

PUBLIC LAW 104-127—APR. 4, 1996

**FEDERAL AGRICULTURE IMPROVEMENT AND  
REFORM ACT OF 1996**

- Sec. 151. Study and report regarding potential impact of Uruguay Round on prices, income, and Government purchases.
- Sec. 152. Promotion of United States dairy products in international markets through dairy promotion program.

## CHAPTER 2—PEANUTS AND SUGAR

- Sec. 155. Peanut program.
- Sec. 156. Sugar program.

## Subtitle E—Administration

- Sec. 161. Administration.
- Sec. 162. Adjustments of loans.
- Sec. 163. Commodity Credit Corporation interest rate.
- Sec. 164. Personal liability of producers for deficiencies.
- Sec. 165. Commodity Credit Corporation sales price restrictions.

## Subtitle F—Permanent Price Support Authority

- Sec. 171. Suspension and repeal of permanent price support authority.
- Sec. 172. Effect of amendments.

## Subtitle G—Commission on 21st Century Production Agriculture

- Sec. 181. Establishment.
- Sec. 182. Composition.
- Sec. 183. Comprehensive review of past and future of production agriculture.
- Sec. 184. Reports.
- Sec. 185. Powers.
- Sec. 186. Commission procedures.
- Sec. 187. Personnel matters.
- Sec. 188. Termination of Commission.

## Subtitle H—Miscellaneous Commodity Provisions

- Sec. 191. Options pilot program.
- Sec. 192. Risk management education.
- Sec. 193. Crop insurance.
- Sec. 194. Establishment of Office of Risk Management.
- Sec. 195. Revenue insurance.
- Sec. 196. Administration and operation of noninsured crop assistance program.

## TITLE II—AGRICULTURAL TRADE

## Subtitle A—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

- Sec. 201. Food aid to developing countries.
- Sec. 202. Trade and development assistance.
- Sec. 203. Agreements regarding eligible countries and private entities.
- Sec. 204. Terms and conditions of sales.
- Sec. 205. Use of local currency payment.
- Sec. 206. Value-added foods.
- Sec. 207. Eligible organizations.
- Sec. 208. Generation and use of foreign currencies.
- Sec. 209. General levels of assistance under Public Law 480.
- Sec. 210. Food Aid Consultative Group.
- Sec. 211. Support of nongovernmental organizations.
- Sec. 212. Commodity determinations.
- Sec. 213. General provisions.
- Sec. 214. Agreements.
- Sec. 215. Use of Commodity Credit Corporation.
- Sec. 216. Administrative provisions.
- Sec. 217. Expiration date.
- Sec. 218. Regulations.
- Sec. 219. Independent evaluation of programs.
- Sec. 220. Authorization of appropriations.
- Sec. 221. Coordination of foreign assistance programs.
- Sec. 222. Micronutrient fortification pilot program.
- Sec. 223. Use of certain local currency.
- Sec. 224. Farmer-to-farmer program.
- Sec. 225. Food security commodity reserve.
- Sec. 226. Protein byproducts derived from alcohol fuel production.
- Sec. 227. Food for progress program.
- Sec. 228. Use of foreign currency proceeds from export sales financing.

Sec. 229. Stimulation of foreign production.

Subtitle B—Amendments to Agricultural Trade Act of 1978

Sec. 241. Agricultural export promotion strategy.  
 Sec. 242. Implementation of commitments under Uruguay Round Agreements.  
 Sec. 243. Export credits.  
 Sec. 244. Market access program.  
 Sec. 245. Export enhancement program.  
 Sec. 246. Arrival certification.  
 Sec. 247. Compliance.  
 Sec. 248. Regulations.  
 Sec. 249. Trade compensation and assistance programs.  
 Sec. 250. Foreign Agricultural Service.  
 Sec. 251. Reports.  
 Sec. 252. Foreign market development cooperator program.

Subtitle C—Miscellaneous Agricultural Trade Provisions

Sec. 261. Edward R. Madigan United States Agricultural Export Excellence Award.  
 Sec. 262. Reporting requirements relating to tobacco.  
 Sec. 263. Triggered export enhancement.  
 Sec. 264. Disposition of commodities to prevent waste.  
 Sec. 265. Debt-for-health-and-protection swap.  
 Sec. 266. Policy on expansion of international markets.  
 Sec. 267. Policy on maintenance and development of export markets.  
 Sec. 268. Policy on trade liberalization.  
 Sec. 269. Agricultural trade negotiations.  
 Sec. 270. Policy on unfair trade practices.  
 Sec. 271. Agricultural aid and trade missions.  
 Sec. 272. Annual reports by agricultural attaches.  
 Sec. 273. World livestock market price information.  
 Sec. 274. Orderly liquidation of stocks.  
 Sec. 275. Sales of extra long staple cotton.  
 Sec. 276. Regulations.  
 Sec. 277. Emerging markets.  
 Sec. 278. Reimbursement for overhead expenses.  
 Sec. 279. Labeling of domestic and imported lamb and mutton.  
 Sec. 280. Import assistance for CBI beneficiary countries and the Philippines.  
 Sec. 281. Studies, reports, and other provisions.  
 Sec. 282. Sense of Congress concerning multilateral disciplines on credit guarantees.  
 Sec. 283. International Cotton Advisory Committee.

TITLE III—CONSERVATION

Subtitle A—Definitions

Sec. 301. Definitions applicable to highly erodible cropland conservation.

Subtitle B—Highly Erodible Land Conservation

Sec. 311. Program ineligibility.  
 Sec. 312. Conservation reserve lands.  
 Sec. 313. Good faith exemption.  
 Sec. 314. Expedited procedures for granting variances from conservation plans.  
 Sec. 315. Development and implementation of conservation plans and conservation systems.  
 Sec. 316. Investigation of possible compliance deficiencies.  
 Sec. 317. Wind erosion estimation pilot project.

Subtitle C—Wetland Conservation

Sec. 321. Program ineligibility.  
 Sec. 322. Delineation of wetlands; exemptions to program ineligibility.  
 Sec. 323. Consultation and cooperation requirements.  
 Sec. 324. Application of program ineligibility to affiliated persons.  
 Sec. 325. Clarification of definition of agricultural lands in memorandum of agreement.  
 Sec. 326. Effective date.

Subtitle D—Environmental Conservation Acreage Reserve Program

Sec. 331. Environmental conservation acreage reserve program.  
 Sec. 332. Conservation reserve program.  
 Sec. 333. Wetlands reserve program.

- Sec. 334. Environmental quality incentives program.
- Sec. 335. Conservation farm option.
- Sec. 336. Repeal of superseded authorities.

Subtitle E—Conservation Funding and Administration

- Sec. 341. Conservation funding and administration.
- Sec. 342. State technical committees.
- Sec. 343. Public notice and comment for revisions to certain State technical guides.

Subtitle F—National Natural Resources Conservation Foundation

- Sec. 351. Short title.
- Sec. 352. Definitions.
- Sec. 353. National Natural Resources Conservation Foundation.
- Sec. 354. Composition and operation.
- Sec. 355. Officers and employees.
- Sec. 356. Corporate powers and obligations of the Foundation.
- Sec. 357. Administrative services and support.
- Sec. 358. Audits and petition of Attorney General for equitable relief.
- Sec. 359. Release from liability.
- Sec. 360. Authorization of appropriations.

Subtitle G—Forestry

- Sec. 371. Office of International Forestry.
- Sec. 372. Cooperative work for protection, management, and improvement of National Forest System.
- Sec. 373. Forestry incentives program.
- Sec. 374. Optional State grants for forest legacy program.

Subtitle H—Miscellaneous Conservation Provisions

- Sec. 381. Conservation activities of Commodity Credit Corporation.
- Sec. 382. Floodplain easements.
- Sec. 383. Resource conservation and development program.
- Sec. 384. Repeal of report requirement.
- Sec. 385. Flood risk reduction.
- Sec. 386. Conservation of private grazing land.
- Sec. 387. Wildlife habitat incentives program.
- Sec. 388. Farmland protection program.
- Sec. 389. Interim moratorium on bypass flows.
- Sec. 390. Everglades ecosystem restoration.
- Sec. 391. Agricultural air quality research oversight.

TITLE IV—NUTRITION ASSISTANCE

- Sec. 401. Food stamp program.
- Sec. 402. Commodity distribution program; commodity supplemental food program.
- Sec. 403. Emergency food assistance program.
- Sec. 404. Soup kitchen and food bank program.
- Sec. 405. National commodity processing.

TITLE V—AGRICULTURAL PROMOTION

Subtitle A—Commodity Promotion and Evaluation

- Sec. 501. Commodity promotion and evaluation.

Subtitle B—Issuance of Orders for Promotion, Research, and Information Activities  
Regarding Agricultural Commodities

- Sec. 511. Short title.
- Sec. 512. Findings and purpose.
- Sec. 513. Definitions.
- Sec. 514. Issuance of orders.
- Sec. 515. Required terms in orders.
- Sec. 516. Permissive terms in orders.
- Sec. 517. Assessments.
- Sec. 518. Referenda.
- Sec. 519. Petition and review of orders.
- Sec. 520. Enforcement.
- Sec. 521. Investigations and power to subpoena.
- Sec. 522. Suspension or termination.
- Sec. 523. Amendments to orders.
- Sec. 524. Effect on other laws.
- Sec. 525. Regulations.

Sec. 526. Authorization of appropriations.

Subtitle C—Canola and Rapeseed

Sec. 531. Short title.  
 Sec. 532. Findings and declaration of policy.  
 Sec. 533. Definitions.  
 Sec. 534. Issuance and amendment of orders.  
 Sec. 535. Required terms in orders.  
 Sec. 536. Assessments.  
 Sec. 537. Referenda.  
 Sec. 538. Petition and review.  
 Sec. 539. Enforcement.  
 Sec. 540. Investigations and power to subpoena.  
 Sec. 541. Suspension or termination.  
 Sec. 542. Regulations.  
 Sec. 543. Authorization of appropriations.

Subtitle D—Kiwifruit

Sec. 551. Short title.  
 Sec. 552. Findings and purposes.  
 Sec. 553. Definitions.  
 Sec. 554. Issuance of orders.  
 Sec. 555. National Kiwifruit Board.  
 Sec. 556. Required terms in order.  
 Sec. 557. Permissive terms in order.  
 Sec. 558. Petition and review.  
 Sec. 559. Enforcement.  
 Sec. 560. Investigations and power to subpoena.  
 Sec. 561. Referenda.  
 Sec. 562. Suspension or termination.  
 Sec. 563. Regulations.  
 Sec. 564. Authorization of appropriations.

Subtitle E—Popcorn

Sec. 571. Short title.  
 Sec. 572. Findings and declaration of policy.  
 Sec. 573. Definitions.  
 Sec. 574. Issuance of orders.  
 Sec. 575. Required terms in orders.  
 Sec. 576. Referenda.  
 Sec. 577. Petition and review.  
 Sec. 578. Enforcement.  
 Sec. 579. Investigations and power to subpoena.  
 Sec. 580. Relation to other programs.  
 Sec. 581. Regulations.  
 Sec. 582. Authorization of appropriations.

Subtitle F—Miscellaneous

Sec. 591. Maintenance of records for honey promotion program.

TITLE VI—CREDIT

Subtitle A—Farm Ownership Loans

Sec. 601. Limitation on direct farm ownership loans.  
 Sec. 602. Purposes of loans.  
 Sec. 603. Soil and water conservation and protection.  
 Sec. 604. Interest rate requirements.  
 Sec. 605. Insurance of loans.  
 Sec. 606. Loans guaranteed.

Subtitle B—Operating Loans

Sec. 611. Limitation on direct operating loans.  
 Sec. 612. Purposes of operating loans.  
 Sec. 613. Participation in loans.  
 Sec. 614. Line-of-credit loans.  
 Sec. 615. Insurance of operating loans.  
 Sec. 616. Special assistance for beginning farmers and ranchers.  
 Sec. 617. Limitation on period for which borrowers are eligible for guaranteed assistance.

Subtitle C—Emergency Loans

Sec. 621. Hazard insurance requirement.

- Sec. 622. Narrowing of authority to waive application of the credit elsewhere test.
- Sec. 623. Linking of emergency loans for crop or livestock changes to natural disasters.
- Sec. 624. Maximum emergency loan indebtedness.
- Sec. 625. Establishment of date for emergency loan asset valuation.
- Sec. 626. Insurance of emergency loans.

#### Subtitle D—Administrative Provisions

- Sec. 631. Temporary authority to enter into contracts.
- Sec. 632. Use of collection agencies.
- Sec. 633. Notice of loan service programs.
- Sec. 634. Clarification of written statement required of borrowers.
- Sec. 635. Annual review of the credit history, business operation, and continued eligibility of a borrower.
- Sec. 636. Extension of veterans preference.
- Sec. 637. Verification of the credit elsewhere test.
- Sec. 638. Sale of property.
- Sec. 639. Easements on inventoried property.
- Sec. 640. Definitions.
- Sec. 641. Authorization for loans.
- Sec. 642. Contracts on loan security properties.
- Sec. 643. List of certified lenders and inventory property demonstration project.
- Sec. 644. Homestead property.
- Sec. 645. Restructuring.
- Sec. 646. Transfer of inventory land for conservation purposes.
- Sec. 647. Implementation of target participation rates.
- Sec. 648. Delinquent borrowers.
- Sec. 649. Short form certification of farm program borrower compliance.
- Sec. 650. Credit study.

#### Subtitle E—General Provisions

- Sec. 661. Conforming amendments.
- Sec. 662. Electronic filing of effective financing statements under the clear title provisions of the Food Security Act of 1985.
- Sec. 663. Effective date.

### TITLE VII—RURAL DEVELOPMENT

#### Subtitle A—Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990

##### CHAPTER 1—GENERAL PROVISIONS

- Sec. 701. Rural investment partnerships.
- Sec. 702. Water and waste facility financing.
- Sec. 703. Rural wastewater circuit rider program.
- Sec. 704. Telemedicine and distance learning services in rural areas.
- Sec. 705. Limitation on authorization of appropriations for rural technology grants.
- Sec. 706. Demonstration projects.
- Sec. 707. Monitoring the economic progress of rural America.
- Sec. 708. Analysis by Office of Technology Assessment.
- Sec. 709. Rural health infrastructure improvement.
- Sec. 710. Census of agriculture.
- Sec. 711. Study of the transportation of fertilizer and agricultural chemicals to farmers.

##### CHAPTER 2—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

- Sec. 721. Definitions.
- Sec. 722. Alternative Agricultural Research and Commercialization Corporation.
- Sec. 723. Board of directors, employees, and facilities.
- Sec. 724. Research and development grants, contracts, and agreements.
- Sec. 725. Commercialization assistance.
- Sec. 726. General rules regarding the provision of assistance.
- Sec. 727. Regional centers.
- Sec. 728. Alternative Agricultural Research and Commercialization Revolving Fund.
- Sec. 729. Procurement preferences for products receiving Corporation assistance.
- Sec. 730. Business plan and feasibility study and report.

