10 rity and Rural Investment Act of 2002 (7 U.S.C. 8103(h))
11 is amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) MANDATORY FUNDING.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), of the funds of the Commodity
17 Credit Corporation, the Secretary shall use for
18 the cost of loan guarantees under this section,
19 to remain available until expended—

20 “(i) \$100,000,000 for fiscal year
21 2014; and

22 “(ii) \$58,000,000 for each of fiscal
23 years 2015 and 2016.

24 “(B) BIOBASED PRODUCT MANUFAC-
25 TURING.—Of the total amount of funds made

1 available for fiscal years 2014 and 2015 under
2 subparagraph (A), the Secretary use for the
3 cost of loan guarantees under this section not
4 more than \$25,000,000 to promote biobased
5 product manufacturing.”; and

6 (2) in paragraph (2), by striking “2013” and
7 inserting “2018”.

8 **SEC. 9004. BIOENERGY PROGRAM FOR ADVANCED**
9 **BIOFUELS.**

10 Section 9005(g) of the Farm Security and Rural In-
11 vestment Act of 2002 (7 U.S.C. 8105(g)) is amended—

12 (1) in the heading of paragraph (1), by insert-
13 ing “FOR FISCAL YEARS 2009 THROUGH 2012” after
14 “FUNDING”;

15 (2) in the heading of paragraph (2), by insert-
16 ing “FOR FISCAL YEARS 2009 THROUGH 2013” after
17 “FUNDING”;

18 (3) by redesignating paragraph (3) as para-
19 graph (4); and

20 (4) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) FISCAL YEARS 2014 THROUGH 2018.—
23 There is authorized to be appropriated to carry out
24 this section \$20,000,000 for each of fiscal years
25 2014 through 2018.”.

1 **SEC. 9005. BIODIESEL FUEL EDUCATION PROGRAM.**

2 Section 9006(d) of the Farm Security and Rural In-
3 vestment Act of 2002 (7 U.S.C. 8106(d)) is amended—

4 (1) in paragraph (1)—

5 (A) in the heading, by striking “FISCAL
6 YEARS 2009 THROUGH 2012” and inserting
7 “MANDATORY FUNDING” ; and

8 (B) by striking “2012” and inserting
9 “2018”; and

10 (2) in paragraph (2), by striking “fiscal year
11 2013” and inserting “each of fiscal years 2014
12 through 2018”.

13 **SEC. 9006. RURAL ENERGY FOR AMERICA PROGRAM.**

14 (a) PROGRAM ADJUSTMENTS.—

15 (1) IN GENERAL.—Section 9007 of the Farm
16 Security and Rural Investment Act of 2002 (7
17 U.S.C. 8107) is amended—

18 (A) in subsection (b)(2)—

19 (i) in subparagraph (C), by striking
20 “and” at the end;

21 (ii) by redesignating subparagraph
22 (D) as subparagraph (E); and

23 (iii) by inserting after subparagraph
24 (C) the following:

1 “(D) a council (as defined in section 1528
2 of the Agriculture and Food Act of 1981 (16
3 U.S.C. 3451)); and”;

4 (B) in subsection (c)—

5 (i) in paragraph (1)(A), by inserting
6 “, such as for agricultural and associated
7 residential purposes” after “electricity”;

8 (ii) by striking paragraph (3);

9 (iii) by redesignating paragraph (4) as
10 paragraph (3);

11 (iv) in paragraph (3) (as so redesign-
12 nated), by striking subparagraph (A) and
13 inserting the following:

14 “(A) GRANTS.—The amount of a grant
15 under this subsection shall not exceed the lesser
16 of—

17 “(i) \$500,000; and

18 “(ii) 25 percent of the cost of the ac-
19 tivity carried out using funds from the
20 grant.”; and

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

22 “(4) TIERED APPLICATION PROCESS.—

23 “(A) IN GENERAL.—In providing loan
24 guarantees and grants under this subsection,
25 the Secretary shall use a 3-tiered application

1 process that reflects the size of proposed
2 projects in accordance with this paragraph.

3 “(B) TIER 1.—The Secretary shall estab-
4 lish a separate application process for projects
5 for which the cost of the activity funded under
6 this subsection is not more than \$80,000.

7 “(C) TIER 2.—The Secretary shall estab-
8 lish a separate application process for projects
9 for which the cost of the activity funded under
10 this subsection is greater than \$80,000 but less
11 than \$200,000.

12 “(D) TIER 3.—The Secretary shall estab-
13 lish a separate application process for projects
14 for which the cost of the activity funded under
15 this subsection is equal to or greater than
16 \$200,000.

17 “(E) APPLICATION PROCESS.—The Sec-
18 retary shall establish an application, evaluation,
19 and oversight process that is the most sim-
20 plified for tier I projects and more comprehen-
21 sive for each subsequent tier.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall take effect on October 1,
24 2013.

1 (b) FUNDING.—Section 9007(g) of the Farm Secu-
2 rity and Rural Investment Act of 2002 (7 U.S.C. 8107(g))
3 is amended—

4 (1) in the heading of paragraph (1), by insert-
5 ing “FOR FISCAL YEARS 2009 THROUGH 2012” after
6 “FUNDING”;

7 (2) in the heading of paragraph (2), by insert-
8 ing “FOR FISCAL YEARS 2009 THROUGH 2012” after
9 “FUNDING”;

10 (3) in the heading of paragraph (3), by insert-
11 ing “FOR FISCAL YEARS 2009 THROUGH 2013” after
12 “FUNDING”; and

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

14 “(4) FISCAL YEARS 2014 THROUGH 2018.—
15 There is authorized to be appropriated to carry out
16 this section \$20,000,000 for each of fiscal years
17 2014 through 2018.

18 “(5) MANDATORY FUNDING FOR FISCAL YEARS
19 2014 THROUGH 2018.—Of the funds of the Com-
20 modity Credit Corporation, the Secretary shall use
21 to carry out this section \$48,200,000 for each of fis-
22 cal years 2014 through 2018.”.

23 **SEC. 9007. BIOMASS RESEARCH AND DEVELOPMENT.**

24 Section 9008(h) of the Farm Security and Rural In-
25 vestment Act of 2002 (7 U.S.C. 8108(h)) is amended—

1 (1) in the heading of paragraph (1), by insert-
2 ing “FOR FISCAL YEARS 2009 THROUGH 2012” after
3 “FUNDING”;

4 (2) in the heading of paragraph (2), by insert-
5 ing “FOR FISCAL YEARS 2009 THROUGH 2013” after
6 “FUNDING”; and

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

8 “(3) FISCAL YEARS 2014 THROUGH 2018.—
9 There is authorized to be appropriated to carry out
10 this section \$30,000,000 for each of fiscal years
11 2014 through 2018.

12 “(4) MANDATORY FUNDING FOR FISCAL YEARS
13 2014 THROUGH 2018.—Of the funds of the Com-
14 modity Credit Corporation, the Secretary shall use
15 to carry out this section \$26,000,000 for each of fis-
16 cal years 2014 through 2018.”.

17 **SEC. 9008. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIO-**
18 **ENERGY PRODUCERS.**

19 Section 9010(b) of the Farm Security and Rural In-
20 vestment Act of 2002 (7 U.S.C. 8110(b)) is amended—

21 (1) in paragraph (1)(A), by striking “2013”
22 and inserting “2018”; and

23 (2) in paragraph (2)(A), by striking “2013”
24 and inserting “2018”.

1 **SEC. 9009. BIOMASS CROP ASSISTANCE PROGRAM.**

2 Section 9011 of the Farm Security and Rural Invest-
3 ment Act of 2002 (7 U.S.C. 8111) is amended to read
4 as follows:

5 **“SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) BCAP.—The term ‘BCAP’ means the Bio-
8 mass Crop Assistance Program established under
9 this section.

10 “(2) BCAP PROJECT AREA.—The term ‘BCAP
11 project area’ means an area that—

12 “(A) has specified boundaries that are sub-
13 mitted to the Secretary by the project sponsor
14 and subsequently approved by the Secretary;

15 “(B) includes producers with contract
16 acreage that will supply a portion of the renew-
17 able biomass needed by a biomass conversion
18 facility; and

19 “(C) is physically located within an eco-
20 nomically practicable distance from the biomass
21 conversion facility.

22 “(3) CONTRACT ACREAGE.—The term ‘contract
23 acreage’ means eligible land that is covered by a
24 BCAP contract entered into with the Secretary.

25 “(4) ELIGIBLE CROP.—

1 “(A) IN GENERAL.—The term ‘eligible
2 crop’ means a crop of renewable biomass.

3 “(B) EXCLUSIONS.—The term ‘eligible
4 crop’ does not include—

5 “(i) any crop that is eligible to receive
6 payments under title I of the Food, Con-
7 servation, and Energy Act of 2008 (7
8 U.S.C. 8702 et seq.) or an amendment
9 made by that title; or

10 “(ii) any plant that is invasive or nox-
11 ious or species or varieties of plants that
12 credible risk assessment tools or other
13 credible sources determine are potentially
14 invasive, as determined by the Secretary in
15 consultation with other appropriate Fed-
16 eral or State departments and agencies.

17 “(5) ELIGIBLE LAND.—

18 “(A) IN GENERAL.—The term ‘eligible
19 land’ includes—

20 “(i) agricultural and nonindustrial
21 private forest lands (as defined in section
22 5(c) of the Cooperative Forestry Assistance
23 Act of 1978 (16 U.S.C. 2103a(c))); and

24 “(ii) land enrolled in the agricultural
25 conservation easement program established

1 under subtitle H of title XII of the Food
2 Security Act of 1985.

3 “(B) EXCLUSIONS.—The term ‘eligible
4 land’ does not include—

5 “(i) Federal- or State-owned land;

6 “(ii) land that is native sod, as of the
7 date of enactment of the Food, Conserva-
8 tion, and Energy Act of 2008 (7 U.S.C.
9 8701 et seq.);

10 “(iii) land enrolled in the conservation
11 reserve program established under sub-
12 chapter B of chapter 1 of subtitle D of
13 title XII of the Food Security Act of 1985
14 (16 U.S.C. 3831 et seq.);

15 “(iv) land enrolled in the Agricultural
16 Conservation Easement Program estab-
17 lished under subtitle H of title XII of that
18 Act; or

19 “(v) land enrolled in the conservation
20 reserve program or the Agricultural Con-
21 servation Easement Program under a con-
22 tract that will expire at the end of the cur-
23 rent fiscal year.

24 “(6) ELIGIBLE MATERIAL.—

“(A) IN GENERAL.—The term ‘eligible material’ means renewable biomass harvested directly from the land, including crop residue from any crop that is eligible to receive payments under title I of the Agriculture Reform, Food, and Jobs Act of 2013 or an amendment made by that title.

“(B) INCLUSIONS.—The term ‘eligible material’ shall only include—

“(i) eligible material that is collected or harvested by the eligible material owner—

“(I) directly from—

“(aa) National Forest Sys-
tem;

“(bb) Bureau of Land Management land;

“(cc) non-Federal land; or

“(dd) land owned by an individual Indian or Indian tribe that is held in trust by the United States for the benefit of the individual Indian or Indian tribe or subject to a restriction

974

1 against alienation imposed by the
2 United States;

3 “(II) in a manner that is con-
4 sistent with—

5 “(aa) a conservation plan;

6 “(bb) a forest stewardship
7 plan; or

8 “(cc) a plan that the Sec-
9 retary determines is equivalent to
10 a plan described in item (aa) or
11 (bb) and consistent with Execu-
12 tive Order 13112 (42 U.S.C.
13 4321 note; relating to invasive
14 species);

15 “(ii) if woody eligible material, woody
16 eligible material that is produced on land
17 other than contract acreage that—

18 “(I) is a byproduct of a preventa-
19 tive treatment that is removed to re-
20 duce hazardous fuel or to reduce or
21 contain disease or insect infestation;
22 and

23 “(II) if harvested from Federal
24 land, is harvested in accordance with
25 section 102(e) of the Healthy Forests

1 Restoration Act of 2003 (16 U.S.C.
2 6512(e)); and

3 “(iii) eligible material that is delivered
4 to a qualified biomass conversion facility to
5 be used for heat, power, biobased products,
6 research, or advanced biofuels.

7 “(C) EXCLUSIONS.—The term ‘eligible ma-
8 terial’ does not include—

9 “(i) material that is whole grain from
10 any crop that is eligible to receive pay-
11 ments under title I of the Agriculture Re-
12 form, Food, and Jobs Act of 2013 or an
13 amendment made by that title, including—

14 “(I) barley, corn, grain sorghum,
15 oats, rice, or wheat;

16 “(II) honey;

17 “(III) mohair;

18 “(IV) oilseeds, including canola,
19 crambe, flaxseed, mustard seed,
20 rapeseed, safflower seed, soybeans,
21 sesame seed, and sunflower seed;

22 “(V) peanuts;

23 “(VI) pulse;

24 “(VII) chickpeas, lentils, and dry
25 peas;

1 “(VIII) dairy products;

2 “(IX) sugar; and

3 “(X) wool and cotton boll fiber;

4 “(ii) animal waste and byproducts, in-
5 cluding fat, oil, grease, and manure;

6 “(iii) food waste and yard waste;

7 “(iv) algae;

8 “(v) woody eligible material that—

9 “(I) is removed outside contract
10 acreage; and

11 “(II) is not a byproduct of a pre-
12 ventative treatment to reduce haz-
13 ardous fuel or to reduce or contain
14 disease or insect infestation;

15 “(vi) any woody eligible material col-
16 lected or harvested outside contract acre-
17 age that would otherwise be used for exist-
18 ing market products; or

19 “(vii) bagasse.

20 “(7) PRODUCER.—The term ‘producer’ means
21 an owner or operator of contract acreage that is
22 physically located within a BCAP project area.

23 “(8) PROJECT SPONSOR.—The term ‘project
24 sponsor’ means—

25 “(A) a group of producers; or

1 “(B) a biomass conversion facility.

2 “(9) SOCIALLY DISADVANTAGED FARMER OR
3 RANCHER.—The term ‘socially disadvantaged farmer
4 or rancher’ has the meaning given the term in sec-
5 tion 2501(e) of the Food, Agriculture, Conservation,
6 and Trade Act of 1990 (7 U.S.C. 2279(e)).

7 “(b) ESTABLISHMENT AND PURPOSE.—The Sec-
8 retary shall establish and administer a Biomass Crop As-
9 sistance Program to—

10 “(1) support the establishment and production
11 of eligible crops for conversion to bioenergy in se-
12 lected BCAP project areas; and

13 “(2) assist agricultural and forest land owners
14 and operators with the collection, harvest, storage,
15 and transportation of eligible material for use in a
16 biomass conversion facility.

17 “(c) BCAP PROJECT AREA.—

18 “(1) IN GENERAL.—The Secretary shall provide
19 financial assistance to a producer of an eligible crop
20 in a BCAP project area.

21 “(2) SELECTION OF PROJECT AREAS.—

22 “(A) IN GENERAL.—To be considered for
23 selection as a BCAP project area, a project
24 sponsor shall submit to the Secretary a pro-
25 posal that, at a minimum, includes—

1 “(i) a description of the eligible land
2 and eligible crops of each producer that
3 will participate in the proposed BCAP
4 project area;

5 “(ii) a letter of commitment from a
6 biomass conversion facility that the facility
7 will use the eligible crops intended to be
8 produced in the proposed BCAP project
9 area;

10 “(iii) evidence that the biomass con-
11 version facility has sufficient equity avail-
12 able, as determined by the Secretary, if the
13 biomass conversion facility is not oper-
14 ational at the time the proposal is sub-
15 mitted to the Secretary; and

16 “(iv) any other information about the
17 biomass conversion facility or proposed bio-
18 mass conversion facility that the Secretary
19 determines necessary for the Secretary to
20 be reasonably assured that the plant will
21 be in operation by the date on which the
22 eligible crops are ready for harvest.

23 “(B) BCAP PROJECT AREA SELECTION
24 CRITERIA.—In selecting BCAP project areas,
25 the Secretary shall consider—

1 “(i) the volume of the eligible crops
2 proposed to be produced in the proposed
3 BCAP project area and the probability
4 that those crops will be used for the pur-
5 poses of the BCAP;

6 “(ii) the volume of renewable biomass
7 projected to be available from sources
8 other than the eligible crops grown on con-
9 tract acres;

10 “(iii) the anticipated economic impact
11 in the proposed BCAP project area;

12 “(iv) the opportunity for producers
13 and local investors to participate in the
14 ownership of the biomass conversion facil-
15 ity in the proposed BCAP project area;

16 “(v) the participation rate by—

17 “(I) beginning farmers or ranch-
18 ers (as defined in accordance with sec-
19 tion 343(a) of the Consolidated Farm
20 and Rural Development Act (7 U.S.C.
21 1991(a))); or

22 “(II) socially disadvantaged
23 farmers or ranchers;

24 “(vi) the impact on soil, water, and
25 related resources;

1 “(vii) the variety in biomass produc-
2 tion approaches within a project area, in-
3 cluding (as appropriate)—

4 “(I) agronomic conditions;

5 “(II) harvest and postharvest
6 practices; and

7 “(III) monoculture and
8 polyculture crop mixes;

9 “(viii) the range of eligible crops
10 among project areas; and

11 “(ix) any additional information that
12 the Secretary determines to be necessary.

13 “(3) CONTRACT.—

14 “(A) IN GENERAL.—On approval of a
15 BCAP project area by the Secretary, each pro-
16 ducer in the BCAP project area shall enter into
17 a contract directly with the Secretary.

18 “(B) MINIMUM TERMS.—At a minimum, a
19 contract under this subsection shall include
20 terms that cover—

21 “(i) an agreement to make available
22 to the Secretary, or to an institution of
23 higher education or other entity designated
24 by the Secretary, such information as the
25 Secretary considers to be appropriate to

1 promote the production of eligible crops
2 and the development of biomass conversion
3 technology;

4 “(ii) compliance with the highly erod-
5 ible land conservation requirements of sub-
6 title B of title XII of the Food Security
7 Act of 1985 (16 U.S.C. 3811 et seq.) and
8 the wetland conservation requirements of
9 subtitle C of title XII of that Act (16
10 U.S.C. 3821 et seq.);

11 “(iii) the implementation of (as deter-
12 mined by the Secretary)—

13 “(I) a conservation plan;

14 “(II) a forest stewardship plan;

15 or

16 “(III) a plan that is equivalent to
17 a conservation or forest stewardship
18 plan; and

19 “(iv) any additional requirements that
20 Secretary determines to be necessary.

