



United States Department of Agriculture

Economic Research Service

The Economics of Food, Farming, Natural Resources, and Rural America

2008 Farm Bill

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2008 Farm Bill Side-By-Side

The 2008 Farm Bill Side-By-Side Comparison

Side by Side: Old and New. On the following pages is a side-by-side comparison of the new farm bill with previous legislation. Summarized but substantive, it offers a time-saving reference to farm bill provisions. In addition to key provisions and details by Title, the side-by-side includes links to related ERS publications and to analyses of previous farm acts. New features include a user's guide, an A-Z list of major provisions, and a search function.

This side-by-side is not a complete digest of all provisions in the new Farm Bill, nor does it include every element within covered key provisions. Users needing a comprehensive list of provisions or the specific language of a particular provision are encouraged to

download the [2008 Farm Bill](#)  (1.65 MB).

The **Food, Conservation, and Energy Act of 2008**, enacted into law in June 2008, will govern the bulk of Federal agriculture and related programs for the next 5 years. Its 15 titles include administrative and funding authorities for programs that cover income and commodity price support, farm credit, and risk management; conservation through land retirement, stewardship of land and water resources, and farmland protection; food assistance and agricultural development efforts abroad and promotion of international access to American farm products; food stamps, domestic food distribution, and nutrition initiatives; rural community and economic development initiatives, including regional development, rural energy efficiency, water and waste facilities, and access to broadband technology; research on critical areas of the agricultural and food sector; accessibility and sustainability of forests; encouraging production and use of agricultural and rural renewable energy sources; and initiatives for attracting and retaining beginning and socially disadvantaged farmers and ranchers.

See [2008 Farm Bill Overview](#) for a brief description of major changes to farm legislation contained in the 2008 Farm Act.



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2008 Farm Bill Side-By-Side

2008 Farm Bill Overview

The **Food, Conservation, and Energy Act of 2008**, enacted into law in June 2008, will govern the bulk of Federal agriculture and related programs for the next 5 years. Its 15 titles include administrative and funding authorities for programs that cover income and commodity price support, farm credit, and risk management; conservation through land retirement, stewardship of land and water resources, and farmland protection; food assistance and agricultural development efforts abroad and promotion of international access to American farm products; food stamps, domestic food distribution, and nutrition initiatives; rural community and economic development initiatives, including regional development, rural energy efficiency, water and waste facilities, and access to broadband technology; research on critical areas of the agricultural and food sector; accessibility and sustainability of forests; encouraging production and use of agricultural and rural renewable energy sources; and initiatives for attracting and retaining beginning and socially disadvantaged farmers and ranchers.

Among the Act's Provisions: The 2008 Farm Act continues many of the commodity programs introduced in recent farm legislation, adjusting payment levels and eligibility, while introducing a new average crop revenue election program. The Act introduces a permanent disaster assistance program and adjusts some details of the long-standing crop insurance program. Provisions for beginning and socially disadvantaged farmers and ranchers consistently provide enhanced support across most of the titles in the legislation.

New titles provide for horticultural crops and organic agriculture and for the livestock and poultry sector. The Specialty Crop Block Grant Program continues with increased mandatory funding, and pest and disease management provisions authorize annually increasing funds for early detection and risk mitigation. Funding is increased and new programs established to support producers transitioning to organic agriculture, to tailor conservation programs to organic practices, and to increase research into organic agriculture, including for increased data collection. Livestock mandatory reporting expands and country-of-origin labeling continues, with some additional commodities added. New rules governing hog and poultry production contracts and meat and poultry plant food safety are introduced.

Conservation provisions emphasize and expand working land conservation and environmental practices, including the new Conservation Stewardship Program, which redesigns and expands the previous Conservation Security Program. Wetland restoration and farmland preservation programs continue, as do land retirement programs, although at reduced funding levels. The Credit Title adds new conservation loans, and the Forestry Title includes provisions for emergency private forest restoration.

Benefits and eligibility increase for the Food Stamp Program (FSP), renamed the Supplemental Nutrition Assistance Program (SNAP) beginning in 2009. The Fresh Fruit and Vegetable Program and farmers' market and food distribution programs also receive increased funding. The Trade title repeals several export assistance programs, while continuing and expanding market development programs. Provisions increase international food assistance and authorize a small pilot program for local or regional purchase and distribution of emergency international food assistance.

Rural development programs continue to emphasize business and economic development and enhanced infrastructure, especially for health care and communications systems. Value-added agricultural activities, including renewable energy and locally and regionally

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produced agricultural products also receive greater attention. Coordination of agricultural research, education, and extension programs is reorganized through a new National Institute for Food and Agriculture and most research funding becomes competitively awarded. New research initiatives are established for specialty and organic crops, bioenergy, nutrition, and honey bees and other pollinators.

• [USDA Farm Bill Site](#)

The Energy Title expands existing programs and adds a number of new ones to encourage production, use, and development of biobased and other renewable energy sources. The 2008 Farm Act also includes a number of tax provisions, including several related to biofuels. Among these are a temporary production tax credit for cellulosic biofuels, reduction in the tax credit for ethanol after the Renewable Fuel Standard for ethanol is reached, and an extension of the additional duty on ethanol imported for fuel use through 2010.

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2008 Farm Bill Side-By-Side

The 2008 Farm Bill: Title I Provisions



Provides income support, with new payment and eligibility limits, for wheat, feed grains, cotton, rice, oilseeds, and pulses through direct payments (except pulses), counter-cyclical payments, marketing loan assistance program, and new average crop revenue election payments. Adjusts sugar loan rates and adds program to use surplus sugar for bioenergy production. Revises dairy price support to operate with administered prices for manufactured products rather than fluid milk.

List of Key Provisions:

[Direct and Counter-Cyclical Payments](#)

[Direct Payments](#) | [Counter-Cyclical Payments \(CCPs\)](#) | [Acreage Base and Payment Acres for Calculating Direct and Counter-Cyclical Payments](#) | [Treatment of Farms With Limited Base Acres](#) | [Payment Yield for Calculating Direct and Counter-Cyclical Payments](#) | [Planting Flexibility and Restrictions for Program Participants](#)

[Average Crop Revenue Election \(ACRE\) Program](#)

[ACRE Guarantee Parameters](#) | [ACRE Payment Parameters](#) | [Payment Acreage for ACRE](#) | [ACRE Payments](#) | [ACRE Payment Timing](#)

[Marketing Assistance Loans and Loan Deficiency Payments \(LDPs\)](#)

[Commodity Loan Rates](#) | [Repayment of Loans](#) | [Loan Deficiency Payments](#) | [Commodity Certificates](#) | [Recourse Loans for High-Moisture Corn and Seed Cotton](#) | [Special Upland Cotton Marketing Loan Provisions](#) | [Upland Cotton Economic Adjustment Assistance](#) | [Special Competitive Provisions for Extra-Long Stable Cotton](#)

[Peanuts](#)

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[Dairy](#)

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[Uruguay Round Compliance](#) | [Permanent Law](#) | [Payment Limits and Income Eligibility](#) | [Tracking of Benefits](#) | [Cotton Price Forecasting](#) | [Conservation Compliance](#) | [Hard White Wheat Development Program](#) | [Durum Wheat Quality Program](#) | [Quality Incentive Payments for Covered Oilseed Producers](#) | [Storage Facility Loan Program](#) | [Information Gathering](#) | [Geographically Disadvantaged Farmers and Ranchers](#)

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Provision name:

Direct and Counter-Cyclical Payments for wheat, feed grains, upland cotton, rice, peanuts, oilseeds, and pulses
Direct Payments

Previous Legislation	2008 Farm Bill																																														
Direct payments were available for producers with eligible historic acreage of wheat, corn, barley, grain sorghum, oats, upland cotton, and rice. Direct payments were extended to soybeans, other oilseeds , and peanuts.	Retains provision. Rice is divided into long-grain rice and medium-grain rice (which includes short-grain rice). Beginning with CY 2009, pulse crops (dry peas, lentils, small chickpeas, and large chickpeas) are included as covered commodities , but are not eligible for direct payments .																																														
To receive payments on covered commodities (wheat, corn, grain sorghum, barley, oats, rice, upland cotton, soybeans, and other oilseeds), a producer with eligible historic acreage entered into an annual agreement.	Retains provision for covered commodities.																																														
For peanuts, 2002 payment was made to historic 1998-2001 producers of peanuts. In 2003-07, a historic producer of peanuts could assign eligibility for payments to other farms.	Peanuts producers remain eligible for direct payments, but are treated separately from other covered commodities.																																														
An eligible farm's "payment amount" for a given commodity was product of: <ul style="list-style-type: none"> • payment rate specified for the commodity • payment acres (85% of the farm's base acreage for the covered commodity) and • payment yield for that commodity 	Retains provision, but payment acres for direct payments are reduced to 83.3% of base acres for crop years (CY) 2009-11.																																														
Payment rates were specified in 2002 Farm Act: <table border="0" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 70%;"></th> <th style="text-align: right;">Payment rate</th> </tr> </thead> <tbody> <tr><td>Wheat</td><td style="text-align: right;">\$0.52/bu</td></tr> <tr><td>Corn</td><td style="text-align: right;">\$0.28/bu</td></tr> <tr><td>Grain sorghum</td><td style="text-align: right;">\$0.35/bu</td></tr> <tr><td>Barley</td><td style="text-align: right;">\$0.24/bu</td></tr> <tr><td>Oats</td><td style="text-align: right;">\$0.024/bu</td></tr> <tr><td>Upland cotton</td><td style="text-align: right;">\$0.0667/lb</td></tr> <tr><td>Rice</td><td style="text-align: right;">\$2.35/cwt</td></tr> <tr><td>Peanuts</td><td style="text-align: right;">\$36/ton</td></tr> <tr><td>Soybeans</td><td style="text-align: right;">\$0.44/bu</td></tr> <tr><td>Other oilseeds</td><td style="text-align: right;">\$0.008/lb</td></tr> </tbody> </table>		Payment rate	Wheat	\$0.52/bu	Corn	\$0.28/bu	Grain sorghum	\$0.35/bu	Barley	\$0.24/bu	Oats	\$0.024/bu	Upland cotton	\$0.0667/lb	Rice	\$2.35/cwt	Peanuts	\$36/ton	Soybeans	\$0.44/bu	Other oilseeds	\$0.008/lb	Payment rates are specified in 2008 Farm Act: <table border="0" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 70%;"></th> <th style="text-align: right;">Payment rate</th> </tr> </thead> <tbody> <tr><td>Wheat</td><td style="text-align: right;">\$0.52/bu</td></tr> <tr><td>Corn</td><td style="text-align: right;">\$0.28/bu</td></tr> <tr><td>Grain sorghum</td><td style="text-align: right;">\$0.35/bu</td></tr> <tr><td>Barley</td><td style="text-align: right;">\$0.24/bu</td></tr> <tr><td>Oats</td><td style="text-align: right;">\$0.024/bu</td></tr> <tr><td>Upland cotton</td><td style="text-align: right;">\$0.0667/lb</td></tr> <tr><td>Long-grain rice</td><td style="text-align: right;">\$2.35/cwt</td></tr> <tr><td>Medium-grain rice</td><td style="text-align: right;">\$2.35/cwt</td></tr> <tr><td>Soybeans</td><td style="text-align: right;">\$0.44/bu</td></tr> <tr><td>Peanuts</td><td style="text-align: right;">\$36/ton</td></tr> <tr><td>Other oilseeds</td><td style="text-align: right;">\$0.80/cwt</td></tr> </tbody> </table>		Payment rate	Wheat	\$0.52/bu	Corn	\$0.28/bu	Grain sorghum	\$0.35/bu	Barley	\$0.24/bu	Oats	\$0.024/bu	Upland cotton	\$0.0667/lb	Long-grain rice	\$2.35/cwt	Medium-grain rice	\$2.35/cwt	Soybeans	\$0.44/bu	Peanuts	\$36/ton	Other oilseeds	\$0.80/cwt
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	Additional peanut program details follow below.																																														

Direct payments for 2002 crop were to be made as soon as practicable after enactment of the Farm Act. For CY 2003-07, farmers were to receive payments no sooner than Oct 1 of year the crop was harvested. Farmers could receive advance payments of up to 50% beginning Dec 1 of calendar year before the year when covered commodity was harvested.

Amendments to 2002 Farm Act reduced advance payments to 40% in CY 2006 and to 22% in CY 2007.

For CY 2008-12, direct payments may be made no sooner than Oct 1 of harvest year.

Producers can elect to receive advance payments of up to 22% of direct payment beginning Dec 1 of calendar year before the year covered commodity is harvested. For CY 2008, Secretary of Agriculture will make advance direct payments as soon as practicable after each producer's election.

Advance direct payments are not available for CY 2012.

Counter-Cyclical Payments (CCPs)

Previous Legislation	2008 Farm Bill																																																																																																	
<p>Counter-cyclical payments (CCPs) were available for producers with eligible historic acreage of covered commodities whenever effective price was less than the target price. Effective price was equal to the sum of:</p> <ul style="list-style-type: none"> higher of national average farm price for the marketing year or national commodity program loan rate and direct payment rate for the commodity 	<p>Retains provision.</p> <p>For long-grain rice and medium-grain rice, effective price is determined using same calculation, but by type or class of rice.</p> <p>Beginning with CY 2009, counter-cyclical payments are available for dry peas, lentils, small chickpeas, and large chickpeas.</p>																																																																																																	
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rice	\$10.50/cwt	\$10.50/cwt	\$10.50/cwt	Medium-grain rice	\$10.50/cwt	\$10.50/cwt	\$10.50/cwt	Peanuts	\$495/ton	\$495/ton	\$495/ton	Soybeans	\$5.80/bu	\$5.80/bu	\$6.00/bu	Other oilseeds	\$10.10/cwt	\$10.10/cwt	\$12.68/cwt	Dry peas	NA	\$8.32/cwt	\$8.32/cwt	Lentils	NA	\$12.81/cwt	\$12.81/cwt	Small chickpeas	NA	\$10.36/cwt	\$10.36/cwt	Large chickpeas	NA	\$12.81/cwt	\$12.81/cwt
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	<p>Additional peanut program details follow below.</p>																																																																																																	

For CY 2002-06, Secretary required to make CCPs for crop as soon as practicable after end of crop year (marketing year) for the covered commodity. If producer elected to receive partial payment, payment of up to 35% was required to be made in Oct of year when crop was harvested. A second payment of up to 70% minus first payment was required to be made after Feb 1. Final payment was required to be made as soon as practicable after end of crop year. For CY 2007, first partial payment, not to exceed 40%, was to be made after first 6 months of crop year.

In a year when Secretary estimates that CCPs will be required and the producer elects to receive partial payments, a first partial payment not to exceed 40% of the projected payment must be made after first 180 days of the marketing year. Final payments are to be made as soon as practical after end of the marketing year. If actual payment is less than first partial payment, producer must be repay the difference.

Partial counter-cyclical payments are not available beginning with 2011 crop year.

Acreage Base and Payment Acres for Calculating Direct and Counter-Cyclical Payments

Previous Legislation	2008 Farm Bill
<p>Owners of farms with eligible historic acreage had 1-time opportunity to select a method for determining base acreage of covered commodities for the entire farm. An owner who failed to make an election was considered to have selected 2002 production flexibility (PFC) contract acres and, for oilseed base, the 4-year average of oilseed plantings.</p> <p>Secretary directed to provide for an adjustment in base acres when a CRP contract expired or was terminated voluntarily.</p> <p>Base acreage could not exceed a farm's available cropland.</p> <p>Several options were available for designating base acres under the 2002 Act, including options that allowed for inclusion of oilseed acres. Farmland owners had to select 1 option for designating base acres on their farm.</p>	<p>Base acreage can also be adjusted for:</p> <ul style="list-style-type: none"> • eligible pulse crop acreage • eligible additional other oilseed acreage • land that has been subdivided and developed for multiple residential units <p>Base acres for pulse crops and additional oilseeds are determined in same manner used for other oilseeds in 2002 Act.</p>
<p>Payment acres were equal to 85% of base acres.</p>	<p>Retains provision, but payment acres for direct payments, counter-cyclical payments, and ACRE payments are reduced to 83.3% for CY 2009-11.</p>
<p>If conservation reserve contract expired, was voluntarily terminated, or released from coverage by Secretary, base acreage increased. For these base acres, owner of farm had to elect to receive either direct and counter-cyclical payments or prorated payment under conservation reserve contract.</p>	<p>Retains provision.</p>

Treatment of Farms With Limited Base Acres

Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Prohibits direct payments, counter-cyclical payments, and average crop revenue election payments if sum of base acres of the farm is 10 acres or less, unless farm is owned by a socially disadvantaged or limited-resource farmer or rancher.</p> <p>Secretary must evaluate effects of suspension of base acres under this provision on supply and price of fruits and vegetables.</p>

Payment Yield for Calculating Direct and Counter-Cyclical Payments

Previous Legislation	2008 Farm Bill
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Payment yields for direct payments were unchanged from 1996 Act except that peanuts, soybeans, and [other oilseeds](#) were added to program.

Soybean and other oilseed payment yields were determined based on farm's 1998-2001 average yield multiplied by national average yield for 1981-85, divided by national average yield for 1998-2001.

Payment yields for peanuts were determined as the average yield on the farm for CY 1998-2001.

Payment yields for CCPs were same as for direct payments, unless producer updated base acres. If base acres were updated, payment yields for counter-cyclical payments could be updated during the signup period.

Payment yields for direct and counter-cyclical payments are unchanged from 2002 Act except those payment yields to be established for any designated oilseed or newly eligible pulse crop.

Payment yields for pulse crops are established in same manner that was used for soybeans and other oilseeds in the 2002 Act.

Planting Flexibility and Restrictions for Program Participants

Previous Legislation	2008 Farm Bill
<p>Participants could plant 100% of their total base acreage to any crop, except with limitations on fruit, vegetables, and wild rice. Land had to be maintained in agricultural use. Unlimited haying and grazing and unlimited planting and harvesting of alfalfa and other forage crops were permitted with no reduction in payments.</p> <p>Planting of fruits, vegetables, and wild rice (excluding mung beans, lentils, and dry peas) on base acres was prohibited unless producer or farm had a history of planting fruits, vegetables, or wild rice, but payments were reduced acre-for-acre on such plantings. Double cropping of fruit, vegetables, and wild rice was permitted without loss of payments if region had a history of such double cropping.</p> <p>Producers on a farm required to submit annual acreage reports with respect to all cropland on farm.</p>	<p>Retains provision on planting restrictions for fruits, vegetables, and wild rice, excluding mung beans and pulse crops (dry peas, lentils, small chickpeas, and large chickpeas) on base acres.</p>
<p>No similar provision.</p>	<p>Authorizes pilot planting-flexibility project for CY 2009-12 to allow production of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes for processing on up to 9,000 base acres in Illinois; 9,000 base acres in Indiana; 1,000 base acres in Iowa; 9,000 base acres in Michigan; 34,000 base acres in Minnesota; 4,000 base acres in Ohio; and 9,000 base acres in Wisconsin.</p> <p>To be eligible for the pilot, producers had to have entered into contract to produce the specified crop for processing, agree to produce crop as part of a program of crop rotation, and provide evidence of disposition of crop. Base acres are reduced per crop year by an acre for each acre planted under the pilot program.</p>
<p>Participants had to abide by conservation-compliance requirements (see Title II, Compliance Mechanisms).</p>	<p>Continues conservation-compliance requirements.</p>

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Provision name:



Average Crop Revenue Election (ACRE) Program

Previous Legislation	2008 Farm Bill
No similar provision.	<p>An optional revenue-based counter-cyclical program, Average Crop Revenue Election (ACRE) program, is available beginning with 2009 crop year, as an alternative to receiving counter-cyclical payments.</p> <p>Producers on a farm with covered commodities and/or peanuts can elect to participate in the ACRE program for all covered commodities and peanut acreage on the farm. Once they elect to participate in ACRE, producers on the farm must remain in the program for the duration of the 2008 Act.</p> <p>For ACRE participants, direct payments are reduced by 20% and marketing assistance loan rates are reduced by 30% on enrolled farms.</p>



ACRE Guarantee Parameters

Previous Legislation	2008 Farm Bill
No similar provision.	<p>ACRE Program Guarantee: Participants are eligible for State-based revenue coverage equaling 90% of product of:</p> <ul style="list-style-type: none"> • 5-year ACRE benchmark State yield • 2-year ACRE program guarantee price <p>ACRE benchmark State yield: average yield per planted acre for commodity in the State in previous 5 years, dropping high and low yields. Secretary can assign yields if yields are not available or are unrepresentative of average State yields.</p> <p>ACRE program guarantee price: commodity-specific 2-year national average market price received by producers.</p> <p>ACRE program guarantee for CY 2010-12 cannot change by more than 10% from the guarantee for previous crop year.</p> <p>For States with more than 25% of acreage planted to a covered crop or peanuts that is irrigated and 25% of acreage planted that is nonirrigated, Secretary must calculate separate guarantees for irrigated and nonirrigated acreage.</p>

ACRE Payment Parameters

Previous Legislation	2008 Farm Bill
No similar provision.	<p>ACRE national average market price: greater of</p> <ul style="list-style-type: none"> • the national average commodity market price received by producers during the 12-month marketing year; or • the reduced marketing assistance commodity loan rate. <p>ACRE actual State revenue: actual State yield per planted acre x the 12-month ACRE national average market price.</p> <p>ACRE actual State yield per planted acre: crop year commodity production (quantity) produced in the State per planted acre.</p> <p>ACRE actual farm revenue: actual commodity farm yield</p>

	<p>per planted acre x the ACRE national average market price.</p> <p>ACRE benchmark farm revenue: [5-yr Olympic average farm crop yield per planted acre x ACRE program guarantee price] + crop insurance premiums per acre]</p> <p>Farm-specific productivity ratio: 5-year Olympic average farm crop yield per planted acre/ACRE benchmark State yield</p>
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Payment Acreage for ACRE

Previous Legislation	2008 Farm Bill
No similar provision.	<p>ACRE revenue payments are made on 83.3% of acreage planted or considered planted to covered commodities or peanuts in CY 2009-11 and 85% in CY 2012.</p> <p>Total number of planted acres for which producers on a farm may receive ACRE payments may not exceed total base acreage for all covered commodities and peanuts on the farm.</p>

ACRE Payments

Previous Legislation	2008 Farm Bill
No similar provision.	<p>ACRE payments can be triggered by a decrease in State yields or the national average market price.</p> <p>Enrolled producers are eligible for ACRE payments if ACRE actual State revenue for the covered commodity or peanuts in the State is less than ACRE program guarantee for crop year AND ACRE actual farm revenue is less than the ACRE benchmark farm revenue.</p> <p>ACRE Payments per commodity equal:</p> <p>1) Lesser of: a) ACRE program guarantee – actual State revenue OR b) 25% of ACRE program guarantee x 2) Planted crop acres: 83.3% in CY 2009-11 and 85% in CY 2012 of farm planted, or considered planted, crop acres not to exceed total base acres x 3) Farm-specific productivity ratio</p>

ACRE Payment Timing

Previous Legislation	2008 Farm Bill
No similar provision.	ACRE payments are made beginning October 1, or as soon as practicable after end of applicable marketing year.

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Provision name: 

Marketing Assistance Loans and Loan Deficiency Payments (LDPs) are available to minimize potential commodity-secured loan forfeitures and subsequent government accumulation of stocks.

Previous Legislation	2008 Farm Bill
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Nonrecourse commodity loans with marketing loan provisions were extended. Commodity loans were for up to 9 months. Producers had to comply with conservation and wetland requirements to be eligible for a loan. Marketing loan provisions were continued allowing repayment of loans at less than full principal plus interest when prices were below loan rates.

Loan rates were fixed in legislation. Marketing loan provisions were extended to peanuts, wool, mohair, honey, small chickpeas, lentils, and dry peas. Producers no longer had to enter into an agreement for direct payments to be eligible for loan program benefits.

Peanut marketing assistance loans could have been obtained through:

- designated marketing association or marketing cooperative of producers or
- Farm Service Agency

Extends **nonrecourse commodity loans** with marketing loan provisions.

Loan rates are fixed in legislation. Retains eligibility provisions.

Eligible crops unchanged, except rice is divided into long-grain rice and medium-grain rice. Adds large chickpeas and peanuts.

Extra Long Staple (ELS) cotton loans were recourse and had to be repaid at the loan rate plus interest.

Retains provision.

Commodity Loan Rates are per-unit values available to farmers via commodity-secured loans.

Previous Legislation			2008 Farm Bill			
Loan rates were fixed in legislation:			Loan rates are fixed in legislation:			
	<u>CY 2002-03</u>	<u>CYs 2004-07</u>		<u>CY 2008</u>	<u>CY 2009</u>	<u>CYs 2010-12</u>
Wheat	\$2.80/bu	\$2.75/bu	Wheat	\$2.75/bu	\$2.75/bu	\$2.94/bu
Corn	\$1.98/bu	\$1.95/bu	Corn	\$1.95/bu	\$1.95/bu	\$1.95/bu
Grain sorghum	\$1.98/bu	\$1.95/bu	Grain sorghum	\$1.95/bu	\$1.95/bu	\$1.95/bu
Barley	\$1.88/bu	\$1.85/bu	Barley	\$1.85/bu	\$1.85/bu	\$1.95/bu
Oats	\$1.35/bu	\$1.33/bu	Oats	\$1.33/bu	\$1.33/bu	\$1.39/bu
Rice	\$6.50/cwt	\$6.50/cwt	Long-grain rice	\$6.50/cwt	\$6.50/cwt	\$6.50/cwt
Soybeans	\$5.00/bu	\$5.00/bu	Medium-grain rice	\$6.50/cwt	\$6.50/cwt	\$6.50/cwt
Other oilseeds	\$0.096/lb	\$0.093/lb	Soybeans	\$5.00/bu	\$5.00/bu	\$5.00/bu
Upland cotton	\$0.52/lb	\$0.52/lb	Other oilseeds	\$9.30/cwt	\$9.30/cwt	\$10.09/cwt
ELS cotton	\$0.7977/lb	\$0.7977/lb	Upland cotton	\$0.52/lb	\$0.52/lb	\$0.52/lb
Peanuts	\$355/ton	\$355/ton	ELS cotton	\$0.7977/lb	\$0.7977/lb	\$0.7977/lb
Graded wool	\$1.00/lb	\$1.00/lb	Peanuts	\$355/ton	\$355/ton	\$355/ton
Nongraded wool	\$0.40/lb	\$0.40/lb	Graded wool	\$1.00/lb	\$1.00/lb	\$1.15/lb
Mohair	\$4.20/lb	\$4.20/lb	Nongraded wool	\$0.40/lb	\$0.40/lb	\$0.40/lb
Honey	\$0.60/lb	\$0.60/lb	Mohair	\$4.20/lb	\$4.20/lb	\$4.20/lb
Small chickpeas	\$7.56/cwt	\$7.43/cwt	Honey	\$0.60/lb	\$0.60/lb	\$0.69/lb
Lentils	\$11.94/cwt	\$11.72/cwt	Small chickpeas	\$7.43/cwt	\$7.43/cwt	\$7.43/cwt
Dry peas	\$6.33/cwt	\$6.22/cwt	Large chickpeas	NA	\$11.28/cwt	\$11.28/cwt
			Lentils	\$11.72/cwt	\$11.28/cwt	\$11.28/cwt
			Dry peas	\$6.22/cwt	\$5.40/cwt	\$5.40/cwt
No similar provision.			Requires Secretary to establish single loan rate for each kind of other oilseed in each county.			

No similar provision.	Reduces loan rates by 30% for farms in ACRE program.
Repayment of Loans can occur at loan rate plus interest or at a lower marketing loan repayment rate when market prices are below commodity loan rates.	
Previous Legislation	2008 Farm Bill
<p>Marketing loans were continued for wheat, feed grains, upland cotton, rice, soybeans, and other oilseeds. Marketing loan provisions were extended to peanuts, wool, mohair, honey, small chickpeas, lentils, and dry peas. Loans could be repaid at loan rate plus interest, or repaid at a rate less than the sum of original loan rate plus interest owed when market prices were below commodity loan rates.</p>	<p>Retains provision, with loan availability extended to large chickpeas.</p>
<p>Required Secretary to determine loan repayment rates for loan commodities—other than upland cotton, ELS cotton, and rice—at rate that:</p> <ul style="list-style-type: none"> • minimized accumulation of stocks of commodity • minimized storage costs • allowed commodity produced in U.S. to be marketed freely and competitively, both domestically and internationally • minimized discrepancies in marketing loan benefits across State boundaries and across county boundaries <p>Marketing loan repayment rates were based on local, posted county prices (PCPs) for wheat, feed grains, and oilseeds. PCPs were calculated (and posted) by government each day the Federal government was open, except other oilseeds (other than soybeans), which were calculated weekly.</p>	<p>Retains provisions—other than for upland cotton, ELS cotton, long-grain rice, medium-grain rice, confectionery, and each other kind of sunflower seed (other than oil sunflower seed).</p> <p>Also allows Secretary to determine loan repayment rates for loan commodities at rate based on average market prices for loan commodity during preceding 30-day period.</p>
<p>Marketing loan repayment rates for rice and upland cotton were based on prevailing world market prices. World market price for rice was determined by a formula adjusted for U.S. quality and location. Quality adjustment for upland cotton was based on Northern Europe price. Prevailing world market prices were calculated on a weekly basis.</p> <p>Secretary to prescribe by regulation:</p> <ul style="list-style-type: none"> • formula to determine prevailing world market price for upland cotton and rice, adjusted to U.S. quality and location • mechanism to announce periodically prevailing world market price 	<p>Retains provision. Quality adjustment for upland cotton based on cotton of comparable quality delivered to a definable and significant international market.</p>
No similar provision.	Marketing assistance loans for confectionery and each other kind of sunflower seed (except oil sunflower seed) can be repaid at rate that is lesser of loan rate plus interest or repayment rate established for oil sunflower seed.

Secretary could adjust commodity loan rates for commodities based on differences in grade, type, quality, location, and other factors. Loan repayment rate were adjusted for quality grades for the applicable commodity.	<p>Authorizes Secretary to modify repayment rates under the marketing loan program in the event of a severe disruption to marketing, transportation, or related infrastructure.</p> <p>Requires Secretary to revise marketing assistance loan program for upland cotton to better reflect market values for upland cotton.</p> <p>Secretary shall not make adjustments in loan rates for long-grain rice and medium-grain rice, except for differences in grade and quality (including milling yields).</p>
A USDA-determined lower repayment rate option for peanuts was designed to minimize commodity forfeiture, government-owned stocks, and storage costs, and to allow peanuts to be marketed freely and competitively, both domestically and internationally.	Retains provision.

Loan Deficiency Payments are an alternative for producers to receiving marketing assistance loans.

Previous Legislation	2008 Farm Bill
<p>To reduce administrative costs, loan deficiency payments were available when market prices were lower than commodity loan rates. LDPs to producers amounted to difference between commodity loan rate and what producer's loan repayment rate would be under marketing loan provisions.</p> <p>Payment amount was determined whenever producer requested payment or on date when producer lost ownership of commodity.</p> <p>LDPs were available for all loan commodities except ELS cotton.</p>	Retains provision. Includes authority for Secretary to base loan repayment rate on average market prices for loan commodity during preceding 30-day period.
Unshorn pelts (wool), hay, and silage became eligible for LDPs.	Retains provision.
<p>Producers who elected to use acreage planted to wheat, barley, oats, or triticale for grazing of livestock were eligible to receive LDPs. Payment amount was determined by multiplying acreage grazed times direct payment yield for covered commodity on that acreage.</p> <p>Producers electing this payment were not eligible for a crop insurance indemnity or for noninsured crop assistance.</p>	Retains provision.

Commodity Certificates

Previous Legislation	2008 Farm Bill
Commodity certificates could be purchased at posted county price for wheat, feed grains, and oilseeds, national posted price for peanuts, or at effective adjusted world price for rice or upland cotton. Certificates were available so that producers could immediately acquire crop collateral they had pledged to the Commodity Credit Corporation (CCC) for a commodity loan.	Retains provision for 2007-08 crops.
USDA authorized to pay storage and other costs associated with upland cotton going into the loan program.	Continues cotton storage payments, but reduces rates by 10% from rates provided in 2006 for CY 2008-11. Reduces rates by 20% for CY 2012.

Recourse Loans for High-Moisture Corn and Seed Cotton

Previous Legislation	2008 Farm Bill
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Recourse loans were available to producers who normally harvested all or a portion of their corn or grain sorghum in a high-moisture condition, having moisture content in excess of CCC standards for marketing assistance loans. Borrowers had to repay recourse loans; i.e., they could not pledge crops as collateral.	Retains provision.
Recourse seed cotton loans could be made on any production of upland and ELS cotton.	Retains provision.
Repayment of a recourse loans made under this section was made at loan rate established for the commodity, plus interest.	Retains provision.
Special Upland Cotton Marketing Loan Provisions	
Previous Legislation	2008 Farm Bill
Special import quotas permitted President to announce a special import quota for upland cotton to temporarily increase cotton supplies.	Retains provision.
A limited global import quota was authorized when average monthly spot price of base-quality upland cotton exceeded 130% of average price during preceding 36 months.	Retains provision.
Upland cotton user marketing certificates (Step 2 payments) were available to domestic users and exporters subject to price conditions in the U.S. and Northern Europe. Provisions were repealed on Aug 1, 2006.	No similar provision.
Upland Cotton Economic Adjustment Assistance	
Previous Legislation	2008 Farm Bill
No similar provision.	From Aug 1, 2008 through July 31, 2012, economic adjustment assistance equal to 4 cents/lb shall be provided to domestic users of upland cotton for all documented use of upland cotton during previous month regardless of the origin of the cotton. Payment rate drops to 3 cents/lb on Aug 1, 2012. Assistance can be used only for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery.
Special Competitive Provisions for Extra-Long Staple Cotton	
Previous Legislation	2008 Farm Bill
Retained program to increase exports and maintain competitiveness of ELS cotton in world markets. Payments were made to domestic users and exporters when world market price was below the U.S. price for 4 consecutive weeks and lowest priced competing ELS cotton was less than 134% of ELS loan rate.	Retains provision.

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Provision name: 

Peanuts	
Previous Legislation	2008 Farm Bill

Peanut price support program was converted to a system providing direct and counter-cyclical payments and nonrecourse loans with marketing loan provisions.


[Marketing quota for peanuts](#) was eliminated through a quota buyout. New direct payment of \$36/ton was available to peanut producers. Peanut producers were eligible for new counter-cyclical payments when market prices were below an established target price of \$495/ ton. Peanut loan rate was fixed at \$355/ton. Peanut base and payment limits were treated separately from covered crops.

Provision retained. See provisions for [Direct and Counter-Cyclical Payments](#) and for [Marketing Assistance Loans and Loan Deficiency Payments \(LDPs\)](#).

 Storage and Handling Costs	
Previous Legislation	2008 Farm Bill
For 2002-06 peanut crops, Secretary was required to use CCC funds to pay storage, handling, and other costs associated with commodity-secured loans to peanut producers. Authority terminated beginning with 2007 crop.	Beginning with 2008 crop, Secretary must use CCC funds to pay handling and associated costs (excluding storage) for peanuts placed under commodity-secured loan. These costs are not excluded from a producer's loan proceeds at the time peanuts are placed in the loan. Secretary must pay handling and associated costs (including storage) for peanuts forfeited to CCC. Producers must repay handling and associated costs if loans are redeemed.

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Provision name: 

Sugar <	
 Price Support	
Previous Legislation	2008 Farm Bill
Reauthorized nonrecourse loan program for processors of domestically grown sugar through fiscal year (FY) 2008 at 18 cents/lb for raw cane sugar and 22.9 cents/lb for refined beet sugar.	Reauthorizes nonrecourse loan program through FY 2013. Loan rate for raw cane sugar is: <ul style="list-style-type: none"> • 18 cents/lb in FY 2009 • 18.25 cents/lb in FY 2010 • 18.50 cents/lb in FY 2011 • 18.75 cents/lb in FY 2012-13 Loan rate for refined beet sugar is: <ul style="list-style-type: none"> • 22.9 cents/lb in FY 2009 • 128.5% of loan rate for raw cane sugar in FY 2010-13
For producers who deliver sugar beets and sugarcane to processors, processors had to provide payments proportional to the value of nonrecourse loans processors received for these commodities.	Retains provision.
Loans could not be made earlier than beginning of fiscal year. Loans matured at earlier of end of 9 months or end of fiscal year in which loan was made. For loans made in last 3 months of a fiscal year, processor could repledge sugar as collateral for second loan in subsequent fiscal year. These supplemental loans were made at loan rate in effect at time first loan was made, and matured in 9 months minus period of time that first loan was in effect.	Retains provision.

Nonrecourse loans were extended to in-process beets and cane syrups. Loan rate was set at 80% of loan rate applicable to raw cane sugar or refined beet sugar, depending on source material for the in-process sugars and syrups.	Retains provision.
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Loan rates could be reduced, at Secretary's discretion, if foreign producers reduced export subsidies and support levels below their current World Trade Organization (WTO) commitments.	Does not extend authority to reduce loan rates.
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Avoiding Forfeitures

Previous Legislation	2008 Farm Bill
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Secretary is directed to operate nonrecourse sugar loan program at no net cost to Federal Government by avoiding sugar loan forfeitures.

 **Inventory Reduction**

Previous Legislation	2008 Farm Bill
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Inventory reduction offers sugar processors option of diverting portion of their production in exchange for receiving CCC sugar held in inventory.

To maximum extent practicable, sugar program was to be operated at no cost to the Federal government. Secretary could provide CCC-owned sugar to processors of sugarcane and sugar beets in return for reduction of production (acting prior to planting in conjunction with the producers of sugar to be processed), Program was frequently referred to as a payment-in-kind (PIK) program.

Retains provision.

Bioenergy Feedstock

Previous Legislation	2008 Farm Bill
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No similar provision.

If reduction in production is necessary to avoid forfeitures, quantity of sugarcane and sugar beets that has already been planted may not be used for any commercial purpose other than as a bioenergy feedstock. See Title IX, [Feedstock Flexibility Program for Bioenergy Producers](#).

Information Reporting

Previous Legislation	2008 Farm Bill
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Required sugarcane processors, cane sugar refiners, and sugar beet processors, on a monthly basis, to furnish such information as Secretary may need to administer the sugar programs. Such information included quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

Extends provision.

Requires Secretary to collect information on production, consumption, stocks, and trade of sugar in Mexico, including U.S. exports of sugar to Mexico; and publicly available information on Mexican production, consumption, and trade of high-fructose-corn syrups.

Data on Mexico must be published in each edition of USDA's monthly [World Agricultural Supply and Demand Estimates](#).

Importers of sugars, syrups, or molasses to be used for human consumption, or for extraction of sugar for human consumption had to report quantities of products imported and sugar content or equivalent of the products. Importers were not required to report quantities subject to lower rate of import duties (tariff-rate quotas).

Retains provision.

