
CONFERENCE COMMITTEE ON H.R. 2419

Title XI – Miscellaneous Provisions

**Section-by-Section Comparison of House Bill,
Senate Amendment, and Current Law**

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-1	<p>Premiums and Reinsurance Requirements.</p> <p>Sec. 11001 of H.R. 2419, Sec. 1905, 1906, 1912, 1913, and 1908 of the Senate Amendment</p>	<p>No comparable provision.</p> <p>Sec. 508(b)(5)(B) of the Federal Crop Insurance Act. If State law permits a licensing fee or other payment to be paid by an insurance provider to a cooperative association or trade association and then rebated to a producer with catastrophic risk protection or additional coverage, a cooperative association or trade association located in that State may pay, on behalf of a member of the association, all or a portion of the administrative fee for catastrophic risk protection.</p> <p>No comparable provision.</p>	<p>Sec. 11001 Section 11001(a) prohibits paying premiums, offering rebates for premiums, or making other inducements to purchase crop insurance or after crop insurance has been purchased, except for administrative fees pursuant to section 508(b)(5)(B) of the Federal Crop Insurance Act or performance-based discounts under section 508(d)(3) of the same Act.</p> <p>Section 11001(b) amends the Federal Crop Insurance Act to limit the ability of an insurance provider, cooperative association, or trade association to pay for only catastrophic risk protection administrative fees on behalf of a producer.</p> <p>Section 11001(c) requires that beginning with the 2012 reinsurance year, the Corporation must establish August 1 as the billing date for crop insurance premiums.</p>	<p>No comparable provision</p> <p>Section 1905. Paragraph (2) clarifies language that permits cooperatives or trade associations to pay premiums on behalf of farmer-members to make it clear that the provision applies only to fees for catastrophic coverage.</p> <p>It also strikes clause (ii) which requires that licensing fees in connection with the issuance of catastrophic risk protection or additional coverage to be paid to cooperatives or trade associations from insurance providers shall be subject to laws regarding rebates in the various states in which the fee or other payment is made.</p> <p>Section 1906 Paragraph (1) establishes the date when policyholder premiums must be paid, beginning in the 2012 reinsurance year, to no later than September 30.</p>	

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		<p>Sec. 508(k)(4)(A) of the FCIA. Sets the administrative and operating expense reimbursement rate at not more than 24.5 percent of the premium used to define the loss ratio.</p> <p>No comparable provision.</p>	<p>Section 11001(d)(1) amends section 508(k)(4)(A) of the Federal Crop Insurance Act to provide that beginning with the 2009 reinsurance year, the Corporation shall reimburse insurance providers and agents for administrative and operating expenses at a rate 2.9 percentage points below the rates in effect on the day of enactment of this Act.</p> <p>No comparable provision</p> <p>Section 11001(d)(2) provides that during the year following the reinsurance year ending June 30, 2012, the Corporation may renegotiate the financial terms of the standard reinsurance agreement, and subsequently conduct such renegotiations once during each period of five reinsurance years thereafter. Stipulates that changes in Federal law that require the Corporation to revise the financial terms of the standard reinsurance agreement will not be considered to be a renegotiation of the agreement.</p> <p>This section also provides that approved insurance providers may confer with each other during the renegotiation process.</p>	<p>Section 1912 reduces the reimbursement rate for existing plans of insurance by 2 percentage points below the rates in effect at the time of enactment of this Act, except that the reduction shall not be applied in any reinsurance year for a state in which the loss ratio exceeds 1.2, beginning the 2009 reinsurance year.</p> <p>It also reduces the reimbursement rate for area policies (such as Group Risk Plan (GRP) and Group Risk Income Protection (GRIP)) to 17 percent of premiums.</p> <p>Section 1913 allows the Federal Crop Insurance Corporation to renegotiate the SRA, which contains the contractual obligations and financial terms of the relationship between RMA and the crop insurance companies, every five years, the first occurring not sooner than the end of the 2012 reinsurance year. It provides an exception to allow the SRA to be renegotiated more frequently to address unexpected adverse circumstances experienced by the companies. The Secretary is required to notify the relevant Congressional Committees before invoking this exception.</p> <p>This section also allows crop insurance companies to confer with each other in the course of the renegotiation process, as well as collectively with RMA.</p>	

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		<p>No comparable provision.</p> <p>Section 508(e)(3) of the FCIA authorizes crop insurance companies to provide discounted policies to farmers if they can generate savings in expense reimbursement through efficiencies</p>	<p>Section 11001(e) requires that beginning with the 2012 reinsurance year, the Corporation make administrative and operating expense payments during October 2012, and every October thereafter.</p> <p>Conforming amendment in Section 11001(f) strikes the authority for the Premium Reduction Plan (PRP).</p>	<p>Section 1906 Paragraph (2) establishes the date when the Federal Crop Insurance Corporation makes payments to crop insurance companies to reimburse them for administrative and operating expenses, beginning in the 2012 reinsurance year, allowing payments to be made as soon as practicable after October 1, but not later than October 30.</p> <p>Section 1908 repeals the authority for the Premium Reduction Plan (PRP) and requires RMA to commission an independent study of the feasibility of offering a discount to farmers in the federal crop insurance program. This study is to be completed within 18 months of enactment of the farm bill.</p>	
T11-2	<p>Catastrophic Risk Protection Administrative Fee.</p> <p>Sec. 11002 of H.R. 2419, Sec. 1905 of the Senate Amendment</p>	<p>Sec. 508(b)(5)(A) of FCIA. Sets the catastrophic risk protection administrative fee for producers at \$100 per crop per county.</p>	<p>Sec. 11002 Amends section 508(b)(5)(A) of the Federal Crop Insurance Act to provide for a \$200 catastrophic risk protection administrative fee.</p>	<p>Section 1905. Subsection (a) increases the fee for catastrophic risk protection coverage from its current \$100 per crop per county to \$200 per crop per county</p>	

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T11-3	<p>Funding for Reimbursements, Contracting, Risk Management Education, and Information Technology.</p> <p>Sec. 11003 of H.R. 2419, Sec. 1919 of the Senate Amendment</p>	<p>Sec. 516 of the FCIA. Authorizes such sums as necessary be appropriated for costs associated with the reimbursement, contracting, and partnerships for research and development under Sec. 522 of the Act.</p> <p>Prohibits the Corporation from conducting research and development for any new policy for a commodity under this title. No comparable provision.</p>	<p>Sec. 11003</p> <p>Amends section 516 of the Federal Crop Insurance Act to provide that the Corporation use not more than \$30 million in each fiscal year for costs associated with: research and development and partnerships for risk management in section 522 of such Act; education and information programs in section 524 of such Act; and information technology. Further provides that the Corporation use no more than \$5 million to carry out contracting for research and development for underserved states, pursuant to section 522(c)(1)(A) of such Act.</p> <p>Same as current law</p>	<p>Section 1919. Paragraph (1) reduces mandatory funding available to reimburse research and development of new crop insurance products from its current \$15 million annually to \$7.5 million annually.</p> <p>Paragraph (2) reduces mandatory funding availability for contracting and partnerships from its current \$25 million annually to \$12.5 million annually.</p> <p>Paragraph (3) permits the Corporation to use up to \$5 million of otherwise unused funds available for reimbursement, contracting, or partnership payments to strengthen crop insurance compliance oversight activities, including information technology and data mining.</p> <p>No comparable provision</p>	
T11-4	<p>Reimbursement of Research and Development Costs Related to New Crop Insurance Products.</p> <p>Sec. 11004 of H.R. 2419, Sec. 1918 of the Senate Amendment</p>	<p>Sec. 522 of the FCIA. Requires the Corporation to reimburse an applicant for research and development costs directly related to a policy that is submitted to the Board and approved by the Board under section 508(h) for reinsurance, and, if applicable, offered for sale to producers.</p> <p>No comparable provision.</p>	<p>Sec. 11004</p> <p>Sec. 11004(a) authorizes the Corporation to reimburse an applicant for research and development costs related to a policy that is submitted pursuant to a Federal Crop Insurance Corporation (FCIC) Reimbursement Grant or is submitted to the FCIC Board and approved.</p> <p>Sec. 11004(b) authorizes the Corporation to provide FCIC Reimbursement Grants to persons proposing to prepare crop insurance policies for submission to the Board, and who have applied and been</p>	<p>Section 1918 Subsection (a) authorizes the reimbursement of development costs related to a policy through a Federal Crop Insurance Reimbursement Grant or is submitted to the FCIC Board and is approved.</p> <p>Subsection (b) provides an alternative process for policy development, by establishing a grant-making mechanism (called FCIC Reimbursement Grants). This mechanism permits eligible</p>	

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		<p>Sec. 522(b)(6) of the FCIA. Requires the Corporation to determine the amount of the payment for reimbursement for research and development of an approved policy based on the complexity of the policy and the size of the area in which the policy is expected to be sold.</p>	<p>approved for such grants. Stipulates the required materials for a grant application, including: a concept paper; an explanation of the need for the product, including the product's marketability, the projected impact of the product, and that no similar product is offered by the private sector; and an identification of the risks the product will cover and that the risks are insurable under the Federal Crop Insurance Act. Approval of a grant is by majority vote of the Board, and the Board shall approve an application only if: the proposal establishes the need for the policy; the applicant has the qualifications to successfully complete the project; the proposal can reasonably be expected to be actuarially appropriate; the Board has sufficient funding; and the proposed budget and timeline are reasonable.</p> <p>Requires payment for work performed under this section to be based on rates determined by the Corporation. Either the Corporation or applicant may terminate any grant for just cause.</p> <p>No comparable provision</p>	<p>applicants to submit a concept proposal, to be reviewed by crop insurance experts, for consideration by the Board of the Federal Crop Insurance Corporation. If the grant request is approved, the development work is ensured of funding and when completed, submitted to the Board for approval. The Board can require an interim feasibility study before allowing development work to proceed.</p> <p>Rates for work performed shall be based on rates determined by the Corporation for products submitted under section 508(h) or research contracted for under section 522(c). The grant can be terminated at any time for just cause.</p> <p>Subsection (c) eliminates language in section 523(b)(10) of the FCIA that provides an exception for research and development costs in livestock program funding caps.</p>	
T11-5	Research and Development Contracts for	No comparable provision.	<p>Sec. 11005 Mandates that the Corporation enter into one or more contracts for the development</p>	<p>Section 1917. New paragraph (12) requires the Federal Crop Insurance Corporation to offer to</p>	

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	<p>Organic Production Coverage Improvements.</p> <p>Sec. 11005 of H.R. 2419, Sec. 1917, 1907 of the Senate Amendment</p>		<p>of improvements in Federal crop insurance policies for organically raised crops.</p> <p>Any such contracts must review the underwriting, risk, and loss experience of organic crops in order for the Corporation to determine variation in loss history between organic and non-organic production. The Corporation shall eliminate or reduce the premium surcharge for coverage of organic crops, unless the Corporation's review documents significant, consistent, and systemic variations in loss history between organic and non-organic crops.</p> <p>Provides that a contract include the development of a procedure to offer producers of organic crops an additional price election reflecting actual retail or wholesale prices received by organic producers.</p> <p>Requires that the Corporation submit an annual report to Congress on the progress made in developing and improving Federal crop insurance for organic crops.</p> <p>No comparable provision</p>	<p>enter into one or more contracts to improve crop insurance coverage for organic crops.</p> <p>Section 1907 prohibits the Federal Crop Insurance Corporation from charging a surcharge on premiums paid to insure organic crops. It allows surcharges to be required only when consistent evidence of greater loss variability is validated on a crop by crop basis.</p> <p>New paragraph (10) requires the Federal Crop Insurance Corporation to offer to enter into one or more contracts to develop policies to insure dedicated energy crops such as switchgrass.</p>	

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			<p>No comparable provision</p> <p>No comparable provision</p>	<p>New paragraph (11) requires the Federal Crop Insurance Corporation to offer to enter into one or more contracts to develop policies to insure aquaculture operations.</p> <p>New paragraph (13) requires the Federal Crop Insurance Corporation to offer to enter into a contract to study about how to incorporate the use of skiprow cropping practices to grow corn and sorghum in the Central Great Plains into existing policies and plans of insurance offered in the federal crop insurance program.</p>	
T11-6	<p>Targeting Risk Management Education for Beginning Farmers and Ranchers and Certain Other Farmers and Ranchers.</p> <p>Sec. 11006 of H.R. 2419, Sec. 1922 of the Senate Amendment</p>	<p>Sec. 10707 of the Farm Security and Rural Investment Act of 2002. Requires the Secretary to conduct an outreach and technical assistance program to encourage and assist socially disadvantaged farmers and ranchers in owning and operating farms and ranches and in participating in the full range of programs offered by USDA. (Appropriation expired at the end of fiscal year 2007.)</p>	<p>Sec. 11006 Requires the Secretary to include a special emphasis on risk management strategies and education and outreach to beginning farmers and ranchers, immigrant farmers and ranchers attempting to become established producers in the United States, socially disadvantaged farmers and ranchers, farmers and ranchers who are preparing to retire and are trying to help new farmers and ranchers get started, and farmers and ranchers who are converting production and marketing systems to new markets.</p>	<p>Section 1922 requires the Secretary to place special emphasis in utilizing funds available to address the needs of farmers in underserved states to assist in risk management strategies of beginning farmers and ranchers, immigrant farmers and ranchers, socially disadvantaged farmers and ranchers, farmers and ranchers preparing to retire and engaged in transition strategies to help beginning farmers get established, and established farmers and ranchers seeking to shift practices and marketing to pursue new markets.</p>	
T11-7	<p>Crop Insurance Ineligibility Related to Crop Production on Noncropland.</p> <p>Sec. 11007 of H.R. 2419, Sec. 2608 of the Senate</p>	<p>No comparable provision.</p>	<p>Sec. 11007 Defines “noncropland” as native grassland and pasture the Secretary determines has never been used for crop production.</p> <p>Provides that noncropland acreage planted with an agricultural commodity for which insurance is available under this title is not</p>	<p>Section 2608 denies crop insurance and noninsured crop disaster assistance program benefits (NAP) on lands converted from native sod after passage of this farm bill.</p> <p>Sec. 2608(a)(1): Native sod is defined as land on which the plant cover is composed</p>	

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	Amendment		eligible for crop insurance under this title for the first four years of planting. In the fifth year of planting, the producer may purchase crop insurance for the commodity. The yield for such insurance shall be determined by using actual production history for the farm and, for years without actual production history, using the average actual production history for the commodity in the county.	principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing, and which has never been used for production of an agricultural commodity. Sec. 2608(a)(2)(B): Establishes de minimus exception of 5 acres. Sec. 2608(c): Directs the Secretary to provide a report to Congress on the extent of conversion of noncropland to cropland since 1995 within 180 days of the passage of the Farm Bill, and to provide annual updates by January 1 st of each year.	
T11-8	Funds for Data Mining. Sec. 11008 of H.R. 2419, Sec. 1915 of the Senate Amendment	Sec. 516(k) of the FCIA. Authorizes the Corporation to use \$23 million during the period of fiscal years 2001 through 2005, of which no more than \$9 million be used in 2001, for program compliance and integrity, including data mining.	Sec. 11008 Authorizes the Corporation to use not more than \$11 million during fiscal year 2008, and not more than \$7 million during fiscal year 2009 and each subsequent fiscal year, for crop insurance program compliance and integrity, including data mining. No comparable provision	No comparable provision Section 1915 allows RMA to charge a fee to crop insurance companies for access to company-relevant results of data-mining analysis, and would require that these funds are used for improvements in the crop insurance data mining system. If RMA were to require companies to access the data-mining results for purposes of compliance, including quality assurance requirements under the terms of the SRA, they could not be charged a fee under those circumstances.	