#### Subtitle B—Amendments to the Consolidated Farm and Rural Development Act

##### CHAPTER 1—GENERAL PROVISIONS

- Sec. 741. Water and waste facility loans and grants.

- Sec. 742. Emergency community water assistance grant program for small communities.
- Sec. 743. Emergency community water assistance grant program for smallest communities.
- Sec. 744. Agricultural Credit Insurance Fund.
- Sec. 745. Rural Development Insurance Fund.
- Sec. 746. Insured watershed and resource conservation and development loans.
- Sec. 747. Rural industrialization assistance.
- Sec. 748. Administration.
- Sec. 749. Authorization of appropriations.
- Sec. 750. Testimony before congressional committees.
- Sec. 751. Prohibition on use of loans for certain purposes.
- Sec. 752. Rural development certified lenders program.
- Sec. 753. System for delivery of certain rural development programs.
- Sec. 754. State rural economic development review panel.
- Sec. 755. Limited transfer authority of loan amounts.
- Sec. 756. Allocation and transfer of loan guarantee authority.
- Sec. 757. Water systems for rural and Native villages in Alaska.
- Sec. 758. Application requirements relating to water and waste disposal loan and grant programs.
- Sec. 759. National Sheep Industry Improvement Center.
- Sec. 759A. Cooperative agreements.
- Sec. 759B. Eligibility for grants to broadcasting systems.

#### CHAPTER 2—RURAL COMMUNITY ADVANCEMENT PROGRAM

- Sec. 761. Rural community advancement program.
- Sec. 762. Simplified, uniform application for assistance from all Federal rural development programs.
- Sec. 763. Community facilities grant program.

#### Subtitle C—Amendments to the Rural Electrification Act of 1936

- Sec. 771. Purposes; investigations and reports.
- Sec. 772. Authorization of appropriations.
- Sec. 773. Loans for electrical plants and transmission lines.
- Sec. 774. Loans for electrical and plumbing equipment.
- Sec. 775. Testimony on budget requests.
- Sec. 776. Transfer of functions of administration created by Executive order.
- Sec. 777. Annual report.
- Sec. 778. Prohibition on restricting water and waste facility services to electric customers.
- Sec. 779. Telephone loan terms and conditions.
- Sec. 780. Privatization program.
- Sec. 781. Rural Business Incubator Fund.

#### Subtitle D—Miscellaneous Rural Development Provisions

- Sec. 791. Interest rate formula.
- Sec. 792. Grants for financially stressed farmers, dislocated farmers, and rural families.
- Sec. 793. Fund for Rural America.
- Sec. 794. Under Secretary of Agriculture for Rural Economic and Community Development renamed the Under Secretary of Agriculture for Rural Development.

### TITLE VIII—RESEARCH, EXTENSION, AND EDUCATION

#### Subtitle A—Modification and Extension of Activities Under 1977 Act

- Sec. 801. Purposes of agricultural research, extension, and education.
- Sec. 802. National Agricultural Research, Extension, Education, and Economics Advisory Board.
- Sec. 803. Federal Advisory Committee Act exemption for Federal-State cooperative programs.
- Sec. 804. Coordination and planning of agricultural research, extension, and education.
- Sec. 805. Grants and fellowships for food and agricultural sciences education.
- Sec. 806. Grants for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
- Sec. 807. Policy research centers.
- Sec. 808. Human nutrition intervention and health promotion research program.
- Sec. 809. Food and nutrition education program.
- Sec. 810. Purposes and findings relating to animal health and disease research.

- Sec. 811. Animal health and disease continuing research.
- Sec. 812. Animal health and disease national or regional research.
- Sec. 813. Grant program to upgrade agricultural and food sciences facilities at 1890 land-grant colleges.
- Sec. 814. National research and training centennial centers.
- Sec. 815. Programs for Hispanic-serving institutions.
- Sec. 816. International agricultural research and extension.
- Sec. 817. Authorizations of appropriations for agricultural research programs.
- Sec. 818. Authorization of appropriations for extension education.
- Sec. 819. Supplemental and alternative crops research.
- Sec. 820. Aquaculture assistance programs.
- Sec. 821. Authorization of appropriations for rangeland research.

Subtitle B—Modification and Extension of Activities Under 1990 Act

- Sec. 831. Water quality research, education, and coordination.
- Sec. 832. National genetics resources program.
- Sec. 833. National agricultural weather information system.
- Sec. 834. Livestock product safety and inspection program.
- Sec. 835. Plant genome mapping program.
- Sec. 836. Certain specialized research programs.
- Sec. 837. Agricultural telecommunications program.
- Sec. 838. National centers for agricultural product quality research.
- Sec. 839. Red meat safety research center.
- Sec. 840. Indian reservation extension agent program.
- Sec. 841. Assistive technology program for farmers with disabilities.
- Sec. 842. National rural information center clearinghouse.
- Sec. 843. Global climate change.

Subtitle C—Repeal of Certain Activities and Authorities

- Sec. 851. Subcommittee on Food, Agricultural, and Forestry Research.
- Sec. 852. Joint Council on Food and Agricultural Sciences.
- Sec. 853. Agricultural Science and Technology Review Board.
- Sec. 854. Animal Health Science Research Advisory Board.
- Sec. 855. Resident instruction program at 1890 land-grant colleges.
- Sec. 856. Grants to States for international trade development centers.
- Sec. 857. Rangeland research.
- Sec. 858. Composting research and extension program.
- Sec. 859. Education program regarding handling of agricultural chemicals and agricultural chemical containers.
- Sec. 860. Program administration regarding sustainable agriculture research and education.
- Sec. 861. Research regarding production, preparation, processing, handling, and storage of agricultural products.
- Sec. 862. Plant and animal pest and disease control program.
- Sec. 863. Certain specialized research programs.
- Sec. 864. Commission on agricultural research facilities.
- Sec. 865. Special grant to study constraints on agricultural trade.
- Sec. 866. Pilot project to coordinate food and nutrition education programs.
- Sec. 867. Demonstration areas for rural economic development.
- Sec. 868. Technical advisory committee regarding global climate change.
- Sec. 869. Committee of nine under Hatch Act of 1887.
- Sec. 870. Cotton crop reports.
- Sec. 871. Rural economic and business development and additional research grants under title V of Rural Development Act of 1972.
- Sec. 872. Human nutrition research.
- Sec. 873. Grants to upgrade 1890 land-grant college extension facilities.
- Sec. 874. Indian subsistence farming demonstration grant program.

Subtitle D—Miscellaneous Research Provisions

- Sec. 881. Critical agricultural materials research.
- Sec. 882. Memorandum of agreement regarding 1994 Institutions.
- Sec. 883. Smith-Lever Act funding for 1890 land-grant colleges, including Tuskegee University.
- Sec. 884. Agricultural research facilities.
- Sec. 885. National competitive research initiative.
- Sec. 886. Rural development research and education.
- Sec. 887. Dairy goat research program.
- Sec. 888. Competitive grants for research to eradicate and control brown citrus aphid and citrus tristeza virus.
- Sec. 889. Stuttgart National Aquaculture Research Center.
- Sec. 890. Expansion of authorities related to National Arboretum.

- Sec. 891. Transfer of aquacultural research center.  
 Sec. 892. Use of remote sensing data and other data to anticipate potential food, feed, and fiber shortages or excesses and to provide timely information to assist farmers with planting decisions.  
 Sec. 893. Sense of Senate regarding methyl bromide alternative research and extension activities.

Subtitle E—Research Authority After Fiscal Year 1997

- Sec. 897. Authorization of appropriations.  
 Sec. 898. Activities subject to availability of appropriations.

TITLE IX—MISCELLANEOUS

Subtitle A—Commercial Transportation of Equine for Slaughter

- Sec. 901. Findings.  
 Sec. 902. Definitions.  
 Sec. 903. Regulation of commercial transportation of equine for slaughter.  
 Sec. 904. Limitation of authority to equine for slaughter.  
 Sec. 905. Effective date.

Subtitle B—General Provisions

- Sec. 911. Interstate quarantine.  
 Sec. 912. Cotton classification services.  
 Sec. 913. Plant variety protection for certain tuber propagated plant varieties.  
 Sec. 914. Swine health protection.  
 Sec. 915. Designation of Mount Pleasant National Scenic Area.  
 Sec. 916. Pseudorabies eradication program.  
 Sec. 917. Collection and use of agricultural quarantine and inspection fees.  
 Sec. 918. Meat and poultry inspection.  
 Sec. 919. Reimbursable agreements.  
 Sec. 920. Overseas tort claims.  
 Sec. 921. Operation of Graduate School of Department of Agriculture as nonappropriated fund instrumentality.  
 Sec. 922. Student internship programs.  
 Sec. 923. Conveyance of excess Federal personal property.  
 Sec. 924. Conveyance of land to White Oak Cemetery.  
 Sec. 925. Sale of land by the University of Arkansas.  
 Sec. 926. Designation of Dale Bumpers Small Farms Research Center.  
 Sec. 927. Department of Agriculture Washington Area Strategic Space Plan.  
 Sec. 928. Severability.

Agricultural  
 Market  
 Transition Act.  
 Contracts.  
 Loans.

**TITLE I—AGRICULTURAL MARKET  
 TRANSITION ACT**

**Subtitle A—Short Title, Purpose, and  
 Definitions**

7 USC 7201.

**SEC. 101. SHORT TITLE AND PURPOSE.**

(a) **SHORT TITLE.**—This title may be cited as the “Agricultural Market Transition Act”.

(b) **PURPOSE.**—It is the purpose of this title—

(1) to authorize the use of binding production flexibility contracts between the United States and agricultural producers to support farming certainty and flexibility while ensuring continued compliance with farm conservation and wetland protection requirements;

(2) to make nonrecourse marketing assistance loans and loan deficiency payments available for certain crops;

(3) to improve the operation of farm programs for milk, peanuts, and sugar; and

(4) to establish a commission to undertake a comprehensive review of past and future production agriculture in the United States.

## SEC. 102. DEFINITIONS.

7 USC 7202.

In this title:

(1) **AGRICULTURAL ACT OF 1949.**—Except in section 171, the term “Agricultural Act of 1949” means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 171(b)(1).

(2) **CONSIDERED PLANTED.**—The term “considered planted” means acreage that is considered planted under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) and such other acreage as the Secretary considers fair and equitable.

(3) **CONTRACT.**—The terms “contract” and “production flexibility contract” mean a production flexibility contract entered into under section 111.

(4) **CONTRACT ACREAGE.**—The term “contract acreage” means 1 or more crop acreage bases established for contract commodities under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) that would have been in effect for the 1996 crop (but for suspension under section 171(b)(1)).

(5) **CONTRACT COMMODITY.**—The term “contract commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

(6) **CONTRACT PAYMENT.**—The term “contract payment” means a payment made under this subtitle pursuant to a contract.

(7) **DEPARTMENT.**—The term “Department” means the Department of Agriculture.

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

(A) is produced from pure strain varieties of the Barbados species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(9) **FARM PROGRAM PAYMENT YIELD.**—The term “farm program payment yield” means the farm program payment yield established for the 1995 crop of a contract commodity under section 505 of the Agricultural Act of 1949 (7 U.S.C. 1465). The Secretary shall adjust the farm program payment yield for the 1995 crop of a contract commodity to account for any additional yield payments made with respect to that crop under subsection (b)(2) of the section.

(10) **LOAN COMMODITY.**—The term “loan commodity” means each contract commodity, extra long staple cotton, and oilseed.

(11) **OILSEED.**—The term “oilseed” means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

(12) **PRODUCER.**—The term “producer” means an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing a crop and who is entitled to share in the crop available for marketing from the farm, or would have

shared had the crop been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(14) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

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

## **Subtitle B—Production Flexibility Contracts**

7 USC 7211.

### **SEC. 111. AUTHORIZATION FOR USE OF PRODUCTION FLEXIBILITY CONTRACTS.**

(a) **OFFER AND TERMS.**—The Secretary shall offer to enter into a production flexibility contract with an eligible owner or producer described in subsection (b) on a farm containing eligible cropland. Under the terms of a contract, the owner or producer shall agree, in exchange for annual contract payments, to—

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

(2) comply with applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.);

(3) comply with the planting flexibility requirements of section 118; and

(4) use the land subject to the contract for an agricultural or related activity, but not for a nonagricultural commercial or industrial use, as determined by the Secretary.

(b) **ELIGIBLE OWNERS AND PRODUCERS DESCRIBED.**—The following producers and owners shall be eligible to enter into a contract:

(1) An owner of eligible cropland who assumes all or a part of the risk of producing a crop.

(2) A producer (other than an owner) on eligible cropland with a share-rent lease of the eligible cropland, regardless of the length of the lease, if the owner enters into the same contract.

(3) A producer (other than an owner) on eligible cropland who cash rents the eligible cropland under a lease expiring on or after September 30, 2002, in which case the owner is not required to enter into the contract.

(4) A producer (other than an owner) on eligible cropland who cash rents the eligible cropland under a lease expiring before September 30, 2002. The owner of the eligible cropland may also enter into the same contract. If the producer elects to enroll less than 100 percent of the eligible cropland in the contract, the consent of the owner is required.

(5) An owner of eligible cropland who cash rents the eligible cropland and the lease term expires before September 30, 2002, if the tenant declines to enter into a contract. In the case of an owner covered by this paragraph, contract payments

shall not begin under a contract until the lease held by the tenant ends.

(6) An owner or producer described in any preceding paragraph regardless of whether the owner or producer purchased catastrophic risk protection for a 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(c) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(d) ELIGIBLE CROPLAND DESCRIBED.—Land shall be considered to be cropland eligible for coverage under a contract only if the land has contract acreage attributable to the land and—

(1) for at least 1 of the 1991 through 1995 crops, at least a portion of the land was enrolled in the acreage reduction program authorized for a crop of a contract commodity under section 101B, 103B, 105B, or 107B of the Agricultural Act of 1949 or was considered planted;

(2) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) whose term expired, or was voluntarily terminated, on or after January 1, 1995; or

(3) is released from coverage under a conservation reserve contract by the Secretary during the period beginning on January 1, 1995, and ending on the date specified in section 112(a)(2).

(e) QUANTITY OF ELIGIBLE CROPLAND COVERED BY CONTRACT.—Subject to subsection (b)(4), an owner or producer may enroll as contract acreage all or a portion of the eligible cropland on the farm.

(f) VOLUNTARY REDUCTION IN CONTRACT ACREAGE.—Subject to subsection (b)(4), an owner or producer who enters into a contract may subsequently reduce the quantity of contract acreage covered by the contract.

#### SEC. 112. ELEMENTS OF CONTRACTS.

7 USC 7212.

(a) TIME FOR CONTRACTING.—

(1) COMMENCEMENT.—To the extent practicable, the Secretary shall commence entering into contracts not later than 45 days after the date of enactment of this title.

(2) DEADLINE.—Except as provided in paragraph (3), the Secretary may not enter into a contract after August 1, 1996.

(3) CONSERVATION RESERVE LANDS.—

(A) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or producer on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in paragraph (2) to enter into or expand a production flexibility contract to cover the contract acreage of the farm that was subject to the former conservation reserve contract.

