

## HR 6124

Food, Conservation, and Energy Act of 2008

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**Chamber:** House

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### Sponsor

**Name:** Rep. Peterson, Collin C. [D-MN-7]

**Party:** Democratic • **State:** MN • **Chamber:** House

### Cosponsors

No cosponsors are listed for this bill.

### Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred To	May 22, 2008
Foreign Affairs Committee	House	Referred To	May 22, 2008

### Subjects & Policy Tags

#### Policy Area:

Agriculture and Food

### Related Bills

Bill	Relationship	Last Action
110 HR 2419	Related bill	May 22, 2008: Became Public Law No: 110-234.
110 HR 3246	Procedurally related	May 22, 2008: For Further Action See P.L. 110-234, Title 6, Subtitle A, Sections 6025 and 6026 and Title 14, Subtitle C, Section 14217 (H.R. 2419).
110 S 2302	Companion bill	Nov 2, 2007: Placed on Senate Legislative Calendar under General Orders. Calendar No. 470.

Food, Conservation, and Energy Act of 2008 - (Sec. 3) Deems the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-627) to be part of the legislative history of this Act and to have the same effect regarding implementation of this Act as it would have had regarding implementation of H.R. 2419.

(Sec. 4) Repeals P.L. 110-234 (H.R. 2419) and the amendments made by that Act, effective on the date of enactment of that Act.

States that, except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the earlier of: (1) the date of enactment of this Act; or (2) the date of enactment of P.L. 110-234 (H.R. 2419).

**Title I: Commodity Programs** - (Sec. 1001) Defines specified terms.

**Subtitle A: Direct Payments and Counter-Cyclical Payments** - (Sec. 1101) Directs the Secretary of Agriculture (Secretary) to adjust base acres for covered commodities for a farm whenever: (1) a conservation reserve contract expires or is voluntarily terminated; (2) cropland is released from coverage under a conservation reserve contract; or (3) the producer has eligible pulse crop or oilseed acreage.

Requires election of either direct payments and counter-cyclical payments or conservation payments if the base adjustment is made due to a change in status of a conservation reserve contract.

Requires a reduction in base acres if the sum of base acres and other specified acreage exceeds the actual cropland acreage on the farm.

Allows an owner to permanently reduce farm base acres at any time.

Prohibits a producer from receiving direct payments, counter-cyclical payments, or average crop revenue election payments if a farm's base acreage is 10 acres or less unless the farm is owned by a socially disadvantaged or limited resource farmer or rancher.

(Sec. 1102) Provides for the establishment of a payment yield for any designated oilseed or eligible pulse crop for direct payment and counter-cyclical payment purposes.

(Sec. 1103) Establishes 2008-2012 payment rates as follows: (1) wheat, \$0.52 per bushel; (2) corn, \$0.28 per bushel; (3) grain sorghum, \$0.35 per bushel; (4) barley, \$0.24 per bushel; (5) oats, \$0.024 per bushel; (6) upland cotton, \$0.0667 per pound; (7) long grain rice, \$2.35 per hundredweight; (8) medium grain rice, \$2.35 per hundredweight; (9) soybeans, \$0.44 per bushel; and (10) other oilseeds, \$0.80 per hundredweight.

Specifies a covered commodity's payment amount as the product of the payment rate, payment acres, and payment yield.

Requires that direct payments shall be made not before October 1 of the calendar year in which the crop is harvested for each of the 2008-2012 crop years.

Authorizes advance direct payments of up to 22% of the direct payments at the option of the producer for each of the 2008-2011 crop years. Requires repayment under certain circumstances.

(Sec. 1104) Requires that counter-cyclical payments for covered commodities be made for each of the 2008-2012 crop years if the commodity's effective price is less than its target price. Sets forth effective price provisions for rice and other commodities.

Establishes 2008 target prices as follows: (1) wheat, \$3.92 per bushel; (2) corn, \$2.63 per bushel; (3) grain sorghum, \$2.57 per bushel; (4) barley, \$2.24 per bushel; (5) oats, \$1.44 per bushel; (6) upland cotton, \$0.7125 per pound; (7) long grain rice, \$10.50 per hundredweight; (8) medium grain rice, \$10.50 per hundredweight; (9) soybeans, \$5.80 per bushel; and (10) other oilseeds, \$10.10 per hundredweight.

Establishes 2009 target prices as follows: (1) wheat, \$3.92 per bushel; (2) corn, \$2.63 per bushel; (3) grain sorghum, \$2.57 per bushel; (4) barley, \$2.24 per bushel; (5) oats, \$1.44 per bushel; (6) upland cotton, \$0.7125 per pound; (7) long grain rice, \$10.50 per hundredweight; (8) medium grain rice, \$10.50 per hundredweight; (9) soybeans, \$5.80 per bushel; (10) other oilseeds, \$10.10 per hundredweight; (11) dry peas, \$8.32 per hundredweight; (12) lentils, \$12.81 per hundredweight; (13) small chickpeas, \$10.36 per hundredweight; and (14) large chickpeas, \$12.81 per hundredweight.

Establishes 2010-2012 target prices as follows: (1) wheat, \$4.17 per bushel; (2) corn, \$2.63 per bushel; (3) grain sorghum, \$2.63 per bushel; (4) barley, \$2.63 per bushel; (5) oats, \$1.79 per bushel; (6) upland cotton, \$0.7125 per pound; (7) long grain rice, \$10.50 per hundredweight; (8) medium grain rice, \$10.50 per hundredweight; (9) soybeans, \$6.00 per bushel; (10) other oilseeds, \$12.68 per hundredweight; (11) dry peas, \$8.32 per hundredweight; (12) lentils, \$12.81 per hundredweight; (13) small chickpeas, \$10.36 per hundredweight; and (14) large chickpeas, \$12.81 per hundredweight.

Specifies a covered commodity's counter-cyclical payment amount as the product of the payment rate, payment acres, and payment yield.

Requires that payments be made beginning October 1, or as soon as practicable thereafter, after the end of the covered commodity's marketing year.

Authorizes: (1) partial payments for the 2008-2010 crops of up to 40% of the projected counter-cyclical payment after completion of the first 180 days of the covered commodity's marketing year; and (2) producers to elect to receive partial payments at any time but not later than 60 days prior to the end of the marketing year. Requires repayment under certain circumstances.

(Sec. 1105) Establishes as an alternative to receiving counter-cyclical payments the average crop revenue election (ACRE) program under which an electing covered commodity or peanut producer will forgo 20% of the direct payment rate and 30% of the marketing assistance loan rates for the 2009-2012 crop years in exchange for ACRE payments.

Provides that: (1) ACRE participants will be eligible for state-based coverage with a revenue guarantee equal to 90% of the five-year state average yield per planted acre times the two-year national average price for a covered commodity; (2) the guarantee cannot vary by more than 10% from the previous year's guarantee; (3) if the actual state revenue is less than the revenue guarantee for a producer suffering a farm loss such producer will receive an ACRE payment equal to the difference between the revenue guarantee and the actual revenue of up to 25% of the revenue guarantee; and (4) ACRE payments shall be made on 83.3% of the acreage planted or considered planted for the 2009-2011 crop years, and on 85% for crop year 2012.