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T11-9	<p>Noninsured Crop Assistance Program.</p> <p>Sec. 11009 of H.R. 2419, Sec. 1925, 1926 of the Senate Amendment</p>	<p>Sec. 196(k)(1) of the Agricultural Market Transition Act. Requires producers to pay a service fee for eligible crops in the Noninsured Crop Insurance Program that is equal to the lesser of \$100 per crop per county, or \$300 per producer per county, not to exceed a total of \$900 per producer.</p>	<p>Sec. 11009 Amends the Agricultural Market Transition Act to provide that service fees producers must pay for the Noninsured Crop Insurance Program shall be \$200 per crop per county; or \$600 per producer per county, with a limit of \$1,800 per producer.</p> <p>No comparable provision</p>	<p>Section 1926 doubles the service fee charged for participation in the NAP program from its current \$100 to \$200, or \$600 per producer per county, with a limit of \$1,500 per producer.</p> <p>Section 1925 clarifies that losses from aquacultural activities resulting from drought should be indemnified if the farmer has NAP coverage for that production</p>	
T11-10	<p>Change in Due Date for Corporation Payments for Underwriting Gains.</p> <p>Sec. 11010 of H.R. 2419, Sec. 1914 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>Sec. 11010 Beginning with the 2011 reinsurance year, directs the Corporation to make payments for underwriting gains on October 1, 2012, and for each subsequent reinsurance year, on October 1 of the next calendar year.</p>	<p>Section 1914 establishes the date as October 1 that the Federal Crop Insurance Corporation makes payments for underwriting gains to crop insurance companies, beginning in the 2011 reinsurance year.</p>	
T11-11	<p>Sesame Insurance Pilot Program.</p> <p>Sec. 11011 of H.R. 2419, Sec. ___ of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>Sec. 11011 Requires the Secretary to establish a pilot program under which sesame producers in the State of Texas may obtain crop insurance. Under the pilot program, producers obtaining the insurance shall pay premiums and administrative fees.</p>	<p>Sec. 1921 Same as House provision</p>	
T11-12	<p>National Drought Council and Drought</p>	<p>No comparable provision.</p>	<p>Sec. 11012 Establishes a National Drought Council within the office of the Secretary of</p>	<p>No comparable provision</p>	

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	<p>Preparedness Plans.</p> <p>Sec. 11012 of H.R. 2419</p>		<p>Agriculture that will develop a National Drought Policy Action Plan for integrating and coordinating drought activities of the Federal government and States, including drought preparedness, mitigation, risk management and emergency relief. Additional Council duties include reviewing and evaluating existing drought programs, making recommendations to the President and Congress, and developing public awareness activities on drought.</p> <p>Establishes the Drought Assistance Fund within the Department of Agriculture to, in part, pay the costs of providing technical and financial assistance to States, Indian Tribes, local governments and other groups for the development and implementation of drought preparedness plans, and for the cost of mitigating the risk and impact of droughts. Provides requirements for the guidelines associated with the distribution of funds from the Drought Assistance Fund, including requiring that States and/or Indian tribes developing plans for interstate watersheds coordinate with other States and/or Indian tribes in the development of said plans.</p> <p>Requires the Secretary, with concurrence of the Council, to develop guidelines for administering a national program to provide assistance to States, Indian tribes, local governments and others for the development, maintenance, and implementation of drought preparedness plans. Requires the Secretary to develop</p>		

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			<p>Federal drought preparedness plans, which will integrate with drought plans of State, tribal, local government, and others. Stipulates the elements for such drought preparedness plans.</p> <p>Authorizes appropriations of \$2 million for fiscal year 2008 and each of the subsequent seven fiscal years for the Council; authorizes the appropriation of such sums as necessary to carry out the Drought Assistance Fund.</p>		
T11-13	<p>Payment of Portion of Premium for Area Revenue Plans.</p> <p>Sec. 11013 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11013 Establishes the premium subsidy amount for area revenue insurance plans, based on (1) the percentage of the recorded county yield indemnified, and (2) the sum of a percentage of the premium established for additional catastrophic risk protection and the amount determined to cover operating and administrative expenses for additional catastrophic risk protection.</p> <p>Establishes the premium subsidy amount for area yield insurance plans, based on (1) the percentage of the recorded country yield indemnified, and (2) the sum of a percentage of premium established for additional catastrophic risk protection and the amount determined to cover operating and administrative expenses for additional catastrophic risk protection.</p>	No comparable provision	
T11-14	<p>Share of Risk.</p> <p>Sec. 11014 of H.R. 2419</p>	<p>Sec. 508(k)(3) of the FCIA. Requires reinsured companies to bear a sufficient share of any potential loss under the reinsurance agreement.</p>	<p>Sec. 11014 Amends the Federal Crop Insurance Act to require that companies that are being reinsured by the Corporation share the risk of loss, such that the underwriting gain or</p>	No comparable provision	

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			loss and the associated premium and losses ceded to the Corporation under any reinsurance agreement be not less than 12.5 percent. Further requires the Corporation to pay a ceding commission to such companies of 2 percent of the premium used to define the loss ratio for the approved insurance provider's book of business.		
T11-15	Livestock Assistance. Sec. 11015 of H.R. 2419	No comparable provision.	Section. 11015 Stipulates that the purchase of a Non-insured Assistance Program policy is not a requirement to receive any Federal livestock disaster assistance.	No comparable provision	
T11-16	Determination of Certain Sweet Potato Production. Sec. 11016 of H.R. 2419, Sec. 1927 of the Senate Amendment	No comparable provision.	Sec. 11016 Excludes Risk Management Agency Pilot Program data for determining the 2005-2006 Farm Service Agency Crop Disaster Program for sweet potatoes.	Section 1927 amends Section 9001 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 100-28, 121 Stat. 211). It prohibits the Farm Service Agency from utilizing yield data collected from a sweet potato crop insurance pilot program to determine losses for the crop disaster assistance program recently enacted for the 2005 and 2006 crop years. If sign-up for that program is completed before the 2007 farm bill is enacted, then the sign-up period would have to be re-opened for producers of sweet potatoes.	
T11-16A	Report on Funds; Rate of Federal Crop Insurance Sec. 13011 of H.R.2419	The FCIA establishes the reimbursement rates for approved insurance providers.	Sec. 13011 Gives the Secretary of the Interior the authority to further cuts the expense reimbursement rate for crop insurance companies if the actual revenue from offshore oil leases fails to meet projections beginning in 2012.	No comparable provision	

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T11-17	Definition of Organic Crop Sec. 1901 of the Senate Amendment	Section 502(b) of the FCIA establishes relevant definitions for the Federal crop insurance program.	No comparable provision	Section 1901 defines organic crops for the purposes of the Federal crop insurance program.	
T11-18	General Powers Sec. 1902 of the Senate Amendment	Section 506 of the FCIA establishes general powers and authorities of the Federal Crop Insurance Corporation.	No comparable provision.	Section 1902. Subsection (a)(1) clarifies that the provision added in the Agricultural Risk Protection Act of 2000 (Section 508(j)(2)(A)), which allows farmers to sue the Corporation over a denied claim only in the U.S. District Court for the district where the insured farm is located, takes precedent over the more general provision in Section 506(d). Subsection (a)(2) strikes subsection (n) of the Federal Crop Insurance Act (7 U.S.C. 1506), in order to clarify that it is superseded by Section 515(h) added in the Agricultural Risk Protection Act which specifically establishes sanctions for producers, agents, and loss adjusters for program noncompliance and fraud.	
T11-19	Reduction in Loss Ratio Sec. 1903 of the Senate Amendment	Section 506(n) of the FCIA establishes the statutory loss ratio for the crop insurance program at 1.075.	No comparable provision.	Section 1903 reduces the statutory national loss ratio for the federal crop insurance program to 1.0.	
T11-20	Controlled Business Insurance Sec. 1904 of the Senate Amendment	No existing law	No comparable provision	Section 1904 prohibits farmers from collecting commissions as crop insurance agents on policies in which they or members of their immediate family have a substantial beneficial interest if more than 30 percent of their total commissions are derived from policies sold on operations that they or their immediate family has	

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				beneficial interest in. This prohibition is applied on a calendar year basis.	
T11-21	Enterprise and Whole Farm Unit Pilot Program Sec. 1909 of the Senate Amendment	No existing law	No comparable provision	Section 1909 establishes a pilot program to allow farmers to convert the value of their crop insurance coverage under optional and basic units to higher levels of coverage for enterprise or whole farm units.	
T11-22	Denial of Claims Sec. 1910 of the Senate Amendment	Section 508(j) provides the legal basis for appeal of denial of crop insurance claims.	No comparable provision	Section 1910 clarifies that approved insurance providers are only liable for lawsuits in Federal District courts for denial of claims if that claim is denied at the behest of the Federal Crop Insurance Corporation, not if they deny such claims themselves.	
T11-23	Measurement of Farm-Stored Commodities Sec. 1911 of the Senate Amendment		No comparable provision	Section 1911 allows farmers the option to elect to have the Farm Service Agency to measure the quantity of crops stored on farms for the purpose of providing evidence on their level of losses, at their own expense.	
T11-24	Malting Barley Sec. 1929 of the Senate Amendment	Section 508(m) establishes criteria for offering quality loss adjustment to producers.	No comparable provision	Section 1929 allows RMA to modify the quality endorsement for malting barley to take into account changing market conditions.	
T11-25	Producer Eligibility Sec. 1916 of the Senate Amendment	Section 520 of the FCIA establishes eligibility criteria for purchase of crop insurance policies.	No comparable provision	Section 1916 makes producers who raise livestock under contract eligible to purchase coverage, as long as those livestock are not covered by other policies reinsured under the Federal crop insurance program.	

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T11-26	<p>Camelina Pilot Program</p> <p>Section 1920 of the Senate Amendment</p>	<p>Section 523 of the FCIA provides authority for establishing pilot programs.</p>	<p>No comparable provision</p>	<p>Section 1920 requires the Federal Crop Insurance Corporation to develop a pilot program under which producers or processors of camelina (an oilseed suitable for use as a feedstock for biodiesel) may propose for approval by the Board policies or plans of insurance in accordance with existing procedures under Section 508(h). Camelina producers would be made eligible for the Noninsured Crop Assistance Program (NAP) until a crop insurance policy is made available.</p>	
T11-27	<p>Agricultural Management Assistance</p> <p>Sec. 1923 of the Senate Amendment</p>	<p>Section 524(b) of the FCIA provides funds for programs assisting agricultural management practices for producers in underserved states.</p>	<p>No comparable provision</p>	<p>Section 1923 permits the Secretary to utilize funds available for agricultural management assistance to provide matching funds to states providing additional discounts on farmer-paid premiums in underserved states.</p>	
T11-28	<p>Crop Insurance Mediation</p> <p>Sec. 1924 of the Senate Amendment</p>	<p>Section 275 of the U.S. Department of Agriculture Reorganization Act of 1994 authorizes the Farm Service Agency to offer farmers with grievances either an informal appeal process or mediation.</p>	<p>No comparable provision</p>	<p>Section 1924 allows producers involved in a dispute over a crop insurance claim to utilize both informal agency review and mediation to reach a resolution, so the producer would not necessarily have to choose between the two paths.</p>	
T11-29	<p>Perennial Crop Report</p> <p>Sec. 1928 of the Senate Amendment</p>	<p>Not in existing law.</p>	<p>No comparable provision</p>	<p>Section 1928 requires the Secretary to submit a report within 180 days of enactment to the Senate Committee on Agriculture, Nutrition and Forestry and the House Committee on Agriculture that addresses issues relating to declining yields in producers' actual production</p>	