(B) AMOUNT.—Contract payments made for contract acreage under this paragraph shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop. For the fiscal year in which the conservation reserve contract is terminated, the owner or producer subject to the production flexibility contract

may elect to receive either contract payments or a prorated payment under the conservation reserve contract, but not both.

(b) DURATION OF CONTRACT.—

(1) BEGINNING DATE.—The term of a contract shall begin with—

(A) the 1996 crop of a contract commodity; or

(B) in the case of acreage that was subject to a conservation reserve contract described in subsection (a)(3), the date the production flexibility contract was entered into or expanded to cover the acreage.

(2) ENDING DATE.—The term of a contract shall extend through the 2002 crop, unless earlier terminated by the owner or producer.

(c) ESTIMATION OF CONTRACT PAYMENTS.—At the time the Secretary enters into a contract, the Secretary shall provide an estimate of the minimum contract payments anticipated to be made during at least the first fiscal year for which contract payments will be made.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—An annual contract payment shall be made not later than September 30 of each of fiscal years 1996 through 2002.

(2) ADVANCE PAYMENTS.—

(A) FISCAL YEAR 1996.—At the option of the owner or producer, 50 percent of the contract payment for fiscal year 1996 shall be made not later than 30 days after the date on which the contract is entered into and approved by the Secretary and the owner or producer.

(B) SUBSEQUENT FISCAL YEARS.—At the option of the owner or producer for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be made on December 15 or January 15 of the fiscal year. The owner or producer may change the date selected under this subparagraph for a subsequent fiscal year by providing advance notice to the Secretary.

7 USC 7213.

SEC. 113. AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS.

(a) FISCAL YEAR AMOUNTS.—The Secretary shall, to the maximum extent practicable, expend the following amounts to satisfy the obligations of the Secretary under all contracts:

(1) For fiscal year 1996, \$5,570,000,000.

(2) For fiscal year 1997, \$5,385,000,000.

(3) For fiscal year 1998, \$5,800,000,000.

(4) For fiscal year 1999, \$5,603,000,000.

(5) For fiscal year 2000, \$5,130,000,000.

(6) For fiscal year 2001, \$4,130,000,000.

(7) For fiscal year 2002, \$4,008,000,000.

(b) ALLOCATION.—The amount made available for a fiscal year under subsection (a) shall be allocated as follows:

(1) For wheat, 26.26 percent.

(2) For corn, 46.22 percent.

(3) For grain sorghum, 5.11 percent.

(4) For barley, 2.16 percent.

(5) For oats, 0.15 percent.

(6) For upland cotton, 11.63 percent.

(7) For rice, 8.47 percent.

(c) **ADJUSTMENT.**—The Secretary shall adjust the amounts allocated for each contract commodity under subsection (b) for a particular fiscal year by—

(1) adding an amount equal to the sum of all repayments of deficiency payments required under section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the commodity;

(2) adding an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under section 116 for the commodity; and

(3) subtracting an amount equal to the amount, if any, necessary during that fiscal year to satisfy payment requirements for the commodity under sections 103B, 105B, or 107B of the Agricultural Act of 1949 for the 1994 and 1995 crop years.

(d) **ADDITIONAL RICE ALLOCATION.**—In addition to the adjustments required under subsection (c), the amount allocated under subsection (b) for rice contract payments shall be increased by \$8,500,000 for each of fiscal years 1997 through 2002.

(e) **EXCLUSION OF CERTAIN AMOUNTS FROM CONTRACT PAYMENTS.**—Any amount added pursuant to paragraphs (1) and (2) of subsection (c) to the amount available under subsection (a) for a fiscal year and paid to owners and producers under a contract shall not be treated as a contract payment for purposes of section 115(a) of this title or section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 1308(1)). However, the amount of a payment covered by this subsection may not exceed \$50,000 per person.

(f) **EFFECT OF PAYMENT LIMITATION.**—The amount available under subsection (a) for a fiscal year shall be reduced by an amount equal to the total amount of contract payments for the fiscal year that owners and producers forgo as a result of operation of the payment limitation under section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 1308(1)).

**SEC. 114. DETERMINATION OF CONTRACT PAYMENTS UNDER CONTRACTS.** 7 USC 7214.

(a) **INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.**—For each contract, the payment quantity of a contract commodity for each fiscal year shall be equal to the product of—

(1) 85 percent of the contract acreage; and

(2) the farm program payment yield.

(b) **ANNUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.**—The payment quantity of each contract commodity covered by all contracts for each fiscal year shall be equal to the sum of the amounts calculated under subsection (a) for each individual contract.

(c) **ANNUAL PAYMENT RATE.**—The payment rate for a contract commodity for each fiscal year shall be equal to—

(1) the amount made available under section 113 for the contract commodity for the fiscal year; divided by

(2) the amount determined under subsection (b) for the fiscal year.

(d) **ANNUAL PAYMENT AMOUNT.**—The amount to be paid under a contract in effect for each fiscal year with respect to all contract commodities covered by the contract shall be equal to the sum of the products of—

(1) the payment quantity determined under subsection (a) for each of the contract commodities covered by the contract; and

(2) the corresponding payment rate for the contract commodity in effect under subsection (c).

(e) **REDUCTION IN PAYMENT AMOUNT.**—The contract payment determined under subsection (d) for an owner or producer for a fiscal year shall be immediately reduced by the amount of any repayment of deficiency payments that is required under section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) and is not repaid as of the date the contract payment is determined. The Secretary shall be required to collect the required repayment, or any claim based on the required repayment, as soon as the contract payment is determined.

(f) **ASSIGNMENT OF CONTRACT PAYMENTS.**—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to contract payments under this section. The owner or producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require in the contract, of any assignment made under this subsection.

(g) **SHARING OF CONTRACT PAYMENTS.**—The Secretary shall provide for the sharing of contract payments among the owners and producers subject to the contract on a fair and equitable basis.

7 USC 7215.

#### **SEC. 115. PAYMENT LIMITATIONS.**

(a) **APPLICABILITY OF PAYMENT LIMITATIONS.**—Sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308-3), as amended by this section, shall be applicable to contract payments made under this subtitle.

(b) **PAYMENT LIMITATIONS.**—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking paragraphs (1) through (4) and inserting the following:

“(1) **LIMITATION ON PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.**—The total amount of contract payments made under the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts during any fiscal year may not exceed \$40,000.

“(2) **LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.**—The total amount of the payments specified in paragraph (3) that a person shall be entitled to receive under the Agricultural Market Transition Act for 1 or more contract commodities and oilseeds during any crop year may not exceed \$75,000.

“(3) **DESCRIPTION OF PAYMENTS SUBJECT TO LIMITATION.**—The payments referred to in paragraph (2) are the following:

“(A) Any gain realized by a producer from repaying a marketing assistance loan under section 131 of the Agricultural Market Transition Act for a crop of any loan commodity at a lower level than the original loan rate established for the loan commodity under section 132 of the Act.

“(B) Any loan deficiency payment received for a loan commodity under section 135 of the Act.

“(4) **DEFINITIONS.**—In this title, the terms ‘contract commodity’, ‘contract payment’, ‘loan commodity’, ‘oilseed’, and ‘production flexibility contract’ have the meaning given those

terms in section 102 of the Agricultural Market Transition Act.”

(c) CONFORMING AMENDMENTS.—

(1) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended—

(A) in subsection (a)(1), by striking “under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)”; and

(B) in subsection (b)(1), by striking “under the Agricultural Act of 1949”.

(2) Section 1001C(a) of the Act (7 U.S.C. 1308-3(a)) is amended—

(A) by striking “For each of the 1991 through 1997 crops, any” and inserting “Any”;

(B) by striking “production adjustment payments, price support program loans, payments, or benefits made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)” and inserting “loans or payments made available under the Agricultural Market Transition Act.”; and

(C) by striking “during the 1989 through 1997 crop years”.

**SEC. 116. VIOLATIONS OF CONTRACT.**

7 USC 7216.

(a) **TERMINATION OF CONTRACT FOR VIOLATION.**—Except as provided in subsection (b), if an owner or producer subject to a contract violates a requirement of the contract specified in section 111(a), the Secretary shall terminate the contract with respect to the owner or producer on each farm in which the owner or producer has an interest. On the termination, the owner or producer shall forfeit all rights to receive future contract payments on each farm in which the owner or producer has an interest and shall refund to the Secretary all contract payments received by the owner or producer during the period of the violation, together with interest on the contract payments as determined by the Secretary.

(b) **REFUND OR ADJUSTMENT.**—If the Secretary determines that a violation does not warrant termination of the contract under subsection (a), the Secretary may require the owner or producer subject to the contract—

(1) to refund to the Secretary that part of the contract payments received by the owner or producer during the period of the violation, together with interest on the contract payments as determined by the Secretary; or

(2) to accept a reduction in the amount of future contract payments that is proportionate to the severity of the violation, as determined by the Secretary.

(c) **FORECLOSURE.**—

(1) **EFFECT OF FORECLOSURE.**—An owner or producer subject to a contract may not be required to make repayments to the Secretary of amounts received under the contract if the contract acreage has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate to provide fair and equitable treatment.

(2) **RESUMPTION OF OPERATION.**—This subsection shall not void the responsibilities of the owner or producer under the contract if the owner or producer continues or resumes operation, or control, of the contract acreage. On the resumption of operation or control over the contract acreage by the owner

or producer, the provisions of the contract in effect on the date of the foreclosure shall apply.

(d) REVIEW.—A determination of the Secretary under this section shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

7 USC 7217.

**SEC. 117. TRANSFER OR CHANGE OF INTEREST IN LANDS SUBJECT TO CONTRACT.**

(a) TERMINATION.—Except as provided in subsection (c), a transfer of (or change in) the interest of an owner or producer subject to a contract in the contract acreage covered by the contract shall result in the termination of the contract with respect to the acreage, unless the transferee or owner of the acreage agrees to assume all obligations under the contract. The termination shall be effective on the date of the transfer or change.

(b) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the contract if the modifications are consistent with the objectives of this subtitle, as determined by the Secretary.

(c) EXCEPTION.—If an owner or producer who is entitled to a contract payment dies, becomes incompetent, or is otherwise unable to receive the contract payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

7 USC 7218.

**SEC. 118. PLANTING FLEXIBILITY.**

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on contract acreage on a farm.

(b) LIMITATIONS AND EXCEPTIONS REGARDING FRUITS AND VEGETABLES.—

(1) LIMITATIONS.—The planting of fruits and vegetables (other than lentils, mung beans, and dry peas) shall be prohibited on contract acreage.

(2) EXCEPTIONS.—Paragraph (1) shall not limit the planting of a fruit or vegetable—

(A) in any region in which there is a history of double-cropping of contract commodities with fruits or vegetables, as determined by the Secretary, in which case the double-cropping shall be permitted;

(B) on a farm that the Secretary determines has a history of planting fruits or vegetables on contract acreage, except that a contract payment shall be reduced by an acre for each acre planted to the fruit or vegetable; or

(C) by a producer who the Secretary determines has an established planting history of a specific fruit or vegetable, except that—

(i) the quantity planted may not exceed the producer's average annual planting history of the fruit or vegetable in the 1991 through 1995 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(ii) a contract payment shall be reduced by an acre for each acre planted to the fruit or vegetable.

## Subtitle C—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

### SEC. 131. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS. 7 USC 7231.

(a) **NONRECOURSE LOANS AVAILABLE.**—For each of the 1996 through 2002 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 132 for the loan commodity.

(b) **ELIGIBLE PRODUCTION.**—The following production shall be eligible for a marketing assistance loan under subsection (a):

(1) In the case of a marketing assistance loan for a contract commodity, any production by a producer on a farm containing eligible cropland covered by a production flexibility contract.

(2) In the case of a marketing assistance loan for extra long staple cotton and oilseeds, any production.

(c) **COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.**—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(d) **ADDITIONAL OUTLAYS PROHIBITED.**—The Secretary shall carry out this subtitle in such a manner that there are no additional outlays under this subtitle as a result of the reconstitution of a farm that occurs as a result of the combination of another farm that does not contain eligible cropland covered by a production flexibility contract.

### SEC. 132. LOAN RATES FOR MARKETING ASSISTANCE LOANS. 7 USC 7232.

(a) **WHEAT.**—

(1) **LOAN RATE.**—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 131 for wheat shall be—

(A) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than \$2.58 per bushel.

(2) **STOCKS TO USE RATIO ADJUSTMENT.**—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(A) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(B) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the

corresponding crop by an amount not to exceed 5 percent in any year; or

(C) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(b) FEED GRAINS.—

(1) LOAN RATE FOR CORN.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 131 for corn shall be—

(A) not less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than \$1.89 per bushel.

(2) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

(A) equal to or greater than 25 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 10 percent in any year;

(B) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 5 percent in any year; or

(C) less than 12.5 percent, the Secretary may not reduce the loan rate for corn for the corresponding crop.

(3) OTHER FEED GRAINS.—The loan rate for a marketing assistance loan under section 131 for grain sorghum, barley, and oats, respectively, shall be established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn.

(c) UPLAND COTTON.—

(1) LOAN RATE.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 131 for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(A) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 of the year preceding the year in which the crop is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(B) 90 percent of the average, for the 15-week period beginning July 1 of the year preceding the year in which the crop is planted, of the 5 lowest-priced growths of the growths quoted for Middling 1 $\frac{3}{32}$ -inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year preceding the year in which the crop is planted between the average Northern European price quotation of such

quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(2) LIMITATIONS.—The loan rate for a marketing assistance loan for upland cotton shall not be less than \$0.50 per pound or more than \$0.5192 per pound.

(d) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan under section 131 for extra long staple cotton shall be—

(1) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 of the year preceding the year in which the crop is planted, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(2) not more than \$0.7965 per pound.

(e) RICE.—The loan rate for a marketing assistance loan under section 131 for rice shall be \$6.50 per hundredweight.

(f) OILSEEDS.—

(1) SOYBEANS.—The loan rate for a marketing assistance loan under section 131 for soybeans shall be—

(A) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not less than \$4.92 or more than \$5.26 per bushel.

(2) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rate for a marketing assistance loan under section 131 for sunflower seed, canola, rapeseed, safflower, mustard seed, and flaxseed, individually, shall be—

(A) not less than 85 percent of the simple average price received by producers of sunflower seed, individually, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of sunflower seed, individually, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not less than \$0.087 or more than \$0.093 per pound.

(3) OTHER OILSEEDS.—The loan rates for a marketing assistance loan under section 131 for other oilseeds shall be established at such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except in no event shall the rate for the oilseeds (other than cottonseed) be less than the rate established for soybeans on a per-pound basis for the same crop.

#### SEC. 133. TERM OF LOANS.

7 USC 7233.

(a) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under section 131 shall have a term of 9 months beginning

on the first day of the first month after the month in which the loan is made.