Flexible Marketing Allotments

Previous Legislation	2008 Farm Bill
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Flexible marketing allotments authorize Secretary to impose marketing allotments in order to avoid forfeitures.	
<p>Required Secretary to annually estimate quantity of sugar for domestic human consumption, reasonable carryover stocks, carry-in stocks, domestic production, and imports.</p> <p>Directed Secretary to annually estimate quantity of sugars, syrups, and molasses to be imported for human consumption both within a tariff-rate quota or in excess or outside a tariff-rate quota. Sugar imported for production of polyhydric alcohols or to be refined and reexported in refined form or in sugar-containing products was excluded from estimate.</p>	Extends provision.
<p>Overall allotment quantity (OAQ) was to be divided between beet processors (54.35%) and cane producers (45.65%), including cane producers of Hawaii and Puerto Rico.</p> <p>Allotments did not apply to sugar produced for export or for use in production of ethanol or other bioenergy products.</p>	Retains provision. Allotment quantity may not be less than 85% of estimated deliveries for food and human consumption.
<p>Allotments were to be automatically suspended when estimates of imports for domestic food use exceeded sum of:</p> <ul style="list-style-type: none"> • 1.532 million short tons and • quantities of sugar reassigned to imports from unfilled allocations of beet sugar or cane sugar overall allotment quantity (OAQ) 	Eliminates provision.
<p>If Secretary determined that any sugarcane processor who had been allocated a share of a State cane sugar allotment was unable to market processor's allocation for the crop year, Secretary would reassign estimated quantity of the deficit. Allocations were to be divided initially among other processors within that State, then to other cane sugar States, then to CCC inventories, and finally to imports.</p> <p>If Secretary determined that any sugar beet processor who had been allocated a share of the beet sugar allotment was unable to market processor's allocations for the crop year, Secretary would reassign estimated quantity of the deficit to other beet processors, then to CCC inventories, and finally to imports.</p>	Extends provision.
<p>Cost of storing excess production was shifted from Government to industry. When allotments were in place, processors who expanded marketings in excess of rate of growth in domestic sugar demand had to postpone sale of some sugar, and either store it at their own expense or sell it for other than domestic food use.</p>	Extends provision.
Tariff-Rate Quotas (TRQs)	
Previous Legislation	2008 Farm Bill

U.S. Trade Representative, in consultation with Secretary, was to determine amount of cane sugar quota used by each qualified supplying country for that crop year, and could reallocate unused quota for that crop year after June 1 among other qualified supplying countries.

TRQs for raw cane sugar and refined sugars must be established at the minimum level necessary to comply with obligations under international trade agreements.

If a sugar shortage occurs due to an emergency situation such as natural disaster or war or similar event prior to April 1 of crop year, domestic marketing allotments, along with necessary reassignments, including those made to imports, can be increased. If these actions are insufficient to meet the emergency situation, then further increases in refined sugar TRQ may be made. After April 1, if there is a shortage of sugar (whatever the cause) domestic marketing allotments, along with necessary reassignments, including those made to imports, can be increased. If there is still a shortage of sugar in U.S. market, and marketing of domestic sugar has been maximized, Secretary may increase TRQ for raw cane sugar if further increase does not threaten to result in forfeiture of sugar pledged as loan collateral.


Sugar Storage Facility Loan Program provides financing for processors of domestically produced sugarcane and sugar beets to construct or upgrade storage and handling facilities for raw sugars and refined sugars.

Previous Legislation	2008 Farm Bill
<p>Program extended to sugar processors the type of storage facility loan program available to grain and other crop farmers, in order to facilitate orderly marketing of sugar.</p> <p>To obtain a loan through this program, borrower was required to complete an environmental cost-benefit analysis. Program was implemented, but had no activity.</p>	<p>Extends provision.</p>

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Provision name: 

Dairy. Three major Federal dairy programs are currently in place: milk price support, Federal milk marketing orders, and milk income loss contract payment.

 **Federal Milk Marketing Orders** classify and fix minimum prices according to the products in which milk is used.

Previous Legislation	2008 Farm Bill
<p>Continued 11 Federal milk marketing orders. Western Federal milk marketing order was terminated, effective Apr 1, 2004.</p>	<p>Continues Federal milk marketing orders.</p>
<p>No similar provision.</p>	<p>Not later than 60 days after enactment of 2008 Act, Secretary must issue, using informal rulemaking, supplemental rules of practice to define and revise guidelines and timeframes for amending marketing orders.</p>
<p>No similar provision.</p>	<p>Subject to availability of appropriations, a Federal Milk Marketing Order Review Commission, consisting of 14 members, must be established to conduct a comprehensive review and evaluation of the current Federal milk marketing order system and non-Federal milk marketing order systems. Within 2 years following first meeting of commission, commission must submit a report to Secretary and Congress.</p>


Price Support is provided through government purchases of butter, nonfat dry milk, and cheese.

Previous Legislation	2008 Farm Bill
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<p>Secretary to support price of milk in 48 contiguous States. Minimum support price for milk was fixed at \$9.90/cwt for milk containing 3.67% butterfat. Support was maintained through government purchases of butter, nonfat dry milk, and cheese. Secretary could distribute price support between nonfat dry milk and butter in a way that minimized CCC expenditures. Authority to adjust support prices for butter and nonfat dry milk was limited to twice per calendar year.</p>	<p>Dairy price support is provided through purchases of specific products at specific prices.</p> <p>Secretary must purchase:</p> <ul style="list-style-type: none"> • cheddar cheese in blocks at not less than \$1.13/lb • cheddar cheese in barrels at not less than \$1.10/lb • butter at not less than \$1.05/lb • nonfat dry milk at not less than \$0.80/lb <p>Prices Secretary pays for cheese, butter, or nonfat dry milk must be uniform for all U.S. regions.</p>
	<p>Secretary may make purchase price adjustments in order to manage inventories held by CCC. Permissible quantities and duration of price adjustments are specified.</p>
	<p>Commodities purchased by CCC can be sold back to industry at market prices prevailing for that commodity at the time of sale. The sell-back price may not be less than 110% of specified minimum purchase price for the commodity being sold back for unrestricted use.</p>

Milk Income Loss Contract (MILC) Payments

Previous Legislation	2008 Farm Bill
<p>Established a milk income loss contract (MILC) payments program. Producers entered into contracts ending on Sept 30, 2005. A qualifying dairy farm operator could receive a monthly direct payment when monthly Class I price in Boston (Federal Marketing Order 1) was less than \$16.94/cwt.</p> <p>Agricultural Reconciliation Act of 2005 reauthorized the program through Sept 30, 2007. Extended program period was called MILCX. Payment-rate-calculation provisions stopped any possible payments 1 month short, at the end of Aug, terminating the program at that time.</p> <p>Supplemental Appropriations for Defense, International Affairs, and Other Security-Related Needs Act of 2007 amended provision to remove the 1-month zero-payment rate.</p>	<p>Continues program through Sept 30, 2012.</p>
<p>Payment rate was 45% of difference between \$16.94/cwt and Class I price in the Boston milk marketing order for the applicable month. 2002 Act amended to reduce payment rate to 34% of difference.</p>	<p>Defines payment rate for 3 specific periods:</p> <ul style="list-style-type: none"> • From Oct 1, 2007-Sept 30, 2008, 34% of difference between \$16.94/cwt (as adjusted) and Class I price in the Boston milk marketing order for the applicable month • From Oct 1, 2008-Aug 31, 2012, 45% of difference between \$16.94/cwt (as adjusted) and Class I price in the Boston milk marketing order for the applicable month • For period starting Sept 1, 2012 and thereafter, 34% of difference between \$16.94/cwt (as adjusted) and Class I price in the Boston milk marketing order for the applicable month <p>The \$16.94 price will be adjusted by percentage that National Average Dairy Feed Rations Cost exceeds \$7.35/cwt for any month for period from Jan 1, 2008-Aug 31, 2012. Target cost of feed rations increases to \$9.50/cwt beginning Sept 1, 2012.</p>

Producers, on an operation-by-operation basis, could receive payments on no more than 2.4 million lbs of milk marketed per year. Producers could not reorganize dairy operations for sole purpose of receiving additional payment. Payment quantity for a producer equaled quantity of eligible production marketed by producer during the month.	Specifies cap on milk marketed that is eligible for payments for 3 specific periods: <ul style="list-style-type: none"> • For Oct 1, 2007-Sept 30, 2008, 2.4 million lbs for the fiscal year • For Oct 1, 2008-Aug 31, 2012, 2.985 million lbs for each fiscal year • Beginning Sept 1, 2012, 2.4 million lbs for each fiscal year
Dairy Indemnity Program	
Previous Legislation	2008 Farm Bill
Authorized Secretary to make indemnity payments to dairy farmers who were directed to remove milk from the market due to presence of chemical residues.	Reauthorizes program.
Dairy Forward Pricing Program	
Previous Legislation	2008 Farm Bill
Consolidated Appropriations Act of 2000 amended Agricultural Marketing Agreement Act of 1937 to mandate implementation of a Dairy Forward Pricing Pilot Program through Dec 31, 2004. Required Secretary to study the program to determine effects of forward pricing on milk prices paid to producers in the U.S. (See A Study of the Dairy Forward Pricing Pilot Program and Its Effect on Prices Paid Producers for Milk and Economic Effects of U.S. Dairy Policy. )	Establishes permanent program under which milk producers and cooperative associations of producers are authorized to enter voluntarily into forward price contracts with milk handlers. A milk handler may not require participation in a forward price contract as a condition of accepting milk from a producer or cooperative. A producer or cooperative association that does not enter into a forward price contract may continue to have milk priced under the minimum payment provisions of the applicable milk marketing order. No forward price contract under this section may be entered into after Sept 30, 2012 or extend beyond Sept 30, 2015.
Mandatory Reporting of Dairy Commodities	
Previous Legislation	2008 Farm Bill
No similar provision.	Subject to availability of funds, requires Secretary to establish an electronic reporting system for mandatory reporting of dairy commodities information. These reports are to be audited quarterly.
Dairy Export Incentive Program (DEIP) subsidizes exports of U.S. dairy products, requiring CCC to make payments, on a bid basis, to an entity that exports U.S. dairy products.	
Previous Legislation	2008 Farm Bill
Extended DEIP to 2007. Secretary was required to authorize subsidies sufficient to export maximum volume of dairy products allowable under Uruguay Round-GATT (UR-GATT), subject to UR-GATT (later World Trade Organization) funding limits. DEIP was to be used for market development purposes.	Extends DEIP, with added emphasis on maximum use of program consistent with U.S. multilateral trade agreement obligations.
National Dairy Promotion and Research Program (NDPRP) and National Fluid Milk Processor Promotion Program (NFMPPP) are funded by checkoffs to promote demand for milk and dairy products. Farmers fund NDPRP and fluid milk processors fund NFMPPP.	
Previous Legislation	2008 Farm Bill

Amended NDPRP authorizing language (Dairy Production and Stabilization Act of 1983) to require assessment and collection of a payment at rate of \$0.15/cwt for imported dairy products. However, USDA did not implement the import assessment.	Extends programs with revisions: <ul style="list-style-type: none"> changes "definition" of the U.S. to include the 50 States, Puerto Rico, and District of Columbia authorizes expenditures to develop foreign markets authorizes assessment and collection of a payment on imported dairy products at a rate of \$0.075/cwt under regulations determined by Secretary
Extended NFMPPP authorization (Fluid Milk Promotion Act of 1990).	Retains provision.
Studies of Dairy Policy and Marketing Orders	
Previous Legislation	2008 Farm Bill
Required Secretary to conduct studies of effects of changes in national dairy policy and fluid milk identity standards: <ul style="list-style-type: none"> address effects of terminating milk price support and supply management programs, and impacts of cooperative efforts with States to manage milk prices and supplies (see Economic Effects of U.S. Dairy Policy) assess effects of requiring a minimum protein content for fluid milk commensurate with average nonfat solids content of bovine milk (see Raising the Minimum Nonfat Solids Standard to the National Average in Raw Milk: A Study of Fluid Milk Identity Standards) 	Within 90 days, Secretary must submit to House Committee on Agriculture and Senate Committee on Agriculture, Nutrition, and Forestry a report on USDA procedures for reporting nonfat dry milk prices and the impact of these procedures on Federal milk marketing order minimum prices during period July 1, 2006 to date of enactment of 2008 Act.

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Provision name: 

Administration

 **Uruguay Round Compliance.** [Uruguay Round Agreement on Agriculture](#) puts a maximum allowable level on trade-distorting domestic support programs as measured by the [aggregate measurement of support](#) (AMS). The ceiling on U.S. AMS support declined from \$23.1 billion in 1995 to \$19.1 billion in 2000. The \$19.1-billion ceiling continues until a new WTO agreement is reached.

Previous Legislation	2008 Farm Bill
If Secretary determined that AMS ceiling would be exceeded, Secretary was required, to the maximum extent practicable, to adjust expenditures for Title I programs to avoid exceeding allowable levels. Before making any adjustments, Secretary was required to submit a report to Congress on adjustments to be made.	No change.

Permanent Law refers to those basic laws that would be in force to authorize various agricultural programs in absence of all temporary amendments (farm acts).

Previous Legislation	2008 Farm Bill
Maintained permanent law and temporarily suspended provisions of basic laws through CY 2002: Agricultural Adjustment Act of 1938 and Agricultural Act of 1949 .	Maintains permanent law and temporarily suspends provisions of basic laws through CY 2012: Agricultural Adjustment Act of 1938 and Agricultural Act of 1949 .

Payment Limits and Income Eligibility

Previous Legislation	2008 Farm Bill
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Commodity Program Limits	
Previous Legislation	2008 Farm Bill
Limited marketing loan benefits to \$75,000. Certificate gains were not included in marketing loan payment limit. Peanuts, wool, mohair and honey were subject to a separate \$75,000 payment limit for marketing loan benefits.	Eliminates payment limits on marketing loan benefits and loan deficiency payments.
Continued payment limit at \$40,000/person for direct payments.	For direct payments, limit is \$40,000/person, excluding peanuts. Direct payments limit is reduced for participants in average crop revenue election (ACRE) program.
Set limit of \$65,000/person for counter-cyclical payments.	For counter-cyclical payments, limit is \$65,000/person, excluding peanuts. For ACRE participants, sum of counter-cyclical payments and ACRE payments is limited to \$65,000 plus reduction in the direct payment limit.
Peanuts were subject to separate limits for direct payments (\$40,000) and counter-cyclical payments (\$65,000).	Maintains separate limits for peanuts for direct payments (\$40,000) and counter-cyclical payments (\$65,000).
To be to be eligible for a payment: <ul style="list-style-type: none"> individual or entity must have been actively engaged in farming person must have made a significant contribution in the form of capital, equipment, land, personal labor or active personal management to the farming operation contributions of the person must have been at risk 	Retains eligibility provision. As long as 1 spouse is determined to be actively engaged, other spouse is also considered to be actively engaged and is eligible for payments.
Attribution of Benefits	
Previous Legislation	2008 Farm Bill
An individual farmer could receive up to twice maximum payment per year in total contract payments and marketing loan gains on 3 separate farming operations (a full payment on first operation and up to a half payment for each of 2 additional entities). Referred to as 3-entity rule.	Repeals 3-entity rule . Total amount of payments must be attributed (linked) to a person, by taking into account direct and indirect ownership interests of the person in a legal entity. Every payment made directly to a person is combined with that person's pro rata interests in payments received by a legal entity in which the person has an ownership interest, and every payment made to a legal entity is attributed to those persons with an ownership interest in the entity. Payments made to legal entities are to be traced through 4 levels of ownership in the entities, and includes a framework for attribution of payments to individuals.
Adjusted Gross Income Limitation	
Previous Legislation	2008 Farm Bill

<p>Producers with adjusted gross income of over \$2.5 million, averaged over previous 3 years, were not eligible for payments, unless 75% or more of adjusted gross income was from farming, forestry, or agriculture.</p>	<p>For direct payments, a person or legal entity with adjusted farm gross income of over \$750,000, averaged over previous 3 years, is not eligible.</p> <p>For direct payments, counter-cyclical payments, average crop revenue election, marketing loan gains or loan deficiency payments, noninsured crop assistance, milk income loss contract program payments, or disaster assistance payments or benefits, a person or entity with average adjusted gross nonfarm income in excess of \$500,000 is not eligible.</p> <p>For conservation, supplemental agricultural disaster assistance, and agricultural-risk-management assistance, producers with adjusted nonfarm gross income, averaged over 3 years, of over \$1 million are not eligible unless 66.66% or more of total income is average adjusted gross farm income.</p> <p>A husband and wife may allocate income as if they had filed separate returns.</p>
<p>Secretary determined income from farming, ranching, or forestry.</p>	<p>Income to be included in portion of average adjusted gross income derived from farming, ranching, or forestry includes:</p> <ul style="list-style-type: none"> • production of crops, livestock, or unfinished raw forestry products • sale, including sale of easements and development rights, of farm, ranch, or forestry land, water, or hunting rights • rental of land used for farming, ranching, or forestry operations • production of farm-based renewable energy • processing, storing, and transporting of farm, ranch, and forestry commodities, including renewable energy • sale of land that has been used for agriculture <p>If more than 66.66% of adjusted gross income is from farming, ranching, or forestry operations, then average adjusted gross income also includes farm, ranch, and forestry equipment sales and income from providing production inputs to farmers, ranchers, foresters, and farm operations.</p>

Tracking of Benefits

Previous Legislation	2008 Farm Bill
<p>Required Secretary to establish procedures to track benefits provided, directly or indirectly, to individuals and entities under Titles I and II. Payment data released under these provisions is referred to as Section 1614 data.</p>	<p>Secretary may track benefits provided, directly or indirectly, to individuals and entities under Titles I and II.</p>

Cotton Price Forecasting

Previous Legislation	2008 Farm Bill
<p>Agricultural Marketing Act of 1929 prohibited any prediction with respect to cotton prices from issuance or inclusion in any government report, bulletin, or other such publication.</p>	<p>Repeals restriction.</p>

Conservation Compliance

Previous Legislation	2008 Farm Bill
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To remain eligible for specified program benefits, farmers cropping highly erodible land were required to implement an approved conservation plan (highly erodible land conservation provisions or sodbuster). Producers had to be in compliance with wetland conservation provisions (swampbuster).	Retains provision. See Title II, Compliance Mechanisms .
Hard White Wheat Development Program	
Previous Legislation	2008 Farm Bill
Total of \$20 million from CCC was used during 2003-05 to provide incentive payments to growers to plant hard white wheat (HWW). To qualify, producer had to meet minimum quality criteria and demonstrate availability of a market for the HWW to be produced. Incentive payments were limited to 2 million acres or equivalent volume of production.	Authorizes, subject to appropriations, up to \$35 million for FY 2009-12 to establish a hard white wheat development program to promote HWW as a viable market class of wheat in the U.S. by encouraging production of at least 240 million bu by 2012. Payments may not be less than \$0.20/bu or less than \$2/acre for planting eligible HWW seed.
Durum Wheat Quality Program	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes, subject to appropriations, up to \$10 million/year in FY 2009-12 to compensate producers of durum wheat in an amount not to exceed 50% of actual cost of fungicides they apply to a crop of durum wheat to control <i>Fusarium</i> head blight (wheat scab).
Quality Incentive Payments for Covered Oilseed Producers	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes, subject to appropriations, in FY 2009-12 to provide quality incentive payments for production of oilseeds with specialized traits that enhance human health.
Storage Facility Loan Program	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes a storage facility loan program to provide funds for producers of storable commodities (other than sugar) to construct or upgrade storage and handling facilities. Each loan is limited to \$500,000 with a maximum term of 12 years.
Information Gathering	
Previous Legislation	2008 Farm Bill
No similar provision.	Requires Secretary to ensure that all geospatial data of USDA agencies are portable and standardized. Prohibits disclosure of certain agricultural producer and landowner-provided information or certain geospatial information obtained by USDA, with exceptions for authorized disclosures, disclosures of payment information, disclosures in aggregate or statistical form, or disclosure pursuant to consent of agricultural producer or landowner.
Geographically Disadvantaged Farmers and Ranchers	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes, subject to appropriations, Secretary to spend up to \$15 million/fiscal year to establish new program to provide geographically disadvantaged farmers and ranchers direct reimbursement payments to cover cost to transport agricultural commodities or inputs used to produce agricultural commodities.

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2008 Farm Bill Side-By-Side

Title II: Conservation



Emphasizes conservation on working land by increasing funding for Environmental Quality Incentives Program and new Conservation Stewardship Program (successor to the Conservation Security Program). Reduces Conservation Reserve Program acreage cap to 32 million acres beginning on Oct 1, 2009. Continues emphasis on wetland restoration and farmland preservation with expansion of Wetland Reserve Program, Farmland Protection Program, and Grassland Reserve Program.

List of Key Provisions:



Compliance Mechanisms

Highly Erodible Land Conservation (Conservation Compliance/Sodbuster) | Wetland Conservation (Swampbuster) | Crop Insurance and Noninsured Disaster Program Ineligibility



Conservation Reserve and Wetland Reserve Programs

Conservation Reserve Program (CRP) | Wetlands Reserve Program (WRP)



Working Land Programs

Environmental Quality Incentives Program (EQIP) | Conservation Stewardship Program (CSP) | Wildlife Habitat Incentives Program (WHIP) | Conservation of Private Grazing Lands (CPGL) | Agricultural Management Assistance Program (AMA) | Emergency Conservation Program (ECP)



Technical Assistance (TA)

Conservation Technical Assistance (CTA) | Delivery of Technical Assistance



Agricultural Land Preservation Programs

Farmland Protection Program (formerly Farm and Ranchland Protection Program, FRPP) | Grassland Reserve Program (GRP)



Watershed Programs

Chesapeake Bay Watershed Conservation Program | Small Watershed Rehabilitation Program | Resource Conservation and Development Program (RC&D) | Great Lakes Basin Program for Erosion and Sediment Control | Grassroots Source Water Protection Program | Desert Terminal Lakes | Conservation Corridor Demonstration Program



Market-Based Incentives for Conservation

Promotion of Conservation through Environmental Services Markets



Cross-Program Provisions

Regional Equity | Partnerships and Cooperation | Voluntary Public Access and Habitat Incentive Program | Conservation Access | Streamlined Application | Incentives for Certain Farmers and Ranchers and Indian Tribes | Acreage Limitations | Compliance and Performance | Encouragement of Pollinator Habitat Development and Protection | Adjusted Gross Income Limitation

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**Miscellaneous Conservation Programs and Provisions**

Privacy of Personal Information | Agricultural Conservation Experienced Service Program (ACES) | Amendments to Soil and Water Resources Conservation Act (RCA) of 1977 | Basin States Program

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Provision name: 

Compliance Mechanisms can deny certain farm program benefits to producers who fail to meet applicable conservation requirements

 **Highly Erodible Land Conservation** ([Conservation Compliance/Sodbuster](#))

Previous Legislation	2008 Farm Bill
To maintain eligibility for certain farm program benefits, required producers to apply approved conservation system on highly erodible land in crop production. Secretary of Agriculture could not delegate authority to private person or entity to make compliance determination.	Retains provision.
If Secretary determined producers acted in good faith and without intent to violate the law, Secretary could allow up to 1 year to implement practices necessary to be considered "actively applying" approved conservation system. Secretary could impose penalties of \$500 to \$5,000, commensurate with seriousness of violation.	Determination of "good faith and without intent to violate the law" to be reviewed by USDA's State Executive Director (Farm Services Agency, FSA) with technical concurrence of State Conservationist (Natural Resources Conservation Service, NRCS) or by district director (FSA) with technical concurrence of area conservationist (NRCS). Secretary can impose penalties commensurate with seriousness of violation.

Wetland Conservation ([Swampbuster](#))


Previous Legislation	2008 Farm Bill
Producers who drained wetland to make it ready for crop production could be denied certain farm program benefits. Secretary could not delegate authority to private person or entity to make compliance determination.	Retains provision.
Secretary could waive person's ineligibility and allow up to 1 year to be actively applying practices to restore wetlands if Secretary determined that person had acted in good faith and without intent to violate the law.	Determination of "good faith and without an intent to violate the law" to be reviewed by USDA's State Executive Director (FSA) with technical concurrence of State Conservationist (NRCS) or by district director (FSA) with technical concurrence of area conservationist (NRCS).

Crop Insurance and Noninsured Disaster Program Ineligibility for crops grown on native sod. See Title XII, [Program Administration and Integrity](#) for crop insurance limitations and [Other Risk Management Provisions](#) for NAP limitations.

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Provision name: 

Conservation Reserve and Wetland Reserve Programs, including Conservation Reserve Program (general signup, continuous signup, CRP Farmable Wetlands Program, and Conservation Reserve Enhancement Program) and Wetlands Reserve Program.

 **Conservation Reserve Program (CRP)** offers annual rental payments and [cost-share assistance](#) to farmers to establish long-term conserving covers (e.g., grass and trees) on eligible land. Contracts are for minimum of 10 years and maximum of 15 years.

Previous Legislation	2008 Farm Bill
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<p>Capped CRP area at 39.2 million acres. As of April 2008, total enrollment was 34.7 million acres.</p>	<p>Authorizes program through fiscal year (FY) 2012. Caps program area at 32 million acres starting on Oct 1, 2009.</p> <p>Program purposes now explicitly recognize "addressing issues raised by State, regional, and national conservation initiatives."</p>
<p>Land was eligible if it met 1 or more of following criteria:</p> <ul style="list-style-type: none"> • Highly erodible cropland that was cropped in 4 of 6 years prior to 2002 • could contribute to onsite or offsite environmental threat to soil, water, or air quality • was included in expiring CRP contract • was considered cropped wetland • was associated with or surrounding noncropped wetlands • was devoted to highly beneficial environmental practice (e.g., filter strips) • was subject to scour erosion • was located in national or State CRP conservation priority areas • was marginal pastureland in riparian areas <p>Certain marginal pastureland that was enrolled in Water Bank Program was also eligible.</p>	<p>Modifies eligibility requirements:</p> <ul style="list-style-type: none"> • land cropped in 4 of 6 years prior to 2008 (rather than 2002) • alfalfa and other multi-year grasses and legumes in a rotation practice, approved by Secretary, are to be considered agricultural commodities • clarifies that alfalfa grown in approved rotation practice is to be considered an agricultural commodity and can be used to fulfill requirement that eligible land be cropped in 4-of-6 previous years
<p>Secretary could have used different criteria in different States and regions for determining acceptability of CRP offers. Criteria were to be based on extent to which water quality or wildlife habitat could have been improved, erosion abated, or other environmental benefits provided.</p>	<p>Adds local preference criterion. To maximum extent practicable, program should accept offer from owner or operator who is resident of county (or contiguous county) where land is located, provided land provides at "least equivalent conservation benefits to land under competing offers."</p>
<p>Acreage limitations required no more than 25% of county's cropland could be enrolled in CRP and WRP. Limit could have been waived provided action would not adversely affect local economy, or if operators in county were having difficulties complying with conservation plans. About 100 counties exceeded the limit, typically by less than 5%.</p>	<p>Adds additional authority to waive cropland limit in cases limited to continuous or CREP enrollment provided that county government agrees.</p>
<p>Administrative changes allowed holders of CRP contracts set to expire during 2007-10 to opt to re-enroll or extend their contracts. Contracts with highest Environmental Benefits Index (EBI) scores could have been re-enrolled under new 10- or 15-year contracts. On contracts with lower EBI, holders could opt for extensions of 2, 3, 4, or 5 years.</p>	<p>Retains authority.</p>
<p>Rental payments authorized to be paid at amount necessary to encourage participation. FSA sets offer specific bid maximums based on available county average cropland rental rates, adjusted for field-specific agricultural productivity.</p>	<p>Requires Secretary to annually survey county average dryland and irrigated market rental rates.</p>
<p>Allowed managed haying and grazing (including harvest of biomass) and placement of wind turbines (with commensurate reduction in payment) at Secretary's discretion if consistent with conservation of soil, water quality, and wildlife habitat.</p>	<p>Adds new authority for routine grazing. Frequency of routine grazing is decided by local resource conditions. Adds prescribed grazing for control of invasive species as permissible activity.</p>
<p>No similar provision.</p>	<p>For trees, windbreaks, shelterbelts, and wildlife corridors, permits cost-share payments for thinning to improve condition of resources on the land. Authorizes \$100 million in funding for FY 2009-12 for these cost share payments.</p>

No similar provision.

Special treatment of CRP land transitioning from retiring farmer or rancher to **beginning or socially disadvantaged farmer or rancher** includes:

- beginning 1 year prior to contract termination date, allow new farmer or rancher to make land improvements and begin **organic certification** process
- new farmer must develop and implement **conservation plan**
- provide new farmer opportunity to enroll in Conservation Stewardship Program and Environmental Quality Incentives Program
- allow them to re-enroll certain partial field conservation practices
- requires landowner to sell CRP land to beginning or socially disadvantaged farmer on contract termination date
- retiring farmer may receive up to 2 years of additional payments

Authorizes \$25 million in funding for FY 2009-12 to facilitate these transitions.



CRP: General Signup for whole fields or whole farms.

Previous Legislation	2008 Farm Bill
General signup enrollment was competitive; applications were ranked for acceptance using EBI. Applicants could improve their EBI score by offering to accept annual payments below field-specific maximum rate, establishing land cover that was better wildlife habitat (e. g., mixtures of native grasses are better than monocultures), or waiving cost-share on cover establishment costs.	Retains authority.

CRP: Continuous Signup for high-priority practices.

Previous Legislation	2008 Farm Bill
<p>Counted acres enrolled under continuous signup toward overall CRP acreage cap. As of April 2008, continuous (non-CREP, non-FWP) signup enrollment was 2.7 million acres.</p> <p>High-priority practices included riparian buffers, filter strips, and grass waterways. Since 2002, new practices eligible for continuous signup initiatives included Upland Bird Habitat, Bottomland Hardwood Trees, Longleaf Pine, and Prairie Pothole Duck Nesting habitat. Several wetland and floodplain practices that were no longer recognized in general signups could be enrolled in continuous signups.</p> <p>Producers offering eligible acreage were enrolled without competition and at times other than designated signup periods. Moreover, annual payment/acre was over twice per-acre payment for whole-field or whole-farm general signups enrollments.</p> <p>Most contracts involved only small proportion of field, but whole field could have been enrolled when more than 50% of field was eligible (for continuous signup CRP) and when farming was infeasible on remainder of field. Limited payments on remaining (noneligible) acreage to general signup rates.</p>	Continues authority for continuous signup.

CRP: Conservation Reserve Enhancement Program (CREP) is joint State-Federal program that targets specific agriculture-related environmental problems that are significant at State or national level.

Previous Legislation	2008 Farm Bill
<p>CREP operated administratively under general CRP program authority. Acres enrolled under CREP counted toward overall CRP acreage cap. As of April 2008, 1.1 million acres were enrolled in 31 States.</p> <p>Enrollment included whole fields or partial fields with high-priority practices targeted to specific locations within designated CREP areas.</p> <p>Producers offering eligible acreage could be enrolled without competition, at times other than designated signup periods, and at rates that were higher than maximum per-acre payment for general signup enrollment.</p>	Continues authority for CREP.
CRP: Farmable Wetlands Program (FWP) allows enrollment of farmed wetland acres in CRP.	
Previous Legislation	2008 Farm Bill
<p>Limited enrollment in this pilot program to total of 1 million acres (part of overall CRP acreage cap) and to 100,000 acres in any 1 State. State limits could be increased to 150,000 acres following review of enrollment by Secretary. As of April 2008, 180,000 acres were enrolled.</p>	<p>Extends program through FY 2012.</p> <p>Upon review by Secretary, maximum acreage/State may be increased to 200,000 acres.</p>
<p>Limited eligibility to land that was cropped during at least 3 of immediately preceding 10 crop years, and contiguous buffer acreage used to protect the wetland.</p>	<p>Expands land eligibility to include:</p> <ul style="list-style-type: none"> • land on which constructed wetland is to be developed that will receive flow from row-crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions • land that was devoted to commercial pond-raised aquaculture in any year during calendar years 2002-07 • intermittently flooded land provided land had cropping history in 3 years between 1990 and 2002 and was subject to natural overflow of prairie wetland <p>Expands buffer acreage to include land that enhances wildlife benefits (in terms of appropriate mix of upland and wetland, as determined by Secretary).</p>
<p>Wetland acres were to be enrolled through continuous signup similar to that for other high-priority conservation practices. Payments were commensurate with those provided to landowners who enroll filter strips in CRP continuous signup.</p>	Retains provision.
<p>On single tract of land, limited enrollment to 10 contiguous wetland acres and 30 acres of contiguous buffer.</p>	<p>Sets maximum of 40 contiguous wetland acres/tract. However, "flooded farmland" (that meets 1990-2002 cropping history test) to have 20-acre limit. Participants must refrain from commercial use of the land (newly added participant duty).</p>
CRP: Emergency Forestry Conservation Reserve Program	
Previous Legislation	2008 Farm Bill

Established in 2006 (as part of Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in Gulf of Mexico, and Pandemic Influenza Act), program authorized \$404 million for CRP pilot project for merchantable timber losses on private nonindustrial forests. Owners of land must have experienced loss of at least 35% of merchantable timber.

USDA selected producers for enrollment on continuous basis using benefit index for ranking offers. Periodically, FSA picked highest ranked offers for development of conservation plan and contract.

As of April 2008, 180,000 acres were enrolled.

Continues authorization for program.

Self Employment Taxes for CRP Payments. See Title XV, [Exclusion of Conservation Reserve Program Payments from SECA \(Self-Employment Contributions Act\) Tax for Certain Individuals.](#)

Wetlands Reserve Program (WRP) enables Secretary to purchase long-term or permanent [easements](#) and provide cost sharing to producers who agree to restore wetland on agricultural land. Restoring wetlands wildlife habitat is a priority.


Previous Legislation	2008 Farm Bill
Capped WRP area at 2.275 million acres. Through FY 2007, 1.947 million acres were enrolled.	Raises WRP area cap to 3.041 million acres through FY 2012.
Wetlands could be restored through permanent easements, 30-year easements, restoration cost-share agreements, or any combination of these options. Easement payments were based on agricultural value of land prior to 2005. Subsequently, they have been based on market value of land.	Retains provisions. Adds 30-year contract for Indian tribes. Prohibits enrollment of land if ownership has changed during previous 7 years with certain exceptions.
Acreage limitations required total WRP and CRP acreage not exceed 25% of county's farmland acreage.	Retains and expands acreage limitations to require that in addition to overall cap, WRP easements are not to exceed 10% of county's farmland acreage.
Eligibility included farmed wetlands or land that was previously converted from wetland to farmland, and buffer acreage adjacent to wetlands. Lands converted from wetland to agricultural production after Dec 23, 1985, were not eligible for WRP enrollment.	Expands eligible land in WRP to include cropland or grassland that was used for agricultural production prior to flooding from natural overflow of closed basin lake or pothole.
Secretary determined acceptability of easement offers based on: <ul style="list-style-type: none"> • extent to which purposes of easement program would be achieved • productivity of the land • on-farm and off-farm environmental threats of using land for agricultural production 	In addition, when evaluating landowner offers, Secretary may consider: <ul style="list-style-type: none"> • environmental benefits • cost-effectiveness with goal of maximizing benefits relative to costs • whether landowner offers to contribute financially to cost of easement <p>Consideration to be given to likelihood of success of easement, offsite environmental benefits, and damages avoided by wetland restoration.</p>

<p>For easements, compensation was not to exceed fair market value of land less fair market value encumbered by easement. Compensation could be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by owner and Secretary.</p>	<p>Easement payments are not to exceed lowest of:</p> <ul style="list-style-type: none"> • fair market value of land, as determined by Secretary using appraisal or area-wide market analysis or survey • geographical cap, as determined by Secretary • offer made by landowner <p>Easements greater than \$500,000 are to be paid in 5 to 30 annual installments, unless Secretary grants waiver allowing lump-sum payment, to further purposes of program. Easements of less than \$500,000 will continue to be paid in 1 to 30 installments.</p> <p>Limits total restoration cost-share payments to \$50,000 annually to an individual or legal entity, directly or indirectly.</p>
<p>No similar provision.</p>	<p>Creates Wetland Reserve Enhancement Program that allows States (including political subdivision or agency of State), nongovernmental organizations, or Indian tribes to partner with USDA in selection and funding of contracts, as long as selected contracts meet purposes of WREP. WREP includes pilot program that allows landowners to retain grazing rights when consistent with long-term wetland enhancement and protection goals.</p>
<p>No similar provision.</p>	<p>Requires Secretary to submit report, no later than Jan 1, 2010, that evaluates implications of long-term nature of easements on USDA resources. Report to include data on:</p> <ul style="list-style-type: none"> • number and location of easements • assessment of impacts that oversight of agreements has on resources, including technical assistance • assessment of uses and values of agreements with partner organizations • any other information relevant to program costs and impacts

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Provision name: 

Working Land Programs, including Environmental Quality Incentives Program, Conservation Stewardship Program, Wildlife Habitat Incentive Program, and others provide financial and **technical assistance** to improve conservation effort on lands in production.

 **Environmental Quality Incentives Program (EQIP)** provides **technical assistance**, **cost-share** payments, and **incentive payments** to assist crop and livestock producers with environmental and conservation improvements on land used for agricultural production.

Previous Legislation	2008 Farm Bill
<p>EQIP funding was \$4.92 billion for FY 2002-07. Subject to Regional Equity provision.</p>	<p>Mandates Commodity Credit Corporation (CCC) funding of \$7.325 billion for FY 2008-12. Subject to conservation access provision requiring 5% of funds be made available for beginning farmers and another 5% for socially disadvantaged producers. Continues to be subject to Regional Equity provision.</p>
<p>Purpose was to promote agricultural production and environmental quality as compatible goals and to optimize environmental benefits.</p>	<p>Revises purpose to "promote agricultural production, forest management, and environmental quality as compatible goals."</p>

Nearly all types of agricultural land were eligible for EQIP, but 60% of funding was set aside for livestock producers. Eligibility of livestock farms was no longer limited by number of animal units.	Retains provision.
No similar provision.	Conservation practices related to organic production and transition are now eligible, but payments to producers or entities are limited to \$20,000 annually and \$80,000 over 6-year period.
Participants were required to develop conservation plan stating intended practices and describing environmental purposes. Confined livestock feeding operations also had to prepare comprehensive nutrient management plan.	Retains provision.
Contracts were for 1-10 years.	Contract length is unchanged.
Cost sharing for most structural and vegetative practices was at 50% rate, but cost sharing could be as high as 75% (90% for limited-resource or beginning farmer or rancher). Land management practices and comprehensive nutrient management plans were eligible for 3 years of incentive payments in amounts necessary to induce adoption.	Extends cost sharing to include land or forest management practices and development of conservation or comprehensive nutrient management plans. Limits payments for any practice to 75% of practice costs and 100% of income foregone from practice installation. Beginning, limited-resource or socially disadvantaged farmers or ranchers are eligible for cost-share rates at least 25% above otherwise applicable rates (up to 90%) and advance payments of up to 30%.
EQIP payments were not subject to annual limit, but were limited to \$450,000 for any individual or entity, directly or indirectly, during any 6 year period.	Limits EQIP payments in aggregate to \$300,000/person or legal entity during any 6-year period. For projects of special environmental significance, Secretary may allow payments up to \$450,000 during any 6-year period.
Criteria for ranking program applications included national conservation priorities and cost-effectiveness of practices. Removed provision that allowed applicants to be assigned higher priority if producer offered to accept lower payments ("bidding down" option) and precluded prioritizing on basis of least cost.	Additional ranking criteria include how comprehensively project addresses resource issues, and whether it improves or completes conservation system. To extent practical, similar crop and livestock applications are to be grouped for evaluation purposes. Maintains "bidding down" prohibition on prioritizing on basis of least cost.