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				histories (APH), and declining and variable yields for perennial crops, including pecans.	
T11-30	Definition of Basic Unit Sec. 1930 of the Senate Amendment	Not in existing law.	No comparable provision.	Section 1930 maintains definition of basic unit in crop insurance for producers of tobacco.	
T11-31	Short Title and Definitions Sec. 11111, 11112 of the Senate Amendment			Sec. 11111 Describes this subtitle as “Small Business Disaster Response and Loan Improvements Act of 2007” Sec. 11112 Definitions of terms used in the “Small Business Disaster Response and Loan Improvements Act of 2007”	
T11-32	Disaster Loans to Nonprofits Section 11121 of the Senate Amendment	Section 7(b) of the SBA establishes authority for providing loans made to small businesses replacing equipment or facilities due to losses from disasters.	No comparable provision	Section 11121 allows the Small Business Administration (SBA) to make loans to non-profit organizations located or operating in a declared disaster area, and to provide services to persons evacuated from any disaster area.	
T11-33	Disaster Loan Amounts Section 11122 of the Senate Amendment	Adds new paragraph to Section 7(b) of the SBA	No comparable provision	Section 11122 raises the maximum outstanding loan amounts available to borrowers from the current level of \$1,500,000, capping it at \$2,000,000 subject to the discretion of the SBA based upon the economic conditions in the affected disaster region	
T11-34	Small Business	Section 21(a) of the SBA allows the	No comparable provision	Section 11123 grants the SBA the ability	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Development Center Portability Grants Section 11123 of the Senate Amendment	Administrator to establish Small Business Development Centers at a variety of eligible entities, including state agencies and public universities.		to make an award to a Small Business Development Center (SBDC) greater than \$100,000 due to extraordinary circumstances after a catastrophic disaster.	
T11-35	Assistance to Out of State Businesses Section 11124 of the Senate Amendment	Section 21(b) of the SBA limits the area that may be served by small business development centers to within the states they are located.	No comparable provision	Section 11124 authorizes SBDCs outside of the geographic region of a disaster area to provide assistance to small businesses located within a declared disaster area at the discretion of the Administrator of the SBA.	
T11-36	Outreach Programs Section 11125 of the Senate Amendment	Not in existing law	No comparable provision	Section 11125 establishes a procurement outreach and technical assistance program at the discretion of the Administrator following a disaster declaration.	
T11-37	Small Business Bonding Threshold Section 11126 of the Senate Amendment	Not in existing law	No comparable provision	Section 11126 guarantees up to \$5,000,000 against loss resulting from a breach of the terms of a bond on a reconstruction contract awarded to a small business in a disaster region. Upon request by the head of any Federal Agency involved in reconstruction efforts, the SBA may guarantee up to \$10,000,000.	
T11-38	Termination of Program Section 11127 of the Senate Amendment		No comparable provision	Section 11127 terminates the Small Business Competitive Demonstration Program Act of 1988.	
T11-39	Increasing Collateral Requirements Section 11128 of the Senate Amendment	Section 7(c)(6) of the SBA establishes that no collateral is needed for disaster loans of \$10,000 or less	No comparable provision	Section 11128 increases the loan amount under which collateral is not required from \$10,000 to \$14,000 (or higher as deemed appropriate by the Administrator).	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-40	<p>Public Awareness of Disaster Declarations and Application Periods</p> <p>Section 11129 of the Senate Amendment</p>	Adds new paragraph to Section 7(b) of the SBA.	No comparable provision	<p>Section 11129 enhances SBA and FEMA coordination and outlines Congressional reporting requirements. Ensures that the SBA communicates all relevant information needed by disaster loan applicants through all means available. It also requires that the SBA create a marketing and outreach plan to convey disaster assistance eligibility and application requirements.</p>	
T11-41	<p>Consistency Between Administrative Regulations and Standard Operating Procedures</p> <p>Section 11130 of the Senate Amendment</p>	Not in existing law	No comparable provision	<p>Section 11130 ensures consistent procedures within the SBA for responding to disasters.</p>	
T11-42	<p>Processing Disaster Loans</p> <p>Section 11131 of the Senate Amendment</p>	Adds new paragraph to Section 7(b) of the SBA	No comparable provision	<p>Section 11131 allows qualified private contractors to process loans and verify losses in the event of a major disaster, to assist SBA under circumstances of heavy loan application volume.</p>	
T11-43	<p>Development and Implementation of Major Disaster Response Plan</p> <p>Section 11132 of the Senate Amendment</p>	Not in existing law	No comparable provision	<p>Section 11132 requires that the SBA amend the 2006 Atlantic Hurricane Season Disaster Response Plan to apply it to all major disasters and update Congress on its progress. The SBA is required to develop and execute simulation exercises to demonstrate the effectiveness of the updated response plan.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-44	Disaster Planning Responsibilities Section 11133 of the Senate Amendment	Not in existing law	No comparable provision	Section 11133 requires the SBA to assign disaster planning responsibilities to a qualified employee who is not an employee of the Office of Disaster Assistance.	
T11-45	Additional Authority for District Offices of the Administration Section 11134 of the Senate Amendment	Adds new paragraph to Section 7(b) of the SBA	No comparable provision	Section 11134 gives the SBA the ability to grant district offices permission to process disaster loans and requires the SBA to designate an employee in each district office to act as a disaster loan liaison between the processing center and the applicants.	
T11-46	Assignment of Employees of the Office of Disaster Assistance and Disaster Cadre Section 11135 of the Senate Amendment	New paragraph added to Section 7(b) of the SBA	No comparable provision	Section 11135 establishes minimum staffing requirements for the Office of Disaster Assistance and the Disaster Cadre of the Administration. If the staffing level for either of those offices decreases below the set numbers, the Administrator must submit a report to Congress and request additional funds if necessary.	
T11-47	Small Business Act Catastrophic National Disaster Declaration Section 11141 of the Senate Amendment	New paragraph added to Section 7(b) of the SBA	No comparable provision	Section 11141 instructs the SBA and FEMA to establish thresholds for the Small Business Act Catastrophic Disaster Declaration and outlines the basic requirements that must be included in the threshold, such as number of casualties and damage caused. Authorizes the SBA Administrator to make Economic Injury Disaster Loans to businesses located throughout the country, as long as they could demonstrate they were injured by such a disaster.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-48	<p>Private Disaster Loans</p> <p>Section 11142 of the Senate Amendment</p>	Inserts new subsection in Section 7 of the SBA	No comparable provision	<p>Section 11142 Provides definitions of key terms and defines the parameters for authorization and use of Private Disaster Loans. Allows the SBA to guarantee timely payment of principal and interest on private loans issued to eligible small businesses within a disaster area and establishes an online application. The SBA may guarantee no more than 85 percent of a loan, with a maximum amount of \$2 million. The loan term may not exceed 15 years for loans without collateral, and must not exceed 25 years for loans with collateral. Within one year the SBA must issue permanent regulations and criteria. The SBA is also given authority to reduce the interest rate on any loan by 3 percent.</p>	
T11-49	<p>Technical and Conforming Amendments</p> <p>Section 11143 of the Senate Amendment</p>	Not in existing law	No comparable provision	<p>Section 11143 contains technical and conforming amendments.</p>	
T11-50	<p>Expedited Disaster Assistance Loan Program</p> <p>Section 11144 of the Senate Amendment</p>	Not in existing law	No comparable provision	<p>Section 11144 requires the Administrator to set up an expedited Disaster Assistance Loan program in consultation with Congress, appropriate lenders and creditors, SBDC's, and appropriate offices within the Small Business Administration. The loans, made to borrowers otherwise eligible for loans under the Small Business Act, shall not exceed \$150,000, exceed</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				180 days in length, and be more than 1 percent over the prime rate.	
T11-51	Hubzones Section 11145 of the Senate Amendment	Section 3(p) of the SBA contains definitions relating to hubzones.	No comparable provision	Section 11145 makes any area designated as a Catastrophic National Disaster Area a HUBZone, as well as all disaster areas designated as a result of Hurricane Katrina or Rita. This designation shall persist for the 2-year period beginning on the date of the designation of the area as a Small Business catastrophic national disaster area, or longer at the discretion of the SBA.	
T11-52	Disaster Assistance Oversight Section 11161 of the Senate Amendment	Not in existing law	No comparable provision	Section 11161 requires the submission of monthly reports on disaster loan programs to Congress detailing lending volume and activity, as well as a daily updates during a Presidential disaster declaration. The SBA must submit a report to Congress every six months (for up to eighteen months after the President declares a major disaster), detailing the numbers of contracts awarded to various types of small businesses in the area, as well as a report that details how the SBA can improve the processing of applications under the Disaster Loan Program.	
Subtitle B of House Bill – Livestock and Poultry					
T11-53	Livestock Mandatory Price Reporting	The Livestock Mandatory Reporting Act requires major meatpackers to report transactions involving hog, cattle, and lamb purchases and commitments to	No comparable provision	Sec. 10001. Subsection (a) amends the Livestock Mandatory Reporting Act.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Sec. 10001 of the Senate Amendment	<p>purchase to the USDA.</p> <p>Sec. 232(c)(3) of the Livestock Mandatory Reporting Act requires corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day.</p> <p>Sec.232 (d) requires the Secretary to publish the information obtained in the afternoon report as soon as practical, but not later than 3:00 p.m. Central Time, on each reporting day.</p> <p>Sec. 223 (a)(3)(B) and (C) require corporate officers of each packer processing plant to at least twice each reporting day to report information on total boxed beef sales, including the cut of beef and the trim specification.</p> <p>Sec. 257 requires the Secretary to compile and publish at least monthly (weekly, if practical) information on retail prices for representative food products made from beef, pork, chicken, turkey, veal, or lamb.</p>		<p>Amends section 232(c)(3) to change the time of the afternoon swine report from 2:00 p.m. to 3:00 p.m. (Central Time).</p> <p>Changes the time that USDA will publish the afternoon swine report from 3:00 p.m. to 4:00 p.m. (Central Time).</p> <p>Subsection (b) directs USDA to conduct a study of economic impacts of including wholesale pork product sales reporting on producers and consumers, including the effects of a confidentiality requirement on mandatory reporting. Upon completion of that study, USDA may establish mandatory packer reporting of wholesale pork product sales (such as pork cuts and retail-ready pork products), requiring each packer processing plant to report to USDA price and volume information at least twice each reporting day.</p> <p>Subsection (c) ensures that USDA continues to publish retail scanner data</p>	
T11-54	Grading and inspection.	Sec. 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) provides the	No comparable provision	Sec. 10002. Amends section 203 of the Agricultural Marketing Act of 1946 (7	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Sec. 10002 of the Senate Amendment</p>	<p>Secretary general authority to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.</p> <p>Sec. 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) effectively defines as “amenable species” (and subject to mandatory inspection) cattle, sheep, swine, goats, horses, mules, and other equines, and any additional species that USDA considers appropriate.</p>		<p>U.S.C. 1622) to provide USDA authority to establish a voluntary grading program at USDA for catfish.</p> <p>Requires USDA to provide inspection activities under the Federal Meat Inspection Act for farm raised catfish, by adding catfish to the list of “amenable species.”</p> <p>The Secretary is required to ensure while establishing the grading and inspection program for catfish that nothing duplicates, impedes, or undermines any of the food safety or product grading activities conducted by the Department of Commerce or the Food and Drug Administration.</p>	
T11-55	<p>Country of Origin Labeling.</p> <p>Sec. 11104 of H.R. 2419</p> <p>Sec. 10003 of the Senate Amendment</p>	<p>Subtitle D of the Agricultural Marketing Act of 1946 requires country of origin labeling for covered commodities.</p> <p>Defines covered commodities as beef, lamb, pork, farm-raised fish, wild fish, perishable agricultural commodities, and peanuts.</p> <p>Requires that in order for beef, lamb or pork to have a United States country of origin, the product must be derived from</p>	<p>Sec. 11104. Amends the Agricultural Marketing Act of 1946 to provide new country of origin labeling requirements for beef, lamb, pork and goat</p> <p>Amends the list of covered commodities to include goat meat.</p> <p>Specifies labeling requirements for products that are of United States country of origin, multiple countries of origin,</p>	<p>Sec. 10003. Similar to the House language but has several modifications.</p> <p>Amends the list of covered commodities to include goat meat, macadamia nuts and chicken.</p> <p>In addition to House language, Senate adds language to U.S. country of origin labeling category to require that animals</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>an animal exclusively born, raised and slaughtered in the United States.</p> <p>Sec. 282(d) of the Agricultural Marketing Act of 1946 authorizes the Secretary to require companies to maintain a recordkeeping audit trail in order for the Secretary to verify compliance.</p> <p>Sec. 283 of the Agricultural Marketing Act of 1946 authorizes the Secretary to fine persons who willfully the law in an amount up to \$10,000 for each violation.</p>	<p>imported for immediate slaughter, and from a foreign country of origin.</p> <p>To be eligible for U.S. country of origin, the product must be derived from an animal that was exclusively born, raised, and slaughtered in the U.S. (with a narrow exception for animals from Alaska or Hawaii and transported through Canada), or present in the U.S. on or before January 1, 2008."</p> <p>Authorizes the Secretary to conduct audits to verify compliance with this section. Prohibits the Secretary from requiring a person or entity to maintain a record of the country of origin of covered commodities, other than those maintained in the course of the normal conduct of business of such person or entity.</p> <p>Amends section 283 to clarify that a retailer or person engaged in the business of supplying a covered commodity to a retailer notified of a violation will be provided 30 days to come into compliance with the law.</p> <p>Provides that if such person does not make a good faith effort to comply, and continues to willfully violate the law, the</p>	<p>present in the United States on or before January 1, 2008, and once present in the United States, must have remained continuously in the United States.</p> <p>In addition to House language regarding multiple countries of origin, Senate adds disclaimer under subsection (B) to clarify that labeling for multiple countries of origin is a mandatory requirement.</p> <p>Same as House.</p> <p>Same as House.</p> <p>Same as House.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			Secretary may fine the person in an amount up to \$1,000 for each violation.		
T11-56	<p>Definitions.</p> <p>Sec. 10101 of the Senate Amendment</p>	<p>The Agricultural Fair Practices Act of 1967 was created for the purpose of establishing standards of fair practices and to ensure farmers are free to join together voluntarily in cooperative organizations.</p> <p>Sec. 3 provides definitions for terms in the Agricultural Fair Practices Act of 1967.</p> <p>Section 3 (c) of the Agricultural Fair Practices Act of 1967 defines the term “association of producers” as any association of producers of agricultural products engaged in marketing bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended, or in section 1 of the Act entitled “An Act of authorize association of producers of agricultural products”, approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).</p>	No comparable provision	<p>Sec. 10101.</p> <p>Amends the definitions of terms provided for the purposes of the Agricultural Fair Practices Act of 1967.</p> <p>Expands the definition of “association of producers” to also include general livestock, poultry and farm groups.</p> <p>Clarifies that a handler is not a producer, nor a person that provides custom feeding services.</p>	
T11-57	<p>Prohibited Practices.</p> <p>Sec. 10102 of the Senate Amendment</p>	<p>Sec. 4 of the Agricultural Fair Practices Act of 1967 lists 5 categories of practices prohibited under the Act.</p> <p>The first category makes it unlawful for any handler to engage or permit any employee or agent engage in practices that would prevent a producer to exercise their right to join or belong to an association of producers.</p> <p>No comparable provision.</p>	No comparable provision	<p>Sec. 10102. Amends section 4 to expand the list of prohibited practices.</p> <p>Amends the first category to add that it shall also be unlawful for any handler to knowingly engage or permit any employee or agent to coerce any producer in the exercise of his right to <i>form</i> an association of producers.</p> <p>Adds that it shall be unlawful to “fail to bargain in good faith with an association</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				of producers.”	
T11-58	<p>Enforcement.</p> <p>Sec. 10103 of the Senate Amendment</p>	<p>Sec. 5 of the Agricultural Fair Practices Act of 1967 provides a disclaimer to make clear that nothing in the Act prevents handlers and producers from selecting their customers and suppliers, also makes clear that a handler is not required to deal with an association of producers.</p> <p>Sec. 6 (7 U.S.C. 2305) (b) allows the Secretary to request the Attorney General to bring civil action on his behalf against handlers or groups of handlers.</p> <p>Sec. 6 of the Agricultural Fair Practices Act of 1967 allows the prevailing party a reasonable attorney’s fee as part of the costs.</p> <p>Section 6(d) provides that the statute of for causes of action arising under the Agricultural Fair Practices Act shall be 2 years.</p>	No comparable provision	<p>Sec. 10103. Amends the enforcement provisions by striking section 5 and replacing it with a directive for the Secretary to conduct rulemaking to clarify what constitutes normal and fair dealing per section 10104.</p> <p>Section 10103 also strikes sec. 6 of the current law to provide the Secretary of Agriculture the authority to bring a civil action in United States District Court by filing a complaint requesting preventative relief, including an application for a permanent or temporary injunction, restraining order or other order, against the handler.</p> <p>Handlers that have violated the Act are liable for the amount of damages including the costs of litigation and reasonable attorneys fees.</p> <p>Changes the statute of limitations from 2 years to 4 years and provides for an additional penalty of not more than \$1,000 per violation.</p>	
T11-59	<p>Rules and Regulations.</p> <p>Sec. 10104 of the Senate Amendment</p>	The Agricultural Fair Practices Act of 1967 was created for the purpose of establishing standards of fair practices and to ensure farmers are free to join together voluntarily in cooperative organizations.	No comparable provision	<p>Sec. 10104. Amends the Agricultural Fair Practices Act by adding provisions for the promulgation of new rules and regulations.</p> <p>Directs USDA to promulgate rules and</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				regulations, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers. Please note Sec 5 (7 U.S.C. 2304) was struck pursuant to Sec. 10103.	
T11-60	<p>Special Counsel for Agricultural Competition.</p> <p>Sec. 10201 of the Senate Amendment</p>	<p>The Secretary of Agriculture has assigned regulatory responsibility for the Packers and Stockyards Act to the Packers and Stockyards programs within the Department's Grain Inspection, Packers and Stockyards Administration (GIPSA). GIPSA is also responsible for activities within the Federal Grain Inspection Service.</p> <p>The Deputy Administrator for Packers and Stockyards programs currently carries out the regulations of the Packers and Stockyards Act.</p> <p>The Deputy Administrator reports to the Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA). The Administrator for GIPSA</p>	No comparable provision	<p>Sec. 10201. Amends the Packers and Stockyards Act by adding a new subtitle that provides for the appointment of a special counsel at USDA to investigate and also prosecute violations of Packers and Stockyards Act and Agricultural Fair Practices Act.</p> <p>The Special Counsel will oversee the Office of Special Counsel and will have the responsibility for all duties and functions of the Packers and Stockyards programs at USDA. Employees within GIPSA's Packers and Stockyards programs will report to the Special Counsel. Grain inspection activities currently carried out by GIPSA would continue to report to the Administrator for GIPSA as a separate agency or as determined by the Secretary upon implementing this section. The Administrator for GIPSA would no longer oversee activities of the Packers and Stockyards programs.</p> <p>Provides that the Special Counsel will report to the Secretary of Agriculture. The Special Counsel shall be free from the direction and control of any person in the</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>reports to the Under Secretary for Marketing and Regulatory programs at USDA.</p> <p>GIPSA is authorized to initiate and conduct investigations of alleged violations in the livestock industry, but generally not in the poultry industry. Investigations by GIPSA of alleged violations of the Packers and Stockyards Act are referred to, and prosecuted by, USDA's Office of General Counsel or through referrals to the Department of Justice.</p>		<p>Department of Agriculture other than the Secretary.</p> <p>Provides that the Special Counsel shall be appointed by the President with the advice and consent of the Senate.</p> <p>Provides that the Special Counsel shall report twice each year to Congress that details the number of complaints received and closed, number of investigations and civil and administrative actions initiated, carried out and completed, number and type of decisions agreed to and number of stipulation agreements, the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition.</p> <p>The Special Counsel, prior to commencing, defending, or intervening in any civil action under the Packers and Stockyards Act or the Agricultural Fair Practices Act, shall give written notification to the Attorney General. Should the Attorney General fail to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend or intervene and supervise the litigation in the name of the Special Counsel. Nothing prevents the Attorney General from intervening on behalf of the United States in any civil action under the Packers and Stockyards</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				Act or the Agricultural Fair Practices Act.	
T11-61	<p>Investigation of Live Poultry Dealers.</p> <p>Sec. 10202 of the Senate Amendment</p>	<p>Sec. 2 of the Packers and Stockyards Act provides definitions of terms for the purposes of the Act.</p> <p>Section 202 of the Packers and Stockyards Act provides that it is unlawful for any packer, swine contractor with respect to livestock, meats, meat food products, or livestock products in unmanufactured form, or for any live poultry dealer with respect to live poultry to engage in any unfair, deceptive unjustly discriminatory and other practices.</p> <p>Under current law USDA does not have enforcement authority over these practices with respect to live poultry dealers.</p> <p>Section 408 of the Packers and Stockyards Act provides authority for the Secretary to request a temporary injunction or restraining order if a person subject to the Act fails to pay for livestock, meat products or live poultry governed by the Act.</p> <p>Section 203 of the Packers and Stockyards Act provides that the Secretary may assess a civil penalty of not more than \$10,000 for violations of the Act.</p> <p>Sections 411, 412, and 413 of the Packers and Stockyards Act include provisions</p>	No comparable provision	<p>Sec. 10202. Amends section 2 of the Packers and Stockyards Act to remove the poultry slaughter requirement from the existing definitions.</p> <p>Amends title II of the Packers and Stockyards Act to give the USDA administrative enforcement authority over live poultry dealers under the Act.</p> <p>Defines “poultry grower” as any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, regardless of whether the poultry is owned by the person or by another person.</p> <p>Amends section 408 of the Packers and Stockyards Act to provide authority for the Secretary to request a temporary injunction or restraining order if a person subject to the Act fails to pay a poultry grower what is due the poultry grower for poultry care.</p> <p>Increases the penalty for violations under the Act from \$10,000 to \$22,000.</p> <p>Repeals sections regarding poultry enforcement under sections 411, 412, and</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		governing violations by live poultry dealers, judicial review of order regarding live poultry dealers, and violations of final order by live poultry dealers.		413.	
T11-61 (a)	Definition of Capital Investment; Sec. 10203 of the Senate Amendment	Title I of the Packers and Stockyards Act currently only provides definitions for a person, Secretary, meat food products, livestock, livestock products, poultry, poultry grower, poultry growing arrangement, live poultry dealer, commerce, swine contractor, swine production contract, and swine production contract grower.	No comparable provision	Sec. 10203(a). Amends title I of the Packers and Stockyards Act to add the definition of a capital investment. Capital investment is defined as an investment in a structure, such as a building or manure storage structure; or machinery or equipment associated with producing livestock or poultry that has a useful life of more than 1 year.	
T11-61 (b)	Definition of Contractor; Sec. 10203 of the Senate Amendment	Title I of the Packers and Stockyards Act currently only provides definitions for a person, Secretary, meat food products, livestock, livestock products, poultry, poultry grower, poultry growing arrangement, live poultry dealer, commerce, swine contractor, swine production contract, and swine production contract grower.	No comparable provision	Sec. 10203(a). Amends title I of the Packers and Stockyards Act to add the definition of a contractor. Contractor is defined as a person that obtains livestock or poultry from a contract producer in accordance with a production contract.	
T11-61 (c)	Definition of Contract Producer; Sec. 10203 of the Senate Amendment	Title I of the Packers and Stockyards Act currently only provides definitions for a person, Secretary, meat food products, livestock, livestock products, poultry, poultry grower, poultry growing arrangement, live poultry dealer, commerce, swine contractor, swine production contract, and swine production contract grower.	No comparable provision	Sec. 10203(a). Amends title I of the Packers and Stockyards Act to add the definition of a contract producer. Contract producer is defined as a producer that produces livestock or poultry under a production contract.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-61 (d)	<p>Definition of Investment Requirement;</p> <p>Sec. 10203 of the Senate Amendment</p>	<p>Title I of the Packers and Stockyards Act currently only provides definitions for a person, Secretary, meat food products, livestock, livestock products, poultry, poultry grower, poultry growing arrangement, live poultry dealer, commerce, swine contractor, swine production contract, and swine production contract grower.</p>	<p>No comparable provision</p>	<p>Sec. 10203(a). Amends title I of the Packers and Stockyards Act to add the definition of an investment requirement.</p> <p>Investment requirement is defined as an investment that requires a contract producer to make a capital investment that, but for the production contract, the producer would not have made; or a representation by a contractor that results in the contract producer making a capital investment.</p>	
T11-61 (e)	<p>Definition of Production Contract;</p> <p>Sec. 10203 of the Senate Amendment</p>	<p>Title I of the Packers and Stockyards Act currently only provides definitions for a person, Secretary, meat food products, livestock, livestock products, poultry, poultry grower, poultry growing arrangement, live poultry dealer, commerce, swine contractor, swine production contract, and swine production contract grower.</p>	<p>No comparable provision</p>	<p>Sec. 10203(a). Amends title I of the Packers and Stockyards Act to add the definition of a production contract.</p> <p>A production contract is defined as a written agreement that provides for the production of livestock or poultry by a contract producer or the provision of a management service relating to the production of livestock or poultry by a contract producer.</p>	
T11-61 (f)	<p>Right to Cancel Production Contracts</p> <p>Sec. 10203 of the Senate Amendment</p>	<p>No comparable provision.</p> <p><i>Section 202 of the Packers and Stockyards Act lists 7 categories of unlawful practices under the Act. The practices include:</i></p> <ul style="list-style-type: none"> <i>-engaging in unfair, unjustly discriminatory, or deceptive practices;</i> <i>-giving any undue or unreasonable</i> 	<p>No comparable provision</p>	<p>Section 10203(b). Amends title II of the Packers and Stockyards Act to add a new section (section 208) governing production contracts. Allows contract producers to cancel a production contract within three business days after the contract execution date.</p> <p>The contract shall disclose the right of the</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p><i>preference or advantage to any particular person;</i></p> <p><i>-selling to any other packer any article for the purpose of apportioning the supply, if such apportionment has the tendency or effect of restraining commerce;</i></p> <p><i>-selling to any other person any article for the purpose of manipulating prices;</i></p> <p><i>-engaging in any course of business for the purpose of manipulating prices;</i></p> <p><i>-conspiring with any other person to apportion territory for carrying on business; and</i></p> <p><i>-conspiring with any other person to do any act made unlawful by the Act.</i></p>		<p>producer to cancel a production contract and the method by which the contract producer may cancel the production contract, including the deadline for canceling the production contract.</p>	
T11-61 (g)	Production Contracts Requiring Large Capital Investments	No comparable provision.	No comparable provision	<p>Section 10203(b). Amends title II of the Packers and Stockyards Act to add a new section (section 208) governing production contracts that require large capital investments.</p> <p>Allows contract producers who have made an investment of \$100,000 or more for purposes of securing the production contract with a packer, live poultry dealer, or swine contractor, to be given at least 90 days to correct an alleged breach before a contractor can terminate a contract. The contractor may terminate or cancel a production contract without notice for voluntary abandonment by the contract producer, conviction of the contract</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				producer an offense or fraud or theft committed against the contractor, the natural end of the production contract, or the well-being of the livestock or poultry would be in jeopardy once under the care of the contract producer. If not later than 90 days, a producer remedies the cause of breach under the contract, the contractor may not terminate or cancel a production contract.	
T11-61 (h)	Additional Capital Investments; Sec. 10203 of the Senate Amendment	No comparable provision.	No comparable provision	Section 10203(b). Amends title II of the Packers and Stockyards Act to add a new section (section 208) to prohibit a contractor from requiring additional investments of the contract producer during the term of the contract unless the additional investments are offset by reasonable additional consideration, including compensation or a modification of the terms of the contract; and the contract producer agrees in writing that there is acceptable and satisfactory consideration for the additional capital investment; or without the additional capital investments the well-being of the livestock or poultry subject to the contract are in jeopardy.	