(b) **SPECIAL RULE FOR COTTON.**—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

(c) **EXTENSIONS PROHIBITED.**—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

7 USC 7234.

**SEC. 134. REPAYMENT OF LOANS.**

(a) **REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.**—The Secretary shall permit a producer to repay a marketing assistance loan under section 131 for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 132, plus interest (as determined by the Secretary); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

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

(C) minimize the cost incurred by the Federal Government in storing the commodity; and

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(b) **REPAYMENT RATES FOR UPLAND COTTON AND RICE.**—The Secretary shall permit producers to repay a marketing assistance loan under section 131 for upland cotton and rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 132, plus interest (as determined by the Secretary); or

(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) **REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.**—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132, plus interest (as determined by the Secretary).

Regulations.

(d) **PREVAILING WORLD MARKET PRICE.**—For purposes of this section and section 136, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

(e) **ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.**—

(1) **IN GENERAL.**—During the period ending July 31, 2003, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under subsection (d) shall be further adjusted if—

(A) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under section 132, as determined by the Secretary; and

(B) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1<sup>3</sup>/<sub>32</sub>-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) 1<sup>3</sup>/<sub>32</sub>-inch cotton, delivered C.I.F. Northern Europe (referred to in this section as the "Northern Europe price").

(2) FURTHER ADJUSTMENT.—Except as provided in paragraph (3), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:

(A) The United States share of world exports.

(B) The current level of cotton export sales and cotton export shipments.

(C) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(3) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under paragraph (2) may not exceed the difference between—

(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling 1<sup>3</sup>/<sub>32</sub>-inch cotton delivered C.I.F. Northern Europe; and

(B) the Northern Europe price.

**SEC. 135. LOAN DEFICIENCY PAYMENTS.**

7 USC 7235.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under section 131 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this section.

(b) COMPUTATION.—A loan deficiency payment under this section shall be computed by multiplying—

(1) the loan payment rate determined under subsection

(c) for the loan commodity; by

(2) the quantity of the loan commodity that the producers on a farm are eligible to place under loan but for which the producers forgo obtaining the loan in return for payments under this section.

(c) LOAN PAYMENT RATE.—For purposes of this section, the loan payment rate shall be the amount by which—

(1) the loan rate established under section 132 for the loan commodity; exceeds

(2) the rate at which a loan for the commodity may be repaid under section 134.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

**SEC. 136. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.**

7 USC 7236.

(a) COTTON USER MARKETING CERTIFICATES.—

(1) ISSUANCE.—Subject to paragraph (4), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for

export by exporters made in the week following a consecutive 4-week period in which—

(A) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 $\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(B) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under section 132.

(2) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the 4th week of the consecutive 4-week period multiplied by the quantity of upland cotton included in the documented sales.

(3) ADMINISTRATION OF MARKETING CERTIFICATES.—

(A) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this subsection.

(B) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of the certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after the reasonable number of days and ending with the date of the presentation of the certificate to the Commodity Credit Corporation.

(C) TRANSFERS.—Marketing certificates issued to domestic users and exporters of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(4) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under paragraph (1) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) 1 $\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this subsection, exceeds the Northern Europe price by more than 1.25 cents per pound.

(5) **LIMITATION ON EXPENDITURES.**—Total expenditures under this subsection shall not exceed \$701,000,000 during fiscal years 1996 through 2002.

(b) **SPECIAL IMPORT QUOTA.**—

(1) **ESTABLISHMENT.**—The President shall carry out an import quota program that provides that, during the period ending July 31, 2003, whenever the Secretary determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1<sup>3</sup>/<sub>32</sub>-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

President.

(2) **QUANTITY.**—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(3) **APPLICATION.**—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (1) and entered into the United States not later than 180 days after the date.

(4) **OVERLAP.**—A special quota period may be established that overlaps any existing quota period if required by paragraph (1), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (c).

(5) **PREFERENTIAL TARIFF TREATMENT.**—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(6) **DEFINITION.**—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(c) **LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.**—

(1) **IN GENERAL.**—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

President.

(A) **QUANTITY.**—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) **QUANTITY IF PRIOR QUOTA.**—If a quota has been established under this subsection during the preceding 12

months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) **PREFERENTIAL TARIFF TREATMENT.**—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) **DEFINITIONS.**—In this subsection:

(i) **SUPPLY.**—The term “supply” means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) **DEMAND.**—The term “demand” means—

(I) the average seasonally adjusted annual rate of domestic mill consumption during the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) **LIMITED GLOBAL IMPORT QUOTA.**—The term “limited global import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) **QUOTA ENTRY PERIOD.**—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) **NO OVERLAP.**—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (b).

7 USC 7237.

**SEC. 137. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.**

(a) **HIGH MOISTURE FEED GRAINS.**—

(1) **RECOURSE LOANS AVAILABLE.**—For each of the 1996 through 2002 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the

Secretary, to producers on a farm containing eligible cropland covered by a production flexibility contract who—

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

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

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

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(3) HIGH MOISTURE STATE DEFINED.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 131.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—

(1) UPLAND COTTON.—For each of the 1996 through 2002 crops of upland cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, to producers on a farm containing eligible cropland covered by a production flexibility contract.

(2) EXTRA LONG STAPLE COTTON.—For each of the 1996 through 2002 crops of extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (as determined by the Secretary).

**Subtitle D—Other Commodities****CHAPTER 1—DAIRY**

7 USC 7251.

**SEC. 141. MILK PRICE SUPPORT PROGRAM.**

(a) **SUPPORT ACTIVITIES.**—The Secretary of Agriculture shall support the price of milk produced in the 48 contiguous States through the purchase of cheese, butter, and nonfat dry milk produced from the milk.

(b) **RATE.**—The price of milk shall be supported at the following rates per hundredweight for milk containing 3.67 percent butterfat:

- (1) During calendar year 1996, \$10.35.
- (2) During calendar year 1997, \$10.20.
- (3) During calendar year 1998, \$10.05.
- (4) During calendar year 1999, \$9.90.

(c) **PURCHASE PRICES.**—The support purchase prices under this section for each of the products of milk (butter, cheese, and nonfat dry milk) announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary. The purchase prices shall be sufficient to enable plants of average efficiency to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) **SPECIAL RULE FOR BUTTER AND NONFAT DRY MILK PURCHASE PRICES.**—

(1) **ALLOCATION OF PURCHASE PRICES.**—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. Not later than 10 days after making or changing an allocation, the Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this section.

(2) **TIMING OF PURCHASE PRICE ADJUSTMENTS.**—The Secretary may make any such adjustments in the purchase prices for nonfat dry milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(e) **REFUNDS OF 1995 AND 1996 ASSESSMENTS.**—

(1) **REFUND REQUIRED.**—The Secretary shall provide for a refund of the entire reduction required under section 204(h)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446e(h)(2)), as in effect on the day before the amendment made by subsection (g), in the price of milk received by a producer during calendar year 1995 or 1996, if the producer provides evidence that the producer did not increase marketings in calendar year 1995 or 1996 when compared to calendar year 1994 or 1995, respectively.

(2) **EXCEPTION.**—This subsection shall not apply with respect to a producer for a particular calendar year if the producer has already received a refund under section 204(h) of the Agricultural Act of 1949 for the same fiscal year before the effective date of this section.

(3) TREATMENT OF REFUND.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811 and 3821).

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) CONFORMING REPEAL.—Effective on the first day of the first month beginning after the date of enactment of this title, section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is repealed.

Effective date.

(h) PERIOD OF EFFECTIVENESS.—This section (other than subsection (g)) shall be effective only during the period beginning on the first day of the first month beginning after the date of enactment of this title and ending on December 31, 1999. The program authorized by this section shall terminate on December 31, 1999, and shall be considered to have expired notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

**SEC. 142. RECOURSE LOAN PROGRAM FOR COMMERCIAL PROCESSORS OF DAIRY PRODUCTS.**

7 USC 7252.

(a) RECOURSE LOANS AVAILABLE.—Under such reasonable terms and conditions as the Secretary may prescribe, the Secretary shall make recourse loans available to commercial processors of eligible dairy products to assist the processors to manage inventories of eligible dairy products and assure a greater degree of price stability for the dairy industry during the year. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(b) AMOUNT OF LOAN.—The Secretary shall establish the amount of a loan for eligible dairy products, which shall reflect a milk equivalent value of \$9.90 per hundredweight of milk containing 3.67 percent butterfat. The rate of interest charged participants under this section shall not be less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury.

(c) PERIOD OF LOAN.—The original term of a recourse loan made under this section may not extend beyond the end of the fiscal year in which the loan is made. At the end of the fiscal year, the Secretary may extend the loan for an additional period not to exceed the end of the next fiscal year.

(d) DEFINITION OF ELIGIBLE DAIRY PRODUCTS.—In this section, the term “eligible dairy products” means cheddar cheese, butter, and nonfat dry milk.

(e) EFFECTIVE DATE.—This section shall be effective beginning January 1, 2000.

**SEC. 143. CONSOLIDATION AND REFORM OF FEDERAL MILK MARKETING ORDERS.**

7 USC 7253.

(a) AMENDMENT OF ORDERS.—

(1) REQUIRED CONSOLIDATION.—The Secretary shall amend Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to limit the number of Federal milk marketing orders to not less than 10 and not more than 14 orders.

(2) INCLUSION OF CALIFORNIA AS SEPARATE ORDER.—Upon the petition and approval of California dairy producers in the

manner provided in section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall designate the State of California as a separate Federal milk marketing order. The order covering California shall have the right to reblend and distribute order receipts to recognize quota value.

(3) RELATED ISSUES ADDRESSED IN CONSOLIDATION.—Among the issues the Secretary is authorized to implement as part of the consolidation of Federal milk marketing orders are the following:

(A) The use of utilization rates and multiple basing points for the pricing of fluid milk.

(B) The use of uniform multiple component pricing when developing 1 or more basic formula prices for manufacturing milk.

(4) EFFECT OF EXISTING LAW.—In implementing the consolidation of Federal milk marketing orders and related reforms under this subsection, the Secretary may not consider, or base any decision on, the table contained in section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, as added by section 131 of the Food Security Act of 1985.

(b) EXPEDITED PROCESS.—

(1) USE OF INFORMAL RULEMAKING.—To implement the consolidation of Federal milk marketing orders and related reforms under subsection (a), the Secretary shall use the notice and comment procedures provided in section 553 of title 5, United States Code.

(2) TIME LIMITATIONS.—

(A) PROPOSED AMENDMENTS.—The Secretary shall announce the proposed amendments to be made under subsection (a) not later than 2 years after the date of enactment of this title.

(B) FINAL AMENDMENTS.—The Secretary shall implement the amendments not later than 3 years after the date of enactment of this title.

(3) EFFECT OF COURT ORDER.—The actions authorized by this subsection are intended to ensure the timely publication and implementation of new and amended Federal milk marketing orders. In the event that the Secretary is enjoined or otherwise restrained by a court order from publishing or implementing the consolidation and related reforms under subsection (a), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in paragraph (2) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(c) FAILURE TO TIMELY CONSOLIDATE ORDERS.—If the Secretary fails to implement the consolidation required under subsection (a)(1) within the time period required under subsection (b)(2)(B) (plus any additional period provided under subsection (b)(3)), the Secretary may not assess or collect assessments from milk producers or handlers under such section 8c for marketing order administration and services provided under such section after the end of

that period until the consolidation is completed. The Secretary may not reduce the level of services provided under the section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department.

(d) REPORT REGARDING FURTHER REFORMS.—

(1) REPORT REQUIRED.—Not later than April 1, 1997, the Secretary shall submit to Congress a report—

(A) reviewing the Federal milk marketing order system established pursuant to section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in light of the reforms required by subsection (a);

(B) describing the efforts underway and the progress made in implementing the reforms required by subsection (a); and

(C) containing such recommendations as the Secretary considers appropriate for further improvements and reforms to the Federal milk marketing order system.

(2) EFFECT OF OTHER LAWS.—Any limitation imposed by Act of Congress on the conduct or completion of reports to Congress shall not apply to the report required under this section, unless the limitation specifically refers to this section.

**SEC. 144. EFFECT ON FLUID MILK STANDARDS IN STATE OF CALIFORNIA.** 7 USC 7254.

Nothing in this Act or any other provision of law shall be construed to preempt, prohibit, or otherwise limit the authority of the State of California, directly or indirectly, to establish or continue to effect any law, regulation, or requirement regarding—

(1) the percentage of milk solids or solids not fat in fluid milk products sold at retail or marketed in the State of California; or

(2) the labeling of such fluid milk products with regard to milk solids or solids not fat.

**SEC. 145. MILK MANUFACTURING MARKETING ADJUSTMENT.** 7 USC 7255.

(a) MAXIMUM ALLOWANCES ESTABLISHED.—No State shall provide for a manufacturing allowance for the processing of milk in excess of—

(1) \$1.65 per hundredweight of milk for milk manufactured into butter and nonfat dry milk; and

(2) \$1.80 per hundredweight of milk for milk manufactured into cheese;

(b) MANUFACTURING ALLOWANCE DEFINED.—In this section, the term “manufacturing allowance” means—

(1) the amount by which the product price value of butter and nonfat dry milk manufactured from a hundred pounds of milk containing 3.5 pounds of butterfat and 8.7 pounds of milk solids not fat resulting from a State’s yield and product price formulas exceeds the class price for the milk used to produce those products; or

(2) the amount by which the product price value of cheese manufactured from a hundred pounds of milk containing 3.5 pounds of butterfat and 8.7 pounds of milk solids not fat resulting from a State’s yield and product price formulas exceeds the class price for the milk used to produce cheese.

(c) **EFFECT OF VIOLATION.**—If the Secretary determines following a hearing that a State has in effect a manufacturing allowance that exceeds the manufacturing allowance authorized in subsection (a), the Secretary shall suspend purchases of cheddar cheese, butter, and nonfat dry milk produced in that State until such time as the State complies with such subsection.

(d) **EFFECTIVE DATE; IMPLEMENTATION.**—This section (other than subsection (e)) shall be effective during the period beginning on the first day of the first month beginning after the date of enactment of this title and ending on December 31, 1999. During that period, the Secretary may exercise the authority provided to the Secretary under this section without regard to the issuance of regulations intended to carry out this section.

Effective date.

(e) **CONFORMING REPEAL.**—Effective on the first day of the first month beginning after the date of enactment of this title, section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1446e-1) is repealed.

#### **SEC. 146. PROMOTION.**

(a) **CONGRESSIONAL PURPOSE.**—Section 1999B(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(a)) is amended—

(1) by redesignating paragraphs (6), (7) and (8) as paragraphs (7), (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) the congressional purpose underlying this subtitle is to maintain and expand markets for fluid milk products, not to maintain or expand any processor’s share of those markets and that the subtitle does not prohibit or restrict individual advertising or promotion of fluid milk products since the programs created and funded by this subtitle are not extended to replace individual advertising and promotion efforts;”

(b) **CONGRESSIONAL POLICY.**—Section 1999B(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401(b)) is amended to read as follows:

“(b) **POLICY.**—It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of powers provided in this subtitle, of an orderly procedure for developing, financing, through adequate assessments on fluid milk products produced in the United States and carrying out an effective, continuous, and coordinated program of promotion, research, and consumer information designed to strengthen the position of the dairy industry in the marketplace and maintain and expand domestic and foreign markets and uses for fluid milk products, the purpose of which is not to compete with or replace individual advertising or promotion efforts designed to promote individual brand name or trade name fluid milk products, but rather to maintain and expand the markets for all fluid milk products, with the goal and purpose of this subtitle being a national governmental goal that authorizes and funds programs that result in government speech promoting government objectives.”