21 “(C) DURATION.—A contract under this
22 subsection shall have a term of not more
23 than—

24 “(i) 5 years for annual and perennial
25 crops; or

1 “(ii) 15 years for woody biomass.

2 “(4) RELATIONSHIP TO OTHER PROGRAMS.—In
3 carrying out this subsection, the Secretary shall pro-
4 vide for the preservation of cropland base and yield
5 history applicable to the land enrolled in a BCAP
6 contract.

7 “(5) PAYMENTS.—

8 “(A) IN GENERAL.—The Secretary shall
9 make establishment and annual payments di-
10 rectly to producers to support the establishment
11 and production of eligible crops on contract
12 acreage.

13 “(B) AMOUNT OF ESTABLISHMENT PAY-
14 MENTS.—

15 “(i) IN GENERAL.—Subject to clause
16 (ii), the amount of an establishment pay-
17 ment under this subsection shall be not
18 more than 50 percent of the costs of estab-
19 lishing an eligible perennial crop covered
20 by the contract but not to exceed \$500 per
21 acre, including—

22 “(I) the cost of seeds and stock
23 for perennials;

1 “(II) the cost of planting the pe-
2 rennial crop, as determined by the
3 Secretary; and

4 “(III) in the case of nonindus-
5 trial private forestland, the costs of
6 site preparation and tree planting.

7 “(ii) SOCIALLY DISADVANTAGED
8 FARMERS OR RANCHERS.—In the case of
9 socially disadvantaged farmers or ranchers,
10 the costs of establishment may not exceed
11 \$750 per acre.

12 “(C) AMOUNT OF ANNUAL PAYMENTS.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), the amount of an annual payment
15 under this subsection shall be determined
16 by the Secretary.

17 “(ii) REDUCTION.—The Secretary
18 shall reduce an annual payment by an
19 amount determined to be appropriate by
20 the Secretary, if—

21 “(I) an eligible crop is used for
22 purposes other than the production of
23 energy at the biomass conversion fa-
24 cility;

1 “(II) an eligible crop is delivered
2 to the biomass conversion facility;

3 “(III) the producer receives a
4 payment under subsection (d);

5 “(IV) the producer violates a
6 term of the contract; or

7 “(V) the Secretary determines a
8 reduction is necessary to carry out
9 this section.

10 “(D) EXCLUSION.—The Secretary shall
11 not make any BCAP payments on land for
12 which payments are received under the con-
13 servation reserve program established under
14 subchapter B of chapter 1 of subtitle D of title
15 XII of the Food Security Act of 1985 (16
16 U.S.C. 3831 et seq.) or the agricultural con-
17 servation easement program established under
18 subtitle H of title XII of that Act.

19 “(d) ASSISTANCE WITH COLLECTION, HARVEST,
20 STORAGE, AND TRANSPORTATION.—

21 “(1) IN GENERAL.—The Secretary shall make a
22 payment for the delivery of eligible material to a bio-
23 mass conversion facility to—

24 “(A) a producer of an eligible crop that is
25 produced on BCAP contract acreage; or

1 “(B) a person with the right to collect or
2 harvest eligible material, regardless of whether
3 the eligible material is produced on contract
4 acreage.

5 “(2) PAYMENTS.—

6 “(A) COSTS COVERED.—A payment under
7 this subsection shall be in an amount described
8 in subparagraph (B) for—

9 “(i) collection;

10 “(ii) harvest;

11 “(iii) storage; and

12 “(iv) transportation to a biomass con-
13 version facility.

14 “(B) AMOUNT.—Subject to paragraph (3),
15 the Secretary may provide matching payments
16 at a rate of up to \$1 for each \$1 per ton pro-
17 vided by the biomass conversion facility, in an
18 amount not to exceed \$20 per dry ton for a pe-
19 riod of 4 years.

20 “(3) LIMITATION ON ASSISTANCE FOR BCAP
21 CONTRACT ACREAGE.—As a condition of the receipt
22 of an annual payment under subsection (c), a pro-
23 ducer receiving a payment under this subsection for
24 collection, harvest, storage, or transportation of an

1 eligible crop produced on BCAP acreage shall agree
2 to a reduction in the annual payment.

3 “(e) REPORT.—Not later than 4 years after the date
4 of enactment of the Agriculture Reform, Food, and Jobs
5 Act of 2013, the Secretary shall submit to the Committee
6 on Agriculture of the House of Representatives and the
7 Committee on Agriculture, Nutrition, and Forestry of the
8 Senate a report on the dissemination by the Secretary of
9 the best practice data and information gathered from par-
10 ticipants receiving assistance under this section.

11 “(f) FUNDING.—

12 “(1) IN GENERAL.—Of the funds of the Com-
13 modity Credit Corporation, the Secretary shall use
14 to carry out this section \$38,600,000 for each of fis-
15 cal years 2014 through 2018.

16 “(2) COLLECTION, HARVEST, STORAGE, AND
17 TRANSPORTATION PAYMENTS.—Of the amount made
18 available under paragraph (1) for each fiscal year,
19 the Secretary shall use not less than 10 percent, nor
20 more than 50 percent, of the amount to make collec-
21 tion, harvest, transportation, and storage payments
22 under subsection (d)(2).”.

23 **SEC. 9010. REPEAL OF FOREST BIOMASS FOR ENERGY.**

24 Section 9012 of the Farm Security and Rural Invest-
25 ment Act of 2002 (7 U.S.C. 8112) is repealed.

1 **SEC. 9011. COMMUNITY WOOD ENERGY PROGRAM.**

2 (a) DEFINITION OF BIOMASS CONSUMER COOPERA-
3 TIVE.—Section 9013(a) of the Farm Security and Rural
4 Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

5 (1) by redesignating paragraphs (1) and (2) as
6 paragraphs (2) and (3), respectively; and

7 (2) by inserting before paragraph (2) (as so re-
8 designated) the following:

9 “(1) BIOMASS CONSUMER COOPERATIVE.—The
10 term ‘biomass consumer cooperative’ means a con-
11 sumer membership organization the purpose of
12 which is to provide members with services or dis-
13 counts relating to the purchase of biomass heating
14 products or biomass heating systems.”.

15 (b) GRANT PROGRAM.—Section 9013(b)(1) of the
16 Farm Security and Rural Investment Act of 2002 (7
17 U.S.C. 8113(b)(1)) is amended—

18 (1) in subparagraph (A), by striking “and”
19 after the semicolon at the end;

20 (2) in subparagraph (B), by striking the period
21 at the end and inserting “; and”; and

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

23 “(C) grants of up to \$50,000 to biomass
24 consumer cooperatives for the purpose of estab-
25 lishing or expanding biomass consumer coopera-

1 tives that will provide consumers with services
2 or discounts relating to—

3 “(i) the purchase of biomass heating
4 systems;

5 “(ii) biomass heating products, includ-
6 ing wood chips, wood pellets, and advanced
7 biofuels; or

8 “(iii) the delivery and storage of bio-
9 mass of heating products.”.

10 (c) MATCHING FUNDS.—Section 9013(d) of the
11 Farm Security and Rural Investment Act of 2002 (7
12 U.S.C. 8113(d)) is amended—

13 (1) by striking “A State or local government
14 that receives a grant under subsection (b)” and in-
15 serting the following:

16 “(1) STATE AND LOCAL GOVERNMENTS.—A
17 State or local government that receives a grant
18 under subparagraph (A) or (B) of subsection
19 (b)(1)”;

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

21 “(2) BIOMASS CONSUMER COOPERATIVES.—A
22 biomass consumer cooperative that receives a grant
23 under subsection (b)(1)(C) shall contribute an
24 amount of non-Federal funds (which may include
25 State, local, and nonprofit funds and membership

1 dues) toward the establishment or expansion of a
2 biomass consumer cooperative that is at least equal
3 to 50 percent of the amount of Federal funds re-
4 ceived for that purpose.”.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
6 9013(e) of the Farm Security and Rural Investment Act
7 of 2002 (7 U.S.C. 8113(e)) is amended by striking
8 “2013” and inserting “2018”.

9 **SEC. 9012. REPEAL OF RENEWABLE FERTILIZER STUDY.**

10 Section 9003 of the Food, Conservation, and Energy
11 Act of 2008 (Public Law 110–246; 122 Stat. 2096) is re-
12 pealed.

13 **TITLE X—HORTICULTURE**

14 **SEC. 10001. SPECIALTY CROPS MARKET NEWS ALLOCATION.**

15 Section 10107(b) of the Food, Conservation, and En-
16 ergy Act of 2008 (7 U.S.C. 1622b(b)) is amended by strik-
17 ing “2012” and inserting “2018”.

18 **SEC. 10002. REPEAL OF GRANT PROGRAM TO IMPROVE**

19 **MOVEMENT OF SPECIALTY CROPS.**

20 Section 10403 of the Food, Conservation, and En-
21 ergy Act of 2008 (7 U.S.C. 1622c) is repealed.

22 **SEC. 10003. FARMERS MARKET AND LOCAL FOOD PRO-**

23 **MOTION PROGRAM.**

24 Section 6 of the Farmer-to-Consumer Direct Mar-
25 keting Act of 1976 (7 U.S.C. 3005) is amended—

1 (1) in the section heading, by adding “AND
2 LOCAL FOOD” after “MARKET”;

3 (2) in subsection (a)—

4 (A) by inserting “and Local Food” after
5 “Market”;

6 (B) by striking “farmers’ markets and to
7 promote”; and

8 (C) by inserting “and local food capacity
9 development” before the period at the end;

10 (3) in subsection (b), by striking paragraph (1)
11 and inserting the following:

12 “(1) IN GENERAL.—The purposes of the Pro-
13 gram are to increase domestic consumption of and
14 access to locally and regionally produced agricultural
15 products by developing, improving, expanding, and
16 providing outreach, training, and technical assist-
17 ance to, or assisting in the development, improve-
18 ment and expansion of—

19 “(A) domestic farmers’ markets, roadside
20 stands, community-supported agriculture pro-
21 grams, agritourism activities, and other direct
22 producer-to-consumer market opportunities; and

23 “(B) local and regional food enterprises
24 that are not direct producer-to-consumer mar-
25 kets but process, distribute, aggregate, store,

1 and market locally or regionally produced food
2 products.”;

3 (4) in subsection (c)(1)—

4 (A) by inserting “or other business entity”
5 after “cooperative”; and

6 (B) by inserting “, including a community
7 supported agriculture network or association”
8 after “association”;

9 (5) by redesignating subsection (e) as sub-
10 section (f);

11 (6) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) PRIORITIES.—In providing grants under the
14 Program, priority shall be given to applications that in-
15 clude projects that—

16 “(1) benefit underserved communities;

17 “(2) develop market opportunities for small and
18 mid-sized farm and ranch operations; and

19 “(3) include a strategic plan to maximize the
20 use of funds to build capacity for local and regional
21 food systems in a community.”;

22 (7) in subsection (f) (as redesignated by para-
23 graph (5))—

24 (A) in paragraph (1)—

1 (i) in the heading, by striking “FIS-
2 CAL YEARS 2008 THROUGH 2012” and in-
3 serting “MANDATORY FUNDING”;

4 (ii) in subparagraph (B), by striking
5 “and” after the semicolon at the end;

6 (iii) in subparagraph (C), by striking
7 the period at the end and inserting “;
8 and”; and

9 (iv) by adding at the end the fol-
10 lowing:

11 “(D) \$20,000,000 for each of fiscal years
12 2014 through 2018.”;

13 (B) by striking paragraphs (3) and (5);

14 (C) by inserting after paragraph (2) the
15 following:

16 “(3) AUTHORIZATION OF APPROPRIATIONS.—In
17 addition to funds made available under paragraph
18 (1), there is authorized to be appropriated to carry
19 out this section \$20,000,000 for each of fiscal years
20 2014 through 2018.”; and

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

22 “(5) USE OF FUNDS.—

23 “(A) IN GENERAL.—Of the funds made
24 available to carry out the Program for each fis-
25 cal year, 50 percent shall be used for the pur-

1 poses described in subsection (b)(1)(A) and 50
2 percent shall be used for the purposes described
3 in subsection (b)(1)(B).

4 “(B) COST SHARE.—To be eligible to re-
5 ceive a grant for a project described in sub-
6 section (b)(1)(B), a recipient shall provide a
7 match in the form of cash or in-kind contribu-
8 tions in an amount equal to 25 percent of the
9 total cost of the project.

10 “(6) ADMINISTRATIVE EXPENSES.—Not more
11 than 10 percent of the total amount made available
12 to carry out this section for a fiscal year may be
13 used for administrative expenses.

14 “(7) LIMITATIONS.—An eligible entity may not
15 use a grant or other assistance provided under the
16 Program for the purchase, construction, or rehabili-
17 tation of a building or structure.”.

18 **SEC. 10004. STUDY ON LOCAL FOOD PRODUCTION AND PRO-**
19 **GRAM EVALUATION.**

20 (a) IN GENERAL.—The Secretary shall—

21 (1) collect data on the production and mar-
22 keting of locally or regionally produced agricultural
23 food products;

1 (2) facilitate interagency collaboration and data
2 sharing on programs related to local and regional
3 food systems; and

4 (3) monitor the effectiveness of programs de-
5 signed to expand or facilitate local food systems.

6 (b) REQUIREMENTS.—In carrying out this section,
7 the Secretary shall, at a minimum—

8 (1) collect and distribute comprehensive report-
9 ing of prices of locally or regionally produced agri-
10 cultural food products;

11 (2) conduct surveys and analysis and publish
12 reports relating to the production, handling, dis-
13 tribution, retail sales, and trend studies (including
14 consumer purchasing patterns) of or on locally or re-
15 gionally produced agricultural food products;

16 (3) evaluate the effectiveness of existing pro-
17 grams in growing local and regional food systems,
18 including—

19 (A) the impact of local food systems on job
20 creation and economic development;

21 (B) the level of participation in the Farm-
22 ers' Market and Local Food Promotion Pro-
23 gram established under section 6 of the Farm-
24 er-to-Consumer Direct Marketing Act of 1976
25 (7 U.S.C. 3005), including the percentage of

1 projects funded in comparison to applicants and
2 the types of eligible entities receiving funds;

3 (C) the ability for participants to leverage
4 private capital and a synopsis of the places
5 from which non-Federal funds are derived; and

6 (D) any additional resources required to
7 aid in the development or expansion of local
8 and regional food systems;

9 (4) expand the Agricultural Resource Manage-
10 ment Survey to include questions on locally or re-
11 regionally produced agricultural food products; and

12 (5) seek to establish or expand private-public
13 partnerships to facilitate, to the maximum extent
14 practicable, the collection of data on locally or re-
15 regionally produced agricultural food products, includ-
16 ing the development of a nationally coordinated and
17 regionally balanced evaluation of the redevelopment
18 of locally or regionally produced food systems.

19 (c) REPORT.—Not later than 1 year after the date
20 of enactment of this Act and annually thereafter, the Sec-
21 retary shall submit to the Committee on Agriculture of
22 the House of Representatives and the Committee on Agri-
23 culture, Nutrition, and Forestry of the Senate a report
24 describing the progress that has been made in imple-

1 menting this section and identifying any additional needs
2 related to developing local and regional food systems.

3 **SEC. 10005. ORGANIC AGRICULTURE.**

4 (a) ORGANIC PRODUCTION AND MARKET DATA INI-
5 TIATIVES.—Section 7407 of the Farm Security and Rural
6 Investment Act of 2002 (7 U.S.C. 5925c) is amended—

7 (1) in subsection (c)—

8 (A) in the matter preceding paragraph (1),
9 by inserting “and annually thereafter” after
10 “this subsection”;

11 (B) in paragraph (1), by striking “and” at
12 the end;

13 (C) by redesignating paragraph (2) as
14 paragraph (3); and

15 (D) by inserting after paragraph (1) the
16 following:

17 “(2) describes how data collection agencies
18 (such as the Agricultural Marketing Service and the
19 National Agricultural Statistics Service) are coordi-
20 nating with data user agencies (such as the Risk
21 Management Agency) to ensure that data collected
22 under this section can be used by data user agencies,
23 including by the Risk Management Agency to offer
24 price elections for all organic crops; and”;

25 (2) in subsection (d)—

1 (A) by striking paragraph (3);

2 (B) by redesignating paragraph (2) as
3 paragraph (3);

4 (C) by inserting after paragraph (1) the
5 following:

6 “(2) MANDATORY FUNDING.—In addition to
7 any funds available under paragraph (1), of the
8 funds of the Commodity Credit Corporation, the
9 Secretary shall use to carry out this section
10 \$5,000,000, to remain available until expended.”;
11 and

12 (D) in paragraph (3) (as redesignated by
13 subparagraph (B))—

14 (i) in the heading, by striking “FOR
15 FISCAL YEARS 2008 THROUGH 2012”;

16 (ii) by striking “paragraph (1)” and
17 inserting “paragraphs (1) and (2)”; and

18 (iii) by striking “2012” and inserting
19 “2018”.

20 (b) MODERNIZATION AND TECHNOLOGY UPGRADE
21 FOR NATIONAL ORGANIC PROGRAM.—Section 2123 of the
22 Organic Foods Production Act of 1990 (7 U.S.C. 6522)
23 is amended—

24 (1) in subsection (b)—

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

3 (B) by redesignating paragraph (6) as
4 paragraph (7); and

5 (C) by inserting after paragraph (5) the
6 following:

7 “(6) \$15,000,000 for each of fiscal years 2014
8 through 2018; and”; and

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

10 “(c) MODERNIZATION AND TECHNOLOGY UPGRADE
11 FOR NATIONAL ORGANIC PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall mod-
13 ernize database and technology systems of the na-
14 tional organic program.