T11-61 (i)	Choice of Law, Jurisdiction and Venue Sec. 10203 of the Senate Amendment	No comparable provision	No comparable provision	Section 10203. Amends title II of the Packers and Stockyards Act to add a new section (section 209) governing the settlement of disputes arising under production or marketing contracts governed by the Packers and Stockyards Act.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>Provides that any provision of a livestock or poultry contract shall be subject to the jurisdiction, venue of the state in which the production occurs.</p> <p>Designates that the choice of law, jurisdiction and venue requirements shall apply to any production or marketing contract entered into, amended, altered, modified, renewed, or extended after the date of enactment.</p>	
T11-61 (j)	<p>Arbitration of Livestock and Poultry Contracts</p> <p>Sec. 11104 of H.R. 2419</p> <p>Sec. 10203 of the Senate Amendment</p>	No comparable provision	<p>Sec. 11102. Amends title IV of the Packers and Stockyards Act to add a new section (section 416) governing the settlement of disputes arising under production contracts governed by the Packers and Stockyards Act.</p> <p>Instructs the Secretary to promulgate regulations to establish standards related to arbitration provisions in livestock and poultry contracts.</p> <p>Requires that such regulations address venue, costs, number and appointment of arbitrators, and other elements of arbitration, as necessary. Provides that a producer may, despite the existence of an arbitration agreement in a contract, seek relief in a small claims court for disputes within the jurisdiction of such court. Requires any person appointed as arbitrator to disclose any circumstance that could raise doubt as to impartiality.</p>	<p>Sec. 10203(b). Amends title II of the Packers and Stockyards Act to add a new section (section 210) governing the settlement of disputes arising under contracts governed by the Packers and Stockyards Act.</p> <p>Provides that arbitration may be used to settle a controversy arising from a livestock or poultry contract only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.</p>	
T11-62	Right to Discuss Terms of Contracts.	Sec. 10503 of the Farm Security and Rural Investment Act of 2002 requires producers	No comparable provision	Sec. 10204. Amends section 10503 of the Farm Security and Rural Investment Act	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Sec. 10204 of the Senate Amendment	<p>be allowed to share the details of a contract with a:</p> <ol style="list-style-type: none"> 1. Federal or State agency; 2. legal advisor to the party; 3. lender to the party; 4. accountant hired by the party; 5. executive or manager of the party; 6. landlord of the party; or 7. member of the mediate family of the party. 		<p>of 2002 to add to the list in current law. Would allow contract growers to also discuss contract terms with business associates, neighbors, and other producers.</p>	
T11-63	Attorneys' Fees. Sec. 10205 of the Senate Amendment	<p>Sec. 308 of the Packers and Stockyards Act requires any person that violates the Act to be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.</p>	<p>No comparable provision.</p>	<p>Sec. 10205. Amends section 308 to allow producers to attempt to recover the costs of the litigation, including reasonable attorneys' fees, (in addition to damages) in an action arising under the Packers and Stockyards Act.</p>	
T11-64	Appointment of Outside Counsel Sec. 10206 of the Senate Amendment	<p>Section 407 of the Packers and Stockyards Act provides that the Secretary may make such rules, regulations and orders as may be necessary to carry out the provisions of the Packers and Stockyards Act.</p>	<p>No comparable provision.</p>	<p>Sec. 10206. Amends section 407 to provide the Secretary with the authority to obtain the services of attorneys who are not federal employees to aid in investigations and civil cases.</p>	
T11-65	Prohibition on Packers Owning, Feeding, or Controlling Livestock. Sec. 10207 of the Senate Amendment	<p>Section 202 of the Packers and Stockyards Act (7 U.S.C. 192) lists 7 categories of unlawful practices under the Act. The practices include:</p> <ul style="list-style-type: none"> -engaging in unfair, unjustly discriminatory, or deceptive practices; -giving any undue or unreasonable preference or advantage to any particular person; -selling to any other packer any article for the purpose of apportioning the supply, if 	<p>No comparable provision</p>	<p>Sec. 10207. Amends section 202 of the Packers and Stockyards Act (7 U.S.C. 192) to add to the list of prohibited practices.</p> <p>Prohibits most major packers from owning, feeding, or controlling livestock directly, or through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over livestock or over the farming operation that produces the livestock, to such an extent that the</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>such apportionment has the tendency or effect of restraining commerce;</p> <p>-selling to any other person any article for the purpose of manipulating prices;</p> <p>-engaging in any course of business for the purpose of manipulating prices;</p> <p>-conspiring with any other person to apportion territory for carrying on business; and</p> <p>-conspiring with any other person to do any act made unlawful by the Act.</p>		<p>producer is no longer materially participating in the management of the livestock operation.</p> <p>The prohibition does not apply to: packers who enter into arrangements within 14 days before slaughter; cooperatives where the majority of ownership interest is held by active cooperative members; packers not required to report to USDA under section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a); or a packer that only owns one livestock processing plant.</p> <p>Provides that a packer of swine would be in violation of this provision if it owns, feeds or controls swine later than 18 months after the enactment of this Act.</p> <p>Provides that a packer of livestock, other than swine, would be in violation of this provision if it owns, feeds or controls livestock later than 180 days after enactment of this Act.</p>	
T11-66	<p>Regulations.</p> <p>Sec. 10208 of the Senate Amendment</p>	<p>Sec. 407 of the Packers and Stockyards Act allows the Secretary to make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act.</p>	<p>No comparable provision</p>	<p>Sec. 10208. Directs USDA to promulgate rules and regulations, including regulations dealing with discrimination against smaller volume producers.</p> <p>Provides that regulations shall also be promulgated to require that live poultry dealers provide written notice to poultry growers if the live poultry dealer imposes an extended layout period in excess of 30 days prior to removal of the previous</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				flock.	
T11-67	<p>Sense of Congress Regarding Pseudorabies Eradication Program.</p> <p>Sec. 11101 of H.R. 2419</p> <p>Sec. 10301 of the Senate Amendment</p>	<p>Sec. 10505 of the Food Security and Rural Investment Act of 2002. Authorizes appropriations for the pseudorabies eradication program through the end of fiscal year 2007.</p>	<p>Sec. 11101. Expresses the sense of Congress that the eradication of pseudorabies is a high priority that should be carried out under the authorities of the Animal Health Protection Act.</p>	<p>Sec. 10301. Similar to House provision but expands upon the House language to recognize the threat that feral swine pose to not only swine, but also the entire livestock industry.</p> <p>Senate language also details the importance of pseudorabies surveillance funding to assist the swine industry in monitoring, surveillance, and eradication of pseudorabies, including the monitoring and surveillance of other diseases effecting swine production and trade.</p>	
T11-68	<p>Sense of Congress Regarding the Cattle Fever Tick Eradication Program.</p> <p>Sec. 11106 of H.R. 2419</p> <p>Sec. 10302 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>Sec. 11106. Expresses the sense of Congress that implementing a national strategic plan for the cattle fever tick eradication program is a high priority in order to identify and procure the necessary tools to prevent and eradicate fever ticks in the United States.</p>	<p>Sec. 10302. Senate language is identical to House.</p>	
T11-69	<p>National Sheep and Goat Industry Improvement Center</p> <p>Sec. 6015 of H.R.</p>	<p>Sec. 375 of the Con Act authorizes the establishment, in the Treasury Department, of National Sheep Industry revolving fund; monies in the fund are made available to the National Sheep Industry Improvement Center to carry out</p>	<p>(IN RURAL DEVELOPMENT TITLE) SEC.6015. Amends section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) by eliminating the requirement that the National Sheep</p>	<p>Sec. 10303. Amends section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) by eliminating the requirement that the National Sheep Industry Improvement Center privatize its</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>2419</p> <p>Sec. 10303 of the Senate Amendment</p>	<p>the center's authorized programs and activities.</p> <p>The center has a number of purposes, including: promoting strategic development activities and collaborative efforts by private and State entities to maximize the impact of Federal assistance to strengthen and enhance the production and marketing of sheep or goat products in the U.S.; optimizing the use of available human capital and resources within the sheep and goat industries; and adopting flexible and innovate approaches to solving the long-term needs of the U.S. sheep or goat industry.</p> <p>The center is authorized to use the amounts in the fund to make direct loans, loan guarantees, cooperative agreements, equity interests, investments, repayable grants, and grants to eligible entities, either directly or through an intermediary.</p> <p>Sec.375(j) of the Con Act mandates that privatization of the revolving fund is to occur on the earlier of: (A) Sept. 20, 2006; or (B) the date as of which \$30 million has been appropriated to the center. The authority for this Center was repealed May 1, 2007.</p>	<p>Industry Improvement Center privatize its revolving fund.</p> <p>An authorization of appropriations of \$10 million is authorized for each of the fiscal years 2008 through 2012.</p>	<p>revolving fund.</p> <p>Renames the Center as the National Sheep and Goat Industry Improvement Center.</p> <p>Provides for new mandatory funding of \$1,000,000 for FY2008, to be available until expended, and authorizes \$10,000,000 for each FY2008-2012.</p>	
T11-70	<p>Trichinae Certification Program.</p> <p>Sec. 10304 of the</p>	<p>Section 10409 of the Animal Health Protection Act provides that the Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock.</p>	<p>No comparable provision.</p>	<p>Sec. 10304. Amends Sec. 10409 of the Animal Health Protection Act, to direct the USDA to establish and implement a trichinae certification program to certify farm operations that are trichinae free to</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Senate Amendment			be eligible for export or other market opportunities. Authorizes appropriations of \$1.25 million for each of fiscal years 2008 through 2012.	
T11-71	Protection of Information in the Animal Identification Program. Sec. 10305 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 10305. Directs the Secretary of Agriculture to promulgate regulations consistent with the Freedom of Information Act regarding the disclosure of information submitted by farmers and ranchers who participate in the national animal identification system. The regulations promulgated are subject to public comment and should address the protection of trade secrets and other proprietary and or confidential business information.	
T11-72	Sense of Congress Regarding the Voluntary Control Program for Low Pathogenic Avian Influenza. Sec. 11105 of H.R. 2419 Sec. 10306 of the Senate Amendment	Section 10407(d) of the Animal Health Protection Act provides that the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under such section. 9 C.F.R. 56.6 provides that claims eligible for indemnity under such part are: (a) Compensation for the value of poultry; (b) Compensation for the value of eggs; and (c) Compensation for the cost of cleaning and disinfection of premises, conveyances, and materials that came into contact with	Sec. 11105. Expresses the sense of Congress that the voluntary control program for low pathogenic avian influenza is a critical component of the animal health protection system, and that the Secretary should continue to provide 100 percent compensation for eligible costs to owners of poultry and cooperating States. No comparable provision.	Sec. 10306. Amends Sec. 10407(d)(2) of the Animal Health Protection Act. Defines “eligible costs” for the purpose of low pathogenic avian influenza indemnification as “costs determined eligible for indemnity under part 56 of title 9, Code of Federal Regulations, as in effect on the date of enactment of this clause.”	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>poultry infected with or exposed to H5/H7 LPAI, or, in the case of materials, if the cost of cleaning and disinfection would exceed the value of the materials or cleaning and disinfection would be impracticable for any reason, the cost of destruction and disposal for the materials.</p> <p>Section 10407(d) (A) and (B) of the Animal Health Protection Act specify that compensation shall be based on the fair market value of the destroyed animal article, facility, or means of conveyance, but shall not exceed the difference between the fair market value of the destroyed animal and any compensation received by the owner from a State or other source.</p>	No comparable provision.	Provides that, subject to subparagraphs (B) and (D), with respect to compensation provided to an owner of an animal required to be destroyed under section 10407 of the Animal Health Protection Act, the compensation to any owner or contract grower of poultry participating in the voluntary control program for low pathogenic avian influenza under the National Poultry Improvement Plan, and payments to cooperating State agencies, shall be made in an amount equal to 100 percent of the eligible costs	
T11-73	<p>Study on Bioenergy Operations.</p> <p>Sec. 10307 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	Sec. 10307. Directs USDA to submit to the House and Senate Agriculture Committees a report describing the potential economic issues (including potential costs) associated with animal manure used in normal agricultural operations and as a feedstock in bioenergy production.	
T11-74	<p>Sense of the Senate on Indemnification of Livestock Producers.</p> <p>Sec. 10308 of the</p>	No comparable provision.	No comparable provision.	Sec. 10308. Expresses the sense of the Senate that the USDA should “partner with the private insurance industry to implement an approach for expediting the indemnification of livestock producers in the case of catastrophic disease	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Senate Amendment			outbreaks.”	
T11-75	Coordination of Dairy Oversight Sec. 10309 of the Senate Amendment	No comparable provision	No comparable provision	Sec. 10309. Requires the Secretary to select an official within USDA to coordinate the sharing of information on oversight of the dairy industry to ensure fair competition. The designated official will serve as a liaison among the Agricultural Marketing Service, Farm Service Agency, and National Agricultural Statistics Service. The official should coordinate and maintain informal communications as appropriate with other Federal agencies with an involvement in the dairy industry and hold at least 1 formal annual meeting during each calendar year. The official is required to submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate and make available to the public, an annual report that describes issues of concern in the dairy industry that threaten fair competition, including an evaluation of dairy markets with respect to the impact of those markets on reported dairy prices, Federal milk marketing order prices and other Federal dairy programs.	
T11-76	State-Inspected Meat and Poultry.	Sec. 301(c)(4) of the Federal Meat Inspection Act; Sec. 5(c)(4) of the Poultry Products Inspection Act. Requires the	Sec. 11103. Section 11103(a) requires the Secretary to submit a report to Congress with the	Sec. 11067.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Sec. 11103 of H.R. 2419</p> <p>Sec. 11067 of the Senate Amendment</p>	<p>Secretary to report to Congress regarding the State inspection programs. Such report is part of the annual report to Congress required under section 17 of the Wholesome Meat Act.</p> <p>Sec. 301 of the FMIA; Sec. 454 of the PPIA. Authorizes the Secretary to cooperate with State agencies in administering State meat and poultry inspection programs, respectively, in any State that has enacted a meat and/or poultry inspection law that imposes mandatory ante mortem and post mortem inspection and other requirements that are at least equal to the Federal inspection requirements. Products inspected under the State inspection programs are solely for distribution within such State.</p>	<p>results of a review of each State meat and/or poultry inspection program. Such review will include a determination of the effectiveness of the program, and an identification of the changes necessary for the program to meet and enforce Federal inspection standards.</p> <p>Subsections (b) and (c) of section 11103 amend the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), respectively, with regard to State inspection programs. Authorizes the Secretary to approve a State to ship product inspected under such State's inspection program in interstate commerce, if such State inspection program has implemented identical requirements to those contained in the FMIA and/or PPIA and Federal regulations under such statutes.</p> <p>Provides requirements for new State inspection programs, including that the Secretary shall review all new State</p>	<p>Amends the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) to create an option for state inspected plants that are 25 employees or less to ship in interstate commerce. This will not replace the existing state inspection programs. Plants that are selected by the Secretary to ship in interstate commerce using this option must follow the Federal Meat Inspection Act and Poultry Products Inspection Act in the same manner as expected of a federally inspected establishment. Establishments that are larger than 25 employees but less than 35 employees are eligible for this option, but must transition to a federal establishment three years after promulgation of the final rule. Establishments that are currently under Federal inspection are not eligible for this option.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 301(a)(3) of the FMIA; sec. 5(a)(3) of the PPIA. Provides that the Secretary contribute to States with State meat and/or poultry inspection programs not more than 50 percent of the estimated total cost of the State inspection programs.</p> <p>Sec. 301(c) of the FMIA; sec. 5(c) of the PPIA. Requires the Secretary to take action if the Secretary determines that a State is not enforcing inspection requirements that are at least equal to Federal requirements.</p>	<p>inspection programs within one year after such State inspection program was approved. Upon such review, the State inspection program must implement all recommendations from the review.</p> <p>Provides that a State inspection program will operate subject to a cooperative agreement with the Secretary, and establishes the terms of such cooperative agreement, including: State must adopt requirements identical to Federal inspection requirements; State mark of inspection will be deemed an official mark; State will comply with labeling requirements issued by the Secretary; Secretary will have authority to detain and seize products under the State program; Secretary will have access to facilities and records of State program; and other provisions as determined by the Secretary.</p> <p>Provides that the Secretary shall reimburse a State for not more than 50 percent of the State's costs for the State meat inspection program, and not more than 60 percent of the State's costs for the State poultry inspection program.</p> <p>Requires the Secretary to take action if the Secretary determines that a State inspection program is not in compliance</p>	<p>The Secretary shall reimburse a state for costs related to the inspection of selected establishments in the state at an amount not less than 60 percent of eligible state costs. The Secretary may also reimburse a state for 100 percent of the eligible state costs if the selected establishment provides additional verification microbiological testing in excess of typical Federal establishments.</p> <p>The Secretary shall designate a Federal employee as a state coordinator for each state agency that has a state inspection</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 301(c)(4) of the FMIA; Sec. 5(c)(4) of the PPIA. Requires the Secretary to, at least annually, to review the requirements and enforcement of the State inspection programs.</p> <p>Sec. 301(a)(1) of the FMIA; Sec. 5(a)(1) of the PPIA. Prohibits State inspected products from interstate shipment.</p>	<p>with the cooperative agreement, including suspending or revoking the approval of the State inspection program. Authorizes the Secretary to institute Federal inspection at a State-inspected plant if the Secretary determines that such State plant is not operating in accordance with the cooperative agreement and requirements herein.</p> <p>Requires the Secretary to conduct annual review of each State inspection program.</p> <p>Provides that no State may prohibit or restrict the movement or sale of meat or poultry products that have been inspected</p>	<p>program. The state coordinator will be under direct supervision of the Secretary. The state coordinator will visit selected establishments with a frequency appropriate to ensure that these establishments are operating in a manner consistent with the Federal Meat Inspection Act and Poultry Products Inspection Act. The state coordinator shall provide on a quarterly basis a report that describes the status of each selected state establishment in regard to compliance with the Federal Meat Inspection Act and Poultry Products Inspection Act.</p> <p>If a state coordinator finds any selected establishment in violation of the Federal Meat Inspection Act or Poultry Products Inspection Act, the state coordinator shall notify the Secretary of the violation and deselect the selected establishment or suspend inspection.</p> <p>Requires USDA's Inspector General not later than two years after the effective date of enactment, and not less than every two years, conduct an audit of each activity taken by the Secretary to determine compliance of this program with the law. The Government Accountability Office shall also conduct an audit of the implementation of this program.</p> <p>Authorizes the Secretary of Agriculture to establish within the Food Safety Inspection Service (FSIS) at USDA an inspection training division to coordinate</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			and passed in accordance with this section.	<p>outreach, education, training and technical assistance of very small and certain small establishments.</p> <p>Allows the Secretary to provide grants to appropriate state agencies to help establishments covered by intrastate inspection under Title III of the Federal Meat Inspection Act to transition to the new program under Title V.</p>	
T11-77	<p>Food Safety Commission</p> <p>Sec. 11060 of the Senate Amendment</p>	<p>Sec. 10807 of the Farm Security and Rural Investment Act of 2002: Establishes a Food Safety Commission to make specific recommendations on enhancing the food safety system of the United States, including a description of how each recommendation would improve food safety. Recommendations are required to address all food available commercially in the United States.</p> <p>No comparable provision.</p>	No comparable provision.	<p>Sec.11060 Establishes a Congressional Bipartisan Food Safety Commission to review the food safety system of the United States and to prepare a report that makes recommendations on ways to: modernize the U.S. food safety system; harmonize and update food safety statutes; improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership; allocate scarce resources according to risk; ensure that regulations directives, guidance, and other standards and requirements are based on best-available science and technology; emphasize preventative strategies; provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and to draft specific statutory language that would implement recommendations of the Commission.</p> <p>The Commission is required to review and consider statutes, studies and reports as listed in legislative language to understand the U.S. food safety system.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>The initial meeting is required to take place 30 days after the final Commission member is appointed.</p> <p>The Commission is required to submit to a report to the President and Congress on its findings, conclusions, and recommendations, upon which the Commission will dissolve.</p> <p>The Commission is required to be composed of 15 members, including a Chairperson, appointed by the President. Members are required to have specialized training or significant experience in matters under the jurisdiction of the Commission and are required to represent consumers, food scientists, the food industry, and health professionals. Not more than 3 members can be Federal employees.</p> <p>The members are to be appointed after appropriated funds are made available.</p> <p>No comparable provision.</p> <p>The Commission can hold hearings to</p>		<p>The initial meeting is required to take place 30 days after the final Commission member is appointed.</p> <p>One year after its initial meeting, the Commission is required to publish a report on its findings, upon which the Commission will dissolve.</p> <p>The members of the Commission will be appointed 60 days after the enactment of this legislation. Members are required to have training, education or experience in food safety research, food safety law and policy, or program design and implementation. Members must consist of the Secretary of Agriculture (or a designee), the Secretary of Health and Human Services (or a designee), one Member of the House of Representatives, one Member of the Senate, and 15 members that represent consumer organizations, agricultural and livestock production, public health professionals, State regulators, Federal employees, and the livestock and food manufacturing and processing industry.</p> <p>No comparable provision.</p> <p>Two members of the Commission are appointed by the President, 13 are appointed by Congress.</p> <p>The Commission is required to hold at</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>carry out its duties and can secure from any Federal agency information considered necessary to carry out the work of the Commission.</p> <p>The Commission shall be considered an agency of the Federal Government.</p> <p>Commission members cannot be compensated for their services on the Commission, but are allowed travel expenses while away from home or place of business. The Chairperson can appoint an executive director and additional personnel to carry out the work of the commission. Federal Government employees can be detailed to the Commission without reimbursement.</p> <p>Authorizes appropriations to carry out this section.</p> <p>Sec. 410 of the FMIA; Sec. 30 of the PPIA: Establishes a Safe Meat and Poultry Inspection Panel to review and evaluate, as necessary, the adequacy, necessity, safety, cost-effectiveness, and scientific merit of meat and poultry inspection procedures, and proposed and formal changes in meat and poultry inspections.</p> <p>The Panel is required to submit to the Secretary a report on each review and evaluation it conducts. The report is to be</p>		<p>least five stakeholder meetings, and can hold hearings and secure information from Federal agencies to carry out its work.</p> <p>No comparable provision.</p> <p>Commission members who are not officers or employees of the Federal government can be compensated for serving on the Commission. Commission members are allowed travel expenses while away from home or place of business. The Chairperson of the Commission can appoint an executive director and additional personnel to carry out the work of the commission. Federal Government employees can be detailed to the Commission without reimbursement.</p> <p>Authorizes appropriations to carry out this section.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>published in the Federal Register.</p> <p>The Secretary's response to each report is required to be published in the Federal Register.</p> <p>The Panel is required to be composed of 7 members: at least 5 members from the food science, meat science, or poultry science profession, appointed to staggered terms not to exceed 3 years from nominations submitted by the National Institutes of Health (NIH) and the Federation of American Societies of Food Animal Science (FASS).</p> <p>The members of the initial panel are required to be appointed from nominees submitted by NIH and FASS. Subsequent vacancies are to be filled by the Secretary after soliciting 2 nominees each from NIH and FASS. Nominees are required to have a background in public health issues and scientific expertise in food, meat, poultry, or veterinary science.</p> <p>The Panel members shall be allowed travel expenses, including a per diem, when away from home or place of business.</p> <p>Authorizes appropriations to carry out this section.</p>			
T11-78	Action by President and Congress Based on Report	No comparable provision.	No comparable provision.	Sec. 11072 The President is required to review the report from the Congressional Bipartisan	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Sec. 11072 of the Senate Amendment</p>			<p>Food Safety Commission established by the Senate Amendment, and is required to submit to Congress proposed legislation based on the recommendations for statutory language contained in the Commission's report and proposed legislation.</p> <p>Congress may hold hearings and other activities for consideration of the statutory language from the Commission and the President.</p> <p>Contains a Sense of the Senate expressing: the need for additional resources and direction for the food safety agencies of the Federal Government; the need for additional food safety inspectors; the need for food safety agreements between the United States and its trading partners; the need for Congress to work on comprehensive food safety legislation.</p>	
<p>T11-79</p>	<p>Food Safety Improvement</p> <p>Sec. 11087 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>No comparable provision.</p>	<p>Sec. 11087</p> <p>Modifies the FMIA and PPIA to create a reporting requirement for establishments regulated by USDA-FSIS to provide information to the Secretary upon determining that a meat and/or poultry product it manufactured had entered the stream of commerce and was reasonably likely to cause serious adverse health events or death (the Class I recall standard).</p> <p>Reports are not required if products are</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>under the control of the establishment and corrective actions are taken to ensure that the product is no longer adulterated, or if the product never enters into the stream of commerce.</p> <p>Upon receipt of a report, the Secretary would be able to use existing authority to request additional information related to the incident, issue a public health alert, and work with the establishment to notify relevant members of the supply chain and pursue a corrective action plan. The language encourages USDA to coordinate such efforts with State and local public health officials.</p> <p>Requires all establishments regulated by USDA-FSIS to have in place a recall plan per USDA Directive 8080.1, Revision 4.</p> <p>Requires all beef establishments regulated by USDA-FSIS to have in place an <i>E. coli</i> reassessment as described in 67 Federal Register 62325 (October 7, 2002).</p> <p>Directs the Secretaries of Agriculture and HHS to promulgate sanitary food transportation regulations, as described in section 416(b) of the Federal Food, Drug, and Cosmetics Act.</p> <p>Directs USDA, HHS, and DOT to enter into a Memorandum of Understanding related to sanitary food transportation.</p>	
T11-80	Prohibition on use	No comparable provision.	Sec. 11316	No comparable provision.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>of Live animals for marketing of medical devices; fines under the animal welfare act</p> <p>Sec. 11316 of H.R. 2419</p>	<p>Sec. 19(b) of the Animal Welfare Act. Civil penalties for violations of this Act may not exceed \$2,500 for each violation.</p> <p>Sec. 25 of the Animal Welfare Act. Requires the Secretary to submit an annual report to Congress with respect to the identification of all research facilities and others licensed under section 3 of the Act; the nature and place of all investigations and inspections conducted by the Secretary; recommendations for legislation to improve the Act; recommendations and conclusions regarding transporting live animals by aircraft; and information and recommendations described in section 11 of the Horse Protection Act.</p>	<p>Amends the Animal Welfare Act to prohibit using a live animal to demonstrate a medical device or product for marketing purposes or to train a sales representative to use such product. The prohibition does not apply to the training of medical personnel for a purpose other than marketing.</p> <p>Amends the Animal Welfare Act to set a cap for violations at not more than \$10,000 for each violation. Specifies that each violation, each day that a violation continues, and each animal that is subject to each violation, shall be a separate offense.</p> <p>Amends the Animal Welfare Act to require that the report to Congress also identify all research facilities, intermediate handlers, carriers, and exhibitors registered under section 6 of the Act. Strikes the provision requiring information and recommendations related to the Horse Protection Act.</p>		