(c) **RESEARCH.**—Section 1999C(6) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(6)) is amended to read as follows:

“(6) **RESEARCH.**—The term ‘research’ means market research to support advertising and promotion efforts, including educational activities, research directed to product characteristics, product development, including new products or improved

technology in production, manufacturing or processing of milk and the products of milk.”

(d) VOTING.—

(1) INITIAL REFERENDA.—Section 1999N(b)(2) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6413(b)(2)) is amended by striking “all processors” and inserting “fluid milk processors voting in the referendum”.

(2) SUSPENSION OR TERMINATION.—Section 1999O(c) of such Act (7 U.S.C. 6414(c)) is amended—

(A) in paragraph (1), by striking “all processors” and inserting “fluid milk processors voting in the preceding referendum”; and

(B) in paragraph (2)(B), by striking “all processors” and inserting “fluid milk processors voting in the referendum”.

(e) DURATION.—Section 1999O(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414(a)) is amended by striking “1996” and inserting “2002”.

#### SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT.

Congress hereby consents to the Northeast Interstate Dairy Compact entered into among the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont as specified in section 1(b) Senate Joint Resolution 28 of the 104th Congress, as placed on the calendar of the Senate, subject to the following conditions:

(1) FINDING OF COMPELLING PUBLIC INTEREST.—Based upon a finding by the Secretary of a compelling public interest in the Compact region, the Secretary may grant the States that have ratified the Northeast Interstate Dairy Compact, as of the date of enactment of this title, the authority to implement the Northeast Interstate Dairy Compact.

(2) LIMITATION ON MANUFACTURING PRICE.—The Northeast Interstate Dairy Compact Commission shall not regulate Class II, Class III, or Class III-A milk used for manufacturing purposes or any other milk, other than Class I (fluid) milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c) reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(3) DURATION.—Consent for the Northeast Interstate Dairy Compact shall terminate concurrent with the Secretary's implementation of the dairy pricing and Federal milk marketing order consolidation and reforms under section 143.

(4) ADDITIONAL STATES.—Delaware, New Jersey, New York, Pennsylvania, Maryland, and Virginia are the only additional States that may join the Northeast Interstate Dairy Compact, individually or otherwise, if upon entry the State is contiguous to a participating State and if Congress consents to the entry of the State into the Compact after the date of enactment of this title.

(5) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year that a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the projected rate of

Congress.  
State listing.  
7 USC 7256.

increase in milk production for the fiscal year within the Compact region in excess of the projected national average rate of the increase in milk production, as determined by the Secretary.

(6) **MILK MARKETING ORDER ADMINISTRATOR.**—At the request of the Northeast Interstate Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order issued under section 8(c)5 of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(7) **FURTHER CONDITIONS.**—The Northeast Interstate Dairy Compact Commission shall not prohibit or in any way limit the marketing in the Compact region of any milk or milk product produced in any other production area in the United States. The Compact Commission shall respect and abide by the ongoing procedures between Federal milk marketing orders with respect to the sharing of proceeds from sales within the Compact region of bulk milk, packaged milk, or producer milk originating from outside of the Compact region. The Compact Commission shall not use compensatory payments under section 10(6) of the Compact as a barrier to the entry of milk into the Compact region or for any other purpose. Establishment of a Compact over-order price, in itself, shall not be considered a compensatory payment or a limitation or prohibition on the marketing of milk.

**SEC. 148. DAIRY EXPORT INCENTIVE PROGRAM.**

(a) **DURATION.**—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a-14(a)) is amended by striking “2001” and inserting “2002”.

(b) **SOLE DISCRETION.**—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a-14(b)) is amended by inserting “sole” before “discretion”.

(c) **ELEMENTS OF PROGRAM.**—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a-14(c)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following:

“(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization is exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

“(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.”

(d) **MARKET DEVELOPMENT.**—Section 153(e)(1) of the Food Security Act of 1985 (15 U.S.C. 713a-14(e)(1)) is amended—

(1) by striking “and” and inserting “the”; and

(2) by inserting before the period the following: “, and any additional amount that may be required to assist in the development of world markets for United States dairy products”.

(e) **MAXIMUM ALLOWABLE AMOUNTS.**—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14) is amended by adding at the end the following:

“(f) **REQUIRED FUNDING.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year.

“(2) **VOLUME LIMITATIONS.**—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.”.

**SEC. 149. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF ONE OR MORE EXPORT TRADING COMPANIES.**

7 USC 7257.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain one or more export trading companies under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

**SEC. 150. STANDBY AUTHORITY TO INDICATE ENTITY BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.**

7 USC 7258.

(a) **INDICATION OF ENTITY BEST SUITED TO ASSIST INTERNATIONAL MARKET DEVELOPMENT FOR AND EXPORT OF UNITED STATES DAIRY PRODUCTS.**—The Secretary of Agriculture shall indicate which entity or entities autonomous of the Government of the United States, which seeks such a designation, is best suited to facilitate the international market development for and exportation of United States dairy products, if the Secretary determines that—

(1) the United States dairy industry has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for an exportation of dairy products produced in the United States on or before June 30, 1997; or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1998 does not exceed the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 by 1.5 billion pounds (milk equivalent, total solids basis).

(b) **FUNDING OF EXPORT ACTIVITIES.**—The Secretary shall assist the entity or entities identified under subsection (a) in identifying

sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) APPLICATION OF SECTION.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

7 USC 7259.

**SEC. 151. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME, AND GOVERNMENT PURCHASES.**

(a) STUDY.—The Secretary of Agriculture shall conduct a study, on a variety by variety of cheese basis, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese granted access to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) REPORT.—Not later than June 30, 1997, the Secretary shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives the results of the study conducted under this section.

(c) RULE OF CONSTRUCTION.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section, unless the limitation specifically refers to this section.

**SEC. 152. PROMOTION OF UNITED STATES DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAM.**

Section 113(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: "For each of fiscal years 1997 through 2001, the Board's budget may provide for the expenditure of revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States."

**CHAPTER 2—PEANUTS AND SUGAR**

7 USC 7271.

**SEC. 155. PEANUT PROGRAM.**

(a) QUOTA PEANUTS.—

(1) AVAILABILITY OF LOANS.—The Secretary shall make nonrecourse loans available to producers of quota peanuts.

(2) LOAN RATE.—The national average quota loan rate for quota peanuts shall be \$610 per ton.

(3) INSPECTION, HANDLING, OR STORAGE.—The loan amount may not be reduced by the Secretary by any deductions for inspection, handling, or storage.

(4) LOCATION AND OTHER FACTORS.—The Secretary may make adjustments in the loan rate for quota peanuts for location of peanuts and such other factors as are authorized by section 162.

(5) OFFERS FROM HANDLERS.—If a producer markets a quota peanut crop, meeting quality requirements for domestic edible use, through the marketing association loan for two consecutive marketing years and the Secretary determines that a handler provided the producer with a written offer, upon delivery, for

the purchase of the quota peanut crops at a price equal to or in excess of the quota support price, the producer shall be ineligible for quota price support for the next marketing year. The Secretary shall establish the method by which a producer may appeal a determination under this paragraph regarding ineligibility for quota price support.

(b) ADDITIONAL PEANUTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make nonrecourse loans available to producers of additional peanuts at such rates as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

(2) LIMITATION.—The Secretary shall establish the support rate on additional peanuts at a level estimated by the Secretary to ensure that there are no losses to the Commodity Credit Corporation on the sale or disposal of the peanuts.

(3) ANNOUNCEMENT.—The Secretary shall announce the loan rate for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the loan rate is being determined.

(c) AREA MARKETING ASSOCIATIONS.—

(1) WAREHOUSE STORAGE LOANS.—

(A) IN GENERAL.—In carrying out subsections (a) and (b), the Secretary shall make warehouse storage loans available in each of the producing areas (described in section 1446.95 of title 7 of the Code of Federal Regulations (January 1, 1989)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting the loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(B) ADMINISTRATIVE AND SUPERVISORY ACTIVITIES.—An area marketing association shall be used in administrative and supervisory activities relating to loans and marketing activities under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(C) ASSOCIATION COSTS.—Loans made to the association under this paragraph shall include such costs as the area marketing association reasonably may incur in carrying out the responsibilities, operations, and activities of the association under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(2) POOLS FOR QUOTA AND ADDITIONAL PEANUTS.—

(A) IN GENERAL.—The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico.

(B) ELIGIBILITY TO PARTICIPATE IN NEW MEXICO POOLS.—

Records.  
New Mexico.

(i) **IN GENERAL.**—Except as provided in clause (ii), in the case of the 1996 and subsequent crops, Valencia peanuts not physically produced in the State of New Mexico shall not be eligible to participate in the pools of the State.

(ii) **EXCEPTION.**—A producer of Valencia peanuts may enter Valencia peanuts that are produced in Texas into the pools of New Mexico in a quantity not greater than the average annual quantity of the peanuts that the producer entered into the New Mexico pools for the 1990 through 1995 crops.

(C) **TYPES OF PEANUTS.**—Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing the pools.

(D) **NET GAINS.**—Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

(i) **QUOTA PEANUTS.**—For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool.

(ii) **ADDITIONAL PEANUTS.**—For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts.

(d) **LOSSES.**—Losses in quota area pools shall be covered using the following sources in the following order of priority:

(1) **TRANSFERS FROM ADDITIONAL LOAN POOLS.**—The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool by the producer under section 358-1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)(8)).

(2) **PRODUCERS IN SAME POOL.**—Further losses in an area quota pool shall be offset by reducing the gain of any producer in the pool by the amount of pool gains attributed to the same producer from the sale of additional peanuts for domestic and edible export use.

(3) **OFFSET WITHIN AREA.**—Further losses in an area quota pool shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation in that area and sold for domestic edible use, in accordance with regulations issued by the Secretary. This paragraph shall not apply to profits or gains from a farm with 1 acre or less of peanut production.

(4) **FIRST USE OF MARKETING ASSESSMENTS.**—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this paragraph that the Secretary determines are not required to cover losses in area quota pools.

(5) **CROSS COMPLIANCE.**—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358-1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)(8)), shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe. Regulations.

(6) **OFFSET GENERALLY.**—If losses in an area quota pool have not been entirely offset under the preceding paragraphs, further losses shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation and sold for domestic edible use, in accordance with regulations issued by the Secretary. This paragraph shall not apply to profits or gains from a farm with 1 acre or less of peanut production.

(7) **SECOND USE OF MARKETING ASSESSMENTS.**—The Secretary shall use funds collected under subsection (g) and attributable to handlers to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this paragraph that the Secretary determines are not required to cover losses in area quota pools.

(8) **INCREASED ASSESSMENTS.**—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment for producers established under subsection (g) by such an amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to quota peanuts in the production area covered by the pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(e) **DISAPPROVAL OF QUOTAS.**—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358-1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(d)).

(f) **QUALITY IMPROVEMENT.**—

(1) **IN GENERAL.**—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories of peanuts sold for domestic edible use must be shown to have been officially inspected by licensed Department inspectors both as farmer stock and shelled or cleaned in-shell peanuts;

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement

No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(g) MARKETING ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall provide for a non-refundable marketing assessment. The assessment shall be made on a per pound basis in an amount equal to 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for each of the 1997 through 2002 crops, of the national average quota or additional peanut loan rate for the applicable crop.

(2) FIRST PURCHASERS.—

(A) IN GENERAL.—Except as provided under paragraphs

(3) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

(I) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average loan rate;

(II) in the case of the 1996 crop, .6 percent of the applicable national average loan rate; and

(III) in the case of each of the 1997 through 2002 crops, .65 percent of the applicable national average loan rate;

(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate; and

(iii) remit the amounts required under clauses (i) and (ii) to the Commodity Credit Corporation in a manner specified by the Secretary.

(B) DEFINITION OF FIRST PURCHASER.—In this subsection, the term “first purchaser” means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(3) OTHER PRIVATE MARKETINGS.—In the case of a private marketing by a producer directly to a consumer through a retail or wholesale outlet or in the case of a marketing by the producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(4) LOAN PEANUTS.—In the case of peanuts that are pledged as collateral for a loan made under this section, the producer

portion of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be paid by the first purchaser of the peanuts. For purposes of computing net gains on peanuts under this section, the reduction in loan proceeds shall be treated as having been paid to the producer.

(5) **PENALTIES.**—If any person fails to collect or remit the reduction required by this subsection or fails to comply with the requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

- (A) the quantity of peanuts involved in the violation;
- by
- (B) the national average quota peanut rate for the applicable crop year.

(6) **ENFORCEMENT.**—The Secretary may enforce this subsection in the courts of the United States.

(h) **CROPS.**—Subsections (a) through (g) shall be effective only for the 1996 through 2002 crops of peanuts.

Effective date.

(i) **POUNDAGE QUOTAS.**—

(1) **IN GENERAL.**—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358-1 (7 U.S.C. 1358-1)—

(i) in the section heading, by striking “1991 THROUGH 1997 CROPS OF”;

(ii) in subsections (a)(1), (b)(1)(B), (b)(2)(A), (b)(2)(C), and (b)(3)(A), by striking “of the 1991 through 1997 marketing years” each place it appears and inserting “marketing year”;

(iii) in subsection (a)(3), by striking “1990” and inserting “1990, for the 1991 through 1995 marketing years, and 1995, for the 1996 through 2002 marketing years”;

(iv) in subsection (b)(1)(A)—

(I) by striking “each of the 1991 through 1997 marketing years” and inserting “each marketing year”; and

(II) in clause (i), by inserting before the semicolon the following: “, in the case of the 1991 through 1995 marketing years, and the 1995 marketing year, in the case of the 1996 through 2002 marketing years”;

(v) in subsection (b)(1), by adding at the end the following:

“(D) **CERTAIN FARMS INELIGIBLE FOR QUOTA.**—Effective beginning with the 1998 crop, the Secretary shall not establish a farm poundage quota under subparagraph (A) for a farm owned or controlled by—

Effective date.

“(i) a municipality, airport authority, school, college, refuge, or other public entity (other than a university used for research purposes); or

“(ii) a person who is not a producer and resides in another State.”;

(vi) in subsection (b)(2), by adding at the end the following:

“(E) **TRANSFER OF QUOTA FROM INELIGIBLE FARMS.**—Any farm poundage quota held at the end of the 1996

marketing year by a farm described in paragraph (1)(D) shall be allocated to other farms in the same State on such basis as the Secretary may by regulation prescribe.”; and

(vii) in subsection (f), by striking “1997” and inserting “2002”;

(B) in section 358b (7 U.S.C. 1358b)—

(i) in the section heading, by striking “1991 THROUGH 1995 CROPS OF”; and

(ii) in subsection (c), by striking “1995” and inserting “2002”;

(C) in section 358c(d) (7 U.S.C. 1358c(d)), by striking “1995” and inserting “2002”; and

(D) in section 358e (7 U.S.C. 1359a)—

(i) in the section heading, by striking “FOR 1991 THROUGH 1997 CROPS OF PEANUTS”; and

(ii) in subsection (i), by striking “1997” and inserting “2002”.