15 “(2) FUNDING.—Of the funds of the Com-
16 modity Credit Corporation and in addition to any
17 other funds made available for that purpose, the
18 Secretary shall make available to carry out this sub-
19 section \$5,000,000 for fiscal year 2014, to remain
20 available until expended.

21 “(d) REPORT.—Not later than 180 days after the
22 date of enactment of this subsection, the Secretary shall
23 submit to the Committee on Agriculture of the House of
24 Representatives and the Committee on Agriculture, Nutri-
25 tion, and Forestry of the Senate a report that—

1 “(1) describes the efforts of the Secretary to
2 ensure that activities conducted through commodity
3 research and promotion programs adequately reflect
4 the priorities of all members of the applicable orders;
5 and

6 “(2) includes an assessment of the feasibility of
7 establishing an organic research and promotion pro-
8 gram, including any current barriers to establish-
9 ment and challenges related to implementation.”.

10 **SEC. 10006. FOOD SAFETY EDUCATION INITIATIVES.**

11 Section 10105(c) of the Food, Conservation, and En-
12 ergy Act of 2008 (7 U.S.C. 7655a(c)) is amended by strik-
13 ing “2012” and inserting “2018”.

14 **SEC. 10007. COORDINATED PLANT MANAGEMENT PRO-**
15 **GRAM.**

16 (a) IN GENERAL.—Section 420 of the Plant Protec-
17 tion Act (7 U.S.C. 7721) is amended—

18 (1) by striking the section heading and insert-
19 ing “**COORDINATED PLANT MANAGEMENT PRO-**
20 **GRAM.**”;

21 (2) by redesignating subsection (e) as sub-
22 section (f); and

23 (3) by inserting after subsection (d) the fol-
24 lowing:

25 “(e) NATIONAL CLEAN PLANT NETWORK.—

1000

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a program to be known as the ‘National Clean
3 Plant Network’ (referred to in this subsection as the
4 ‘Program’).

5 “(2) REQUIREMENTS.—Under the Program, the
6 Secretary shall establish a network of clean plant
7 centers for diagnostic and pathogen elimination serv-
8 ices—

9 “(A) to produce clean propagative plant
10 material; and

11 “(B) to maintain blocks of pathogen-tested
12 plant material in sites located throughout the
13 United States.

14 “(3) AVAILABILITY OF CLEAN PLANT SOURCE
15 MATERIAL.—Clean plant source material produced
16 or maintained under the Program may be made
17 available to—

18 “(A) a State for a certified plant program
19 of the State; and

20 “(B) private nurseries and producers.

21 “(4) CONSULTATION AND COLLABORATION.—In
22 carrying out the Program, the Secretary shall—

23 “(A) consult with—

24 “(i) State departments of agriculture;
25 and

1001

1 “(ii) land-grant colleges and univer-
2 sities and NLGCA Institutions (as those
3 terms are defined in section 1404 of the
4 National Agricultural Research, Extension,
5 and Teaching Policy Act of 1977 (7 U.S.C.
6 3103)); and

7 “(B) to the extent practicable and with
8 input from the appropriate State officials and
9 industry representatives, use existing Federal or
10 State facilities to serve as clean plant centers.”.

11 (b) FUNDING.—Subsection (f) of section 420 of the
12 Plant Protection Act (7 U.S.C. 7721) (as redesignated by
13 subsection (a)(2)) is amended—

14 (1) in paragraph (3), by striking “and” at the
15 end;

16 (2) in paragraph (4), by striking “and each fis-
17 cal year thereafter.” and inserting a semicolon; and

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

19 “(5) \$60,000,000 for each of fiscal years 2014
20 through 2017; and

21 “(6) \$65,000,000 for fiscal year 2018 and each
22 fiscal year thereafter.”.

23 (c) REPEAL OF EXISTING PROVISION.—Section
24 10202 of the Food, Conservation, and Energy Act of 2008
25 (7 U.S.C. 7761) is repealed.

1 (d) CLARIFICATION OF USE OF FUNDS FOR TECH-
2 NICAL ASSISTANCE.—Section 420 of the Plant Protection
3 Act (7 U.S.C. 7721) (as amended by subsection (a)) is
4 amended by adding at the end the following:

5 “(g) RELATIONSHIP TO OTHER LAW.—The use of
6 Commodity Credit Corporation funds under this section
7 to provide technical assistance shall not be considered an
8 allotment or fund transfer from the Commodity Credit
9 Corporation for purposes of the limit on expenditures for
10 technical assistance imposed by section 11 of the Com-
11 modity Credit Corporation Charter Act (15 U.S.C.
12 714i).”.

13 **SEC. 10008. SPECIALTY CROP BLOCK GRANTS.**

14 Section 101 of the Specialty Crops Competitiveness
15 Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)
16 is amended—

17 (1) in subsection (a)—

18 (A) by striking “subsection (j)” and insert-
19 ing “subsection (l)”; and

20 (B) by striking “2012” and inserting
21 “2018”;

22 (2) by striking subsection (b) and inserting the
23 following:

24 “(b) GRANTS BASED ON VALUE AND ACREAGE.—
25 Subject to subsection (c), in the case of each State with

1 an application for a grant for a fiscal year that is accepted
2 by the Secretary of Agriculture under subsection (f), the
3 amount of a grant for a fiscal year to a State under this
4 section shall bear the same ratio to the total amount made
5 available under subsection (l) for that fiscal year as—

6 “(1) the average of the most recent available
7 value of specialty crop production in the State and
8 the acreage of specialty crop production in the State,
9 as demonstrated in the most recent Census of Agri-
10 culture data; bears to

11 “(2) the average of the most recent available
12 value of specialty crop production in all States and
13 the acreage of specialty crop production in all
14 States, as demonstrated in the most recent Census
15 of Agriculture data.”;

16 (3) by redesignating subsection (j) as sub-
17 section (l);

18 (4) by inserting after subsection (i) the fol-
19 lowing:

20 “(j) MULTISTATE PROJECTS.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of the Agriculture Re-
23 form, Food, and Jobs Act of 2013, the Secretary of
24 Agriculture shall issue guidance for the purpose of

1 making grants to multistate projects under this sec-
2 tion for projects involving—

3 “(A) food safety;

4 “(B) plant pests and disease;

5 “(C) crop-specific projects addressing com-
6 mon issues; and

7 “(D) any other area that furthers the pur-
8 poses of this section, as determined by the Sec-
9 retary.

10 “(2) FUNDING.—Of the funds provided under
11 subsection (l), the Secretary of Agriculture may allo-
12 cate for grants under this subsection, to remain
13 available until expended—

14 “(A) \$1,000,000 for fiscal year 2014;

15 “(B) \$2,000,000 for fiscal year 2015;

16 “(C) \$3,000,000 for fiscal year 2016;

17 “(D) \$4,000,000 for fiscal year 2017; and

18 “(E) \$5,000,000 for fiscal year 2018.

19 “(k) ADMINISTRATION.—

20 “(1) DEPARTMENT.—The Secretary of Agri-
21 culture may not use more than 3 percent of the
22 funds made available to carry out this section for a
23 fiscal year for administrative expenses.

24 “(2) STATES.—A State receiving a grant under
25 this section may not use more than 8 percent of the

1005

1 funds received under the grant for a fiscal year for
2 administrative expenses.”; and

3 (5) in subsection (l) (as redesignated by para-
4 graph (3))—

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

7 (B) in paragraph (3), by striking the pe-
8 riod at the end and inserting “; and”; and

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

10 “(4) \$70,000,000 for fiscal year 2014 and each
11 fiscal year thereafter.”.

12 **SEC. 10009. RECORDKEEPING, INVESTIGATIONS, AND EN-**
13 **FORCEMENT.**

14 The Organic Foods Production Act of 1990 is amend-
15 ed by inserting after section 2120 (7 U.S.C. 6519) the
16 following:

17 **“SEC. 2120A. RECORDKEEPING, INVESTIGATIONS, AND EN-**
18 **FORCEMENT.**

19 “(a) RECORDKEEPING.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided in this title, all persons, including producers,
22 handlers, and certifying agents, required to report
23 information to the Secretary under this title shall
24 maintain, and make available to the Secretary on
25 the request of the Secretary, all contracts, agree-

1006

1 ments, receipts, and other records associated with
2 the organic certification program established by the
3 Secretary under this title.

4 “(2) DURATION OF RECORDKEEPING REQUIRE-
5 MENT.—A record covered by paragraph (1) shall be
6 maintained—

7 “(A) by a person covered by this title, ex-
8 cept for a certifying agent, for a period of 5
9 years beginning on the date of the creation of
10 the record; and

11 “(B) by a certifying agent, for a period of
12 10 years beginning on the date of the creation
13 of the record.

14 “(b) CONFIDENTIALITY.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 and except as provided in section 2107(a)(9) and as
17 otherwise directed by the Secretary or the Attorney
18 General for enforcement purposes, no officer, em-
19 ployee, or agent of the United States shall make
20 available to the public information, statistics, or doc-
21 uments obtained from or made available by any per-
22 son under this title, other than in a manner that en-
23 sures that confidentiality is preserved regarding the
24 identity of persons, including parties to a contract,
25 and proprietary business information.

1 “(2) VIOLATORS AND NATURE OF ACTIONS.—

2 The Secretary may release the name of the violator
3 and the nature of the actions triggering an order or
4 revocation under subsection (e).

5 “(c) INVESTIGATION.—

6 “(1) IN GENERAL.—The Secretary may take
7 such investigative actions as the Secretary considers
8 to be necessary to carry out this title—

9 “(A) to verify the accuracy of any informa-
10 tion reported or made available under this title;
11 and

12 “(B) to determine, with regard to actions,
13 practices, or information required under this
14 title, whether a person covered by this title has
15 committed, or will commit, a violation of any
16 provision of this title, including an order or reg-
17 ulation promulgated by the Secretary.

18 “(2) INVESTIGATIVE POWERS.—The Secretary
19 may administer oaths and affirmations, subpoena
20 witnesses, compel attendance of witnesses, take evi-
21 dence, and require the production of any records re-
22 quired to be maintained under subsection (a) or sec-
23 tion 2112(d) or 2116(c) that are relevant to the in-
24 vestigation .

1 “(d) UNLAWFUL ACT.—It shall be unlawful and a
2 violation of this title for any person covered by this title—

3 “(1) to fail or refuse to provide, or delay the
4 timely provision of, accurate information required by
5 the Secretary under this section;

6 “(2) to violate—

7 “(A) an order of the Secretary;

8 “(B) a revocation of the organic certifi-
9 cation of a producer or handler; or

10 “(C) a revocation of the accreditation of a
11 certifying agent; or

12 “(3) to sell, or attempt to sell, a product that
13 is represented as being organically produced under
14 this title (including an order or regulation promul-
15 gated under this title) if in fact the product has
16 been produced or handled by an operation that is
17 not yet a certified organic producer or handler under
18 this title.

19 “(e) ENFORCEMENT.—

20 “(1) ORDER.—

21 “(A) IN GENERAL.—The Secretary may
22 issue an order to stop the sale of an agricul-
23 tural product that is labeled or otherwise rep-
24 resented as being organically produced in cases
25 of suspected fraudulent or otherwise unlawful

1 acts as described in subsection (d) that are will-
2 ful, noncorrectable, or the subject of a com-
3 bined noncompliance and adverse action until
4 the product can be verified—

5 “(i) as meeting the national and State
6 standards for organic production and han-
7 dling as provided in sections 2105 through
8 2114;

9 “(ii) as having been produced or han-
10 dled without the use of a prohibited sub-
11 stance listed under section 2118; and

12 “(iii) as being produced and handled
13 by a certified organic operation.

14 “(B) AFFIRMATIVE DEFENSE TO STOP
15 SALE ORDER.—

16 “(i) IN GENERAL.—If a producer or
17 handler has a valid organic certification
18 from the Department of Agriculture, the
19 burden shall shift to the Secretary to prove
20 fraud or unlawful activity that is willful,
21 noncorrectable, or the subject of a com-
22 bined noncompliance and adverse action
23 before a stop sale order under subpara-
24 graph (A) may be implemented.

25 “(ii) INFORMATION.—

1010

1 “(I) IN GENERAL.—The producer
2 or handler shall comply with any re-
3 quests of the Secretary for documents
4 and other information not later than
5 30 days after a request is made.

6 “(II) NONCOMPLIANCE.—If the
7 producer or handler fails to comply
8 within the period described in sub-
9 clause (I), the Secretary may issue a
10 stop sale order.

11 “(C) APPEAL OF STOP SALE ORDER.—

12 “(i) IN GENERAL.—If the Secretary
13 proves fraud or unlawful activity that is
14 willful, noncorrectable, or the subject of a
15 combined noncompliance and adverse ac-
16 tion, the determination may be appealed
17 through an expedited administrative appeal
18 process.

19 “(ii) DEADLINE.—The expedited ap-
20 peal process shall be completed not later
21 than 30 days after the date of the issuance
22 of the stop sale order.

23 “(iii) STAY.—Any stop sale order
24 shall be stayed pending the 30 day-expe-
25 dited appeal under this subparagraph.

1 “(2) CERTIFICATION OR ACCREDITATION.—

2 After notice and opportunity for an administrative
3 appeal under section 2121, if a violation described in
4 subparagraph (A)(ii) is determined to have occurred
5 and is an unlawful act under subsection (d), the Sec-
6 retary shall revoke the organic certification of the
7 producer or handler, or the accreditation of the cer-
8 tifying agent.

9 “(3) VIOLATION OF ORDER OR REVOCATION.—

10 A person who violates an order to stop the sale of
11 a product as an organically produced product under
12 paragraph (1), or a revocation of certification or ac-
13 creditation under paragraph (2), shall be subject to
14 1 or more of the penalties provided under sub-
15 sections (a) and (b) of section 2120.

16 “(f) APPEAL.—

17 “(1) IN GENERAL.—An order under subsection
18 (e)(1), or a revocation of certification or accredita-
19 tion under subsection (e)(2)(B), shall be final and
20 conclusive unless the affected person files an appeal
21 of the order—

22 “(A) first, to the administrative appeals
23 process established under section 2121(a); and

24 “(B) after a final decision of the Secretary,
25 if the affected person so elects, to a United

1 States district court as provided in section
2 2121(b) not later than 30 days after the date
3 of the determination under subparagraph (A).

4 “(2) STANDARD.—An order under subsection
5 (e)(1)(A), or a revocation of certification or accredi-
6 tation under subsection (e)(2), shall be set aside if
7 the order, or the revocation of certification or ac-
8 creditation, fails to comply with section 706 of title
9 5, United States Code.

10 “(g) NONCOMPLIANCE.—

11 “(1) IN GENERAL.—If a person covered by this
12 title fails to obey an order, or a revocation of certifi-
13 cation or accreditation, described in subsection (f)(2)
14 after the order or revocation has become final and
15 conclusive or after the appropriate United States
16 district court has entered a final judgment in favor
17 of the Secretary, the United States may apply to the
18 appropriate United States district court for enforce-
19 ment of the order, or the revocation of certification
20 or accreditation.

21 “(2) ENFORCEMENT.—If the court determines
22 that the order or revocation was lawfully made and
23 duly served and that the person violated the order
24 or revocation, the court shall enforce the order or
25 revocation.

1 “(3) CIVIL PENALTY.—If the court finds that
2 the person violated the order or revocation, the per-
3 son shall be subject to a civil penalty of not more
4 than \$10,000 for each offense.”.

5 **SEC. 10010. REPORT ON HONEY.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary, in consulta-
8 tion with affected stakeholders, shall submit to the Com-
9 missioner of Food and Drugs a report describing how an
10 appropriate Federal standard for the identity of honey
11 would promote honesty and fair dealing and would be in
12 the interest of consumers, the honey industry, and United
13 States agriculture.

14 (b) CONTENTS.—In preparing the report under sub-
15 section (a), the Secretary shall take into consideration the
16 March 2006 Standard of Identity citizens petition filed
17 with the Food and Drug Administration, including any
18 current industry amendments or clarifications necessary
19 to update that 2006 petition.

20 **SEC. 10011. EFFECTIVE DATE.**

21 This title and the amendments made by this title take
22 effect on October 1, 2013.

1 **TITLE XI—CROP INSURANCE**

2 **SEC. 11001. SUPPLEMENTAL COVERAGE OPTION.**

3 (a) AVAILABILITY OF SUPPLEMENTAL COVERAGE
4 OPTION.—Section 508(c) of the Federal Crop Insurance
5 Act (7 U.S.C. 1508(c)) is amended by striking paragraph
6 (3) and inserting the following:

7 “(3) YIELD AND LOSS BASIS OPTIONS.—A pro-
8 ducer shall have the option of purchasing additional
9 coverage based on—

10 “(A)(i) an individual yield and loss basis;

11 or

12 “(ii) an area yield and loss basis; or

13 “(B) an individual yield and loss basis,
14 supplemented with coverage based on an area
15 yield and loss basis to cover part of the deduct-
16 ible under the individual yield and loss policy,
17 as authorized in paragraph (4)(C).”.

18 (b) LEVEL OF COVERAGE.—Section 508(c) of the
19 Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amend-
20 ed by striking paragraph (4) and inserting the following:

21 “(4) LEVEL OF COVERAGE.—

22 “(A) DOLLAR DENOMINATION AND PER-
23 CENTAGE OF YIELD.—Except as provided in
24 subparagraph (C), the level of coverage—

25 “(i) shall be dollar denominated; and

1 “(ii) may be purchased at any level
2 not to exceed 85 percent of the individual
3 yield or 95 percent of the area yield (as de-
4 termined by the Corporation).

5 “(B) INFORMATION.—The Corporation
6 shall provide producers with information on cat-
7 astrophic risk and additional coverage in terms
8 of dollar coverage (within the allowable limits of
9 coverage provided in this paragraph).