 Conservation Innovation Grants	
Previous Legislation	2008 Farm Bill
EQIP funds could provide grants to stimulate innovative approaches to leveraging Federal investment in environmental enhancement and protection in conjunction with agricultural production. Grants were to be awarded on competitive basis, to governmental and nongovernmental organizations, Tribes, and other persons for innovative projects involving producers, such as market-based pollution credit trading, adoption of best management practices, and carbon sequestration. Capped Federal share of project cost at 50%.	Adds forest management as activity eligible for grant funds. Projects that increase conservation efforts by producers of specialty crops also eligible for funding. Federal share no longer capped at 50%. Provides payments to producers using innovative technologies and cost-effective methods to address air quality. Sets aside \$37.5 million of EQIP funds annually in FY 2009-12 for projects addressing air-quality concerns.
Agricultural Water Enhancement Program (formerly Ground and Surface Water Conservation (GSWC) Program)	
Previous Legislation	2008 Farm Bill

Provided \$340 million in CCC funding for FY 2002-07 to be used for ground and surface water conservation. Included were [cost-share](#) payments, [incentive payments](#), and loans for eligible water conservation activities.

Additional \$61 million in CCC funding was allocated to water conservation activities in Klamath Basin.

Mandates \$280 million in CCC funding for FY 2009-12. Expands purpose to include improving water quality on agricultural lands. In addition to signing contracts with individuals, Secretary can contract with partners including producer associations, State or local governments and Indian tribes to collectively address water quality or quantity concerns on regional basis.

Priority to be given to activities proposed by producers according to requirements under EQIP. Establishes criteria to be considered for prioritizing proposals from partners, and requires priority be given to partner proposals that include conversion of agricultural land to dryland farming, that provide some of their own funds, and that assist producers in States with water-quantity concerns, as determined by Secretary.

Payments to be in amounts sufficient to achieve program purposes. Payments can be made for 5 years under partner agreements in States with water-quantity concerns.

Conservation Stewardship Program (CSP) provides payments to producers for adopting or maintaining wide range of conservation management and land-based [structural practices](#) that address 1 or more resources of concern, such as soil, water, and wildlife habitat.

Previous Legislation	2008 Farm Bill
<p>Predecessor program was Conservation Security Program.</p>	<p>Replaces Conservation Security Program with new, but similar, Conservation Stewardship Program.</p> <p>Existing Conservation Security Program contracts to continue as written, but no new contracts will be initiated after Sept 30, 2008. CCC funds, as necessary, to be available to fund these contracts.</p>
<p>Conservation Security Program funded through CCC as "capped" entitlement program, with program spending capped at \$794 million for FY 2002-07. Limited annual enrollment to selected watersheds; total of 331 watersheds for FY 2002-07. If not all applications could be funded, applicants were ranked using category system based largely on producer stewardship.</p>	<p>Authorizes new Conservation Stewardship Program for FY 2009-12. Enrollment of acreage into program is authorized through FY 2017. Directs Secretary to enroll 12.77 million acres/year at average cost of \$18/acre/year, including financial assistance, technical assistance, and other expenses. Subject to conservation access provision requiring 5% of acres be made available for beginning farmers and another 5% of acres for socially disadvantaged producers.</p>
<p>All cropland and grazing land was eligible for Conservation Security Program enrollment, except:</p> <ul style="list-style-type: none"> • cropland must have been cropped in 4 of 6 years prior to 2002 • land enrolled in CRP, WRP, or Grasslands Reserve Program was not eligible 	<p>All privately owned cropland and grazing land (including land under jurisdiction of Indian tribe) is generally eligible for enrollment, except:</p> <ul style="list-style-type: none"> • cropland must have been cropped in 4 of 6 years prior to 2008 (except land in long-term rotation) • land enrolled in CRP, WRP, or Grasslands Reserve Program is not eligible <p>Nonindustrial private forest land incidental to agricultural operation is also eligible but cannot account for more than 10% of acres enrolled in any given year.</p>

<p>No similar provision.</p>	<p>Program acreage to be allocated to States based primarily on each State's proportion of total national eligible acres, but also taking into account;</p> <ul style="list-style-type: none"> • extent of conservation needs in each State • degree to which CSP can help address these needs • other considerations in order to achieve equitable distribution of funds, as determined by Secretary
<p>Producers could participate at 1 of 3 tiers. Higher tiers required greater conservation effort but offered larger payments.</p> <ul style="list-style-type: none"> • Tier I: Producer had to address soil quality and water quality concerns on at least part of agricultural operation; contracts were for 5 years • Tier II: Producer had to address soil quality and water quality on entire operation and agree to address additional resource concern (e.g., wildlife habitat); contracts were for 5-10 years and could be renewed • Tier III: Producer had to fully address all resource concerns (e.g., soil quality, water quality, wildlife habitat, etc.) on entire operation; contracts were for 5-10 years and could be renewed 	<p>Requires producer contract offers to include all eligible land within farm. At minimum, contract offers must:</p> <ul style="list-style-type: none"> • demonstrate that stewardship threshold is being met for at least 1 resource concern • agree to address at least 1 priority resource concern by end of stewardship contract <p>Contract offers to be ranked for program enrollment according to:</p> <ul style="list-style-type: none"> • level of existing conservation treatment on all resource concerns present at time of CSP application, measured as much as possible using conservation measurement tools • level of proposed treatment of priority resource concerns, measured as much as possible by conservation measurement tools • number of priority resource concerns that would be addressed to stewardship threshold • extent to which other resource concerns would be addressed • extent to which environmental benefits are provided at least cost (although producers cannot improve their rank by offering to take lower payment) <p>All Conservation Stewardship Program contracts to be 5 years in length and can be renewed for 1 additional 5 year period if producer demonstrates compliance with contract terms and agrees to adopt new conservation activities, as determined by Secretary.</p>
<p>No similar provision.</p>	<p>Requires Secretary to establish means for producers to initiate organic certification while participating in new CSP.</p> <p>Requires Secretary to ensure that outreach and technical assistance are available to organic and specialty crop producers and that program specifications are appropriate for participation of these producers.</p>
<p>Producers could receive 4 types of payment:</p> <p>1) Annual Stewardship Payments based on tier level were percentage of local (county) average land rental for specific land use:</p> <ul style="list-style-type: none"> • 1.25% for tier I • 5% for tier II • 11.25% for tier III <p>2) Annual Existing Practice Payments (for maintenance of existing practices) were 25% of Stewardship Payment.</p>	<p>In Conservation Stewardship Program, payments to compensate producers for:</p> <ul style="list-style-type: none"> • installing and adopting additional conservation activities • improving, maintaining, and managing conservation activities already in place • adoption of resource-conserving crop rotations <p>Payment amounts are to be based on:</p> <ul style="list-style-type: none"> • cost of installing, adopting, or maintaining conservation activities

3) New Practice Payments were up to 50% of cost of new conservation practices applied as part of CSP contract (65% for [beginning and limited-resource producers](#)).

4) Annual Enhancement Payments were based on adoption of additional conservation practices that:

- enhanced resources beyond basic conservation standards or
- addressed local resource concerns

Annual overall payments limits ranged from \$20,000 (Tier 1) to \$45,000 (Tier III). Additional limits applied to specific payments and payment components.

- income forgone by producer
- expected environmental benefits as determined by conservation measurement tools.

Payments cannot be made for expenses associated with animal-waste storage or treatment facilities or related waste transport or transfer devices for animal feeding operations.

Total CSP payments to any 1 person or legal entity cannot exceed \$200,000 during any 5-year period.

Wildlife Habitat Incentives Program (WHIP) provides technical assistance and cost sharing for development and improvement of wildlife habitat.

Previous Legislation	2008 Farm Bill
WHIP expenditures for FY 2002-07 totaled \$213 million. Subject to Regional Equity provision.	Reauthorizes WHIP through FY 2012 with CCC funding of \$85 million/year. Continues to be subject to Regional Equity provision.
Contracts were generally 5-10 years in length, depending on practices installed. Shorter term agreements could be used to meet wildlife emergencies.	No change.
Up to 15% of available funding could be allocated for long-term agreements of 15 years or more that provide higher level of cost-share assistance to producer for lands with essential plant and animal habitat.	Increases funding cap on long-term agreements—providing higher levels of cost-share assistance for priority habitat land—to 25%.
No similar provision.	Priority may be given to projects that address State, regional, and national conservation initiatives.
No similar provision.	Limits individual annual payments under program to \$50,000. Restricts participation to private agricultural land, nonindustrial private forest land, and tribal lands.

Conservation of Private Grazing Lands (CPGL) authorizes technical and educational assistance for conservation and enhancement of private grazing lands, including sustainable grazing practices such as rotational grazing.

Previous Legislation	2008 Farm Bill
Authorized appropriations of \$60 million/year for FY 2002-07, although funding was never appropriated.	Authorizes program through FY 2012.

Agricultural Management Assistance Program (AMA) provides assistance to States found to be underserved by Federal crop insurance program.

Previous Legislation	2008 Farm Bill
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Provided \$29.2 million in CCC funding for FY 2002-07. Producers in 15 designated States were eligible for financial assistance for range of risk reduction purposes, including practices that also protected natural resources through soil erosion control, integrated pest management, and [organic farming](#).

Makes available up to \$15 million annually in CCC funds for conservation programs. Level of producer interest in participating within the State is considered in determining specific funding allocations. Adds Hawaii to list of designated States where producers are eligible for financial assistance.

Allocates funding as follows:

- 50% through NRCS for various conservation practices
- 40% through Risk Management Agency for any risk-reduction activities
- 10% for assistance in [organic certification](#) through USDA's Agricultural Marketing Service

Emergency Conservation Program (ECP) helps farmers to rehabilitate farmland damaged by natural disasters.

Previous Legislation	2008 Farm Bill
For FY 2002-07, total of \$363 million was allocated to producers through ECP.	Retains program.

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Provision name:

Technical Assistance (TA) offers advice and services to producers who adopt conservation practices.

Conservation Technical Assistance (CTA) provides technical advice and services to producers who adopt conservation practices without financial assistance from other USDA programs.

Previous Legislation	2008 Farm Bill
CTA funding was \$4.14 billion for FY 2002-07.	Authorizes annual appropriations.
No similar provision.	Defines technical assistance to include expertise, information, and tools necessary for conservation of natural resources and land active in agricultural, forestry, or related uses.

Delivery of Technical Assistance in conjunction with other USDA conservation programs.


Previous Legislation	2008 Farm Bill
Required Secretary to: <ul style="list-style-type: none"> • provide technical assistance for preparing conservation plans either directly or, at producer's choice, through payment to approved third party (Technical Service Provider or TSP) and • develop program for approving third-party providers; Secretary could also request services of non-Federal entities or enter into cooperative agreements or contracts with them to provide technical assistance 	Requires Secretary to make technical assistance available to all USDA conservation program participants who are installing or adopting eligible practices. TA can be delivered directly (by USDA staff), through third party, or through producers (who hire certified provider). Provides mandatory funding, though CCC, for technical assistance associated with USDA conservation programs. Allows Secretary to enter into multiyear agreements (1-3 year) with third-party providers of technical assistance. Requires Secretary to: <ul style="list-style-type: none"> • provide national criteria for certification of third-party providers • approve any unique certification standards established by States • review existing conservation practice standards to ensure completeness and relevance to local needs, including for specialty crops, native and managed pollinators, bioenergy crop production, and forestry

Technical Assistance for Organic Conservation Practices	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretary to ensure, to maximum extent possible, that:</p> <ul style="list-style-type: none"> • appropriate range of conservation practices and resource mitigation measures is available to specialty crop, organic, and precision agriculture producers • conservation-practice standards incorporate specialty crops and organic and precision agriculture • adequate technical assistance is available for implementing conservation practices for specialty crops and organic and precision agriculture

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Provision name: 

Agricultural Land Preservation Programs, including Farmland Protection Program and Grassland Reserve Program, provide financial and technical assistance to purchase long-term agreements or [easements](#) on farmland and grassland to protect it from conversion to other uses.

 **Farmland Protection Program (formerly Farm and Ranchland Protection Program)** provides funds to eligible entities (State, tribal, or local governments and nonprofit organizations) to help purchase [easements](#) that would preclude nonfarm development of productive farmland.

Previous Legislation	2008 Farm Bill
Provided \$499 million in CCC funding for FY 2002-07. Subject to Regional Equity provision.	Mandates \$743 million in funding for FY 2008-12. Continues to be subject to Regional Equity provision.
Program purpose was to protect topsoil by limiting nonagricultural uses of land. Eligible land explicitly included cropland, rangeland, grassland, pastureland, and incidental forest land that was part of agricultural operation. Farm had to contain at least 50% of soil that is prime, unique, or important locally or Statewide to be eligible.	Changes program purpose from focus on topsoil to protecting agricultural use and conservation values of land by limiting nonagricultural uses. Eligible land now includes forest land and other land that contributes to economic viability of agricultural operation or that serves as buffer from development.
Limited Federal share of easement cost to 50% of appraised fair market value of easement. Eligible cooperating entity could include, as part of its share of purchase price, donation by landowner of up to 25% of fair market value.	Continues Federal share cap at 50% of appraised fair market value of easement. Cooperating entity share must be at least 25% of purchase price; landowner donations contributed as part of cooperating entity share are no longer capped. Allows entity to designate terms and conditions for their deed and to choose appraisal methodology, subject to approval of Secretary.
Priority could not be assigned to applications solely on basis of lesser cost for applications that were otherwise comparable in achieving program purposes.	Retains provision.
Generally limited impervious surfaces to 2% of easement area but could be up to 6% under certain conditions.	Allows eligible entities to specify limit on impervious surfaces.
Required highly erodible land to have conservation plan.	Retains conservation plan requirement.
Easements were purchased by eligible entities, and Federal government purchased right to enforce easement if entity failed to do so.	Retains provision.

Grassland Reserve Program (GRP) assists owners, through long-term rental agreements or [easements](#), in restoring grassland and conserving virgin grassland while maintaining areas for livestock grazing and hay production.

Previous Legislation	2008 Farm Bill
Could have enrolled restored, improved, or natural grassland, rangeland, and pasture, including prairie.	Eligible land to also include grassland tracts containing historical or archaeological resources.
Could have enrolled up to 2 million acres during FY 2003-07, but CCC funding was limited to \$254 million. For FY 2003-06, \$217 million of CCC funding was provided. Subject to Regional Equity provision.	Authorized additional 1.22 million acres for enrollment during FY 2009-12. CCC funding is authorized, but not explicitly limited. Continues to be subject to Regional Equity provision.
Tracts had to be at least 40 contiguous acres. Waivers were available for smaller parcels in cases of exceptional acreage that met purposes of program.	Retains provision.
Could have enrolled eligible grassland under: <ul style="list-style-type: none"> rental agreements of 10, 15, 20, or 30 years 30-year or permanent easements or easement for maximum duration allowed under state law 	No longer authorizes 30-year rental agreements and 30-year easements.
Could have used up to 60% of funds for 30-year rental contracts or 30-year and permanent easements. Up to 40% was available for 10-, 15-, and 20-year contracts.	To extent feasible, 60% of funds are to be used for easements.
No similar provision.	Gives expiring CRP land priority, if land has high ecological value and is under significant threat of conversion to uses other than grazing. But this priority applies to no more than 10% of acreage enrolled in calendar year.
Under rental contracts, annual rental payments could not exceed 75% of grazing value. Permanent easements were purchased at fair market value, less grazing value. Easements of 30 years were purchased at 30% of fair market value, less grazing value.	Retains payment rate on rental contracts. Easement payments to be lowest of: <ul style="list-style-type: none"> fair market value less grazing value geographical cap determined by Secretary or offer from landowner
Participants could receive cost sharing of up to 75% of restoration costs on restored grassland and up to 90% on virgin grassland. No similar cap on payments.	Caps restoration cost shares at 50%. Limits rental payments and restoration cost sharing (separately) to \$50,000/person or legal entity/year.
Secretary could transfer easement ownership to State or local governments, Indian tribes, or eligible nongovernmental organizations for monitoring and enforcement of easement terms.	Retains provision. Secretary may also enter into cooperative agreements with State or local governments, Indian tribes, or eligible nongovernment organizations for monitoring and enforcement of easement terms.

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Provision name: 

Watershed Programs

Chesapeake Bay Watershed Conservation Program

Previous Legislation	2008 Farm Bill
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No similar provision.	Mandates \$188 million in CCC funding for FY 2009-12. Secretary is to assist producers in implementing activities to improve water quality and quantity, and restore, enhance and preserve soil, air, and related resources in Chesapeake Bay Watershed. Conservation activities are to complement existing Federal and State programs.
Small Watershed Rehabilitation Program	
Previous Legislation	2008 Farm Bill
Provided CCC funding of \$275 million and authorized appropriations of \$325 million for FY 2003-07 for rehabilitation of water resource projects. Actual funding was \$29 million in FY 2003, \$30 million in FY 2004, \$27 million in FY 2005, and \$31 million in FY 2006.	Provides CCC funding of \$100 million for FY 2009 to be available until expended. Authorizes appropriations of \$85 million/year for FY 2008-12.
Resource Conservation and Development Program (RC&D)	
Previous Legislation	2008 Farm Bill
Authorized appropriations of such funds as necessary. RC&D councils helped communities access USDA technical and financial assistance to implement local plans, developed through planning process, to conserve and improve use of land, develop natural resources, and enhance social, economic, and environmental conditions.	Retains provision. Continues program. In defining "planning process," specifies that planning processes must be "locally led." Requires Secretary to designate coordinator for each council who is responsible for provision of all technical assistance .
Great Lakes Basin Program for Erosion and Sediment Control	
Previous Legislation	2008 Farm Bill
Secretary could carry out program of soil and sediment control involving project demonstration grants, technical assistance, and information/education programs to improve water quality in Great Lakes Basin. Authorized appropriations of \$5 million annually for FY 2002-07.	Retains provision. Authorizes appropriations of \$5 million annually for FY 2008-12.
Grassroots Source Water Protection Program	
Previous Legislation	2008 Farm Bill
Established national program to more effectively use onsite technical-assistance capacity of State rural water associations that operate wellhead or groundwater protection programs. Authorized appropriations of \$5 million/year for FY 2002-07.	Retains provision. Increases authorized appropriations to \$20 million/year for FY 2008-12.
Desert Terminal Lakes	
Previous Legislation	2008 Farm Bill
Required Secretary to transfer \$200 million in CCC funds to Bureau of Reclamation to provide water for at-risk natural desert terminal lakes. Prohibited use of funds for purchase or lease of water rights.	Requires Secretary to transfer \$175 million in CCC funds to Bureau of Reclamation to provide water for at-risk natural desert terminal lakes. When there are willing sellers, funds can be used to lease water or to purchase land, water appurtenant to the land, and related interests in Walker River Basin.
Conservation Corridor Demonstration Program	

Previous Legislation	2008 Farm Bill
Required establishment of conservation corridor demonstration program on east side of Chesapeake Bay in Delaware, Maryland, and Virginia. Project was to demonstrate local conservation and economic cooperation using existing USDA conservation program funds on priority basis. State and local partners would have to provide 50% of funding.	Demonstration program not reauthorized.

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Provision name: 

Market-Based Incentives for Conservation	
Promotion of Conservation through Environmental Services Markets	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretary to establish technical guidelines for measuring environmental services from conservation and other land management activities. Specifically, requires Secretary to develop:</p> <ul style="list-style-type: none"> • procedure for measuring environmental services benefits; • protocol to report these benefits; • registry to collect, record, and maintain information on benefits measured. <p>Priority to be given to establishing guidelines for participation in carbon markets.</p> <p>Guidelines to be established for process to verify that farmer has implemented conservation or land management activities reported in registry. Role of third parties in verification to be considered.</p>

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Provision name: 

Cross-Program Provisions	
Regional Equity	
Previous Legislation	2008 Farm Bill
Required that each State collectively receive at least \$12 million annually in conservation funds through Environmental Quality Incentives Program (EQIP), Farmland Protection Program (FPP, formerly FRPP), Grassland Reserve Program (GRP), and Wildlife Habitat Incentives Program (WHIP).	Requires each State collectively receive at least \$15 million annually in conservation funds through EQIP , FPP , GRP , and WHIP . Level of producer interest in participating is consideration in determining specific funding allocations.
Partnerships and Cooperation	
Previous Legislation	2008 Farm Bill

In carrying out any conservation program, Secretary could use program resources to enter into stewardship agreements with State and local agencies, Tribes, and nongovernmental organizations. Secretary could also designate special projects, as recommended by State Conservationist, to enhance technical and financial assistance to producers to address natural resource issues.

Special projects were to encourage:

- producers' cooperation in installation and maintenance of practices that affect multiple agricultural operations
- sharing of information and technical and financial resources among producers
- cumulative conservation benefits in geographic areas
- development and demonstration of innovative conservation methods

Requires Secretary to enter into competitively selected agreements with partners to address goals outlined in [2002 Farm Act](#). Funding and acres for agreements comes from allocations for each conservation program. CRP, WRP, FPP, and GRP are excluded from initiative. Up to 6% of included program funds can be used for initiative agreements, which if not used by April 1 of fiscal year can be used for other purposes in each program.

Allocation of funds:

- 90% to State conservationists for agreements that address State issues
- 10% for nationally competitive selection process

Voluntary Public Access and Habitat Incentive Program

Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Provides grants to States and tribal governments to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make land available for public access for wildlife-dependent recreation, including hunting or fishing under programs administered by States and tribal governments.</p> <p>Up to \$50 million in CCC funds can be granted to State and tribal governments during FY 2009-12. Grant applications must describe intended benefits from encouraging public access to farm and ranch land for hunting, fishing, and other recreational purposes.</p> <p>Priority to be given to program proposals that:</p> <ul style="list-style-type: none"> • are likely to be broadly accepted among landowners • enroll land with appropriate wildlife habitat • strengthen wildlife habitat improvement efforts on land enrolled in special conservation reserve enhancement program by providing incentives to increase public hunting and other recreational access • use grant money in conjunction with other Federal, State, or tribal resources to carry out program • notify public of location of land enrolled <p>Grants to be reduced by 25% if opening dates for migratory-bird hunting in State are not consistent for residents and nonresidents.</p>

Conservation Access

Previous Legislation	2008 Farm Bill
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No similar provision.	<p>Instructs Secretary to use 5% of EQIP funds to assist beginning farmers and ranchers, and 5% for socially disadvantaged farmers and ranchers. For CSP, 5% of available acres are to be made available for beginning farmers and ranchers, and 5% of acres for socially disadvantaged farmers and ranchers.</p> <p>Funds or acres allocated but not used by certain date (to be determined by Secretary) can be used for any producers in the programs.</p>
Streamlined Application	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Instructs Secretary to review application forms and processes for conservation programs to reduce complexity and redundancy, and to ensure all information collected about producers is necessary and not available from other sources.</p> <p>Requires that information technology be used effectively to minimize data and information input requirements.</p> <p>Instructs Secretary to submit written notification to Congress within 1 year of enactment that review has been completed.</p>
Incentives for Certain Farmers and Ranchers and Indian Tribes	
Previous Legislation	2008 Farm Bill
Secretary could provide incentives for beginning farmers, limited-resource producers, and Indian tribes to participate in conservation programs. Incentives were to foster new farming and ranching opportunities and enhance long-term conservation stewardship.	Adds socially disadvantaged farmers and ranchers to those eligible for incentives.
Acreage Limitations	
Previous Legislation	2008 Farm Bill
Limited acreage that could be enrolled in CRP and WRP in any 1 county to 25% of county's total cropland. Limited total acreage of easements in WRP to 10% of county cropland. Limits did not apply to easements used for shelterbelts or windbreaks. Exceptions could be made if exceeding limits would not hurt local economy or if producers would otherwise have difficulty complying with their conservation plans.	Adds waiver to existing limitations for certain acreage if agreed upon with county government.
Compliance and Performance	
Previous Legislation	2008 Farm Bill

No similar provision.	<p>Requires Secretary to develop procedures to monitor compliance and performance for USDA conservation programs. Procedures must:</p> <ul style="list-style-type: none"> • ensure compliance with program requirements, • measure program performance • demonstrate whether long-term conservation goals are being achieved • track participation by crop and livestock types • coordinate activities with national conservation program under Soil and Water Resources Conservation Act of 1977
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Encouragement of Pollinator Habitat Development and Protection


Previous Legislation	2008 Farm Bill
No similar provision.	In carrying out conservation programs, Secretary may, as appropriate, encourage development of habitat for pollinators and use of conservation practices to benefit pollinators.

Adjusted Gross Income Limitation See Title I, Payment Limits and Income Eligibility, [Attribution of Benefits](#).

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Provision name: 

Miscellaneous Conservation Programs and Provisions

 Privacy of Personal Information relating to natural resources conservation programs.	
Previous Legislation	2008 Farm Bill
Information collected by Secretary for purpose of providing technical or financial assistance to producer through natural resources conservation program could not be considered public information nor be disclosed to any person or entity outside USDA, except to conservation programs.	Retains provision. However, Title I provisions on Information Gathering supersede this provision.
Agricultural Conservation Experienced Service Program (ACES)	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes ACES program to engage people aged 55 and older to provide technical assistance in conservation programs. Secretary must contract with private nonprofit or other eligible organizations that hire participants to provide assistance. Workers hired under ACES cannot displace USDA employees. Program financed through funds for each conservation program, excluding funds from CRP, WRP, GRP, and CSP.
Amendments to Soil and Water Resources Conservation Act (RCA) of 1977	
Previous Legislation	2008 Farm Bill

Directed Secretary to carry out continuing appraisal of soil, water, and related resources, including collection of extensive data on and analysis of natural resources and conservation needs.

Requires additional data on conservation plans, practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by Secretary.

Requires concurrent evaluation of Resource Conservation Act appraisal and evaluation of existing conservation programs emphasizing demonstration, innovation, and monitoring to encourage adoption of improvement and adoption of conservation practices and performance-based standards.

RCA appraisals to be completed no later than 2011 and 2016.

Basin States Program for salinity control activities.

Previous Legislation	2008 Farm Bill
No similar provision.	Amends Colorado River Basin Salinity Control Act to create Basin States Program, which clarifies Bureau of Reclamation's authority in administering financial assistance for salinity control activities in Colorado River Basin.

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2008 Farm Bill Side-By-Side

Title III: Trade



Repeals Intermediate Export Guarantee Program (GSM-103), Supplier Credit Guarantee Program, and Export Enhancement Program. Increases required spending on nonemergency food assistance. Adds small pilot program for local or regional purchase and distribution of food assistance in food security crises. Provides mandatory funding for McGovern-Dole International Food for Education and Child Nutrition Program.

List of Key Provisions:

Food for Peace Act

Removal of Market Development Objective | Provision of Agricultural Commodities, Levels of Assistance, and Authorization of Appropriations | Food Aid Consultative Group | Oversight, Monitoring, and Evaluation | Preparation, Stockpiling, and Rapid Delivery of Shelf-Stable Prepackaged Foods | Determination of Domestic Supply Requirements | Prepositioning Commodities

Amendments to Agricultural Trade Act of 1978 and Related Statutes

Export Credit Guarantee Programs | Market Access Program (MAP) | Export Enhancement Program (EEP) | Foreign Market Development Program (FMD) | Food for Progress (FFP) | McGovern-Dole International Food for Education and Child Nutrition Program

Miscellaneous Trade Provisions

Bill Emerson Humanitarian Trust | Global Diversity Trust | Technical Assistance for Specialty Crops (TASC) Program | Emerging Markets and Facility Guarantee Loan Programs | Consultative Group to Eliminate Use of Child Labor and Forced Labor in Imported Agricultural Products | Local and Regional Food Aid Procurement Projects

Softwood Lumber Importer Declaration Program

Trade Provisions in Other Titles

Dairy Export Incentive Program (DEIP) | Uruguay Round Compliance | Prevention of Illegal Logging Practices | Country-of-Origin Labeling

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Provision name:

Food for Peace Act (P.L. 480) provides for government-to-government concessional sales of U.S. agricultural commodities to developing countries on credit or grant terms (Title I), for donation of U.S. agricultural commodities to meet emergency and nonemergency food needs in foreign countries (Title II), and for donation of U.S. agricultural commodities to governments of least-developed countries to be sold in those countries to support economic development programs (Title III).



Removal of Market Development Objective

Previous Legislation

Listed development and expansion of markets for U.S. agricultural commodities as an objective of Agricultural Trade Development and Assistance Act.

Required that commercial development potential be considered in choosing recipient countries and required organizations seeking funding to submit market development plans.

Allowed use of local currency received from sales of commodity aid to be used to develop markets for U.S. agricultural commodities in recipient countries.

2008 Farm Bill

Removes market development as an objective to reflect program operation in recent years.

Removes requirement for considering commercial development potential in choosing recipient countries and requirement to submit market development plans to receive funding.

Removes market development for U.S. commodities from allowable uses for local currency; adds development of trade capacity in recipient country as allowable use.

Provision of Agricultural Commodities, Levels of Assistance, and Authorization of Appropriations

Previous Legislation

Required that funding for administrative support, internal transportation, and distribution costs of sponsoring agencies be at least 5%, but not more than 10%, of annual Title II program level.

Required that not less than 2.5 million metric tons (MMT)/year of agricultural commodities be made available annually. Of this amount, at least 1.875 MMT/year was to be used for nonemergency food assistance.

Authorized appropriation of such sums as necessary for Title I concessional credit sales program, Title II emergency and nonemergency food assistance programs, and Title III bilateral grants program.

2008 Farm Bill

Provides that funding for administrative support, internal transportation, and distribution costs of sponsoring agencies be at least 7.5%, but not more than 13%, of annual Title II program level.

Provides that some of these funds be used for assessment and improvement of food aid quality. Authorizes use of no more than \$4.5 million over fiscal years (FY) 2009-11 from funds authorized for program oversight, monitoring, and evaluation.

Continues minimum level of assistance of 2.5 million MMT/year and minimum amount to be used for nonemergency food assistance of 1.875 MMT/year.

In addition, at least \$375 million/year in FY 2009, increasing by \$25 million/year until FY 2012, must be used for nonemergency food assistance. Rule can be waived if an extraordinary food emergency exists and President determines, and informs Congress, that no other food or financial resources are available to meet the emergency.

Authorizes appropriations of up to \$2.5 billion/year for Title II emergency and nonemergency food assistance programs, and such sums as are necessary for Title I concessional credit sales program and Title III bilateral grants program.

Food Aid Consultative Group

Previous Legislation

Established Food Aid Consultative Group (FACG) to review and address effectiveness of regulations and procedures governing food assistance programs. Included representatives of USDA, private cooperators, indigenous African, Latin American, and Asian nongovernmental organizations, and U.S. agricultural producers.

2008 Farm Bill

Extends FACG through Dec 31, 2012, and adds representatives of maritime sector involved in transporting agricultural commodities for food aid programs.

Oversight, Monitoring, and Evaluation

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires program oversight, monitoring, and evaluation, including in-country monitoring, evaluation of food aid impacts and monetization activities, identification and implementation of best practices, early warning systems to prevent famine, and upgrading of information technology (IT) systems.</p> <p>Requires implementation report on oversight activities for nonemergency programs within 180 days of enactment of 2008 Farm Act and review of these activities by Government Accountability Office within 270 days.</p> <p>Provides that up to \$22 million of funds for Title II for FY 2009-11 may be used for oversight activities, of which up to \$2.5 million may be used for upgrading IT systems. Up to \$8 million may also be used for famine early warning systems, but only if at least \$8 million is provided for that purpose under Foreign Assistance Act of 1961.</p>

Preparation, Stockpiling, and Rapid Delivery of Shelf-Stable Prepackaged Foods

Previous Legislation	2008 Farm Bill
Authorized appropriations of \$3 million annually for FY 2001-07, to remain available until expended, to facilitate preparation, stockpiling, and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods for food aid. Provided for grants to nonprofit and other private voluntary and international organizations.	Increases authorized appropriations limit to \$8 million.

Determination of Domestic Supply Requirements

Previous Legislation	2008 Farm Bill
Prohibited donation of agricultural commodities for foreign food aid if Secretary determined donation would reduce domestic supply below necessary levels.	Removes requirement that Secretary determine domestic supply needs before releasing commodities for foreign food aid.


Prepositioning Commodities

Previous Legislation	2008 Farm Bill
Allowed for use of FY 2001-07 funds to procure, transport, and store agricultural commodities for prepositioning within U.S. and in foreign countries, but limited expenditures for prepositioning in foreign countries to \$2 million.	<p>Extends permission for use of funds through FY 2012 and increases expenditures allowed for prepositioning in foreign countries to \$10 million.</p> <p>Allows for use of funds to assess feasibility and costs of establishing additional foreign prepositioning sites and to establish such sites if assessments warrant.</p>

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Provision name: 

Amendments to Agricultural Trade Act of 1978 and Related Statutes

 **Export Credit Guarantee Programs** facilitate commercial sales of U.S. agricultural products.

Previous Legislation	2008 Farm Bill
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Intermediate Export Credit Guarantee Program (GSM-103)

Previous Legislation	2008 Farm Bill
Guaranteed repayment of private credit extended for up to 7 years to foreign credit providers.	Repeals Intermediate Export Credit Guarantee Program.

Supplier Credit Guarantee Program (SCGP)

Previous Legislation	2008 Farm Bill
Helped exporters offer direct, short-term credit to foreign buyers of U.S. food and agricultural products.	Repeals Supplier Credit Guarantee Program.
Export Credit Guarantee Program (GSM-102)	
Previous Legislation	2008 Farm Bill
Guaranteed repayment of private credit extended for up to 3 years (short-term) to foreign credit providers.	Renews program and authorizes budget authority of \$40 million/year through FY 2012, plus unobligated budget authority carried over from previous years. Removes 1% limitation on origination fees assessed on each transaction.
Credit guarantees of up to \$5.5 billion/year were to be made available.	Retains provision as far as feasible under authorized budget authority.
At least 35% of export credit guarantees issued had to be used to promote exports of processed or high-value agricultural products.	Does not extend provision.

Market Access Program (MAP) provides cost-share funding to expand markets for U.S. agricultural products through technical assistance, market research, and promotion of U.S. value-added products. Participating organizations include nonprofit agricultural organizations, regional trade groups, and U.S. private companies.

Previous Legislation	2008 Farm Bill
Gradually increased funding to not more than \$100 million in FY 2002, \$110 million in FY 2003, \$125 million in FY 2004, \$140 million in FY 2005, and \$200 million annually in FY 2006-07 in Commodity Credit Corporation (CCC) funds or equivalent CCC commodities.	Continues funding at \$200 million annually.

Export Enhancement Program (EEP) provided funding to U.S. exporters to help compete against subsidized prices in specific export markets.

Previous Legislation	2008 Farm Bill
Funding of up to \$478 million/year was made available but never utilized. (EEP was inactive after 2001.)	Repeals Export Enhancement Program .

Foreign Market Development Program (FMD) provides cost-share funding to develop, maintain, and expand foreign markets for U.S. agricultural commodities. Participating organizations are primarily U.S. trade associations.

Previous Legislation	2008 Farm Bill
Authorized use of CCC funds to support program. 2002 Farm Act increased funding to \$34.5 million.	Retains provision at FY 2002 level.
Required continued emphasis on exporting value-added products to emerging markets.	Retains provision.

Food for Progress (FFP) provides for donation or credit sale of U.S. commodities to developing countries to support democracy and an expansion of private enterprise. Donations may be made to governments, private voluntary organizations, nonprofits, cooperatives, or intergovernmental organizations. Administered by Secretary.

Previous Legislation	2008 Farm Bill
2002 Farm Act increased annual limits on administrative costs to \$15 million and on noncommodity costs to \$40 million.	Retains provision at FY 2002 levels.
Provided for no less than 400,000 metric tons/year of eligible commodities to go to developing countries.	Retains provision.

Sub-Saharan Africa: Project in Malawi	
Previous Legislation	2008 Farm Bill

No similar provision.

During FY 2009, at least 1 multiyear project shall be approved for Malawi to promote sustainable agriculture and to increase number of women in leadership positions. Project shall be carried out using at least \$3 million of eligible commodities.


McGovern-Dole International Food for Education and Child Nutrition Program was established by 2002 Farm Act to help support education, child development, and food security for some of world's poorest children. It donates commodities and financial and technical assistance through governments, private voluntary organizations, cooperatives, and other entities for preschool and school feeding programs or for sale to generate funding for school feeding and nutrition projects. Administered by Secretary.

Previous Legislation	2008 Farm Bill
Authorized use of \$100 million of CCC funds in FY 2003 to remain available until expended. Authorized appropriations as necessary for FY 2002-07.	Continues authorization of appropriations through FY 2013. Provides additional \$84 million of CCC funding for FY 2009, to remain available until expended.

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Provision name: 

Miscellaneous Trade Provisions

 **Bill Emerson Humanitarian Trust** is not a food-aid program, but a reserve of food and cash administered under authority of Secretary. U.S. commodities and cash from this reserve can be used by P.L. 480 program to respond to unexpected humanitarian food crises in developing countries.

Previous Legislation	2008 Farm Bill
Authorized CCC reimbursement for disbursements of Trust Funds for commodities, transportation, and storage.	Continues authority for reserve.
Up to 4 MMT of commodities, or any combination of commodities and funds equivalent to 4 MMT, could be held in reserve.	Removes limit on size of reserve.
No similar provision.	Provides that Trust funds and commodities shall be immediately available upon determination by U.S Agency for International Development (USAID) Administrator that funds for emergency needs under P.L. 480 Title III are insufficient.

Global Diversity Trust

Previous Legislation	2008 Farm Bill
No similar provision.	Provides that Administrator of USAID shall contribute funds to endow Global Crop Diversity Trust to assist in conservation of genetic diversity in food crops through collection and storage of germplasm of food crops. Authorizes appropriations of \$60 million for FY 2008-12, provided that aggregate U.S. contributions shall not exceed 25% of total amount of funds contributed to Global Crop Diversity Trust.

Technical Assistance for Specialty Crops (TASC) Program provides funding to public and private U.S. organizations for technical assistance to addresses unique sanitary, phytosanitary, and technical barriers that prohibit or threaten export of U.S. specialty crops.

Previous Legislation	2008 Farm Bill
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Established program and authorized use of CCC funding of up to \$2 million/year. Subsequently, Specialty Crops Competitiveness Act of 2004 authorized, beginning in FY 2005, an additional \$2 million/year above amount already authorized under 2002 Farm Act for TASC.

Authorizes CCC funding:

- \$4 million in FY 2008
- \$7 million in FY 2009
- \$8 million in FY 2010
- \$9 million annually in FY 2011-12

Emerging Markets and Facility Guarantee Loan Programs provide funding to public and private U.S. organizations for technical assistance activities intended to promote U.S. exports in target foreign markets. Authorizes issuance of CCC guarantees to support establishment of agriculture-related facilities such as ports, storage facilities, and warehouse and distribution systems.

Previous Legislation	2008 Farm Bill
Emerging Markets Program	
Previous Legislation	2008 Farm Bill
Authorizes use of Export Credit Guarantees to help develop emerging foreign markets.	Retains provision.
Facility Guarantee Loan Program	
Previous Legislation	2008 Farm Bill
Reauthorized CCC to make available direct credit or credit guarantees to assist in agriculture-related facilities projects in emerging markets. CCC guaranteed payments due from approved foreign banks to U.S. financial institutions or to U.S. exporters of goods used in construction. Loan terms ranged from 1 to 10 years.	Expands loan authority to allow longer term loans for up to lifecycle of facility's depreciation schedule (not to exceed 20 years). Waiver of general requirement to use U.S. materials in construction is permitted if use of U.S. goods is "not practicable."