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-81	<p>Protection of Pets.</p> <p>Sec. 11317 of H.R. 2419, Sec. 11079 of the Senate Amendment</p>	<p>Sec. 7 of the Animal Welfare Act establishes it shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to humane standards established under this Act or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act.</p> <p>Sec. 2 of the Animal Welfare Act defines person to include any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.</p>	<p>Sec. 11317 This section amends the Animal Welfare Act by replacing section 7.</p> <p>The new section provides a definition for person to be used only in this section. Person includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.</p> <p>This section prohibits research facilities or Federal research facilities from using a cat or dog for educational or research purposes if it was obtained from a permissible source. Also, no person may donate, sell, or offer a dog or cat to any research facility or Federal research facility unless it came from a permissible source.</p> <p>A permissible source is defined to mean a dealer licensed under AWA; a publicly owned pound registered with the Secretary and in compliance with the protection of pet standards outlines in the Act and has obtained the cat or dog from a legal owner, other than a pound or shelter; or a person</p>	<p>Sec. 11079. Same as House</p> <p>Same as House</p> <p>Same as House</p> <p>Same as House</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 19(b) of the Animal Welfare Act establishes that any violation of the Act, or any rule, regulation, or standard promulgated by the Secretary thereunder, may be not more than \$2500. Each violation and each day during which the violation continues shall be a separate offense.</p> <p>No comparable provision.</p>	<p>that is donating the dog or cat that bred and raised it and owned it for not less than one year preceding donation; a research facility or Federal research facility licensed by the Secretary.</p> <p>In addition to existing penalties for violating the Animal Welfare Act this provision establishes an additional fine of \$1,000 for each violation of this section.</p> <p>Nothing in this section requires a pound or shelter to donate, sell, or offer a dog or cat to a research facility.</p> <p>No comparable provision.</p>	<p>Same as House</p> <p>Same as house</p> <p>The use of random source dogs and cats from class B dealers are to be phased out within five years after enactment of this act.</p>	
T11-82	<p>Sense of the Senate on the U.S. Department of Agriculture's Wildlife Services Competing Against Private Industry for Nuisance Bird Control Work</p> <p>Sec. 11085 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11085</p> <p>This section is a Sense of the Senate that USDA Wildlife Services should not compete nor condone competition with the private sector for business regarding the management of nuisance wildlife problems in urban areas where private sector services are available.</p> <p>Wildlife Services should inform cooperators of the availability of and their right to acquire services from private service providers prior to entering into any cooperative agreement for wildlife damage management activities.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>The Secretary of Agriculture should ensure that Wildlife Services does not aggressively compete with private pest management industry for European starling, house sparrow, and pigeon control work in urban areas where private sector services are available.</p> <p>The Secretary of Agriculture should rely on the scientific and widely excepted definitions to define the term urban rodent in order to clarify the express restrictions in law on Wildlife Services activities.</p> <p>Finally, the Secretary should direct Wildlife Service to work with private industry, through a Memorandum of Understanding, to delineate common areas of cooperation so that issue of competition are addresses, taking into account the interests of the wildlife resources and the need to manage damage caused by that resource.</p>	
T11-83	<p>Prohibitions on Dog Fighting Ventures</p> <p>Sec. 11076 of the Senate Amendment</p>	<p>Section 26 of the Animal Welfare Act prohibits and establishes penalties for animal fighting.</p> <p>Section 26(a)(1) of the AWA makes it unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, in any animal in the venture was moved in interstate or foreign commerce.</p> <p>Section 26(b) of the AWA makes it unlawful to sell, buy, transport, deliver, or</p>	No comparable provision.	<p>Sec. 11076. This section amends section 26 of the Animal Welfare Act to strengthen penalties for dog fighting.</p> <p>Section 26(a)(1) of the AWA is amended to make it is unlawful to knowingly sponsor or exhibit an animal in a dog fighting venture as defined later in this section.</p> <p>Section 26(b) of the AWA is amended to add it is illegal to knowingly sell, buy,</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>receive for the purpose of transportation, in interstate or foreign commerce, any dog or other animal for the purpose of having the animal participate in an animal fighting venture.</p> <p>Section 26(f) of the AWA allows only the federal government the ability to collect costs incurred for the care of animals seized and forfeited from the owner.</p> <p>Sec. 49 of title 18, United States Code, establishes the penalty for a violation of Sec. 26 of the AWA to be three years.</p>		<p>posses, train, transport, deliver or receive any dog, other animal or offspring of the dog or other animal for the purpose of having them participate in a dog fighting venture.</p> <p>Section 26(f) of the AWA is amended to allow costs incurred for the care of animals seized or forfeited under this section to be recoverable from the owner.</p> <p>Subsection (g) is amended to include a definition for a dog fighting venture to mean any event that involves a fight between at least two animals, one being a dog, which is conducted for purposes of sport, wagering, or entertainment. An exclusion for hunting is also added.</p> <p>Section 49 of title 18, United States Code, is also amended to increase the penalty for violations of section 26 of the Animal Welfare Act to not more than five years imprisonment.</p>	
T11-84	<p>Domestic Pet Turtle Market Access; Review, report, and action on the sale of Baby Turtles</p> <p>Sec. 11101, 11102, and 11103 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11101, 11102 and 11103</p> <p>This section requires the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to determine the prevalence of salmonella in each species of reptile and amphibian sold legally in the United States to determine whether or not the prevalence of salmonella in these animals is not more than 10 percent less than the percentage of salmonella in pet turtles.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>If the prevalence is not more than 10 percent less than the percentage of salmonella in pet turtles the Secretary of Agriculture shall conduct a study of how pet turtles can be sold safely as pets in the United States. In conducting the study the Secretary shall consult with all relevant stakeholders.</p> <p>If the prevalence of salmonella in other amphibians and reptiles is greater than that of salmonella in pet turtles the Secretary shall prohibit the sale of those amphibians and reptiles.</p>	
T11-85	<p>Importation of Live Dogs</p> <p>Sec. 3205 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 3205 Adds a new section to the Animal Welfare Act (7 U.S.C. 2147) to restrict the importation of certain dogs for resale.</p> <p>This provision defines “importer” as any person who, for purposes of resale, transports into the United States puppies from a foreign country.</p> <p>Resale is defined to mean any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.</p> <p>No dogs shall be imported into the United States for purposes of resale unless the Secretary of Agriculture determines the dog is in good health; has received all necessary vaccinations; and is at least 6 months of age, if imported for resale.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>Exemptions are provided for dogs imported for research purposes or veterinary treatment.</p> <p>The Secretaries of Agriculture, Health and Human Services, Commerce, and Homeland Security will promulgate regulations necessary to implement this section.</p> <p>Failure to comply by an importer will result in the importer being subject to fines under Section 19 of the Animal Welfare Act and providing for the care, forfeiture, and adoption of each applicable dog at the expense of the importer.</p>	
Subtitle C of the House Bill - Socially Disadvantaged Producers and Limited Resource Producers					
T11-86	<p>Outreach and Technical Assistance for Socially Disadvantaged Farmers and Ranchers and Limited Resource Farmers and Ranchers.</p> <p>Sec. 11201 of H.R. 2419, Sec. 11052 of the Senate Amendment</p>	<p>Sec.2501(a)(1) of the Food, Agriculture, Conservation, and Trade Act (FACT Act) authorizes the Secretary to carry out an outreach and technical assistance program to assist socially disadvantaged farmers and ranchers in: owning and operating farms and ranches; and in participating equitably in the full range of agricultural programs offered by USDA.</p> <p>Sec.2501(a)(2) of the FACT Act mandates that the outreach and technical assistance program is to:</p> <p>(1) enhance coordination of the outreach, technical assistance, and education efforts authorized under various USDA programs, and include information on, and assistance with—</p>	<p>SEC.11201.</p> <p>Amends section 2501 of the Food, Agriculture, Conservation, and Trade Act (FACT Act) to specify that the 2501 technical and outreach assistance program is to be used to enhance the coordination, outreach, technical assistance, and education efforts authorized under USDA programs.</p> <p>Sec. 11201(1)(A): The 2501 technical and outreach assistance program is to assist the Secretary in: 1) reaching socially disadvantaged and limited resource farmers and ranchers, and prospective socially disadvantaged and limited resource farmers and ranchers; and 2) improving the participation of socially</p>	<p>Sec.11052</p> <p>Amends section 2501 of the Food, Agriculture, Conservation, and Trade Act (FACT Act) to specify that the 2501 technical and outreach assistance program is to be used to enhance the coordination, outreach, technical assistance, and education efforts authorized under USDA programs.</p> <p>The 2501 technical and outreach assistance program is to assist the Secretary in:</p> <p>(A) reaching socially disadvantaged farmers and ranchers and prospective socially disadvantaged farmers and ranchers.</p> <p>(B) improving the participation of those</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>(1) commodity, conservation, credit, rural, and business development programs;</p> <p>(2) application and bidding procedures; (3) farm and risk management;</p> <p>(4) marketing; and</p> <p>(5) other activities essential to participating in agricultural and other USDA programs.</p> <p>Sec.2501(a)(3) of the FACT Act authorizes the Secretary to make grants to, and enter into contracts and agreements with, an eligible entity to provide information and technical assistance for socially disadvantaged farmers and ranchers.</p> <p>Sec.2501(a)(4) of the FACT Act authorizes an appropriation of \$25 million for each of the fiscal years 2002 through 2007.</p> <p>Sec.2501(e)(5)(A)(ii) defines the term “eligible entity” to mean a community-based organization that:</p> <p style="padding-left: 40px;">(A) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers;</p> <p>(ii) has provided to the Secretary documentary evidence of work with socially disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance; and</p> <p>(iii) does not engage in activities</p>	<p>disadvantaged and limited resource farmers and ranchers in USDA.</p> <p>Sec. 11201(1)(B): Authorizes agencies within USDA to make grants and enter into contracts and cooperative agreements with a community-based organization in order to utilize the community-based organization to provide outreach and technical assistance.</p> <p>Requires the Secretary to submit to the House and Senate Agriculture Committees an annual report that includes the following: the recipients of funds made available under the 2501 outreach and technical assistance program; the activities undertaken and services provided; the number of producers served and the outcomes of such service; and the problems and barriers identified by entities in trying to increase participation by socially disadvantaged farmers and ranchers.</p> <p>Sec. 11201(1)(C): Mandates CCC funding in the amount of \$15 million for each of the fiscal years 2008 through 2012. No more than 5 percent of the funds made available in each fiscal year are to be used for administrative expenses related to administering the 2501 outreach and technical assistance program.</p> <p>Sec. 11201(2): Eligible entities are defined as any community-based organization, network, coalition of</p>	<p>farmers and ranchers in USDA programs.</p> <p>See Sec. 11053</p> <p>The Secretary is required to submit and make publicly available a report that describes;</p> <p>(A) the accomplishments of the 2501 program, and</p> <p>(B) any gaps or problems in program service delivery, as reported by program grantees.</p> <p>Appropriations of up to \$50,000,000 annually are authorized for fiscal years 2008-2012. . No more than 5 percent of the funds made available in each fiscal year are to be used for administrative expenses related to administering the 2501 outreach and technical assistance program.</p> <p>Changes eligibility guidelines for potential grantees by extending from 2 to 3 years the period of time for which documentary</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>prohibited under the tax code concerning religious, scientific, or charitable organizations.</p>	<p>community based organization that:</p> <ul style="list-style-type: none"> (i) has demonstrated experience in providing agricultural education or other agriculturally related services to and on behalf of socially disadvantaged farmers and ranchers; (ii) has provided to the Secretary documentary evidence of work with socially disadvantaged farmers and ranchers during the 3-year period preceding the submission of an application for assistance; and (iii) does not engage in activities prohibited under the tax code concerning religious, scientific, or charitable organizations 	<p>evidence of work with socially-disadvantaged farmers must be provided.</p> <p>The Secretary is authorized to provide for the renewal of a grant, contract, or other agreement under this section to an entity that;</p> <ul style="list-style-type: none"> (A) has previously received 2501 funding; (B) has demonstrated an ability to reach socially disadvantaged farmers and increase the participation of such farmers in USDA program; and (C) demonstrates to the satisfaction of the Secretary that an entity will continue to fulfill the purposes of the 2501 Program. <p>This section requires the Secretary to promulgate regulations establishing criteria for grants under this program.</p> <p>This section requires the Secretary, following consultation with entities eligible for the 2501 program to co-locate the 2501 Program and the Office of</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				Outreach within 18 months of enactment.	
T11-87	<p>Improved Program Delivery By Department of Agriculture on Indian Reservations.</p> <p>Sec. 11202 of H.R. 2419, Sec. 11054 of the Senate Amendment</p>	<p>Sec.2501(g)(1) of the FACT authorizes the Secretary to require the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Farmers Home Administration offices, and any such offices and functions that the Secretary chooses to include, to establish a consolidated suboffice at tribal headquarters on reservations and to staff the suboffice as needed, using existing staff, but no less than one day a week, or under another arrangement agreed to by the tribe and the Department offices.</p> <p>The tribe is required to provide the necessary office space, should it wish to participate in the program.</p>	<p>SEC.11202. Amends section 2501(g) of the FACT Act by authorizing the Secretary to require the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Farmers Home Administration offices, and any such offices and functions that the Secretary chooses to include, establish a consolidated suboffice at tribal headquarters on reservations, where there is a demonstrated need.</p>	<p>Section 11054 Same as House bill, with technical differences.</p>	
T11-88	<p>Transparency and Accountability for Socially Disadvantaged Farmers and Ranchers.</p> <p>Sec. 11203 of H.R. 2419, Sec. 11056 of the Senate Amendment</p>	<p>Sec.2501A(c)(1) of the FACT Act mandates that the Secretary is to annually compute the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each USDA program established for farmers and ranchers.</p> <p>In reporting the participation rate for socially disadvantaged farmers and ranchers, the Secretary is required to report their participation rate according to race, ethnicity, and gender.</p>	<p>SEC.11203. Amends section 2501A of the FACT Act by requiring the Secretary to annually compile, for each county and State in the United States, program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each USDA program that serves agricultural producers and landowners: (A) raw numbers of applicants and participants by race, ethnicity, and gender; and (B) the application and participation rate by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.</p>	<p>Sec.11056. Amends section 2501A of the FACT Act by requiring the Secretary to annually compile, for each county and State in the United States, program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each USDA program that serves agricultural producers and landowners: (A) raw numbers of applicants and participants by race, ethnicity, and gender; and (B) the application and participation rate by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>The Secretary, using the technologies and systems of the National Agricultural Statistics Service, is authorized to compile and present application and participation rate data regarding socially disadvantaged farmers and ranchers in a manner that includes the raw numbers and participation rates for: the entire United States; each State; and, each county in each State. The Secretary is required to make the data (i.e., report) available to the public, via a website and otherwise in electronic and paper form.</p>	<p>The Secretary, using the technologies and systems of the National Agricultural Statistics Service, is authorized to compile and present application and participation rate data regarding socially disadvantaged farmers and ranchers in a manner that includes the raw numbers and participation rates for: the entire United States; each State; and, each county in each State.</p>	
T11-89	<p>Beginning Farmer and Rancher Development Program.</p> <p>Sec. 11204 of H.R. 2419, Sec. 7309 of the Senate Amendment</p>	<p>Sec.7405 of the Farm Security and Rural Investment Act establishes the Beginning Farmer and Rancher Development Program, which provides training, education, outreach and technical assistance initiatives for beginning farmers and ranchers.</p> <p>Eligible participants may receive a grant for no more than three years. Eligible entities shall provide a match of 25 percent of the grant amount in the form of cash or in-kind contribution.</p> <p>Sec.7405(h) of the Farm Security and Rural Investment Act authorizes an appropriation of such sums as necessary</p>	<p>SEC.11204. No program changes.</p> <p>Provides that mandatory funding in the amount of \$15 million is to be provided for each of the fiscal years 2008 through</p>	<p>Sec. 7309 Incorporates energy conservation efficiency and transition to organic farming into the programs and services eligible to receive competitive grants under this program.</p> <p>Limits grants under this program to \$250,000.</p> <p>Adds a set of evaluation criteria the Secretary shall consider when awarding grants under this program. The Secretary is also required to ensure, to the maximum extent practicable, geographic diversity of grantees under this program.</p> <p>Organizations that work with refugee or immigrant beginning farmers or ranchers are added to be eligible to receive grants.</p> <p>Authorizes \$30,000,000 in annual appropriations for the BFRDP.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		for each of the fiscal years 2002 through 2007.	2012 to carry out the program.		
T11-90	<p>Provision of Receipt for Service or Denial of Service.</p> <p>Sec. 11205 of H.R. 2419, Sec. 11057 of the Senate Amendment</p>	No comparable provision.	<p>SEC.11205.</p> <p>Authorizes the Secretary to provide a receipt for service to a producer or landowner, or prospective producer or landowner, in any case where the producer or landowner, or prospective producer or landowner, requests any benefit or service offered by USDA to agricultural producers or landowners.</p> <p>The receipt for service is to be issued on the date the request is made and must contain the date, place, and subject of the request, as well as the action taken, not taken, or recommendations made in response to the request.</p>	<p>Sec.11057.</p> <p>Senate version differs from the House version in that it:</p> <ol style="list-style-type: none"> 1) Specifies that Farm Service Agency and Natural Resources Conservation Services are the agencies subject to this provision. 2) Requires the receipt upon request <p>Section 11057 amends Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279-1)(as amended by section 11056).</p> <p>This section requires the Secretary of Agriculture to issue to farmers and ranchers seeking a benefit or service offered by the Farm Service Agency or the Natural Resources Conservation Services of USDA, a receipt upon request that contains the date, place, and subject of the request as well as the action taken, not taken, or recommended to the farmer or rancher.</p>	
T11-91	<p>Tracking of Socially Disadvantaged Farmers and Ranchers and Limited Resource Farmers and Ranchers in Census of Agriculture and Certain Studies.</p>	No comparable provision.	<p>SEC.11206.</p> <p>The Secretary is required to ensure, to the maximum extent possible, that the Census of Agriculture accurately documents the number, location, and economic contributions of socially disadvantaged and limited resource farmers and ranchers.</p>	<p>Section 11055</p> <p>Amends Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279).</p> <p>The Secretary is required to ensure, to the maximum extent possible, that the Census of Agriculture accurately documents the number, location, and economic</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Sec. 11206 of H.R. 2419, Sec. 11055 of the Senate Amendment</p>			<p>contributions of socially disadvantaged and limited resource farmers and ranchers</p>	
<p>T11-92</p>	<p>Farmworker Coordinator.</p> <p>Sec. 11207 of H.R. 2419, Sec. 11059 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>SEC.11207. The Secretary is authorized to establish the position of Farmworker Coordinator, to be located in USDA's Office of Outreach.</p> <p>The Farmworker Coordinator is to have a number of duties, including: serving as a liaison to community-based, non-profit organizations that represent low-income migrant and seasonal farmworkers; coordinating with USDA and State and local governments to assure that farmworker needs are met during declared disasters and emergencies; and assuring that farmworkers have access to services and support that will assist them in entering agriculture as producers.</p> <p>An appropriation of such sums as necessary is authorized for fiscal years 2008 through 2012.</p>	<p>Section 11059 Same as the House, with technical differences. Senate provision amends Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)).</p>	
<p>T11-93</p>	<p>Office of Outreach Relocation.</p> <p>Sec. 11208 of H.R. 2419</p>	<p>No comparable provision.</p>	<p>SEC.11208. The Secretary is authorized to develop a proposal to relocate USDA's Office of Outreach.</p> <p>The Office of Outreach is to be responsible for the 2501 outreach and technical assistance program and the beginning farmer and rancher development program.</p>	<p>No comparable provision</p>	