10 “(C) SUPPLEMENTAL COVERAGE OP-
11 TION.—

12 “(i) IN GENERAL.—Notwithstanding
13 subparagraph (A), in the case of the sup-
14 plemental coverage option described in
15 paragraph (3)(B), the Corporation shall
16 offer producers the opportunity to pur-
17 chase coverage in combination with an in-
18 dividual buy up policy or plan of insurance
19 offered under this subtitle that would allow
20 indemnities to be paid to a producer equal
21 to part of the deductible under the policy
22 or plan of insurance, if sufficient area data
23 is available (as determined by the Corpora-
24 tion).

1016

1 “(ii) DEDUCTIBLE.—Coverage offered
2 under this subparagraph shall be subject to
3 a deductible in an amount equal to—

4 “(I) in the case of a producer
5 who participates in the agriculture
6 risk coverage program under section
7 1108(c) of the Agriculture Reform,
8 Food, and Jobs Act of 2013, 22 per-
9 cent of the expected value of the crop
10 of the producer covered by the under-
11 lying policy or plan of insurance, as
12 determined by the Corporation; and

13 “(II) in the case of all other pro-
14 ducers, 10 percent of the expected
15 value of the crop of the producer cov-
16 ered by the underlying policy or plan
17 of insurance, as determined by the
18 Corporation.

19 “(iii) COVERAGE.—Subject to the de-
20 ductible imposed by clause (ii), coverage
21 offered under this subparagraph shall
22 cover the first loss incurred by the pro-
23 ducer, not to exceed the difference be-
24 tween—

25 “(I) 100 percent; and

1017

1 “(II) the coverage level selected
2 by the producer for the underlying
3 policy or plan of insurance.

4 “(iv) CALCULATION OF PREMIUM.—
5 Notwithstanding subsection (d), the pre-
6 mium shall—

7 “(I) be sufficient to cover antici-
8 pated losses and a reasonable reserve;
9 and

10 “(II) include an amount for oper-
11 ating and administrative expenses es-
12 tablished in accordance with sub-
13 section (k)(4)(F).”.

14 (c) PAYMENT OF PORTION OF PREMIUM BY COR-
15 PORATION.—Section 508(e)(2) of the Federal Crop Insur-
16 ance Act (7 U.S.C. 1508(e)(2)) is amended by adding at
17 the end the following:

18 “(H) In the case of the supplemental cov-
19 erage option authorized in subsection (c)(4)(C),
20 the amount shall be equal to the sum of—

21 “(i) 65 percent of the additional pre-
22 mium associated with the coverage; and

23 “(ii) the amount determined under
24 subsection (c)(4)(C)(iv)(II) for the cov-

1018

1 erage to cover operating and administra-
2 tive expenses.”.

3 (d) CONFORMING AMENDMENT.—Section
4 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C.
5 1508(k)(4)(F)) is amended by inserting “or authorized
6 under subsection (c)(4)(C)” after “of this subparagraph”.

7 (e) EFFECTIVE DATE.—The Federal Crop Insurance
8 Corporation shall begin to provide additional coverage
9 based on an individual yield and loss basis, supplemented
10 with coverage based on an area yield and loss basis, not
11 later than for the 2014 crop year.

12 **SEC. 11002. CROP MARGIN COVERAGE OPTION.**

13 (a) AVAILABILITY OF CROP MARGIN COVERAGE OP-
14 TION.—Section 508(c)(3) of the Federal Crop Insurance
15 Act (7 U.S.C. 1508(c)) (as amended by section 11001(a))
16 is amended—

17 (1) in subparagraph (A)(ii), by striking “or” at
18 the end;

19 (2) in subparagraph (B), by striking the period
20 at the end and inserting “; or”; and

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

22 “(C) a margin basis alone or in combina-
23 tion with—

24 “(i) individual yield and loss coverage;

25 or

1 “(ii) area yield and loss coverage.”.

2 **SEC. 11003. PREMIUM AMOUNTS FOR CATASTROPHIC RISK**
3 **PROTECTION.**

4 Section 508(d)(2) of the Federal Crop Insurance Act
5 (7 U.S.C. 1508(d)(2)) is amended by striking subpara-
6 graph (A) and inserting the following:

7 “(A) In the case of catastrophic risk pro-
8 tection, the amount of the premium established
9 by the Corporation for each crop for which cat-
10 astrophic risk protection is available shall be re-
11 duced by the percentage equal to the difference
12 between the average loss ratio for the crop and
13 100 percent, plus a reasonable reserve, as de-
14 termined by the Corporation.”.

15 **SEC. 11004. PERMANENT ENTERPRISE UNIT.**

16 Section 508(e)(5) of the Federal Crop Insurance Act
17 (7 U.S.C. 1508(e)(5)) is amended by striking subpara-
18 graph (A) and inserting the following:

19 “(A) IN GENERAL.—The Corporation may
20 pay a portion of the premiums for plans or poli-
21 cies of insurance for which the insurable unit is
22 defined on a whole farm or enterprise unit basis
23 that is higher than would otherwise be paid in
24 accordance with paragraph (2).”.

1 **SEC. 11005. ENTERPRISE UNITS FOR IRRIGATED AND NON-**
2 **IRRIGATED CROPS.**

3 Section 508(e)(5) of the Federal Crop Insurance Act
4 (7 U.S.C. 1508(e)(5)) is amended by adding at the end
5 the following:

6 “(D) NONIRRIGATED CROPS.—Beginning
7 with the 2014 crop year, the Corporation shall
8 make available separate enterprise units for ir-
9 rigated and nonirrigated acreages of crops in
10 counties.”.

11 **SEC. 11006. DATA COLLECTION.**

12 Section 508(g)(2) of the Federal Crop Insurance Act
13 (7 U.S.C. 1508(g)(2)) is amended by adding at the end
14 the following:

15 “(E) SOURCES OF YIELD DATA.—To deter-
16 mine yields under this paragraph, the Corpora-
17 tion—

18 “(i) shall use county data collected by
19 the Risk Management Agency or the Na-
20 tional Agricultural Statistics Service, or
21 both; or

22 “(ii) if sufficient county data is not
23 available, may use other data considered
24 appropriate by the Secretary.”.

1 **SEC. 11007. ADJUSTMENT IN ACTUAL PRODUCTION HIS-**
2 **TORY TO ESTABLISH INSURABLE YIELDS.**

3 Section 508(g)(4)(B) of the Federal Crop Insurance
4 Act (7 U.S.C. 1508(g)(4)(B)) is amended—

5 (1) in the matter preceding clause (i), by insert-
6 ing “for the 2013 crop year or any prior crop year,
7 or 65 percent of the applicable transitional yield for
8 the 2014 or any subsequent crop year,” after “tran-
9 sitional yield”; and

10 (2) in clause (ii), by striking “60 percent of the
11 applicable transitional yield” and inserting “the ap-
12 plicable percentage of the transitional yield described
13 in this subparagraph”.

14 **SEC. 11008. SUBMISSION AND REVIEW OF POLICIES.**

15 Section 508(h)(1) of the Federal Crop Insurance Act
16 (7 U.S.C. 1508(h)(1)) is amended—

17 (1) by redesignating subparagraphs (A) and
18 (B) as clauses (i) and (ii), respectively, and indent-
19 ing appropriately;

20 (2) by striking “(1) IN GENERAL.—” and in-
21 serting the following:

22 “(1) SUBMISSION AND REVIEW OF POLICIES.—

23 “(A) SUBMISSIONS.—In addition”; and

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

25 “(B) REVIEW.—The Corporation shall re-
26 view any policy developed under section 522(c)

1 or any pilot program developed under section
2 523 and submit the policy or program to the
3 Board under this subsection if the Corporation,
4 at the sole discretion of the Corporation, finds
5 that the policy or program—

6 “(i) will likely result in a viable and
7 marketable policy consistent with this sub-
8 section;

9 “(ii) would provide crop insurance
10 coverage in a significantly improved form;
11 and

12 “(iii) adequately protects the interests
13 of producers.”.

14 **SEC. 11009. BOARD REVIEW AND APPROVAL.**

15 (a) REVIEW AND APPROVAL BY THE BOARD.—Sec-
16 tion 508(h) of the Federal Crop Insurance Act (7 U.S.C.
17 1508(h)) is amended by striking paragraph (3) and insert-
18 ing the following:

19 “(3) REVIEW AND APPROVAL BY THE BOARD.—

20 “(A) IN GENERAL.—A policy, plan of in-
21 surance, or other material submitted to the
22 Board under this subsection shall be reviewed
23 by the Board and shall be approved by the
24 Board for reinsurance and for sale by approved
25 insurance providers to producers at actuarially

1 appropriate rates and under appropriate terms
2 and conditions if the Board, at the sole discre-
3 tion of the Board, determines that—

4 “(i) the interests of producers are
5 adequately protected;

6 “(ii) the rates of premium and price
7 election methodology are actuarially appro-
8 priate;

9 “(iii) the terms and conditions for the
10 proposed policy or plan of insurance are
11 appropriate and would not unfairly dis-
12 criminate among producers;

13 “(iv) the proposed policy or plan of in-
14 surance will, at the sole discretion of the
15 Board—

16 “(I) likely result in a viable and
17 marketable policy that can reasonably
18 attain levels of participation similar to
19 other like policies or plans of insur-
20 ance;

21 “(II) provide crop insurance cov-
22 erage in a significantly improved form
23 or in a manner that addresses a rec-
24 ognized flaw or problem in an existing
25 policy; or

1 “(III) provide a new kind of cov-
2 erage for a commodity that previously
3 had no available crop insurance, or
4 has demonstrated a low level of par-
5 ticipation under existing coverage;

6 “(v) the proposed policy or plan of in-
7 surance will, at the sole discretion of the
8 Board, not have a significant adverse im-
9 pact on the crop insurance delivery system;
10 and

11 “(vi) the proposed policy or plan of in-
12 surance meets such other requirements as
13 are determined appropriate by the Board.

14 “(B) PRIORITIES.—

15 “(i) ESTABLISHMENT.—The Board,
16 at the sole discretion of the Board, may—

17 “(I) annually establish priorities
18 under this subsection that specify
19 types of submissions needed to fulfill
20 the portfolio of policies or plans of in-
21 surance to be reviewed and approved
22 under this subsection; and

23 “(II) make the priorities avail-
24 able on the website of the Corpora-
25 tion.

1025

1 “(ii) PROCESS.—

2 “(I) IN GENERAL.—Policies or
3 plans of insurance that satisfy the pri-
4 orities established by the Board under
5 this subsection shall be considered by
6 the Board for approval prior to other
7 submissions.

8 “(II) CONSIDERATIONS.—In ap-
9 proving policies or plans of insurance,
10 the Board shall—

11 “(aa) consider providing the
12 highest priorities for policies or
13 plans of insurance that address
14 underserved commodities, includ-
15 ing commodities for which there
16 is no insurance; and

17 “(bb) consider providing the
18 highest priorities for existing
19 policies for which there is inad-
20 equate coverage or there exists
21 low levels of participation.

22 “(iii) OTHER CRITERIA.—The Board
23 may establish such other criteria as the
24 Board determines to meet the needs of
25 producers and the priorities of this sub-

1 section, consistent with the purposes of
2 this subtitle.”.

3 **SEC. 11010. CONSULTATION.**

4 Section 508(h)(4) of the Federal Crop Insurance Act
5 (7 U.S.C. 1508(h)) is amended by adding at the end the
6 following:

7 “(E) CONSULTATION.—

8 “(i) REQUIREMENT.—As part of the
9 feasibility and research associated with the
10 development of a policy or other material
11 conducted prior to making a submission to
12 the Board under this subsection, the sub-
13 mitter shall consult with groups rep-
14 resenting producers of agricultural com-
15 modities in all major producing areas for
16 the commodities to be served or potentially
17 impacted, either directly or indirectly.

18 “(ii) SUBMISSION TO THE BOARD.—

19 Any submission made to the Board under
20 this subsection shall contain a summary
21 and analysis of the feasibility and research
22 findings from the impacted groups de-
23 scribed in clause (i), including a summary
24 assessment of the support for or against
25 development of the policy and an assess-

1 ment on the impact of the proposed policy
2 to the general marketing and production of
3 the crop from both a regional and national
4 perspective.

5 “(iii) EVALUATION BY THE BOARD.—

6 In evaluating whether the interests of pro-
7 ducers are adequately protected pursuant
8 to paragraph (3) with respect to an sub-
9 mission made under this subsection, the
10 Board shall review the information pro-
11 vided pursuant to clause (ii) to determine
12 if the submission will create adverse mar-
13 ket distortions with respect to the produc-
14 tion of commodities that are the subject of
15 the submission.”.

16 SEC. 11011. BUDGET LIMITATIONS ON RENEGOTIATION OF
17 THE STANDARD REINSURANCE AGREEMENT.

18 Section 508(k)(8) of the Federal Crop Insurance Act
19 (7 U.S.C. 1508(k)(8)) is amended by adding at the end
20 the following:

21 “(F) BUDGET.—

22 “(i) IN GENERAL.—The Board shall
23 ensure that any Standard Reinsurance
24 Agreement negotiated under subparagraph

1028

1 (A)(ii), as compared to the previous Stand-
2 ard Reinsurance Agreement—

3 “(I) to the maximum extent prac-
4 ticable, shall be budget neutral; and

5 “(II) in no event, may signifi-
6 cantly depart from budget neutrality.

7 “(ii) USE OF SAVINGS.—To the extent
8 that any budget savings is realized in the
9 renegotiation of a Standard Reinsurance
10 Agreement under subparagraph (A)(ii),
11 and the savings are determined not to be
12 a significant departure from budget neu-
13 trality under clause (i), the savings shall
14 be used for programs administered or
15 managed by the Risk Management Agen-
16 cy.”.

17 **SEC. 11012. STACKED INCOME PROTECTION PLAN FOR PRO-**
18 **DUCERS OF UPLAND COTTON.**

19 (a) AVAILABILITY OF STACKED INCOME PROTECTION
20 PLAN.—The Federal Crop Insurance Act is amended by
21 inserting after section 508A (7 U.S.C. 1508a) the fol-
22 lowing:

1 **“SEC. 508B. STACKED INCOME PROTECTION PLAN FOR**
2 **PRODUCERS OF UPLAND COTTON.**

3 “(a) AVAILABILITY.—Beginning not later than the
4 2014 crop of upland cotton, if practicable, the Corporation
5 shall make available to producers of maximum eligible
6 acres of upland cotton an additional policy (to be known
7 as the ‘Stacked Income Protection Plan’), which shall pro-
8 vide coverage consistent with the Group Risk Income Pro-
9 tection Plan (and the associated Harvest Revenue Option
10 Endorsement) offered by the Corporation for the 2011
11 crop year.

12 “(b) REQUIRED TERMS.—The Corporation may mod-
13 ify the Stacked Income Protection Plan on a program-wide
14 basis, except that the Stacked Income Protection Plan
15 shall comply with the following requirements:

16 “(1)(A) Provide coverage for revenue loss of not
17 more than 30 percent of expected county revenue,
18 specified in increments of 5 percent.

19 “(B) The deductible is the minimum percent of
20 revenue loss at which indemnities are triggered
21 under the plan, not to be less than 10 percent of the
22 expected county revenue.

23 “(C) Once the deductible is met, any losses in
24 excess of the deductible will be paid up to the cov-
25 erage selected by the producer.

1 “(2) Be offered to producers of upland cotton
2 in all counties with upland cotton production—

3 “(A) at a county-wide level to the fullest
4 extent practicable; or

5 “(B) in counties that lack sufficient data,
6 on the basis of such larger geographical area as
7 the Corporation determines to provide sufficient
8 data for purposes of providing the coverage.

9 “(3) Be purchased in addition to any other in-
10 dividual or area coverage in effect on the producer’s
11 acreage or as a stand-alone policy, except that if a
12 producer has an individual or area coverage for the
13 same acreage, the maximum coverage available
14 under the Stacked Income Protection Plan shall not
15 exceed the deductible for the individual or area cov-
16 erage.

17 “(4) Establish coverage based on—

18 “(A) an expected price that is the expected
19 price established under existing Group Risk In-
20 come Protection or area wide policy offered by
21 the Corporation for the applicable county (or
22 area) and crop year; and

23 “(B) an expected county yield that is the
24 higher of—

1 “(i) the expected county yield estab-
2 lished for the existing area-wide plans of-
3 fered by the Corporation for the applicable
4 county (or area) and crop year (or, in geo-
5 graphic areas where area-wide plans are
6 not offered, an expected yield determined
7 in a manner consistent with those of area-
8 wide plans); or

9 “(ii)(I) the average of the applicable
10 yield data for the county (or area) for the
11 most recent 5 years, excluding the highest
12 and lowest observations, from the Risk
13 Management Agency or the National Agri-
14 cultural Statistics, or both; or

15 “(II) if sufficient county data is not
16 available, such other data considered ap-
17 propriate by the Secretary.

18 “(5) Use a multiplier factor to establish max-
19 imum protection per acre (referred to as a ‘protec-
20 tion factor’) of not more than 120 percent.

21 “(6) Pay an indemnity based on the amount
22 that the expected county revenue exceeds the actual
23 county revenue, as applied to the individual coverage
24 of the producer. Indemnities under the Stacked In-
25 come Protection Plan shall not include or overlap

1 the amount of the deductible selected under para-
2 graph (1).

3 “(7) To the maximum extent practicable, in all
4 counties for which data are available, establish sepa-
5 rate coverage for irrigated and nonirrigated prac-
6 tices.

7 “(8) Notwithstanding section 508(d), include a
8 premium that—

9 “(A) is sufficient to cover anticipated
10 losses and a reasonable reserve; and

11 “(B) includes an amount for operating and
12 administrative expenses established in accord-
13 ance with section 508(k)(4)(F).

14 “(c) RELATION TO OTHER COVERAGES.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Stacked Income Protection Plan is in
17 addition to all other coverages available to producers
18 of upland cotton.

19 “(2) LIMITATION.—Acreage of upland cotton
20 insured under the Supplemental Coverage Option
21 shall not be eligible for the Stacked Income Protec-
22 tion Plan.