Consultative Group to Eliminate Use of Child Labor and Forced Labor in Imported Agricultural Products

Previous Legislation	2008 Farm Bill
No similar provision.	Establishes "Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products" to develop recommendations relating to guidelines to reduce likelihood that agricultural products or commodities imported into U.S. are produced using forced labor and child labor.

Local and Regional Food Aid Procurement Projects

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretary to enter into grants or cooperative agreements to provide local or regional procurements of eligible commodities to respond to food crises and disasters.</p> <p>Provides that, to maximum extent practicable, provision of food aid should not significantly increase commodity costs for low-income consumers who procure commodities sourced from same markets at which eligible commodity is procured.</p> <p>Provides that local or regional procurement shall not have disruptive impact on farmers located in, or economy of, recipient country of eligible commodity or any country in region in which eligible commodity may be procured.</p> <p>Authorizes use of CCC funds:</p> <ul style="list-style-type: none"> • \$5 million for FY 2009 • \$25 million for FY 2010 • \$25 million for FY 2011 • \$5 million for FY 2012

Requires Secretary to initiate, within 30 days of enactment of 2008 Farm Act, study of prior local and regional procurements for food aid programs conducted by other donor countries, private voluntary organizations, and United Nations World Food Program. Study to be completed within 180 days of enactment.

Requires all field-based projects to be evaluated by independent third party by Nov 1, 2011.

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Provision name: 

Softwood Lumber Importer Declaration Program	
Previous Legislation	2008 Farm Bill
No similar provision.	Requires USDA to establish program. Importers must report lumber imports, allowing data to be collected, verified, and reconciled, to implement the U.S.-Canada Softwood Lumber Agreement.

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Provision name: 

Trade Provisions in Other Titles
 Dairy Export Incentive Program (DEIP) helps exports of U.S. dairy products meet prevailing world prices for targeted dairy products and destinations. See Title I, Dairy Export Incentive Program .
Uruguay Round Compliance. See Title I, Uruguay Round Compliance .
Prevention of Illegal Logging Practices. See Title VIII, Prevention of Illegal Logging Practices .
Country-of-Origin Labeling. See Title XI, Country-of-Origin Labeling .

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2008 Farm Bill Side-By-Side

Title IV: Nutrition



Expands eligibility for Food Stamp Program, renamed Supplemental Nutrition Assistance Program beginning in fiscal year 2009, increases benefits, and makes additional adjustments for inflation. Increases funding for Emergency Food Assistance Program, Fresh Fruit and Vegetable Program, and Senior Farmers' Market Nutrition Program. Creates initiatives for community food security, promoting locally produced foods, and healthy eating patterns, including curbing obesity.

List of Key Provisions:

[Food Stamp Program \(FSP\)/Supplemental Nutrition Assistance Program \(SNAP\)](#)

[Benefits](#) | [Eligibility](#) | [Operations](#)

[Food Distribution Programs](#)

The Emergency Food Assistance Program (TEFAP) | Food Distribution Program on Indian Reservations (FDPIR) | Commodity Supplemental Food Program (CSFP) | Purchase of Fresh Fruits and Vegetables for Distribution

[Fruit and Vegetable Promotion](#)

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Provision name:**Food Stamp Program (FSP)/Supplemental Nutrition Assistance Program (SNAP)****Previous Legislation****2008 Farm Bill**

Food Stamp Program is renamed Supplemental Nutrition Assistance Program effective Oct 2008. Appropriations are authorized through fiscal year (FY) 2012.


Benefits
Previous Legislation**2008 Farm Bill**

Calculated benefits based on number of people in household, maximum FSP benefit, and household income (net of allowable deductions). Deductions included standard deduction (available to all) and targeted earnings, excess shelter, dependent care, child support, and medical costs.

Retains basic structure of benefit formula.

Partially reversed 1996 welfare reform legislation that froze FSP standard deduction and ended its indexation. Linked standard-deduction level to inflation-indexed poverty guidelines so as to phase in increases over time. For 48 States and District of Columbia (DC), deduction set to increase to level of 8.31% of inflation-indexed poverty guidelines in whatever year this amount came to exceed minimum deduction of \$134.

Retains link to poverty guidelines for FY 2009, but increases minimum standard deduction to \$144 for 48 States and DC.

Requires indexation of previous years' standard deduction based on cost of living increases for FY 2010 and thereafter.

Set minimum allotment at \$10 for 1- or 2-person households eligible for benefits.

Replaces \$10-minimum benefit with indexed amount equal to 8% of maximum benefit for single-person household.

Allowed dependent-care deduction, when needed for work, training, or education. Deduction limited to \$200 for each child under age 2 and not more than \$175 for each other dependent.

Eliminates cap on amount of household's dependent-care expenses that can be deducted from its gross income for eligibility and benefit determination.

Included temporary language in appropriations acts since 2005 allowing for exclusion of supplemental military combat earnings for purposes of determining FSP eligibility and benefits.

Excludes additional payment received by member of Armed Forces as a result of deployment to combat zone from consideration in eligibility and benefit determination, as long as such payment was not received immediately prior to serving in a combat zone.

Eligibility**Previous Legislation****2008 Farm Bill**

Continued to restrict eligibility to households with gross income less than 130% of poverty guidelines and net income less than 100%. Asset limits, not indexed to inflation, allowed eligible households no more than \$2,000 in countable assets (\$3,000 if a member is age 60 or older). Increased asset limit to \$3,000 for households with a disabled member.

Retains income limits based on poverty guidelines. Retains asset limits but introduces annual inflation adjustments rounded to nearest \$250.

Based eligibility on national standards that included gross and net income limits, allowable deductions, and asset limits.

Additional factors were citizenship, work, and educational status.

Established that resources countable toward asset limit include most financial assets and some property. Household's home and furnishings and (in most cases) value of vehicle were not counted.

The 2002 Farm Act further restored eligibility to legal immigrants excluded from program in 1996 welfare reform law. This included those receiving disability benefits (beginning in Oct 2002), those who had been in U.S. continuously for 5 years (April 2003), and all legal immigrant children, regardless of their date of entry to U.S. (Oct 2003).

Excludes tax-qualified educational and retirement savings accounts from financial resources that count toward asset limit.

Extends provision.

Operations

Previous Legislation	2008 Farm Bill
FSP is jointly administered by USDA's Food and Nutrition Service (FNS) and State and local welfare agencies.	

Program Simplification	
Previous Legislation	2008 Farm Bill
Provided States with several options to simplify program, including aligning definitions of income and/or resources to those used in Temporary Assistance to Needy Families (TANF) or Medicaid.	Extends provision.
Extended simplified reporting option (previously granted by regulation) to almost all types of households. This option permitted States to freeze household benefits for 6 months, requiring households to report only those changes in household circumstances that raise household income above 130% of poverty level.	Authorizes all households to be placed on simplified reporting, eliminating prohibition on simplified reporting for elderly, disabled, homeless, and migrant households.
Allowed States option to provide up to 5 months of a fixed level of transitional food stamp benefits to low-income families leaving Federal cash welfare programs.	Expands State option for transitional benefits to include families with children leaving State-funded cash assistance programs.
Allowed households to file for food stamp benefits on day they initiate an application at a local welfare office. Allowed households with hardships (e.g., elderly and working families) to complete applications online or by telephone. Electronic signatures were allowed but could result in delays in filing and receiving benefits.	Allows States to establish system by which applicant may sign application through recorded verbal assent over the telephone. System must record verbal assent, include effective safeguards against impersonation, identify theft and invasions of privacy, not interfere with right to apply in writing, provide household written copy of application with instructions for correcting any errors, and make date of application the date of verbal assent.
Nutrition Education, Promotion, and Outreach	
Previous Legislation	2008 Farm Bill
Authorized continued operation and matching funding to States with an approved Food Stamp Nutrition Education (FSNE) program.	Makes nutrition education activities a specific component of legislation and gives States discretion to implement nutrition education programs directed at individuals who receive or are eligible for program benefits. Continues requirement for non-Federal matching funds.

No similar provision.	<p>Mandates \$20 million to carry out point-of-purchase pilot to encourage households to purchase fruits, vegetables, or other healthful foods.</p> <p>Authorizes funding as needed for pilot projects for each of FY 2008-12 to develop and test strategies for:</p> <ul style="list-style-type: none"> • using program to improve diet and health status among eligible population • reducing obesity and diet-related disorders in U.S. population <p>Requires independent evaluations of all pilot projects.</p>
Authorized award of \$5 million in grants for FY 2003-07 for projects aimed at simplifying food stamp application and eligibility determination systems for improving access to food stamp benefits by eligible households.	Reauthorizes annual award of grants aimed at simplifying applications and improving access to program, subject to availability of appropriations.
Benefit Issuance	
Previous Legislation	2008 Farm Bill
<p>Required Secretary of Agriculture to submit report to Congress on status of Federal and State efforts to implement Electronic Benefit Transfer (EBT) systems using debit cards to replace food stamp coupons as method of FSP benefit issuance.</p> <p>Eliminated requirement that Federal costs for EBT systems be less than those for paper systems.</p>	<p>Relinquishes Federal obligation to redeem food stamp coupons and recognizes EBT cards as only method for accessing benefits at retail food stores upon enactment.</p> <p>Allows for exceptions to mandatory use of EBT and stipulates that no interchange fees be applied to program EBT transactions.</p>
No similar provision.	Requires States to establish within 1 year of enactment procedures for recovering electronically issued benefits from inactive benefit accounts.
No similar provision.	Prohibits splitting of any household's monthly benefit into multiple issuances except when benefit correction is needed. Effective Oct 2008.
No similar provision.	Defines situations when Secretary can prohibit State agency from recouping excess benefits inadvertently overpaid to households as result of major system failure. Effective Oct 2008.
Program Integrity	
Previous Legislation	2008 Farm Bill
The 2002 Farm Act reformed quality-control system by basing financial sanctions on consecutive years of high error rate and replacing enhanced funding for States with low error rates with a performance-bonus system based on several different measures of performance.	Extends provision.
No similar provision.	<p>Disqualifies individuals who are found by administrative or judicial authority to have intentionally sold or destroyed food purchased with program benefits in order to obtain cash. This includes discarding food or beverages to collect return deposits on their containers.</p> <p>Provides more flexibility in disqualifying and fining retailers who violate program rules. Increases maximum civil money penalty to \$100,000 for each violation.</p>

No similar provision.	Prohibits disclosure of information obtained from applicant households for any purpose other than program administration and/or enforcement. Allows use of such information to administer Federal assistance or Federally assisted programs.
No similar provision.	Requires that consistent definitions be established for circumstances that would disqualify individuals sought by law enforcement officers in relation to criminal proceedings from receiving program benefits.
No similar provision.	Modifies existing law to ensure civil rights compliance and requires program to be administered consistent with age discrimination, rehabilitation, and disability legislation.
No similar provision.	Clarifies State responsibility for program administration in situations where program is locally administered and requires States to keep records demonstrating compliance with program rules. Requires improvements in Federal and State monitoring of major operational changes that may impact program integrity and/or household access.
No similar provision.	Requires that all State computerized systems receiving Federal matching funds be tested adequately before implementation and that they be continuously updated and tested.

Employment and Training

Previous Legislation	2008 Farm Bill
Authorized \$110 million annually for Food Stamp Employment and Training (FSE&T) activities for FY 2002-07.	Provides authorization for employment and training funding through program appropriations.
The 2002 Farm Act increased State flexibility in spending FSE&T funds and eliminated \$25/month Federal reimbursement cap (established in 1985) for participant transportation and other work costs.	Places 15-month time limit for use of unspent Federal grant funding for employment and training. Allows employment and training funds to be used for up to 90 days to provide job retention services to individuals who have received other employment and training services. Relaxes limits on maximum hours voluntary participants can spend in employment and training activities.

Miscellaneous

Previous Legislation	2008 Farm Bill
Consolidated funding structure for nutrition assistance in Puerto Rico and American Samoa into a single block grant funded at \$1.401 billion for FY 2003 with annual adjustments, based on Thrifty Food Plan .	Provides permanent authority for Puerto Rico/American Samoa consolidated block grant, linked to availability of appropriations.
No similar provision.	Provides mandatory funding of \$1 million to study feasibility of including Puerto Rico in program in lieu of block grant funding.
Extended Secretary's authority through FY 2007 to reduce matching payments to States for FSP administrative costs in an amount reflecting payments received for administration under TANF program block grant.	Permanently extends Secretary's authority to reduce program administrative cost payments.

Provision name: 

Food Distribution Programs	
The Emergency Food Assistance Program (TEFAP)	
Previous Legislation	2008 Farm Bill
Increased mandatory funding for TEFAP commodity purchases to \$140 million each year. Authorized \$60 million annually for direct and indirect costs to States related to processing, storing, transporting, and distributing commodities (including commodities contributed by farmers through gleaning programs) through FY 2007.	<p>Sets mandatory funding for TEFAP commodity purchases at \$190 million for FY 2008 and \$250 million for FY 2009; indexes funding for food-price inflation for FY 2010-12.</p> <p>Requires State TEFAP agencies to submit for approval an operation and administrative plan every 3 years (instead of every 4 years under prior law).</p> <p>Permanently increases funding for TEFAP agency operations to \$100 million annually and allows such funds to be applied to costs of administering wild-game donations.</p>
Food Distribution Program on Indian Reservations (FDPIR)	
Previous Legislation	2008 Farm Bill
Extended authorization for FDPIR through FY 2007.	<p>Amends authorization for FDPIR but continues involvement of tribal organizations. Prohibits simultaneous participation of any individual in FSP/SNAP and FDPIR and establishes reciprocal disqualifications in the programs. Authorizes, subject to appropriations, purchase of bison meat for distribution under FDPIR.</p> <p>Authorizes \$5 million annually for FY 2008-12 for fund to purchase and distribute traditional and locally grown foods, designated by region, on Indian reservations. Where practicable, at least 50% of food distributed through the fund must be produced by Native American farmers, ranchers, and producers.</p> <p>Requires Secretary to submit a report to Congress on FDPIR food package discussing its dietary adequacy and appropriateness for addressing nutritional needs and health challenges specific to Native Americans.</p>
Commodity Supplemental Food Program (CSFP)	
Previous Legislation	2008 Farm Bill
Authorized funding for FY 2003-07, modifying administrative funding formula to provide a specific reimbursement per caseload slot, subject to annual inflation adjustment.	<p>Permanently extends authority for purchase and distribution of food under CSFP and maintains administrative funding formula.</p> <p>Removes priority to serve women, infants, and children before the elderly.</p>
Purchase of Fresh Fruits and Vegetables for Distribution	
Previous Legislation	2008 Farm Bill

Required Secretary to use a minimum of \$200 million/year through FY 2007 to purchase additional fruits, vegetables, and other specialty food crops. A minimum of \$50 million/year was to be used exclusively for purchases of fresh fruits and vegetables to be distributed to schools participating in school lunch and other child nutrition programs.

Authorized Department of Defense (DoD) to act as agency for procurement of fresh fruits and vegetables through its DoD Fresh Program.

Requires that Secretary procure fruits, vegetables, and nuts (in frozen, canned, dried, or fresh form) for use in domestic nutrition assistance programs using Section 32 funds in following amounts:

- \$190 million in FY 2008
- \$193 million FY 2009
- \$199 million FY 2010
- \$203 million FY 2011
- \$206 million in FY 2012 and thereafter

Retains minimum of \$50 million annually for purchase of fresh fruits and vegetables for use in schools and service institutions participating in programs under National School Lunch Act (NSLA). Allows that these amounts may continue to be spent through DoD Fresh Program.

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Provision name:



Fruit and Vegetable Promotion	
Fresh Fruit and Vegetable Program	
Previous Legislation	2008 Farm Bill
<p>Amended NSLA to require pilot programs to make free fresh (or dried) fruits and vegetables available in a limited number of elementary and secondary schools in 4 States and 1 Indian reservation.</p> <p>Child Nutrition and WIC Reauthorization Act of 2004 made program permanent and included additional States and Indian reservations.</p>	<p>Expands mandatory funding for Fresh Fruit and Vegetable Program with additional \$40 million in FY 2008, \$65 million in FY 2009, \$101 million in FY 2010, and \$150 million in FY 2011. In July 2012 and each July thereafter, funding is to be adjusted for cost-of-living increases. All funds remain available until expended.</p> <p>Allocates funding among States under a formula distributing roughly half of funds equally among States and rest based on State population.</p> <p>Allows that participating elementary schools are to be selected by States with priority generally given to schools with highest proportion of children eligible for free or reduced-price school meals. Requires State agencies to initiate special outreach to such children.</p> <p>Allows that per student grants are to be determined by States at levels no less than \$50, or more than \$75, annually.</p> <p>Provides mandatory funding of \$3 million from FY 2008 funds and made available until end of FY 2010 to determine whether children participating in program increase their consumption of fruits and vegetables or make other dietary changes, such as decreased consumption of less nutritious food.</p>
Healthy Food Education and School Gardening Pilot Programs	
Previous Legislation	2008 Farm Bill

No similar provision.

Clarifies that nutrition education under an NSLA "farm to cafeteria" pilot program should promote healthy food education.

Gives priority to projects that can be replicated in other schools.

Authorizes, subject to availability of appropriations, hands-on gardening pilot programs at "high-poverty" schools in up to 5 States.

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Provision name:



Farmers' Market and Community Food Promotion

Previous Legislation	2008 Farm Bill
Authorized annual funds of up to \$5 million for Community Food Competitive Grants for FY 2002-07 and expanded definition for qualifying projects.	Continues authorization for annual funding of \$5 million for Community Food Competitive Grants through FY 2012.



Healthy Urban Food Enterprise Development Center

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes establishment of a Healthy Urban Food Enterprise Development Center. Provides funding of \$1 million annually in FY 2009-11 and authorizes \$2 million for FY 2012 to increase underserved communities' access to healthy foods, including locally grown and produced agricultural products.</p> <p>Directs Center to provide technical assistance and authorizes Center to competitively award subgrants to carry out feasibility studies and to establish and assist enterprises that process, distribute, aggregate, store, and market healthy, affordable foods.</p> <p>Limits administrative expenses to 10% of funding.</p>

Farmers' Market Nutrition Programs

Previous Legislation	2008 Farm Bill
<p>Authorized \$5 million in FY 2002 and \$15 million/year through FY 2007 to implement and expand Senior Farmers' Market Nutrition Program to provide fresh, locally grown produce to low-income seniors.</p> <p>Authorized \$15 million in additional funding for WIC Farmers' Market Nutrition Program to help participants obtain fresh produce from farmers' markets.</p>	<p>Extends authorization of Senior Farmers' Market Nutrition Program through FY 2012, with mandatory funding of \$20.6 million annually.</p> <p>Disallows value of any benefit provided by program to be considered as income or resources and prohibits collection of State and local sales tax on purchases of food made with program benefits.</p>

Locally Produced Foods

2002-07 Legislation	2008 Farm Bill

Directed Secretary to encourage schools participating in National School Lunch and School Breakfast Programs to purchase locally produced foods. Authorized annual funding of \$400,000 for FY 2003-07 to provide startup grants for up to 200 institutions.

Directs Secretary to encourage institutions, such as schools, that receive funds from child nutrition programs to purchase unprocessed agricultural products, both locally grown and locally raised, to maximum extent practicable and appropriate. Allows use of geographic preference in procurement in all programs funded under NSLA, Child Nutrition Act, and DoD Fresh Program.

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Provision name: 

Community Food Security and Emergency Food Grants

"Hunger-Free Community" Grants

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes through FY 2012, subject to appropriations, a "hunger-free community" grants program to award grants to food-program service providers and local nonprofit organizations (such as emergency feeding organizations) to make up Federal share (up to 80%) of projects that assess community hunger problems and meet, or develop, new strategies to create hunger-free communities.

Emergency Food Infrastructure Grants

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes, subject to appropriations, competitive grants totaling \$15 million/year through FY 2012 to expand capacity and infrastructure of food banks to:</p> <ul style="list-style-type: none"> • improve their ability to handle perishable food products • improve identification of potential providers of donated food • support procurement of locally produced food from small family farms and ranches <p>Requires that 50% or more of grant funds be targeted to agencies that predominantly serve rural communities.</p>

National and International Hunger Fellows

Previous Legislation	2008 Farm Bill
Reauthorized Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows programs (to be funded from proceeds of trust fund, gifts, and annual appropriations of \$2.5 million).	Authorizes National And International Hunger Fellows through FY 2012 subject to appropriations.

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Provision name: 

School Meal Issues

Whole Grain Pilot Projects

Previous Legislation	2008 Farm Bill

No similar provision.	Instructs Secretary to establish pilot project to purchase whole grains and whole-grain products for use in school meal programs. Requires an evaluation to determine whether whole-grain consumption increased and which products were most acceptable to schoolchildren. Authorizes \$4 million from Section 32 funds to fund project.
Buy American	
Previous Legislation	2008 Farm Bill
No similar provision.	Secretary should undertake training, guidance, and enforcement of Buy American statutory requirements in NSLA and DoD Fresh Program. No authorization for appropriations.
Survey of School Food Purchases	
Previous Legislation	2008 Farm Bill
No similar provision.	Requires Secretary to undertake nationally representative survey during FY 2009 of foods purchased by schools participating in school lunch program. Authorizes 1-time funding of \$3 million for survey.
Funding for School Meals Program. See Title XIV, Domestic Food Assistance Programs (Section 32 Funds) .	

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Provision name: 

Nutrition Monitoring	
Previous Legislation	2008 Farm Bill
No similar provision.	Requires Secretaries of Agriculture and Health and Human Services to jointly monitor, conduct research on, and disseminate to the public information on diet, nutrition, physical activity, and related issues.

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2008 Farm Bill Side-By-Side

Title V: Credit



Authorizes new conservation loan program, expands and enhances programs and preferences for beginning and socially disadvantaged farmers and ranchers, increases loan limits for all borrowers, and makes equine farmers eligible for emergency loans. Refines and clarifies rules governing financial obligations among members of Farm Credit System. Rural utility loans become qualifying loans under Federal Agricultural Mortgage Corporation (Farmer Mac) rules.

List of Key Provisions:

[Farm Ownership Loans](#)

[Farming Experience \(Direct Farm Ownership Loans\)](#) | [Conservation Loan and Loan Guarantee Program](#) | [Limitations on Amount of Farm Ownership Loans](#) | [Down Payment Loan Program](#) | [Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program](#)

[Operating Loans](#)

[Farming Experience \(Direct Farm Operating Loans\)](#) | [Limitations on Amount of Operating Loans](#) | [Suspension of Limitation on Period for Eligibility for Guaranteed Assistance](#)

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Provision name:

Farm Ownership Loans provide [direct](#) or [guaranteed](#) loans for purchase of farms by family-sized operations unable to obtain sufficient credit elsewhere on reasonable terms.

Farming Experience (Direct Farm Ownership Loans)

Previous Legislation

Required borrowers to participate in operation of farm or ranch for at least 3 years to be eligible for direct [farm ownership loan](#).

2008 Farm Bill

Provides that any farm experience, no matter when it occurred, must be considered in determining whether applicant meets 3-year experience requirement.

Conservation Loan and Loan Guarantee Program

Previous Legislation

Secretary had authority to operate direct and guaranteed Soil and Water Conservation and Protection Loan Program. Farmers unable to secure credit elsewhere were eligible for loans for soil and water conservation and protection projects. Loan size maximum was set at \$50,000.

2008 Farm Bill

Replaces previous authority with authorities to make or guarantee loans used to cover costs of qualified conservation projects of eligible borrowers. Projects must be part of USDA-approved conservation plan. Eligible conservation plans may include projects for construction or establishment of conservation structures, forest and permanent cover, water conservation and waste management systems, improved permanent pasture, or other projects that comply with Section 1212 of Food Security Act of 1985, and other purposes approved by Secretary.

Eligible borrowers include farmers, ranchers, and other entities controlled by farmers and ranchers and primarily and directly engaged in agricultural production.

Gives priority to qualified [beginning farmers, ranchers, socially disadvantaged farmers or ranchers](#), owners or tenants who use the loans to convert to sustainable or [organic agricultural production](#) systems, and producers who use the loans to build conservation structures or establish conservation practices.

Loan guarantees are 75% of principal amount of loan and loans are to be disbursed geographically to maximum extent possible. Borrowers must be unable to obtain credit elsewhere.

Limitations on Amount of Farm Ownership Loans

Previous Legislation

Set direct loan borrowing limit at \$200,000.

2008 Farm Bill

Increases direct loan borrowing limit to \$300,000.

Down Payment Loan Program

Previous Legislation

2008 Farm Bill

Direct Loan program provided down payment financing to [beginning farmers and ranchers](#) for farm purchases. Down payment loans could have been made at 4% fixed rates for up to 15 years at 40% of sale price appraised value.

Adds [socially disadvantaged farmers or ranchers](#) to down payment loan program. Also:

- establishes maximum eligible principal amount not to exceed 45% of purchase price, appraised value, or \$500,000, whichever is lowest
- ties interest rate to 4% below regular direct farm ownership loan rate to minimum of 1.5%
- increases maximum loan duration from 15 to 20 years
- reduces borrower down payment requirement from 10% to 5%

Requires Secretary to establish annual performance goals to promote use of this program and joint financing arrangements.

Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program

Previous Legislation	2008 Farm Bill
Established pilot program to guarantee up to 5 loans per State made by private seller of farm or ranch to qualified beginning farmer or rancher on contract land sale basis, if loan met applicable underwriting criteria and commercial lending institution agreed to serve as escrow agent.	Expands program to include socially disadvantaged farmers or ranchers ; makes it permanent and nationwide; and sets minimum down payment for participants of 5%, maximum purchase price of \$500,000, and loan period of 10 years. Offers sellers choice of guarantee options.

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Provision name: 

Operating Loans provide [direct](#) or [guaranteed](#) loans for operating expenses of family-sized farms or ranches for operators unable to obtain sufficient credit elsewhere on reasonable terms.

Farming Experience (Direct Farm Operating Loans)

Previous Legislation	2008 Farm Bill
Required borrowers to participate in operation of farm or ranch for at least 3 years to be eligible for direct farm operating loan.	Provides that any farm experience, no matter when it occurred, must be considered in determining whether applicant meets 3-year experience requirement.

Limitations on Amount of Operating Loans

Previous Legislation	2008 Farm Bill
Set direct Loan borrowing limit at \$200,000.	Increases borrowing limit to \$300,000.

Suspension of Limitation on Period for Eligibility for Guaranteed Assistance


Previous Legislation	2008 Farm Bill
Waived eligibility time limits on guaranteed operating loans through May 2008. Borrowers with direct operating loans were eligible, case-by-case, for a 1-time waiver for 2 additional years of eligibility.	Extends waiver of limitation on number of years that borrowers are eligible to receive guaranteed assistance on operating loans through Dec 31, 2010.

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Provision name: 

Emergency Loans provide [emergency loans](#) to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

 **Eligibility of Equine Farmers and Ranchers for Emergency Loans**

Previous Legislation	2008 Farm Bill
No similar provision.	Specifies eligibility of certain equine farmers and ranchers for emergency loans, subject to all relevant eligibility requirements, including inability to obtain credit elsewhere.

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Provision name: **Administrative Provisions**
 **Beginning Farmer and Rancher Individual Development Accounts Pilot Program**

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Establishes New Farmer Individual Development Account (IDA) Pilot Program, which provides for matching-funds savings accounts for beginning farmers or ranchers to be used for specified farming-related expenses. Program to be administered by FSA in at least 15 States. Authorizes funding for program through FY 2012.</p> <p>Grants for savings accounts to be administered through contract with qualified entity and will require:</p> <ul style="list-style-type: none"> • monthly deposit into personal savings by eligible participant • agreement on eligible expenditures for which savings will be used when contract is completed • agreement on level of matching of at least 100%, but not more than 200%, of participant's savings <p>Requires savings-account entities to provide 50% non-Federal match of their grant. Entities may use up to 10% of Federal match for administrative expenses.</p> <p>Defines eligible beginning farmers and ranchers as those that lack significant assets and have an income that is either below 80% of State's median or below 200% of State's poverty income guidelines. Eligible participants cannot receive more than \$6,000 in matching funds for each fiscal year of contract. Participants must also complete financial training established by qualified entity.</p>

Inventory Sales Preferences

Previous Legislation	2008 Farm Bill
Beginning farmers have preference to buy FSA inventory farm property for 135 days before it was offered for sale to other buyers. Inventory properties were to be divided or combined to make them more suitable for these borrowers.	Extends preference to buy FSA inventory property in first 135 days to socially disadvantaged farmers or ranchers . If more than 1 eligible socially disadvantaged or beginning farmer offers to purchase the same property in first 135 days, buyer is to be chosen randomly.

Loan Fund Set Asides

Previous Legislation	2008 Farm Bill
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Reserved 70% of available funds for direct ownership loans for beginning farmers and ranchers, of which 60% were reserved for down payment loans. Also reserved 25% of available funds for guaranteed ownership loans and 35% of funds for direct operating loans for beginning farmers and ranchers annually.

Increases loan funds reserved for [beginning farmers and ranchers](#) to 75% for direct farm ownership loans, of which two-thirds are reserved for down payment loans and joint financing arrangements. Also reserves 40% of guaranteed farm ownership loans and 50% of direct operating loans for beginning farmers and ranchers.

Transition to Private Commercial or Other Sources of Credit

Previous Legislation	2008 Farm Bill
No similar provision.	Requires that regulations be established to encourage transitioning of borrowers to other sources of credit, including private commercial credit, in shortest practicable period of time.

Extension of Right of First Refusal to Reacquire Homestead Property to Immediate Family Members of Borrower-Owner

Previous Legislation	2008 Farm Bill
Consolidated Farm and Rural Development Act of 1990 established right of first refusal of borrower-owner to reacquire homestead property.	Extends right of first refusal to reacquire homestead property to immediate family members of a socially disadvantaged farmer or rancher borrower. Eliminates right of first refusal to reacquire homestead property for farmer or rancher borrowers who are not members of socially disadvantaged groups.

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Provision name: 

Farm Credit governs aspects of [Farm Credit System \(FCS\)](#), a combination of cooperatively owned financial institutions that specialize in providing credit for farms, farmer-owned cooperatives, and rural housing.



Farm Credit System Insurance Corporation Premiums and Certification of Premiums

Previous Legislation	2008 Farm Bill
Specified that computation method for assessments by each FCS bank on any of its associations or other financing institutions should be same as that used to compute premium payment and should not exceed sum of 4 different factors specified in the Act.	Changes method that each FCS bank must use to assess associations and other financing institutions to cover costs of making Farm Credit System Insurance Corporation premium payments. Requires that assessments on lenders be computed in an "equitable manner" and that premiums be based on average outstanding insured debt. Makes multiple technical changes in methods for calculating premium amounts, in premium payment processes, and in recordkeeping requirements.

Bank for Cooperatives Voting Stock

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes bank for cooperatives board to determine terms and conditions for issuance and transfer of bank voting stock to bank for cooperatives customers and other FCS associations.


Rural Utility Loans

Previous Legislation	2008 Farm Bill
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No similar provision.	Allows rural utility loans for electric or telephone facilities to be considered as "qualified loans" under Federal Agricultural Mortgage Corporation (Farmer Mac) rules.
Equalization of Loan-Making Power of Certain Districts	
Previous Legislation	2008 Farm Bill
No similar provision.	Equalizes lending authorities among FCS associations in Alabama, Mississippi, and Louisiana. Allows Federal land banks or credit associations to make short- and intermediate-term loans, and allows production credit associations to make long-term loans.

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Provision name: 

Miscellaneous	
 Loans to Purchasers of Highly Fractionated Land	
Previous Legislation	2008 Farm Bill
No similar provision.	Provides for discretionary authority to make and insure loans to eligible purchasers of highly fractionated lands in relation to relevant provisions of Indian Land Consolidation Act. Eligible purchasers are Indian tribal members.

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The Economics of Food, Farming, Natural Resources, and Rural America



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2008 Farm Bill Side-By-Side

Title VI: Rural Development



Funds planning, coordination, and implementation of rural community and economic development programs. Emphasizes value-added agricultural activities, including renewable energy and locally and regionally produced agricultural products. Funds water and waste disposal application backlog. Prioritizes broadband expansion to underserved areas. Establishes a regional collaborative investment program. Revises definition of "rural" for program eligibility.

List of Key Provisions:



[Water and Waste Facilities and Community Programs](#)

[General Water and Waste Program Provisions](#) | [For Very Small Communities](#) | [For Nonprofit Organizations](#) | [Circuit Rider Program](#) | [For Alaskan and Native American Communities](#) | [Special-Purpose Community Programs](#) | [Coordinator for Chronically Underserved Rural Areas](#)



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Provision name:**Water and Waste Facilities and Community Programs****General Water and Waste Program Provisions****Previous Legislation**

Authorized \$360 million of CCC funds for a 1-time reduction in backlog of qualified, pending applications for water and waste disposal grants and loans and emergency community water assistance. These funds were used in FY 2002.

2008 Farm Bill

Authorizes \$120 million in CCC funds for same purpose. Priority for this funding goes first to water systems and next to waste disposal systems.

Ties interest rates for new intermediate and poverty-rate water and waste-disposal loans to current market rate. Change increases subsidy on such loans.

For Very Small Communities**Previous Legislation**

Amended Emergency Community Water Assistance Program, allowing grants aimed at forestalling imminent decline in water quality and quantity. Program helped very small rural communities comply with water pollution and drinking water regulations.

2008 Farm Bill

Authorizes appropriations for FY 2008-12.

Authorized creation of SEARCH (Special Evaluation Assistance for Rural Communities and Households) Grants program to help small communities (under 3,000) prepare feasibility and environmental studies required to meet environmental standards. Program was not subsequently funded.

Limits eligibility to communities that have populations of no more than 2,500 and are subject to financial distress. Funding is limited to 4% of money available for water and waste-disposal and essential community facilities programs. Grants fund up to 100% of project costs and they are subject to minimal documentation requirements.

For Nonprofit Organizations**Previous Legislation**

Authorized program that assisted homeowner water well systems.

2008 Farm Bill

Continues homeowner water well-systems program, increasing amount that can be spent on each well from \$8,000 to \$11,000.

Creates new program to provide grants to nonprofit organizations, with aim of expanding job opportunities for individuals with disabilities who live in rural areas.

Circuit Rider Program**Previous Legislation**

Authorized Rural Water Circuit Rider Program, based on a preexisting contract program, to provide technical assistance for daily operations of rural water systems.

2008 Farm Bill

Extends Circuit Rider Program, and increases authorization for appropriations to \$25 million/year for FY 2008-12.

For Alaskan and Native American Communities**Previous Legislation**

Set asides had been targeted to specific places, including Alaskan and Native American projects. 2002 Farm Act authorized creation of more formal program providing grants for water systems in Alaskan villages and for water and waste facilities in Native American communities.

2008 Farm Bill

Extends aid to rural and native villages in Alaska.

Authorizes funding for Denali Commission to give out grants for solid-waste disposal systems that lessen solid-waste contamination of water.

Special-Purpose Community Programs**Previous Legislation****2008 Farm Bill**

Authorized creation of several new programs focusing on specific types of community services and facilities and specific places:

- Rural Firefighters and Emergency Medical Personnel Training Program
- Historic Barn Preservation Grants
- Community Facilities Grants to Tribal Colleges and Universities

Only Tribal program was funded.

Extends authorizations for these programs for FY 2008-12.

For the rural firefighters/emergency medical assistance program, changes eligibility to exclude for-profit entities, redefines program purposes, and reduces amount of allowable administrative expenses.

Changes qualifications for Historic Barn Preservation Grants to emphasize projects that identify, document, research, and review evaluation methods and best practices.

Changes Tribal College and University Essential Community Facilities program to prohibit Secretary from requiring more than 5% of funding from non-Federal sources.

Authorizes Secretary of Housing and Urban Development to provide financial assistance to Housing Assistance Council (HAC) to support community-based housing development organizations' community development and affordable housing projects and programs in rural areas.

Coordinator for Chronically Underserved Rural Areas. See Title XIV, [Coordinator for Chronically Underserved Rural Areas](#).

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Provision name: 

Communication and Information Programs	
Telemedicine and Distance Learning	
Previous Legislation	2008 Farm Bill
<p>Reauthorized Telemedicine and Distance Learning Program. USDA made grants and loans to assist rural communities with construction of facilities that provide distance learning and telemedicine services.</p> <p>Authorized funding of \$100 million annually. More than \$170 million in grants have been awarded since 2002.</p>	<p>Reauthorizes program through FY 2012.</p> <p>Creates new program to improve technical infrastructure of rural health care facilities. Creates new grant program aimed at improving information technology in rural hospitals and other health centers.</p> <p>Specifically authorizes assistance to public libraries in rural areas, in addition to existing coverage for telemedicine and distance learning.</p>
Broadband Programs	
Previous Legislation	2008 Farm Bill
<p>Authorized grants, loans, and loan guarantees for improving access to broadband telecommunications services in rural areas. Funds would be for construction, improvement, and purchase of equipment and facilities for rural broadband service in eligible communities (no more than 20,000 inhabitants).</p> <p>Since 2002, \$1.22 billion in loans have been approved covering 1,263 communities with total 582,000 household subscribers in 40 States.</p>	<p>Reauthorizes program while making several changes that redefine eligibility and prioritization. Authorizes appropriation of \$25 million annually for FY 2008-12.</p> <p>Directs Secretary to develop a national rural broadband strategy.</p> <p>Authorizes a National Center for Rural Telecommunications Assessment.</p>
Local Television Access Programs	
Previous Legislation	2008 Farm Bill

Authorized \$80 million in loan guarantees for delivery of local broadcast television station signals to satellite television subscribers in unserved and underserved local television markets. Funds were available until Dec 31, 2006.

Authorizes funding to assist public TV stations in their transition to digital broadcasting.

Surplus USDA Computers for Rural Areas. See Title XIV, [Excess and Surplus USDA Computers to Rural Areas](#).

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Provision name: 

Promoting Value-Added Agriculture

Business and Industry Program Changes

Previous Legislation	2008 Farm Bill
<p>Amended rules for Rural Business and Industry Loan Guarantee program and Rural Business Enterprise Grants to allow greater program participation for producers, firms, and cooperatives that produce value-added agricultural goods.</p> <p>Broadened eligibility to include more types of renewable-energy systems, such as wind energy and anaerobic digesters.</p>	<p>Gives priority to loans and loan guarantees for locally or regionally produced food projects with components benefiting underserved communities. At least 5% of program funds must be reserved until April 1 each year for projects promoting locally or regionally produced agricultural products.</p>

Value-Added Agricultural Product Marketing Development Grants

Previous Legislation	2008 Farm Bill
<p>Authorized Value-Added Agricultural Product Marketing Development Grants, with expanded eligibility.</p> <p>Funded new Agriculture Innovation Center Demonstration Program to provide technical assistance, business and marketing planning, and other nonfinancial assistance to value-added businesses.</p>	<p>Mandatory funding of \$15 million available on Oct 1, 2008 from Commodity Credit Corporation (CCC) for use until expended. Establishes priority for socially disadvantaged and new farmers. 10% of funding shall be reserved for projects benefiting beginning or socially disadvantaged farmers and ranchers, and 10% shall be reserved for projects developing mid-tier value chains.</p> <p>Authorizes appropriations for Agriculture Innovation Center Demonstration Program.</p>

Appropriate Technology Transfer Program for Rural Areas

Previous Legislation	2008 Farm Bill
<p>Existing program funded a nonprofit organization that provided information and technical assistance to farmers on a variety of sustainable agricultural practices.</p>	<p>Makes permanent existing program, with modifications focusing on reduced input costs, conserving energy resources, diversifying through new energy crops and generation facilities, and expanding agricultural commodity markets for producers using practices that enhance environment, natural resource base, and quality of life. Defines several specific characteristics of organization to provide assistance to farmers.</p>

Transportation Study

Previous Legislation	2008 Farm Bill
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No similar provision.	Mandates study by Departments of Transportation and Agriculture to examine importance of freight transportation (railroad, barge, and truck) for agriculture products, renewable fuels, and electricity, and to address other transportation issues important for rural community and economic development. Requires report to Congress 1 year after date of enactment.
Farm Labor Housing Program	
Previous Legislation	2008 Farm Bill
Provided low interest loans or grants for construction and improvement of housing for farm labor.	Broadens eligibility for farm labor housing program to include projects for low-income individuals who receive a substantial portion of income from processing agricultural or aquacultural commodities.
Related Programs. See Title I, Geographically Disadvantaged Farmers and Ranchers ; Title IX, Biorefinery Assistance , Rural Energy for America Program , and Rural Energy Self Sufficiency Initiative ; and Title XI, National Sheep Industry Improvement Center .	