<p>T11-94</p>	<p>Minority Farmer</p>	<p>No comparable provision.</p>	<p>SEC.11209.</p>	<p>No comparable provision</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Advisory Committee.</p> <p>Sec. 11209 of H.R. 2419</p>		<p>The Secretary is authorized to establish a minority advisory committee, to be overseen by USDA’s Office of Outreach.</p> <p>The committee is to have a number of duties, including: reviewing civil rights cases to ensure that they are processed in a timely manner; reporting quarterly to the Secretary on civil rights enforcement and outreach; recommending to the Secretary corrective actions to prevent civil rights violations; and reviewing the operations of the 2501 outreach and technical assistance program.</p> <p>The Committee is to be composed of the following:</p> <p>(A) 3 members appointed by the Secretary;</p> <p>(B) 2 members appointed by the chairman of the Committee on Agriculture, Nutrition, and Forestry, of the Senate—in consultation with the ranking member;</p> <p>(C) 2 members appointed by the chairman of the House Agriculture Committee—in consultation with the Ranking member;</p> <p>(D) a civil rights professional;</p> <p>(E) a socially disadvantaged farmer or rancher; and</p> <p>(F) such other persons or professionals that the Secretary determines to be appropriate.</p>		
T11-95	<p>Coordinator For Chronically Underserved Rural Areas.</p> <p>Sec. 11210 of H.R.</p>	No comparable provision.	<p>SEC.11210.</p> <p>The Secretary is authorized to establish a Coordinator for Chronically Underserved Rural Areas, to be located in USDA’s Office of Outreach.</p>	No comparable provision	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	2419		<p>The mission of the Coordinator is to direct USDA's resources to high need, high poverty rural areas.</p> <p>The Coordinator's duties are to include consulting with other USDA offices in directing technical assistance, strategic planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.</p> <p>An appropriation of such sums as necessary is authorized for each of the fiscal years 2008 through 2012.</p>		
T11-96	Foreclosure Sec.11051 of the Senate Amendment	Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) establishes the mechanism for the Secretary to determine interest rates, financing, security and repayment for borrowers of USDA loans.	No comparable provision	<p>Currently there is a USDA guidance that prohibits loan foreclosures when there is a pending claim of racial discrimination against the Department. This provision amends Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) to put into law what is already in place in a guidance at USDA.</p> <p>Subsection (a) <u>Moratorium</u>. This section mandates a moratorium on all loan acceleration and foreclosure proceedings where there is a related pending claim of discrimination against the Department related to a loan acceleration or foreclosure. This section also waives any interest and offsets that might accrue on all loans under this subtitle for which loan and foreclosure proceedings have been instituted for the period of the moratorium. If a farmer or rancher does not prevail on</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>his claim of discrimination, then the farmer or rancher will be liable for any interests and offsets that accrued during the period that the loan was in abeyance. The moratorium will terminate on either the date the Secretary resolves the discrimination claim or the court renders a final decision on the claim, whichever is earlier.</p> <p>Subsection (b) <u>Report</u>. This section requires the Inspector General of USDA to determine whether loan foreclosure proceedings of socially disadvantaged farmers have been implemented according to applicable laws and regulations. The Inspector General shall submit a report of its determination to the Senate and House Committees on Agriculture not later than a year after this legislation's enactment</p>	
T11-97	<p>Additional Contracting Authority</p> <p>Sec. 11053 of the Senate Amendment</p>	<p>Sec. 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 establishes an outreach and technical assistance program to encourage and assist social disadvantaged farmers and ranchers in owning and operating farms and ranches and in participating in USDA agricultural programs.</p>	<p>See Section 11201</p>	<p>Sec. 11053 amends Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)).</p> <p>This section clarifies that the agencies and programs of the Department of Agriculture are authorized to enter into contracts and cooperative agreements with community-based organizations to provide service to socially-disadvantaged farmers and ranchers, clarifies that the Secretary is not required to require matching funds for such agreements, and allows federal agencies to contribute to grants or cooperative agreements made under the 2501 Program as the agency determines that contributing funds for such purpose</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				will further the authorized programs of the contributing agency.	
T11-98	<p>Emergency grants to assist low-income migrant and seasonal farmworkers.</p> <p>Sec. 11061 of the Senate Amendment</p>	Section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a) authorizes the Secretary of Agriculture to make grants to public agencies or certain private organizations that have experience in providing emergency services to low-income migrant and season farmworkers. The Secretary is authorized to define what types of assistance may be permitted.	No comparable provision.	<p>Sec.11061. Section 11061 amends Section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a).</p> <p>This section requires the Secretary to maintain a disaster fund of \$2,000,000, and authorizes discretionary funding to maintain it. This section further requires that public or private entities eligible to receive funding under this section must have at least five years demonstrated experience in representing and providing emergency services to low-income migrant or seasonal farmworkers. Types of allowable assistance are specified, in addition to such other priorities that the Secretary determines to be appropriate.</p>	
T11-99	<p>National Appeals Divison</p> <p>Sec. 11058 of the Senate Amendment</p>	Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) requires the head of an agency to implement a final determination of the National Appeals Division not later than 30 days after the effective date of the notice of the final determination.	No comparable provision	<p>Section 11058 amends Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000).</p> <p>This section establishes a reporting requirement that states the head of each agency shall report to the House and Senate Agriculture Committees, and post on their website information that includes a description of all cases returned to the agency by the National Appeals Division, the status of implementation of each final determination and if the final determination has not been implemented then the reason and the projected date of implementation. The reporting</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				requirement to Congress should be every 180 days and the website should be updated not less than monthly.	
T11-100	Oversight and Compliance Sec. 11064 of the Senate Amendment	No comparable provision.	No comparable provision	Sec.11064. This section requires the Secretary of Agriculture to use the reports required under section 2501 of the FACT Act in the conduct of program oversight regarding the participation of socially disadvantaged farmers in USDA programs as well as in the evaluation of civil rights performance.	
T11-101	Report of civil rights complaints, resolutions, and actions. Sec. 11065 of the Senate Amendment	No comparable provision.	No comparable provision	Sec.11065 This section requires the Secretary of Agriculture to issue an annual report on program and employment civil rights complaints, including the number of complaints filed, the length of time required to process complaints, the number of complaints resolved with a finding of discrimination, and the personnel actions taken by the agency following resolution of civil rights complaints.	
T11-102	Grants to improve supply, stability, safety, and training of agricultural labor force Sec. 11066 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11066 This provision directs the Secretary to make grants to nonprofit organizations to assist agricultural employers and farmworkers with services that help improve the quality of the agricultural labor force through job training, short-term housing, workplace literacy and ESL training, and health and safety instruction, among other purposes. Discretionary funding is authorized to carry out this	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
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				section.	
T11-103	<p>Office of Small Farms and Beginning Farmers and Ranchers</p> <p>Sec. 11088 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11088. This section establishes an office at USDA to be known as the Office of Small Farms and Beginning Farmers and Ranchers.</p> <p>Section (b) outlines the purposes of the office including enduring coordination across all agencies; ensure small, beginning, and socially disadvantaged farmers and ranchers access to all USDA programs; ensure the number and economic contributions of small, limited resource, beginning and socially disadvantaged farmers and ranchers are accurately reflected in the Census of Agriculture; and to assess and enhance the effectiveness of outreach programs at the department.</p> <p>Subsection (c) establishes the office should be headed by a director.</p> <p>Subsection (d) outlines the duties of the office including to establish cross cutting and strategic departmental goals and objectives for small, beginning, and socially disadvantaged farmer and rancher programs.</p> <p>Subsection (e) requires the office to maintain a website to share information with interested producers and to collect and respond to comments from small and beginning farmers and ranchers.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>Subsection (f) requires the Secretary to provide the office human and capital resources sufficient to allow the office to carry out its duties using funds made available to the Secretary through appropriations acts.</p> <p>Subsection (g) requires and annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry in the Senate.</p>	
Subtitle D of the House Bill – Other Miscellaneous Provisions					
T11-104	<p>Designation of Separate Cotton-Producing States Under Cotton Research and Promotion Act.</p> <p>Sec. 11301 of H.R. 2419, Sec. 1713 of the Senate Amendment</p>	<p>Sec. 17(f) of the Cotton Research and Promotion Act. Defines “cotton-producing State” as any State during the period of 1960-1964 that had annual cotton production of twenty thousand bales or more. However, any States that produced cotton during that period in an amount less than twenty thousand bales was combined with another State or States to create a combination that produced more than twenty thousand bales. Such a combination of States is a “cotton-producing State”.</p>	<p>Sec. 11301 Amends the definition of “cotton-producing State” in the Cotton Research and Promotion Act to include Kansas, Virginia, and Florida as each being considered separate cotton producing States under the Act, beginning with the 2008 crop of cotton.</p>	<p>Sec. 1713. Designates Kansas, Virginia, and Florida as cotton-producing states effective beginning with the 2008 crop of cotton for purposes of the Cotton Research and Promotion Act.</p>	
T11-105	<p>Cotton Classification Services.</p> <p>Sec. 11302 of H.R. 2419, Sec. 1712 of the Senate Amendment</p>	<p>Sec. 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”). Current authority for cotton classification services (including authority to assess fees) expired at the end of fiscal year 2007.</p> <p>No comparable provision.</p>	<p>Sec. 11302 Extends the authority of the Secretary to make cotton classification services available to producers of cotton and to collect classification fees from participating producers through FY 2012</p> <p>Authorizes the Secretary to enter into long-term lease agreements that exceed five years or take title to property in order to obtain offices used for the classification</p>	<p>Sec. 1712. Authorizes cotton classing services without any fiscal year restrictions.</p> <p>Same as House with technical differences</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			of cotton.	<p>Requires the Secretary to consult with the cotton industry in establishing the fees. Ensures that the Federal Advisory Committee Act requirements do not apply to consultations with the US Cotton industry.</p> <p>Provides greater discretion to the Secretary in establishing the fees.</p>	
T11-106	<p>Availability of Excess and Surplus Computers in Rural Areas.</p> <p>Sec. 11303 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11303 Provides that the Secretary may make surplus USDA computers or technical equipment available to any city or town in a rural area.</p>	No comparable provision	
T11-107	<p>Permanent Debarment from Participation in Department of Agriculture Programs for Fraud.</p> <p>Sec. 11304 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11304 Authorizes the Secretary to permanently debar an individual or entity convicted of knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in such programs.</p>	No comparable provision	
T11-108	<p>No Discrimination Against Use of Registered Pesticide Products or Classes of Pesticide Products.</p> <p>Sec. 11305 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11305 Prohibits the Secretary from discriminating against the use of specified registered pesticide products or classes of pesticide products in establishing priorities and evaluation criteria for approval of plants, contracts and agreements under the Conservation Title of this Act.</p>	No comparable provision	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-109	<p>Prohibition on Closure or Relocation of County Offices for the Farm Service Agency, Rural Development Agency, and Natural Resources Conservation Service.</p> <p>Sec. 11306 of H.R. 2419, Sec. 11071 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>Sec. 11306 Prohibits the Secretary from closing or relocating a county or field office of the Farm Service Agency, Rural Development Agency, or Natural Resources Conservation Service for one year following the date of enactment of this Act.</p>	<p>Sec. 11071 Subsection (a) defines “critical access county FSA office” as an office of the Farm Service Agency proposed to be closed during the period beginning on November 10, 2005 and ending on December 31, 2007; proposed to be closed with the closing delayed until after January 1, 2008; or included on a list of critical access county FSA offices. FSA offices that are located not more than 20 miles from another FSA office or that employ no full-time equivalent employees are excepted from the definition of critical access county FSA office. Subsection (b) prohibits the Secretary from using any funds to pay the salaries or expenses of any USDA officer or employee to close any critical access county FSA office during the period from the date of enactment through September 30, 2012. The Secretary is required to maintain a staff of not less than 3 full-time equivalent employees in each critical access county FSA office although the staff may be located in any other county office of the FSA in that State. However, a critical access county FSA office must have at least 1 full-time equivalent employee. Subsection (c) allows the Secretary to close a critical access county FSA office only on concurrence by Congress and the applicable State Farm Service Agency committee.</p>	
T11-110	<p>Regulation of</p>		<p>Sec. 11307</p>	<p>No comparable provision.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	<p>Exports of Plants, Plant Products, Biological Control Organisms, and Noxious Weeds.</p> <p>Sec. 11307 of H.R. 2419</p>	No comparable provision.	Amends the Agricultural Risk Protection Act of 2000 to require the Secretary to coordinate fruit and vegetable market analyses with the private sector and Foreign Agricultural Service. Further requires the Secretary to list on an Internet website the status of export petitions, an explanation of associated sanitary or phytosanitary issues, and information on the import requirements of foreign countries for fruits and vegetables.		
T11-111	<p>Grants to Reduce Production of Methamphetamines from Anhydrous Ammonia.</p> <p>Sec. 11308 of H.R. 2419, Sec. 11062 of the Senate Amendment</p>	No comparable provision.	<p>Sec. 11308 Authorizes the Secretary to make grants to eligible entities to enable such entities to obtain and add to an anhydrous ammonia fertilizer nurse tank a substance that will reduce the amount of methamphetamine that can be produced from such tank. Provides that the grant amount be between \$40 and \$60, multiplied by the number of nurse tanks for each eligible entity.</p> <p>Authorizes appropriations of not more than \$15 million for each of fiscal years 2008 through 2012.</p>	<p>Sec. 11062 Same as House, except provides that a grant can be used either for a physical lock or a chemical substance.</p>	
T11-112	<p>USDA Graduate School.</p> <p>Sec. 11309 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11309 Amends the Federal Agriculture Improvement and Reform Act of 1996 to prohibit the Department of Agriculture from establishing, maintaining, or operating a non-appropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees and other entities,</p>	No comparable provision.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-113	<p>Prevention and Investigation of Payment and Fraud and Error.</p> <p>Sec. 11310 of H.R. 2419, Sec. 11068 of the Senate Amendment</p>	<p>Sec. 1113(k) of the Right to Financial Privacy Act of 1978. Authorizes a financial institution to disclose the name and address of any customer to the Department of the Treasury, the Social Security Administration, or the Railroad Retirement Board, when such disclosure is necessary, and used solely, for the administration of section 1441 of title 26, title II of the Social Security Act (42 U.S.C. 401, et seq.), or the Railroad Retirement Act of 1974 (45 U.S.C. 231, et seq.).</p>	<p>effective October 1, 2008.</p> <p>Sec. 11310 Amends the Right to Financial Privacy Act of 1978 to allow financial institutions to disclose an individual's financial records to any Government entity that certifies, disburses or collects payments, when such disclosure is necessary for the proper administration of programs. Expands the permitted use of the disclosed financial information to include the verification of the identity of any person in connection with Federal payment or collection of funds, or the investigation or recovery of improper Federal payments, improperly collected funds, or an improperly negotiated Treasury check.</p>	<p>Sec. 11068 Same as House version except:</p> <ol style="list-style-type: none"> 1) The provision does not change paragraph (k)(1) of the existing exception in the Right to Financial Privacy Act of 1978, which allows disclosure of the name and address of any financial institution customer if the disclosure is necessary for the proper administration of section 1441 of Title 26, title II of the Social Security Act, or the Railroad Retirement Act. 2) New paragraph (2) allows disclosure of a customer's financial records, rather than just a customer's name and address as permitted under paragraph (1), to reflect the fact that electronic payments are not directed to customers by means of a name and address, in contrast to paper checks. 3) Information may be disclosed under the new paragraph (2)(A) not only to the extent that the information is necessary to verify the identity of any person making or receiving a Federal payment, but also to verify the proper routing and delivery of funds. 4) New paragraph (3) applies to a 	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				request authorized by paragraph (k)(1) or (2). Similar to the House version, the provision does not allow for the disclosure by a financial institution of the customer's financial records in their entirety, but only the information contained in the records that are relevant to the purpose of the request.	
T11-114	<p>Sense of Congress Regarding Food Deserts, Geographically Isolated Neighborhoods and Communities with Limited or No Access to Major Chain Grocery Stores.</p> <p>Sec. 11311 of H.R. 2419, Sec. 7504 of the Senate Amendment</p>	No comparable provision.	<p>Sec. 11311 Expresses the sense of Congress that the Secretary of Agriculture, in conjunction with the National Institutes of Health, Centers for Disease Control and Prevention, Institute of Medicine, and faith-based organizations, should assess "food deserts" in the United States (geographically isolated neighborhoods and communities with limited or no access to major-chain grocery stores), and develop recommendations for eliminating them.</p>	<p>Sec. 7504 Requires the Secretary to study and report on areas in the United States with limited access to affordable and nutritious food, with a focus on predominantly lower-income neighborhoods and communities.</p>	
T11-115	<p>Pigford Claims.</p> <p>Sec. 11312 of H.R. 2419, Sec. 5402 of the Senate Amendment</p>	No comparable provision.	<p>Sec. 11312 Provides that Pigford claimants who have not had their cases determined on the merits may, in a civil action, obtain such a determination.</p> <p>Payments or debt relief are to be exclusively made from mandatory funds provided to carry out this section. The total amount of payments and debt relief</p>	<p>Section 5402 Same as the House except:</p> <ol style="list-style-type: none"> 1) Subsection (a)(1) requires all claimants to file in United States District Court for the District of Columbia. 2) Subsection (a)(2) connects the definition of "substantial evidence to the one used in the original consent decree. 	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>are prohibited from exceeding \$100 million; additionally, payments and debt relief provided under this section are not to be made from [name of this fund].</p> <p>The intent on Congress is to have this section liberally construed.</p> <p>Not later than 60 days after the Secretary receives notice that a Pigford claimant desires to have a determination made on the merits of a claim, the Secretary is to provide the claimant with a report on farm credit loans made within the claimant's county, or adjacent county, by USDA for a period beginning on Jan. 1 of the year or years covered by the complaint and ending on Dec. 31 of the following year or years.</p> <p>The report is to contain information on all person whose loans were accepted, including: (a) the race of the applicant; (b) the date of the application; (c) the date of the loan decision; (d) the location of the office making the loan decision; and (e) all data relevant to the process of deciding the loan.</p> <p>The reports provided by USDA are not to contain identifying information regarding the person that applied for a USDA loan. Claimants who allege discrimination in the application for, or making or servicing of, a farm loan are permitted to seek liquidated damages of \$50,000, or a discharge of the debt that was incurred</p>	<p>3) Authorizes appropriate funds as necessary beyond the \$100 million in mandatory funding.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>under, or affected by, the alleged discrimination that is the subject of the complaint, and a tax payment in an amount of the liquidated damages and loan principal discharged only if:</p> <p>(1) the claimant is able to prove his or her case by substantial evidence; and</p> <p>(2) the court decides the case based on documents, submitted by the claimant, that are relevant to the issue of liability and damages.</p> <p>The Secretary is prohibited from beginning acceleration on or foreclosure of a loan if the borrower is a Pigford claimant and, during an administrative proceeding, the claimant makes a prima facie case that the foreclosure is related to a Pigford claim.</p> <p>A “Pigford claimant” is defined as an individual who previously submitted a late-filing request under section 5(f) of the Pigford consent decree, in the case of <i>Pigford v. Glickman</i>, approved by the U.S. District Court for DC on April 14, 1999.</p> <p>A “Pigford claim” is defined as a discrimination complaint, as defined by section 1(h) of the Pigford consent decree and documented under section 5(b) of the decree.</p> <p>Mandatory funding of \$100 million is to be made for fiscal year 2008. The funding is to remain available until it has been expended for payments and debt relief in</p>		