23 “(d) PAYMENT OF PORTION OF PREMIUM BY COR-
24 PORATION.—Subject to section 508(e)(4), the amount of
25 premium paid by the Corporation for all qualifying cov-

1 erage levels of the Stacked Income Protection Plan shall
2 be—

3 “(1) 80 percent of the amount of the premium
4 established under subsection (b)(8)(A) for the cov-
5 erage level selected; and

6 “(2) the amount determined under subsection
7 (b)(8)(B) to cover administrative and operating ex-
8 penses.”.

9 (b) CONFORMING AMENDMENT.—Section
10 508(k)(4)(F) of the Federal Crop Insurance Act (7 U.S.C.
11 1508(k)(4)(F)) (as amended by section 11001(d)) is
12 amended by inserting “or under section 508B” after “sub-
13 section (c)(4)(C)”.

14 **SEC. 11013. PEANUT REVENUE CROP INSURANCE.**

15 The Federal Crop Insurance Act is amended by in-
16 serting after section 508B (as added by section 11012(a))
17 the following:

18 **“SEC. 508C. PEANUT REVENUE CROP INSURANCE.**

19 “(a) IN GENERAL.—Effective beginning with the
20 2014 crop year, the Risk Management Agency and the
21 Corporation shall make available to producers of peanuts
22 a revenue crop insurance program for peanuts.

23 “(b) EFFECTIVE PRICE.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 for purposes of the policies and plans of insurance

1 offered under subsections (a) and (b) of section 508,
2 the effective price for peanuts shall be equal to the
3 Rotterdam price index for peanuts, as adjusted to
4 reflect the farmer stock price of peanuts in the
5 United States.

6 “(2) ADJUSTMENTS.—

7 “(A) IN GENERAL.—The effective price for
8 peanuts established under paragraph (1) may
9 be adjusted by the Risk Management Agency
10 and the Corporation to correct distortions.

11 “(B) ADMINISTRATION.—If an adjustment
12 is made under subparagraph (A), the Risk
13 Management Agency and the Corporation
14 shall—

15 “(i) make the adjustment in an open
16 and transparent manner; and

17 “(ii) submit to the Committee on Ag-
18 riculture of the House of Representatives
19 and the Committee on Agriculture, Nutri-
20 tion, and Forestry of the Senate a report
21 that describes the reasons for the adjust-
22 ment.”.

23 **SEC. 11014. AUTHORITY TO CORRECT ERRORS.**

24 Section 515(c) of the Federal Crop Insurance Act (7
25 U.S.C. 1515(c)) is amended—

1 (1) in the first sentence, by striking “The Sec-
2 retary” and inserting the following:

3 “(1) IN GENERAL.—The Secretary”;

4 (2) in the second sentence, by striking “Begin-
5 ning with” and inserting the following:

6 “(2) FREQUENCY.—Beginning with”; and

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

8 “(3) CORRECTIONS.—

9 “(A) IN GENERAL.—The Corporation shall
10 establish procedures that allow an agent and
11 approved insurance provider within a reasonable
12 amount of time following the applicable sales
13 closing date to correct information regarding
14 the entity name, social security number, tax
15 identification number, or such other eligibility
16 information as determined by the Corporation
17 that is provided by a producer for the purpose
18 of obtaining coverage under any policy or plan
19 of insurance made available under this subtitle
20 to ensure that the eligibility information is con-
21 sistent with the information reported by the
22 producer to the Farm Service Agency.

23 “(B) LIMITATION.—In accordance with the
24 procedures of the Corporation, procedures
25 under subparagraph (A) may include any subse-

1 quent correction to the eligibility information
2 described in that subparagraph made by the
3 Farm Service Agency if the corrections do not
4 allow the producer—

5 “(i) to obtain a disproportionate ben-
6 efit under the crop insurance program or
7 any related program of the Department of
8 Agriculture;

9 “(ii) to avoid ineligibility requirements
10 for insurance; or

11 “(iii) to avoid an obligation or re-
12 quirement under any Federal or State
13 law.”.

14 **SEC. 11015. IMPLEMENTATION.**

15 Section 515 of the Federal Crop Insurance Act (7
16 U.S.C. 1515) is amended—

17 (1) in subsection (j), by striking paragraph (1)
18 and inserting the following:

19 “(1) SYSTEMS MAINTENANCE AND UP-
20 GRADES.—

21 “(A) IN GENERAL.—The Secretary shall
22 maintain and upgrade the information manage-
23 ment systems of the Corporation used in the
24 administration and enforcement of this subtitle.

25 “(B) REQUIREMENT.—

1 “(i) IN GENERAL.—In maintaining
2 and upgrading the systems, the Secretary
3 shall ensure that new hardware and soft-
4 ware are compatible with the hardware and
5 software used by other agencies of the De-
6 partment to maximize data sharing and
7 promote the purposes of this section.

8 “(ii) ACREAGE REPORT STREAM-
9 LINING INITIATIVE PROJECT.—As soon as
10 practicable, the Secretary shall develop and
11 implement an acreage report streamlining
12 initiative project to allow producers to re-
13 port acreage and other information directly
14 to the Department.”; and

15 (2) in subsection (k), by striking paragraph (1)
16 and inserting the following:

17 “(1) INFORMATION TECHNOLOGY.—

18 “(A) IN GENERAL.—For purposes of sub-
19 section (j)(1), the Corporation may use, from
20 amounts made available from the insurance
21 fund established under section 516(c), not more
22 than—

23 “(i)(I) for fiscal year 2014,
24 \$25,000,000; and

1038

1 “(II) for each of fiscal years 2015
2 through 2018, \$10,000,000; or

3 “(ii) if the Acreage Crop Reporting
4 Streamlining Initiative (ACRSI) project is
5 substantially completed by September 30,
6 2013, not more than \$15,000,000 for each
7 of fiscal years 2015 through 2018.

8 “(B) NOTIFICATION.—Not later than July
9 1, 2013, the Secretary shall notify the Com-
10 mittee on Agriculture of the House of Rep-
11 resentatives and the Committee on Agriculture,
12 Nutrition, and Forestry of the Senate on the
13 status of the substantial completion of the
14 Acreage Crop Reporting Streamlining Initiative
15 (ACRSI) project.”.

16 **SEC. 11016. APPROVAL OF COSTS FOR RESEARCH AND DE-**
17 **VELOPMENT.**

18 Section 522(b)(2) of the Federal Crop Insurance Act
19 (7 U.S.C. 1522(b)(2)) is amended by striking subpara-
20 graph (E) and inserting the following:

21 “(E) APPROVAL.—

22 “(i) IN GENERAL.—The Board may
23 approve up to 50 percent of the projected
24 total research and development costs to be
25 paid in advance to an applicant, in accord-

1 ance with the procedures developed by the
2 Board for the making of the payments, if,
3 after consideration of the reviewer reports
4 described in subparagraph (D) and such
5 other information as the Board determines
6 appropriate, the Board determines that—

7 “(I) the concept, in good faith,
8 will likely result in a viable and mar-
9 ketable policy consistent with section
10 508(h);

11 “(II) at the sole discretion of the
12 Board, the concept, if developed into a
13 policy and approved by the Board,
14 would provide crop insurance cov-
15 erage—

16 “(aa) in a significantly im-
17 proved form or that addresses a
18 unique need of agricultural pro-
19 ducers;

20 “(bb) to a crop or region not
21 traditionally served by the Fed-
22 eral crop insurance program; or

23 “(cc) in a form that ad-
24 dresses a recognized flaw or
25 problem in the program;

1040

1 “(III) the applicant agrees to
2 provide such reports as the Corpora-
3 tion determines are necessary to mon-
4 itor the development effort;

5 “(IV) the proposed budget and
6 timetable are reasonable, as deter-
7 mined by the Board; and

8 “(V) the concept proposal meets
9 any other requirements that the
10 Board determines appropriate.

11 “(ii) WAIVER.—The Board may waive
12 the 50-percent limitation and, upon re-
13 quest of the submitter after the submitter
14 has begun research and development activi-
15 ties, the Board may approve an additional
16 25 percent advance payment to the sub-
17 mitter for research and development costs,
18 if, at the sole discretion of the Board, the
19 Board determines that—

20 “(I) the intended policy or plan
21 of insurance developed by the sub-
22 mitter will provide coverage for a re-
23 gion or crop that is underserved by
24 the Federal crop insurance program,
25 including specialty crops;

1041

1 “(II) the submitter is making
2 satisfactory progress towards devel-
3 oping a viable and marketable policy
4 or plan of insurance consistent with
5 section 508(h); and

6 “(III) the submitter does not
7 have sufficient financial resources to
8 complete the development of the sub-
9 mission into a viable and marketable
10 policy or plan of insurance consistent
11 with section 508(h).”.

12 **SEC. 11017. WHOLE FARM RISK MANAGEMENT INSURANCE.**

13 Section 522(c) of the Federal Crop Insurance Act (7
14 U.S.C. 1522(c)) is amended by adding at the end the fol-
15 lowing:

16 “(18) WHOLE FARM DIVERSIFIED RISK MAN-
17 AGEMENT INSURANCE PLAN.—

18 “(A) IN GENERAL.—The Corporation shall
19 conduct activities or enter into contracts to
20 carry out research and development to develop
21 a whole farm risk management insurance plan,
22 with a liability limitation of \$1,500,000, that
23 allows a diversified crop or livestock producer
24 the option to qualify for an indemnity if actual
25 gross farm revenue is below 85 percent of the

1 average gross farm revenue or the expected
2 gross farm revenue that can reasonably be ex-
3 pected of the producer, as determined by the
4 Corporation.

5 “(B) ELIGIBLE PRODUCERS.—The Cor-
6 poration shall permit producers (including di-
7 rect-to-consumer marketers, and producers
8 servicing local and regional and farm identity-
9 preserved markets) who produce multiple agri-
10 cultural commodities, including specialty crops,
11 industrial crops, livestock, and aquaculture
12 products, to participate in the plan in lieu of
13 any other plan under this subtitle.

14 “(C) DIVERSIFICATION.—The Corporation
15 may provide diversification-based additional
16 coverage payment rates, premium discounts, or
17 other enhanced benefits in recognition of the
18 risk management benefits of crop and livestock
19 diversification strategies for producers that
20 grow multiple crops or that may have income
21 from the production of livestock that uses a
22 crop grown on the farm.

23 “(D) MARKET READINESS.—The Corpora-
24 tion may include coverage for the value of any
25 packing, packaging, or any other similar on-

1 farm activity the Corporation determines to be
2 the minimum required in order to remove the
3 commodity from the field.

4 “(E) REPORT.—Not later than 2 years
5 after the date of enactment of this paragraph,
6 the Corporation shall submit to the Committee
7 on Agriculture of the House of Representatives
8 and the Committee on Agriculture, Nutrition,
9 and Forestry of the Senate a report that de-
10 scribes the results and feasibility of the re-
11 search and development conducted under this
12 paragraph, including an analysis of potential
13 adverse market distortions.”.

14 **SEC. 11018. STUDY OF FOOD SAFETY INSURANCE.**

15 Section 522(c) of the Federal Crop Insurance Act (7
16 U.S.C. 1522(c)) (as amended by section 11017) is amend-
17 ed by adding at the end the following:

18 “(19) STUDY OF FOOD SAFETY INSURANCE.—

19 “(A) IN GENERAL.—The Corporation shall
20 offer to enter into a contract with 1 or more
21 qualified entities to conduct a study to deter-
22 mine whether offering policies that provide cov-
23 erage for specialty crops from food safety and
24 contamination issues would benefit agricultural
25 producers.

1 “(B) SUBJECT.—The study described in
2 subparagraph (A) shall evaluate policies and
3 plans of insurance coverage that provide protec-
4 tion for production or revenue impacted by food
5 safety concerns including, at a minimum, gov-
6 ernment, retail, or national consumer group an-
7 nouncements of a health advisory, removal, or
8 recall related to a contamination concern.

9 “(C) REPORT.—Not later than 1 year
10 after the date of enactment of this paragraph,
11 the Corporation shall submit to the Committee
12 on Agriculture of the House of Representatives
13 and the Committee on Agriculture, Nutrition,
14 and Forestry of the Senate a report that de-
15 scribes the results of the study conducted under
16 subparagraph (A).”.

17 **SEC. 11019. CROP INSURANCE FOR LIVESTOCK.**

18 Section 522(c) of the Federal Crop Insurance Act (as
19 amended by section 11018) is amended by adding at the
20 end the following:

21 “(20) STUDY ON SWINE CATASTROPHIC DIS-
22 EASE PROGRAM.—

23 “(A) IN GENERAL.—The Corporation shall
24 contract with a qualified person to conduct a

1 study to determine the feasibility of insuring
2 swine producers for a catastrophic event.

3 “(B) REPORT.—Not later than 1 year
4 after the date of the enactment of this para-
5 graph, the Corporation shall submit to the
6 Committee on Agriculture of the House of Rep-
7 resentatives and the Committee on Agriculture,
8 Nutrition, and Forestry of the Senate a report
9 that describes the results of the study con-
10 ducted under subparagraph (A).”.

11 **SEC. 11020. MARGIN COVERAGE FOR CATFISH.**

12 Section 522(c) of the Federal Crop Insurance Act (as
13 amended by section 11019) is amended by adding at the
14 end the following:

15 “(21) MARGIN COVERAGE FOR CATFISH.—

16 “(A) IN GENERAL.—The Corporation shall
17 offer to enter into a contract with a qualified
18 entity to conduct research and development re-
19 garding a policy to insure producers against re-
20 duction in the margin between the market value
21 of catfish and selected costs incurred in the
22 production of catfish.

23 “(B) ELIGIBILITY.—Eligibility for the pol-
24 icy described in subparagraph (A) shall be lim-
25 ited to freshwater species of catfish that are

1 propagated and reared in controlled or selected
2 environments.

3 “(C) IMPLEMENTATION.—The Board shall
4 review the policy described in subparagraph (B)
5 under subsection 508(h) and approve the policy
6 if the Board finds that the policy—

7 “(i) will likely result in a viable and
8 marketable policy consistent with this sub-
9 section;

10 “(ii) would provide crop insurance
11 coverage in a significantly improved form;

12 “(iii) adequately protects the interests
13 of producers; and

14 “(iv) the proposed policy meets other
15 requirements of this subtitle determined
16 appropriate by the Board.”.

17 **SEC. 11021. POULTRY BUSINESS DISRUPTION INSURANCE**
18 **POLICY.**

19 Section 522(c) of the Federal Crop Insurance Act (7
20 U.S.C. 1522(c)) (as amended by section 11020) is amend-
21 ed by adding at the end the following:

22 “(22) POULTRY BUSINESS DISRUPTION INSUR-
23 ANCE POLICY AND CATASTROPHIC DISEASE PRO-
24 GRAM.—

1 “(A) DEFINITION OF POULTRY.—In this
2 paragraph, the term ‘poultry’ has the meaning
3 given the term in section 2(a) of the Packers
4 and Stockyards Act, 1921 (7 U.S.C. 182(a)).

5 “(B) AUTHORITY.—The Corporation shall
6 offer to enter into 1 or more contracts with
7 qualified entities to carry out—

8 “(i) a study to determine the feasi-
9 bility of insuring commercial poultry pro-
10 duction against business disruptions
11 caused by integrator bankruptcy; and

12 “(ii) a study to determine the feasi-
13 bility of insuring poultry producers for a
14 catastrophic event.

15 “(C) BUSINESS DISRUPTION STUDY.—The
16 study described in subparagraph (B)(i) shall—

17 “(i) evaluate the market place for
18 business disruption insurance that is avail-
19 able to poultry producers;

20 “(ii) assess the feasibility of a policy
21 to allow producers to ensure against a por-
22 tion of losses from loss under contract due
23 to business disruption from integrator
24 bankruptcy; and

1 “(iii) analyze the costs to the Federal
2 Government of a Federal business disrup-
3 tion insurance program for poultry pro-
4 ducers.

5 “(D) REPORTS.—Not later than 1 year
6 after the date of enactment of this paragraph,
7 the Corporation shall submit to the Committee
8 on Agriculture of the House of Representatives
9 and the Committee on Agriculture, Nutrition,
10 and Forestry of the Senate a report that de-
11 scribes the results of—

12 “(i) the study carried out under sub-
13 paragraph (B)(i); and

14 “(ii) the study carried out under sub-
15 paragraph (B)(ii).”.

16 **SEC. 11022. CROP INSURANCE FOR ORGANIC CROPS.**

17 (a) IN GENERAL.—Section 508(c)(6) of the Federal
18 Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by
19 adding at the end the following:

20 “(D) ORGANIC CROPS.—

21 “(i) IN GENERAL.—As soon as pos-
22 sible, but not later than the 2015 reinsur-
23 ance year, the Corporation shall offer pro-
24 ducers of organic crops price elections for
25 all organic crops produced in compliance

1 with standards issued by the Department
2 of Agriculture under the national organic
3 program established under the Organic
4 Foods Production Act of 1990 (7 U.S.C.
5 6501 et seq.) that reflect the actual retail
6 or wholesale prices, as appropriate, re-
7 ceived by producers for organic crops, as
8 determined by the Secretary using all rel-
9 evant sources of information.

10 “(ii) ANNUAL REPORT.—The Corpora-
11 tion shall submit to the Committee on Ag-
12 riculture of the House of Representatives
13 and the Committee on Agriculture, Nutri-
14 tion, and Forestry of the Senate an annual
15 report on progress made in developing and
16 improving Federal crop insurance for or-
17 ganic crops, including—

18 “(I) the numbers and varieties of
19 organic crops insured;

20 “(II) the progress of imple-
21 menting the price elections required
22 under this subparagraph, including
23 the rate at which additional price elec-
24 tions are adopted for organic crops;

1050

1 “(III) the development of new in-
2 surance approaches relevant to or-
3 ganic producers; and

4 “(IV) any recommendations the
5 Corporation considers appropriate to
6 improve Federal crop insurance cov-
7 erage for organic crops.”.

8 (b) CONFORMING AMENDMENT.—Section 522(c) of
9 the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as
10 amended by section 11021) is amended—

11 (1) by striking paragraph (10); and

12 (2) by redesignating paragraphs (11) through
13 (22) as paragraphs (10) through (21), respectively.