(Sec. 1106) Requires producer compliance with specified conservation-related requirements in order to qualify for direct, counter-cyclical, or ACRE payments.

(Sec. 1107) Provides for base acre crop flexibility with limitations for trees, perennial plants, fruits, vegetables (other than mung beans and pulse crops), and wild rice in areas without planting histories of such crops.

Directs the Secretary to carry out a pilot project for crop years 2009-2012 to permit the planting of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

(Sec. 1108) Apportions long grain and medium grain rice counter-cyclical payment base acres on a specific time period.

(Sec. 1109) States that this subtitle shall be effective for crop years 2008-2012.

**Subtitle B: Marketing Assistance Loans and Deficiency Payments** - (Sec. 1201) Directs the Secretary to make nonrecourse marketing assistance loans available for crop years 2008-2012 for each loan commodity. Requires producer compliance with conservation and wetlands requirements as a condition of loan receipt.

(Sec. 1202) Establishes 2008 loan rates as follows: (1) wheat, \$2.75 per bushel; (2) corn, \$1.95 per bushel; (3) grain sorghum, \$1.95 per bushel; (4) barley, \$1.85 per bushel; (5) oats, \$1.33 per bushel; (6) upland cotton, \$0.52 per pound; (7) extra long staple cotton, \$0.7977 per pound; (8) long grain rice, \$6.50 per hundredweight; (9) medium grain rice, \$6.50 per hundredweight; (10) soybeans, \$5.00 per bushel; (11) sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, and other oilseeds, \$9.30 per hundredweight; (12) dry peas, \$6.22 per hundredweight; (13) lentils, \$11.72 per hundredweight; (14) small chickpeas, \$7.43 per hundredweight; (15) graded wool, \$1.00 per pound; (16) nongraded wool, \$0.40 per pound; (17) mohair, \$4.20 per pound; and (18) honey, \$0.60 per pound.

Establishes 2009 loan rates as follows: (1) wheat, \$2.75 per bushel; (2) corn, \$1.95 per bushel; (3) grain sorghum, \$1.95 per bushel; (4) barley, \$1.85 per bushel; (5) oats, \$1.33 per bushel; (6) upland cotton, \$0.52 per pound; (7) extra long staple cotton, \$0.7977 per pound; (8) long grain rice, \$6.50 per hundredweight; (9) medium grain rice, \$6.50 per hundredweight; (10) soybeans, \$5.00 per bushel; (11) sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, and other oilseeds, \$9.30 per hundredweight; (12) dry peas, \$5.40 per hundredweight; (13) lentils, \$11.28 per hundredweight; (14) small chickpeas, \$7.43 per hundredweight; (15) large chickpeas, \$11.28 per hundredweight; (16) graded wool, \$1.00 per pound; (17) nongraded wool, \$0.40 per pound; (18) mohair, \$4.20 per pound; and (19) honey, \$0.60 per pound.

Establishes 2010-2012 loan rates as follows: (1) wheat, \$2.94 per bushel; (2) corn, \$1.95 per bushel; (3) grain sorghum, \$1.95 per bushel; (4) barley, \$1.95 per bushel; (5) oats, \$1.39 per bushel; (6) upland cotton, \$0.52 per pound; (7) extra long staple cotton, \$0.7977 per pound; (8) long grain rice, \$6.50 per hundredweight; (9) medium grain rice, \$6.50 per hundredweight; (10) soybeans, \$5.00 per bushel; (11) sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, and other oilseeds, \$10.09 per hundredweight; (12) dry peas, \$5.40 per hundredweight; (13) lentils, \$11.28 per hundredweight; (14) small chickpeas, \$7.43 per hundredweight; (15) large chickpeas, \$11.28 per hundredweight; (16) graded wool, \$1.15 per pound; (17) nongraded wool, \$0.40 per pound; (18) mohair, \$4.20 per pound, and honey, \$0.69 per pound.

Directs the Secretary to establish a single county loan rate for each kind of other oilseed.

(Sec. 1203) States that a marketing assistance loan shall have a nine-month non-extendable term.

(Sec. 1204) Sets forth loan provisions for: (1) loan commodities (other than upland cotton, long grain rice, medium grain

rice, extra long staple cotton, and confectionery and each other kind of sunflower seed [other than oil sunflower seed]); (2) upland cotton, long grain rice, and medium grain rice; (3) extra long staple cotton; and (4) confectionery and other kinds of sunflower seeds.

Directs the Secretary to prescribe formulas to determine the prevailing world market price for upland cotton, long grain rice, and medium grain rice.

Provides for adjustment of prevailing world market prices for upland cotton.

Extends cotton storage payments.

Authorizes temporary repayment rate adjustments.

(Sec. 1205) Authorizes the Secretary to make loan deficiency payments to producers who: (1) agree to forgo obtaining a marketing loan for an eligible commodity; and (2) produce unshorn pelts or hay or silage derived from a loan commodity for crop years 2008-2012.

Sets forth payment rates.

Excludes extra long staple cotton from the provisions of this section.

(Sec. 1206) Directs the Secretary to make payments in lieu of deficiency payments to producers electing to use wheat, barley, oat, or triticale acreage for livestock grazing for crop years 2008-2012.

Makes such acreage ineligible for crop insurance indemnity or noninsured crop assistance coverage.

(Sec. 1207) Provides for special import quotas through July 31, 2013, and limited global import quotas for upland cotton based upon specified price conditions.

Directs the Secretary to provide monthly adjustment assistance (\$.04 per pound from August 1, 2008-July 31, 2012; \$.03 per pound beginning on August 1, 2012) to domestic users of upland cotton during the previous monthly period regardless of such cotton's origin. Requires that such assistance be used for acquisition, construction, installation, modernization, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery.

(Sec. 1208) Directs the Secretary, through July 31, 2013, to make payments to domestic users and exporters of U.S.-produced extra long staple cotton to expand such cotton's domestic use and exports.

(Sec. 1209) Makes recourse loans available for crop years 2008-2012 for: (1) high moisture feed grains (corn and grain sorghum with high moisture content); and (2) seed cotton.

(Sec. 1210) Authorizes the Secretary to make loan rate adjustments for: (1) any loan commodity (other than cotton) for differences in grade, type, quality, and location; (2) cotton for differences in quality; (3) corn and grain sorghum for grade, type, and quality; and (4) long grain rice and medium grain rice, except for differences in grade and quality.

**Subtitle C: Peanuts - (Sec. 1301)** Defines specified terms.

(Sec. 1302) Directs the Secretary to adjust the base acres of peanuts whenever: (1) a conservation reserve contract expires or is voluntarily terminated; (2) cropland is released from coverage under a conservation reserve contract; (3) the producer has eligible pulse crop or carmelina acreage; or (4) the producer has certain additional oilseed acreage.

Directs the Secretary, with an exception for double-cropped acreage, to reduce the peanut base acreage or other commodity acreage when the sum of a farm's base acres for peanuts and other acreage (as defined in this section) exceeds the farm's cropland acreage.

Authorizes a farm's owner to permanently reduce the peanut base acreage at any time.

Prohibits a producer from receiving direct, counter-cyclical, or ACRE payments if the sum of the farm's base acreage is 10 acres or less unless the farm is owned by a socially disadvantaged or limited resource farmer or rancher.