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Provision name: 

Rural Electric Programs	
Energy Efficiency and Renewable Energy Programs	
Previous Legislation	2008 Farm Bill
Rural Utility Service (RUS) authorized to guarantee loans made by Federal Financing Bank for its electrification and telephone programs.	<p>Clarifies that loans can be made for energy efficiency purposes. Redefines eligible renewable energy sources as energy conversion systems fueled from solar, wind, hydropower, biomass, or geothermal sources. Authorizes deferment of principal and interest payments on existing loans so that borrowers can make loans to residential, commercial, and industrial consumers to install energy-efficient measures or devices that reduce demand on electric systems for 60 months.</p> <p>Allows direct lending from U.S. Department of Treasury as an alternative to financing through Federal Financing Bank.</p> <p>Allows loans to be made for projects that resell electricity generated by renewable energy to both rural and non-rural residents.</p> <p>Allows RUS to make loans to rural electric cooperatives for electric generation from renewable energy sources.</p> <p>See Title IX, Rural Energy for America Program and Rural Energy Self Sufficiency Initiative for related program information.</p>
Review of Bonding Requirements	
Previous Legislation	2008 Farm Bill
Rising cost of labor and materials for major electric generation and transmission projects led to higher costs of Surety and Performance Bonds, keeping some contractors from bidding on projects and detracting from program performance.	Authorizes Secretary to review bonding requirements for all RUS Rural Electric Act programs to assure Federal interests are protected by product warranties and costs do not exceed benefits of bonds.
Study on Rural Power Generation Needs	
Previous Legislation	2008 Farm Bill

No similar provision.

Mandates study on electric power generation needs of rural areas, looking at rural electric cooperatives' issues, financing issues, impact of electricity costs on consumers and local economic development, and ability of fuel feedstock technology to meet regulatory requirements, such as carbon capture and sequestration.

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Provision name: 

General Business Assistance Programs



Existing Programs

Previous Legislation	2008 Farm Bill
<p>As of FY 2007, Business Industry Loan Guarantee Program was the largest of USDA's general-business programs authorized to grant loans to assist rural businesses.</p> <p>These programs, aiding a wide variety of rural businesses, were reauthorized in 2002 Farm Act.</p>	<p>See previous section for changes in Business and Industry program.</p> <p>Modifies Rural Cooperative Development Grants rules to lead to more networking and multi-State/multi-organization approaches, while reserving up to 20 percent of appropriated funds for organizations that serve the socially disadvantaged. Provides authority to award multi-year grants.</p> <p>Continues authorization of appropriations for several business programs.</p>

New Small Business Programs

Previous Legislation	2008 Farm Bill
<p>2002 Act authorized creation of a new venture capital program, Rural Business Investment Program (RBIP), to license and provide seed capital to companies making equity investments in rural businesses, with emphasis on smaller businesses. This program, operated by Small Business Administration, licensed its first rural business investment company in 2006. Funding was rescinded at end of FY 2006.</p>	<p>Modifies fee structure for Rural Business Investment Program.</p> <p>Authorizes Rural Microentrepreneur Assistance Program to offer grants and loans to qualified microenterprise-development organizations providing technical assistance, training, grants, and small loans to rural microentrepreneurs. Provides \$15 million in CCC mandatory funding (\$4 million annually for FY 2009-11 and \$3 million for FY 2012).</p>

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Provision name: 

Regional Development



Miscellaneous Programs

Previous Legislation	2008 Farm Bill
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USDA has operated several small-scale rural development programs that are regional (or multi-county) in nature, including Empowerment Zone/Enterprise Community program (EZ/EC), Rural Economic Area Partnership (REAP) Initiative, and Rural Community Development Initiative (RCDI).

2002 Farm Act authorized two new nationwide programs:

- Rural Strategic Investment Program (RSIP) to fund regional investment boards that plan and implement comprehensive regional development strategies
- Multijurisdictional Regional Planning Organizations Program to fund regional organizations to assist local governments and organizations involved in local development

Neither program was funded.

Continues authorization for existing Rural Economic Area Partnerships (REAPs) in New York, North Dakota, and Vermont, through FY 2012. No new REAPs are authorized.

Makes no provisions for empowerment zones or Rural Community Development Initiative.

Replaces RSIP with Rural Collaborative Investment Program (RCIP). RCIP funds a "National Institute" to provide technical assistance in administering program. Adds rural heritage to program goals.

Makes no provision for multijurisdictional planning program.

Creates new health-care-services grants aimed at consortiums of regional institutions to allow them to develop health-related services, education, and training programs, and public health facilities in Mississippi Delta region.

National Rural Development Partnership (NRDP) and its State Rural Development Councils identify rural development issues of importance and coordinate Federal and State programs affecting rural development at State level.

Previous Legislation	2008 Farm Bill
2002 Farm Act made NRDP a Federal program, but no money was appropriated for it. NRDP continued to operate and relied on other funding sources, as it has since the 1990s.	Extends authority to appropriate funds for NRDP for FY 2008-12.

Regional Authorities are Federal-State partnerships that promote economic development in their regions.

Previous Legislation	2008 Farm Bill
Reauthorized Delta Regional Authority (DRA). DRA continued operating with Federal funding.	Extends and expands DRA, adding new counties to region.
Authorized creation of new regional authority covering Northern Great Plains region. Northern Great Plains Regional Authority (NGPRA) was unable to spend Federal funds received because a Federal Co-Chair was not appointed.	Continues authorization for NGPRA, with provisions to expedite authority's startup if Federal and Indian representatives are not confirmed quickly. Promotes assistance for NGPRA on particular regional economic issues, such as renewable energy, transportation, land management, higher education, and information technology. Grants could go to both local and multi-State entities. Adds some Missouri counties to region.

Resource Conservation and Development Program provides a regional (multi-county) approach to development with an emphasis on natural resources and conservation. See Title II, [Resource Conservation and Development Program \(RC&D\)](#).

Northern Border, Southeast Crescent, and Southwest Border Commissions to be established. See Title XIV, [Regional Infrastructure and Economic Development](#).

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Provision name: 

Definitions	
Definition of Rural	
Previous Legislation	2008 Farm Bill

USDA's rural development programs employed various measures of rurality, which were used to determine program eligibility status. These definitions varied from program to program. They are important because they affect geographic distribution of USDA's rural development program assistance.

Retains standard definition of "rural" used for business and some other programs that excludes cities of 50,000 or more and any urbanized area contiguous and adjacent to city of 50,000 or more. Exceptions are made for narrow strips of urbanized areas and Honolulu and Puerto Rico.

Treats as rural certain fringe areas in urbanized areas.

Gives USDA Under Secretary for Rural Development ability to determine if urbanized area is rural in character

For rural electrification assistance programs, rural areas are defined as excluding city or town of 20,000 or more, or are within service area of borrower who has an outstanding loan made under Titles I through V of Rural Electric Act.

Eligibility for water and waste disposal loans and grants and community facilities programs is unchanged. Retains definition of rural for community facilities program by excluding cities or towns in excess of 20,000. Gives Secretary authority to also exclude areas excluded by the business programs definition. Gives Secretary power to exclude from the definition of rural certain areas of urban sprawl.

Requires that USDA produce a report in 2 years to clarify USDA's "rural" and "rural area" definitions, effects on USDA programs, and recommendations on how better to target funds for rural development.

Other Definition Changes

Previous Legislation	2008 Farm Bill
Various RUS programs gave priority to substantially underserved areas when awarding grants and loans for infrastructure.	Defines "substantially underserved trust areas" as Native American trust lands where more than 20% of population does not have electric, telecommunications, broadband, or water service. Secretary may offer such areas lower interest rate loans and waive nonduplication of service requirements.

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2008 Farm Bill Side-By-Side

Title VII: Research and Related Matters



Reorganizes USDA research coordination with new National Institute of Food and Agriculture and new Research, Education, and Extension Office. Authorizes research initiatives for specialty and organic crops, bioenergy, nutrition, and pollinators, and revises high-priority research areas. Increases role of competitive funding for most programs, including Smith-Lever extension funds. Increases funding authorization for 1890 institutions and broadens eligibility for grants to improve funding equity.

List of Key Provisions:

[Research Management and Coordination](#)

National Institute of Food and Agriculture (NIFA) | Research, Education, and Extension Office (REEO) | Research Planning and Review | National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEEAB) | Agricultural Research Facility Funding

[Research and Extension Funding](#)

Agriculture and Food Research Initiative (AFRI) | Cap on Indirect Costs | Budget Submission and Funding

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**Research Provisions in Other Titles**

Agricultural Biosecurity Planning, Preparedness, and Response | Agricultural Biosecurity Grants | Biomass Research and Development Act

[USDA Farm Bill Site](#)[Browse A-Z List of Provisions](#)**Provision name:****Research Management and Coordination****National Institute of Food and Agriculture (NIFA)**

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Establishes NIFA to administer research funds and programs that have been administered by USDA's Cooperative State Research, Education, and Extension Service (CSREES). Includes capacity and infrastructure programs, competitive programs, cooperative State research programs, cooperative extension programs, education programs, and all other CSREES authorities. NIFA replaces CSREES as of Oct 1, 2009.</p> <p>NIFA Director is appointed by President to 6-year term and can be reappointed to additional 6-year term. Director is responsible for:</p> <ul style="list-style-type: none"> • organizing offices within NIFA to administer research, extension, and education programs • carrying out research, education, and extension activities of USDA • ensuring that NIFA carries out research priorities of Under Secretary for Research, Education, and Economics (REE) • determining appropriate balance between fundamental and applied research • promoting use of competitive grants

Research, Education, and Extension Office (REEO)

Previous Legislation	2008 Farm Bill
Authorized and encouraged Secretary of Agriculture to jointly issue requests for proposals, establish joint peer review panels, and award grants with other Federal agencies to reduce duplication of research and administrative functions.	<p>Authorizes REE Under Secretary, who holds the title Chief Scientist of the Department and is an appointee with training or experience in agricultural research, education, and economics, to perform the following research coordination duties:</p> <ul style="list-style-type: none"> • identify, address, and prioritize REE needs • coordinate REE programs across disciplines, agencies, and institutions and among applicable beneficiaries • promote collaborative use of REE resources • foster communication among REE beneficiaries <p>To assist in these duties, requires Chief Scientist to establish REEO out of existing appropriations. REEO allocates no more than 30 full-time equivalent staff among following 6 divisions:</p> <ul style="list-style-type: none"> • renewable energy, natural resources, and environment • food safety, nutrition, and health • plant health and production and plant products

- animal health and production and animal products
- agricultural systems and technology
- agricultural economics and rural communities

Requires each division to be led by Division Chief, selected for a term of no more than 4 years in a way that promotes professional development of USDA employees, interaction among USDA agencies, and rotation between REEO and USDA agency employment.

Research Planning and Review

Previous Legislation	2008 Farm Bill
Required USDA's Agricultural Research Service (ARS) to undergo comprehensive review of its purpose, efficiency, effectiveness, and impact on agricultural research. Secretary was to appoint task force, to report before June 2003.	Directs REE Under Secretary to prepare roadmap for agricultural research, education, and extension. Requires roadmap to identify current trends and constraints in research, identify major research opportunities and gaps, and recommend funding levels for research, education, and extension. Limits review of roadmap to Secretary. Requires preparation of roadmap to commence within 90 days of enactment with help of REEO, and publication and implementation of roadmap within 1 year.

National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEEAB)

Previous Legislation	2008 Farm Bill
Required NAREEEAB to review policy and provide consulting to Secretary and land grant institutions, as well as provide expertise to House and Senate committees related to agriculture and forestry. Added board member from non-Land Grant college or university with food and agriculture commitments.	Reduces number of board members from 31 to 25, and eliminates members representing: <ul style="list-style-type: none"> • national animal commodity organization • national crop commodity organization • scientific community not closely associated with agriculture • USDA agency lacking research capabilities • non-USDA Federal research agency • national organization directly concerned with agricultural research, education, and extension <p>Increases limit on necessary expenses for board from \$350,000 to \$500,000.</p>

Agricultural Research Facility Funding

Previous Legislation	2008 Farm Bill
Authorized Secretary to make competitively awarded "Research Equipment Grants" of \$500,000 or less per institution for special research equipment to colleges, universities, and State agricultural extension services engaged in food and agricultural science. Purchases through these grants could not be charged as indirect costs for Federal grants or accounting purposes.	Provisions extended until 2012.
No similar provision.	Allows Secretary to establish 5-year pilot program to lease nonexcess real property at Beltsville Agricultural Research Center and National Agricultural Library. Secretary to provide biennial reports on this program beginning no later than 1 year after enactment of this Act.

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Provision name:



Research and Extension Funding

Agriculture and Food Research Initiative (AFRI)



Previous Legislation	2008 Farm Bill
<p>Authorized annual appropriations of \$500 million in National Research Initiative (NRI) competitive grants funding through fiscal year (FY) 2007.</p> <p>Provided mandatory CCC funding for Initiative for Future Agriculture and Food Systems (IFAFS) funding levels at \$120 million/year in FY 2004, \$140 million in FY 2005, \$160 million in FY 2006, and \$200 million/fiscal year thereafter. However, funding was not made available pursuant to subsequent direction from Congress.</p>	<p>Provides competitive grant funding under AFRI for fundamental and applied research, extension, and education to address food and agricultural sciences. AFRI combines authorities of previous NRI and IFAFS programs.</p> <p>Authorizes annual appropriations of \$700 million for grants in FY 2008-12. AFRI funds are available for obligation for 2-year period beginning in fiscal year for which funds are first made available, and will remain available until expended for obligations within that 2-year period. Secretary can retain no more than 4% for administrative costs.</p> <p>Grants are awarded on basis of merit, quality, and relevance and limited to terms of 10 years. Priority areas for these grants include:</p> <ul style="list-style-type: none"> • plant health and production and plant products • animal health and production and animal products • food safety, nutrition, and health • renewable energy, natural resources, and environment • agriculture systems and technology • agriculture economics and rural communities <p>Directs 60% of AFRI funds allocated to research activities toward grants for fundamental (or basic) research, and 40% of funds allocated to research toward applied research. Directs 30% of AFRI fundamental research grants toward research by multidisciplinary teams. Authorizes Secretary to direct AFRI funds for development of capabilities in agricultural, food, and environmental sciences through grants to:</p> <ul style="list-style-type: none"> • institutions to allow for improvement of research, development, technology transfer, and education capacity; with not less than 25% of funds set aside for fellowships for pre- and post-doctoral researchers in agricultural science • beginning researchers fewer than 5 years from their initial career track positions • small, mid-sized, and minority-serving institutions previously unsuccessful in obtaining competitive grants • institutions in States that have been unsuccessful in obtaining grants based on 3-year rolling average of funding levels <p>Requires AFRI recipients to provide matching funds for applied research that is commodity specific and less than national in scope. Equipment purchases also require matching funds, but Secretary can waive this requirement for purchases under \$25,000 by institutions in lower 1/3 of Federal funds received if equipment has multiple uses. Limits research equipment purchases to not more than 2% of AFRI funds for fundamental research and prohibits use of AFRI funds for construction.</p>

Cap on Indirect Costs

Previous Legislation	2008 Farm Bill
<p>Retained 19% cap on indirect costs for competitive grants, adding an exception for Small Business Act (SBA) competitive grants.</p>	<p>Raises cap on indirect costs for all competitive and noncompetitive grants to 22%, with exception of SBA competitive grants.</p>

Budget Submission and Funding

Previous Legislation	2008 Farm Bill
No similar provision.	Requires President to submit a single budget line item reflecting total amount requested for research, education, and extension activities as part of annual budget submission.

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Provision name:

**High-Priority Research and Extension Initiatives**

Initiatives for Competitive Grants	
Previous Legislation	2008 Farm Bill
Added specific high-priority areas for research and extension grants.	Revises high-priority areas for research and extension grants.
Allowed funding priority for grant proposals involving cooperation of multiple entities at Secretary's discretion.	Sets criteria for regional centers of excellence established for specific agricultural commodities and funded through universities and colleges, and prioritizes regional centers of excellence for funding. Requires funding priority for grant proposals involving multiple entities.

Pollinator Research

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes annual appropriations of \$10 million in research and extension grants for honey bees and other pollinators for FY 2008-12. Activities supported include:</p> <ul style="list-style-type: none"> • data collection on bee colony production and health, and investigation of pollinator biology • research on factors that contribute to colony collapse disorder, including parasites and pathogens • development of mitigative and preventive measures for pollinator health • habitat conservation and best management practices <p>Authorizes annual appropriations of \$7.25 million for FY 2008-12 for capacity and infrastructure spending to hire personnel and conduct research on pollinator issues at USDA facilities, subject to appropriations.</p> <p>Authorizes annual appropriations of \$2.75 million for honey bee pest and pathogen surveillance in FY 2008-12.</p> <p>Requires Secretary to submit annual report to Congress on colony collapse disorder describing progress on research and strategies for reducing colony loss. Strategies include efforts supported under the Conservation Title in this Act. (See Title II, Encouragement of Pollinator Habitat Development and Protection.)</p>

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Provision name:



Funding and Administration of Education-Related Institutions

Land Grant Institutions – 1862 and 1890 Institutions

Previous Legislation	2008 Farm Bill
Allowed remaining balance of unexpended Smith-Lever extension grants to land grant institutions to be carried over without fiscal year limitation. (Unexpended Hatch Act funds were only to be carried over to next fiscal year).	Requires Smith-Lever 3(d) special emphasis extension funds to be awarded competitively .
Increased authorization level for grants to upgrade agricultural and food sciences facilities at 1890 land grant institutions , including Tuskegee University, to \$25 million annually. Revised funding formulas to increase State's matching requirement for 1890 institutions to 100% by FY 2007. Secretary could waive this requirement above 50% level.	Reauthorizes grants to upgrade agricultural and food sciences facilities at 1890 institutions. Increases percentage of appropriations for formula funds authorized to 1890 institutions . Expands capacity-building grants to include extension funds. 1890 institutions can compete for all special emphasis grants under section 3(d) of Smith-Lever Act except for Nutrition Education Program (which is allocated by formula). 1890 institutions are eligible for McIntire-Stennis forestry program. Confirms eligibility of 1890 institutions to apply for animal health and disease research grants.
Established grant program to promote and strengthen resident instruction and distance education programs in food and agricultural sciences at institutions of higher education. Defined covered institutions in insular areas of U. S. (Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau).	Authorizes \$8 million/fiscal year for grants to upgrade facilities at insular area land grant institutions .
Extended "Expanded Food and Nutrition Education Program" to FY 2007.	Allocates "Expanded Food and Nutrition Education Program" funding under new formula, with increasing amounts given to 1890 institutions . Authorizes \$90 million/fiscal year; funds are allocated by formula, with each institution receiving \$100,000. Remainder is distributed based on population living at or below 125% of poverty level. Before remainder is distributed, 10% of any funds appropriated in excess of FY 2007 levels is allocated to 1890 institutions . Percentage of funds allocated to 1890s increases annually to reach 15% in FY 2014.

Other Minority-Serving Land Grant Institutions

Previous Legislation	2008 Farm Bill
Provisions added affecting 1994 institutions , specifically technical amendment for name changes and appropriation of funds.	Reauthorizes programs. Adds Iisagvik College to list of tribal colleges with land grant status through 1994 Act. Allows equity and endowment funds not awarded to 1994 institutions to be redistributed to other 1994 institutions . Makes all funding under the 1994 Act subject to accreditation requirement.
No similar provision.	<p>University of District of Columbia (UDC) is:</p> <ul style="list-style-type: none"> • eligible for food and agricultural science education grants and fellowships • eligible for funding under section 3(d) of Smith-Lever Act • authorized to receive \$750,000 annually for grants to upgrade its agriculture and food sciences facilities <p>Authorizes Secretary to waive reduced matching funds requirement for UDC under Hatch Act. Amends matching funds requirement for UDC extension.</p>

Non-Land Grant Universities and Colleges of Agriculture

Previous Legislation	2008 Farm Bill
No similar provisions.	Authorizes competitive grants for education, outreach, and research capacity related to agriculture and renewable resources (see NIFA).
Other Types of Institutions	
Previous Legislation	2008 Farm Bill
Extended Hispanic-Serving Institutions Education Grants Program to FY 2007.	Removes ability of Hispanic-Serving Institutions to receive grant without competitive application process. Allows single institutions to receive grants. Increases authorization for appropriations from \$20 million to \$40 million/fiscal year.
No similar provision.	<p>Authorizes funding to Hispanic-Serving Agricultural Colleges and Universities (HSACU) for:</p> <ul style="list-style-type: none"> • endowment fund • annual payments • institutional capacity-building grant program • competitive grant program in fundamental and applied research • extension funding under Smith-Lever 3(b)
No similar provision.	Permits consortia of Alaska Native and Native Hawaiian-Serving Institutions to allocate funds for members.
Established grant program to promote and strengthen distance instruction and education programs in food and agricultural sciences at institutions of higher education. Covered institutions in insular areas of U.S.	Extends resident instruction and distance education grants program for insular area institutions of higher education until FY 2012.
International Agricultural Research, Extension, and Education	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes Borlaug fellowship program for students, scientists, and leaders from developing countries.
No similar provision.	Expands International Agricultural Research, Extension, and Education, including authority to enter into agreements with land grant colleges and universities, HSACUs, U.S. Agency for International Development and international organizations to promote and support development of viable and sustainable global agricultural system; antihunger and international nutrition efforts; and increased quantity, quality, and availability of food.
Amendments to Existing Authorities	
Previous Legislation	2008 Farm Bill
National Food and Agricultural Sciences Teaching Awards extended to FY 2007.	Expands National Agriculture Teaching Awards to include research and extension.
National Veterinary Medical Service Act (NVMSA) authorized Veterinary Medicine Loan Repayment program, which allowed student loan repayments to large animal veterinarians in exchange for service in veterinary shortage situations.	<p>Amends NVMSA to:</p> <ul style="list-style-type: none"> • set deadline for rulemaking to implement loan repayment program and • prioritize large and mixed animal practitioners serving in rural communities <p>Rescinds prior transfer of funds from CSREES to USDA's Food Safety and Inspection Service using USDA's Federal Loan Repayment authority for recruitment of veterinarians to work in food safety.</p>

Within Grants and Fellowships for Food and Agricultural Sciences Education, extended Secondary Education and 2-Year Postsecondary Education Teaching Programs until FY 2007.

As of Oct 1, 2008, expands programs for food and agricultural science education to include grades K-12. Also eligible are other institutions of higher education and nonprofit organizations.

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Provision name:



Specialty Crops	
Previous Legislation	2008 Farm Bill
Specialty Crops Competitiveness Act of 2004 added additional research area for purpose of improving efficiency, productivity, and profitability of specialty crop production.	<p>Establishes Specialty Crop Research Initiative to provide research and extension grants to address specific crops and their regions. Grants awarded on competitive basis, and must be matched by non-Federal source. Gives priority to multistate, multidisciplinary, multi-institution efforts. Mandates Commodity Credit Corporation (CCC) funding of \$30 million in FY 2008, and \$50 million annually in FY 2009-12. Authorizes additional annual appropriations of \$100 million. Includes research addressing:</p> <ul style="list-style-type: none"> • plant breeding, genetics, and genomics: <ul style="list-style-type: none"> ◦ product taste, quality, and appearance ◦ environmental response and tolerance ◦ nutrient management, including uptake ◦ pest and disease management ◦ phytonutrient content • pollination, pest, and disease issues • productivity and profitability • "new innovations" such as ripening technologies • food safety, including that related to fresh produce <p>Amends Specialty Crop Committee Report to include economic analysis and applied information useful to specialty growers and policy research centers.</p>
Required Secretary to establish program to identify alternatives to methyl bromide and to initiate research programs to develop alternatives for uses currently lacking registered, effective, economically feasible alternatives.	Directs transfer of \$200,000 to Environmental Protection Agency's Office of Prevention, Pesticides, and Toxic Substances to conduct meta-analysis related to methyl bromide.

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Provision name:



Organic Agriculture	
Previous Legislation	2008 Farm Bill

Funding totaled \$3 million annually, out of "funds in the Treasury not otherwise appropriated." New features for organic agriculture research included:

- use of advanced genomics, field trials, and other methods to identify desirable traits
- classical and marker-assisted breeding to develop public varieties optimized for organic systems
- identification of marketing and policy constraints on expansion of organic agriculture
- advanced onfarm research into organic farms, including production and socioeconomic conditions
- segregation of data on organic sector in ongoing data collection on agricultural production and marketing
- facilitation of access to organic research conducted outside U.S.

Required Secretary to report within 1 year on research and promotion of organic products.

Adds new purposes to Organic Agriculture Research and Extension Initiative:

- study conservation and environmental outcomes of organic practices
- develop new and improved seed varieties for use in organic production systems

Increases mandatory CCC funding to total of \$78 million for FY 2009-12. **Authorizes** additional annual **appropriations** of \$25 million for FY 2009-12.

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Provision name: 

Rural Development	
Competitive Grants for Research to Assist Farmers	
Previous Legislation	2008 Farm Bill
Repealed Fund for Rural America.	Authorizes appropriations for competitive grants to support Farm and Ranch Stress Assistance Network providing stress assistance to farmers, ranchers, and agricultural workers. Grants may be used to support programs to provide behavioral counseling and referrals though help lines and websites, community education, support groups, outreach, and home delivery to homebound.
No similar provision.	Authorizes appropriations for Farm Business Management competitive research and extension grant program for: <ul style="list-style-type: none"> • improving farm management knowledge and skills • establishing national farm financial management database
No similar provision.	Authorizes appropriations for Agricultural and Rural Transportation Research and Education to address rural transport and logistical needs of agricultural sector, including: <ul style="list-style-type: none"> • transport of biofuels • export of agricultural products <p>Grant awards are to be made in areas that are regionally diverse and representative of U.S. needs. Priority is given to institutions of higher education that can coordinate research and education activities under program. 50% of project costs must be matched from non-Federal sources.</p>
Beginning Farmer and Rancher Development Program	
Previous Legislation	2008 Farm Bill

Training, education, outreach, and technical assistance [competitive grants](#) program established for [beginning farmers or ranchers](#) (who have not operated a farm or have operated a farm for 10 years or less). Provided 3-year grants, with [matching funds](#), for local and regional training, education, outreach, and technical assistance initiatives.

Collaborative State, tribal, local, or regionally based networks or partnerships of public or private entities became eligible. Funds were to be set aside specifically for limited-resource farmers, socially disadvantaged farmers, or farmworkers wishing to farm. [Authorized](#) necessary funds for FY 2002-07.

Requires grant applications to be evaluated on relevancy, technical merit, achievability, expertise and track record, and applicability of results. Priority to be given to collaborations that include nongovernmental and community-based organizations and grants are to be regionally diverse. Maximum grant is \$250,000/year. CCC funds shall be made available: \$18 million for FY 2009 and \$19 million annually for FY 2010-12. Additional [appropriations](#) of \$30 million/year are [authorized](#) for FY 2008-12.

Grants to Rural Community Colleges

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes appropriations for New Era Rural Technology Program to award grants to community colleges in rural areas. Grants shall support fields of:</p> <ul style="list-style-type: none"> • bioenergy • pulp and paper manufacturing • agriculturally based renewable energy resources <p>Institutions should have proven records in these areas and be able to leverage partnerships.</p>

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Provision name:



Bioenergy Research

Previous Legislation	2008 Farm Bill
<p>Sun Grant Research Initiative Act of 2003 established Research, Extension, and Educational Programs on Biobased Energy Technologies and Products. No funds were appropriated in FY 2004 and FY 2006. However, legislation authorized appropriations of \$25 million in FY 2005, \$50 million in FY 2006, and \$75 million annually in FY 2007-10.</p>	<p>Revises Sun Grant Research Initiative; authorizes grants to 5 regionally based Sun Grant Centers and 1 subcenter intended to:</p> <ul style="list-style-type: none"> • develop, distribute, and implement biobased technologies • promote diversification and environmental sustainability through biobased energy and product technologies • promote diversification of rural areas through biobased energy • enhance efficiency of bioenergy and biomass research and development through collaborations among USDA, Department of Energy (DOE), and land grant universities <p>Directs centers to award 75% of funds to multi-institution and multistate research, extension, and education programs via competitive process:</p> <ul style="list-style-type: none"> • 30% of these funds to be used for technology development • 30% of funds are for integrated programs for technology implementation • 20% of project costs must be matched by non-Federal source, though this requirement can be waived • limits administrative overhead costs of centers to 4%, portion of which is used to coordinate plan for

	<p>addressing bioenergy, biomass, and gasification priorities of USDA and DOE, and coordinated gasification research with land grant universities</p> <ul style="list-style-type: none"> • remaining funds to be retained by centers to conduct research, extension, and education programs for technology development and implementation <p>Grant Information Analysis Center will support regional centers and produce annual report. Authorizes \$75 million annually for FY 2008-12.</p>
<p>No similar provision.</p>	<p>Authorizes Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative intended to enhance production of biomass energy crops and energy efficiency of agricultural operations. Competitive grants to be used to:</p> <ul style="list-style-type: none"> • improve agricultural biomass production, conversion, and use • research onfarm energy efficiency <p>Requires Secretary to develop a best practices database with information about production potential of different crops and best practices for production, collection and harvesting, storage, and transportation of biomass crops. Priority given to integrative efforts that include producer participation and are useful for commercialization of technologies. 100% of funding must be matched by non-Federal sources. Authorizes \$50 million for each fiscal year.</p>
<p>Amended composition of National Agricultural Research, Extension, Education, and Economics Advisory Board to add 1 member.</p>	<p>Renewable Energy Committee: Directs executive committee of NAREEAB to establish permanent renewable energy committee to assess scope and effectiveness of research, extension, and economics programs affecting renewable energy industry.</p>
	<p>See New Era Rural Technology Program under Grants to Rural Community Colleges.</p>

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Provision name: 

Bioterrorism/Biosecurity	
Previous Legislation	2008 Farm Bill
<p>Established programs for FY 2002-07, authorizing such funds as necessary. Funds were to be appropriated for agricultural research, education, and extension activities for:</p> <ul style="list-style-type: none"> • reducing vulnerability of U.S. food and agricultural system to chemical or biological attack • continuing partnerships with institutions to enhance biosecurity of U.S. • making competitive grants for research on counterbioterrorism • countering or otherwise responding to chemical or biological attack 	<p>Extends authorization for agricultural research, education, and extension activities for biosecurity planning and response through FY 2012.</p>

No similar provision.

Directs Secretary to issue 1 permit to facility that replaces Plum Island facility with one overseen by Department of Homeland Security. This facility to research live foot-and-mouth disease. Successor facility charged with researching biological threats from zoonotic and foreign disease.

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Provision name: 

Biotechnology

Biotechnology Risk Assessment Research	
Previous Legislation	2008 Farm Bill
<p>Authorized CSREES and ARS grant program on environmental effects of biotechnology, including research to help regulators develop long-term policies concerning introduction of genetically engineered organisms (animals, plants, and microorganisms) into environment.</p> <p>Authorized such sums necessary. Required at least 2% of agency biotechnology base expenditures to be set aside for grants under program.</p>	No amendments to program, which is a permanent authority.
Research and Development for Developing Countries	
Previous Legislation	2008 Farm Bill
Established competitive grants program through USDA's Foreign Agricultural Service for research and development in agricultural biotechnology for developing countries. Funded biotechnology to develop crops for developing countries.	Extends provisions through FY 2012.
	See also Repeals and Terminations related provisions.

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Provision name: 

Miscellaneous Provisions

Nutrition	
Previous Legislation	2008 Farm Bill
Extended Human Nutrition Intervention and Health Promotion Research Program through FY 2007.	Reauthorizes and amends program to include research on efficacy of agricultural policies in promoting health in disadvantaged populations.
No similar provision.	Requests study and report on food deserts to assess areas with limited access to affordable and nutritious food, particularly lower income areas. Secretary to coordinate with Department of Health and Human Services, SBA, and Institute of Medicine. Authorizes \$500,000 to carry out effort.
New Grants and Research Programs	

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes appropriations to establish competitive grant program to distribute vegetable seeds to underserved communities free of charge.
No similar provision.	Authorizes construction of Chinese garden at National Arboretum.
No similar provision.	Authorizes appropriations to establish competitive grants program to address antibiotic resistant bacteria in livestock, ecology of resistant bacteria, and use of antibiotics in veterinary and human medicine.
Other New Provisions	
Previous Legislation	2008 Farm Bill
No similar provision.	Directs Secretary and university partners to work to streamline submission, reporting, and implementation of Plan of Work requirements.
No similar provision.	Authorizes indefinitely USDA-established demonstration project authority for temporary positions.
Established National Agricultural Weather Information System in 1990 to nationally coordinate system addressing research and education related to agricultural weather. Private participation encouraged. Expired 1997.	Reauthorized for FY 2008-12.
Repeals and Terminations	
Previous Legislation	2008 Farm Bill
<p>Repealed certain authorities, including the following:</p> <ul style="list-style-type: none"> • National Advisory Board on Agricultural Weather • task force on 10-year strategic plan for agricultural research facilities, and its review responsibilities • pesticide resistance study and expansion of education study 	<p>Repeals the following:</p> <ul style="list-style-type: none"> • grants for research on alcohol and industrial hydrocarbons • Agricultural Telecommunications Program • research on diseases affecting honey bees (see Pollinator Protection) • partnerships for high-value agricultural product quality research • Precision Agriculture Initiative • Thomas Jefferson Initiative for Crop Diversification • Initiative for Future Agriculture and Food Systems • Facilities grants under the Competitive, Special, and Facilities Research Grant Act • public education regarding use of biotechnology in producing food for human consumption
Amendments to Existing Legislation	
Previous Legislation	2008 Farm Bill
Provided \$8 million of CCC funding for FY 2002 for grants for youth organizations (e.g., 4H, Boy/Girl Scouts, and Future Farmers of America). Authorized appropriations (such sums as are necessary) through FY 2007.	Reauthorizes appropriations through FY 2012. Adds flexibility to content delivery and management of youth grant funding.
Did not change existing provisions of Food Animal Residue Avoidance Database Program.	Amends Food Animal Residue Avoidance Database Program to authorize \$2.5 million for each of FY 2008-12, in addition to any other funds.

Extended provisions of Nutrient Management Research and Extension Initiative through FY 2007.

Amends Nutrient Management Research and Extension Initiative to include renewable energy from animal waste and extends provisions through FY 2012.

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Provision name:



Research Provisions in Other Titles



Agricultural Biosecurity Planning, Preparedness, and Response. See Title XIV, [Local Capacity in Agricultural Biosecurity Planning, Preparedness, and Response.](#)

Agricultural Biosecurity Grants. See Title XIV, [Agricultural Biosecurity Grant Program.](#)

Biomass Research and Development Act. See Title IX, [Biomass Research and Development.](#)

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2008 Farm Bill Side-By-Side

Title VIII: Forestry



Sets new priorities and planning standards and adjusts cooperative relationships for Federal, State, and private forest systems. Authorizes Tribal access to Forest Service lands for cultural activities. Enhances existing and establishes new forest preservation programs and tightens restrictions on importation of illegally harvested wood products. Adjusts and expands boundaries of some National Forests. Establishes forestry scholarship program at Hispanic-serving institutions.

List of Key Provisions:

[Amendments to Cooperative Forestry Assistance Act of 1978 \(CFAA\)](#)

[National Priorities for Private Forest Conservation](#) | [Long-Term Statewide Assessments and Strategies for Forest Resources](#) | [Community Forest and Open Space Conservation Program](#) | [Assistance to Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau](#) | [Changes to State Forest Stewardship Committee](#) | [Competition in Programs](#) | [Competitive Allocation of Funds for Cooperative Forest Innovation Partnerships](#)

[Cultural and Heritage Cooperation Authority](#)

[Authorization for Reburial of Human Remains and Cultural Items on National Forest System Lands](#) | [Temporary Closure of National Forest System Land for Traditional and Cultural Purposes](#) | [Forest Products for Traditional and Cultural Purposes](#) | [Prohibition on Disclosure](#) | [Severability and Savings Provisions](#)

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[Boundary Adjustment and Land Conveyance Provisions](#)

[Green Mountain National Forest \(GMNF\) Boundary Adjustment](#) | [Green Mountain National Forest Land Exchange/Sale](#) | [Land Conveyances, Chihuahuan Desert Nature Park, NM, and George Washington National Forest, VA](#)

[Miscellaneous Provisions](#)

[Qualifying Timber Contracts Options](#) | [Hispanic-Serving Institution Agricultural Land National Resources Leadership Program](#)

[Forestry Provisions in Other Titles](#)

[Emergency Forestry Conservation Reserve Program](#) | [Environmental Quality Incentives Program Provisions for Forest Management](#) | [Conservation Technical Assistance](#) | [Purchase of Forest Land for Easements Against Nonfarm Development](#) | [Encouraging Public Access to Private Forest Land](#) | [Forest Programs Eligible for McIntire-Stennis Funding](#) | [Transition to Bioenergy Forest Crops](#) | [Forest Biomass for Energy](#) | [Tax Rates for Timber Gains](#) | [Timber Real Estate Investment Trusts](#)

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Provision name: 

Amendments to Cooperative Forestry Assistance Act of 1978 (CFAA) set new priorities and planning standards and adjust rules governing cooperative Federal, State, and private forest programs. (See [The Principal Laws Relating to USDA Forest Service State and Private Forestry Programs](#)  for more information.)

National Priorities for Private Forest Conservation

Previous Legislation	2008 Farm Bill
No similar provision.	Establishes 3 new priorities for CFAA: <ul style="list-style-type: none"> • conserving and managing working forests • protecting and restoring forests from range of threats • enhancing public benefits from private forests

Long-Term Statewide Assessments and Strategies for Forest Resources

Previous Legislation	2008 Farm Bill
No similar provision.	Requires that States assess forest-resource conditions, trends, and threats and develop long-term strategies as requirement to receive funds for CFAA programs. Assessments are to be coordinated among State forester or equivalent, State forest stewardship coordinating committee, State wildlife agency, and State technical committee. Authorizes annual appropriation of up to \$10 million and up to \$10 million from funds available to Forest Service State and Private Forestry to develop or update plans.

Community Forest and Open Space Conservation Program

Previous Legislation	2008 Farm Bill
No similar provision.	Provides Federal matching grants to help local governmental entities, tribes, or nonprofit organizations acquire private forest land threatened by conversion to nonforest uses. Properties acquired must be maintained as forests with public access and provide community economic, environmental, recreational, or educational benefits, including being models of effective forest stewardship. Authorizes such sums as are necessary.