14 **SEC. 11023. RESEARCH AND DEVELOPMENT.**

15 (a) IN GENERAL.—Section 522(c) of the Federal
16 Crop Insurance Act (7 U.S.C. 1522(c)) is amended—

17 (1) in the subsection heading, by striking “Con-
18 tracting”;

19 (2) in paragraph (1), in the matter preceding
20 subparagraph (A), by striking “may enter into con-
21 tracts to carry out research and development to”
22 and inserting “may conduct activities or enter into
23 contracts to carry out research and development to
24 maintain or improve existing policies or develop new
25 policies to”;

1 (3) in paragraph (2)—

2 (A) in subparagraph (A), by inserting
3 “conduct research and development or” after
4 “The Corporation may”; and

5 (B) by striking subparagraph (B) and in-
6 serting the following:

7 “(B) CONSULTATION.—Before conducting
8 research and development or entering into a
9 contract under subparagraph (A), the Corpora-
10 tion shall follow the consultation requirements
11 described in section 508(h)(4)(E).”;

12 (4) in paragraph (5), by inserting “after expert
13 review in accordance with section 505(e) and proce-
14 dures of the Board” after “approved by the Board”;
15 and

16 (5) in paragraph (6), by striking “a pasture,
17 range, and forage program” and inserting “policies
18 that increase participation by producers of under-
19 served agricultural commodities, including sweet sor-
20 ghum, sorghum for biomass, specialty crops, sugar-
21 cane, and dedicated energy crops”.

22 (b) FUNDING.—Section 522(e) of the Federal Crop
23 Insurance Act (7 U.S.C. 1522(e)) is amended—

24 (1) in paragraph (2)—

1 (A) by striking “(A) AUTHORITY.—” and
2 inserting “(A) CONDUCTING AND CONTRACTING
3 FOR RESEARCH AND DEVELOPMENT.—”;

4 (B) in subparagraph (A), by inserting
5 “conduct research and development and” after
6 “the Corporation may use to”; and

7 (C) in subparagraph (B), by inserting
8 “conduct research and development and” after
9 “for the fiscal year to”;

10 (2) in paragraph (3), in the matter preceding
11 subparagraph (A), by striking “to provide either re-
12 imbursement payments or contract payments”; and
13 (3) by striking paragraph (4).

14 **SEC. 11024. PILOT PROGRAMS.**

15 Section 523(a) of the Federal Crop Insurance Act (7
16 U.S.C. 1523(a)) is amended—

17 (1) in paragraph (1), by inserting “, at the sole
18 discretion of the Corporation,” after “may”; and

19 (2) by striking paragraph (5).

20 **SEC. 11025. INDEX-BASED WEATHER INSURANCE PILOT**
21 **PROGRAM.**

22 Section 523(a)(2) of the Federal Crop Insurance Act
23 (7 U.S.C. 1523(a)(2)) is amended—

24 (1) by striking “Under” inserting the following:

25 “(A) IN GENERAL.—Under”; and

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

2 “(B) INDEX-BASED WEATHER INSURANCE
3 PILOT PROGRAM.—

4 “(i) IN GENERAL.—Notwithstanding
5 subparagraph (A), the Corporation, at the
6 sole discretion of the Corporation, may
7 conduct a pilot program to provide finan-
8 cial assistance for producers of under-
9 served crops and livestock (including spe-
10 cialty crops) to purchase an index-based
11 weather insurance product from a private
12 insurance company, subject to the require-
13 ments of this subparagraph.

14 “(ii) PAYMENT OF PREMIUM.—

15 “(I) IN GENERAL.—Subject to
16 subclause (II) and clause (v), the Cor-
17 poration may pay a portion of the pre-
18 mium for producers who purchase
19 index-based weather insurance protec-
20 tion from a private insurance com-
21 pany for a crop and policy that is not
22 reinsured under this subtitle, as deter-
23 mined by the Corporation.

24 “(II) CONDITION.—The premium
25 assistance under subclause (I) shall

1054

1 not exceed 60 percent of the esti-
2 mated premium amount, based on ex-
3 pected losses, representative operating
4 expenses, and representative profit
5 margins, as determined by the Cor-
6 poration.

7 “(iii) ELIGIBLE PROVIDERS.—Before
8 providing premium assistance to producers
9 to purchase index-based weather insurance
10 from a private insurance company pursu-
11 ant to this subparagraph, the Corporation
12 shall verify that the company has adequate
13 experience—

14 “(I) to develop and manage the
15 index-based weather insurance prod-
16 ucts, including adequate resources, ex-
17 perience, and assets or sufficient rein-
18 surance to meet the obligations of the
19 company under this subparagraph;
20 and

21 “(II) to support and deliver the
22 index-based weather insurance prod-
23 ucts.

24 “(iv) PROCEDURES.—The Corporation
25 shall develop and publish procedures to ad-

1055

1 minister the pilot program under this sub-
2 paragraph that—

3 “(I) require each applicable pri-
4 vate insurance company to report
5 claim and sales data, and any other
6 data the Corporation determines to be
7 appropriate, to allow the Corporation
8 to evaluate product pricing and per-
9 formance;

10 “(II) allow the private insurance
11 companies exclusive rights over the
12 private insurance offered under this
13 subparagraph, including rating of
14 policies, protection of intellectual
15 property rights on the product or pol-
16 icy, and associated rating method-
17 ology, for the period during which the
18 companies are eligible under clause
19 (iii); and

20 “(III) contain such other require-
21 ments as the Corporation determines
22 to be necessary to ensure that—

23 “(aa) the interests of pro-
24 ducers are protected; and

1056

1 “(bb) the program operates
2 in an actuarially sound manner.

3 “(v) FUNDING.—Of the funds of the
4 Corporation, the Corporation shall use to
5 carry out this subparagraph \$10,000,000
6 for each of fiscal years 2014 through
7 2018, to remain available until expended.”.

8 **SEC. 11026. ENHANCING PRODUCER SELF-HELP THROUGH**
9 **FARM FINANCIAL BENCHMARKING.**

10 (a) DEFINITION.—Section 502(b) of the Federal
11 Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

12 (1) by redesignating paragraphs (6) through
13 (9) as paragraphs (7) through (10), respectively;
14 and

15 (2) by inserting after paragraph (5) the fol-
16 lowing:

17 “(6) FARM FINANCIAL BENCHMARKING.—The
18 term ‘farm financial benchmarking’ means—

19 “(A) the process of comparing the per-
20 formance of an agricultural enterprise against
21 the performance of other similar enterprises,
22 through the use of comparable and reliable
23 data, in order to identify business management
24 strengths, weaknesses, and steps necessary to

1 improve management performance and business
2 profitability; and

3 “(B) benchmarking of the type conducted
4 by farm management and producer associations
5 consistent with the activities described in or
6 funded pursuant to section 1672D of the Food,
7 Agriculture, Conservation, and Trade Act of
8 1990 (7 U.S.C. 5925f).”.

9 (b) PARTNERSHIPS FOR RISK MANAGEMENT FOR
10 PRODUCERS OF SPECIALTY CROPS AND UNDERSERVED
11 AGRICULTURAL COMMODITIES.—Section 522(d)(3)(F) of
12 the Federal Crop Insurance Act (7 U.S.C. 1522(d)(3)(F))
13 is amended by inserting “farm financial benchmarking,”
14 after “management,”.

15 (c) CROP INSURANCE EDUCATION AND RISK MAN-
16 AGEMENT ASSISTANCE.—Section 524(a) of the Federal
17 Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

18 (1) in paragraph (3)(A), by inserting “farm fi-
19 nancial benchmarking,” after “risk reduction,”; and

20 (2) in paragraph (4), in the matter preceding
21 subparagraph (A), by inserting “(including farm fi-
22 nancial benchmarking)” after “management strate-
23 gies”.

1 **SEC. 11027. BEGINNING FARMER AND RANCHER PROVI-**
2 **SIONS.**

3 (a) DEFINITION.—Section 502(b) of the Federal
4 Crop Insurance Act (7 U.S.C. 1502(b)) (as amended by
5 section 11026(a)) is amended—

6 (1) by redesignating paragraphs (3) through
7 (10) as paragraphs (4) through (11), respectively;
8 and

9 (2) by inserting after paragraph (2) the fol-
10 lowing:

11 “(3) BEGINNING FARMER OR RANCHER.—The
12 term ‘beginning farmer or rancher’ means a farmer
13 or rancher who has not actively operated and man-
14 aged a farm or ranch with a bona fide insurable in-
15 terest in a crop or livestock as an owner-operator,
16 landlord, tenant, or sharecropper for more than 5
17 crop years, as determined by the Secretary.”.

18 (b) PREMIUM ADJUSTMENTS.—Section 508 of the
19 Federal Crop Insurance Act (7 U.S.C. 1508) is amend-
20 ed—

21 (1) in subsection (b)(5)(E), by inserting “and
22 beginning farmers or ranchers” after “limited re-
23 source farmers”;

24 (2) in subsection (e), by adding at the end the
25 following:

1 “(8) PREMIUM FOR BEGINNING FARMERS OR
2 RANCHERS.—Notwithstanding any other provision of
3 this subsection regarding payment of a portion of
4 premiums, a beginning farmer or rancher shall re-
5 ceive premium assistance that is 10 percentage
6 points greater than premium assistance that would
7 otherwise be available under paragraphs (2) (except
8 for subparagraph (A) of that paragraph), (5), (6),
9 and (7) for the applicable policy, plan of insurance,
10 and coverage level selected by the beginning farmer
11 or rancher.”; and

12 (3) in subsection (g)—

13 (A) in paragraph (2)(B)—

14 (i) in clause (i), by striking “or” at
15 the end;

16 (ii) in clause (ii)(III), by striking the
17 period at the end and inserting “; or”; and

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

20 “(iii) if the producer is a beginning
21 farmer or rancher who was previously in-
22 volved in a farming or ranching operation,
23 including involvement in the decision-
24 making or physical involvement in the pro-
25 duction of the crop or livestock on the

1060

1 farm, for any acreage obtained by the be-
2 ginning farmer or rancher, a yield that is
3 the higher of—

4 “(I) the actual production history
5 of the previous producer of the crop
6 or livestock on the acreage determined
7 under subparagraph (A); or

8 “(II) a yield of the producer, as
9 determined in clause (i).”; and

10 (B) in paragraph (4)(B)(ii) (as amended
11 by section 11007)—

12 (i) by inserting “(I)” after “(ii)”;

13 (ii) by striking the period at the end
14 and inserting “; or”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(II) in the case of begin-
18 ning farmers or ranchers, replace
19 each excluded yield with a yield
20 equal to 80 percent of the appli-
21 cable transitional yield.”.

1061

1 **SEC. 11028. AGRICULTURAL MANAGEMENT ASSISTANCE,**
2 **RISK MANAGEMENT EDUCATION, AND OR-**
3 **GANIC CERTIFICATION COST SHARE ASSIST-**
4 **ANCE.**

5 Section 524 of the Federal Crop Insurance Act (7
6 U.S.C. 1524) is amended by striking subsection (b) and
7 inserting the following:

8 “(b) AGRICULTURAL MANAGEMENT ASSISTANCE,
9 RISK MANAGEMENT EDUCATION, AND ORGANIC CERTIFI-
10 CATION COST SHARE ASSISTANCE.—

11 “(1) AUTHORITY FOR PROVISION OF ASSIST-
12 ANCE.—The Secretary shall provide assistance under
13 this section as follows:

14 “(A) Provision of organic certification cost
15 share assistance pursuant to section 10606 of
16 the Farm Security and Rural Investment Act of
17 2002 (7 U.S.C. 6523).

18 “(B) Activities to support risk manage-
19 ment education and community outreach part-
20 nerships pursuant to section 522(d), includ-
21 ing—

22 “(i) entering into futures or hedging;

23 “(ii) entering into agricultural trade
24 options as a hedging transaction to reduce
25 production, price, or revenue risk; or

1 “(iii) conducting any other activity re-
2 lating to an activity described in clause (i)
3 or (ii), including farm financial
4 benchmarking, as determined by the Sec-
5 retary.

6 “(C) Provision of agricultural management
7 assistance grants to producers in States in
8 which there has been traditionally, and con-
9 tinues to be, a low level of Federal crop insur-
10 ance participation and availability, and pro-
11 ducers underserved by the Federal crop insur-
12 ance program, as determined by the Secretary,
13 for the purposes of—

14 “(i) constructing or improving—

15 “ (I) watershed management
16 structures; or

17 “(II) irrigation structures;

18 “(ii) planting trees to form
19 windbreaks or to improve water quality;
20 and

21 “(iii) mitigating financial risk through
22 production or marketing diversification or
23 resource conservation practices, includ-
24 ing—

25 “(I) soil erosion control;

1063

1 “(II) integrated pest manage-
2 ment;

3 “(III) organic farming; or

4 “(IV) to develop and implement a
5 plan to create marketing opportunities
6 for the producer, including through
7 value-added processing.

8 “(2) PAYMENT LIMITATION.—The total amount
9 of payments made to a person (as defined in section
10 1001(a)(5) of the Food Security Act (7 U.S.C.
11 1308(a)(5))) (as in existence before the amendment
12 made by section 1603(b) of the Food, Conservation,
13 and Energy Act of 2008 (Public Law 110–246; 122
14 Stat. 1730)) under paragraph (1) for any year may
15 not exceed \$50,000.

16 “(3) FUNDING.—

17 “(A) IN GENERAL.—The Secretary shall
18 carry out this subsection through the Com-
19 modity Credit Corporation.

20 “(B) FUNDING.—For each of fiscal years
21 2014 through 2018, the Commodity Credit Cor-
22 poration shall make available to carry out this
23 subsection \$23,000,000.

24 “(C) DISTRIBUTION OF FUNDS.—Of the
25 amount made available to carry out this sub-

1 section for a fiscal year, the Commodity Credit
2 Corporation shall use not less than—

3 “(i) 50 percent to carry out para-
4 graph (1)(A);

5 “(ii) 26 percent to carry out para-
6 graph (1)(B); and

7 “(iii) 24 percent to carry out para-
8 graph (1)(C).”.

9 **SEC. 11029. CROP PRODUCTION ON NATIVE SOD.**

10 (a) **FEDERAL CROP INSURANCE.**—Section 508(o) of
11 the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is
12 amended—

13 (1) in paragraph (1)(B), by inserting “, or the
14 producer cannot substantiate that the ground has
15 ever been tilled,” after “tilled”;

16 (2) in paragraph (2)(A), by striking “for bene-
17 fits under—” and all that follows through the period
18 at the end and inserting “for—

19 “(i) a portion of crop insurance pre-
20 mium subsidies under this subtitle in ac-
21 cordance with paragraph (3);

22 “(ii) benefits under section 196 of the
23 Federal Agriculture Improvement and Re-
24 form Act of 1996 (7 U.S.C. 7333); and

1065

1 “(iii) payments described in section
2 1001(b) of the Food Security Act of 1985
3 (7 U.S.C. 1308(b)).”; and

4 (3) by striking paragraph (3) and inserting the
5 following:

6 “(3) ADMINISTRATION.—

7 “(A) IN GENERAL.—During the first 4
8 crop years of planting on native sod acreage by
9 a producer described in paragraph (2)—

10 “(i) paragraph (2) shall apply to 65
11 percent of the applicable transitional yield;
12 and

13 “(ii) the crop insurance premium sub-
14 sidy provided for the producer under this
15 subtitle shall be 50 percentage points less
16 than the premium subsidy that would oth-
17 erwise apply.

18 “(B) YIELD SUBSTITUTION.—During the
19 period native sod acreage is covered by this sub-
20 section, a producer may not substitute yields
21 for the native sod acreage.”.

22 (b) NONINSURED CROP DISASTER ASSISTANCE.—
23 Section 196(a)(4) of the Federal Agriculture Improvement
24 and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amend-
25 ed—

1 (1) in subparagraph (A)(ii), by inserting “, or
2 the producer cannot substantiate that the ground
3 has ever been tilled,” after “tilled”;

4 (2) in subparagraph (B)(i), by striking “for
5 benefits under—” and all that follows through the
6 period at the end and inserting “for—

7 “(I) benefits under this section;

8 “(II) a portion of crop insurance
9 premium subsidies under the Federal
10 Crop Insurance Act (7 U.S.C. 1501 et
11 seq.) in accordance with subparagraph
12 (C); and

13 “(III) payments described in sec-
14 tion 1001(b) of the Food Security Act
15 of 1985 (7 U.S.C. 1308(b)).”; and

16 (3) by striking subparagraph (C) and inserting
17 the following:

18 “(C) ADMINISTRATION.—

19 “(i) IN GENERAL.—During the first 4
20 crop years of planting on native sod acre-
21 age by a producer described in subpara-
22 graph (B)—

23 “(I) subparagraph (B) shall
24 apply to 65 percent of the applicable
25 transitional yield; and

1067

1 “(II) the crop insurance premium
2 subsidy provided for the producer
3 under the Federal Crop Insurance Act
4 (7 U.S.C. 1501 et seq.) shall be 50
5 percentage points less than the pre-
6 mium subsidy that would otherwise
7 apply.

8 “(ii) YIELD SUBSTITUTION.—During
9 the period native sod acreage is covered by
10 this paragraph, a producer may not sub-
11 stitute yields for the native sod acreage.”.

12 (c) CROPLAND REPORT.—

13 (1) BASELINE.—Not later than 180 days after
14 the date of enactment of this Act, the Secretary of
15 Agriculture shall submit to the Committee on Agri-
16 culture of the House of Representatives and the
17 Committee on Agriculture, Nutrition, and Forestry
18 of the Senate a report that describes the cropland
19 acreage in each county and State, and the change in
20 cropland acreage from the preceding year in each
21 county and State, beginning with calendar year
22 2000 and including that information for the most
23 recent year for which that information is available.

24 (2) ANNUAL UPDATES.—Not later than Janu-
25 ary 1, 2014, and each January 1 thereafter through

1 January 1, 2018, the Secretary of Agriculture shall
2 submit to the Committee on Agriculture of the
3 House of Representatives and the Committee on Ag-
4 riculture, Nutrition, and Forestry of the Senate a
5 report that describes—

6 (A) the cropland acreage in each county
7 and State as of the date of submission of the
8 report; and

9 (B) the change in cropland acreage from
10 the preceding year in each county and State.