(Sec. 1303) Directs the Secretary to make direct payments of \$36 per ton for peanuts for crop years 2008-2012 on farms with an established payment yield and base acres. Sets forth provisions respecting payment rate, payment amount, and time for payment, including advance payments.

(Sec. 1304) Directs the Secretary to make counter-cyclical payments for peanuts for crop years 2008-2012 on farms with an established payment yield and base acres if the effective peanut price is less than the target peanut price. Establishes the peanut target price at \$495 per ton.

Sets forth provisions respecting: (1) effective price; (2) payment rate; (3) payment amount; and (4) time for payment, including partial payments.

(Sec. 1305) Requires producers to comply with specified conservation, wetland, planting flexibility, and agricultural use provisions.

Terminates payments, with an exception for death or inability to receive payments, for acreage transferred or subject to a change in interest unless the transferee agrees to assume all obligations.

Directs the Secretary to protect the interests of tenants and sharecroppers.

(Sec. 1306) Permits planting flexibility on peanut acres, with exceptions for fruits, vegetables (other than mung beans and pulse crops), and wild rice. Prohibits planting of trees and perennials on base acres. Exempts from such limitations: (1) a region with a history of double-cropping peanuts with fruits, vegetables, or wild rice; or (2) a farm or a producer that has a history of planting such commodities.

(Sec. 1307) Directs the Secretary to make nine-month nonrecourse marketing loans available to peanut producers at \$355 per ton for crop years 2008-2012. Prohibits loan extensions.

Permits a producer to obtain marketing assistance loan and loan deficiency payments through an approved marketing cooperative or the Farm Service Agency (FSA).

Provides for Department of Agriculture (Department) repayment of handling and associated costs for peanuts placed under loan upon redemption.

Authorizes: (1) loan deficiency payments for producers that are eligible for but forgo such loans; and (2) temporary repayment adjustments.

Requires compliance with conservation and wetlands provisions.

(Sec. 1308) Authorizes the Secretary to adjust peanut loan rates for differences in grade, type, quality, location, and other factors.

Prohibits any adjustment resulting in an increase in the national average loan rate.

**Subtitle D: Sugar** - (Sec. 1401) Amends the Federal Agriculture Improvement and Reform Act of 1996 to direct the Secretary to make nonrecourse loans to processors of domestically grown sugarcane at: (1) 18.00 cents per pound for the 2008 crop year; (2) 18.25 cents per pound for the 2009 crop year; (3) 18.50 cents per pound for the 2010 crop year; and (4) 18.75 cents per pound for the 2011 and 2012 crop years.

Directs the Secretary to make nonrecourse loans to processors of domestically grown sugar beets that is equal to: (1) 22.9 cents per pound for refined beet sugar for the 2008 crop year; and (2) a rate that is equal to 128.5% of the loan rate per pound of raw cane sugar for each of crop years 2009-2012.

States that such loans shall mature at the earlier of nine months or the end of the fiscal year.

Authorizes supplemental loans to be made in the last three months of a fiscal year for a second loan in the subsequent fiscal year.

Directs the Secretary to make nonrecourse loans to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups at a rate of 80% of the raw cane sugar or refined beet sugar loan rate.

Eliminates the Secretary's authority to adjust loan rates based upon competing countries' subsidy reductions.

Requires that processor loan recipients make adequate assurances that payments to growers will be proportional to loan values. Authorizes the Secretary to set minimum payment amounts.

Directs the Secretary to operate the sugar program at no cost to the federal government by avoiding forfeiture of sugar to the Commodity Credit Corporation (CCC). Provides that if a producer agrees to reduce production of sugar beets or sugarcane already planted such sugar beets or sugarcane may not be used for any commercial purpose other than as a bioenergy feedstock.

Subjects to reporting requirements certain: (1) sugar, molasses, and syrup importers; (2) sugarcane and sugar beet processors; and (3) cane sugar refiners.

Directs the Secretary to collect information on: (1) the production, consumption, and trade of sugar in Mexico, including U.S. sugar exports to Mexico; and (2) Mexican production, consumption, and trade of high fructose corn syrups, including U.S. exports of high fructose corn syrups to Mexico.

States that all refined sugars, whether from beets or cane, are substitutable for purposes of the refined sugar and sugar-containing products re-export programs.

(Sec. 1402) Directs the Secretary to work with the Secretary of State to restore U.S. membership in the International Sugar Organization.

(Sec. 1403) Amends the Agricultural Adjustment Act of 1938 to direct the Secretary to make sugarcane and sugar beet quantity estimates for each of crop years 2008-2012 for: (1) human consumption; (2) carryover stocks; (3) carry-in stocks; (4) domestic processing; and (5) imports.

Exempts from such estimates: (1) sugar imported for the production of polyhydric alcohol; or (2) sugar refined and reexported in refined form or in products containing sugar.

Provides that for each of crop years 2008-2012 sugar marketing allotments for processors of sugar cane or sugar beets shall be at a level: (1) to ensure that raw and refined sugar prices exceed loan forfeiture levels; and (2) with a minimum of at least 85% of the estimated sugar quantity for domestic human consumption. Authorizes the inclusion in such allotments of sugar products whose majority content is sucrose.

Excludes from such allotments sugar sold: (1) for export; (2) for non-human domestic consumption, except for production of ethanol or other bioenergy under the feedstock flexibility program; and (3) to another processor to fulfill an allocation.

Prohibits a sugar beet or sugarcane processor from marketing for domestic human consumption sugar in excess of such processor's allocation, except to: (1) enable another processor to fulfill an allocation; or (2) facilitate sugar exports. Provides a civil penalty for knowing violations of such prohibition.

Directs the Secretary to establish the overall quantity of sugar to be allocated for a crop year at a level: (1) to ensure that raw and refined sugar prices exceed loan forfeiture levels; and (2) with a minimum of at least 85% of the estimated sugar quantity for domestic human consumption.

Sets forth provisions respecting: (1) allotment adjustment; (2) allocation assignment in the sale of sugar beet processor factories; and (3) allocation for new entrants opening a new factory or reopening or acquiring an existing factory.

Directs the Secretary to establish the tariff-rate quotas for raw cane sugar and refined sugars (other than specialty sugars) at the minimum necessary to comply with congressionally-approved international trade agreements. Sets forth adjustment provisions.

Eliminates imported sugar quota reallocation provisions.

(Sec. 1404) Eliminates the storage facility loan prepayment penalty.

(Sec. 1405) Directs CCC to establish forfeited sugar storage rates: (1) for each of crop years 2008-2011, not less than 15 cents per hundredweight per month for refined sugar, and not less than 10 cents per hundredweight per month for raw cane sugar; and (2) for each of the 2012 and subsequent crop years in the same manner as was used on the day before the date of enactment of this section.

**Subtitle E: Dairy** - (Sec. 1501) Directs the Secretary for 2008-2012 to support: (1) cheddar cheese in blocks at not less than \$1.13 per pound; (2) cheddar cheese in barrels at not less than \$1.10 per pound; (3) butter at not less than \$1.05 per pound; and (4) nonfat dry milk at not less than \$0.80 per pound.