(2) **ELIMINATION OF QUOTA FLOOR.**—Section 358-1(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(a)(1)) is amended by striking the second sentence.

(3) **TEMPORARY QUOTA ALLOCATION.**—Section 358-1 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1) is amended—

(A) in subsection (a)(1), by striking “domestic edible, seed,” and inserting “domestic edible use (except seed)”; and

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking “subparagraph (B) and subject to”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) **TEMPORARY QUOTA ALLOCATION.**—

“(i) **ALLOCATION RELATED TO SEED PEANUTS.**—Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subparagraph.

“(ii) **QUANTITY.**—The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted and determined under regulations prescribed by the Secretary.

“(iii) **ADDITIONAL QUOTA.**—The temporary allocation of quota pounds under this paragraph shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, in total, to the producer of the peanuts on the farm in a manner prescribed by the Secretary.

“(iv) **EFFECT OF OTHER REQUIREMENTS.**—Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358e(b).”

(4) **UNDERMARKETINGS.**—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358-1(b) (7 U.S.C. 1358-1(b))—

(i) in paragraph (1)(B), by striking “including—” and clauses (i) and (ii) and inserting “including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).”;

(ii) in paragraph (3)(B), by striking “include—” and clauses (i) and (ii) and inserting “include any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).”;

(iii) by striking paragraphs (8) and (9); and

(B) in section 358b(a) (7 U.S.C. 1358b(a))—

(i) in paragraph (2), by striking “(including any applicable under marketings)”;

(ii) in paragraph (3), by striking “(including any applicable undermarketings)”.

(5) **DISASTER TRANSFERS.**—Section 358-1(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)), as amended by paragraph (4)(A)(iii), is amended by adding at the end the following:

“(8) **DISASTER TRANSFERS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), additional peanuts produced on a farm from which the quota poundage was not harvested and marketed because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, may be transferred to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation provide.

Regulations.

“(B) **LIMITATION.**—The poundage of peanuts transferred under subparagraph (A) shall not exceed the difference between—

“(i) the total quantity of peanuts meeting quality requirements for domestic edible use, as determined by the Secretary, marketed from the farm; and

“(ii) the total farm poundage quota, excluding quota pounds transferred to the farm in the fall.

“(C) **SUPPORT RATE.**—Peanuts transferred under this paragraph shall be supported at 70 percent of the quota support rate for the marketing years in which the transfers occur. The transfers for a farm shall not exceed 25 percent of the total farm quota pounds, excluding pounds transferred in the fall.”.

(6) **SALE OR LEASE.**—Section 358b(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358b(a)) is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) **SALE AND LEASE AUTHORITY.**—

“(A) **SALE OR LEASE WITHIN SAME STATE.**—Subject to subparagraph (B) and such terms and conditions as the Secretary may prescribe, the owner, or operator with the permission of the owner, of a farm in a State for which a farm poundage quota has been established may sell or lease all or any part of the poundage quota to any other owner or operator of a farm within the same State for transfer to the farm. However, any such lease of poundage quota may be entered into in the fall or after the normal planting season—

“(i) if not less than 90 percent of the basic quota (the farm quota and temporary quota transfers), plus any poundage quota transferred to the farm under this subsection, has been planted or considered planted on the farm from which the quota is to be leased; and

“(ii) under such terms and conditions as the Secretary may by regulation prescribe.

“In the case of a fall transfer or a transfer after the normal planting season by a cash lessee, the landowner shall not be required to sign the transfer authorization. A fall transfer or a transfer after the normal planting season may be made not later than 72 hours after the peanuts that are the subject of the transfer are inspected and graded.

“(B) PERCENTAGE LIMITATIONS ON SPRING TRANSFERS.—Spring transfers under subparagraph (A) by sale or lease of a quota for farms in a county to any owner or operator of a farm outside the county within the same State shall not exceed the applicable percentage specified in this subparagraph of the quotas of all farms in the originating county (as of January 1, 1996) for the crop year in which the transfer is made, plus the total amount of quotas eligible for transfer from the originating county in the preceding crop year that were not transferred in that year or that were transferred through an expired lease. However, not more than an aggregate of 40 percent of the total poundage quota within a county (as of January 1, 1996) may be transferred outside of the county. Cumulative unexpired transfers outside of a county may not exceed for a crop year the following:

“(i) For the 1996 crop, 15 percent.

“(ii) For the 1997 crop, 25 percent.

“(iii) For the 1998 crop, 30 percent.

“(iv) For the 1999 crop, 35 percent.

“(v) For the 2000 and subsequent crops, not more than an aggregate of 40 percent of the total poundage quota within the county as of January 1, 1996.

“(C) CLARIFICATION REGARDING FALL TRANSFERS.—The limitation in subparagraph (B) does not apply to 1-year fall transfers, which in all cases may be made to any farm in the same State.

“(D) EFFECT OF TRANSFER.—Any farm poundage quota transferred under this paragraph shall not result in any reduction in the farm poundage quota for the transferring farm if the transferred quota is produced or considered produced on the receiving farm.”; and

(B) by adding at the end the following:

“(4) TRANSFERS IN COUNTIES WITH SMALL QUOTAS.—Notwithstanding paragraphs (1) and (2), in the case of any county in a State for which the poundage quota allocated to the county was less than 100,000 pounds for the preceding year’s crop, all or any part of a farm poundage quota may be transferred by sale or lease or otherwise from a farm in the county to a farm in another county in the same State.”.

(1) **RECOURSE LOANS.**—Subject to paragraph (2), the Secretary shall carry out this section through the use of recourse loans.

(2) **NONRECOURSE LOANS.**—During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.

(3) **PROCESSOR ASSURANCES.**—If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for sugar beets and sugarcane delivered by producers served by the processor. The Secretary may establish appropriate minimum payments for purposes of this paragraph.

(f) **MARKETING ASSESSMENT.**—

Effective date.

(1) **SUGARCANE.**—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

Effective date.

(2) **SUGAR BEETS.**—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced

sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection in the manner prescribed by the Secretary and shall be non-refundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(g) FORFEITURE PENALTY.—

(1) IN GENERAL.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

(2) CANE SUGAR.—The penalty for cane sugar shall be 1 cent per pound.

(3) BEET SUGAR.—The penalty for beet sugar shall bear the same relation to the penalty for cane sugar as the marketing assessment for sugar beets bears to the marketing assessment for sugarcane.

(4) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

(h) INFORMATION REPORTING.—

(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

(2) PENALTY.—Any person willfully failing or refusing to furnish the information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than \$10,000 for each such violation.

(3) MONTHLY REPORTS.—Taking into consideration the information received under paragraph (1), the Secretary shall

publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(i) CROPS.—This section (other than subsection (f)) shall be effective only for the 1996 through 2002 crops of sugar beets and sugarcane.

## Subtitle E—Administration

7 USC 7281.

### SEC. 161. ADMINISTRATION.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(b) LIMITATION ON EXPENDITURE OF COMMODITY CREDIT CORPORATION FUNDS.—

(1) GENERAL POWERS AND RESPONSIBILITIES.—Section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b) is amended—

(A) in the first sentence of subsection (g), by inserting before the period the following: “, except that obligations under all such contracts or agreements (other than reimbursable agreements under section 11) for equipment or services relating to automated data processing, information technologies, or related items (including telecommunications equipment and computer hardware and software) may not exceed \$170,000,000 in fiscal year 1996 and not more than \$275,000,000 in the 6-fiscal year period beginning on October 1, 1996, unless additional amounts for such contracts and agreements are provided in advance in appropriation Acts”; and

(B) in subsection (h), by striking “shall have power to acquire personal property necessary to the conduct of its business but”.

(2) REIMBURSABLE AGREEMENTS.—Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) is amended by adding at the end the following: “After September 30, 1996, the total amount of all allotments and fund transfers from the Corporation under this section (including allotments and transfers for automated data processing or information resource management activities) for a fiscal year may not exceed the total amount of the allotments and transfers made under this section in fiscal year 1995.”

(3) REPORTING REQUIREMENTS.—Section 13 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714k) is amended by adding at the end the following: “In addition to the annual report, the Corporation shall submit to Congress on a quarterly basis an itemized report of all expenditures over \$10,000 made under section 5 or 11 during the period covered by the report, including expenditures in the form of allotments or fund transfers to other agencies and departments of the Federal Government.”

(c) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(d) REGULATIONS.—Not later than 90 days after the date of enactment of this title, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this title. The issuance of the regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

**SEC. 162. ADJUSTMENTS OF LOANS.**

7 USC 7282.

(a) **ADJUSTMENT AUTHORITY.**—The Secretary may make appropriate adjustments in the loan rates for any commodity for differences in grade, type, quality, location, and other factors.

(b) **MANNER OF ADJUSTMENT.**—The adjustments under the authority of this section shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this title.

(c) **ADJUSTMENT ON COUNTY BASIS.**—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest such rate being 95 percent of the national average loan rate, except that such action shall not result in an increase in outlays. Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

**SEC. 163. COMMODITY CREDIT CORPORATION INTEREST RATE.**

7 USC 7283.

Notwithstanding any other provision of law, the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation shall be 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995.

**SEC. 164. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.**

7 USC 7284.

(a) **IN GENERAL.**—Except as provided in subsection (b), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this title unless the loan was obtained through a fraudulent representation by the producer.

(b) **LIMITATIONS.**—Subsection (a) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(1) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(2) a failure to properly care for and preserve a commodity;

or

(3) a failure or refusal to deliver a commodity in accordance with a program established under this title.

(c) **ACQUISITION OF COLLATERAL.**—In the case of a nonrecourse loan made under this title or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), if the Commodity Credit Corporation acquires title to the unredeemed collateral, the Corporation shall be under no obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

(d) **SUGARCANE AND SUGAR BEETS.**—A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or sugar

(2) Four members shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives in consultation with the ranking minority member of the Committee.

(3) Four members shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate in consultation with the ranking minority member of the Committee.

(b) QUALIFICATIONS.—At least 1 of the members appointed under each of paragraphs (1), (2), and (3) of subsection (a) shall be an individual who is primarily involved in production agriculture. All other members of the Commission shall be appointed from among individuals having knowledge and experience in agricultural production, marketing, finance, or trade.

(c) TERM OF MEMBERS; VACANCIES.—A member of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) TIME FOR APPOINTMENT; FIRST MEETING.—The members of the Commission shall be appointed not later than October 1, 1997. The Commission shall convene its first meeting to carry out its duties under this subtitle 30 days after 6 members of the Commission have been appointed.

(e) CHAIRPERSON.—The chairperson of the Commission shall be designated jointly by the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate from among the members of the Commission.

**SEC. 183. COMPREHENSIVE REVIEW OF PAST AND FUTURE OF PRODUCTION AGRICULTURE.** 7 USC 7313.

(a) INITIAL REVIEW.—The Commission shall conduct a comprehensive review of changes in the condition of production agriculture in the United States since the date of enactment of this title and the extent to which the changes are the result of this title and the amendments made by this title. The review shall include the following:

(1) An assessment of the initial success of production flexibility contracts in supporting the economic viability of farming in the United States.

(2) An assessment of economic risks to farms delineated by size of farm operation (such as small, medium, or large farms) and region of production.

(3) An assessment of the food security situation in the United States in the areas of trade, consumer prices, international competitiveness of United States production agriculture, food supplies, and humanitarian relief.

(4) An assessment of the changes in farmland values and agricultural producer incomes since the date of enactment of this title.

(5) An assessment of the extent to which regulatory relief for agricultural producers has been enacted and implemented, including the application of cost/benefit principles in the issuance of agricultural regulations.

(6) An assessment of the extent to which tax relief for agricultural producers has been enacted in the form of capital

gains tax reductions, estate tax exemptions, and mechanisms to average tax loads over high- and low-income years.

(7) An assessment of the effect of any Federal Government interference in agricultural export markets, such as the imposition of trade embargoes, and the degree of implementation and success of international trade agreements and United States export programs.

(8) An assessment of the likely effect of the sale, lease, or transfer of farm poundage quota for peanuts across State lines.

(b) **SUBSEQUENT REVIEW.**—The Commission shall conduct a comprehensive review of the future of production agriculture in the United States and the appropriate role of the Federal Government in support of production agriculture. The review shall include the following:

(1) An assessment of changes in the condition of production agriculture in the United States since the initial review conducted under subsection (a).

(2) Identification of the appropriate future relationship of the Federal Government with production agriculture after 2002.

(3) An assessment of the personnel and infrastructure requirements of the Department of Agriculture necessary to support the future relationship of the Federal Government with production agriculture.

(4) An assessment of economic risks to farms delineated by size of farm operation (such as small, medium, or large farms) and region of production.

(c) **RECOMMENDATIONS.**—In carrying out the subsequent review under subsection (b), the Commission shall develop specific recommendations for legislation to achieve the appropriate future relationship of the Federal Government with production agriculture identified under subsection (a)(2).

7 USC 7314.

**SEC. 184. REPORTS.**

(a) **REPORT ON INITIAL REVIEW.**—Not later than June 1, 1998, the Commission shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the initial review conducted under section 183(a).

(b) **REPORT ON SUBSEQUENT REVIEW.**—Not later than January 1, 2001, the Commission shall submit to the President and the congressional committees specified in subsection (a) a report containing the results of the subsequent review conducted under section 183(b).

7 USC 7315.

**SEC. 185. POWERS.**

(a) **HEARINGS.**—The Commission may, for the purpose of carrying out this subtitle, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) **ASSISTANCE FROM OTHER AGENCIES.**—The Commission may secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out its duties under this subtitle. On the request of the chairperson of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY.—The Secretary shall provide to the Commission appropriate office space and such reasonable administrative and support services as the Commission may request.

**SEC. 186. COMMISSION PROCEDURES.**

7 USC 7316.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairperson) and at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

**SEC. 187. PERSONNEL MATTERS.**

7 USC 7317.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) STAFF.—

(1) APPOINTMENT.—The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this subtitle without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates.

(2) LIMITATION ON COMPENSATION.—No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level GS-15 of the General Schedule.

(c) DETAILED PERSONNEL.—On the request of the chairperson of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any individual may not result in the interruption or loss of civil service status or other privilege of the individual.

**SEC. 188. TERMINATION OF COMMISSION.**

7 USC 7318.

The Commission shall terminate on submission of the final report required by section 184.

## Subtitle H—Miscellaneous Commodity Provisions

**SEC. 191. OPTIONS PILOT PROGRAM.**

7 USC 7331.

(a) PILOT PROGRAMS AUTHORIZED.—Until December 31, 2002, the Secretary of Agriculture may conduct a pilot program for 1 or more agricultural commodities supported under this title to

ascertain whether futures and options contracts can provide producers with reasonable protection from the financial risks of fluctuations in price, yield, and income inherent in the production and marketing of the commodities. The pilot program shall be an alternative to other related programs of the Department of Agriculture.