11 **SEC. 11030. TECHNICAL AMENDMENTS.**

12 Section 508(b) of the Federal Crop Insurance Act (7
13 U.S.C. 1508(b)) is amended—

14 (1) by striking paragraph (7); and

15 (2) by redesignating paragraphs (8) through
16 (11) as paragraphs (7) through (10), respectively.

17 **SEC. 11031. GREATER ACCESSIBILITY FOR CROP INSUR-**
18 **ANCE.**

19 (a) FINDINGS.—Congress finds that—

20 (1) due to changes in commodity and other ag-
21 ricultural programs made by the Agriculture Re-
22 form, Food, and Jobs Act of 2013, it is more impor-
23 tant than ever that agricultural producers be able to
24 fully understand the terms of plans and policies of

1 crop insurance offered under the Federal Crop In-
2 surance Act (7 U.S.C. 1501 et seq.); and

3 (2) proposed reductions by the Secretary in the
4 number of State and local offices of the Farm Serv-
5 ice Agency will reduce the services available to assist
6 agricultural producers in understanding crop insur-
7 ance.

8 (b) REQUIREMENT FOR USE OF PLAIN LANGUAGE.—

9 (1) IN GENERAL.—In issuing regulations and
10 guidance relating to plans and policies of crop insur-
11 ance, the Risk Management Agency and the Federal
12 Crop Insurance Corporation shall, to the greatest ex-
13 tent practicable, use plain language, as required
14 under Executive Orders 12866 (5 U.S.C. 601 note;
15 relating to regulatory planning and review) and
16 12988 (28 U.S.C. 519 note; relating to civil justice
17 reform).

18 (2) REPORT.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary
20 shall submit to the Committee on Agriculture of the
21 House of Representatives and the Committee on Ag-
22 riculture, Nutrition, and Forestry of the Senate a
23 report describing the efforts of the Secretary to ac-
24 celerate compliance with the Executive orders de-
25 scribed in paragraph (1).

1 (c) WEBSITE.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary, in
4 consultation with the approved insurance providers
5 (as defined in section 502(b) of the Federal Crop In-
6 surance Act (7 U.S.C. 1502(b)), shall improve the
7 existing Internet website through which agricultural
8 producers in any State may identify crop insurance
9 options in that State.

10 (2) REQUIREMENTS.—The website described in
11 paragraph (1) shall—

12 (A) provide answers in an easily accessible
13 format to frequently asked questions; and

14 (B) include published materials of the De-
15 partment of Agriculture that relate to plans and
16 policies of crop insurance offered under that
17 Act.

18 (d) ADMINISTRATION.—Nothing in this section au-
19 thorizes the Risk Management Agency to sell a crop insur-
20 ance policy or plan of insurance.

21 **SEC. 11032. GAO CROP INSURANCE FRAUD REPORT.**

22 Section 515(d) of the Federal Crop Insurance Act (7
23 U.S.C. 1515(d)) is amended by adding at the end the fol-
24 lowing:

1 “(6) GAO CROP INSURANCE FRAUD REPORT.—

2 As soon as practicable after the date of enactment
3 of this paragraph, the Comptroller General of the
4 United States shall conduct, and submit to Congress
5 a report describing the results of, a study regarding
6 fraudulent claims filed, and benefits provided, under
7 this subtitle.”.

8 **SEC. 11033. LIMITATION ON PREMIUM SUBSIDY BASED ON**
9 **AVERAGE ADJUSTED GROSS INCOME.**

10 Section 508(e) of the Federal Crop Insurance Act (7
11 U.S.C. 1508(e)) (as amended by section 11027(b)) is
12 amended by adding at the end the following:

13 “(9) LIMITATION ON PREMIUM SUBSIDY BASED
14 ON AVERAGE ADJUSTED GROSS INCOME.—

15 “(A) DEFINITION OF AVERAGE ADJUSTED
16 GROSS INCOME.—In this paragraph, the term
17 ‘average adjusted gross income’ has the mean-
18 ing given the term in section 1001D(a) of the
19 Food Security Act of 1985 (7 U.S.C. 1308–
20 3a(a)).

21 “(B) LIMITATION.—Notwithstanding any
22 other provision of this subtitle and beginning
23 with the 2014 reinsurance year, in the case of
24 any producer that is a person or legal entity
25 that has an average adjusted gross income in

1 excess of \$750,000 based on the most recent
2 data available from the Farm Service Agency as
3 of the beginning of the reinsurance year, the
4 total amount of premium subsidy provided with
5 respect to additional coverage under subsection
6 (c), section 508B, or section 508C issued on be-
7 half of the producer for a reinsurance year shall
8 be 15 percentage points less than the premium
9 subsidy provided in accordance with this sub-
10 section that would otherwise be available for the
11 applicable policy, plan of insurance, and cov-
12 erage level selected by the producer.

13 “(C) APPLICATION.—

14 “(i) STUDY.—Not later than 1 year
15 after the date of enactment of this Act, the
16 Secretary, in consultation with the Govern-
17 ment Accountability Office, shall carry out
18 a study to determine the effects of the lim-
19 itation described in subparagraph (B) on—

20 “(I) the overall operations of the
21 Federal crop insurance program;

22 “(II) the number of producers
23 participating in the Federal crop in-
24 surance program;

1073

1 “(III) the level of coverage pur-
2 chased by participating producers;

3 “(IV) the amount of premiums
4 paid by participating producers and
5 the Federal Government;

6 “(V) any potential liability for
7 participating producers, approved in-
8 surance providers, and the Federal
9 Government;

10 “(VI) different crops or growing
11 regions;

12 “(VII) program rating struc-
13 tures;

14 “(VIII) creation of schemes or
15 devices to evade the impact of the lim-
16 itation; and

17 “(IX) administrative and oper-
18 ating expenses paid to approved insur-
19 ance providers and underwriting gains
20 and loss for the Federal Government
21 and approved insurance providers.

22 “(ii) EFFECTIVENESS.—The limita-
23 tion described in subparagraph (B) shall
24 not take effect unless the Secretary deter-

1074

1 mines, through the study described in
2 clause (i), that the limitation would not—
3 “(I) significantly increase the
4 premium amount paid by producers
5 with an average adjusted gross income
6 of less than \$750,000;
7 “(II) result in a decline in the
8 crop insurance coverage available to
9 producers; and
10 “(III) increase the total cost of
11 the Federal crop insurance program.”.

12 **TITLE XII—MISCELLANEOUS**
13 **Subtitle A—Socially Disadvantaged**
14 **Producers and Limited Re-**
15 **source Producers**

16 **SEC. 12001. OUTREACH AND ASSISTANCE FOR SOCIALLY**
17 **DISADVANTAGED FARMERS AND RANCHERS**
18 **AND VETERAN FARMERS AND RANCHERS.**

19 (a) OUTREACH AND ASSISTANCE FOR SOCIALLY DIS-
20 ADVANTAGED FARMERS AND RANCHERS AND VETERAN
21 FARMERS AND RANCHERS.—Section 2501 of the Food,
22 Agriculture, Conservation, and Trade Act of 1990 (7
23 U.S.C. 2279) is amended—

1 (1) in the section heading, by inserting “**AND**
2 **VETERAN FARMERS AND RANCHERS**” after
3 “**RANCHERS**”;

4 (2) in subsection (a)—

5 (A) in paragraph (2)(B)(i), by inserting
6 “and veteran farmers or ranchers” after
7 “ranchers”; and

8 (B) in paragraph (4)—

9 (i) in subparagraph (A)—

10 (I) in the heading, by striking
11 “FISCAL YEARS 2009 THROUGH 2012”
12 and inserting “MANDATORY FUND-
13 ING”;

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

16 (III) in clause (ii), by striking
17 the period at the end and inserting “;
18 and”; and

19 (IV) by adding at the end the fol-
20 lowing:

21 “(iii) \$10,000,000 for each of fiscal
22 years 2014 through 2018.”; and

23 (ii) by striking subparagraph (B) and
24 inserting the following:

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There is authorized to be appropriated
3 to carry out this section \$20,000,000 for each
4 of fiscal years 2014 through 2018.”;

5 (3) in subsection (b)(2), by inserting “or vet-
6 eran farmers and ranchers” after “socially disadvan-
7 taged farmers and ranchers”; and

8 (4) in subsection (c)—

9 (A) in paragraph (1)(A), by inserting “vet-
10 eran farmers or ranchers and” before “mem-
11 bers”; and

12 (B) in paragraph (2)(A), by inserting “vet-
13 eran farmers or ranchers and” before “mem-
14 bers”.

15 (b) DEFINITION OF VETERAN FARMER OR RANCH-
16 ER.—Section 2501(e) of the Food, Agriculture, Conserva-
17 tion, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amend-
18 ed by adding at the end the following:

19 “(7) VETERAN FARMER OR RANCHER.—The
20 term ‘veteran farmer or rancher’ means a farmer or
21 rancher who served in the active military, naval, or
22 air service, and who was discharged or released from
23 the service under conditions other than dishonor-
24 able.”.

1 **SEC. 12002. OFFICE OF ADVOCACY AND OUTREACH.**

2 Section 226B(f)(3) of the Department of Agriculture
3 Reorganization Act of 1994 (7 U.S.C. 6934(f)(3)) is
4 amended to read as follows:

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to carry out
7 this subsection—

8 “(A) such sums as are necessary for each
9 of fiscal years 2009 through 2013; and

10 “(B) \$2,000,000 for each of fiscal years
11 2014 through 2018.”.

12 **Subtitle B—Livestock**

13 **SEC. 12101. WILDLIFE RESERVOIR ZONOTIC DISEASE INI-**
14 **TIATIVE.**

15 Title IV of the Agricultural Research, Extension, and
16 Education Reform Act of 1998 (7 U.S.C. 7621 et seq.)
17 is amended by adding at the end the following:

18 **“SEC. 413. WILDLIFE RESERVOIR ZONOTIC DISEASE INI-**
19 **TIATIVE.**

20 “(a) DEFINITION OF COVERED DISEASE.—In this
21 section, the term ‘covered disease’ means a zoonotic dis-
22 ease affecting domestic livestock that is transmitted pri-
23 marily from wildlife.

24 “(b) ESTABLISHMENT.—There is established within
25 the Department a wildlife reservoir zoonotic disease initia-
26 tive to provide assistance through Coordinated Agricul-

1 tural Project grants for research and development of sur-
2veillance methods, vaccines, vaccination delivery systems,
3 or diagnostic tests for covered diseases.

4 “(c) COVERED DISEASE.—

5 “(1) IN GENERAL.—To be eligible for a grant
6 under this section, an eligible entity shall conduct
7 research and development of surveillance methods,
8 vaccines, vaccination delivery systems, or diagnostic
9 tests for covered diseases in—

10 “(A) a wildlife reservoir in the United
11 States; or

12 “(B) domestic livestock or wildlife pre-
13 senting a potential concern to public health.

14 “(2) PRIORITY.—In making grants under this
15 section, the Secretary shall give priority to grants
16 that address—

17 “(A) *Brucella abortus* (Bovine Brucellosis);

18 “(B) *Mycobacterium bovis* (Bovine Tuber-
19 culosis); or

20 “(C) other zoonotic disease in livestock
21 that is covered by a high-priority research and
22 extension initiative conducted under section
23 1672 of the Food, Agriculture, Conservation,
24 and Trade Act of 1990 (7 U.S.C. 5925).

1 “(d) ELIGIBLE ENTITIES.—The Secretary shall carry
2 out the initiative established under subsection (b) through
3 public scientific research consortia that may consist of
4 members from—

5 “(1) Federal agencies;

6 “(2) National Laboratories;

7 “(3) institutions of higher education;

8 “(4) research institutions and organizations; or

9 “(5) State agricultural experiment stations.

10 “(e) RESEARCH PROJECTS.—In carrying out this
11 section, the Secretary shall award grants on a competitive
12 basis.

13 “(f) ADMINISTRATION.—

14 “(1) IN GENERAL.—In the case of grants
15 awarded under this section, the Secretary shall—

16 “(A) seek and accept proposals for grants;

17 “(B) determine the relevance and merit of
18 proposals through a system of peer and merit
19 review in accordance with section 103;

20 “(C) award grants on the basis of merit,
21 quality, and relevance; and

22 “(D) manage the initiative established
23 under subsection (b) using a Coordinated Agri-
24 cultural Project format.

1 “(2) TERM.—The term of a grant under this
2 section may not exceed 10 years.

3 “(3) MATCHING FUNDS REQUIRED.—The Sec-
4 retary shall require the recipient of a grant under
5 this section to provide funds or in-kind support from
6 non-Federal sources in an amount that is not less
7 than 25 percent of the amount provided by the Fed-
8 eral Government.

9 “(4) OTHER CONDITIONS.—The Secretary may
10 set such other conditions on the award of a grant
11 under this section as the Secretary determines to be
12 appropriate.

13 “(g) BUILDINGS AND FACILITIES.—Funds made
14 available under this section shall not be used for—

15 “(1) the construction of a new building or facil-
16 ity; or

17 “(2) the acquisition, expansion, remodeling, or
18 alteration of an existing building or facility (includ-
19 ing site grading and improvement and architect
20 fees).

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$7,000,000 for
24 each of fiscal years 2014 through 2018.

1 “(2) ALLOCATION.—Of the amount made avail-
2 able for a fiscal year under paragraph (1), the Sec-
3 retary shall use not less than 30 percent of the
4 amount for the fiscal year to carry out activities
5 under each of subparagraphs (A) and (B) of sub-
6 section (c)(2).”.

7 **SEC. 12102. TRICHINAE CERTIFICATION PROGRAM.**

8 (a) ALTERNATIVE CERTIFICATION PROCESS.—

9 (1) IN GENERAL.—The Secretary shall amend
10 the regulation issued under section 11010(a)(2) of
11 the Food, Conservation, and Energy Act of 2008 (7
12 U.S.C. 8304(a)(2)) to implement the voluntary
13 trichinae certification program established under
14 section 11010(a)(1) of that Act, to include a re-
15 quirement to establish an alternative trichinae cer-
16 tification process based on surveillance or other
17 methods consistent with international standards for
18 categorizing compartments as having negligible risk
19 for trichinae.

20 (2) FINAL REGULATIONS.—Not later than 1
21 year after the date on which the international stand-
22 ards described in paragraph (1) are adopted, the
23 Secretary shall finalize the rule amended under
24 paragraph (1).

1 (b) REAUTHORIZATION.—Section 10405(d)(1) of the
2 Animal Health Protection Act (7 U.S.C. 8304(d)(1)) is
3 amended in subparagraphs (A) and (B) by striking
4 “2012” each place it appears and inserting “2018”.

5 **SEC. 12103. NATIONAL AQUATIC ANIMAL HEALTH PLAN.**

6 Section 11013(d) of the Food, Conservation, and En-
7 ergy Act of 2008 (7 U.S.C. 8322(d)) is amended by strik-
8 ing “2012” and inserting “2018”.

9 **SEC. 12104. SHEEP PRODUCTION AND MARKETING GRANT**
10 **PROGRAM.**

11 (a) IN GENERAL.—Subtitle A of the Agricultural
12 Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended
13 by adding at the end the following:

14 **“SEC. 209. SHEEP PRODUCTION AND MARKETING GRANT**
15 **PROGRAM.**

16 “(a) ESTABLISHMENT.—The Secretary, acting
17 through the Administrator of the Agricultural Marketing
18 Service (referred to in this section as the ‘Secretary’) shall
19 establish a competitive grant program for the purposes of
20 improving the United States sheep industry.

21 “(b) PURPOSE.—The purpose of the grant program
22 shall be to strengthen and enhance the production and
23 marketing of sheep and sheep products, including im-
24 provement of—

25 “(1) infrastructure;

1 “(2) business;
2 “(3) resource development; and
3 “(4) innovative approaches to solve long-term
4 needs.

5 “(c) ELIGIBILITY.—The Secretary shall make grants
6 under this section to 1 or more national entities the mis-
7 sion of which is consistent with the purpose of the grant
8 program.

9 “(d) FUNDING.—Of the funds of the Commodity
10 Credit Corporation, the Secretary shall use to carry out
11 this section \$1,500,000 for fiscal year 2014, to remain
12 available until expended.”.

13 (b) CONFORMING AMENDMENT.—Section 374 of the
14 Consolidated Farm and Rural Development Act (7 U.S.C.
15 2008j) (as in existence on the day before the date of enact-
16 ment of this Act) is—

17 (1) amended in subsection (e)—

18 (A) in paragraph (3)(D), by striking “3
19 percent” and inserting “10 percent”; and

20 (B) by striking paragraph (6); and

21 (2) redesignated as section 210 of the Agricul-
22 tural Marketing Act of 1946; and

23 (3) moved so as to appear at the end of subtitle
24 A of that Act (as amended by subsection (a)).

1 **SEC. 12105. FERAL SWINE ERADICATION PILOT PROGRAM.**

2 (a) IN GENERAL.—To eradicate or control the threat
3 feral swine pose to the domestic swine population, the en-
4 tire livestock industry, and the destruction of crops and
5 natural plant communities and native habitats, the Sec-
6 retary of Agriculture may establish a feral swine eradi-
7 cation pilot program.

8 (b) PILOT.—Subject to the availability of appropria-
9 tions under this section, the Secretary may provide finan-
10 cial assistance for the cost of carrying out a pilot pro-
11 gram—

12 (1) to study and assess the nature and extent
13 of damage to the pilot area caused by feral swine;

14 (2) to develop methods to eradicate or control
15 feral swine in the pilot area; and

16 (3) to develop methods to restore damage
17 caused by feral swine.

18 (c) COORDINATION.—The Secretary shall ensure that
19 the Natural Resource Conservation Service and the Ani-
20 mal and Plant Health Inspection Service coordinate to
21 carry out the pilot program.

22 (d) COST SHARING.—

23 (1) FEDERAL SHARE.—The Federal share of
24 the costs of the pilot program under this section
25 may not exceed 75 percent of the total costs of car-
26 rying out the pilot program.

1 (2) IN-KIND CONTRIBUTIONS.—The non-Fed-
2 eral share of the costs of the pilot program may be
3 provided in the form of in-kind contributions of ma-
4 terials or services.

5 (e) LIMITATION ON ADMINISTRATIVE EXPENSES.—
6 Not more than 10 percent of financial assistance provided
7 by the Secretary under this section may be used for ad-
8 ministrative expenses.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$2,000,000 for each of fiscal years 2014 through 2018.

12 **SEC. 12106. NATIONAL ANIMAL HEALTH LABORATORY NET-**
13 **WORK.**

14 Subtitle E of title X of the Farm Security and Rural
15 Investment Act of 2002 (7 U.S.C. 8301 et seq.) is amend-
16 ed by inserting after section 10409 the following:

17 **“SEC. 10409A. NATIONAL ANIMAL HEALTH LABORATORY**
18 **NETWORK.**

19 “(a) DEFINITION OF ELIGIBLE LABORATORY.—In
20 this section, the term ‘eligible laboratory’ means a diag-
21 nostic laboratory that meets specific criteria developed by
22 the Secretary, in consultation with State animal health of-
23 ficials, State veterinary diagnostic laboratories, and veteri-
24 nary diagnostic laboratories at institutions of higher edu-
25 cation.

1 “(b) CONTRACTS.—The Secretary, in consultation
2 with State veterinarians, shall offer to enter into con-
3 tracts, grants, cooperative agreements, or other legal in-
4 struments with eligible laboratories—

5 “(1) to enhance the capability of the Secretary
6 to respond in a timely manner to emerging or exist-
7 ing bioterrorist threats to animal health; and

8 “(2) to provide the capacity and capability for
9 standardized—

10 “(A) test procedures, reference materials,
11 and equipment;

12 “(B) laboratory biosafety and biosecurity
13 levels;

14 “(C) quality management system require-
15 ments;

16 “(D) interconnected electronic reporting
17 and transmission of data; and

18 “(E) evaluation for emergency prepared-
19 ness; and

20 “(3) to coordinate the development, implemen-
21 tation, and enhancement of national veterinary diag-
22 nostic laboratory capabilities, with special emphasis
23 on surveillance planning and vulnerability analysis,
24 technology development and validation, training, and
25 outreach.

1 “(c) PRIORITY.—To the extent practicable and to the
2 extent capacity and specialized expertise may be nec-
3 essary, the Secretary shall give priority to eligible labora-
4 tories at existing Federal facilities, State facilities, and fa-
5 cilities at institutions of higher education.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$15,000,000 for each of fiscal years 2014 through 2018.”.

9 **SEC. 12107. NATIONAL POULTRY IMPROVEMENT PLAN**
10 **(NPIP).**

11 (a) SURVEILLANCE PROGRAM.—The Secretary shall
12 ensure that the Department of Agriculture continues to
13 administer the avian influenza surveillance program in
14 commercial poultry through the National Poultry Im-
15 provement Program.

16 (b) STANDARDS.—The Secretary shall ensure that
17 the program described in subsection (a) meets any rel-
18 evant standards established by the World Organization for
19 Animal Health.

20 **Subtitle C—Other Miscellaneous**
21 **Provisions**

22 **SEC. 12201. MILITARY VETERANS AGRICULTURAL LIAISON.**

23 Subtitle A of the Department of Agriculture Reorga-
24 nization Act of 1994 is amended by inserting after section
25 218 (7 U.S.C. 6918) the following:

1 **“SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.**

2 “(a) AUTHORIZATION.—The Secretary shall establish
3 in the Department the position of Military Veterans Agri-
4 cultural Liaison.

5 “(b) DUTIES.—The Military Veterans Agricultural
6 Liaison shall—

7 “(1) provide information to returning veterans
8 about, and connect returning veterans with, begin-
9 ning farmer training and agricultural vocational and
10 rehabilitation programs appropriate to the needs and
11 interests of returning veterans, including assisting
12 veterans in using Federal veterans educational bene-
13 fits for purposes relating to beginning a farming or
14 ranching career;

15 “(2) provide information to veterans concerning
16 the availability of and eligibility requirements for
17 participation in agricultural programs, with par-
18 ticular emphasis on beginning farmer and rancher
19 programs;

20 “(3) serving as a resource for assisting veteran
21 farmers and ranchers, and potential farmers and
22 ranchers, in applying for participation in agricul-
23 tural programs; and

24 “(4) advocating on behalf of veterans in inter-
25 actions with employees of the Department.

1 “(c) CONTRACTS AND COOPERATIVE AGREE-
2 MENTS.—For purposes of carrying out the duties under
3 subsection (b), the Military Veterans Agricultural Liaison
4 may enter into contracts or cooperative agreements with
5 the research centers of the Agricultural Research Service,
6 institutions of higher education, or nonprofit organizations
7 for—

8 “(1) the conduct of regional research on the
9 profitability of small farms;

10 “(2) the development of educational materials;

11 “(3) the conduct of workshops, courses, and
12 certified vocational training;

13 “(4) the conduct of mentoring activities; or

14 “(5) the provision of internship opportunities.”.

15 **SEC. 12202. INFORMATION GATHERING.**

16 Section 1619(b)(3) of the Food, Conservation, and
17 Energy Act of 2008 (7 U.S.C. 8791) is amended by add-
18 ing at the end the following:

19 “(B) COOPERATION WITH STATE AND
20 LOCAL GOVERNMENTS.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), in the case of a State agency, political
23 subdivision, or local governmental agency
24 that is charged with implementing an agri-
25 culture or conservation program under

1 State law, on request of the State agency,
2 political subdivision, or local governmental
3 agency, the information described in para-
4 graph (2) shall be disclosed to the State
5 agency, political subdivision, or local gov-
6 ernmental agency if the Secretary deter-
7 mines that the State agency, political sub-
8 division, or local governmental agency
9 demonstrates that the disclosure is re-
10 quired for implementing the State pro-
11 gram.

12 “(ii) RESTRICTION.—Any information
13 disclosed to a State agency, political sub-
14 division, or local governmental agency
15 under clause (i) shall be—

16 “(I) used solely by the State
17 agency, political subdivision, or local
18 governmental agency; and

19 “(II) exempt from disclosure to
20 the public, including under any State
21 law that allows a citizen to petition a
22 State agency for that information.”.

1 **SEC. 12203. GRANTS TO IMPROVE SUPPLY, STABILITY,**
2 **SAFETY, AND TRAINING OF AGRICULTURAL**
3 **LABOR FORCE.**

4 Section 14204(d) of the Food, Conservation, and En-
5 ergy Act of 2008 (7 U.S.C. 2008q-1(d)) is amended to
6 read as follows:

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this sec-
9 tion—

10 “(1) such sums as are necessary for each of fis-
11 cal years 2008 through 2013; and

12 “(2) \$10,000,000 for each of fiscal years 2014
13 through 2018.”.

14 **SEC. 12204. NONINSURED CROP ASSISTANCE PROGRAM.**

15 (a) IN GENERAL.—Section 196 of the Federal Agri-
16 culture Improvement and Reform Act of 1996 (7 U.S.C.
17 7333) is amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) IN GENERAL.—

22 “(A) COVERAGES.—In the case of an eligi-
23 ble crop described in paragraph (2), the Sec-
24 retary of Agriculture shall operate a noninsured
25 crop disaster assistance program to provide cov-

1 erages based on individual yields (other than
2 for value-loss crops) equivalent to—

3 “(i) catastrophic risk protection avail-
4 able under section 508(b) of the Federal
5 Crop Insurance Act (7 U.S.C. 1508(b)); or

6 “(ii) additional coverage available
7 under subsections (c) and (h) of section
8 508 of that Act (7 U.S.C. 1508) that does
9 not exceed 65 percent.

10 “(B) ADMINISTRATION.—The Secretary
11 shall carry out this section through the Farm
12 Service Agency (referred to in this section as
13 the ‘Agency’).”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) in the matter before clause
17 (i), by striking “(except livestock)”
18 and inserting “(except livestock and
19 crops and grasses used for grazing)”;

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

22 (III) by redesignating clause (ii)
23 as clause (iii); and

24 (IV) by inserting after clause (i)
25 the following:

1093

1 “(ii) for which additional
2 coverage under subsections (c)
3 and (h) of section 508 of that
4 Act (7 U.S.C. 1508) is not avail-
5 able; and”; and

6 (ii) in subparagraph (B)—

7 (I) by inserting “(except ferns)”
8 after “floricultural”;

9 (II) by inserting “(except ferns)”
10 after “ornamental nursery”; and

11 (III) by striking “(including or-
12 namental fish)” and inserting “(in-
13 cluding ornamental fish, but excluding
14 tropical fish)”;

15 (2) in subsection (d), by striking “The Sec-
16 retary” and inserting “Subject to subsection (l), the
17 Secretary”;

18 (3) in subsection (k)(1)—

19 (A) in subparagraph (A), by striking
20 “\$250” and inserting “\$260”; and

21 (B) in subparagraph (B)—

22 (i) by striking “\$750” and inserting
23 “\$780”; and

24 (ii) by striking “\$1,875” and insert-
25 ing “\$1,950”; and

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

2 “(l) PAYMENT EQUIVALENT TO ADDITIONAL COV-
3 ERAGE.—

4 “(1) IN GENERAL.—The Secretary shall make
5 available to a producer eligible for noninsured assist-
6 ance under this section a payment equivalent to an
7 indemnity for additional coverage under subsections
8 (c) and (h) of section 508 of the Federal Crop In-
9 surance Act (7 U.S.C. 1508) that does not exceed
10 65 percent, computed by multiplying—

11 “(A) the quantity that is less than 50 to
12 65 percent of the established yield for the crop,
13 as determined by the Secretary, specified in in-
14 crements of 5 percent;

15 “(B) 100 percent of the average market
16 price for the crop, as determined by the Sec-
17 retary; and

18 “(C) a payment rate for the type of crop,
19 as determined by the Secretary, that reflects—

20 “(i) in the case of a crop that is pro-
21 duced with a significant and variable har-
22 vesting expense, the decreasing cost in-
23 curred in the production cycle for the crop
24 that is, as applicable—

25 “(I) harvested;

1095

1 “(II) planted but not harvested;

2 or

3 “(III) prevented from being

4 planted because of drought, flood, or

5 other natural disaster, as determined

6 by the Secretary; or

7 “(ii) in the case of a crop that is pro-

8 duced without a significant and variable

9 harvesting expense, such rate as shall be

10 determined by the Secretary.

11 “(2) PREMIUM.—To be eligible to receive a pay-
12 ment under this subsection, a producer shall pay—

13 “(A) the service fee required by subsection

14 (k); and

15 “(B) a premium for the applicable crop

16 year that is equal to—

17 “(i) the product obtained by multi-

18 plying—

19 “(I) the number of acres devoted

20 to the eligible crop;

21 “(II) the yield, as determined by

22 the Secretary under subsection (e);

23 “(III) the coverage level elected

24 by the producer;

1096

1 “(IV) the average market price,
2 as determined by the Secretary; and
3 “(ii) 5.25-percent premium fee.

4 “(3) LIMITED RESOURCE, BEGINNING, AND SO-
5 CIALY DISADVANTAGED FARMERS.—The additional
6 coverage made available under this subsection shall
7 be available to limited resource, beginning, and so-
8 cially disadvantaged producers, as determined by the
9 Secretary, in exchange for a premium that is 50 per-
10 cent of the premium determined for a producer
11 under paragraph (2).

12 “(4) ADDITIONAL AVAILABILITY.—

13 “(A) IN GENERAL.—As soon as practicable
14 after October 1, 2013, the Secretary shall make
15 assistance available to producers of an other-
16 wise eligible crop described in subsection (a)(2)
17 that suffered losses—

18 “(i) to a 2012 annual fruit crop
19 grown on a bush or tree; and

20 “(ii) in a county covered by a declara-
21 tion by the Secretary of a natural disaster
22 for production losses due to a freeze or
23 frost.

24 “(B) ASSISTANCE.—The Secretary shall
25 make assistance available under subparagraph

1 (A) in an amount equivalent to assistance avail-
2 able under paragraph (1), less any fees not pre-
3 viously paid under paragraph (2).”.

4 (b) TERMINATION DATE.—

5 (1) IN GENERAL.—Effective October 1, 2018,
6 subsection (a) and the amendments made by sub-
7 section (a) (other than the amendments made by
8 clauses (i)(I) and (ii) of subsection (a)(1)(B)) are re-
9 pealed.

10 (2) ADMINISTRATION.—Effective October 1,
11 2018, section 196 of the Federal Agriculture Im-
12 provement and Reform Act of 1996 (7 U.S.C. 7333)
13 shall be applied and administered as if subsection
14 (a) and the amendments made by subsection (a)
15 (other than the amendments made by clauses (i)(I)
16 and (ii) of subsection (a)(1)(B)) had not been en-
17 acted.

18 **SEC. 12205. REGIONAL ECONOMIC AND INFRASTRUCTURE**
19 **DEVELOPMENT.**

20 Section 15751 of title 40, United States Code, is
21 amended—

22 (1) in subsection (a), by striking “2012” and
23 inserting “2018”; and

24 (2) in subsection (b)—

1 (A) by striking “Not more than” and in-
2 serting the following:

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), not more than”; and

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

6 “(2) LIMITED FUNDING.—In a case in which
7 less than \$10,000,000 is made available to a Com-
8 mission for a fiscal year under this section, para-
9 graph (1) shall not apply.”.

10 **SEC. 12206. OFFICE OF TRIBAL RELATIONS.**

11 Title III of the Department of Agriculture Reorga-
12 nization Act of 1994 is amended by adding after section
13 308 (7 U.S.C. 3125a note; Public Law 103–354) the fol-
14 lowing:

15 **“SEC. 309. OFFICE OF TRIBAL RELATIONS.**

16 “The Secretary shall establish in the Office of the
17 Secretary an Office of Tribal Relations.”.

18 **SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.**

19 (a) GRANTS AUTHORIZED; AUTHORIZED ACTIVI-
20 TIES.—The Secretary of Agriculture may make grants to
21 States and tribal governments to support their efforts to
22 promote the domestic maple syrup industry through the
23 following activities:

24 (1) Promotion of research and education related
25 to maple syrup production.

1 (2) Promotion of natural resource sustainability
2 in the maple syrup industry.

3 (3) Market promotion for maple syrup and
4 maple-sap products.

5 (4) Encouragement of owners and operators of
6 privately held land containing species of tree in the
7 genus *Acer*—

8 (A) to initiate or expand maple-sugaring
9 activities on the land; or

10 (B) to voluntarily make the land available,
11 including by lease or other means, for access by
12 the public for maple-sugaring activities.

13 (b) APPLICATIONS.—In submitting an application for
14 a grant under this section, a State or tribal government
15 shall include—

16 (1) a description of the activities to be sup-
17 ported using the grant funds;

18 (2) a description of the benefits that the State
19 or tribal government intends to achieve as a result
20 of engaging in such activities; and

21 (3) an estimate of the increase in maple-sug-
22 aring activities or maple syrup production that the
23 State or tribal government anticipates will occur as
24 a result of engaging in such activities.

1100

1 (c) RELATIONSHIP TO OTHER LAWS.—Nothing in
2 this section preempts a State or tribal government law,
3 including any State or tribal government liability law.

4 (d) DEFINITION OF MAPLE SUGARING.—In this sec-
5 tion, the term “maple-sugaring” means the collection of
6 sap from any species of tree in the genus *Acer* for the
7 purpose of boiling to produce food.

8 (e) REGULATIONS.—The Secretary of Agriculture
9 shall promulgate such regulations as are necessary to
10 carry out this section.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$20,000,000 for each of fiscal years 2014 and 2015.

14 **SEC. 12208. PROHIBITION ON ATTENDING AN ANIMAL**
15 **FIGHT OR CAUSING A MINOR TO ATTEND AN**
16 **ANIMAL FIGHT; ENFORCEMENT OF ANIMAL**
17 **FIGHTING PROVISIONS.**

18 (a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT
19 OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—
20 Section 26 of the Animal Welfare Act (7 U.S.C. 2156)
21 is amended—

22 (1) in subsection (a)—

23 (A) in the heading, by striking “SPON-
24 SORING OR EXHIBITING AN ANIMAL IN” and in-
25 serting “SPONSORING OR EXHIBITING AN ANI-

1 MAL IN, ATTENDING, OR CAUSING A MINOR TO
2 ATTEND”;

3 (B) in paragraph (1)—

4 (i) in the heading, by striking “IN
5 GENERAL” and inserting “SPONSORING OR
6 EXHIBITING”; and

7 (ii) by striking “paragraph (2)” and
8 inserting “paragraph (3)”;

9 (C) by redesignating paragraph (2) as
10 paragraph (3); and

11 (D) by inserting after paragraph (1) the
12 following:

13 “(2) ATTENDING OR CAUSING A MINOR TO AT-
14 TEND.—It shall be unlawful for any person to—

15 “(A) knowingly attend an animal fighting
16 venture; or

17 “(B) knowingly cause a minor to attend an
18 animal fighting venture.”; and

19 (2) in subsection (g), by adding at the end the
20 following:

21 “(5) the term ‘minor’ means a person under the
22 age of 18 years old.”.

23 (b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-
24 TIONS.—Section 49 of title 18, United States Code, is
25 amended—

1 (1) by striking “Whoever” and inserting “(a)
2 IN GENERAL.—Whoever”;

3 (2) in subsection (a), as designated by para-
4 graph (1) of this section, by striking “subsection
5 (a),” and inserting “subsection (a)(1),”; and

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

7 “(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—
8 Whoever violates subsection (a)(2)(A) of section 26 of the
9 Animal Welfare Act (7 U.S.C. 2156) shall be fined under
10 this title, imprisoned for not more than 1 year, or both,
11 for each violation.

12 “(c) CAUSING A MINOR TO ATTEND AN ANIMAL
13 FIGHTING VENTURE.—Whoever violates subsection
14 (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal
15 Welfare Act shall be fined under this title, imprisoned for
16 not more than 3 years, or both, for each violation.”.