Assistance to Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau

Previous Legislation	2008 Farm Bill
No similar provision.	Amends CFAA to update and reflect current trust territory status.

Changes to State Forest Stewardship Committee

Previous Legislation	2008 Farm Bill
No similar provision.	Amends duties of State Forest Stewardship Coordinating Committees to make recommendations to State foresters on development of statewide assessments and strategies regarding forest resource conditions. Adds State Technical Committee representative to committee.

Competition in Programs

Previous Legislation	2008 Farm Bill
No similar provision.	Requires portion of CFAA funds, as determined by Secretary of Agriculture, be available competitively to State foresters. Requires Secretary to consult with new Forest Resource Coordinating Committee to determine competitive allocation of funds.

Competitive Allocation of Funds for Cooperative Forest Innovation Partnerships

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to competitively allocate not more than 5% of CFAA funds to support innovative national, regional, or local education, outreach, or technology projects that would increase ability of Secretary to address national priorities for private forest conservation.

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Provision name: 

Cultural and Heritage Cooperation Authority authorizes tribal access to National Forest System (NFS) lands for reburials and other cultural activities.

Authorization for Reburial of Human Remains and Cultural Items on National Forest System Lands

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to allow use of NFS land for reburial of human remains or cultural items that are in possession of Indian tribe or lineal descendant and that have been disinterred from NFS land or adjacent site.

Temporary Closure of National Forest System Land for Traditional and Cultural Purposes

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to ensure, to maximum extent practicable, access to NFS land by Indians and Indian tribes for traditional and cultural purposes by closing the land to public access temporarily.

Forest Products for Traditional and Cultural Purposes

Previous Legislation	2008 Farm Bill
No similar provision.	Allows Secretary to provide Indian tribes trees, portions of trees, and forest products from NFS lands free of charge if used for traditional and cultural purposes and not for commercial purposes.

Prohibition on Disclosure

Previous Legislation	2008 Farm Bill
No similar provision.	Limits disclosure of information under Freedom of Information Act regarding human remains and cultural items at reburial sites, including location of sites, and information that is culturally sensitive to Indian tribes.

Severability and Savings Provisions

Previous Legislation	2008 Farm Bill

No similar provision.

All existing tribal rights, all existing agreements among tribes and Forest Service, existing trust responsibilities, and any other outstanding rights to use of NFS lands remain unaffected by new authorities in subtitle.

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Provision name:

**Amendments to Other Forestry Related Laws****Rural Revitalization Technologies**

Previous Legislation	2008 Farm Bill
No similar provision.	Amends 1990 Farm Act to reauthorize appropriations for program through FY 2012. Authority currently used to administer biomass utilization grants.

Office of International Forestry

Previous Legislation	2008 Farm Bill
Extended authority for Forest Service International Programs Office through 2007.	Reauthorizes through 2012.

Emergency Forest Restoration Program

Previous Legislation	2008 Farm Bill
No similar provision.	Allows payments to owners of nonindustrial private forest lands to carry out emergency measures to restore land after a natural disaster.

Prevention of Illegal Logging Practices

Previous Legislation	2008 Farm Bill
No similar provision.	Expands Lacey Act Amendment of 1981 , which prohibits importation of illegally harvested animal and plant products, to include illegally harvested wood and wood products.

Healthy Forests Reserve Program

Previous Legislation	2008 Farm Bill
Authorized in Healthy Forest Restoration Act of 2003 with 10-year, 30-year, or 99-year easements.	Adds permanent conservation easement option and makes available \$9.75 million annually in FY 2009-12 from Commodity Credit Corporation funds.

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Provision name:

**Boundary Adjustment and Land Conveyance Provisions****Green Mountain National Forest (GMNF) Boundary Adjustment**

Previous Legislation	2008 Farm Bill
No similar provision.	Modifies boundary of GMNF to include 13 designated expansion units.

Green Mountain National Forest Land Exchange/Sale

Previous Legislation	2008 Farm Bill
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No similar provision.	Authorizes Secretary to sell or exchange specified parcels of GMNF.
Land Conveyances, Chihuahuan Desert Nature Park, NM, and George Washington National Forest, VA	
Previous Legislation	2008 Farm Bill
No similar provision.	Provides for conveyance of parcels of land from USDA's Agricultural Research Service (NM) and George Washington National Forest (VA) to private entities.

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Provision name: 

Miscellaneous Provisions	
Qualifying Timber Contracts Options	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to cancel, redetermine rate of, or substitute index used in qualifying timber contracts and provides for time extension of existing qualified contracts.
Hispanic-Serving Institution Agricultural Land National Resources Leadership Program	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes competitive grants to Hispanic-serving institutions for undergraduate forestry scholarships. Authorizes such sums as may be necessary to carry out this section.

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Provision name: 

Forestry Provisions in Other Titles	
Emergency Forestry Conservation Reserve Program. See Title II, CRP: Emergency Forestry Conservation Reserve Program .	
Environmental Quality Incentives Program Provisions for Forest Management. See Title II, Environmental Quality Incentives Program (EQIP) .	
Conservation Technical Assistance. See Title II, Conservation Technical Assistance (CTA) .	
Purchase of Forest Land for Easements Against Nonfarm Development. See Title II, Farmland Protection Program .	
Encouraging Public Access to Private Forest Land. See Title II, Voluntary Public Access and Habitat Incentive Program .	
Forest Programs Eligible for McIntire-Stennis Funding. See Title VII, Land Grant Institutions .	
Transition to Bioenergy Forest Crops. See Title IX, Biomass Crop Assistance Program .	
Forest Biomass for Energy. See Title IX, Forest Biomass for Energy .	
Tax Rates for Timber Gains. See Title XV, Temporary Reduction in Rate of Tax on Qualified Timber Gain of Corporations .	
Timber Real Estate Investment Trusts. See Title XV, Timber REIT (Real Estate Investment Trust) Modernization .	

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2008 Farm Bill Side-By-Side

Title IX: Energy



Continues and expands funding for Federal agency procurement of biobased products, construction and development of advanced biofuel refineries, biomass research and development, and biodiesel education. New programs encourage renewable energy use by biorefineries, renewable energy systems and energy efficiency improvements, rural energy self sufficiency, development of next generation feedstocks, and use of forest and woody biomass for energy production.

List of Key Provisions:

-  [Biobased Markets Program](#)
-  [Biorefinery Assistance](#)
-  [Repowering Assistance](#)
-  [Bioenergy Program for Advanced Biofuels](#)
-  [Biodiesel Fuel Education Program](#)
-  [Rural Energy for America Program](#)
-  [Biomass Research and Development](#)
-  [Rural Energy Self Sufficiency Initiative](#)
-  [Feedstock Flexibility Program for Bioenergy Producers](#)
-  [Biomass Crop Assistance Program](#)
-  [Research, Extension, and Educational Programs on Biobased Energy Technologies and Products](#)
-  [Forest Biomass for Energy](#)
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-  [Biofuels Infrastructure Study](#)
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[Technology Transfer for Energy Crops and Conversion Facilities](#) | [Renewable Energy and Energy Efficiency](#) | [Study on Animal Manure Use](#) | [Studies of Crop Insurance Policies for Energy Crops and Other Commodities](#) | [Biofuel Tax Credit and Tariff Provisions](#)

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Provision name:

**Biobased Markets Program**

Previous Legislation	2008 Farm Bill
<p>Established new program for preferred purchase of biobased products by Federal agencies, modeled on existing program for purchase of recycled materials.</p> <p>Voluntary biobased labeling program was included, authorizing producers of biobased products to use the label "USDA Certified Biobased Product." Motor vehicle fuels and electricity were excluded.</p>	<p>Renames Federal Biobased Procurement Program as Biobased Markets Program.</p> <p>Establishes process for determining eligibility criteria for intermediate ingredients and feedstocks for Federal agency procurement.</p> <p>Continues voluntary "USDA Certified Biobased Product" labeling program and establishes a process for determining which new products may qualify to receive the label. Adds heating oil as an excluded category.</p> <p>Calls for establishment of a National Testing Center Registry of testing centers for biobased products that will serve biobased product manufacturers.</p>
<p>Mandated funding of \$1 million annually through Commodity Credit Corporation (CCC) for fiscal years (FY) 2002-07 for testing biobased products.</p>	<p>Mandates total funding through CCC of \$1 million for FY 2008 and \$2 million annually for FY2009-12 for testing and labeling of biobased products. Authorizes appropriations of additional funding of \$2 million annually for FY 2009-12.</p>

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Provision name:

**Biorefinery Assistance**

Previous Legislation	2008 Farm Bill
<p>Authorized competitive grant program to support development of biorefineries to convert biomass into multiple products such as fuels, chemicals, and electricity.</p>	<p>Authorizes competitive grants to assist development and construction of demonstration-scale biorefineries that convert renewable biomass to advanced biofuels. Grants may not exceed 30% of project cost.</p> <p>Authorizes loan guarantees to fund development, construction, and retrofitting of commercial-scale biorefineries. Loan guarantees of up to 90% of principal and interest may not exceed \$250 million and are limited to 80% of project costs.</p> <p>Grants and loan guarantees for both types of projects are subject to feasibility studies and a scoring system.</p>
<p>No mandatory funding was provided. Discretionary funding was authorized but not appropriated.</p>	<p>Mandates \$75 million in funding for FY 2009 and \$245 million in FY 2010 through CCC, for cost of loan guarantees, until expended. No mandatory funding specified for grant program. Authorizes appropriations of \$150 million annually for FY 2009-12.</p>

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Provision name:



Repowering Assistance	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes payments to encourage existing biorefineries to replace fossil fuels used to produce heat or power for operation of the biorefinery. Payments would be made for installation of new systems that use renewable biomass or for new production of energy from renewable biomass.</p> <p>Mandatory funding of \$35 million through CCC for FY 2009, until expended. Authorizes appropriations of \$15 million annually FY 2009-12.</p>

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Provision name:



Bioenergy Program for Advanced Biofuels	
Previous Legislation	2008 Farm Bill
<p>Reauthorized Bioenergy Program originally established by Executive Order in 1999, providing CCC incentive payments to ethanol and biodiesel producers based on yearly increases in production.</p> <p>Biofuel producers entering into contract with USDA were reimbursed a proportion of feedstocks purchased for additional biofuel production.</p> <p>Eligible feedstocks included grains; oilseeds; cellulosic material; animal byproducts; and fat, oils, and greases (including recycled fats, oils, and greases).</p> <p>Mandated use of not more than \$150 million in CCC funds annually for FY 2003-06. No funding was authorized for FY 2007.</p>	<p>Retitles, renews, and extends program as Bioenergy Program for Advanced Biofuels. Eligibility is now limited to producers of advanced biofuels.</p> <p>Eligible producers entering into a contract with Secretary are paid based on quantity and duration of advanced biofuel production and on net nonrenewable energy content of the advanced biofuel. Funding to a single eligible producer may be limited to ensure equitable distribution of funding.</p> <p>Mandates a total of \$300 million in CCC funding for FY 2009-12. Authorizes appropriations of \$25 million annually for FY 2009-12. No more than 5% of funds made available annually may go to facilities with a total refining capacity of more than 150 million gallons/year.</p>

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Provision name:



Biodiesel Fuel Education Program	
Previous Legislation	2008 Farm Bill
<p>Established a competitive grant program in consultation with Secretary of Energy to educate government and private entities with vehicle fleets, as well as the public, about benefits of biodiesel fuel use. Mandated CCC funding of \$1 million annually for FY 2003-07.</p>	<p>Extends program, with CCC funding remaining at \$1 million annually for FY 2008-12. Eligible recipients include nonprofit organizations or institutions of higher learning.</p>

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Provision name:



Rural Energy for America Program	
Previous Legislation	2008 Farm Bill
<p>Authorized a competitive grant program (Energy Audit and Renewable Energy Development Program) for entities to administer energy audits and renewable energy development assessments for farmers, ranchers, and rural small businesses. Authorized appropriations as necessary for this grant program.</p> <p>Authorized Renewable Energy Systems and Energy Efficiency Improvements Program to provide loans, loan guarantees, and grants to assist eligible farmers, ranchers, and rural small businesses in purchasing renewable energy systems and making energy efficiency improvements. Provided mandatory CCC funding of \$23 million annually for FY 2003-07.</p>	<p>Combines programs under new name, Rural Energy for America Program. New program is designed to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses.</p> <p>Provides grants and loan guarantees for energy audits, feasibility studies, and project development of renewable energy systems/energy efficiency improvements.</p> <p>Competitive grants may be provided to government, educational, or other institutions to promote energy audits, improved energy efficiency, and use of renewable energy technologies and resources. Agricultural producers or rural small businesses are required to pay at least 25% of cost of an energy audit conducted by a grant recipient.</p> <p>Grants for energy efficiency improvements and renewable energy systems may not exceed 25% of cost. Loan guarantees are capped at \$25 million/loan. Combination of grant and loan guarantees may not exceed 75% of cost.</p> <p>Mandates a total of \$255 million in CCC funding for FY 2009-12. Authorizes funding of \$25 million annually for FY 2009-12.</p> <p>See Title VI, Energy Efficiency and Renewable Energy Programs for related program information.</p>

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Provision name:



Biomass Research and Development	
Previous Legislation	2008 Farm Bill
<p>Originally created under the Biomass Research and Development Act of 2000, the initiative directed Secretaries of Agriculture and Energy to coordinate policies promoting biobased industrial products. Funded competitive grants for research, development, and demonstration projects for biofuels and biobased chemicals and products.</p> <p>Termination date extended to Sept 30, 2007.</p>	<p>Extends provision.</p>
<p>Provided \$5 million of CCC funds for FY 2002 and \$14 million annually for FY 2003-07. Authorized additional appropriations of \$49 million annually for FY 2002-07.</p>	<p>Provides mandatory CCC funding of \$118 million for FY 2009-12. Authorizes additional \$35 million annually FY 2009-12.</p>

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Provision name:



Rural Energy Self Sufficiency Initiative	
Previous Legislation	2008 Farm Bill

No similar provision.

Authorizes new program to provide financial assistance to increase energy self-sufficiency of rural communities. Provides grants to conduct energy assessments, formulate plans to reduce energy use from conventional sources, and install integrated renewable energy systems. Integrated renewable energy systems are defined as community-wide systems that reduce conventional energy use and incorporate renewable energy use.

Federal-cost share for any grant is limited to 50% of project cost.

Authorizes appropriations of \$5 million annually for FY 2009-12.

See Title VI, [Energy Efficiency and Renewable Energy Programs](#) for related program information.

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Provision name:



Feedstock Flexibility Program for Bioenergy Producers

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Secretary must purchase sugar (that is eligible for human consumption) that would otherwise be forfeited to CCC, and either sell it to eligible bioenergy producers or dispose of it by other specified means to ensure that the U.S. sugar program operates at no net cost to the Government. Competitive procedures will be used to maximum extent practicable in receiving, offering, and accepting bids. Mandates CCC funding as necessary.</p> <p>Program is only to be implemented in those years Secretary determines it necessary to avoid Government costs. See Title I, Sugar.</p>

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Provision name:



Biomass Crop Assistance Program

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Establishes a program to support establishment and production of eligible crops for conversion to bioenergy, and to assist agricultural and forest landowners with collection, harvest, storage, and transportation of these crops to conversion facility. Project sponsors apply for selection as Biomass Crop Assistance Program (BCAP) project areas. Requires Secretary to provide necessary financial assistance to eligible producers in selected areas. Assistance includes:</p> <ul style="list-style-type: none"> • payments for up to 75% of cost of establishing an eligible crop • annual payments to support production • matching payments of up to \$45/ton for 2 years for collection, harvest, storage, and transportation to a biomass conversion facility

Contract terms are up to 5 years for annual and perennial crops and up to 15 years for woody biomass. Eligible crops and other biomass do not include those eligible for [commodity payments](#) under Title I, invasive or noxious plants, animal waste and byproducts, food and yard waste, or algae. Specified conservation practices must be adhered to.

Provides funding separate from BCAP program for collection, harvest, storage, and transport of certain biomass for delivery to biomass conversion facility.

Such sums as necessary from CCC must be used each year of FY 2008-12.

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Provision name: 

Research, Extension, and Educational Programs on Biobased Energy Technologies and Products (Sun Grant Program)

Previous Legislation	2008 Farm Bill
<p>Provision established by Sun Grant Research Initiative Act of 2003. Established 5 regional sun grant research centers based at Land Grant universities. Intent was to foster collaboration between USDA, Department of Energy, and Land Grant universities in developing and disseminating biobased energy technologies.</p> <p>Authorized appropriations of \$25 million in FY 2005, \$50 million in FY 2006, and \$75 million for each of FY 2007-10.</p>	<p>See Title VII, Bioenergy Research.</p>

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Provision name: 

Forest Biomass for Energy

Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Authorizes new competitive research and development program to encourage use of forest biomass for energy. To be administered by USDA's Forest Service, priority project areas include:</p> <ul style="list-style-type: none"> • developing technology and techniques to use low-value forest biomass for energy production • developing processes to integrate energy production from forest biomass into biorefineries • developing new transportation fuels from forest biomass • improving growth and yield of trees intended for renewable energy <p>Authorizes appropriation of \$15 million annually for FY 2009-12.</p>

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Provision name: 

Community Wood Energy Program	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Authorizes new program to provide State and local governments with matching grants of up to \$50,000 to develop community wood energy plans and to fund a program of competitive grants to acquire community wood energy systems (that use woody biomass as the primary fuel) for public facilities.</p> <p>Authorizes appropriations of \$5 million annually for FY 2009-12.</p>

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Provision name: 

Biofuels Infrastructure Study	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretaries of Agriculture, Energy, and Transportation and Administrator of Environmental Protection Agency to jointly conduct a study that includes:</p> <ul style="list-style-type: none"> • assessment of infrastructure needs for expanding domestic production, transport, and distribution of biofuels • recommendations for infrastructure needs • development of a report that summarizes infrastructure needs, analyses alternative development approaches, and provides recommendations for specific infrastructure development actions taken


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Provision name: 

Renewable Fertilizer Study	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretary to conduct a study to assess current state of knowledge regarding potential for production of fertilizer from renewable-energy sources in rural areas.</p> <p>Authorizes appropriations of \$1 million in funding for FY 2009.</p>

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Provision name: 

Energy Provisions in Other Titles	
	<p>Technology Transfer for Energy Crops and Conversion Facilities. See Title VI, Appropriate Technology Transfer Program For Rural Areas.</p>

Renewable Energy and Energy Efficiency. See Title VI, [Energy Efficiency Programs](#) and [Electric Loans for Renewable Energy](#).

Study on Animal Manure Use. See Title XI, [Study on Bioenergy Operations](#).

Studies of Crop Insurance Policies for Energy Crops and Other Commodities. See Title XII, [Crop Insurance Pilot Programs](#) and [New Product Development](#).

Biofuel Tax Credit and Tariff Provisions. See Title XV, [Energy Provisions](#).

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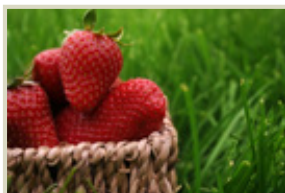
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2008 Farm Bill Side-By-Side

Title X: Horticulture and Organic Agriculture



Reauthorizes block grants for States to enhance specialty crop competitiveness. Establishes several new plant pest and disease management programs and a fresh produce food safety education program. Provides funds for farmers' markets and to expand fruit and vegetable market news reporting. Increases funding to help producers and handlers with organic certification costs, to enhance data collection on organic agriculture, and to support Federal organic regulatory activities.

List of Key Provisions:

Specialty Crops

[Specialty Crop Competitiveness](#) | [Pest and Disease Management](#) | [Census of Agriculture](#) | [Marketing Orders Research and/or Promotion Programs](#) | [Food Safety Education Initiative](#) | [Market News Activities Regarding Specialty Crops](#) | [Farmers' Market Promotion Program](#) | [Market Loss Assistance for Asparagus Producers](#) | [Grants to Improve Transporting Specialty Crops](#) | [Specialty-Crop Provisions in Other Titles](#)

Organic Agriculture

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Provision name:

Specialty Crops



Specialty Crop Competitiveness

Previous Legislation

Specialty Crops Competitiveness Act of 2004 established block grants for each State for fiscal years (FY) 2005-09 to enhance [specialty crop](#) competitiveness, subject to appropriations.

Eligible "specialty crops" in Specialty Crops Competitiveness Act included fruits and vegetables, tree nuts, dried fruits, and nursery crops (including floriculture).

Market Access Program: Authorized additional \$2 million for promoting specialty-crop exports above amount already authorized under 2002 Farm Act's Trade Title.

2008 Farm Bill

Continues Specialty Crop Block Grant Program through FY 02012. Increases mandatory levels of Commodity Credit Corporation (CCC) funding to:

- \$10 million in FY 2008
- \$49 million in FY 2009
- \$55 million/year in FY 2010-12

Each State is to receive \$100,000 or 1/3 of 1% of total funding for each fiscal year, whichever is higher. If State does not spend its full amount, money will be reallocated to other States.

Adds [horticulture](#) to definition of "specialty crop." Adds Guam, American Samoa, U.S. Virgin Islands, and Northern Mariana Islands to list of eligible "States."

Authorizes \$200 million annually for FY 2008-12. See Title III, [Market Access Program](#).

Pest and Disease Management

Previous Legislation



Pest Eradication and Detection

Previous Legislation

Authorized \$1 million annually to support emergency eradication and research in response to economic and health threats to agricultural commodities from pests and diseases.

2008 Farm Bill

2008 Farm Bill

Makes Plant Pest and Disease Management and Disaster Prevention program funding available:

- \$12 million in FY 2009
- \$45 million in FY 2010
- \$50 million in FY 2011, FY 2012, and each year thereafter

Funds are to be used for:

- "Early Plant Pest Detection and Surveillance Improvement Program" to make funding available to States through cooperative agreements for early detection of plant pests newly introduced to U.S. or certain States or areas
- "Threat Identification and Mitigation Program" to assess risks of foreign plant pests and diseases, and to implement plans to help prevent introduction and widespread dissemination of high-consequence plants and diseases
- "Specialty Crop Certification and Risk Management Systems" to develop audit-based certification systems, such as best management practices, to mitigate risk of pests in movement of plants and plant products and to develop nursery plant pest risk management systems

National Clean Plant Network

Previous Legislation	2008 Farm Bill
No similar provision.	Creates National Clean Plant Network to house clean plant material and maintain blocks of pathogen-tested plant material throughout U.S. for pathogen diagnosis and elimination. Allows available clean plant material to be used by State-certified plant programs and by private nurseries and producers. Provides mandatory CCC funding of \$5 million annually during FY 2009-12.

Pest and Disease Revolving Loan Fund

Previous Legislation	2008 Farm Bill
No similar provision.	Appropriates funds for loans to local governments to finance purchases of equipment to monitor, remove, dispose of, and replace infested trees located in local government jurisdiction and within quarantine areas infested by plant pests. Maximum amount available to a local area is \$5 million. Permits funding through cooperative agreements with local governments related to eradication, prevention, control, or suppression of plant pests.

Census of Agriculture

Previous Legislation	2008 Farm Bill
No similar provision.	Includes specialty crops as part of each Census of Agriculture.

Marketing Orders Research and/or Promotion Programs

Previous Legislation	2008 Farm Bill
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 **Hass Avocado Marketing Order**

Previous Legislation	2008 Farm Bill
Hass Avocado Promotion, Research, and Information Order enacted to increase consumption of Hass avocados in U.S.	Secretary of Agriculture to initiate procedures to determine if Hass avocado industry elects to have a new marketing order that would establish grades and standards for Hass avocados in addition to existing promotion and research program.

Mushroom Promotion, Research, and Consumer Information Program

Previous Legislation	2008 Farm Bill
Mushroom Promotion, Research and Consumer Information Act of 1990 provided terms and conditions of mushroom marketing order.	Changes number of regions represented on Board, and number of pounds required for representation in regions, to reflect geographic distribution of mushroom growers and their productivity. Allows development of food safety practices under mushroom research and promotion order.

Clementine Marketing Order

Previous Legislation	2008 Farm Bill
No similar provision.	If a Clementine marketing order is requested and approved by the industry, Clementine imports must meet marketing order requirements.

National Honey Board

Previous Legislation	2008 Farm Bill
Honey Board has conducted research, advertising, and promotion programs to help maintain and expand honey markets.	Authorizes honey industry referenda regarding establishment of marketing board solely for U.S. honey producers and board for packers, importers, and handlers.

Food Safety Education Initiative

Previous Legislation	2008 Farm Bill
No similar provision.	Establishes program to educate persons involved in fresh produce industry, and public, about sanitary handling practices and ways to reduce pathogens in fresh produce. Authorizes appropriations of \$1 million annually during FY 2008-12.

Market News Activities Regarding Specialty Crops

Previous Legislation	2008 Farm Bill
USDA's Market News Program provides price and sales information to assist in marketing and distribution of farm commodities. Reports include information on prices, volume, quality, condition, and other market data on farm products in specific markets and marketing areas.	Expands market news activities to provide timely price information on fruits and vegetables. Authorizes additional \$9 million annually for FY 2008-12, to remain available until expended.

Farmers' Market Promotion Program

Previous Legislation	2008 Farm Bill
<p>Farmers' Market Promotion Program provided grants to local governments, nonprofit corporations, regional farmers' market authorities, or other entities to improve and expand farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer market opportunities. Authorized appropriations as may have been necessary.</p>	<p>Adds an agri-tourism promotion program to categories of farmer-to-consumer direct marketing activities eligible for funding.</p> <p>Provides mandatory CCC funding of:</p> <ul style="list-style-type: none"> • \$3 million for FY 2008 • \$5 million/year for FY 2009-10 • \$10 million/year for FY 2011-12 <p>Requires at least 10% of funds to be used to support use of electronic benefit transfers from Federal nutrition programs at farmers' markets.</p>

Market Loss Assistance for Asparagus Producers

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes payments to producers currently growing asparagus for revenue losses during crop years 2004-07 due to imports. Mandates funding of \$7.5 million for producers of fresh asparagus and \$7.5 million for producers of processed or frozen asparagus.

Grants to Improve Transporting Specialty Crops

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes grants to improve cost-effectiveness and address intermodal deficiencies of transporting specialty crops to local, regional, and international markets. Grants available to State and local governments; grower cooperatives; national, State, or regional producer, shipper, or carrier organizations; and other approved groups.

Specialty-Crop Provisions in Other Titles

Planting Flexibility. See Title I, [Planting Flexibility and Restrictions for Program Participants](#).

Planting Transferability Pilot Project. See Title I, [Planting Flexibility and Restrictions for Program Participants](#).

Participation by Specialty Crop Producers in Conservation Programs. See Title II, Enrollment and Assistance Under Conservation Programs and [Conservation Innovation Grants](#).

Technical Assistance for Specialty Crops. See Title III, [Technical Assistance for Specialty Crops \(TASC\) Program](#).

Pilot Projects to Evaluate Health and Nutrition Promotion in Supplemental Nutrition Assistance Program. See Title IV, [Nutrition Education, Promotion, and Outreach](#).

Fresh Fruit and Vegetable Program. See Title IV, [Fresh Fruit and Vegetable Program](#).

Healthy Food Education and Program. See Title IV, [Healthy Food Education and School Gardening Pilot Programs](#).

Fruit, Vegetable, and Nut Purchases for Federal Nutrition Programs. See Title IV, [Purchase of Fresh Fruits and Vegetables for Distribution](#).

Senior Farmers' Market Nutrition Program. See Title IV, [Farmers' Market Nutrition Programs](#).

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Pollinator Protection. See Title VII, [Pollinator Research](#).

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Specialty Crops Committee Report. See Title VII, [Specialty Crops](#).

Country-of-Origin Labeling. See Title XI, [Country-of-Origin Labeling](#).

Orchard and Nursery Tree Assistance Program. See Title XII, [Orchard and Nursery Tree Assistance Program](#).

Pilot Programs for Crop Insurance. See Title XII, [Pilot Programs and New Product Development](#).

Noninsured Crop Assistance Program. See Title XII, [Other Risk Management Provisions](#).

Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish. See Title XII, [Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish](#).

Determination of Drawback Duties for Wine. See Title XV, [Unused Merchandise Drawback](#).

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Provision name:



Organic Agriculture



Cost-Share Assistance for Organic Certification

Previous Legislation	2008 Farm Bill
<p>Agricultural Risk Protection Act of 2000 authorized cost-share assistance for organic certification to producers in not more than 15 States that have historically low participation rate in Federal Crop Insurance Program.</p> <p>Established National Organic Certification Cost-Share Program to assist producers and handlers of agricultural products in obtaining certification under National Organic Program, which was established under Organic Foods Production Act of 1990. Provided \$5 million in FY 2002, to remain available until expended. Maximum Federal cost share was 75% annually, with up to \$500 paid to individual producer or handler.</p>	<p>Increases mandatory funding for National Organic Certification Cost-Share Program to \$22 million in FY 2008, to remain available until expended. Maximum Federal cost share remains at 75%, but cap increases to \$750/operation.</p> <p>Adds State and Federal recordkeeping requirements, and requires Secretary to submit annual report to Congress describing State expenditures.</p>

Production and Market Data and Economic Research and Analysis

Previous Legislation	2008 Farm Bill
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Required maintenance of segregated data on production and marketing of organic agricultural products in ongoing data collection on agricultural production and marketing.

Provides \$5 million in first-time mandatory CCC funding to be available until expended over 5 years for expanded organic data collection initiative. Authorizes additional \$5 million/year.

Objectives are to:

- collect and distribute comprehensive reporting of prices relating to organically produced agricultural products
- conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns)
- develop surveys and report statistical analysis on organically produced agricultural products

Requires Secretary to submit a progress report on implementation of this initiative.

National Organic Program Support

Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes \$5 million in funding in FY 2008 (currently \$2.6 million) for USDA's program that regulates organic standards and certification. Increases authorized funding to \$11 million by FY 2012.

Organic Provisions in Other Titles

Organic Transition Incentives for Beginning Farmers under CRP. See Title II, [Conservation Reserve Program \(CRP\)](#).

Organic Transition Support under EQIP. See Title II, [Environmental Quality Incentives Program \(EQIP\)](#).

Organic Certification Cross-Linked with Conservation Stewardship Program. See Title II, [Conservation Stewardship Program \(CSP\)](#).

Assistance for Organic Certification. See Title II, [Agricultural Management Assistance Program \(AMA\)](#).

Technical Assistance for Organic Conservation Practices. See Title II, [Technical Assistance for Organic Conservation Practices](#).

Organic Credit Provision. See Title V, [Conservation Loan and Loan Guarantee Program](#).

Organic Research Provisions. See Title VII, [Organic Agriculture](#).

Organic Crop Insurance Provision. See Title XII, [Insurance of Organic Crops](#).

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2008 Farm Bill Side-By-Side

Title XI: Livestock



Enhances electronic mandatory livestock reporting. Adds and redefines commodities covered by country-of-origin labeling. Allows some interstate sales of State-inspected meat and poultry, establishes voluntary catfish grading and inspection, and amends rules for hog and poultry production contracts. Addresses livestock disease prevention and food safety concerns, increases funding for National Sheep Industry Improvement Center, and requires manure uses study.

List of Key Provisions:



[Livestock Mandatory Reporting](#)



[Country-of-Origin Labeling](#)

[Covered Commodities](#) | [Content and Placement of Labels](#) | [Compliance and Verification](#)



[Meat, Poultry, and Catfish Inspection](#)

[State-Inspected Meat and Poultry](#) | [Catfish Grading and Inspection](#)



[Hog and Poultry Production Contracts](#)



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Provision name:**Livestock Mandatory Reporting****Previous Legislation**

Livestock Mandatory Reporting Act of 1999 established a program to:

- provide information regarding marketing of cattle, hogs (swine), lambs, boxed beef, and lamb-meat products that could be understood by producers, packers, and other market participants, including information on pricing, contracting, and supply and demand conditions
- improve price and supply reporting by USDA
- encourage competition in marketplace for livestock and livestock products

Statutory authority for program lapsed on Sept 30, 2005. In Oct 2006, legislation reauthorized program until Sept 30, 2010, and amended swine reporting requirements.

2008 Farm Bill

Directs Secretary of Agriculture to:

- develop and implement an enhanced system of electronic publishing of Livestock Mandatory Reporting information, including charts and graphs and comparative information from prior reporting periods
- carry out a public market-news education program

Enhanced website to be implemented within 1 year following appropriation of sufficient funds, with existing format to remain in effect for at least 2 years after Secretary determines sufficient funds have been appropriated to implement a new system.

Directs Secretary to conduct a study on effects of requiring packer processing plants to report information on wholesale pork cuts, including:

- economic effects on producers and consumers
- effects of a confidentiality requirement on mandatory reporting

Report due to Congress 1 year after enactment of Act.

Authorizes appropriation of funds necessary to carry out website improvements, user education, and wholesale-pork-reporting study and report.

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Provision name:**Country-of-Origin Labeling****Previous Legislation**

Required retailers to inform consumers of country of origin of covered commodities at final point of sale. Foodservice establishments were exempted.

Directed Secretary to issue guidelines for voluntary labeling by Sept 30, 2002, and to promulgate requirements for mandatory labeling no later than Sept 30, 2004. Public Laws 108-199 and 109-97 delayed the implementation of policy for all covered commodities except fish and shellfish until Sept 30, 2008. The (interim final) rule for fish and shellfish became effective April 4, 2005.

2008 Farm Bill

No change.

**Covered Commodities****Previous Legislation****2008 Farm Bill**

Included muscle cuts of beef, lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities (fresh fruits and vegetables as defined by the Perishable Agricultural Commodities Act); and peanuts. Poultry not included.

Adds chicken (whole and in parts), goat meat, ginseng, pecans, and macadamia nuts.

Meat

Previous Legislation	2008 Farm Bill
Limited use of U.S. country-of-origin label for covered meats to items exclusively born, raised, and slaughtered in U.S.	<p>Specifies categories for labeling meat:</p> <ul style="list-style-type: none"> • U.S. country of origin: item from animal exclusively born, raised, and slaughtered in U.S. (or was in U.S. on or before July 15, 2008) • Immediate slaughter: country from which animal was imported and U.S. • Foreign country of origin: animal not born, raised, and slaughtered in U.S. • Multiple countries of origin: all countries in which animal may have been born, raised, and slaughtered • For ground meat: all reasonably possible countries where product may have originated

Fish

Previous Legislation	2008 Farm Bill
Provided new seafood labeling responsibilities to USDA, while all other seafood labeling responsibilities remained with U.S. Food and Drug Administration (FDA). Required label to distinguish between farm-raised and wild-harvest seafood products.	<p>No change.</p> <p>Requires the following for U.S. country-of-origin label:</p> <ul style="list-style-type: none"> • farm-raised fish must be hatched, raised, harvested, and processed in U.S. • wild fish must be harvested and processed in U.S., in U.S. territorial waters, or on U.S.-registered vessel

Perishable Agricultural Commodities, Ginseng, Peanuts, Pecans, and Macadamia Nuts

Previous Legislation	2008 Farm Bill
Required containers with imported perishable agricultural commodities or peanuts be labeled with country-of-origin information when entering U.S.	Limits use of U.S. country-of-origin label to commodities exclusively produced in U.S. Designation of U.S. State, region, or locality where commodity was produced is sufficient to identify U.S. as country of origin.

Content and Placement of Labels

Previous Legislation	2008 Farm Bill
Required that country-of-origin information be provided to consumers by label, stamp, mark, placard, or other clear and visible sign on commodity or on package, display, holding unit, or bin containing the commodity.	No change.

Compliance and Verification

Previous Legislation	2008 Farm Bill
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Provided for compliance audit trails and required participants in marketing chain to supply information to retailers. Retailers may have been fined up to \$10,000 for willfully failing to comply.

Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance. Secretary may not require records of country of origin other than those maintained in normal course of business.

Retailer or person supplying retailer has 30 days to comply. If retailer/person willfully fails to comply, Secretary may fine retailer/person \$1,000 for each violation.

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Provision name: 

Meat, Poultry, and Catfish Inspection

State-Inspected Meat and Poultry	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Amends Federal Meat Inspection Act (FMIA) and Poultry Products Inspection Act (PPIA) to create an option for State-inspected plants with 25 employees or less to ship in interstate commerce. Does not replace existing State inspection programs. Establishments currently under Federal inspection are not eligible. Secretary may allow establishments with more than 25 but less than 35 employees to transition to Federal inspection 3 years after final regulations are issued.</p> <p>Plants selected by Secretary to ship in interstate commerce using this program must follow FMIA and PPIA in same manner as federally inspected establishments.</p> <p>Requires Secretary to reimburse States for not less than 60% of eligible costs related to inspection of selected establishments.</p> <p>Requires Secretary to issue final regulations for this program not later than 18 months after enactment.</p>

State Coordinator	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Directs Secretary to designate Federal employee as State coordinator for each State agency that has a State inspection program. State coordinator will oversee training and inspection activities of designated personnel of the State agency, and will:</p> <ul style="list-style-type: none"> • visit selected establishments to ensure they are operating in manner consistent with FMIA and PPIA • submit quarterly reports describing status of each selected State establishment in regard to compliance with FMIA and PPIA • suspend inspection if an establishment is in violation of FMIA or PPIA

Technical Assistance	
Previous Legislation	2008 Farm Bill

<p>No similar provision.</p>	<p>Directs Secretary to establish within USDA's Food Safety Inspection Service (FSIS) a technical assistance division to coordinate 1) outreach, education, and training of very small and certain small establishments, and 2) grants to State agencies to provide outreach, technical assistance, education, and training of very small and certain small establishments.</p> <p>Secretary may provide grants to appropriate State agencies to help establishments covered by intrastate inspection under FMIA Title III to transition to this new program.</p>
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Audits	
Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Requires USDA Inspector General to conduct an audit no later than 2 years after final regulations are issued, and no less than every 3 years thereafter, of activities taken by Secretary under this section to determine compliance with the law.</p> <p>Requires Government Accountability Office to conduct an audit 3-5 years after enactment to evaluate implementation of this program and determine number of establishments selected by Secretary.</p>

Catfish Grading and Inspection	
Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Establishes within USDA a voluntary fee-based grading program for catfish. Additional species of farm-raised fish or shellfish may be added to grading program through a petition process to Secretary.</p> <p>Amends FMIA such that catfish are subject to examination and inspection by USDA's FSIS when processed for use as human food. In its inspections, FSIS must take into account conditions under which catfish are raised and transported to processing establishment.</p> <p>Requires Secretary to submit to Congress an estimate of costs of implementing program no later than 30 days after enactment. Secretary, in consultation with FDA Commissioner, required to issue final regulations no later than 18 months after enactment.</p>

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Provision name: 

Hog and Poultry Production Contracts	
Previous Legislation	2008 Farm Bill

No similar provision.

Amends Packers and Stockyard Act to:

- allow poultry or swine growers to cancel growing or production contracts for up to 3 days after signing, or any date specified in contract or growing arrangement; contract must disclose method and deadline for cancellation
- specify that growing or production contracts must contain conspicuous statement that additional large capital investments may be required of grower during term of contract
- places dispute resolution in Federal judicial district in which principal part of production occurs; allows parties to production contracts to specify what State law will govern contract, unless forbidden by the State in which principal part of production takes place
- gives growers ability to decline arbitration prior to entering contract; parties may agree to arbitration when dispute arises if both parties agree in writing; any limitation of grower's freedom to choose whether or not to pursue arbitration is violation of the Act; requires Secretary to establish criteria to determine whether arbitration process in contract provides meaningful opportunity for growers to participate fully in arbitration

Requires Secretary to issue regulations within 2 years with respect to Packers and Stockyards Act to establish criteria for determining:

- whether an undue or unreasonable preference or advantage has occurred in violation of the Act
- whether live poultry dealer has provided reasonable notice to growers of any suspension of delivery of birds under poultry-growing arrangement
- whether required additional capital investments over life of contract constitute violation of the Act
- whether live poultry dealer or swine contractor has provided reasonable time period for grower to remedy breach of contract that could lead to termination of contract

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Provision name: 

Livestock Health and Diseases	
Animal Health Protection	
Previous Legislation	2008 Farm Bill
No similar provision.	Directs Secretary to compensate industry participants and cooperating State agencies for 100% of eligible costs in conducting livestock pest or disease detection, control, or eradication measures relating to control of low-pathogenic diseases.

Gave Secretary authority to prohibit or restrict import or export of any animal or related material, if necessary, to prevent spread of any livestock pest or disease within or from U.S. Secretary could also take measures to detect, control, or eradicate any pest or disease of livestock.

Gave Secretary authority to hold, seize, treat, or destroy any animal, as well as to limit interstate livestock movement. Required Secretary to compensate owners based on fair market value of destroyed animals and related material.

Increases fines for violations of the Animal Health Protection Act (AHPA). Expands subpoena authorities of Secretary under AHPA to include physical evidence.

Trichinae Certification Program

Previous Legislation	2008 Farm Bill
No similar provision.	Directs Secretary to establish a voluntary trichinae certification program, funding is authorized to be appropriated. Requires final regulations to be issued no later than 90 days after enactment.

National Aquatic Animal Health Plan

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Secretary may enter into a cooperative agreement with a State, Indian tribe, or other appropriate entity to carry out a project under a national aquatic animal health plan for purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.</p> <p>Secretary may use other authorities of AHPA, including operations to detect, control, and eradicate pests and diseases and authority to pay claims arising out of destruction of any animal, article, or means of conveyance.</p> <p>Authorizes annual appropriations of such sums as necessary for FY 2008-12.</p>

Pseudorabies Eradication Program

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Sense of Congress that:</p> <ul style="list-style-type: none"> • pseudorabies eradication is high priority that should be carried out under authorities of AHPA • feral hogs pose threat to domestic hog population and entire livestock industry • U.S. commercial swine herd should be kept free of pseudorabies so as to maintain pork export markets • swine surveillance system will assist hog industry in eradicating pseudorabies

Cattle Fever Tick Eradication Program

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Sense of Congress that:</p> <ul style="list-style-type: none"> • cattle fever tick and southern cattle tick transmit babesiosis, a severe disease of cattle • national plan for eradicating cattle fever tick should be a high priority for Secretary

Provision name: 

Miscellaneous	
Food Safety Improvements	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Amends FMIA and PPIA to require meat and poultry plants to:</p> <ul style="list-style-type: none"> • immediately notify Secretary if an establishment believes or has reason to believe that an adulterated or misbranded meat/poultry or meat/poultry food product has entered commerce • prepare and maintain, in writing, plan for recall of all meat/poultry or meat/poultry food products produced and shipped by establishment • document each reassessment of plant's hazard analysis and critical-control-point plans • upon request, make their recall plans and reassessment documents available to USDA inspectors for review
Reporting Violations of Packers and Stockyards Act	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Requires Secretary to submit an annual report to Congress on investigations into possible violations of Packers and Stockyards Act. Report to contain:</p> <ul style="list-style-type: none"> • number of investigations for livestock and poultry, by enforcement area (financial, trade, or competitive practices) • length of time investigations are pending with USDA's Grain Inspection, Packers, and Stockyards Administration; Office of General Counsel; and U.S. Department of Justice <p>Reporting requirement expires with expiration of this Act.</p>
National Sheep Industry Improvement Center	
Previous Legislation	2008 Farm Bill
Center established in Consolidated Farm and Rural Development Act.	<p>Eliminates requirement that Center privatize its revolving fund.</p> <p>Provides new mandatory funding—from Commodity Credit Corporation—of \$1 million for FY 2008, to be available until expended.</p> <p>Authorizes annual appropriations of \$10 million for FY 2008-12.</p>
Association of Producers	
Previous Legislation	2008 Farm Bill

Agricultural Fair Practices Act of 1967 defined "Association of Producers" as any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing.

"Handler" defined as any person engaged in business of:

- acquiring agricultural products from producers or associations of producers for processing or sale
- grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers
- negotiating written or oral contracts or other arrangements with, or on behalf of, producers or association of producers with respect to production or marketing of agricultural product
- acting as an agent or broker for a handler

Redefines, for purposes of Agricultural Fair Practices Act:

- "Association of Producers" includes all organizations exclusively composed of agricultural producers
- "Handler" does not include a person, other than a packer, that provides custom feeding services to producers

Study on Bioenergy Operations

Previous Legislation	2008 Farm Bill
No similar provision.	<p>Directs Secretary to conduct a study to evaluate role of animal manure as fertilizer and potential additional uses. Study to evaluate:</p> <ul style="list-style-type: none"> • extent to which animal manure is used as fertilizer in agricultural operations, by type and size of operations • potential impact on consumers and agricultural operations resulting from limits on use of animal manure as fertilizer • effects on agriculture production due to increased competition for animal manure from bioenergy producers, including as feedstock or replacement for fossil fuels <p>Report due to Congress 1 year after enactment.</p>

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Provision name:



Livestock-Related Provisions in Other Titles



Wool Loan Deficiency Payments. See Title I, [Marketing Assistance Loans and Loan Deficiency Payments \(LDPs\)](#) for wool.

Dairy Provisions. See Title I, [Dairy](#).

Conservation Reserve Program (CRP) Grazing. See Title II, [Conservation Reserve Program](#).

Livestock Disaster Assistance. See Title XII, [Livestock Indemnity Payments](#); [Livestock Forage Disaster Program](#); and [Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish](#).

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2008 Farm Bill Side-By-Side

Title XII: Crop Insurance



Reduces subsidies to insurance companies for selling and servicing crop insurance policies. Increases administrative fees paid by farmers for minimum insurance coverage level. Requires studies and adjustments to improve organic crop insurance coverage. Introduces Supplemental Agricultural Disaster Assistance Program that supplements crop insurance coverage and provides disaster assistance for livestock (including aquaculture and honey bees), forage, and tree and nursery crops.

List of Key Provisions:



Crop Insurance

[Premiums](#) | [Standard Reinsurance Agreement \(SRA\)](#) | [Program Administration and Integrity](#) | [Insurance of Organic Crops](#) | [Pilot Programs and New Product Development](#) | [Other Risk Management Provisions](#)



Supplemental Agricultural Disaster Assistance (SADA)

[Agricultural Disaster Relief Trust Fund](#) | [Supplemental Revenue Assistance Payments \(SURE\)](#) | [Livestock Indemnity Payments](#) | [Livestock Forage Disaster Program](#) | [Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish](#) | [Orchard and Nursery Tree Assistance Program](#) | [Payment Limitations](#)



Fisheries Disaster Assistance



Small Business Loan Program

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Provision name:

Crop Insurance is available under several plans of insurance and coverage levels for a wide variety of crops. Crop insurance policies are sold and serviced by private insurance companies under premium rates and contract terms set by [Federal Crop Insurance Corporation \(FCIC\)](#) and administered by USDA's [Risk Management Agency \(RMA\)](#). Premiums and delivery costs are federally subsidized.

➤ **Premiums** for crop insurance, amounting to expected indemnities plus a reserve, and administrative fees are paid by producers and by FCIC (premium subsidies).

Previous Legislation

Premium subsidies established under [Federal Crop Insurance Act \(FCIA\)](#), as amended by [Agricultural Risk Protection Act of 2000 \(ARPA\)](#). Subsidy rates varied by plan of insurance and coverage level.

Premiums for "catastrophic" (CAT) coverage level were entirely subsidized. Producer paid only an administrative fee of \$100/crop/county.

ARPA allowed insurance companies, with approval of FCIC under certain conditions, to offer Premium Reduction Plans (PRPs) to producers. Appropriations legislation in 2006 and subsequent years prohibited acceptance of PRPs.

Premiums, offset by any indemnities, were billed and paid at harvest time.

Standard Reinsurance Agreement (SRA) negotiated by FCIC and insurance companies, specifies Administrative and Operating (A&O) subsidies paid to insurance companies and shares of underwriting gains or losses accruing to companies.

Previous Legislation

Authorized FCIC to renegotiate [Standard Reinsurance Agreement \(SRA\)](#) once during [reinsurance years](#) (July 1-June 30) 2001-05. SRA renegotiated in 2005.

A&O subsidy rates negotiated in 2005 SRA. Rates varied by plan of insurance, year, and coverage level. For [additional coverage](#) levels (buy-up) other than area plans of insurance, rates ranged from 18.1 to 24.2% of amount of premium, depending on year and coverage level. For area plans, rates ranged from 18.1 to 22.4%. For CAT, instead of A&O subsidy, FCIC paid companies amount equal to 7.0% of premium for loss adjustment expenses.

A&O subsidies and CAT reimbursements were paid as acreage reports were filed by companies, usually few months after planting.

Underwriting gains were paid to companies when premiums, net of indemnities, were paid by producers and FCIC, usually shortly after harvest time.

Program Administration and Integrity

Previous Legislation

2008 Farm Bill

Reduces premium subsidy rates for [area yield and revenue plans](#). Premium subsidy rates for other plans of insurance and coverage levels are unchanged.

Continues full subsidization of CAT premiums. Increases administrative fee charged for CAT to \$300/crop/county.

Repeals authority to offer PRPs.

Sets Aug 15 as billing date for crop insurance premiums, beginning in 2012 [reinsurance year](#).

2008 Farm Bill

Allows that FCIC may renegotiate SRA to be effective in [reinsurance year](#) 2011 and once every 5 years unless adverse circumstances exist. As part of renegotiation, FCIC must consider alternative methods to determine rates for payment of companies' administrative and operating costs (A&O subsidies). FCIC must also look for specific ways to cut A&O for 2011 renegotiations. Changes to SRA to incorporate changes in Federal law are not considered renegotiations.

Continues to vary rates by plan of insurance and coverage level. Reduces each A&O subsidy rate for [additional \(buy-up\) coverages](#), except area plans, by 2.3 percentage points, though only 1/2 of reduction will apply in a State in year when State loss ratio (indemnities divided by premiums) exceeds 1.2. Reduces rates for area plans to 12%. Reduces CAT rate to 6%.

Requires FCIC to pay A&O subsidies and CAT reimbursement as soon as practicable after Oct 1, effective with [reinsurance year](#) 2012.

Requires FCIC to pay companies underwriting gains on Oct 1, effective with [reinsurance year](#) 2011.

2008 Farm Bill

No similar provision.	Requires that native-sod acreage that has been tilled for production of an annual crop be ineligible for crop insurance during first 5 years of planting in Prairie Pothole National Priority Areas with approval by governor of the respective State.
Program's statutory target loss ratio (indemnities divided by premiums) was 1.075.	Reduces target statutory loss ratio to 1.0.
Restrictions placed on payment of insurance premiums and administrative fees, including offering rebates, by others on behalf of producers.	Clarifies restrictions on payment of insurance premiums and fees by others. Limits payments on behalf of producers by cooperatives and trade associations to CAT administrative fees. Allows patronage dividends by cooperatives previously approved by FCIC to continue.
No similar provision.	Prohibits producer from obtaining an insurance agent's license for sole purpose of benefiting from insurance sales commissions on crop insurance policies of producer or producer's immediate family.
Funded "data mining" to identify unusual crop insurance claims.	Reprograms existing mandatory funding to continue "data mining" project.
No similar provision.	Requires special emphasis on risk management strategies, education, and outreach targeted at beginning farmers or ranchers , legal immigrant farmers or ranchers attempting to become established producers in U.S., socially disadvantaged farmers or ranchers , farmers or ranchers preparing to retire, and new and established farmers or ranchers converting production and marketing systems to pursue new markets.

Insurance of Organic Crops

Previous Legislation	2008 Farm Bill
No similar provision.	Requires FCIC to contract for studies of organic production coverage improvement. Unless studies document "significant, consistent, and systemic variations in loss history between organic and nonorganic crops," requires FCIC to eliminate or reduce premium surcharge for organic production. Studies to include development of procedure to offer additional price election that reflects actual prices received for organic crops.

Pilot Programs and New Product Development

Previous Legislation	2008 Farm Bill
Expanded Pilot program of insurance coverage based on producer's historical Adjusted Gross Revenue (AGR) .	Continues Pilot program. Requires FCIC to contract for study of AGR policies for beginning farmers .
Authorized FCIC to offer pilot programs. Pilot programs for pasture, rangeland, and forage for livestock production were initiated.	Requires FCIC to establish pilot programs of insurance for camelina, sesame (in Texas), and grass seed (in Minnesota and North Dakota).
No similar provision.	Requires FCIC to contract for studies of insurance policies for energy crops, aquaculture, poultry, apiary (bees), and skip-row cropping practices (for corn and sorghum in Central Great Plains).


Other Risk Management Provisions

Previous Legislation	2008 Farm Bill
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<p>Noninsured Assistance Program (NAP), administered by USDA's Farm Service Agency, provided coverage similar to CAT insurance for crops for which crop insurance was not available. Producers were required to pay fee of lesser of \$100/crop/county or \$300/producer/county, not to exceed \$900 for producers with farming interests in multiple counties.</p>	<p>Increases NAP fee to lesser of \$300/crop/county or \$750/producer/county, not to exceed \$1,875 for producers with farming interests in multiple counties.</p>
<p>No similar provision.</p>	<p>Requires that native-sod acreage that has been tilled for production of an annual crop be ineligible for NAP during first 5 years of planting in Prairie Pothole National Priority Area with approval by governor of the respective State. Provision does not apply to areas that are 5 acres or less.</p>

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Provision name: 

Supplemental Agricultural Disaster Assistance (SADA)	
Previous Legislation	2008 Farm Bill
<p>Agricultural disaster assistance provided as ad hoc legislation.</p>	<p>Provides disaster assistance payments to producers of eligible commodities (crops, farm-raised fish, honey, and livestock) in counties declared by Secretary of Agriculture to be "disaster counties," including counties contiguous to disaster counties and any farms with losses in normal production of more than 50% in calendar year. SADA is effective only for losses incurred as result of a disaster, adverse weather, or other environmental condition that occurs on or before Sept 30, 2011.</p> <p>Requires producers to obtain crop insurance for insured commodities or pay administrative fees for crops covered by NAP to be eligible for SADA. For crop year 2008, eligible producers may buy-in to program within 90 days of enactment of 2008 Farm Act. Socially disadvantaged and limited-resource farmers and ranchers must file appropriate paperwork but are exempt from these fees.</p>
<p> Agricultural Disaster Relief Trust Fund to fund SADA. See Title XV, Agricultural Disaster Relief Trust Fund.</p>	

Supplemental Revenue Assistance Payments (SURE) are made to eligible producers on farms in disaster counties that incurred crop production or crop-quality losses or both during crop year.

Previous Legislation	2008 Farm Bill
<p>No similar provision.</p>	<p>Provides payments at 60% of difference (if greater than zero) between disaster assistance program guarantee and total farm revenue, where revenue includes all crops produced on farm.</p>

No similar provision.	<p>Disaster assistance program guarantee is sum of:</p> <ul style="list-style-type: none"> • 115% of insured value of each insurable commodity <ul style="list-style-type: none"> ◦ insured value = 100% of price election x acres insured x coverage level x yield, where yield is higher of adjusted actual production history yield or counter-cyclical payments (CCP) program yield • 120% of value of noninsurable commodity = 100% of NAP price x acres planted x higher of adjusted NAP yield or CCP program yield
No similar provision.	<p>Total farm revenue is sum of:</p> <ul style="list-style-type: none"> • acres harvested x estimated actual yield x national average market price • 15% of any direct payments • all CCP and Average Crop Revenue Election (ACRE) payments and marketing loan benefits • any prevented plantings payments • crop insurance indemnities and NAP payment • any other related Federal natural disaster payments

Livestock Indemnity Payments

Previous Legislation	2008 Farm Bill
No similar provision.	Provides payments to eligible producers for livestock death losses in excess of normal mortality due to adverse weather. Indemnity payment rate is 75% of market value of applicable livestock on day before death, as determined by Secretary.

Livestock Forage Disaster Program

Previous Legislation	2008 Farm Bill
No similar provision.	Provides payments to eligible producers of covered livestock for grazing losses due to drought or fire (on public managed land). Payment rates based on monthly feed costs, as defined in SADA.

Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish

Previous Legislation	2008 Farm Bill
No similar provision.	Provides emergency relief to eligible producers of livestock, honey bees, and farm-raised fish for losses due to disease, adverse weather, or other conditions not covered by Supplemental Revenue Assistance Payments, Livestock Indemnity Payments or by Livestock Forage Disaster Program. Total payments limited to \$50 million/year.

Orchard and Nursery Tree Assistance Program

Previous Legislation	2008 Farm Bill
Authorized Secretary to provide assistance to eligible orchardists who suffered losses greater than 75% of cost of replanting trees lost due to natural disaster, adjusted for normal mortality.	Provides assistance to eligible orchardists and nursery tree growers for trees lost to natural disasters. Assistance includes reimbursement of 70% of cost of replanting trees in excess of normal mortality or sufficient seedlings to reestablish stand and reimbursement of 50% of cost of salvaging damaged trees and preparing land to replant trees in excess of normal mortality.

Payment Limitations

Previous Legislation	2008 Farm Bill

No similar provision.

Payment limits for adjusted gross income and direct attribution limits apply to disaster assistance payments. See Title I, [Payment Limits and Income Eligibility](#). Limit is \$100,000/person.

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Provision name: 

Fisheries Disaster Assistance	
Previous Legislation	2008 Farm Bill
No similar provision.	Requires Secretary to transfer \$170,000,000 of CCC funds for fiscal year 2008 to Secretary of Commerce for National Marine Fisheries Service to distribute to commercial and recreational members of fishing communities affected by salmon fishery failure in areas of California, Oregon, and Washington designated under Magnuson-Stevens Fishery Conservation and Management Act.

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Provision name: 

Small Business Loan Program provides guidance on disaster planning and response logistics for small businesses and nonprofit organizations. Also addresses eligibility for disaster-loan assistance. These nonagricultural provisions are not summarized.

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2008 Farm Bill Side-By-Side

Title XIII: Commodity Futures



Amends Commodity Exchange Act. Reauthorizes Commodity Futures Trading Commission (CFTC) and enhances regulatory and enforcement tools to continue oversight of futures industry, particularly transactions in foreign currency. Expands CFTC authority over off-exchange retail foreign currency fraud and provides CFTC increased oversight of contracts trading on Exempt Commercial Markets.

List of Key Provisions:



General Provisions

Commodity Futures Trading Commission (CFTC) Authority over Agreements, Contracts, or Transactions in Foreign Currency | Anti-Fraud Authority over Principal-to-Principal Transactions | Criminal and Civil Penalties | Authorization of Appropriations | Technical and Conforming Amendments | Portfolio Margining and Security Index Issues



Significant Price-Discovery Contracts on Exempt Commercial Markets

Significant Price-Discovery Contracts | Large Trader Reporting | Effective Date

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Provision name:

General Provisions

Commodity Futures Trading Commission (CFTC) Authority Over Agreements, Contracts, or Transactions in Foreign Currency

Previous Legislation

Commodity Exchange Act (CEA) provided Commodity Futures Trading Commission (CFTC) administrative authority over futures contracts and foreign currency options executed or traded on an organized exchange.

CEA granted CFTC jurisdiction over an agreement, contract, or transaction (**off-exchange**) in retail foreign currency that involved a commodity future or option unless person or counterparty to person involved in a transaction is already regulated by another financial regulator.

These agreements, contracts, and transactions were subject to CFTC anti-fraud authorities.

2008 Farm Bill

Clarifies CFTC's anti-fraud authority over retail **off-exchange foreign currency transactions** by futures commission merchants who are leveraged, margined, or financed as if the transaction involved commodity contract of sale for future delivery.

Prohibits certain persons from participating in solicitations or recommendations relative to retail foreign currency futures and similar transactions unless such persons are 1) members of a futures association or 2) already regulated by another financial regulator.

Provides for a new category of dealer, "retail foreign exchange dealer" (RFED). RFEDs must maintain a minimum of \$20 million in net capital to be a lawful counterparty for a retail off-exchange foreign transaction.

Provides greater authority to CFTC to address fraudulent or deceptive practices by participants in off-exchange foreign currency transactions who are not actual counterparty to the transaction.

Anti-Fraud Authority over Principal-to-Principal Transactions

Previous Legislation

CEA prohibited fraudulent transactions by any member of a registered entity (or associated person) or any person in, or in connection with, any contract of sale of any commodity for future delivery.

2008 Farm Bill

Establishes that fraudulent actions in off-exchange principal-to-principal futures transactions are subject to CEA anti-fraud provisions.

Does not require persons trading excluded and exempt commodities on a derivatives transaction execution facility to disclose nonpublic information that may be material to market price, rate, or level of commodity or transaction except as necessary to avoid misleading other person in any material respect.

Criminal and Civil Penalties

Previous Legislation

CEA imposed civil penalties for manipulation of market prices of any commodity, subject to rules, regulations, or orders of CFTC, in amount not more than higher of \$100,000 or triple monetary gain to person for each violation.

CFTC given authority to make and enter an order directing registered entity, director, officer, agent, or employee to cease and desist from any violations or face civil penalties. If party failed or refused to obey or comply with such order, it would have been guilty of a misdemeanor and face a fine of not more than \$500,000 or imprisonment for not less than 6 months but not more than 1 year.

CFTC given authority to impose civil penalties of not more than higher of \$100,000 or triple monetary gain for any person in any action.

2008 Farm Bill

Increases civil penalties for manipulation of market prices to not more than greater of \$1 million or triple monetary gain to each person for each such violation.

Increases civil penalty for registered entities that fail to enforce rules to \$1 million. Also increases criminal penalty for officers of registered entity who fail to comply with cease and desist orders in connection with manipulation from a misdemeanor to a felony.

Increases civil penalties for violations of injunctions or restraining orders involving manipulation to \$1 million or triple monetary gain.

Felony declared, punishable by a fine of not more than \$1 million (\$500,000 for individual person) or imprisonment for not more than 5 years, or both, for any person under CEA to:

- embezzle or steal money, securities, or property having a value in excess of \$100
- manipulate price of any commodity in interstate commerce, or for future delivery, to corner any such commodity, or to deliver inaccurate information that affects price of any commodity
- knowingly make a false or misleading statement in any application, report, or document required to be filed under the Act or any rule or regulation there under
- willfully falsify information to a registered entity, board of trade, or futures association registered under the Act
- willfully violate any other provision of the Act, or any rule or regulation there under

Increases criminal penalty for violations of the Act in general from 5 to 10 years and increases civil penalty for individual persons to \$1 million.

Authorization of Appropriations

Previous Legislation	2008 Farm Bill
Authorized appropriations for the Act.	Authorizes necessary sums to carry out the Act for fiscal years (FY) 2008-13.

Technical and Conforming Amendments correct statutory errors and other conforming changes.

Previous Legislation	2008 Farm Bill
In general, "trading facility" referred to a person or group of persons that constituted, maintained, or provided physical or electronic facility or system in which multiple participants had ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that were open to multiple participants in the facility or system.	Amends definition of "trading facility" to anticipate and include markets that use automated trade matching and execution algorithms.
Was a violation of the CEA for any person to violate a speculative-limit rule of designated contract market, derivatives transaction execution facility, or other board of trade if that rule had been approved by CFTC. CEA permitted exchanges to certify such rules rather than submit them for prior CFTC approval.	Harmonizes CEA provisions regarding certification of exchange rules. Specifically, it is a violation of CEA, for which CFTC may bring an enforcement action, for any person to violate a speculative-limit rule that has been certified by a registered entity.

Portfolio Margining and Security Index Issues

Previous Legislation	2008 Farm Bill
Board of Governors of Federal Reserve System (FRS) or, if so delegated; Securities Exchange Commission (SEC) and CFTC, required to prescribe rules and regulations for margin requirements for security futures.	Requires Secretary of Treasury, Chairman of FRS Board of Governors, SEC Chairman, and CFTC Chairman to work with SEC, CFTC, or both, to permit risk-based portfolio margining for securities by Sept 30, 2008, and trading of futures on security indexes by June 30, 2008.

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Provision name:



Significant Price-Discovery Contracts on Exempt Commercial Markets

An exempt commercial market is an [electronic trading facility](#) that trades [exempt commodities](#) on a principal-to-principal basis solely between [eligible commercial entities](#).

Significant Price-Discovery Contracts



Previous Legislation	2008 Farm Bill
No similar provision.	<p>Defines contract traded on an electronic facility as significant price-discovery contract if it competes with futures contract in discovering price.</p> <p>Provides standards applicable to significant price-discovery contracts:</p> <ul style="list-style-type: none"> • specifies that if CFTC determines that any agreement, contract, or transaction performs significant price-discovery function, it will be subject to standards of significant price-discovery contracts • specifies factors CFTC will consider in determining whether agreement, contract, or transaction performs significant price-discovery function, including price linkage, arbitrage, material price reference, material liquidity, and other material factors • specifies core principles applicable to an electronic facility on which significant price-discovery contracts are traded or executed, including those relating to contracts not readily susceptible to manipulation, monitoring of trading, ability to obtain information, position limitations or accountability, emergency authority, daily publication of trading information, compliance with rules, and conflict of interest • gives electronic trading facility discretion to take into account differences between cleared and uncleared significant price-discovery contracts in applying core principles and directs CFTC to take such differences into consideration when reviewing implementation of such principles by electronic trading facility • requires electronic trading facility to notify CFTC whenever it has reason to believe that agreement, contract, or transaction displays any of the factors relating to significant price-discovery function; directs CFTC to conduct evaluation at least once a year to determine whether any agreement, contract, or transaction conducted on electronic trading facility performs significant price-discovery function.
Large Trader Reporting	
Previous Legislation	2008 Farm Bill
CEA required persons registered as futures commission merchants, introducing brokers, floor brokers, or floor traders to keep books and records pertaining to transactions and positions in such form and manner and for such period as may be required by CFTC.	<p>Amends CEA to require reporting and recordkeeping of every person registered with CFTC regarding transactions and positions of such person in any significant price-discovery contract traded or executed on electronic trading facility.</p> <p>Amends CEA to make any person buying or selling commodities in significant price-discovery contract on electronic trading facility subject to trading limits set by CFTC and to require such person to report and keep records on transactions or positions equal to or in excess of such CFTC trading limits.</p>
Effective Date	
Previous Legislation	2008 Farm Bill

No similar provision.

Requires subtitle to become effective on date of enactment of this Act.

Requires CFTC to issue a proposed rule regarding significant price-discovery standards within 180 days of date of enactment and final rule within 270 days.

Requires CFTC to complete a review of agreements, contracts, and transactions of any electronic trading facility operating on effective date of final rule within 180 days after that effective date to determine whether such agreement, contract, or transaction performs a significant price-discovery function.

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2008 Farm Bill Side-By-Side

Title XIV: Miscellaneous



Expands provisions targeting socially disadvantaged farmers and ranchers, enhancing outreach, access, and reporting related to USDA program participation. Clarifies USDA Homeland Security Office responsibilities and provides guidance on coordination with Department of Homeland Security operations. Addresses rural development, agricultural labor supply, animal welfare, closure of USDA Farm Service Agency offices, and reducing methamphetamine production.

List of Key Provisions:

Socially Disadvantaged and Limited-Resource Producers

[Foreclosure](#) | [Receipt for Services](#) | [Outreach and Assistance Program for Socially Disadvantaged Farmers and Ranchers](#) | [Accurate Documentation](#) | [Transparency and Accountability](#) | [Minority Farmers Advisory Committee](#) | [National Appeals Division](#) | [Report of Civil Rights Complaints, Resolution, and Actions](#) | [Sense of Congress Regarding Claims Against USDA by Socially Disadvantaged Farmers or Ranchers](#) | [Determination on Merits of Pigford Claims](#) | [Office of Advocacy and Outreach](#)

Agricultural Security

[Biosecurity Communications Center](#) | [Local Capacity in Agricultural Biosecurity Planning, Preparedness, and Response](#) | [Research and Development of Agricultural Countermeasures](#) | [Agricultural Biosecurity Grant Program](#)

Other Miscellaneous Provisions

[Designation of States for Cotton Research and Promotion](#) | [Grants to Reduce Methamphetamine Production](#) | [Grants to Improve Agricultural Labor Supply, Stability, Safety, and Training](#) | [Department of Agriculture Conference Transparency](#) | [Fraudulent USDA Program Participation and Debarment](#) | [Farm Service Agency Office Closure](#) | [USDA Graduate School](#) | [Animal Welfare Act Fines](#) | [Regional Infrastructure and Economic Development](#) | [Coordinator for Chronically Underserved Rural Areas](#) | [Excess and Surplus USDA Computers to Rural Areas](#) | [Domestic Food Assistance Programs \(Section 32 Funds\)](#)

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Provision name:

Socially Disadvantaged and Limited-Resource Producers includes provisions to improve outreach and assistance to certain farmers and to improve reporting and information available related to certain farmers.

Foreclosure

Previous Legislation

Allowed Secretary to forego foreclosure or defer payments on principal and interest of any loan held or secured by Secretary if borrower showed that he or she could not make regular payments due to circumstances beyond his or her control.

2008 Farm Bill

Includes moratorium on foreclosures on certain loans held or secured by USDA if borrower has pending discrimination claim against Secretary or files discrimination claim against Secretary that is accepted as valid.

Directs Office of Inspector General to issue report on consistency of Department's foreclosure procedures.

Receipt for Services

Previous Legislation

No similar provision.

2008 Farm Bill

If requested, requires that Farm Service Agency, Natural Resources Conservation Service, or agencies of Rural Development Mission area provide receipt documenting actions taken or not taken in response to requests by any current or prospective producer or landowner for benefits or services offered by USDA.

Outreach and Assistance Program for Socially Disadvantaged Farmers and Ranchers

Previous Legislation

Directed Secretary of Agriculture to develop an outreach and assistance program to encourage farm ownership, operation, and equitable participation in agricultural programs by [socially disadvantaged farmers](#). Program operated through grants to qualified organizations that served socially disadvantaged farmers.

Authorized \$150 million over fiscal years (FY) 2002-07.

Required biannual reports to Congress describing participation goals and actual participation rates of socially disadvantaged farmers, explanations of successes or failures in achieving goals, and State- and county-level reviews of loans made to socially disadvantaged farmers and participation in agricultural programs. Participation rates had to be disclosed by race, ethnicity, and gender.

Required Secretary to establish suboffices at tribal headquarters in counties with Indian reservation land.

2008 Farm Bill

Adds provision to assist in reaching [socially disadvantaged farmers or ranchers](#) in linguistically appropriate manner.

Mandates \$75 million in Commodity Credit Corporation (CCC) funds over FY 2009-12.

Expands reporting requirements:

- requires disclosure of recipients of funds, services provided and outcomes of those services, and explanation of barriers to increasing participation for socially disadvantaged farmers
- includes program applicants in reporting requirements
- adds reporting of raw numbers of agricultural program applicants and participants

Oversight and Compliance

Previous Legislation

No similar provision.

2008 Farm Bill

Requires that reports of applications and participation of socially disadvantaged farmers be used for oversight and evaluation of civil rights compliance.

Accurate Documentation

Previous Legislation

2008 Farm Bill

No similar provision.	Requires that Census of Agriculture and studies by USDA's Economic Research Service accurately document number, location, and economic contribution of socially disadvantaged farmers or ranchers in agricultural production.
Transparency and Accountability	
Previous Legislation	2008 Farm Bill
Required annual public reporting of county- and State-level program participation rates, by race, ethnicity, and gender, for socially disadvantaged farmers and ranchers.	Requires annual, public reporting in both electronic and paper form of county-, State-, and national-level application and program data for socially disadvantaged farmers and ranchers. Requires inclusion of both raw numbers and calculated rates. Mandates collection of data as needed. Protects privacy of personal data.
Minority Farmers Advisory Committee	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Directs Secretary to establish an Advisory Committee on Minority Farmers to advise on:</p> <ul style="list-style-type: none"> • implementation of Outreach and Technical Assistance to Socially Disadvantaged Farmers and Ranchers Program • methods to maximize participation of minority farmers and ranchers in USDA programs • USDA civil rights activities related to program participants <p>Committee members to include at least 4 socially disadvantaged farmers or ranchers, at least 2 representatives of nonprofit organizations with history of working with minority farmers or ranchers, at least 2 civil rights professionals, and at least 2 representatives of institutions of higher learning with experience with minority farmers or ranchers. Secretary to appoint USDA employees as ex officio members.</p>
National Appeals Division	
Previous Legislation	2008 Farm Bill
Established that final determinations by National Appeals Division in cases brought by participants in agricultural programs had to be implemented by Secretary within 30 days of determination.	Adds reporting requirement for cases heard by National Appeals Division. Head of each agency must report to Congress description of all cases returned to agency, status of all final determinations, and description of cases that have not received final determinations.
Report of Civil Rights Complaints, Resolution, and Actions	
Previous Legislation	2008 Farm Bill
No similar provision.	<p>Establishes annual reporting requirement of all civil rights claims brought against USDA, for each agency. Report to include number and type of complaints, processing times, number of proceedings, number of findings of discrimination, and number and type of personnel actions following resolution of complaints.</p> <p>Report to be provided to congressional agriculture committees and made publicly available on USDA website.</p>
Sense of Congress Regarding Claims Against USDA by Socially Disadvantaged Farmers or Ranchers	

Previous Legislation	2008 Farm Bill
No similar provision.	Sense of Congress that all pending claims and class actions brought against USDA by socially disadvantaged farmers or ranchers, including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation should be resolved in an expeditious and just manner.
Determination on Merits of Pigford Claims	
Previous Legislation	2008 Farm Bill
Pigford v. Glickman class action lawsuit charging discrimination against Black farmers in farm lending programs settled in 1999 consent decree. Required filing of discrimination claims within 180 days of consent decree, but allowed claimants to petition for late-filing.	<p>Allows certain claimants who submitted late-filing requests under Pigford v. Glickman consent decree opportunity to receive determinations of their claims on their merits.</p> <p>Provides up to \$100 million in CCC funding in FY 2008, to remain available until expended, for this provision. Authorizes additional appropriations as necessary to carry out this provision.</p> <p>Authority to file claims under this section expires 2 years from enactment of 2008 Farm Act.</p>
Office of Advocacy and Outreach	
Previous Legislation	2008 Farm Bill
<p>No similar provision in earlier farm bills for establishment of an Office of Advocacy and Outreach.</p> <p>Directed Advisory Committee for Beginning Farmers and Ranchers, established under Agricultural Credit Improvement Act of 1992, to coordinate partnerships between Secretary and States to provide financial assistance to qualified beginning farmers and ranchers.</p>	<p>Establishes USDA Office of Advocacy and Outreach to improve access to programs and viability of small, beginning, and socially disadvantaged farmers and ranchers. Transfers all functions previously handled by Office of Outreach and Diversity to this office.</p> <p>Establishes within the Office 2 groups:</p> <ul style="list-style-type: none"> • Socially Disadvantaged Farmers Group • Small Farms and Beginning Farmers and Ranchers Group <p>Directs Socially Disadvantaged Farmers Group to oversee operations of newly established Minority Farmer Advisory Committee and Farmworker Coordinator to carry out Outreach and Assistance Program for Socially Disadvantaged Farmers and Ranchers.</p> <p>Directs Small Farms and Beginning Farmers and Ranchers Group to oversee operations of Office of Small Farms Coordination (established under DR 9700-1), consult with newly established National Institute for Food and Agriculture, and coordinate activities with Advisory Committee for Beginning Farmers and Ranchers.</p> <p>Authorizes appropriations as necessary between FY 2009-12.</p>

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Provision name: 

Agricultural Security

Previous Legislation

2008 Farm Bill

No similar provision.

Recognizes and clarifies responsibilities of USDA Homeland Security Office and provides guidance on coordinating with common Department of Homeland Security operations.

Biosecurity Communications Center	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes Biosecurity Communications Center in USDA Homeland Security Office and provides guidance on coordinating with related communications centers in other Federal departments.
Local Capacity in Agricultural Biosecurity Planning, Preparedness, and Response	
Previous Legislation	2008 Farm Bill
Established program to expand and upgrade security at agricultural research facilities to enhance security of U.S. agriculture against bioterrorism threats. Competitive grants could be awarded to colleges and universities.	Establishes competitive grant program to: <ul style="list-style-type: none"> • support development of biosecurity training programs • offer low-interest loan assistance to assist States in assessing their agricultural disease response capacity <p>Authorizes appropriations of \$25 million in each of FY 2008-12.</p>
Research and Development of Agricultural Countermeasures	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes competitive grant program to encourage basic and applied research and development of agricultural countermeasures. Authorizes appropriations of \$50 million in each of FY 2008-12.
Agricultural Biosecurity Grant Program	
Previous Legislation	2008 Farm Bill
Established programs, authorizing such funds as necessary, for each of FY 2002-07. Funds were to be appropriated for agricultural research, education, and extension activities related to reducing vulnerability of U.S. food and agricultural system to chemical or biological attack. Funds were to be awarded through competitive grants.	Establishes competitive grant program aimed at developing biosecurity teaching programs in veterinary medicine and related disciplines. Authorizes appropriations as necessary in each of FY 2008-12.

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Provision name:

**Other Miscellaneous Provisions**

Designation of States for Cotton Research and Promotion	
Previous Legislation	2008 Farm Bill
No similar provision.	Adds Kansas, Virginia, and Florida to definition of "cotton-producing State" under Cotton Research and Promotion Act.
Grants to Reduce Methamphetamine Production	
Previous Legislation	2008 Farm Bill

No similar provision.	Establishes agricultural producers, cooperatives, and chemical retailers as eligible for \$40-\$60 grants to install locks on anhydrous ammonia nurse tanks or to add a substance that reduces methamphetamine production efficacy.
Grants to Improve Agricultural Labor Supply, Stability, Safety, and Training	
Previous Legislation	2008 Farm Bill
Provided for training in use of new technologies and specialized skills for agricultural development.	Allows that funds may be made available to assist agricultural employers and farmworkers with: <ul style="list-style-type: none"> • agricultural labor skills development • provision of agricultural labor market information • transportation • short-term housing while in transit to agricultural worksite • workplace literacy and instruction in English as second language • health and safety instruction, including ways to safeguard U.S. food supply • other services Secretary determines to be appropriate
Department of Agriculture Conference Transparency	
Previous Legislation	2008 Farm Bill
No similar provision.	Establishes annual reporting requirement for conferences sponsored by USDA or attended by USDA employees. Does not include conferences under \$10,000 or involving official representation outside the U.S.
Fraudulent USDA Program Participation and Debarment	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to debar an individual, organization, corporation, or other entity convicted of felony, for no less than 10 years, for knowingly defrauding U.S. in connection with any program administered by Secretary.
Farm Service Agency Office Closure	
Previous Legislation	2008 Farm Bill
No similar provision.	Prohibits Secretary from closing or relocating a USDA Farm Service Agency county or field office for first 2 years after enactment of 2008 Farm Act, unless office is located less than 20 miles from another FSA office or relocation is part of routine leasing operations. After 2 years, requires closure first of any office with 2 or fewer employees less than 20 miles from another FSA office and public notice process prior to any closure.
USDA Graduate School	
Previous Legislation	2008 Farm Bill
USDA Graduate School operated as a nonappropriated fund instrumentality under USDA to provide education, training, and professional development for Federal employees, nonprofit organizations, and general public.	Ends USDA's authority to operate USDA Graduate School as of September 30, 2009, or upon conversion of the Graduate School to nongovernmental entity if before that date. Authorizes use of USDA funds to assist in conversion of USDA Graduate School to nongovernmental entity.
Animal Welfare Act Fines	

Previous Legislation	2008 Farm Bill
Maximum fine for each violation of Animal Welfare Act was \$2,500.	Increases maximum fines for each violation of Animal Welfare Act to \$10,000.
Regional Infrastructure and Economic Development	
Previous Legislation	2008 Farm Bill
<p>Existing regional development commissions—including Appalachian Regional Commission (ARC) and Denali Commission (in Alaska)—plan and implement development strategies addressing regional issues, with much of the focus on infrastructure development and targeting assistance to distressed places. ARC and Denali Commission reauthorizations were not included in 2002 Farm Act.</p> <p>Reauthorized Delta Regional Authority (DRA) and authorized creation of new regional authority covering Northern Great Plains region.</p> <p>Funded study to explore creating regional development authority in Southeastern Crescent.</p>	<p>Establishes 3 new regional development commissions, each authorized to spend \$30 million annually for FY 2008-12:</p> <ul style="list-style-type: none"> • Southeast Crescent Regional Commission covers parts of Virginia, South Carolina, Georgia, Alabama, Mississippi, and Florida not served by ARC • Southwest Border Regional Commission covers parts of Arizona, California, New Mexico, and Texas • Northern Border Regional Commission covers parts of Maine, New Hampshire, New York, and Vermont <p>Establishes same rules and regulations for all 3 commissions. Requires grant assistance within each region to focus on distressed places, with an emphasis on infrastructure. Includes job training, business development, health care, resource conservation, recreation and tourism, preservation of open space, and renewable and alternative energy sources as eligible project objectives. Allows funding for operation of local development organizations that plan and carry out projects.</p>
Coordinator for Chronically Underserved Rural Areas	
Previous Legislation	2008 Farm Bill
No similar provision. However, USDA's director of Community Development Programs has overseen rural empowerment programs and initiatives aimed at directing resources to needy areas and leveraging other resources.	Authorizes new coordinator for chronically underserved rural areas—in USDA's Rural Development Mission Area—to direct USDA resources to high-need, high-poverty rural areas, leveraging resources of State and local governments, nonprofits, and community development organizations.
Excess and Surplus USDA Computers to Rural Areas	
Previous Legislation	2008 Farm Bill
No similar provision.	Authorizes Secretary to make excess or surplus USDA computers or other technical equipment available for distribution to city, town, or local government entities in rural areas.
Domestic Food Assistance Programs (Section 32 Funds)	
Previous Legislation	2008 Farm Bill
Section 32 of Agricultural Adjustment Act of August 24, 1935, authorized permanent appropriation, equal to 30% of annual U.S. Customs receipts. Most of Section 32 funds are transferred to USDA's Food and Nutrition Service (FNS) to support school meals programs.	<p>Section 32 funds transferred to Secretary, acting through Administrator of FNS, are to be used to carry out Richard B. Russell National School Lunch Act. Maximum amount that can be used by Secretary for other purposes is as follows:</p> <ul style="list-style-type: none"> • FY 2009, \$1.173 billion • FY 2010, \$1.199 billion • FY 2011, \$1.215 billion • FY 2012, \$1.231 billion • FY 2013, \$1.248 billion • FY 2014, \$1.266 billion • FY 2015, \$1.284 billion • FY 2016, \$1.303 billion • FY 2017, \$1.322 billion; and • FY 2018 and each fiscal year thereafter, amount

made available for preceding fiscal year, adjusted for changes in 12-month period ending on the preceding Nov 30 in the Consumer Price Index for All Urban Consumers

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2008 Farm Bill Side-By-Side

Title XV: Trade and Tax Provisions



Creates Agricultural Disaster Relief Trust Fund to fund Supplemental Agricultural Disaster Assistance. Introduces numerous tax provisions affecting customs fees, conservation and commodity program payments, timber investment, biofuel production, and agricultural income. Extends Caribbean Basin and Haitian textile and apparel trade preferences.

List of Key Provisions:



Permanent Disaster Assistance

Supplemental Agricultural Disaster Assistance (SADA) | Agricultural Disaster Relief Trust Fund



Revenue Provisions for Agriculture Programs

Customs User Fees | Time for Payment of Corporate Estimated Taxes



Tax Provisions

Exclusion of Conservation Reserve Program Payments from SECA (Self-Employment Contributions Act) Tax for Certain Individuals | 2-Year Extension of Special Rule Encouraging Contributions of Capital Gain Real Property for Conservation Purposes | Deduction for Endangered Species Recovery Expenditures | Temporary Reduction in Rate of Tax on Qualified Timber Gain of Corporations | Timber REIT (Real Estate Investment Trust) Modernization | Energy Provisions | Agricultural Provisions | Other Revenue Provisions | Protection of Social Security



Caribbean Basin Trade Partnership Act



Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2008 (HOPE II)



Unused Merchandise Drawback

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Provision name:**Permanent Disaster Assistance****Previous Legislation****2008 Farm Bill**

 **Supplemental Agricultural Disaster Assistance (SADA)**. See Title XII, [Supplemental Agricultural Disaster Assistance \(SADA\)](#).

Agricultural Disaster Relief Trust Fund to fund SADA.

Previous Legislation**2008 Farm Bill**

No similar provision.

Creates Agricultural Disaster Relief Trust Fund (Trust Fund) to fund SADA with 3.08% of receipts attributable to duties collected on articles entered, or withdrawn from warehouse, for consumption under Harmonized Tariff Schedule. Amounts not required to meet current withdrawals may be invested in U.S. Treasury obligations with interest credited to Trust Fund. Trust Fund may also borrow as repayable advances, with interest, sums necessary to carry out purposes of the fund.

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Provision name:**Revenue Provisions for Agriculture Programs****Previous Legislation****2008 Farm Bill**

 **Customs User Fees**

Previous Legislation**2008 Farm Bill**

Customs assesses various passenger, conveyance, and merchandise processing fees. These fees were scheduled to expire in Dec 2014.

Extends passenger and conveyance processing fees to Sept 30, 2017, and merchandise processing fees until Nov 14, 2017.

Time for Payment of Corporate Estimated Taxes**Previous Legislation****2008 Farm Bill**

Required corporations to make quarterly estimated tax payments of their income tax liability.

Increases by 7.75 percentage points corporate estimated tax payments due in July, Aug, and Sept 2012 for corporations with assets of at least \$1 billion.

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Provision name:**Tax Provisions****Previous Legislation****2008 Farm Bill**

 **Exclusion of Conservation Reserve Program Payments from SECA (Self-Employment Contributions Act) Tax for Certain Individuals**

Previous Legislation**2008 Farm Bill**

Under Internal Revenue Service (IRS) Notice 2006-108 issued on Dec 18, 2006, all payments received by farmers for enrolling land in Conservation Reserve Program (CRP), even those described as rental payments under the contract, were subjected to self-employment taxes regardless of whether or not taxpayer was actively farming.	Provides that CRP payments received by retired or disabled individuals are to be treated as rental payments for tax purposes and therefore excluded from self-employment taxes.
2-Year Extension of Special Rule Encouraging Contributions of Capital Gain Real Property for Conservation Purposes	
Previous Legislation	2008 Farm Bill
Enhanced deduction allowed taxpayers to deduct up to 50% of their adjusted gross income (AGI) and farmers to deduct up to 100% of their AGI for contributions of conservation easements with any excess deduction carried forward for up to 15 years. Provision expired at end of 2007.	Extends enhanced deduction for contributions of conservation easements through Dec 31, 2009.
Deduction for Endangered Species Recovery Expenditures	
Previous Legislation	2008 Farm Bill
No similar provision.	Allows expenditures to implement site-specific management measures in recovery plans under Endangered Species Act to be currently deducted subject to limitation that deduction may not exceed 25% of farmer's gross farm income for year.
Temporary Reduction in Rate of Tax on Qualified Timber Gain of Corporations	
Previous Legislation	2008 Farm Bill
Sale of timber by C corporation (considered separate entity by IRS and subject to Federal income tax at the corporate level) was taxed at same rates as ordinary income, up to maximum rate of 35%.	Provides for maximum tax rate of 15% on qualified timber gain by C corporation. Qualified timber gain is net gain on trees held more than 15 years.
Timber REIT (Real Estate Investment Trust) Modernization	
Previous Legislation	2008 Farm Bill
Deemed gain on cutting or sale of timber held for at least 1 year eligible for capital gains treatment and not considered ordinary business income.	Considers gains from sale of timber as qualifying real property income even if held for less than 1 year. Defines timber REIT as REIT in which more than 50% of value of its assets consists of real property held in connection with trade or business of producing timber.
Mineral Royalty Income Qualifying Income for Timber REITs	
Previous Legislation	2008 Farm Bill
REIT was generally restricted to earning certain types of passive income, and at least 75% of income must consist of real estate-related income, including rents and other income from sale or exchange of real property. Interests in real property specifically exclude mineral, oil, or gas royalty interests. Failure to satisfy REIT income test will subject REIT to taxation as a C corporation.	Provides that mineral royalty income from real property owned by a timber REIT and held or once held for production of timber by such REIT is considered qualifying real estate income for purposes of REIT income tests.
Modification of Taxable REIT Subsidiary Asset Test for Timber REITs	
Previous Legislation	2008 Farm Bill
REIT was generally not permitted to hold securities representing more than 10% of voting power or value of any 1 issuer, and these securities cannot represent more than 5% of value of REIT assets. However, REIT may hold any amount of securities of 1 or more "taxable REIT subsidiaries" (TRS) as long as TRS securities did not represent more than 20% of REIT assets.	In case of timber REIT, increases allowable amount of TRS securities from 20 to 25%.
Safe Harbor for Timber Property	

Previous Legislation	2008 Farm Bill
REIT was subject to 100% excise tax on gain from sale of property that was stock in trade, inventory, or property held for sale to customers in ordinary course of business. However, no excise tax was imposed if property had been held for 4-year period and other safe harbor requirements were met.	Reduces required holding period from 4 to 2 years for sales to qualifying organization exclusively for conservation purposes.

Qualified Forestry Conservation Bonds

Previous Legislation	2008 Farm Bill
No similar provision.	Establishes national program that provides for issuance of up to \$500 million in tax-credit timber conservation bonds for acquisition of forest and forest lands subject to conservation restrictions. These bonds could be issued by States or any political subdivision thereof and 501(c)(3) organizations. Holders of these bonds are eligible for credits against their income tax.

Energy Provisions

Previous Legislation	2008 Farm Bill
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Credit for Production of Cellulosic Biofuel

Previous Legislation	2008 Farm Bill
No similar provision.	Provides temporary cellulosic biofuels production tax credit of up to \$1.01/gallon through Dec 31, 2012.

Comprehensive Study of Biofuels

Previous Legislation	2008 Farm Bill
No similar provision.	Requires study to be conducted by National Academy of Sciences concerning future production of biofuels and domestic effects of increased production.

Modification of Alcohol Credit

Previous Legislation	2008 Farm Bill
Provided income and excise tax credit of 51 cents/gallon of ethanol mixed with gasoline to blending firms.	Reduces tax credits to 45 cents/gallon in calendar year after annual production or importation of ethanol reaches 7.5 billion gallons.

Calculation of Volume of Alcohol for Fuel Credits

Previous Legislation	2008 Farm Bill
In determining volume of alcohol for purposes of the credit for alcohol used as fuel or in qualified mixture, volume included any denaturant as long as denaturant did not exceed 5% of volume of such alcohol.	Reduces amount of allowable denaturants to 2% of volume of alcohol.

Ethanol Duty Extension

Previous Legislation	2008 Farm Bill
Imposed tariff on imported ethanol through Dec 31, 2008.	Extends additional duty on ethanol imported for fuel use for 2 years through Dec 31, 2010.

Limitations on Duty Drawback on Certain Imported Ethanol

Previous Legislation	2008 Farm Bill
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U.S. businesses were eligible for rebate of duties, fees, or taxes paid on imported goods when the business subsequently exported a "commercially interchangeable" good. Rebate was made available for exported jet fuel on basis of ethanol imports, even though imported ethanol was not blended with exported jet fuel.

Phases out rebates available for imported ethanol after Oct 1, 2008.

Agricultural Provisions

Previous Legislation	2008 Farm Bill
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Increase in Loan Limits on Agricultural Bonds

Previous Legislation	2008 Farm Bill
Tax-exempt agricultural bonds (Aggie Bonds) issued by State and local governments provided low-interest loans of up to \$250,000 to first-time farmers and ranchers. First-time farmer was individual that did not have direct ownership interest in land that was larger than 30% of median size of farm in county in which parcel was located or that had value greater than \$125,000.	Increases loan limit from \$250,000 to \$450,000 and indexes it for inflation. Modifies definition of first-time farmer by dropping \$125,000 limitation on value of land in which individual had prior ownership interest.

Allowance of Section 1031 Treatment for Exchanges Involving Certain Mutual Ditch, Reservoir, or Irrigation Company Stock

Previous Legislation	2008 Farm Bill
IRS Code Section 1031, like-kind exchange treatment, generally did not apply to exchange of stock.	Treats exchange of mutual ditch, reservoir, or irrigation company stock as exchange of real property and, therefore, it will qualify for Section 1031 treatment.

Agricultural Chemicals Security Credit

Previous Legislation	2008 Farm Bill
No similar provision.	Allows that retailers of agricultural products and chemicals and manufacturers, formulators, or distributors of certain pesticides be eligible for tax credit of 30% of costs for protection of such chemicals or pesticides.

3-Year Depreciation for Race Horses That Are 2-Years Old or Younger

Previous Legislation	2008 Farm Bill
Required cost of race horses 2-years old or younger when placed in service to be depreciated over 7-year period.	Allows all race horses, regardless of age when placed in service, to be depreciated over 3-year period.

Temporary Tax Relief for Kiowa County, KS, and Surrounding Area

Previous Legislation	2008 Farm Bill
No similar provision.	Provides variety of tax relief measures to victims of tornados and storms that hit Greensburg, KS, area on May 4, 2007.

Competitive Certification Awards Modification Authority

Previous Legislation	2008 Farm Bill
No similar provision.	Provides authority to Secretary of Treasury to modify terms of qualifying competitive certification award and associated closing agreement with regard to advance coal and gasification project credit.

Other Revenue Provisions

Previous Legislation	2008 Farm Bill
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Limitation on Excess Farm Losses of Certain Taxpayers

Previous Legislation	2008 Farm Bill
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No limit on amount of farm losses that farmers who actively participated in farming operation could use to reduce nonfarm income.

Limits amount of farm losses that an individual can use to offset nonfarm income to greater of \$300,000 or net farm income individual has reported over last 5 years. Limitation only applies to those farmers receiving direct, counter-cyclical, or Commodity Credit Corporation (CCC) loans. Losses that are limited can be carried forward to subsequent years. For purposes of this limitation, farming is defined to include processing of agricultural commodities.

Modification of Optional Method of Computing Net Earnings for Self-Employment

Previous Legislation

Allowed farmer with little or no net farm income to elect an optional method of computing net earnings for self-employment tax purposes. However, payment levels under this optional method were not updated and no longer permit farmer to earn 4 quarters of coverage per year.

2008 Farm Bill

Modifies farm optional method for computing earnings for self-employment tax purposes to allow a farmer to obtain 4 credits of Social Security benefit coverage per year.

Information Reporting for CCC Transactions

Previous Legislation

For market assistance loans repaid by farmer after Jan 1, 2007, IRS Notice 2007-63 provided that CCC must issue Form 1099-G and report market gain associated with repayment whether farmer repaid loan with cash or CCC certificates.

2008 Farm Bill

For loans repaid on or after Jan 1, 2007, codifies requirement that CCC issue Form 1099-G regardless of method taxpayer uses to repay loan.

Protection of Social Security

Previous Legislation

No similar provision.

2008 Farm Bill

To prevent Social Security Trust Fund from being reduced as result of this Act, requires Secretary of Treasury to transfer funds from general revenues for fiscal years 2009-17.

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Provision name: 

Caribbean Basin Trade Partnership Act

Previous Legislation

Provided trade preferences for textile and apparel from Caribbean Basin countries.

2008 Farm Bill

Provisions extended through Sept 30, 2010.

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Provision name: 

Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2008 (HOPE II)

Previous Legislation

Provided preferential treatment to apparel imports from Haiti.

2008 Farm Bill

Simplifies rules for Haitian apparel to qualify for duty-free treatment. Authorizes apparel sector labor capacity building and monitoring program. Extends apparel benefits through Sept 30, 2018.

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Provision name: 

Unused Merchandise Drawback	
Previous Legislation	2008 Farm Bill
<p>Unused merchandise drawback of tariff paid was available when imported wine was exported or destroyed within 3 years of import without being used in U.S.</p> <p>Domestic or other wine commercially interchangeable with the imported wine may have been substituted for the imported wine.</p> <p>A drawback, equal to 99% of duty paid upon importing, was granted on substituted domestic wine that:</p> <ul style="list-style-type: none"> • was exported or destroyed • imported wine that was reexported or • combination of any of these, as long as exported wine was not used in U.S. <p>To determine commercially interchangeable, U.S. Customs and Border Protection evaluated critical properties of the wine, including:</p> <ul style="list-style-type: none"> • government and industrial standards • part numbers • tariff classification • value 	<p>Tightens definition of "commercially interchangeable," requiring domestic wine that will be exported to receive the duty drawback to be of same color as imported wine and have price variability of no greater than 50% of value of the imported wine.</p>

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2008 Farm Bill Side-By-Side

Provisions for Traditionally Underserved Groups



The 2008 Farm Act includes participation incentives and improved access to farm programs for **beginning, limited-resource, and socially disadvantaged farmers and ranchers**. Though not all Titles address the needs of all groups, provisions appear in [Title I](#) (Commodities), [Title II](#) (Conservation), [Title V](#) (Credit), [Title VI](#) (Rural Development), [Title VII](#) (Research), [Title IX](#) (Energy), [Title XII](#) (Crop Insurance), [Title XIV](#) (Miscellaneous), and [Title XV](#) (Trade and Tax Provisions).

Definitions

Definitions of these three groups vary by title:

- **Beginning Farmer or Rancher:** In Titles II, VI, IX, and XIV, this term is left to be defined by Secretary of Agriculture. Title VII further specifies the definition to include an individual or an entity who has not operated a farm or ranch or has operated a farm or ranch for not more than 10 years, as well as "such other criteria as the Secretary may establish." Title V uses a similar definition for "qualified beginning farmer or rancher" for the purposes of credit programs, which also spells out requirements for operations that are organized as cooperatives, corporations, or other entities. To qualify, all members of the entity must be related by blood or marriage and all must be beginning farmers or ranchers. Definitions currently used by USDA's Natural Resources Conservation Service and Farm Services Agency add the requirement that the individual or entity must substantially participate in day-to-day operations of the farm or ranch (definition applies to all members of the entity). In Title XII, no specific reference is made to a definition for beginning farmers and ranchers.
- **Socially Disadvantaged Farmer or Rancher:** This term means a farmer or rancher who is a member of a socially disadvantaged group. "Socially disadvantaged group" means a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. The definition that applies to Titles I, V, and VI includes members of a group subject to gender prejudice, while the definition that applies to Titles II, IX, XII, and XV does not. Title XIV and the Education and Risk Management Assistance provision in Title XII do not make specific reference to the statutory definition of socially disadvantaged farmer or rancher.
- **Limited-Resource Farmer or Rancher:** Titles I, II, and XII are the only titles that refer to limited-resource farmers or ranchers. The term "limited-resource farmer or rancher" means such term as defined by the Secretary. As [currently defined by USDA](#), a limited-resource farmer or rancher is one who has: 1) direct or indirect gross farm sales not more than \$116,800 in each of the previous 2 years (in 2005 dollars, adjusted for inflation each year), and 2) a total household income at or below the national poverty level for a family of four or less than 50

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percent of county median household income in each of the previous 2 years.

Bill  (1.65MB)

• [USDA Farm Bill Site](#)

Title I: Commodity Programs

- **Direct Payments and Counter-Cyclical Payments.** [Treatment of Farms With Limited Base Acres](#) exempts limited-resource and socially disadvantaged farmers and ranchers from the base-acreage minimum for receiving direct, counter-cyclical, or average crop revenue election payments.

Title II: Conservation

- **Transfer of Conservation Reserve Program (CRP) Land.** [Conservation Reserve Program](#) facilitates transfer of CRP land from a retiring farmer or rancher to a beginning or socially disadvantaged farmer or rancher.
- **Advance Payments in EQIP.** [Environmental Quality Incentives Program \(EQIP\)](#) provides advance payments for beginning, limited-resource, or socially disadvantaged farmers or ranchers.
- **Cost-Share Reimbursements in EQIP.** [Environmental Quality Incentives Program](#) adds socially disadvantaged farmers to those eligible for higher cost-share rates.
- **Funding and Acreage Set-Asides in Working Lands Programs.** [Conservation Access](#) sets aside a portion of funds in EQIP and acres in the Conservation Stewardship Program (CSP) for beginning and socially disadvantaged farmers and ranchers.
- **Cost-Share Reimbursements in CSP.** [Conservation Stewardship Program](#) changes the method for setting payments for all producers, and no longer specifically provides for higher cost-share rates on new practices applied by beginning and limited-resource producers.
- **Conservation Program Participation Incentives.** [Incentives for Certain Farmers and Ranchers and Indian Tribes](#) adds socially disadvantaged farmers and ranchers to those eligible for conservation program participation incentives.

Title V: Credit

- **Priority for Loans and Guarantees.** [Conservation Loan and Loan Guarantee Program](#) gives priority to beginning and socially disadvantaged farmers and ranchers who use loans to cover costs to carry out a qualified conservation project.
- **Down Payment Loans.** [Down Payment Loan Program](#) adds socially disadvantaged farmers and ranchers to the program, which previously benefited only beginning farmers and ranchers, and adjusts rates and terms of loans for all participants.
- **Contract Land Sales Loan Guarantee.** [Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program](#) expands the program that guarantees loans for private-contract land sales to beginning farmers and ranchers and adds socially disadvantaged farmers and ranchers.
- **Matching Funds Savings Accounts.** [Beginning Farmers and Rancher Individual Development Accounts Pilot Program](#) offers beginning farmers and ranchers an opportunity to participate in matching-fund savings accounts.
- **Priority for Buying USDA Farm Service Agency Inventory Property.** [Inventory Sales Preferences](#) reestablishes socially disadvantaged farmers and

ranchers as a priority group, along with beginning farmers and ranchers, for buying USDA inventory property.

- **Loan Fund Set-Asides.** [Loan Fund Set-Asides](#) increases the percentage of loan funds set aside for beginning farmers and ranchers.
- **Homestead Right of First Refusal.** [Extension of Right of First Refusal to Reacquire Homestead Property to Immediate Family Members of Borrower-Owner](#) provides for immediate family members to have the first opportunity to reacquire homestead property lost by a borrower, when the former borrower is a member of a socially disadvantaged group.
- **Loans for Highly Fractionated Land.** [Loans to Purchasers of Highly Fractionated Land](#) allows for loans to purchase highly fractionated land under the terms of the Indian Land Consolidation Act.

Title VI: Rural Development

- **Marketing Development Grants.** [Value-Added Agricultural Product Marketing Development Grants](#) gives priority and sets asides funds for projects that will benefit beginning and socially disadvantaged farmers and ranchers.
- **Rural Cooperative Development Grants Set-Aside.** [Existing Programs](#) reserve 20 percent of grant funds for entities that serve socially disadvantaged farmers and ranchers.

Title VII: Research and Related Matters

- **Education, Training, Outreach, and Assistance Grants.** [Beginning Farmer and Rancher Development Program](#) awards grants to provide assistance to beginning farmers and ranchers.

Title IX: Energy

- **Assistance with Transitioning to Bioenergy Crops.** [Biomass Crop Assistance Program](#) includes participation rates of beginning and socially disadvantaged farmers and ranchers as a selection criteria for project areas.

Title XII: Crop Insurance

- **Risk Management Assistance.** [Supplemental Agricultural Disaster Assistance \(SADA\)](#) waiver exempts beginning, socially disadvantaged, and limited-resource farmers and ranchers from the minimum risk-management purchase requirement to be eligible for disaster assistance.

Title XIV: Miscellaneous

- **Outreach and Technical Assistance.** [Outreach and Assistance Program for Socially Disadvantaged Farmers and Ranchers](#) expands grant program to encourage farming and program participation by socially disadvantaged groups.
- **Accurate Documentation.** [Accurate Documentation](#) in the Census of Agriculture and Certain Studies requires accurate documentation of socially disadvantaged farmers and ranchers in the Census of Agriculture and Economic Research Service studies.
- **Program Reporting.** [Transparency and Accountability](#) for socially disadvantaged farmers or ranchers requires compilation and reporting of data on participation of socially disadvantaged farmers and ranchers in USDA programs.
- **Minority Farmer Advisory Committee.** [Minority Farmer Advisory Committee](#) requires establishment of a committee with at least four socially disadvantaged farmers or ranchers and other professionals working with minority farmers and ranchers to advise the Secretary on maximizing minority farmer and rancher participation in USDA programs.
- **Socially Disadvantaged Farmer or Rancher Claims and Class Actions.** [Sense of Congress Regarding Claims Against USDA by Socially Disadvantaged Farmers or Ranchers](#) encourages the expeditious and just resolution of all pending claims and class actions relating to discrimination in farm programs.
- **Pigford Claims.** [Determination on Merits of Pigford Claims](#) offers an opportunity for a determination on the merits for certain claims previously denied for late filing under the consent decree in the Pigford v. Glickman class action case claiming race discrimination in USDA farm lending programs.
- **Access to Programs.** [Office of Advocacy and Outreach](#) establishes an office to improve program access for beginning, socially disadvantaged, and small farmers and ranchers.

Title XV: Trade and Tax Provisions

- **Risk Management Assistance.** [Supplemental Agricultural Disaster Assistance \(SADA\)](#) waiver repeats the exemption provisions in the Supplemental Revenue Assistance Payments (SURE) program described in Title XII.

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2008 Farm Bill Side-By-Side

The 2008 Farm Bill: User's Guide

This guide highlights the main features of the 2008 Farm Bill Side-By-Side. Follow each link below for additional details and screen shots.

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Navigation

The easiest way to get around in the 2008 Farm Bill Side-By-Side is to use the navigation menu on the right, which links to specific titles in the Farm Bill.

Further down on the right navigation bar are links to additional resources, including other resources on the ERS website, a link to USDA's main Farm Bill page, and a PDF version of the full Farm Bill.

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At the top of each title page is a list of key provisions and sub-provisions. Click on the text to go directly to a specific section of the page.

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List of Key Provisions:

- Direct and Counter-Cyclical Payments**
 Direct Payments | Counter-Cyclical Payments (CCPs) | Acreage Base and Payment Acres for Calculating Direct and Counter-Cyclical Payments | Payment Yield for Calculating Direct and Counter-Cyclical Payments | Planting Flexibility and Restrictions for Program Participants
- Average Crop Revenue Election (ACRE) Program**
 Base Acreage for ACRE | ACRE Payments | ACRE Payment Timing
- Marketing Assistance Loans and Loan Deficiency Payments (LDPs)**
 Commodity Loan Rates | Repayment of Loans | Loan Deficiency Payments | Commodity Certificates | Recourse Loans for High-Moisture Corn and Seed Cotton | Upland Cotton Marketing

At the bottom of each list of key provisions is a link to an A-to-Z list of all provisions, as well as a search box that allows you to search the entire Side-By-Side using specific keywords.

Administration
 Uruguay Round Compliance | Permanent Law | Payment Limits and Income Eligibility | Tracking of Benefits | Cotton Price Forecasting | Conservation Compliance | Hard White Wheat Development Program | Durum Wheat Quality Program | Quality Incentive Payments for Soybean Oilseed Producers | Storage Facility Loan Program | Information Gathering | Geographically Disadvantaged Farmers and Ranchers

[Browse A-Z List of Provisions](#) | Search the Farm Bill:

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Search

The entire 2008 Farm Bill Side-By-Side (including the Farm Policy Glossary) is searchable. On title pages, look for the search function at the bottom of the list of key provisions.

Administration
 Uruguay Round Compliance | Permanent Law | Payment Limits and Income Eligibility | Tracking of Benefits | Cotton Price Forecasting | Conservation Compliance | Hard White Wheat Development Program | Storage Facility Loan Program | Information Gathering | Geographically Disadvantaged Farmers and Ranchers

[Browse an A-Z list of provisions](#) | Search the Farm Bill:

The search function is also available on other pages.

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| Farm-Sector Impacts | Energy |
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| Trade | Livestock Competition |
| Nutrition Programs | Risk Management |
| Rural Development | |

Search the 2008 Farm Bill Side-By-Side:

General Information

- [The 20th Century Transformation of U.S. Agriculture and Farm Policy](#), Economic Information Bulletin, June 2005

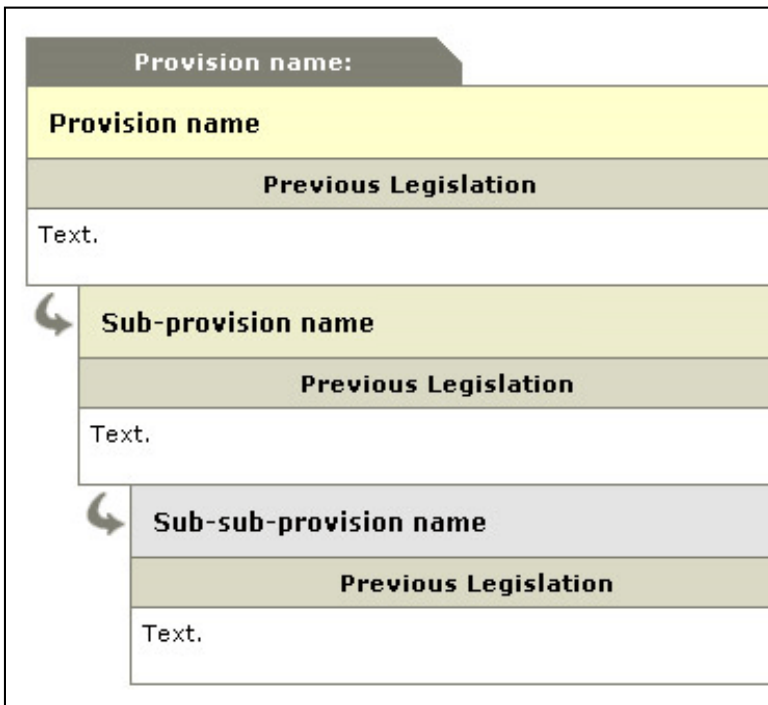
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Provisions and Sub-Provisions

Each provision and sub-provision includes a "side-by-side" comparison of previous legislation (e.g. 2002 Farm Act) with the new 2008 Farm Bill.

Provision name:	
Dairy. Three major Federal dairy programs are currently in place: milk price support, Federal milk marketing orders, and milk income loss contract payment.	
Federal Milk Marketing Orders classified and fix minimum prices according to the products in which milk is used.	
Previous Legislation	2008 Farm Bill
Continued 11 Federal milk marketing orders. Western Federal milk marketing order was terminated, effective Apr 1, 2004.	Continues Federal milk marketing orders.
No similar provision.	Not later than 60 days after enactment of 2008 Act, Secretary must issue, using informal rulemaking, supplemental rules of practice to define and revise guidelines and timeframes for amending marketing orders.

Key provisions are, when applicable, broken down into sub- and sub-sub-provisions. These transitions are indicated by an indented text box and arrow.



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Provisions for Traditionally Underserved Groups

The 2008 Farm Bill Side-By-Side features a special section that gathers information on provisions directed toward beginning, limited-resource, and socially disadvantaged farmers and ranchers in one place.

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2008 Farm Bill Side-By-Side

Provisions for Traditionally Underserved Groups



The 2008 Farm Act continues a trend toward participation incentives and improved access to farm programs for **beginning, limited-resource, and socially disadvantaged farmers and ranchers**. Though not all Titles address the needs of all groups, provisions appear in [Title I](#) (Commodities), [Title II](#) (Conservation), [Title V](#) (Credit), [Title VI](#) (Rural Development), [Title VII](#) (Research), [Title IX](#) (Energy), [Title XII](#) (Crop Insurance), [Title XIV](#) (Miscellaneous), and [Title XV](#) (Trade and Tax Provisions).

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2008 Act Overview

The 2008 Act Overview page provides more background on the new Farm Bill.

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2008 Farm Bill Side-By-Side

2008 Farm Bill Overview

The **Food, Conservation, and Energy Act of 2008**, enacted into law in June 2008, will govern the bulk of Federal agriculture and related programs for the next 5 years. Its 15 titles include administrative and funding authorities for programs that cover income and commodity price support, farm credit, and risk management; conservation through land retirement, stewardship of land and water resources, and farmland protection; food assistance and agricultural development efforts abroad and promotion of international access to American farm products; food stamps, domestic food distribution, and nutrition initiatives; rural community and economic development initiatives, including regional development, rural energy efficiency, water and waste facilities, and access to broadband technology; research on critical areas of the agricultural and food sector; accessibility and sustainability of forests; encouraging production and use of agricultural and rural renewable energy sources; and initiatives for attracting and retaining beginning and socially disadvantaged farmers and ranchers.

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Video Intro to the Side-By-Side

ERS has prepared a video introduction to the Side-By-Side, featuring a brief discussion of new features and testimonials from influential users.



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Farm Policy Glossary

Within the text in each provision, some terms may be highlighted and will link to a definition in the Farm Policy Glossary. Other terms may link to pages outside the ERS

website.

	Secretary may track benefits provided indirectly, to individuals and entities under titles I and II.
Tracking of Benefits	
2002-07 Farm Legislation	2008
Secretary required to establish procedures to track benefits provided directly or indirectly, to individuals and entities under Titles I and II. Payment data released under these provisions is referred to as Section 1614 data.	Secretary may track benefits provided indirectly, to individuals and entities under titles I and II.
Cotton Price Forecasting	
2002-07 Farm Legislation	2008
Agricultural Marketing Act of 1929 prohibited any prediction with respect to cotton prices from issuance or inclusion in any government report, bulletin, or other such publication.	Restriction repealed.

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Farm and Commodity Policy: Glossary

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0,50/85-92 provisions—Refers to the so-called 50/85 and 50/92 provisions for rice and cotton and the 0/85 and 0/92 provisions for wheat and feed grains that were in effect in various forms from 1986 through 1995. Under these provisions, farmers could idle all or part of their permitted acreage, putting the idled land in a conserving use and still receive deficiency payments for part of the acreage. A minimum planting requirement of 50 percent of maximum payment acreage was required in order to receive these payments in the case of rice and cotton.

1614 data—Data which tracks the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by the 2008 Farm Bill.

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Lists of Provisions

If you know the name of a provision, or some key words or phrases, but aren't sure what title to look under, the **A-Z List of Provisions** will help you find what you're looking for.

Scroll down the entire list, jump directly to a letter using the links at the top of the page, or search the entire page for a particular term or phrase.

A-Z List of Provisions

See also the [Table of Contents of Provisions](#). Use **Ctrl+F** to search this page.

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 - [Agricultural Conservation Experienced Service Program](#)
 - [Agricultural Disaster Relief Trust Fund](#)

If you don't know the name of a provision, or if you want to see a list of all the provisions in a specific title, use the List of Provisions by Title to find what you're looking for.

Scroll down the entire list, jump directly to a title using the links at the top of the page, or search the entire page for a particular term or phrase.

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Title I: Commodities

Administration

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- [Cotton Price Forecasting](#)
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Background Publications

The 2008 Farm Bill Side-By-Side includes a list of background publications that will help provide context for the new legislation. You can get to the Background Publications page from the right navigation bar. Once on the page, publications are arranged by subject. You can navigate the page by clicking on the subject index at the top of the page.

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General Information

- [The 20th Century Transformation of U.S. Agriculture and Farm Policy](#), Economic Information Bulletin, June 2005

Farm-Sector Impacts

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Previous Farm Bills

You can access previous Farm Bills, Side-By-Sides, and additional ERS research from this page.

Farm Bill Resources

Farm Bill Resources: Current and Previous Farm Bills

This page provides links to the text of the current and previous Farm Acts, previous ERS side by sides, and ERS analyses related to previous Farm Acts.

Text of Current and Previous Farm Acts

- [The Food, Conservation, and Energy Act of 2008](#) 
- [Farm Security and Rural Investment Act of 2002](#) 
- [Federal Agriculture Improvement and Reform Act of 1996](#) 
- For additional Farm Acts, see the University of

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For more information, contact: [Farm policy team](#)



United States Department of Agriculture

Economic Research Service

The Economics of Food, Farming, Natural Resources, and Rural America



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Related Links

- [Download the 2008 Farm Bill !\[\]\(00e558ce89be4dcec517713b4394e0f1_img.jpg\) \(1.65MB\)](#)

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Farm Bill Side-By-Side Video Script

Senator Tom Harkin: Today as Chair of the Senate House conference committee on the farm bill, I am happy to announce that the principal farm bill negotiators have produced a final conference agreement on the Food, Conservation and Energy act of 2008.

Senator Saxby Chambliss: Today is the culmination of about three years of hard work on the part of the Senate Ag Committee as well as the House Ag Committee.

Narrator: Welcome to ERS Side-By-Side comparison of old and new farm legislation.

Kitty Smith: Farm bills set priorities for farm and food related policy for periods of five years. The 2008 bill covers a wide variety of issues, from wetland conservation to wheat farming; from biofuels to honey bees; from rural business opportunities to food stamp programs.

ERS offers a unique internet product; a side-by-side comparison of the 2008 bill with previous farm legislation.

Who uses this? Attorneys, journalists, congressional staff, researchers, government agencies, interest groups, anyone who needs information on the farm bill and its' many, many provisions.

Ralph Grossi: After the new farm bill is signed into law, the very arduous task of rule writing and implementation will begin, and the ERS side-by-side will be a very useful reference tool as we begin that process.

Bob Young: We use the side-by-side in-between years for example: when we're, ya know somebody asks a question about how did the last piece of legislation, or had did the last farm bill deal with this issue?

It is very nice when you can pull that up and say "well here are the loan rates for example that were in the old bill. Here are the loan rates that are in the new bill"; or "here is specific provisions of how EQIP happens to operate".

Narrator: From any page on the ERS farm bill site you can access each of the titles. For each title of the bill, there is a list of key provisions and subtopics. You can reach ERS publications related to farm policy. For the 2008 bill we have added some new features to make the site even more useful. There is a search feature within the farm bill site, an alphabetical listing of topics, and printer friendly pages. If you have any questions about any of the features, we invite you to go to our users guide.

Kitty Smith: In 2002, this internet product was viewed by tens of thousands of people within the first week of its' posting. We hope that will be the case for this year as well.

Ralph Grossi: We're really not aware of a comparable product. It is a very useful and unique site for us to be able to access - as we both develop policy and implement the new farm bill.

Bob Young: It is just a nice place to go, a nice one stop shop if you will, to go to for information about all the stuff that's in that very large piece of legislation.

Narrator: Like the many other visitors to this site, we hope you'll find it to be a reliable reference.