Authorizes the Secretary to temporarily adjust prices to avoid excess inventories. Sets forth inventory-based reductions.

(Sec. 1502) Directs the Secretary to establish a program authorizing milk producers and cooperative producer associations to voluntarily enter into forward price contracts with milk handlers for federally regulated milk that is: (1) not Class I milk or otherwise intended for fluid use; and (2) in interstate or foreign milk commerce.

Provides that contracts may be entered into until September 30, 2012, but may not extend beyond September 30, 2015.

(Sec. 1503) Amends the Food Security Act of 1985 to extend the dairy export incentive program through December 31, 2012.

(Sec. 1504) Amends the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to revise specified federal marketing order amendment provisions.

(Sec. 1505) Amends the Food Security Act of 1985 to extend the dairy indemnity program through September 30, 2012.

(Sec. 1506) Extends the milk income loss contract program through 2012.

Calculates payments by multiplying a producer's payment quantity by the amount equal to \$16.94 per hundredweight, less the Class I milk price per hundredweight in Boston under the applicable federal milk marketing order by: (1) 34% for the period October 1, 2007-September 30, 2008; (2) 45% for the period October 1, 2008-August 31, 2012; and (3) 34% beginning on September 1, 2012.

States that the payment quantity shall be: (1) 2.4 million pounds for the period October 1, 2007-September 30, 2008; (2) 2.985 million pounds for the period October 1, 2008-August 31, 2012; and (3) 2.4 million pounds beginning on September 1, 2012.

(Sec. 1507) Amends the Dairy Production Stabilization Act of 1983 to extend funding authority for the National Dairy Promotion and Research Board through FY2012.

Amends the definition of "United States" to include Alaska, Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico for each of the promotion and research programs.

Provides importers with an assessment refund for contracts in effect prior to enactment of this Act for a one-year period after the date of enactment of this Act.

(Sec. 1508) Directs the Secretary to report to the appropriate congressional committees regarding reporting procedures for nonfat dry milk.

(Sec. 1509) Directs the Secretary to establish the Federal Milk Marketing Order Review Commission which shall evaluate: (1) the federal milk marketing order system; and (2) nonfederal milk marketing order systems.

Authorizes appropriations.

Terminates the Commission upon submission of a required report.

(Sec. 1510) Amends the Agricultural Marketing Act of 1946 to revise dairy product mandatory reporting provisions.

Authorizes appropriations.

**Subtitle F: Administration** - (Sec. 1601) Directs the Secretary to: (1) use CCC funds, facilities, and authorities to carry out this title; (2) implement 2009 payment limitation and adjusted gross income provisions under this subtitle through promulgation of an interim rule; and (3) make expenditure adjustments if expenditures will exceed total allowable domestic support levels under the Uruguay Round Agreement.

(Sec. 1602) Extends through 2012: (1) specified suspensions of permanent price support authority for loan commodities, peanuts, sugar, and milk under the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949; and (2) a specified suspension of wheat and corn marketing quota provisions.

(Sec. 1603) Amends the Food Security Act of 1985 to extend and revise payment limitation provisions.

Defines "family member," "legal entity," and "person" for payment limit purposes.

Limits crop year direct payments to a person or legal entity for covered commodities (other than peanuts) as follows: (1)

for a non-ACRE participant, \$40,000; and (2) for an ACRE participant, \$40,000 less the direct payment reduction.

Limits covered commodity crop year counter-cyclical payments to \$65,000 for a non-ACRE participant.

Limits crop year payments to a person or legal entity for covered commodities (other than peanuts) who receives counter-cyclical and ACRE payments to \$65,000 plus the direct payment reduction.

Limits crop year direct payments to a person or legal entity for peanuts as follows: (1) for a non-ACRE participant, \$40,000; and (2) for an ACRE participant, \$40,000 plus the direct payment reduction.

Limits peanut crop year counter-cyclical payments to \$65,000 for a non-ACRE participant.

Limits crop year payments to a person or legal entity for peanuts who receives counter-cyclical and ACRE payments to \$65,000 plus the direct payment reduction.

Eliminates limitations on marketing loan benefits and loan deficiency payments.

Provide for direct payment attribution. Sets forth related provisions.

Repeals the "three-entity rule." (Such provision permits producers to receive payments up to the full cap directly and up to half the full cap on each of up to two additional entities in which they have an ownership stake.)

Revises the Secretary's authority to deny benefits to individuals or entities that perpetuate program fraud. Increases ineligibility penalties for such violations. (Applies existing penalty provisions to the 2007-2008 crops.)

(Sec. 1604) Amends the Food Security Act of 1985 to extend and revise adjusted gross income limitation provisions through 2012.

Defines: (1) "average adjusted gross income"; and (2) "average adjusted gross farm income."

Authorizes adjusted gross income allocation among individuals filing a joint return.

Provides that a person or legal entity shall be ineligible to receive: (1) specified farm program benefits during a crop, fiscal, or program year if the average adjusted gross nonfarm income of the person or legal entity exceeds \$500,000; (2) direct payments under subtitle A or C of title I of this Act if the average adjusted gross farm income of the person or legal entity exceeds \$750,000; and (3) specified conservation program benefits during a crop, fiscal, or program year if the average adjusted gross nonfarm income of the person or legal entity exceeds \$1 million, unless not less than 66.66% of the average adjusted gross income is average adjusted gross farm income.

Sets forth income sources to be included in determining average gross farm income.

Requires that at least once every three years a person or legal entity provides the Secretary with a certification that average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income do not exceed applicable limitations.

Directs the Secretary to deny program benefits to a person or legal entity that fails to comply with the provisions of this section.

States that: (1) this section shall apply during the 2009-2012 crop, program, or fiscal years; and (2) adjusted gross income limitations in effect on September 30, 2007, shall apply to 2007-2008 crop, fiscal, or program years.

(Sec. 1605) Directs the Secretary to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health.

Authorizes FY2009-FY2012 appropriations.

(Sec. 1606) Extends specified provisions regarding producer deficiency liability.

(Sec. 1607) Extends specified provisions respecting loan administration authority through crop year 2009.

(Sec. 1608) Applies specified payment assignment provisions under the Soil Conservation and Domestic Allotment Act to payments made under this title.

Directs producers to notify the Secretary of payment assignments.

(Sec. 1609) Authorizes the Secretary to track benefits provided to individuals and entities under titles I and II of this Act.

(Sec. 1610) Amends the Agricultural Marketing Act to eliminate the prohibition on government publication of cotton price forecasts.

(Sec. 1611) Directs the Secretary to: (1) issue regulations for the settlement of estates and to preclude payments on behalf of deceased individuals who were not eligible for payment; and (2) reconcile social security numbers of program participants with the Social Security Administration (SSA) at least twice annually.

(Sec. 1612) Directs The Secretary to establish a program to promote hard white wheat as a viable U.S. market class of wheat.

Authorizes FY2009-FY2012 appropriations.

(Sec. 1613) Directs the Secretary to compensate producers of durum wheat for up to 50% of the cost of fungicides applied to control Fusarium head blight (wheat scab).

Authorizes FY2009-FY2012 appropriations.

(Sec. 1614) Directs the Secretary to establish a storage facility loan program for eligible producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar).

(Sec. 1615) Amends the Soil Conservation and Domestic Allotment Act with respect to state, county, and area committees.

(Sec. 1616) Directs the Secretary to collect commodity assessments from marketing assistance loans pursuant to state or federal authority. (Current law authorizes such collection.)

Prohibits fees for the collection of commodity assessments.

(Sec. 1617) Provides that if the Secretary approves a document the Secretary shall not subsequently determine that the document is inadequate or invalid because of the lack of authority of any person signing on behalf of the applicant, unless such person falsified the signature authority or the signature.

(Sec. 1618) Directs the Secretary to submit a third-party FSA modernization report to the appropriate congressional committees.

(Sec. 1619) Directs the Secretary to ensure the portability and standardization of the Department's geospatial data.

(Sec. 1620) Directs the Secretary to report to the appropriate congressional committees regarding office space leasing.

(Sec. 1621) Authorizes the Secretary to reimburse geographically disadvantaged farmers or ranchers (as defined by this section) for certain travel costs.

Authorizes FY2009-FY2012 appropriations.

(Sec. 1622) Directs the Secretary to make specified funds available to FSA to carry out this title.

(Sec. 1623) Amends the Farm Security and Rural Investment Act of 2002 to repeal provisions: (1) establishing the Commission on Application of Payment Limitations; and (2) authorizing market loss assistance and certain emergency assistance to persons who failed to receive assistance under earlier authorities.

**Title II: Conservation - Subtitle A: Definitions and Highly Erodible Land and Water Conservation - (Sec. 2001)**  
Amends the Food Security Act of 1985 to define specified terms.

(Sec. 2002) Amends provisions regarding good faith determinations of highly erodible land compliance violations to provide for: (1) graduated penalties; and (2) second level review of compliance violations by the FSA state executive director or district director.

(Sec. 2003) Provides for second level review of good faith wetlands compliance violations by the FSA state executive director or district director.

**Subtitle B: Conservation Reserve Program - (Sec. 2101)** Amends the Food Security Act of 1985 to extend the conservation reserve program (CRP) through FY2012.

(Sec. 2103) Extends current CRP maximum acreage enrollment levels (39.2 million acres) through FY2009. Sets FY2010-FY2012 levels at 32 million acres.

(Sec. 2104) Expands the Chesapeake Bay Priority Area.

(Sec. 2105) Considers alfalfa grown as part of a rotation practice as a commodity for cropping history purposes.

(Sec. 2106) Directs the Secretary to carry out a CRP pilot program to enroll wetland and buffer acreage through FY2012. Sets forth program provisions.

(Sec. 2107) Requires that CRP contract holders manage the land to implement conservation measures throughout the term of the contract.

(Sec. 2108) Prohibits harvesting, grazing, or commercial use of the forage on CRP land except that the Secretary may permit (and reduce rental payments): (1) managed harvesting, including biomass harvesting; (2) harvesting, grazing, or commercial use in response to drought or other emergency; (3) grazing for the control of invasive species; and (4) wind turbine installation.

(Sec. 2109) Authorizes CRP cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors for necessary tree thinning.

(Sec. 2110) Directs the Secretary to provide new CRP enrollment priority to local residents if the offer provides equivalent

conservation benefits when compared to other offers.

(Sec. 2111) Authorizes the Secretary to modify a CRP contract to facilitate the transition of CRP land from a retiring owner to a beginning or socially disadvantaged farmer or rancher (covered farmer or rancher).

Provides that such transition plan shall: (1) permit a covered farmer or rancher to make land improvements and to begin the organic certification process one year before the CRP contract expires; (2) require the retiring landowner to sell or lease the CRP land to the covered farmer or rancher for production purposes; (3) require a conservation plan; (4) permit the covered the farmer or rancher to enroll in the conservation stewardship or the environmental quality incentives programs upon taking ownership of the land; and (5) provide CRP payments to the retiring owner for an additional two years after the contract terminates.

Provides a covered farmer or rancher with an option to reenroll a partial field conservation practice that is eligible for continuous sign-up and is part of a conservation plan.

**Subtitle C: Wetlands Reserve Program** - (Sec. 2201) Amends the Food Security Act of 1985 to state that the purposes of the wetlands reserve program are to restore, protect, or enhance eligible wetlands on private or tribal lands.

(Sec. 2202) Increases maximum program acreage to 3,041,200 acres.

Directs the Secretary to enroll tribal-owned acreage into the program through 30-year contracts, restoration cost-share agreements, or a combination of the two options.

(Sec. 2203) Extends the program through FY2012 (changes from a calendar year to a fiscal year basis).

Makes cropland or grassland that was used for agricultural production prior to certain natural flooding eligible for program enrollment.

Increases to seven years the period during which land changing ownership is ineligible for program participation except under specified circumstances.

Directs the Secretary to conduct a survey beginning with FY2008 to determine allocations for the Prairie Pothole Region to enroll cropland or grassland.

(Sec. 2204) Permits spraying on program land in order to meet wildlife habitat needs.

(Sec. 2205) Revises conservation easement compensation provisions.

(Sec. 2206) Authorizes the Secretary to enter into one or more agreements with a state (including a political subdivision), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program which shall include a reserved grazing rights pilot program.

Terminates such pilot program on September 30, 2012.

(Sec. 2207) Revises the Secretary's program duties.

(Sec. 2208) Excludes 30-year contracts from annual program payment limitations and includes legal entities within such limitation.

(Sec. 2209) Eliminates the payment limitation exception for state wetland and environmental enhancement agreements.

(Sec. 2210) Directs the Secretary to report to the appropriate congressional committees regarding the long-term implications of conservation easements on Department resources.

**Subtitle D: Conservation Stewardship Program** - (Sec. 2301) Amends the Food Security Act of 1985 to direct the Secretary to establish a comprehensive stewardship incentives program (consisting of the conservation stewardship and the environmental quality incentives programs) for FY2009-FY2012 to encourage producers to maintain existing, and undertake additional, conservation activities.

Sets forth eligible land categories as follows: (1) private agricultural land; (2) tribal agricultural land; (3) forested land incidental to agricultural operations; and (4) not more than 10% of nonindustrial private forest land. Excludes: (1) land enrolled in the CRP, or the wetlands or grassland reserve programs; and (2) land in crop production that was not used as cropland for four of the six years preceding enactment of this Act, with specified exceptions.

Sets forth contract provisions, including renewable five-year contract terms. Permits contract termination by the Secretary or by the producer with the Secretary's consent.

Provides for program outreach to specialty crop and organic producers.

Authorizes: (1) on-farm research and demonstration projects; and (2) pilot testing of new technologies.

Sets forth acreage, state acreage allocation, and payment provisions.

Requires that participating producers adopt resource-conserving crop rotations.

Provides producers who adopt a beneficial crop rotation with supplemental payments.

Provides for maximum producer payments of \$200,000 for any five-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations.

Terminates conservation security program contract authority after September 30, 2008, with specified exceptions.

**Subtitle E: Farmland Protection and Grassland Reserve** - (Sec. 2401) Amends the Food Security Act of 1985 to revise the farmland protection program.

States that the purpose of the farmland protection program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land. (Current law refers to the protection of topsoil by limiting nonagricultural land use.)

Revises the definitions of "eligible entity" and "eligible land."

Provides with respect to a conservation easement that: (1) an eligible entity provide at least 25% of cost-sharing expenses; and (2) the easement contains a contingent right of enforcement for the Secretary.

Sets forth certification criteria for eligible entities.

(Sec. 2402) Extends the farm viability program through FY2012.

(Sec. 2403) Revises the grassland reserve program.

Revises the definition of "eligible land."

Extends enrollment authority through 2012.

Eliminates 30-year easements and rental agreements.

Gives enrollment priority to former CRP land that is of high ecological value and under significant threat of conversion. Limits such transfers to not more than 10% of annual enrolled program acres.

Revises provisions respecting: (1) easement and contract requirements; and (2) duties of the Secretary.

**Subtitle F: Environmental Quality Incentives Program** - (Sec. 2501) Amends the Food Security Act of 1985 to revise the environmental quality incentives program.

Includes forest management as a program goal.

(Sec. 2502) Revises the definitions of "eligible land" and "practice."

(Sec. 2503) Extends the program through FY2012.

Revises payment limitation provisions, including: (1) authorizing up to full payment for certain forgone income; (2) making socially disadvantaged farmers and ranchers eligible for increased payments; and (3) providing advance payments for beginning, socially disadvantaged, and limited resource farmers or ranchers.

Authorizes the Secretary to provide payments for water conservation or irrigation practices.

Directs the Secretary to provide payments for organic production-related conservation practices.

(Sec. 2504) Revises application evaluation and plan of operation provisions.

(Sec. 2508) Reduces aggregate program payments to a person or legal entity during any six-year period to \$300,000. Authorizes an increased limit of up to \$450,000 for projects of special environmental significance.

(Sec. 2509) Revises conservation innovation grant purposes.

Includes: (1) forest resource management as an eligible grant activity; and (2) specialty crop participation as an eligible project.

Directs the Secretary to provide producer payments to: (1) address air quality concerns from agricultural operations; and (2) meet federal, state, and local regulatory requirements. Obligates FY2009-FY2012 funds for such payments.

Eliminates the cost share cap.

(Sec. 2510) Establishes in lieu of current ground and surface water conservation grant provisions the agricultural water enhancement program (as part of the environmental quality incentives program).

Authorizes: (1) producer contracts for agricultural water enhancement activities (as defined by this section); and (2) regional partnership agreements with producer associations, state or local governments, or Indian tribes.

Gives proposal priority to states with water quantity concerns.

Directs the Secretary to consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land in a drought area.

Makes additional program funding available from CCC.

**Subtitle G: Other Conservation Programs of the Food Security Act of 1985** - (Sec. 2601) Amends the Food Security Act of 1985 to authorize appropriations for the private grazing land conservation program through FY2012.

(Sec. 2602) Amends the wildlife habitat incentive program to: (1) increase cost-share payments limits for long-term projects to 25%; (2) include pivot corners and irregular areas; (3) provide priority to projects that address issues raised by state, regional, and national conservation initiatives; and (4) establish a \$50,000 annual payment cap.

(Sec. 2603) Authorizes appropriations through FY2012 for: (1) the grassroots source water protection program; and (2) the Great Lakes Basin soil erosion and sediment control program.

(Sec. 2605) Defines "Chesapeake Bay watershed" to include all tributaries, backwaters, and side channels (including watersheds) draining into the Chesapeake Bay.

Directs the Secretary to establish the Chesapeake Bay watershed conservation program to assist producers implement conservation activities on agricultural lands in the Chesapeake Bay watershed to: (1) improve water quality and quantity; and (2) restore and preserve soil, air, and related resources.

Directs the Secretary to give special consideration to projects in the Susquehanna, Shenandoah, Potomac, or Patuxent river basins.

Expresses the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council and is authorized to do so under the Soil Conservation and Domestic Allotment Act.

Obligates CCC program funding through FY2012.

(Sec. 2606) Directs the Secretary to establish a public access program under which states and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily provide public access to such land for hunting, fishing and other recreational activities.

Directs the Secretary to reduce grants by 25% to a state that has not made opening dates for migratory bird hunting consistent for residents and nonresidents.

Obligates CCC program funding through FY2012.

**Subtitle H: Funding and Administration of Conservation Programs** - (Sec. 2701) Extends authority to use CCC funding for specified conservation programs through FY2012, including the grassland reserve program. Adds the conservation stewardship program to such eligible programs. Makes such funds available to administer conservation security contracts entered into before September 30, 2008.

Obligates CRP funds for FY2009-FY2012 for: (1) thinning activities; and (2) land transfers from retiring farmers or ranchers to beginning or socially disadvantaged farmers or ranchers.

Obligates FY2008-FY2012 funds for: (1) the environmental quality incentives program; and (2) the wildlife habitat incentives program.

(Sec. 2702) Authorizes the Secretary to accept contributions to support specified conservation programs.

(Sec. 2703) Increases the threshold amount of fiscal year funding to \$15 million for a state to qualify for conservation priority funding.

Directs the Secretary to review and update conservation funding allocation formulas.

(Sec. 2704) Obligates specified environmental quality incentives program funds and acres for beginning and socially disadvantaged farmers and ranchers.

(Sec. 2705) Directs the Secretary to report semiannually to the appropriate congressional committees regarding specified conservation program enrollments and assistance.

(Sec. 2706) Revises conservation program technical assistance provisions.

(Sec. 2707) Directs the Secretary to establish a cooperative conservation partnership initiative (Initiative) to work with states and local governments, tribes, nongovernmental organizations, producer associations, and institutions of higher education to assist producers in specified conservation programs enhance conservation measures on agricultural and nonindustrial private forest land.

Excludes from the Initiative: (1) the CRP; (2) the wetlands reserve program; (3) the farmland protection program; and (4) the grassland reserve program.

Requires the Secretary to: (1) enter into multi-year agreements (five-year maximum) with eligible entities; (2) reserve 6% of specified conservation program funds and acres for the Initiative for FY2009-FY2012; and (3) allocate 90% of funds and acres to projects based on the direction of state conservationists and 10% to projects based on a national competitive process.

Prohibits funds to be used to pay partner overhead or administrative costs.

(Sec. 2708) Makes socially disadvantaged farmers and ranchers eligible for conservation program incentives.

Sets forth county conservation program enrollment and easement acreage limits. Provides waiver authority for the Secretary. Excludes shelterbelts and windbreaks from enrollment limits.

Authorizes the Secretary to encourage pollinator habitat development.

(Sec. 2709) Directs the Secretary to establish technical guidelines to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. Gives priority to carbon market participation.

(Sec. 2710) Directs the Secretary to establish a conservation experienced services program to utilize the talents of individuals who are 55 or older (who are not Department or state agriculture employees) to provide conservation-related technical services.

Authorizes the Secretary to enter into agreements with nonprofit organizations eligible to receive grants under the Community Service Senior Opportunities Act to secure program participants.

States that such agreements may not displace Department employees.

(Sec. 2711) Directs the Secretary to establish a technical committee in each state to assist the Secretary in conservation

program implementation.