(b) **DISTRIBUTION OF PILOT PROGRAM.**—For each agricultural commodity included in the pilot program, the Secretary may operate the pilot program in not more than 100 counties, except that not more than 6 of the counties may be located in any 1 State. The pilot program for a commodity shall not be operated in any county for more than 3 of the 1996 through 2002 calendar years.

(c) **ELIGIBLE PARTICIPANTS.**—In operating the pilot program, the Secretary may enter into contract with a producer who—

(1) is eligible for a production flexibility contract, a marketing assistance loan, or other assistance under this title;

(2) volunteers to participate in the pilot program;

(3) operates a farm located in a county selected for the pilot program; and

(4) meets such other eligibility requirements as the Secretary may establish.

(d) **NOTICE TO PRODUCERS.**—The Secretary shall provide notice to each producer participating in the pilot program that—

(1) the participation of the producer is voluntary; and

(2) neither the United States, the Commodity Credit Corporation, the Federal Crop Insurance Corporation, the Department of Agriculture, nor any other Federal agency is authorized to guarantee that participants in the pilot program will be better or worse off financially as a result of participation in the pilot program than the producer would have been if the producer had not participated in the pilot program.

(e) **CONTRACTS.**—The Secretary shall set forth in each contract under the pilot program the terms and conditions for participation in the pilot program and the notice required by subsection (d).

(f) **ELIGIBLE MARKETS.**—Trades for futures and options contracts under the pilot program shall be carried out on commodity futures and options markets designated as contract markets under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(g) **RECORDKEEPING.**—A producer participating in the pilot program shall compile, maintain, and submit (or authorize the compilation, maintenance, and submission) of such documentation as the regulations governing the pilot program require.

(h) **USE OF COMMODITY CREDIT CORPORATION.**—The Secretary shall fund and operate the pilot program through the Commodity Credit Corporation. To the maximum extent practicable, the Secretary shall operate the pilot program in a budget neutral manner.

(i) **CONFORMING REPEAL.**—The Options Pilot Program Act of 1990 (subtitle E of title XI of Public Law 101-624; 7 U.S.C. 1421 note) is repealed.

7 USC 7332.

**SEC. 192. RISK MANAGEMENT EDUCATION.**

In consultation with the Commodity Futures Trading Commission, the Secretary shall provide such education in management of the financial risks inherent in the production and marketing of agricultural commodities as the Secretary considers appropriate. As part of such educational activities, the Secretary may develop and implement programs to facilitate the participation of agricultural producers in commodity futures trading programs, forward

contracting options, and insurance protection programs by assisting and training producers in the usage of such programs. In implementing this authority, the Secretary may use existing research and extension authorities and resources of the Department of Agriculture.

**SEC. 193. CROP INSURANCE.**

(a) **CATASTROPHIC RISK PROTECTION.**—

(1) **SINGLE DELIVERY.**—Section 508(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(4)) is amended by adding at the end the following:

“(C) **DELIVERY OF COVERAGE.**—

“(i) **IN GENERAL.**—In full consultation with approved insurance providers, the Secretary may continue to offer catastrophic risk protection in a State (or a portion of a State) through local offices of the Department if the Secretary determines that there is an insufficient number of approved insurance providers operating in the State or portion of the State to adequately provide catastrophic risk protection coverage to producers.

“(ii) **COVERAGE BY APPROVED INSURANCE PROVIDERS.**—To the extent that catastrophic risk protection coverage by approved insurance providers is sufficiently available in a State (or a portion of a State) as determined by the Secretary, only approved insurance providers may provide the coverage in the State or portion of the State.

“(iii) **TIMING OF DETERMINATIONS.**—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall announce the results of the determinations under clause (i) for policies for the 1997 crop year. For subsequent crop years, the Secretary shall make the announcement not later than April 30 of the year preceding the year in which the crop will be produced, or at such other times during the year as the Secretary finds practicable in consultation with affected crop insurance providers for those States (or portions of States) in which catastrophic coverage remains available through local offices of the Department.

“(iv) **CURRENT POLICIES.**—This clause shall take effect beginning with the 1997 crop year. Subject to clause (ii) all catastrophic risk protection policies written by local offices of the Department shall be transferred to the approved insurance provider for performance of all sales, service, and loss adjustment functions. Any fees in connection with such policies that are not yet collected at the time of the transfer shall be payable to the approved insurance providers assuming the policies. The transfer process for policies for the 1997 crop year with sales closing dates before January 1, 1997, shall begin at the time of the Secretary's announcement under clause (iii) and be completed by the sales closing date for the crop and county. The transfer process for all subsequent policies (including policies for the 1998 and subsequent crop years) shall

Announcement.

Effective date.

(c) CROP INSURANCE FOR NURSERY CROPS.—Section 508(a)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(6)) is amended by adding at the end the following:

“(D) ADDITION OF NURSERY CROPS.—Not later than 2 years after the date of enactment of this subparagraph, the Corporation shall conduct a study and limited pilot program on the feasibility of insuring nursery crops.”

(d) MARKETING WINDOWS.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

“(4) MARKETING WINDOWS.—The Corporation shall consider marketing windows in determining whether it is feasible to require planting during a crop year.”

(e) FUNDING.—

(1) MANDATORY EXPENSES.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended—

(A) by inserting “and” at the end of subparagraph

(A);

(B) by striking “; and” at the end of subparagraph

(B) and inserting a period; and

(C) by striking subparagraph (C).

(2) FUNDING OF SALES COMMISSIONS.—Section 516(b) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)) is amended—

(A) in paragraph (1)—

(i) by striking “(A) IN GENERAL” and all that follows through “subparagraph (B), in” and inserting “In”; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)(B), by striking “subject to paragraph (1)(B).”

(3) OTHER EXPENSES.—Section 516(b)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)(A)) is amended by striking “, noninsured assistance benefits.”

(f) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

“(n) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—If a producer who is eligible to receive benefits under catastrophic risk protection under subsection (b) is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the producer shall be required to elect whether to receive benefits under this title or under the other program, but not both. A producer who purchases additional coverage under subsection (c) may also receive assistance for the same loss under other programs administered by the Secretary, except that the amount received for the loss under the additional coverage together with the amount received under the other programs may not exceed the amount of the actual loss of the producer.”

#### SEC. 194. ESTABLISHMENT OF OFFICE OF RISK MANAGEMENT.

(a) ESTABLISHMENT.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226 (7 U.S.C. 6932) the following new section:

##### “SEC. 226A. OFFICE OF RISK MANAGEMENT.

7 USC 6933.

“(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary shall establish and maintain in the Department an independent Office of Risk Management.

“(b) **FUNCTIONS OF THE OFFICE OF RISK MANAGEMENT.**—The Office of Risk Management shall have jurisdiction over the following functions:

“(1) Supervision of the Federal Crop Insurance Corporation.

“(2) Administration and oversight of all aspects, including delivery through local offices of the Department, of all programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

“(3) Any pilot or other programs involving revenue insurance, risk management savings accounts, or the use of the futures market to manage risk and support farm income that may be established under the Federal Crop Insurance Act or other law.

“(4) Such other functions as the Secretary considers appropriate.

“(c) **ADMINISTRATOR.**—

“(1) **APPOINTMENT.**—The Office of Risk Management shall be headed by an Administrator who shall be appointed by the Secretary.

“(2) **MANAGER.**—The Administrator of the Office of Risk Management shall also serve as Manager of the Federal Crop Insurance Corporation.

“(d) **RESOURCES.**—

“(1) **FUNCTIONAL COORDINATION.**—Certain functions of the Office of Risk Management, such as human resources, public affairs, and legislative affairs, may be provided by a consolidation of such functions under the Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

“(2) **MINIMUM PROVISIONS.**—Notwithstanding paragraph (1) or any other provision of law or order of the Secretary, the Secretary shall provide the Office of Risk Management with human and capital resources sufficient for the Office to carry out its functions in a timely and efficient manner.”

(b) **FISCAL YEAR 1996 FUNDING.**—From funds appropriated for the salaries and expenses of the Consolidated Farm Service Agency in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104-37), the Secretary of Agriculture may use such sums as necessary for the salaries and expenses of the Office of Risk Management established under subsection (a).

(c) **CONFORMING AMENDMENT.**—Section 226(b) of the Act (7 U.S.C. 6932(b)) is amended by striking paragraph (2).

#### **SEC. 195. REVENUE INSURANCE.**

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended by adding at the end the following:

“(9) **REVENUE INSURANCE PILOT PROGRAM.**—

“(A) **IN GENERAL.**—Not later than December 31, 1996, the Secretary shall carry out a pilot program in a limited number of counties, as determined by the Secretary, for crop years 1997, 1998, 1999, and 2000, under which a producer of wheat, feed grains, soybeans, or such other commodity as the Secretary considers appropriate may elect to receive insurance against loss of revenue, as determined by the Secretary.

“(B) **ADMINISTRATION.**—Revenue insurance under this paragraph shall—

- “(i) be offered through reinsurance arrangements with private insurance companies;
- “(ii) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;
- “(iii) be actuarially sound; and
- “(iv) require the payment of premiums and administrative fees by an insured producer.”.

**SEC. 196. ADMINISTRATION AND OPERATION OF NONINSURED CROP ASSISTANCE PROGRAM.**

**(a) OPERATION AND ADMINISTRATION OF PROGRAM.—**

(1) **IN GENERAL.**—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection otherwise available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)). The Secretary shall carry out this section through the Consolidated Farm Service Agency (in this section referred to as the “Agency”).

**(2) ELIGIBLE CROPS.—**

(A) **IN GENERAL.**—In this section, the term “eligible crop” means each commercial crop or other agricultural commodity (except livestock)—

- (i) for which catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is not available; and
- (ii) that is produced for food or fiber.

(B) **CROPS SPECIFICALLY INCLUDED.**—The term “eligible crop” shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), and industrial crops.

(3) **CAUSE OF LOSS.**—To qualify for assistance under this section, the losses of the noninsured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

**(b) APPLICATION FOR NONINSURED CROP DISASTER ASSISTANCE.—**

(1) **TIMELY APPLICATION.**—To be eligible for assistance under this section, a producer shall submit an application for noninsured crop disaster assistance at a local office of the Department. The application shall be in such form, contain such information, and be submitted at such time as the Secretary may require.

(2) **RECORDS.**—A producer shall provide records, as required by the Secretary, of crop acreage, acreage yields, and production.

(3) **ACREAGE REPORTS.**—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Secretary, by the designated acreage reporting date for the crop and location as established by the Secretary.

**(c) LOSS REQUIREMENTS.—**

(1) **REQUIRED AREA LOSS.**—A producer of an eligible crop shall not receive noninsured crop disaster assistance unless the average yield for that crop, or an equivalent measure in the event yield data are not available, in an area falls below 65 percent of the expected area yield, as established by the Secretary.

the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Secretary for continuous years), as specified in regulations issued by the Secretary based on production history requirements.

(4) PROHIBITION ON ASSIGNED YIELDS IN CERTAIN COUNTIES.—

(A) IN GENERAL.—

(i) DOCUMENTATION.—If sufficient data are available to demonstrate that the acreage of a crop in a county for the crop year has increased by more than 100 percent over any year in the preceding 7 crop years or, if data are not available, if the acreage of the crop in the county has increased significantly from the previous crop years, a producer must provide such detailed documentation of production costs, acres planted, and yield for the crop year for which benefits are being claimed as is required by the Secretary. If the Secretary determines that the documentation provided is not sufficient, the Secretary may require documenting proof that the crop, had the crop been harvested, could have been marketed at a reasonable price.

(ii) PROHIBITION.—Except as provided in subparagraph (B), a producer who produces a crop on a farm located in a county described in clause (i) may not obtain an assigned yield.

(B) EXCEPTION.—A crop or a producer shall not be subject to this subsection if—

(i) the planted acreage of the producer for the crop has been inspected by a third party acceptable to the Secretary; or

(ii)(I) the County Executive Director and the State Executive Director recommend an exemption from the requirement to the Administrator of the Agency; and

(II) the Administrator approves the recommendation.

(5) LIMITATION ON RECEIPT OF SUBSEQUENT ASSIGNED YIELD.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

(6) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Secretary shall ensure that noninsured crop disaster assistance accurately reflects significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

(f) CONTRACT PAYMENTS.—A producer who has received a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by the amount of the production equal to the amount of the contract payment received.

(g) USE OF COMMODITY CREDIT CORPORATION.—The Secretary may use the funds of the Commodity Credit Corporation to carry out this section.

(h) EXCLUSIONS.—Noninsured crop disaster assistance under this section shall not cover losses due to—

- (1) the neglect or malfeasance of the producer;
- (2) the failure of the producer to reseed to the same crop in those areas and under such circumstances where it is customary to reseed; or
- (3) the failure of the producer to follow good farming practices, as determined by the Secretary.

(i) PAYMENT AND INCOME LIMITATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) PERSON.—The term “person” has the meaning provided the term in regulations issued by the Secretary. The regulations shall conform, to the extent practicable, to the regulations defining the term “person” issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

(B) QUALIFYING GROSS REVENUES.—The term “qualifying gross revenues” means—

(i) if a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue from the farming, ranching, and forestry operations of the person; and

(ii) if less than a majority of the gross revenue of the person is received from farming, ranching, and forestry operations, the gross revenue of the person from all sources.

(2) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive annually under this section may not exceed \$100,000.

(3) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—If a producer who is eligible to receive benefits under this section is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the producer shall be required to elect whether to receive benefits under this section or under the other program, but not both.

(4) INCOME LIMITATION.—A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

(5) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.

(j) CONFORMING REPEAL.—Section 519 of the Federal Crop Insurance Act (7 U.S.C. 1519) is repealed.

**TITLE II—AGRICULTURAL TRADE****Subtitle A—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes****SEC. 201. FOOD AID TO DEVELOPING COUNTRIES.**

(a) **IN GENERAL.**—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

**“SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.**

“(a) **POLICY.**—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

“(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries; and

“(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.”

(b) **CONFORMING AMENDMENT.**—Section 411 of the Uruguay Round Agreements Act is amended by striking subsection (e) (19 U.S.C. 3611).

**SEC. 202. TRADE AND DEVELOPMENT ASSISTANCE.**

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking “developing countries” each place it appears and inserting “developing countries and private entities”; and

(2) in subsection (b), by inserting “and entities” before the period at the end.

**SEC. 203. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.**

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

**“SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.**

“(a) **PRIORITY.**—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

“(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

“(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

“(3) demonstrate the greatest need for food.

“(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

“(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

“(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term ‘agricultural trade organization’ means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

“(2) PLAN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

“(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

“(ii) describe a project or program for the development and expansion of a commercial market for a United States agricultural commodity in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

“(iii) provide for any matching funds that are required by the Secretary for the project or program;

“(iv) provide for a results-oriented means of measuring the success of the project or program; and

“(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

“(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

“(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

“(4) ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—The Secretary may make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

“(B) DURATION.—The funds may be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

“(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.”