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			satisfaction of claims against the U.S, with respect to a Pigford claimants who have their claims determined on the merits, and for any actions made related to the prohibition regarding foreclosures related to Pigford claims.		
T11-116	<p>Sense of Congress relating to claims brought by socially disadvantaged farmers or ranchers</p> <p>Section 5403 of the Senate Amendment</p>	No comparable provision	No comparable provision	<p>Section 5403</p> <p>A sense of Congress that the Secretary should resolve all claims and class actions brought against the United States Department of Agriculture by socially disadvantaged farmers or ranchers including Native Americans, Hispanics, and female farmers regarding discrimination in farm loan program participation.</p>	
T11-117	<p>Comptroller General Study of Wastewater Infrastructure Near United States-Mexico Border.</p> <p>Sec. 11313 of H.R. 2419</p>	No comparable provision.	<p>Sec. 11313</p> <p>Mandates that the Comptroller General study wastewater infrastructure in rural communities within 150 miles of the United States-Mexico border to determine how the Government can assist these communities in updating the wastewater infrastructure.</p>	No comparable provision	
T11-118	<p>Elimination of Statute of Limitations Applicable to Collection of Debt by Administrative Offset.</p> <p>Sec. 11314 of H.R. 2419, Sec. 11069 of the Senate</p>	<p>Sec. 3716(e) of title 31, United States Code. Exempts claims under 31 U.S.C. 3711(a) from being collected under this subchapter, if the claim has been outstanding for more than ten years.</p>	<p>Sec. 11314</p> <p>Amends 31 U.S.C. 3716(e) to eliminate the statute of limitations within which a government agency can initiate the collection of an outstanding claim by administrative offset.</p>	<p>Sec. 11069</p> <p>Same as House</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Amendment				
T11-119	Pollinator Protection. Sec. 11315 of H.R. 2419		<p>Sec. 11315 The section is the Pollinator Protection Act of 2007. States Congress' findings regarding the importance of bee pollination to agriculture and the concerns related to colony collapse disorder in the bee population.</p> <p>Authorizes appropriations, as follows:</p> <ul style="list-style-type: none"> • For the Agricultural Research Service at USDA – \$3 million for each of fiscal years 2008 through 2012 for new personnel, facilities improvement, and additional research at the USDA Bee Research Laboratories; \$2.5 million for each of fiscal years 2008 and 2009 for research on honey and native bee physiology, and other research; and \$1.75 million for each of fiscal years 2008 through 2010 for an area-wide research program to identify causes and solutions for colony collapse disorder. • For the Cooperative State Research, Education, and Extension Service – \$10 million to fund grants to investigate honey bee biology, immunology, ecology, genomics, bioinformatics, crop pollination and habitat conservation, the effects of insecticides, herbicides and fungicides, and other research. • For the Animal and Plant Health 	No comparable provision.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>Inspection Service – \$2.25 million for each of fiscal years 2008 through 2012 to conduct a honey bee pest and pathogen surveillance program.</p> <p>Requires the Secretary to submit a report to Congress on the status and progress of bee research projects.</p> <p>Amends the Food Security Act of 1985 to require the Secretary, when carrying out a conservation program other than the farmland protection program, to establish a priority and provide incentives for increasing habitat for pollinators and to establish practices to protect native and managed pollinators.</p>		
T11-120	<p>Oversight of National Aquatic Animal Health Plan</p> <p>Sec. 11086 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11086</p> <p>Establishes a General advisory Committee for Oversight of National Aquatic Animal Health (composed of not more than 20 members)</p> <p>The advisory committee is to make recommendations to the Secretary on:</p> <ul style="list-style-type: none"> • the establishment and membership of appropriate experts to efficiently implement the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force • disease and species-specific best management practices related to activities carried out under the national aquatic animal health plan developed by the National Aquatic 	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>Animal Health Task Force</p> <ul style="list-style-type: none"> • the establishment and administration of an indemnification fund (see below) <p>Requires the Secretary to promulgate regulations establishing the national aquatic animal health improvement program, in accordance with the Animal Health Protection Act.</p> <p>Allows for participation by State and Tribal Governments and the Private Sector who upon election to participate will enter into agreements with the Secretary to assume responsibility for a portion of the non-Federal share of the costs of carrying out the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force</p> <p>Establishes an indemnification fund to compensate aquatic farmers for specified purposes.</p> <p>Requires a report not later than 2 years after the date of enactment to describe</p> <ul style="list-style-type: none"> • activities carried out under the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force • activities carried out by the advisory committee • recommendations for subsequent years' funding <p>Authorizes appropriations of \$15,000,000</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				for fiscal years 2008 and 2009, of which not less than 50% is to be deposited into the indemnification fund and not more than 50% shall be used to carry out the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force	
T11-121	Exemption from AQI User Fees Sec. 11080 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11080 Exempts commercial trucks from payment of agricultural quarantine and inspection user fees if it originates in Alaska and reenters the United States directly from Canada or if it originates in the United States and transits through Canada before entering Alaska. Commercial trucks exempt from user fees are required to remain sealed during transit through Canada.	
T11-122	Regulations to Improve Management and Oversight of Certain Regulated Articles Sec. 11077 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11077 Requires the Secretary to promulgate regulations for improved management and oversight of articles regulated under the Plant Protection Act.	
T11-123	Invasive Pest and Disease Emergency Response Funding Clarification Sec. 11078 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11078 Clarifies that the Secretary may provide emergency funding to States to combat invasive pest and disease outbreaks for any appropriate period after initial detection of the pest or disease, as determined by the Secretary.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-124	Invasive Species management, Hawaii Sec. 11063 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec.11063. This section: requires cooperation among the federal agencies involved in preventing the introduction of and controlling invasive species in the State of Hawaii; requires the development of collaborative federal and state procedures to minimize the introduction of invasive species into Hawaii, and requires a report to Congress on the development of those procedures; establishes a process for Hawaii to seek approval from the federal government to impose restrictions on the introduction or movement of invasive species or disease into the State that are in addition to federal restrictions; in the event of an emergency or imminent invasive species threat, allows Hawaii to impose restrictions of up to 2 years to prevent introduction of the threat upon approval by the federal government.	
T11-125	Invasive Species Revolving Loan Fund Sec. 11090 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11090. This section establishes an invasive species revolving loan fund. This loan fund allows eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees on land under the jurisdiction of the eligible local government and within the borders of a quarantine area infested by an invasive pest. These loans can be no more than \$5,000,000 and shall have an interest rate of two percent.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				<p>An eligible unit of local government shall work with the Secretary to establish a loan repayment schedule. This schedule requires that not later than one year after the eligible unit of local government received a loan they must repay the loan. The payments can be scheduled semiannually after.</p>	
T11-126	<p>Cooperative Agreements Relating to Invasive Species Prevention Activities</p> <p>Sec. 11091 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11091 This section allows States to provide cost-sharing assistance or financing mechanism to a unit of local of the State through any cooperative agreement entered into between the Secretary and a State relating to the prevention of invasive species infestation.</p>	
T11-127	<p>Report relating to the ending of childhood hunger in the United States.</p> <p>Sec.11082 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11082 This section includes a sense of Congress regarding childhood hunger in the United States.</p> <p>This section specifies that, not later than one year after the date of enactment of the Act, the Secretary shall submit to Congress a report that describes the best and most cost-effective manner by which the federal government could allocate funds to achieve the goal of abolishing childhood hunger and food insecurity by 2013.</p>	
T11-128	<p>GAO Report on Access to Health Care for Farmers</p> <p>Sec. 11074 of the</p>	No comparable provision.	No comparable provision.	<p>Sec. 11074 Provides that the GAO shall provide a report on rural Americans access to health care with a focus on farmers by 11/30/08.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
	Senate Amendment				
T11-129	Conveyance of Land to Chihuahuan Desert Natural Park Sec. 11075 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11075 This section conveys 935.62 acres of land in Dona Ana County New Mexico to the Chihuahuan Desert Nature Park, Inc a non-profit organization in New Mexico. The land is to be conveyed within one year after enactment of this act. Subsection (c) outlines the conditions for the land conveyance. The United States reserves all mineral and subsurface rights of the land. The Chihuahuan Desert Nature Board must pay any costs associated relating to the conveyance. Also this subsection requires the land to be used for only educational or scientific purposes. Subsection (d) states if the land is not used for educational or scientific purposes the land may revert to the United States. If the and is environmentally contaminated, the Chihuahuan Desert Nature Park, Inc. or successor is responsible for the contamination and shall be required to remediate the contamination.	
T11-130	Department of Agriculture Conference Transparency Sec. 11081 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11081 Subection (a) requires the Secretary to quarterly report to the Inspector General costs and contracting procedures relating to conferences held by USDA for which the cost to the Federal Government was over \$10,000. Subsection (c) requires the Secretary to annually report to the Senate and House Agriculture Committees a detailed report	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
				about each conference where the USDA paid travel expenses.	
T11-131	National Emergency Grant to Address Effects of Greensburg, Kansas Tornado Sec. 11083 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11083 The Department of Labor awarded Greensburg, KS a \$20 million grant to assist with cleanup from a F5 tornado that hit the town in May of 2007. The language allows the planning process to begin and allow federal funds that have already been awarded to flow more smoothly and efficiently.	
T11-132	Report on Program Results Sec. 11084 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11084 Requires the Secretary to report information regarding programs that have received a Program Assessment Rating Tool score of “results not demonstrated” and for each program provide reasons that the program has not been able to demonstrate results, steps taken to demonstrate results and what might be necessary to facilitate the demonstration of results.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-133	Study of Impacts of Local Food Systems and Commerce Sec. 11089 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11089 This study requires the Secretary of Agriculture to evaluate the potential community, economic, health and nutrition, environmental, food safety, and food security impacts of advancing local food systems and commerce, the challenges that prevent local foods from comprising a larger share of the per capita food consumption in the United States, and existing and potential strategies, policies, and programs to address those challenges.	
T11-134	Disclosure of country of harvest for ginseng Senate amendment 10004	No comparable provision.	No comparable provision.	Amends the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) Sec. 10004. Requires persons that sell ginseng at retail to provide the country of harvest by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng. The Secretary may levy fines for not more than \$1,000 for willful violations of this provision.	
Subtitle A – Agricultural Security - Title XI of the Senate Amendment					
T11-135	Definitions Sec. 11011 of the Senate Amendment	No comparable provision.	No comparable provision.	Sec. 11011 Defines terms used in this subtitle: agent; agricultural biosecurity; agricultural countermeasure; agricultural disease; agriculture; agroterrorist act; animal; department; development; plant; qualified agricultural countermeasure.	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T11-136	<p>National Plant Disease Recovery System and National Veterinary Stockpile</p> <p>Sec. 11012 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11012</p> <p>Subsection (a) establishes the National Plant Disease Recovery System (NPDRS). The NPDRS will include agricultural countermeasures, available within a single growing season, to respond to an outbreak of plant disease that poses a significant biosecurity threat.</p> <p>Subsection (b) establishes the National Veterinary Stockpile (NVS). The NVS will include agricultural countermeasures, available to any State veterinarian not later than 24 hours after an official request, to leverage the infrastructure of the strategic national stockpile.</p>	
T11-137	<p>Research and Development of Agricultural Countermeasures</p> <p>Sec. 11013 of the Senate amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11013</p> <p>Establishes a competitive grant program at USDA to stimulate research and Development activity for qualified agricultural countermeasures.</p> <p>Provides for a waiver of the competitive grant process in the case of emergencies and permits the use of foreign animal and plant diseases in research and development activities.</p> <p>USDA will provide information to DHS on each grant funded through this authorization.</p> <p>Authorizes appropriations of \$50,000,000 for each fiscal year from 2008 to 2012.</p>	
T11-138	<p>Veterinary Workforce</p>	No comparable provision.	No comparable provision.	<p>Sec. 11014</p>	

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	<p>Grant Program</p> <p>Sec. 11014 of the Senate Amendment</p>			<p>This section establishes a veterinary workforce grant program at USDA to increase the number of veterinarians trained biosecurity.</p> <p>Authorizes such sums as necessary for each fiscal year from 2008 to 2012.</p>	
T11-139	<p>Assistance to Build Local Capacity in Biosecurity Planning, Preparedness, and Response</p> <p>Sec. 11015 of the Senate Amendment</p>	No comparable provision.	No comparable provision.	<p>Sec. 11015. Subsection (a) requires USDA to provide grants to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians. Authorizes such sums as necessary for each fiscal year from 2008 to 2012.</p> <p>Subsection (b) requires USDA to provide grant and low-interest loan assistance to States for use in assessing agricultural disease response capability for food science and veterinary biosecurity planning. Authorizes \$25,000,000 for each fiscal year from 2008 to 2013.</p>	
T11-140	<p>Plant Protection</p> <p>Sec. 11017 of the Senate Amendment</p>	<p>Sec. 424(b)(1) of the Plant Protection Act: Sets penalties for violations of the Plant Protection Act to be assessed by the Secretary in the following amounts: \$50,000 in the case of any individual (except that the civil penalty may not exceed \$1,000 in the case of an initial violation of this title by an individual moving regulated articles not for monetary gain); \$250,000 in the case of any other person for each violation;</p>	No comparable provision.	<p>Sec. 11017 Modifies penalties in the PPA as follows: \$500,000 for each violation adjudicated in a single proceeding; \$100,000 for each violation adjudicated in a single proceeding involving a genetically modified organism.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>\$500,000 for all violations adjudicated in a single proceeding; or twice the gross gain or gross loss for any violation, forgery, counterfeiting, unauthorized use, defacing, or destruction of a certificate, permit, or other document provided for in this title that results in the person deriving pecuniary gain or causing pecuniary loss to another.</p> <p>No comparable provision.</p>	<p>No comparable provision.</p>	<p>Requires an action, suit or proceeding regarding a violation of the PPA to be considered no later than 5 years after the date the violation is initially discovered by the Secretary.</p>	
T11-141	<p>Report on Stored Quantities of Propane</p> <p>Sec. 11070 of the Senate Amendment</p>	<p>No comparable provision.</p>	<p>No comparable provision.</p>	<p>Sec. 11070 Requires the Secretary of Homeland Security to submit to Congress a report of the effects DHS interim or final regulations regarding possession of quantities of propane that exceed the screening threshold set by the DHS rules. Includes number of agricultural facilities and total number of facilities affected, numbers of facilities filing security assessments, alternative security programs, and appeals, as well as costs of compliance.</p>	