**Subtitle I: Conservation Programs Under Other Laws** - (Sec. 2801) Amends the Federal Crop Insurance Act regarding the agricultural management assistance program to: (1) include Hawaii in the program; (2) increase CCC funding for FY2008-FY2012; and (3) make permanent funding obligations for certain programs.

(Sec. 2802) Amends the Soil Conservation and Domestic Allotment Act to define "technical assistance."

(Sec. 2803) Amends the the Watershed Protection and Flood Prevention Act regarding the small watershed (dam) rehabilitation program to: (1) authorize appropriations through FY2012; and (2) make CCC funds available for FY2009.

(Sec. 2804) Amends the Soil and Water Resources Conservation Act of 1977 to extend the soil and water conservation program through December 31, 2018.

(Sec. 2805) Amends the Agriculture and Food Act of 1981 regarding the resource conservation and development program to: (1) provide that the planning process shall be locally led; (2) provide that technical assistance shall include area plan and project implementation; and (3) direct the Secretary to designate a technical assistance coordinator for each council.

(Sec. 2806) Amends the the Colorado River Basin Salinity Control Act to direct the Secretary of the Interior, through the Bureau of Reclamation, to carry out salinity control activities in the Colorado River Basin. Directs the Secretary to: (1) consult with the Colorado River Basin Salinity Control Advisory Council; and (2) submit a planning report to the appropriate congressional committees.

(Sec. 2807) Amends the Farm Security and Rural Investment Act of 2002 to: (1) reduce the amount CCC funds to be transferred to the Bureau of Reclamation Water and Related Resources Account to provide water to at-risk natural desert terminal lakes; (2) permit funds to be used to lease water, or purchase land, water appurtenant to the land, and related interests in the Walker River Basin from willing sellers; and (3) eliminate the prohibition on purchasing or leasing water rights.

**Subtitle J: Miscellaneous Conservation Provisions** - (Sec. 2901) States that program benefits under this Act will not be denied to eligible individuals solely on the basis of participation in a one-time study of recharge potential for the Ogallala Aquifer in Texas.

(Sec. 2902) Designates the National Plant Materials Center at Beltsville, Maryland, as the "Norman A. Berg National Plant Materials Center."

(Sec. 2903) Provides for the continuation of programs under title XII of the Food Security Act and of the ground and surface water conservation program under such Act until September 30, 2008.

(Sec. 2904) Directs the Secretary to promulgate implementing regulations for this title within 90 days of enactment of this Act.

**Title III: Trade - Subtitle A: Food for Peace Act** - (Sec. 3001) Retitles the Agricultural Trade Development and Assistance Act of 1954 as the Food for Peace Act (Act).

(Sec. 3002) Eliminates market development as a program objective.

(Sec. 3003) Expresses the sense of Congress regarding food aid to developing countries.

(Sec. 3004) Renames title I of the Act as "Economic Assistance and Food Security."

(Sec. 3005) Eliminates the requirement that organizations seeking funding submit agricultural market development plans.

(Sec. 3006) Specifies that recipient governments, private voluntary organizations, and cooperatives may implement local currency agreements.

(Sec. 3007) Specifies that emergency and private assistance programs (title II) shall: (1) address food emergencies resulting from man-made and natural disasters; and (2) encourage participation in educational, training, and other productive activities.

(Sec. 3008) Increases the range of title II funding available to eligible organizations for administrative and distribution costs. Authorizes such funds' use to improve and implement methodologies for food aid programs.

Directs the Administrator of the United States Agency for International Development (USAID) to use funds beginning in FY2009 for food aid quality assessments and prototype testing. Obligates specified funds for such purposes for FY2009-FY2011.

(Sec. 3010) Extends overall title II minimum tonnage and minimum nonemergency tonnage requirements through FY2012.

(Sec. 3011) Extends the termination date for the Food Aid Consultative Group to December 31, 2012.

(Sec. 3012) Revises title II administrative provisions.

Directs the Administrator to establish and report on systems to improve and evaluate assistance, which shall include: (1) famine warning systems; (2) country and regional food impact evaluations; and (3) best practices identification.

Authorizes personal service contracts.

Authorizes the Administrator to use specified funds for FY2009-FY2012 for program oversight, monitoring, and evaluation. Sets forth conditions and limitations on such funds' use.

(Sec. 3013) Authorizes appropriations through FY2012 for stockpiling and rapid transportation, delivery, and distribution of prepackaged foods.

(Sec. 3014) Eliminates the requirement that the Secretary make a determination that an adequate domestic supply of a commodity exists before releasing such commodity for the food aid program.

(Sec. 3016) Authorizes CCC to cover micronutrient fortification program costs.

(Sec. 3017) Extends authority through FY2012 to use funds to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries. Increases the amount of such funds available for foreign prepositioning storage.

Authorizes the Administrator to: (1) carry out assessments to establish at least two sites to determine the feasibility of using such sites to store and handle agricultural commodities for foreign prepositioning; and (2) based on the results of each assessment, establish additional foreign prepositioning sites.

Requires that annual resource requests for ongoing nonemergency or ongoing multiyear agreements under title II be

finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped.

(Sec. 3018) Revises reporting requirements.

(Sec. 3019) Extends authority to finance sales or provide other assistance to December 31, 2012.

(Sec. 3020) Authorizes specified appropriations beginning with FY2008 for the emergency and nonemergency food assistance programs. (Under current law funds are authorized as necessary for such programs.)

(Sec. 3021) Obligates specified amounts from title II emergency and nonemergency funds for FY2009-FY2012 nonemergency food assistance programs.

Authorizes the use of less than such amounts if: (1) the President determines that an urgent food emergency exists; (2) Bill Emerson Humanitarian Trust resources have been exhausted; and (3) the President has submitted a congressional request for additional appropriations equal to the reduction in such required amounts and the amount of exhausted Trust levels.

(Sec. 3022) Directs the the Administrator and the Secretary to report to the appropriate congressional committees regarding efforts taken to improve food and transportation procurement planning.

(Sec. 3023) Extends: (1) the date by which the Administrator shall establish the micronutrient fortification program to September 30, 2008; and (2) the program's termination date to September 30, 2012.

Revises program purposes.

Eliminates the limit on the number of developing countries (five) in which this program can be implemented.

(Sec. 3024) Amends the Food for Peace Act regarding the John Ogonowski and Doug Bereuter farmer-to-farmer program to: (1) extend authorization of appropriations through FY2012 for sub-Saharan African and Caribbean Basin countries; (2) establish a FY2008-FY2012 authorization of appropriations for other developing or middle-income countries or emerging markets; (3) provide a \$10 million minimum funding requirement; and (4) extend minimum funding requirements through FY2012.

**Subtitle B: Agricultural Trade Act of 1978 and Related Statutes** - (Sec. 3101) Amends the Agricultural Trade Act of 1978 to repeal the supplier credit guarantee program and the intermediate export credit guarantee program.

Directs CCC to make available through FY2012 credit guarantees in an amount equal to but not more than the lesser of: (1) \$5.5 billion in credit guarantees; or (2) the sum of the amount of credit guarantees that CCC can make available using budget authority of \$40 million per fiscal year and the amount of credit guarantees that CCC can make available using unobligated budget authority for prior fiscal years.

(Sec. 3102) Authorizes FY2008-FY2012 appropriations for the market access program. Makes organic commodities eligible for the program.

(Sec. 3103) Repeals the export enhancement program.

(Sec. 3104) Makes CCC funds available through FY2012 for the foreign market development cooperators program.

(Sec. 3105) Extends the Food for Progress Act of 1985 through FY2012.

Directs the President to approve at least one multiyear project in FY2009 for Malawi to: (1) promote sustainable agriculture; and (2) increase the number of women in leadership positions.

(Sec. 3106) Amends the Farm Security and Rural Investment Act of 2002 regarding the McGovern-Dole international food for education and child nutrition program to: (1) extend CCC funding through FY2009; (2) authorize FY2008-FY2012 appropriations; and (3) require the Secretary, rather than the President, to carry out the program.

**Subtitle C: Miscellaneous** - (Sec. 3201) Amends the Bill Emerson Humanitarian Trust Act regarding the Bill Emerson Humanitarian Trust to: (1) extend funding authority through FY2012; (2) terminate Trust authority on September 30, 2012; (3) remove the 4 million ton cap on Trust stocks of wheat, rice, corn, and sorghum; (4) direct the Secretary to manage the Trust so as to maximize its value; and (5) permit Trust funds or stocks to be released for emergency relief under title II of the Food for Peace Act.

(Sec. 3202) Directs the Administrator to contribute funds (not to exceed 25% of the total contribution from all sources) to the Global Crop Diversity Trust for conservation of food crop genetic diversity through the collection and storage of food crop germplasm.

Authorizes FY2008-FY2012 appropriations.

(Sec. 3203) Amends the Farm Security and Rural Investment Act of 2002 to extend CCC funding through FY2012 for the specialty crop export assistance program. Establishes an annual congressional reporting requirement.

(Sec. 3204) Amends the Food, Agriculture, Conservation, and Trade Act of 1990 to extend CCC funding through FY2012 for the emerging markets and facility guarantee loan program.

Authorizes the Secretary to waive requirements relating to the use of U.S. goods in the construction of a proposed facility if such goods are not available.

Extends the E. (Kika) de la Garza agricultural fellowship program through FY2012.

(Sec. 3205) Establishes the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products to develop recommendations to reduce the likelihood that imported agricultural products or commodities are produced with the use of forced labor and child labor.

Terminates the Group on December 31, 2012.

(Sec. 3206) Directs the Secretary to: (1) initiate a study and report to Congress regarding prior local and regional procurements for food aid programs conducted by other donor countries, private voluntary organizations, and the U.N. world food program; (2) provide grants to, or enter into cooperative agreements with, eligible organizations for field-based projects (projects) that consist of local or regional procurements of eligible commodities to respond to food crises and disasters; (3) promulgate field-based project regulations or guidelines; and (4) use specified CCC sums for FY2009-FY2012 for such activities.

Gives priority to projects that: (1) are located in Africa; and (2) procure eligible commodities produced in Africa.

Requires independent third-party project evaluations.

**Subtitle D: Softwood Lumber:** (Sec. 3301) Amends the Tariff Act of 1930 to add a title VIII (the Softwood Lumber Act of 2008) to such Act.

Directs the President to establish: (1) an importer declaration program for the importation of softwood lumber and softwood lumber products which shall require importers of softwood lumber and softwood lumber products to provide and declare required information which shall accompany the entry summary documentation; and (2) an electronic record of such information and declarations.

Sets forth provisions regarding: (1) required information and importer declarations; and (2) included and excluded products.

Directs the Under Secretary for International Trade (of the Department of Commerce) to: (1) determine monthly any export charges to be collected by a country of export from exporters of softwood lumber or softwood lumber products to ensure compliance with any international agreement entered into by that country and the United States; and (2) publish such determinations on the International Trade Administration's website.

Directs the Secretary of the Treasury to: (1) conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between such a country and the United States; and (2) periodically verify U.S. importer declarations.

Makes it unlawful to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

Establishes a civil penalty of up to \$10,000 for each violation. Provides that in addition to such penalty any violation of this title that violates any other U.S. customs law shall be subject to applicable civil and criminal penalties, including seizure and forfeiture, that may be imposed under such custom law or under U.S. criminal law regarding the importation of softwood lumber and softwood lumber products. Sets forth exceptions to such importer violations.

Sets forth reporting requirements.

Makes the provisions of this section effective 60 days after enactment of this Act.

**Title IV: Nutrition - Subtitle A: Food Stamp Program - Part 1: Renaming of Food Stamp Act and Program - (Sec. 4001)** Amends the Food Stamp Act of 1977 to rename: (1) the Food Stamp Act of 1977 as the Food and Nutrition Act of 2008; and (2) the food stamp program as the supplemental nutrition assistance program (program).

(Sec. 4002) Makes conforming amendments to specified

## Actions Timeline

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- **Jun 18, 2008:** Vetoed by President.(text of veto message: CR H5535)
- **Jun 18, 2008:** Vetoed by President. (text of veto message: CR H5535)
- **Jun 18, 2008:** The Chair laid before the House the veto message from the President.
- **Jun 18, 2008:** DEBATE - The House proceeded with one hour of debate on the question of passage of H.R. 6124, the objections of the President to the contrary, notwithstanding.
- **Jun 18, 2008:** Passed House over veto: Two-thirds of the Members present having voted in the affirmative the bill is passed, the Passed by the Yeas and Nays: (2/3 required): 317 - 109 (Roll no. 417).(consideration: CR H5535-5537)
- **Jun 18, 2008:** Two-thirds of the Members present having voted in the affirmative the bill is passed, the Passed by the Yeas and Nays: (2/3 required): 317 - 109 (Roll no. 417). (consideration: CR H5535-5537)
- **Jun 18, 2008:** Veto message received in Senate. Held at the desk.
- **Jun 18, 2008:** Veto Message considered in Senate. (consideration: CR S5739-5741)
- **Jun 18, 2008:** Passed Senate over veto: Passed Senate over veto by Yea-Nay Vote. 80 - 14. Record Vote Number: 151.
- **Jun 18, 2008:** Passed Senate over veto by Yea-Nay Vote. 80 - 14. Record Vote Number: 151.
- **Jun 18, 2008:** Message on Senate action sent to the House.
- **Jun 18, 2008:** Became Public Law No: 110-246.
- **Jun 16, 2008:** Presented to President.
- **Jun 5, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S5182-5188)
- **Jun 5, 2008:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 77 - 15. Record Vote Number: 144.
- **Jun 5, 2008:** Passed Senate without amendment by Yea-Nay Vote. 77 - 15. Record Vote Number: 144.
- **Jun 5, 2008:** Message on Senate action sent to the House.
- **Jun 5, 2008:** Cleared for White House.
- **May 22, 2008:** Introduced in House
- **May 22, 2008:** Referred to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **May 22, 2008:** Mr. Peterson (MN) moved to suspend the rules and pass the bill.
- **May 22, 2008:** Considered under suspension of the rules. (consideration: CR H4469-4655)
- **May 22, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 6124.
- **May 22, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 306 - 110 (Roll no. 353).(text: CR H4469-4649)
- **May 22, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **May 22, 2008:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 306 - 110 (Roll no. 353). (text: CR H4469-4649)
- **May 22, 2008:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 753.