**SEC. 204. TERMS AND CONDITIONS OF SALES.**

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “a recipient country to make”; and

(B) by striking “such country” and inserting “the appropriate country”;

(2) in subsection (c), by striking “less than 10 nor”; and

(3) in subsection (d)—

(A) by striking “recipient country” and inserting “developing country or private entity”; and

(B) by striking “7” and inserting “5”.

**SEC. 205. USE OF LOCAL CURRENCY PAYMENT.**

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking “recipient country” and inserting “developing country or private entity”; and

(2) in subsection (c)—

(A) by striking “recipient country” each place it appears and inserting “appropriate developing country”; and

(B) in paragraph (3), by striking “recipient countries” and inserting “appropriate developing countries”.

**SEC. 206. VALUE-ADDED FOODS.**

Section 105 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1705) is repealed.

**SEC. 207. ELIGIBLE ORGANIZATIONS.**

(a) IN GENERAL.—Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) NONEMERGENCY ASSISTANCE.—

“(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

“(2) LIMITATION.—The Administrator may not deny a request for funds submitted under this subsection because the program for which the funds are requested—

“(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

“(B) is not part of a development plan for the country prepared by the Agency.”; and

(2) in subsection (e)—

(A) in the subsection heading, by striking “PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES” and inserting “ELIGIBLE ORGANIZATIONS”;

(B) in paragraph (1)—

(i) by striking “\$13,500,000” and inserting “\$28,000,000”; and

(ii) by striking “private voluntary organizations and cooperatives to assist such organizations and cooperatives” and inserting “eligible organizations described in subsection (d), to assist the organizations”;  
 (C) by striking paragraph (2) and inserting the following:

“(2) REQUEST FOR FUNDS.—To receive funds made available under paragraph (1), an eligible organization described in subsection (d) shall submit a request for the funds that is subject to approval by the Administrator.”; and

(D) in paragraph (3), by striking “a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative” and inserting “an eligible organization, the Administrator may provide assistance to the eligible organization”.

(b) CONFORMING AMENDMENTS.—Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(1), by striking “a private voluntary organization or cooperative” each place it appears and inserting “an eligible organization”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “private voluntary organizations and cooperatives” and inserting “eligible organizations”; and

(B) in paragraph (2), by striking “organizations, cooperatives,” and inserting “eligible organizations”.

#### SEC. 208. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting “, or in a country in the same region,” after “in the recipient country”;

(2) in subsection (b)—

(A) by inserting “or in countries in the same region,” after “in recipient countries.”; and

(B) by striking “10 percent” and inserting “15 percent”;

(3) in subsection (c), by inserting “or in a country in the same region,” after “in the recipient country.”; and

(4) in subsection (d)(2), by inserting “or within a country in the same region” after “within the recipient country”.

#### SEC. 209. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “amount that” and all that follows through the period at the end and inserting “amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.”;

(B) in paragraph (2), by striking “amount that” and all that follows through the period at the end and inserting “amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons.”; and

- (C) in paragraph (3), by adding at the end the following: “No waiver shall be made before the beginning of the applicable fiscal year.”; and
- (2) in subsection (b)(1), by inserting before the period at the end the following: “and that not less than 50 percent of the quantity of the bagged commodities that are whole grain commodities be bagged in the United States”.

**SEC. 210. FOOD AID CONSULTATIVE GROUP.**

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

- (1) in subsection (a), by striking “private voluntary organizations, cooperatives and indigenous non-governmental organizations” and inserting “eligible organizations described in section 202(d)(1)”;
- (2) in subsection (b)—
- (A) in paragraph (2), by striking “for International Affairs and Commodity Programs” and inserting “of Agriculture for Farm and Foreign Agricultural Services”;
- (B) in paragraph (4), by striking “and” at the end;
- (C) in paragraph (5), by striking the period at the end and inserting “; and”;
- (D) by adding at the end the following:
- “(6) representatives from agricultural producer groups in the United States.”;
- (3) in the second sentence of subsection (d), by inserting “(but at least twice per year)” after “when appropriate”; and
- (4) in subsection (f), by striking “1995” and inserting “2002”.

**SEC. 211. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

- (1) in the subsection heading, by striking “INDIGENOUS NON-GOVERNMENTAL” and inserting “NONGOVERNMENTAL”; and
- (2) by striking “utilization of indigenous” and inserting “utilization of”.

(b) **CONFORMING AMENDMENT.**—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

- “(6) **NONGOVERNMENTAL ORGANIZATION.**—The term ‘non-governmental organization’ means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.”.

**SEC. 212. COMMODITY DETERMINATIONS.**

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

- (1) by striking subsections (a) through (d) and inserting the following:
- “(a) **AVAILABILITY OF COMMODITIES.**—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Sec-

retary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.”;

- (2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and
- (3) in subsection (c) (as so redesignated), by striking “(e)(1)” and inserting “(b)(1)”.

**SEC. 213. GENERAL PROVISIONS.**

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

- (1) in subsection (b)—
  - (A) in the subsection heading, by striking “CONSULTATIONS” and inserting “IMPACT ON LOCAL FARMERS AND ECONOMY”; and
  - (B) by striking “consult with” and all that follows through “other donor organizations to”;
- (2) in subsection (c)—
  - (A) by striking “from countries”; and
  - (B) by striking “for use” and inserting “or use”;
- (3) in subsection (f)—
  - (A) by inserting “or private entities, as appropriate,” after “from countries”; and
  - (B) by inserting “or private entities” after “such countries”; and
- (4) in subsection (i)(2), by striking subparagraph (C).

**SEC. 214. AGREEMENTS.**

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

- (1) in subsection (a), by inserting “with foreign countries” after “Before entering into agreements”;
- (2) in subsection (b)(2)—
  - (A) by inserting “with foreign countries” after “with respect to agreements entered into”; and
  - (B) by inserting before the semicolon at the end the following: “and broad-based economic growth”; and
- (3) in subsection (c), by striking paragraph (1) and inserting the following:
 

“(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

  - “(A) may be made available under titles I and III;
  - and
  - “(B) shall be made available under title II.”.

**SEC. 215. USE OF COMMODITY CREDIT CORPORATION.**

Section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736) is amended—

- (1) in subsection (a), by striking “shall” and inserting “may”;
- and
- (2) in subsection (b)—
  - (A) by striking “this Act” and inserting “titles II and III”; and
  - (B) by striking paragraph (4) and inserting the following:

“(4) the vessel freight charges from United States ports or designated Canadian transshipment ports, as determined by the Secretary, to designated ports of entry abroad;”.

**SEC. 216. ADMINISTRATIVE PROVISIONS.**

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or private entity that enters into an agreement under title I” after “importing country”; and

(B) in paragraph (2), by adding at the end the following: “Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting “importer or” before “importing country”; and

(B) in paragraph (2)(A), by inserting “importer or” before “importing country”;

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

“(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of full and open competitive procedures. Resulting contracts may contain such terms and conditions as the Administrator determines are necessary and appropriate.”; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country.”; and

(5) by striking subsection (h).

**SEC. 217. EXPIRATION DATE.**

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking “1995” and inserting “2002”.

**SEC. 218. REGULATIONS.**

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

**SEC. 219. INDEPENDENT EVALUATION OF PROGRAMS.**

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

**SEC. 220. AUTHORIZATION OF APPROPRIATIONS.**

Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

“(b) TRANSFER OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the President may direct that up to 15 percent of the funds available for any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act.

“(2) TITLE III FUNDS.—The President may direct that up to 50 percent of the funds available for any fiscal year for carrying out title III be used to carry out title II.”; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 221. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.**

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by striking “this Act” each place it appears and inserting “title III”.

**SEC. 222. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.**

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended by adding at the end the following:

**“SEC. 415. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.**

“(a) IN GENERAL.—Subject to the availability of practical technology and to cost effectiveness, not later than September 30, 1997, the Secretary, in consultation with the Administrator, shall establish a micronutrient fortification pilot program under this Act. The purpose of the program shall be to—

“(1) assist developing countries in correcting micronutrient dietary deficiencies among segments of the populations of the countries; and

“(2) encourage the development of technologies for the fortification of whole grains and other commodities that are readily transferable to developing countries.

“(b) SELECTION OF PARTICIPATING COUNTRIES.—From among the countries eligible for assistance under this Act, the Secretary may select not more than 5 developing countries to participate in the pilot program.

“(c) FORTIFICATION.—Under the pilot program, whole grains and other commodities made available to a developing country selected to participate in the pilot program may be fortified with 1 or more micronutrients (including vitamin A, iron, and iodine) with respect to which a substantial portion of the population in the country is deficient. The commodity may be fortified in the United States or in the developing country.

“(d) TERMINATION OF AUTHORITY.—The authority to carry out the pilot program established under this section shall terminate on September 30, 2002.”.

**SEC. 223. USE OF CERTAIN LOCAL CURRENCY.**

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is amended by adding at the end the following:

Establishment.  
Developing  
countries.  
7 USC 1736g-2.

**“SEC. 416. USE OF CERTAIN LOCAL CURRENCY.**

7 USC 1736g-3.

“Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).”

**SEC. 224. FARMER-TO-FARMER PROGRAM.**

Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

“(6) to the extent that local currencies can be used to meet the costs of a program established under this section, augment funds of the United States that are available for such a program through the use of foreign currencies that accrue from the sale of agricultural commodities under this Act, and local currencies generated from other types of foreign assistance activities, within the country where the program is being conducted.”; and

(2) in subsection (c)—

(A) by striking “0.2” and inserting “0.4”;

(B) by striking “1991 through 1995” and inserting “1996 through 2002”; and

(C) by striking “0.1” and inserting “0.2”.

**SEC. 225. FOOD SECURITY COMMODITY RESERVE.**

(a) IN GENERAL.—Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f-1 et seq.) is amended to read as follows:

**“TITLE III—FOOD SECURITY  
COMMODITY RESERVE**

Food Security  
Commodity  
Reserve Act of  
1996.

**“SEC. 301. SHORT TITLE.**7 USC 1736f-1  
note.

“This title may be cited as the ‘Food Security Commodity Reserve Act of 1996’.”

**“SEC. 302. ESTABLISHMENT OF COMMODITY RESERVE.**

7 USC 1736f-1.

“(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary of Agriculture (referred to in this title as the ‘Secretary’) shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totaling not more than 4,000,000 metric tons for use as described in subsection (c).

“(b) COMMODITIES IN RESERVE.—

“(1) IN GENERAL.—The reserve established under this section shall consist of—

“(A) wheat in the reserve established under the Food Security Wheat Reserve Act of 1980 as of the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996;

“(B) wheat, rice, corn, and sorghum (referred to in this section as ‘eligible commodities’) acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replen-

ished as of the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996; and

“(C) such rice, corn, and sorghum as the Secretary may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.

“(2) REPLENISHMENT OF RESERVE.—

“(A) IN GENERAL.—Subject to subsection (h), commodities of equivalent value to eligible commodities in the reserve established under this section may be acquired—

“(i) through purchases—

“(I) from producers; or

“(II) in the market, if the Secretary determines that the purchases will not unduly disrupt the market; or

“(ii) by designation by the Secretary of stocks of eligible commodities of the Commodity Credit Corporation.

“(B) FUNDS.—Any use of funds to acquire eligible commodities through purchases from producers or in the market to replenish the reserve must be authorized in an appropriations Act.

“(c) RELEASE OF ELIGIBLE COMMODITIES.—

“(1) EMERGENCY ASSISTANCE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), to meet unanticipated need, the Secretary may release eligible commodities in any fiscal year, without regard to the availability of domestic supply of the commodities, to provide emergency assistance to developing countries under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

“(B) RELEASE FOR EMERGENCY ASSISTANCE.—If the eligible commodities needed to meet unanticipated need cannot be made available in a timely manner under normal means for obtaining eligible commodities for food assistance because of unanticipated need for emergency assistance as provided under section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722(a)), the Secretary may in any fiscal year release from the reserve—

“(i) up to 500,000 metric tons of wheat or the equivalent value of eligible commodities other than wheat; and

“(ii) up to 500,000 metric tons of any eligible commodities under this paragraph that could have been released but were not released in prior fiscal years.

“(C) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph shall require a waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) as a prerequisite for the release of eligible commodities under this paragraph.

“(2) EMERGENCY FOOD ASSISTANCE.—Notwithstanding any other provision of law, eligible commodities designated or acquired for the reserve established under this section may

(7) in subsection (l)(1)—

(A) by striking “1991 through 1995” and inserting “1996 through 2002”; and

(B) by inserting “, and to provide technical assistance for monetization programs,” after “monitoring of food assistance programs”; and

(8) in subsection (m)—

(A) by striking “with respect to the independent states of the former Soviet Union”;

(B) by striking “private voluntary organizations and cooperatives” each place it appears and inserting “agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives”; and

(C) in paragraph (2), by striking “in the independent states”.

**SEC. 228. USE OF FOREIGN CURRENCY PROCEEDS FROM EXPORT SALES FINANCING.**

Section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922) is repealed.

**SEC. 229. STIMULATION OF FOREIGN PRODUCTION.**

Section 7 of the Act of December 30, 1947 (61 Stat. 947, chapter 526; 50 U.S.C. App. 1917), is repealed.

## **Subtitle B—Amendments to Agricultural Trade Act of 1978**

**SEC. 241. AGRICULTURAL EXPORT PROMOTION STRATEGY.**

(a) **IN GENERAL.**—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

**“SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.**

“(a) **IN GENERAL.**—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

“(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

“(2) any accession to membership in the World Trade Organization;

“(3) the continued economic growth in the Pacific Rim; and

“(4) other developments.

“(b) **PURPOSE OF STRATEGY.**—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

“(c) **GOALS OF STRATEGY.**—The strategy developed under subsection (a) shall have the following goals:

“(1) Increase the value of United States agricultural exports each year.

“(2) Increase the value of United States agricultural exports each year at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

“(3) Increase the value of United States high-value and value-added agricultural exports each year.

“(4) Increase the value of United States high-value and value-added agricultural exports each year at a faster rate than the rate of increase in the value of overall world export trade in high-value and value-added agricultural products.

“(5) Ensure that to the extent practicable—

“(A) all obligations undertaken in the Uruguay Round Agreement on Agriculture that significantly increase access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

“(B) applicable United States laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

“(d) PRIORITY MARKETS.—

“(1) IDENTIFICATION OF MARKETS.—In developing the strategy required under subsection (a), the Secretary shall annually identify as priority markets—

“(A) those markets in which imports of agricultural products show the greatest potential for increase; and

“(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase.

President.

“(2) IDENTIFICATION OF SUPPORTING OFFICES.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate should conduct a thorough review of agricultural export and food aid programs not later than December 31, 1998; and

(2) the review should examine what changes, if any, need to be made in the programs as a result of the effects of the Agricultural Market Transition Act, the Uruguay Round Agreements, changing world market conditions, and such other factors as the committees consider appropriate.

(c) ELIMINATION OF REPORT.—

(1) IN GENERAL.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking “, in a consolidated report,” and all that follows through “section 601” and inserting “or in a consolidated report”.

**SEC. 242. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.**

(a) IN GENERAL.—Title I of the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following: