
CONFERENCE COMMITTEE ON H.R. 2419

Title II – Conservation

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

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
T2-1	<p>Definitions</p> <p>Sec. 2001 of Senate Amdt.</p>	<p>Sec. 1201 of the Food Security Act of 1985 (FSA '85): Lists definitions that apply through the Conservation Title.</p>	<p>Same as current law</p>	<p>Section 2001 Adds definitions in the FSA for “beginning farmer or rancher”, “Indian tribe”, “socially disadvantaged farmer or rancher”, “non-industrial private forest land”, and “technical assistance”. Authorizes the Secretary to employ a reasonable test of net worth or other measure to further qualify a beginning farmer or rancher.</p>	
T2-2	<p>Review of Good Faith Determinations</p> <p>Sec. 2101 of Senate Amdt.</p>	<p>Sec. 1212(f) FSA '85: Provides for a good faith exemption from conservation compliance violations on highly erodible land.</p>	<p>Same as current law</p>	<p>Section 2101 Maintains good faith exemption and provides for a second level review of highly erodible land compliance by the FSA State Executive Director with the technical concurrence of the NRCS State Conservationist or the FSA district director with the technical concurrence of the NRCS area conservationist.</p> <p>Allows for graduated penalties for compliance violations.</p>	
T2-3	<p>Review of Good Faith Determinations</p> <p>Sec. 2201 of Senate Amdt.</p>	<p>Sec. 1222(h) FSA '85: Provides for a good faith exemption from wetland conservation violations.</p>	<p>Same as current law</p>	<p>Section 2201 Maintains good faith exemption and provides for a second level review of wetland compliance by the FSA State Executive Director with the technical concurrence of the NRCS State Conservationist or the FSA district director with the technical concurrence of the NRCS area conservationist.</p>	
T2-4	<p>Comprehensive Conservation Enhancement</p>	<p>Sec. 1230 FSA '85: Directs the Secretary to establish a comprehensive conservation easement program to conserve and</p>	<p>House bill does not reauthorize program.</p>	<p>Section 2301 Extends the program through 2012 and adds forest land as eligible land.</p>	

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	<p>Program</p> <p>Sec. 2301 of Senate Amdt.</p>	<p>enhance resources through contracts and easements on farms and ranches through 2002.</p> <p>Sec. 1230(a)(3) FSA '85: Consists of CRP, WRP and EQIP.</p> <p>Sec. 1243(b) FSA '85: The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under the conservation reserve and wetlands reserve programs. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under these programs.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>No comparable provision</p> <p>Same as current law</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2301(a): Amends the Comprehensive Conservation Enhancement Program (CCEP) by adding the Healthy Forests Reserve Program and moves EQIP to new CSIP Sec. 2341.</p> <p>Sec. 2301(a) (amends Sec. 1230(c)(1)(C) FSA): Exempts land enrolled in CREP programs from the 25 percent county acreage limitation.</p> <p>Sec. 2301(a) (amends Sec. 1230(c)(1)(D)(ii) FSA): Allows an exception to the county acreage limitation in instances where state or local regulations prohibit water use for agricultural production.</p> <p>Sec. 2301(a) (amends Sec. 1230(c)(1)(D)(ii) FSA): Allows an exception to the county acreage limitation in the state of Washington in instances where enrollment is essential to Federal or state plans for a sustainable wildlife habitat, and enrollment would assist the producer in meeting environmental goals in the plans.</p>	

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T2-5	<p>Conservation Reserve Program</p> <p>Sec. 2101 of H.R. 2419</p> <p>Sec. 2311 of Senate Amdt.</p>	<p>Sec. 1231 FSA '85: Purpose of CRP is to conserve and improve soil, water and wildlife resources through converting eligible lands to less intensive agricultural uses or retiring lands from agricultural use completely.</p> <p>Sec. 1231(b) FSA '85: Land eligible for enrollment in CRP includes: highly erodible cropland that was considered to be planted for 4 of the 6 years preceding the enactment of the Farm Security and Rural Investment Act of 2002 (except for land enrolled in CRP as of that date); highly erodible cropland or other cropland that would contribute to natural resource concerns if cropped; marginal pasture converted to wetlands, wildlife habitat, or devoted to appropriate vegetation; land that will be devoted to buffer and habitat practices; land that poses off farm environmental threat if in production; land that would result in net water savings if enrolled; and portions of fields associated with land enrolled as a buffer.</p> <p>Sec.1231(d) FSA '85: Maximum enrollment is 39.2 million acres at any one time during 2002 through 2007 calendar years.</p> <p>Sec. 1231(f) FSA '85: Establishment of Priority Areas: The Chesapeake Bay Region (Pennsylvania, Maryland, and</p>	<p>Section 2101</p> <p>Sec. 2101(a): CRP is extended until 2012. Secretary is given authority to address issues raised by State, regional and national conservation initiatives.</p> <p>Sec. 2101(a)(2): Amends the land eligibility provision to include land the Secretary determines had been planted for 4 of the 6 years preceding the enactment of the Farm, Nutrition, and Bio-energy Act of 2007 (except for land enrolled in CRP as of that date).</p> <p>Sec. 2101(b): Extends maximum enrollment period to 2012. Maintains existing maximum enrollment of 39.2 million acres.</p> <p>Sec. 2101(c): Strikes specific enumeration of Pennsylvania, Maryland and Virginia, but maintains Chesapeake Bay Region as</p>	<p>Section 2311</p> <p>Sec. 2311(a): CRP is extended until 2012. Adds pollinator habitat to the resources to be conserved and improved through the program.</p> <p>Same as current law regarding the 4 to 6 years provision.</p> <p>Sec. 2311(b)(4): Expands eligible land to include marginal pastureland if native vegetation is grown and the land contributes to the restoration of the long-leaf pine forest or similar rare and declining forest ecosystem.</p> <p>Sec. 2311(b)(2)(C): Modifies eligibility of land that would facilitate a net savings in groundwater or surface water to apply only to alfalfa and other forage crops.</p> <p>Sec. 2311(b)(4): Expands eligible land to include land enrolled in the flooded farmland program.</p> <p>Sec 2311(c): Similar to House</p> <p>Sec. 2311(d): Expands the Chesapeake Bay Priority Area to include all parts in the Chesapeake Bay Watershed and adds</p>	

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		<p>Virginia) is a priority area.</p> <p>Sec. 1231(g) FSA '85: Alfalfa and other multi-year grasses and legumes in a rotation practice are considered agricultural commodities.</p> <p>Sec.1231(h) FSA '85: Pilot Program for Enrollment of Wetland and Buffer Acreage is available to all States; the enrollment cap is 1 million acres (part of overall CRP acreage cap). Enrollment is limited to 100,000 acres in any 1 State, but could, within 3 years, be increased to 150,000 acres following a review of enrollment by the Secretary.</p> <p>Sec. 1231(h) FSA'85: An owner or operator may enroll in the conservation reserve under this subsection – a wetland (including a converted wetland) that was cropped during at least 3 of the immediately preceding 10 crop years.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>a Conservation Priority Area.</p> <p>Sec. 2101(d): Alfalfa grown as part of a rotation practice is a commodity for cropping history criteria in determining whether land is eligible to be enrolled.</p> <p>Sec. 2101(e): Extends Pilot Program for Enrollment of Wetland and Buffer Acreage in CRP to 2012.</p> <p>Same as current law</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>the Prairie Pothole Region, Grand Lake St. Mary's Watershed, and Eastern Snake Plain Aquifer as Conservation Priority Areas.</p> <p>Same as current law</p> <p>Sec. 2311(e) (amends FSA to add Sec. 1231(h)(1)(A)): Extends and modifies the Pilot Program for Enrollment of Wetland, Shallow Water, and Buffer Acreage in CRP to 2012.</p> <p>Sec. 2311(e) (amends FSA to add Sec. 1231(h)(2)(A)(i)(I)): Expands eligible acreage to include a wetland that had a cropping history during at least 3 of the immediately preceding 10 crop years.</p> <p>Sec. 2311(e) (amends FSA to add Sec. 1231(h)(2)(A)(i)(II)): Expands eligible acreage to include shallow water areas that were devoted to a commercial pond-raised aquaculture operation any one year during the period from 2002-2007.</p> <p>Sec. 2311(e) (amends FSA to add Sec.</p>	

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		<p>Sec. 1231(h)(2)(A)(ii) FSA '85: Makes eligible buffer acreage that is: contiguous to a wetland; used to protect the wetland, and is of such width as determined by the Secretary is necessary to protect the wetland taking into consideration and accommodating the farming practice used with respect to the cropland that surrounds the wetland.</p> <p>Sec. 1231(h)(2)(C)(i) FSA '85: The Secretary may enroll not more than 100,000 acres in any 1 State, and not more than a total of 1,000,000 acres.</p> <p>Sec. 1231(h)(2)(D)(i)(I) FSA '85: The maximum size of any wetland enrolled under this subsection shall be 10 contiguous acres, of which only 5 acres shall be eligible for payment.</p> <p>Sec. 1231(h)(2)(D)(ii) FSA '85: The maximum size of any buffer acreage shall be the greater of 3 times the size of the</p>	<p>Same as current law</p> <p>Same as current law</p> <p>Same as current law</p> <p>Same as current law</p>	<p><i>1231(h)(2)(A)(i)(III)</i>: Expands eligible acreage to include agricultural drainage water treatment which receives flow from a row crop agricultural drainage system and is designed to provide nitrogen removal in addition to other wetland functions.</p> <p>Sec. 2311(e) (amends FSA to add Sec. 1231(h)(2)(A)(ii)): Expands to include buffer acreage that is: contiguous to a wetland or shallow water area; and is of such width as determined by the Secretary is necessary to protect the wetland or shallow water area or to enhance the wildlife benefits, including through restriction of bottomland hardwood habitat, taking into consideration and accommodating the farming practices used with respect to the cropland that surrounds the wetland or shallow water area.</p> <p>Same as current law</p> <p>Sec. 2311(h)(2)(D)(i)(I): Increases the maximum wetland size to 40 contiguous acres and all acres are eligible for payment.</p> <p>Sec. 2311(h)(2)(D)(ii): The maximum size of the buffer acreage shall be determined by the Secretary in</p>	

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		<p>wetland to which it is contiguous, or 150 feet on either side of the wetland.</p> <p>Sec. 1232(a)(7) FSA '85: The Secretary may permit haying if it is consistent with soil, water quality and wildlife habitat conservation, including nesting seasons.</p> <p>Sec. 1232(a)(7)(A) FSA '85: Allows managed haying and grazing (including the harvest of biomass), with commensurate reduction in payment. Haying and grazing conducted in response to a drought or other emergency will result in reduced rental payments.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>Sec. 2101(f)(1): Expands the provision to allow a producer to conduct prescribed grazing for the control of invasive species on CRP lands.</p> <p>Sec. 2101(f)(3) (Sec. 1232(a)(7)(B), as amended by the House): Allows for managed grazing. The Secretary must reduce the rental payment and require a management plan.</p> <p>Sec. 2102(f)(3) (Sec. 1232(a)(7)(C), as amended by the House): Allows dryland crop production and grazing on CREP acres where CREP is initiated to address declining water resources. Requires the Secretary to develop a conservation plan, determine eligibility for crop insurance of dryland crop production and grazing, reduce the rental payment, and renegotiate the agreement to allow for dryland crop production and grazing if the State requests so. Such lands shall be considered “noncropland” for crop insurance purposes.</p>	<p>consultation with the state technical committee.</p> <p>Sec. 2311(h)(1): Clarifies that managed harvesting and grazing outside of nesting and brood rearing season is permitted if it is part of the conservation plan.</p> <p>Sec. 2311(h)(2): Allows prescribed grazing for control of invasive species.</p> <p>No comparable provision</p> <p>No comparable provision</p>	

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		<p>Sec. 1232(b) FSA '85: Plans shall establish the conservation measures and practices to be carried out and any commercial use to be permitted during the contract, and may provide for permanent retirement of any existing cropland base and allotment history for the land.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>Sec.1235 FSA '85: The Secretary can modify a contract if the owner/operator agrees and the Secretary determines that the modification carries out the goals of the program, improves administration, or achieves other goals consistent with the program.</p>	<p>Same as current law</p> <p>Sec. 2101(g): Requires NASS to survey annually the per-acre estimates of county average market dry-land and irrigated cash rental rates for all counties with 20,000 acres or more of crop and pastureland. These surveys will be kept on the USDA website and made available to the public.</p> <p>No comparable provision</p> <p>Sec. 2101(h): Allows the Secretary to modify a CRP contract to facilitate the transition of CRP land from a retiring owner to a beginning, limited resource or socially disadvantaged farmer or rancher in order to return some or all of the land to sustainable grazing or crop production. Also allows the beginning or</p>	<p>Sec. 2311(i): Requires that the practices in the conservation plan are:</p> <ul style="list-style-type: none"> -compatible with wildlife and wildlife habitat -clearly described and applicable through the duration of the contract -consistent with the Secretary's priorities for local conservation management priorities - actively managed. <p>Sec. 2311(j)(2): Same as House</p> <p>Sec. 2311(g) (amends Sec. 1232(a) FSA by adding new paragraph 5): Requires operator to use active management as appropriate.</p> <p>Same as current law</p>	

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		<p>No comparable provision.</p> <p>No comparable provision</p> <p>Sec. 1234(c)(3) FSA '85: In determining the acceptability of contract offers, the Secretary may consider the extent to which enrollment of the land would improve soil and water resources, wildlife habitat or provide other environmental benefits. Different criteria may be established for different States or geographic areas based on the extent to which resource quality may be improved.</p>	<p>disadvantaged farmer or rancher to make land improvements and to begin the organic certification process one year before the CRP contract expires.</p> <p>Requires the retiring landowner to sell or lease the CRP land to the beginning or disadvantaged farmer for production purposes, requires the beginning or disadvantaged farmer to develop and implement a comprehensive conservation plan, allows the beginning or disadvantaged farmer to enroll in CSP or EQIP upon taking ownership of the land, and provides payments to retiring owner/operator for an additional two years after the contract terminates.</p> <p>Allows the beginning, limited resource or socially disadvantaged farmer or rancher purchasing the CRP land to reenroll a partial field practice that is eligible for continuous sign up and part of a comprehensive conservation plan.</p> <p>Same as current law</p>	<p>No comparable provision</p> <p>No comparable provision</p> <p>Sec. 2311(j)(3)(A): Adds pollinators and fish habitat to criteria that may be considered for choosing contract offers.</p> <p>Sec. 2311(j)(3)(B): For new enrollments, requires that if land provides equivalent environmental benefit to a competing offer, then the Secretary shall, to the maximum extent practicable, accept an offer from an owner or operator that is a local resident.</p>	

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		<p>Sec. 1235(e)(1) FSA '85: Secretary shall allow an operator to terminate a contract entered into before Jan. 5, 1995, if it has been effect for 5 years.</p> <p>No comparable provision</p> <p>Sec. 1235(e)(2) FSA '85: Filterstrips, waterways, strips adjacent to riparian areas, windbreaks and shelterbreaks, land of +15 erodibility index and other land of high environmental value may not be subject to early termination.</p>	<p>Sec. 2101(i): Secretary shall allow an operator to terminate a contract that has been in effect for 5 years at any time.</p> <p>No comparable provision</p> <p>Sec. 2101(j): Adds land enrolled in continuous sign up as ineligible for early termination.</p>	<p>Same as current law</p> <p>Sec. 2311(k): Expands current law to permit contract termination if the participant is disabled or retired from farming and has endured financial hardship as a result of taxation from rental payments received.</p> <p>Same as current law</p>	
T2-6	<p>Flooded Farmland Program Sec. 2312 of Senate Amdt.</p>	<p>No comparable provision</p>	<p>No comparable provision</p>	<p><u>Section 2312</u> Adds a new flooded farmland program within CRP, which allows the enrollment of flooded crop and grazing land or land rendered inaccessible because of flooding caused by the natural overflow of a closed basin in the Northern Great Plains region.</p> <p>Sec. 2312 (amends Sec. 1235B(a) FSA): Requires that land enrolled must be at least 5 acres in size, flooded, and rendered incapable of production during the preceding three crop years and has no natural outlet.</p> <p>Sec. 2312 (amends Sec. 1235B(c) FSA): Provides for enrollment through the</p>	

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				<p>continuous sign-up.</p> <p>Sec. 2312 (<i>amends Sec. 1235B(d)(1)(A) FSA</i>): Requires that land enrolled have a consistent history of being used for the production of crops or used as grazing lands.</p> <p>Sec. 2312 (<i>amends Sec. 1235B(d)(2)(C) FSA</i>): Allows enrollment of adjoining land that would enhance the conservation or wildlife value of the tract with reduction in rental payment.</p> <p>Sec. 2312 (<i>amends Sec. 1235B(e) FSA</i>): During participation in the program, owners are not eligible to participate in or receive federal crop insurance, noninsured crop disaster assistance, or any other federal agricultural crop disaster assistance program benefits for land included in the contract.</p> <p>Sec. 2312 (<i>amends Sec. 1235B(f) FSA</i>): Directs the Secretary to preserve the cropland base, allotment history, and payment yields applicable to the enrolled land, and to adjust these values upon contract termination to ensure equitable treatment of the enrolled land relative to comparable land remaining in production in the county.</p> <p>Sec. 2312 (<i>amends Sec. 1235B(g) FSA</i>): The owner shall take actions as necessary to avoid degrading any wildlife habitat that has developed as a result of the natural overflow on the land covered by</p>	

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				the contract.	
T2-7	Wildlife Habitat Program Sec. 2313 of Senate Amdt.	No comparable provision	No comparable provision	<p><u>Section 2313</u> For the years 2008 through 2012, creates a Wildlife Habitat Program available to CRP contract holders who have established softwood pine stands.</p> <p>Sec. 2313 (<i>amends Sec. 1235C(c) FSA</i>): Agreements shall have management strategies and practices that have benefits for wildlife, such as: thinning, establishing wildlife food plots, burning and seeding.</p> <p>Sec. 2313 (<i>amends Sec. 1235C(c)(D)(2) FSA</i>): Contracts are up to 5-years in term.</p> <p>Sec. 2313 (<i>amends Sec. 1235C(d) FSA</i>): The Secretary shall encourage cooperative arrangements among program participants, state and local government entities, and nongovernmental organizations to achieve the purposes of the program.</p> <p>Sec. 2313 (<i>amends Sec. 1235C(e) FSA</i>): Provides cost-sharing and technical assistance to carry out the program.</p> <p>Sec. 2313 (<i>amends Sec. 1235C(f) FSA</i>): Program terminates on September 30, 2011.</p>	
T2-8	Wetland Reserve Program Sec. 2102 of HR	Sec. 1241(a)(2) FSA '85: WRP authorized to 2007.	<u>Section 2102</u> Section 2401(a): WRP is authorized through fiscal year 2012.	<u>Section 2321</u> Sec. 2321(2): Same as House	

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	<p>2419</p> <p>Sec. 2321 of Senate Amdt.</p>	<p>Sec. 1237(a) FSA '85. The purpose of WRP is to restore and protect wetlands under easement agreements between the landowner and Secretary.</p> <p>Sec.1237(b)(1) FSA '85: Maximum acreage cap is 2.275 million acres. The Secretary is required, to the extent practicable, to enroll 250,000 acres per calendar year.</p> <p>Sec. 1237(b)(2) FSA '85: Wetlands are to be restored through permanent easements, 30-year easements, restoration cost-share agreements, or any combination of these options.</p> <p>Sec. 1237(c) FSA '85: The Secretary of Agriculture, in consultation with the Secretary of the Interior, determines whether land is eligible if it maximizes wildlife benefits and wetland functions, whether farmed or converted wetland with adjacent lands are functionally dependent on wetlands (except where conversion occurred prior to Dec. 23, 1985), and the likelihood of successful restoration.</p> <p>No comparable provision</p>	<p>Sec. 2102(a): Added purposes of WRP are to restore, create, protect or enhance wetlands on eligible lands and for the Secretary to purchase floodplain easements.</p> <p>Sec. 2102(b): Increases the maximum enrollment to 3,605,000 acres. The goal shall be to enroll 250,000 acres in each fiscal year; of this amount, up to 10,000 acres may be enrolled as floodplain easements; changes the limitation from the calendar year to the fiscal year.</p> <p>Same as current law</p> <p>Sec. 2102(c): Wetlands are eligible if: the land maximizes wetland values, functions and wildlife benefits; the land is farmed or converted wetland with adjacent lands that are functionally dependent on wetlands, except where conversion began before Dec. 23, 1985; the likelihood of successful restoration merits the cost; and the land is a riparian area, including areas that link wetlands protected by easements..</p> <p>Flood plain lands are eligible if: the land has been damaged by flooding at least once in the preceding calendar year or has been damaged by flooding at least twice in</p>	<p>Same as current law</p> <p>Sec. 2321(1) (amends Sec. 1237(b)(1) FSA): Allows enrollment of 250,000 acres per fiscal year with no enrollments beginning in fiscal year 2013.</p> <p>Sec. 2321(1) (amends Sec. 1237(b)(2)(B) FSA): Indian Tribes may enroll land through 30-year contracts which shall be equivalent in value to a 30-year easement.</p> <p>Sec. 2321(2): Same as current law</p> <p>Same as current law</p>	

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		<p>Sec. 1237(d) FSA '85: Allows the Secretary to include other eligible land in an easement, such as farmed wetlands and adjoining lands enrolled in CRP, other ineligible wetlands if their inclusion would increase the functional value of the easement, or a riparian area that links wetlands under easements or protected by another device that achieves the same purpose as an easement.</p> <p>Sec. 1237(e)(1) FSA '85: Wetlands that contain timber stands or pasture land established under CRP are not eligible.</p> <p>Sec. 1237A(f) FSA '85: Compensation for easements shall be cash according to the agreement, but not to exceed the fair market value of the land less the fair market value of the land under easement.</p>	<p>the past 10 years; or the enrollment of other land within the floodplain would aid in flood storage, flow or erosion control.</p> <p>Same as current law</p> <p>Same as current law</p> <p>Sec. 2102(e): Compensation for easements shall be cash according to the agreement. Payments based on compensation formulas resulting in the lowest cost: percentage of fair market value according to the USPAP or a percentage of the market value determined by an area-wide survey; a geographic cap; the landowner's offer.</p>	<p>Sec. 2321(3): Includes riparian areas; and riparian and adjacent areas that are linked to other parcels of wetlands that are protected under a wetlands reserve agreement or similar device.</p> <p>Same as current law</p> <p>Sec. 2322(b)(4): The Secretary shall pay the lowest compensation for an easement between</p> <p>A) an amount necessary to encourage the enrollment of parcels as determined by the State Conservationist with advice from the State Technical Committee based on:</p> <ol style="list-style-type: none"> 1) net present value of 30 years of annual rental payments, 2) an area wide market analysis or survey, or 3) an amount based on an appraisal; 	

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		<p>Sec. 1237A(f) FSA '85: Payments may be made in between 5 and 30 annual payments.</p> <p>No comparable provision</p> <p>Sec. 1237C(c) FSA '85: When considering easement offers, the Secretary may consider the extent to which the purposes of the easement can be achieved, the productivity of the land, and the on and off farm environmental threats if the land is used in crop production.</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>Non-federal funds may be accepted to administer this program.</p> <p>Sec. 2102(f): When evaluating easement offers from landowners for wetlands or flood plains, the Secretary may consider the conservation benefits, the cost effectiveness, and whether the landowner or someone else is offering to contribute to the cost of the easement or other interest in the land to leverage Federal funds.</p> <p>In determining the acceptability of easement offers for flood plains, the Secretary may take into consideration the extent to which the purpose of the program would be achieved on the land, whether the land has flooded repeatedly in the past 10 years, whether the easement would contribute to restoration of surrounding lands, and other factors.</p>	<p>B) geographical area value limitation as determined by the State Conservationist with advice from the State Technical Committee; or C) an offer by a landowner.</p> <p>Sec. 2322(b)(3): Compensation for easements may be provided to landowners in up to 30 payments of equal or unequal size.</p> <p>No comparable provision</p> <p>Same as current law</p> <p>No comparable provision</p>	

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		<p>Sec. 1237D(c)(4) FSA ‘85: Payment limits do not apply to payments made to States, political subdivisions or their agencies in connection with an agreement entered into under special wetland and environmental enhancement programs.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2102(g): Same as current law with technical changes; and changes the paragraph heading to “Wetlands Reserve Enhancement”.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2322(c): Same as current law</p> <p>Sec. 2322(c): Adds a Wetlands Reserve Enhancement Program with the authority to enter into unique wetlands reserve agreements that may include compatible uses as reserved rights in the warranty easement deed restriction.</p> <p>Sec. 2322(d): Directs Secretary to evaluate and report to Congress on the implications of long-term easements on Department of Agriculture resources by January 2010.</p>	
T2-9	<p>Comprehensive Stewardship Incentives Program</p> <p>Sec.2341 of Senate Amdt.</p>	No comparable provision	No comparable provision	<p><u>Section 2341</u></p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240T(a)</i>): Creates a new Comprehensive Stewardship Incentives Program (CSIP) to administer the two primary working lands programs – EQIP and CSP.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240T(a)(1)</i>): States that the common purposes are to promote coordinated efforts to address resources of concern, meet regulatory requirements, encourage additional conservation, and to promote agricultural production and environmental quality as compatible goals.</p>	

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T2-10	<p>Conservation Security Program</p> <p>Sec. 2103 of H.R. 2419</p> <p>(Current CSP)</p> <p>Sec. 2391 of Senate Amdt.</p> <p>(New CSP)</p> <p>Sec. 2341. of Senate Amdt.</p>	<p>Sec. 1238(A) FSA '85: Directs the Secretary to establish and carry out for each of fiscal year 2003 through 2011 a CSP to assist producers in promoting conservation and improvement of quality of soil, water, air, energy, plant and animal life.</p> <p>Sec. 1238A(a) FSA '85: The purposes of the program are to assist producers in promoting conservation and improvement of the quality of soil, water, air, energy, plant and animal life.</p>	<p>Section 2103</p> <p><i>Note: No new contracts may be entered into under the previous CSP. However, payments and modifications to existing contracts may be continued to be made until those contracts expire. Modification on old CSP contracts may conform to old or new CSP requirements at the option of the producer. The new program collapses the tier-based payment structure and replaces it with a stewardship enhancement payment.</i></p> <p>Sec. 2103 (amends Sec. 1238A(a) FSA): A new Conservation Security Program shall go into effect for fiscal years 2012 through 2017. The new CSP helps producers comprehensively address priority resources of concern.</p> <p>Sec. 2103 (Sec. 1238A of FSA, as amended): The purpose of the Conservation Security Program is to assist producers in improving environmental quality by addressing priority resources of concern.</p>	<p>Sec. 2391 (Current CSP)</p> <p>Reauthorizes the CSP for existing contracts only.</p> <p><i>Note: CSP replaced by Conservation Stewardship Program, Sec. 2341.</i></p> <p>Provides \$2.317 billion for current contracts to remain available until expended. Prohibits new contracts or renewals after enactment of the Farm Bill.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240W): Establishes the Conservation Stewardship Program (CSP).</p> <p>Sec. 2341 (amends FSA to add Sec. 1240U): Identifies the purposes of the program to promote agricultural production and environmental quality as compatible goals and optimizing environmental benefits by assisting producers to promote conservation of resources, to meet or exceed local, State and Federal regulatory requirements for environmental quality and fish and wildlife habitat, to promote resource conserving, cost-effective conservation systems, practices, activities and management measures, to participate in innovative conservation practices and</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1238(5) & 1238A(c) FSA '85: A conservation security plan is a plan that identifies designated land and resources to be conserved, describes the conservation security contract tier and practices to be implemented, maintained, or improved, and contains an implementation, maintenance, and improvement schedule for the conservation practices.</p> <p>Sec. 1238(3) FSA '85: A conservation practice is a conservation farming practice appropriate for the agricultural operation, that requires planning, implementation, management, and maintenance; and that promotes conservation and improvement of the quality of soil, water, air, energy, or plant or animal life, or other conservation purpose defined by the Secretary.</p>	<p>Sec. 2103 (<i>amends FSA to add Sec. 1238(2)</i>): A “conservation plan” is a plan that: identifies resources of concern, inventories resources, and establishes benchmark data and stewardship enhancement objectives; describes improvements the producer can make to meet or exceed the stewardship threshold for the resources of concern; and contains a schedule for planning, installing, and maintaining new conservation practices, while managing and improving existing practices.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238(3)</i>): A “conservation practice” is a site-specific land management practice, or supporting structural practice, that is part of a system to address a priority resource of concern.</p>	<p>projects including on-farm research and demonstration, to avoid the need for regulatory programs to protect resources of concern; and to encourage, consolidate and streamline conservation planning an implementation to reduce administrative burden on producers and improve efficiency of delivery of technical and financial assistance.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240V(1)</i>): A “comprehensive conservation plan” means a plan produced by following the planning process outline in the applicable national planning procedures handbook of USDA with regard to all applicable resources of concern.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240V(8)</i>): Similar to House</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1238(4) FSA '85: A conservation security contract is a contract entered into by the Secretary and the producer, based upon an approved conservation security plan, to enroll the land in the conservation security program.</p> <p>No comparable provision</p> <p>Sec. 1238(8) FSA '85: The nondegradation standard is the level of conservation treatment needed, described as quality criteria in the Natural Resources Conservation Service handbooks, to adequately protect, and prevent degradation of one or more natural resources.</p> <p>No comparable provision</p>	<p>Sec. 2103 (<i>amends FSA to add Sec. 1238(4)</i>): A contract entered into by the Secretary and the producer, after determining that the producer is eligible and the conservation offer is approved, to enroll the land in the conservation security program.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238(6)</i>): “Management intensity” is the degree and comprehensiveness of conservation practices taken by a producer to address a priority resource of concern to a level exceeding the stewardship threshold.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238(7)</i>): “Nondegradation standard” means the level of conservation measures required to improve and sustain the condition of resources to prevent impairment of soil, water and air quality and the quality of fish and wildlife habitat, and sustain the long-term productivity of agricultural resources.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238(8)</i>): “Priority resource of concern” means a resource identified by the Secretary that must be addressed by conservation security program participants in a particular watershed or area within that State.</p>	<p>Sec. 2341 (<i>amends FSA to add Sec. 1240V(14)</i>): “Stewardship contract” means a contract entered into under the conservation stewardship program to carry out the programs and activities described in this chapter.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240V(6)</i>): Similar to House</p> <p>No comparable definition</p> <p>‘Resource of concern’ defined in CSIP Sec. 2341 (<i>amends FSA to add Sec. 1240T(a)(4)</i>).</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		No comparable provision	Sec. 2103 (<i>amends FSA to add Sec. 1238(10)</i>): A “resource-specific index” is an index of management intensity to estimate the expected level of resource and environmental outcomes of the conservation practices.	Sec. 2341 (<i>amends FSA to add Sec. 1240V(13)</i>): Similar to House	
		No comparable provision	Sec. 2103 (<i>amends FSA to add Sec. 1238(11)</i>): “Socially disadvantaged farmer or rancher” has the meaning given in section 355(e) of the Consolidated Farm and Rural Development Act.	No comparable definition	
		No comparable provision	Sec. 2103 (<i>amends FSA to add Sec. 1238(12)</i>): “Structural practice” means a site-specific, constructed conservation practice that is critical to the system of land management practices that are the basis of the conservation security contract.	No comparable definition	
		No comparable provision	No comparable definition	Sec. 2341 (<i>amends FSA to add Sec. 1240V(2)</i>): “Contract offer” means an application submitted by a producer that seeks to address 1 or more resources of concern with the assistance of the program.	
		No comparable provision	No comparable definition	Sec. 2341 (<i>amends FSA to add Sec. 1240V(5)</i>): “Livestock” means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, goats, ducks, ratites, shellfish, alpacas, bison, catfish, managed pollinators, and such other animals and fish as are determined by the Secretary.	

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		<p>No comparable provision</p> <p>Sec. 1238A(b)(2) FSA '85: Private agricultural land (including cropland, grassland, prairie land and rangeland) land under the jurisdiction of an Indian tribe, and forested land that is an incidental part of an agricultural operation, is eligible.</p> <p>Sec. 1238A(b)(3) FSA '85: Lands enrolled in the conservation reserve, wetlands reserve, and grasslands reserve programs are not eligible for the conservation security program</p> <p>1238A(b)(3)(D) FSA '85: Cropland that was not cropped in 4 of the 6 years prior to May 13, 2002, except for land enrolled</p>	<p>No comparable provision</p> <p>Sec. 2103 (Sec. 1238A(c)(1) FSA, as amended): Private agricultural land, including forest land, and land owned by Tribes is eligible.</p> <p>Sec. 2103 (Sec. 1238A(c)(2)(A) FSA, as amended): Same as current law</p> <p>Sec. 2103 (Sec. 1238A(c)(2)(B) FSA): CSP payments may not be based on land that had not been in production 4 of the 6</p>	<p>addressing priority resources of concern relating to both soil and water to at least the stewardship threshold and adequately addressing other resources of concern applicable to the agricultural operation, as determined by the Secretary.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(3)): Requires producers entering the program to meet or exceed the stewardship threshold for at least 1 additional priority resource of concern by the end of the contract.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(b)): Makes program available to: cropland, pasture land, rangeland, other agricultural land use for the production of livestock, land used for agroforestry, land used for aquaculture, riparian areas adjacent to eligible land, Tribal lands, public land (if failure to enroll would defeat the purposes of the program, state and school owned land, and other land the Secretary determines necessary.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(b)(2)(A)): Allows enrollment of GRP.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(b)(2)(B)): Land used for crop production after May 13, 2002, that had</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>in CRP or maintained under long-term crop rotation, shall not be the basis for any CSP payment.</p> <p>Sec. 1238A(b)(4) FSA '85: Economic uses that maintain the agricultural nature of the land and are consistent with the natural resource and conservation objectives of the program are allowed.</p> <p>Sec. 1238A(d)(5) FSA '85: Tier I contracts shall be for 5 years, Tier II for 5-10 years, Tier III 5-10 years.</p> <p>No comparable provision</p> <p>Sec. 1238A(b)(5) FSA '85: Contracts for each tier include varying degrees of active management practices.</p> <p>Sec. 1238A(d)(2) FSA '85: A contract</p>	<p>years prior to Oct. 1, 2011. Lands that had been in production during this period may be the basis of payments if they were enrolled in CRP or were used for long-term crop rotation practices.</p> <p>Sec. 2103 (amends Sec. 1238A(d) FSA): Acceptable economic uses of CSP land are those that maintain the agricultural nature of the land and are consistent with the goals of the program.</p> <p>Sec. 2103 (amends Sec. 1238A(e)(2) FSA): CSP contracts shall be for 5 year terms.</p> <p>Sec. 2103 (amends Sec. 1238A(e)(3) FSA): All of the acres of the agricultural operation under the producer's control shall be covered by the contract.</p> <p>Sec. 2103 (amends FSA to add Sec. 1238A(e)(4)): The contract shall include a conservation plan, describe the land, state the amount of the annual enhancement payment, and describe new practices the producer is required to implement to increase the level of management intensity addressing a priority resource of concern.</p> <p>Sec. 2103 (amends FSA to add Sec.</p>	<p>not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(b)(3)): The Secretary shall not restrict economic uses of land (including buffers and other partial field practices) that comply with agreement and conservation plan and other applicable law.</p> <p>Sec. 2341 (amends FSA to add Sec. 2340X(c)(6)): Same as House</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(2)): All acres of all agricultural operations within a watershed or region that constitute a cohesive management unit, as determined by the Secretary, shall be covered by the contract.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(4)): Similar to House</p> <p>Sec. 2341 (amends FSA to add Sec.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>may include on-farm research and demonstration activities and pilot testing of new practices.</p> <p>No comparable provision</p> <p>Sec. 1238A(e)(2) FSA '85: A producer may request a contract modification if the change is consistent with the purposes of the program.</p> <p>Sec. 1238A(d)(3)(A)(ii) FSA '85: A producer may terminate the contract if the Secretary finds that termination would not defeat the purposes of the plan.</p> <p>The Secretary may terminate the contract if the producer violated the contract.</p> <p>Sec. 1238C(e)(1) FSA '85: Transfer of CSP land will terminate the contract except where the transferee agrees to assume the obligations of the contract.</p> <p>Sec. 1238A(e)(4) FSA '85: Generally,</p>	<p><i>1238A(e)(5)</i>: Same as current law</p> <p>No comparable provision</p> <p>Sec. 2103 (amends FSA to add Sec. 1238A(f)): The producer may modify a contract before its expiration if the Secretary finds that a failure to modify would significantly interfere with achieving the purposes of the program.</p> <p>Sec. 2103 (amends Sec. 1238A(g) FSA): A producer may terminate the contract if the Secretary finds that termination would not defeat the purposes of the plan.</p> <p>Same as current law</p> <p>Same as current law</p> <p>Sec. 2103 (amends Sec. 1238A(h) FSA):</p>	<p><i>1240X(c)(5)</i>: Similar to House</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(d)(8)): The Secretary shall provide enhancement payments for on-farm research, demonstration and pilot projects may not exceed \$25,000 for the 5 year life of the contract.</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(9)): Similar to House</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(8)(A)(i)): Same as House</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(8)(A)(ii)): Same as current law</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(c)(8)(C)): Same as current law</p> <p>Sec. 2341 (amends FSA to add Sec.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>contracts may be renewed for an additional period of 5-10 years, except for Tier I renewals where the contract may be renewed if the producer agrees to increase and adopt new conservation practices.</p> <p>Sec. 1238A(f) FSA '85: Contracts shall include a provision indemnifying the producer in cases of contract violations due to circumstances beyond their control.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>The Secretary may allow one 5-year renewal if the producer complied with the terms of the contract and agrees to maintain and add new conservation practices in order to increase the management intensity of existing contracts.</p> <p>Same as current law</p> <p>Sec. 2103 (<i>amends Sec. 1238A(j) FSA</i>): In evaluating offers, the Secretary shall consider the extent of anticipated environmental benefits relative to the cost, the extent the producer proposes to increase the level of performance or management intensity, and the extent to which environmental benefits complement other efforts in the watershed or region, and the multiple benefits of conservation-based farming systems. The Secretary may use other criteria to ensure national State and local priorities are addresses.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238A(k)</i>): The Secretary must establish a method for producers to simultaneously certify their eligibility for CSP and certify their farm as organic, under the National Organic Production Program.</p>	<p><i>1240X(c)(12)</i>): The Secretary shall allow a producer to renew the stewardship contract for an additional 5 year period if the producer has complied with the current contract and agrees to implement and maintain additional conservation practices to achieve high levels of management performance.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(c)(10)</i>): Same as current law</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(c)(7)</i>): In evaluating offers, the Secretary shall prioritize applications meeting certain criteria; evaluate the cost-effectiveness of the proposed environmental benefits; reward higher levels of environmental performance and management intensity; develop criteria to ensure that national, state and local priorities are addressed; evaluate the extent to which the environmental benefit compliments other efforts in the watershed or region; provide opportunities to producers who have not previously participated.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(c)(11)</i>): Similar to House</p>	

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		<p>Sec. 1238B FSA '85: A producer must agree to implement the plan, maintain and present records of implementation to the Secretary if requested, and not engage in any activity that would interfere with purposes of the program.</p> <p>Sec. 1238B FSA '85: If a producer violates a term of the contract that warrants a termination, the producer must forfeit all rights to receive payments and refund all or a portion of the payments already received. If the violation does not warrant termination, the Secretary can adjust or require a refund of payments received.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>Sec. 2103 (amends Sec. 1238A(k) FSA): Same as current law, except that the Secretary has the discretion to institute “some combination of the remedies” authorized in current law.</p> <p>Sec. 2103 (amends Sec. 1238C(a) FSA): The Secretary shall ensure the identification of priority resources of concern is made at the State level so that it represents a significant environmental concern to which agriculture is contributing and is likely to be addressed through the conservation practices. Not more than 5 priority resources of concern shall be developed for a watershed or area within a State.</p> <p>With advice of State technical committees and consultation with relevant federal and state agencies, the Secretary shall prioritize the resources of concern as primary, secondary or tertiary.</p> <p>Sec. 2103 (amends FSA to add Sec.</p>	<p>Sec. 2341 (amends FSA to add Sec. 1240X(g)(1)(2)(5): Similar to House</p> <p>Sec. 2341 (amends FSA to add Sec. 1240(g)(3)): Same as House</p> <p>No comparable provision (see CSIP Sec. 1240T: ‘Identification of priority resources of concern is made at the state and local level.’)</p> <p>No comparable provision</p> <p>Sec. 2341 (amends FSA to add Sec.</p>	

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		<p>Sec. 1238C(a) FSA '85: Directs the Secretary to make payments under a conservation security contract as soon as practicable after October 1 of each fiscal year.</p> <p>Sec. 1238C(b)(3) FSA '85: Prohibits the construction or maintenance of animal waste storage or treatment facilities and associated transfer devices or the purchase or maintenance of equipment or a non-land based structure that is not integral to a land-based practice.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p><i>1238C(b)</i>): The Secretary shall develop resource specific indices to measure the management intensity with which resources of concern are addressed to determine eligibility and payments under the program.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238C(c)(1) FSA</i>): A stewardship enhancement payment shall be made after Oct. 1 of each fiscal year.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238C(c)(2)</i>): Stewardship enhancement payments shall not be provided for design, construction or maintenance of animal waste facilities for animal feeding operations, or conservation activities for which there is no net cost or loss of income to the producer.</p> <p>Sec. 2103 (<i>amends FSA to add Sec. 1238C(c)(3)</i>): The payment shall compensate the producer for ongoing implementation and maintenance of measures in place at the time the contract is accepted and new practices or improvements required under the contract.</p> <p>No comparable provision</p>	<p><i>1240X(h)(1)(G)</i>): Similar to House</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(d)(7)</i>): Similar to House</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(d)</i>): Similar to House</p> <p><i>See: Definition of payment in Sec. 1240V(7), which provides that payments under the program are defined as compensation for 'incurred costs'.</i></p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(d)(5)(B)</i>): Similar to House</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(e)</i>): CSP supplemental payment: The Secretary shall provide additional payments to producers that agree to adopt</p>	

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		<p>No comparable provision</p> <p>Sec. 1238C(b)(2) FSA '85: Payment limits: \$20,000 annually for tier I; \$35,000 annually for tier II; and \$45,000 annually for tier III.</p> <p>Sec. 1238C(d) FSA '85: The Secretary shall promulgate regulations to safeguard the equitable sharing of payments with tenants and sharecroppers.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2103 (<i>amends FSA to add Sec. 1238C(c)(4)</i>): The payment amount shall be based on a portion of the actual costs, income forgone, and resource specific indices.</p> <p>Sec. 2103 (<i>amends Sec. 1238C(d) FSA</i>): Payment to an individual or entity shall not exceed \$150,000 for the 5 year term of the contract, except under funding arrangements with tribes or Alaska Native Corporations.</p> <p>Same as current law</p> <p>Sec. 2103 (<i>amends Sec. 1238C(f) FSA</i>): In allocating funds among states, the Secretary shall consider the environmental needs associated with agriculture in each state, the degree to which the program will help address those needs, and other considerations to ensure equitable geographic distribution of funds.</p> <p>No comparable provision</p>	<p>resource conserving crop rotations to achieve optimal crop rotations.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240V(7)</i>): Defines payments to provide that the payment shall compensate the producers for costs associated with planning, materials, installation, labor, management, maintenance, technical assistance, training, risk, and income foregone.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(f)</i>): Payments to an individual or entity shall not exceed \$240,000 for all contracts entered into during any 6 year period.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240Y</i>): Same as current law</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(i)</i>): Allocates acres based on the proportion of eligible acres in a state to all eligible acres, with a minimum acreage of the lesser of 20,000 or 2.2 percent of the state's eligible acres per year. Acres that will not be used in one state can be reallocated to a state requesting additional acres.</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(h)(3)</i>): Directs the Secretary, to the extent practicable, to enroll 13.273 million</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1238C(g) FSA '85: Technical assistance shall be provided to producers from fiscal year 2003 through 2007 in an amount not to exceed 15 percent of the amounts expended for the fiscal year.</p> <p>No comparable provision</p>	<p>Sec. 2103 (<i>amends Sec. 1238C(g) FSA</i>): Extends current law so that technical assistance shall be provided to producers from fiscal years 2008 through 2017.</p> <p>Sec. 2103 (<i>amends Sec. 1238C(h) FSA</i>): Data shall be maintained to allow for quantification of the payment uses and amounts.</p>	<p>acres be enrolled in the CSP annually at a national average cost of \$19 per acre, and that the Secretary establish a minimum contract value to ensure equity for small acreage farms, including specialty crop producers.</p> <p>No comparable provision</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(h)(1)(f)</i>): Similar to House</p> <p>Sec. 2341 (<i>amends FSA to add Sec. 1240X(d)(5)(E)</i>): Restricts structural practices under the stewardship section to those integrated with and essential to support a site specific management activity addressing 1 or more priority resources of concern.</p>	
T2-11	<p>Grassland Reserve Program</p> <p>Sec. 2104 of H.R. 2419</p> <p>Sec. 2381 of Senate Amdt.</p>	<p>Sec. 1238N FSA '85: Grassland Reserve Program (GRP) is established to assist owners, through long-term contracts or easements, in restoring grassland and conserving virgin grassland.</p> <p>1238N(b)(1) FSA '85: Total number of acres enrolled shall not exceed 2,000,000 acres.</p>	<p><u>Section 2104</u></p> <p>Sec. 2104(b): Requires the Secretary to enroll an additional 1,340,000 acres in GRP during fiscal years 2008-2012.</p>	<p><u>Section 2381</u></p> <p><i>Note: The Senate version represents a complete rewrite of GRP.</i></p> <p>Sec. 2401(6): Provides \$240 million for fiscal years 2008-2012. Does not have an acreage restriction.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1238N(b)(2) FSA '85: Eligible grassland can be enrolled under contracts of 10, 15, 20, or 30 years or under 30-year or permanent easements (or the maximum allowed by State law). Not more than 60 percent of funds can be used for 30-year contracts or 30-year and permanent easements. Not more than 40 percent are available for 10-, 15-, and 20-year contracts.</p> <p>No comparable provision</p> <p>Sec. 1238N(c) FSA '85: Eligible land is private land that is grassland, land that contains forbs, or shrubland including improved rangeland and pastureland or land that is located in an area that has been historically dominated by grassland, forbs, or shrubland and has potential to service habitat for animal or plant populations of significant ecological value if the land is retained in the current use of the land or restored to a natural condition or land that is incidental to the land described above if the Secretary determines it to be necessary for</p>	<p>Sec. 2104(a): Same as existing law except at least 60 percent of the acres enrolled through the program shall be through the use of long-term agreements and permanent easements.</p> <p>Sec. 2104(c) (Sec. 1238N(d), as amended by the House): Land enrolled in CRP may be enrolled in GRP if the Secretary determines it is of high ecological value and under significant threat of conversion. The number of CRP acres enrolled in a calendar year shall not exceed 10 percent of the total number of acres enrolled in GRP for that same year. Land enrolled in GRP shall not be eligible for CRP payments.</p> <p>Same as current law</p>	<p>Sec. 2381 (amends Sec. 1238O(b) FSA): Allows the Secretary to enroll land either through a cooperative agreement with an eligible entity or directly enroll land with a producer through 30-year contracts, 30-year easements, or permanent easements (short term contracts are eliminated).</p> <p>Sec. 2381 (amends Sec. 1238O(b)(3) FSA): Similar to House</p> <p>Sec. 2381 (amends Sec. 1238N(2) FSA): Expands current law to include eligible land categories of: land that contains historical or archaeological resources, or would further the goals and objectives of State, Regional, and National fish and wildlife conservation plans and initiatives.</p>	

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		<p>inclusion.</p> <p>Sec. 12380(b) FSA '85: The terms of easements and agreements permit common grazing practices, maintenance of the grasslands, haying and mowing outside of the nesting season, and fire rehabilitation. Production of agricultural commodities or other actions that require breaking of the soil surface is prohibited.</p> <p>Sec. 12380(d) FSA '85: The Secretary shall prescribe the terms of a restoration agreement by which the enrolled land shall be restored including the respective duties of the landowner and the Secretary (including the federal share of restoration payments and technical assistance).</p> <p>No comparable provision</p> <p>Sec. 12380(e) FSA '85: On violation of easements, rental agreements, or</p>	<p>Same as current law</p> <p>Same as current law</p> <p>Same as current law</p> <p>Same as current law</p>	<p>Sec. 2381 (amends Sec. 1238Q(a) FSA): Ensures that common grazing practices are allowed in all easements and contracts and prohibits crop production on enrolled land. Deletes prohibition against breaking the soil surface.</p> <p>Sec. 2381 (amends Sec. 1238O(c) FSA): Stipulates that the Secretary may enter into restoration agreements with landowners.</p> <p>Sec. 2381 (amends Sec. 1238Q(b)(3) FSA): Requires protection of Federal investment through an executory limitation, but specifies that the executory limitation is not a Federal acquisition of real property and will not trigger any Federal appraisal or other real property requirements.</p> <p>Sec. 2381 (amends Sec. 1238Q(c) FSA): If a violation occurs in the easements,</p>	

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		<p>restoration agreements, the instrument shall remain in force and the Secretary may require the owner to refund all or part of the payments received under this subchapter.</p> <p>Sec. 1238P(b)(1) FSA '85: Requires Secretary to pay fair market value minus the grazing value for a permanent easement and 30 percent of the fair market value of the land minus the grazing value of the land for 30-year easements or contracts (or easements of the maximum duration allow by State law). Does not specify an appraisal method to be used by the Secretary.</p> <p>No comparable provision</p> <p>Sec. 1238Q FSA '85: Allows the Secretary to transfer title of ownership of an easement to a private organization or State to enforce the easement, subject to the Secretary's right to periodically inspect or enforce the easement. The Secretary retains reversionary interest in the easement if the State or private organization fails to enforce its terms.</p> <p>Sec. 1238Q FSA '85: The Secretary may</p>	<p>Sec. 2104(c) (Sec. 1238N(e) as amended by the House): Fair market value shall be determined by the lowest amount calculated using a percentage of fair market value based on the Uniform Standards for Professional Appraisals Procedures, a percentage of market value, a geographic cap, or the offer made by the landowner. In using a geographic cap to determine fair market value, the term geographic cap shall be defined by regulations.</p> <p>Sec. 2104(d): Grassland Reserve Enhancement – authorizes the Secretary to enter into agreements with States and political subdivisions to advance the purposes of the GRP.</p> <p>Sec. 2104(e): Same as current law, except also allows a private organization or State to own or write an easement.</p> <p>Same as current law</p>	<p>contracts, cooperative agreements or restoration agreements, the Secretary may require the owner or entity to refund all or part of any payments received.</p> <p>Sec. 2381 (amends Sec. 1238P(b)(2) FSA): Same as current law, except that easements of the maximum duration allowed by state law are paid at the same rate as for permanent easements.</p> <p>No comparable provision</p> <p>Sec. 2381 (amends Sec. 1238O(d) FSA): States that easement titles may be held either by the Secretary or an eligible entity.</p> <p>Sec. 2381 (amends Sec. 1238N(1) FSA):</p>	

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		<p>approve an organization to hold an easement if the entity is a 501(c)(3) that is exempt from taxation under 501(a) or a 509(a)(3) controlled by a 509(a)(2) organization; has relevant experience, a charter for conserving land, and the resources necessary.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Defines eligible entities as a State or:</p> <ol style="list-style-type: none"> 1) Local government or Indian Tribes; 2) an organization specified in clause (i)(ii)(iii) or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986; 3) described in section 501(c)(3) of that code and is described in paragraph (1) or (2) of section 509(a) of that Code or described in section 509(a)(3) and is controlled by an organization described in section 509(a)(2) of that Code. <p>Sec. 2381 (<i>amends Sec. 1238P(b)(2)(A)(i)(II) FSA</i>): Requires that 30-year contracts be paid at the same rate as 30-year easements.</p> <p>Sec. 2381 (<i>amends Sec. 1238Q(b) FSA</i>): Stipulates terms and conditions for cooperative agreements with eligible entities, including allowing the eligible entity flexibility to use their own term and conditions for easements.</p> <p>Sec. 2381 (<i>amends Sec. 1238Q(b)(2)(F) FSA</i>): Requires eligible entities to use appraisals that comply with an industry approved method.</p>	
T2-12	Environmental Quality Incentives Program	Sec. 1240 FSA '85: The purpose of Environmental Quality Incentives Program (EQIP) is to promote agricultural production and environmental quality by	Section 2105 Sec. 2105(a): The purpose of EQIP is amended to include the promotion of forest management, organic transition and	Section 2351: Sec. 2351(1): Adds “forest management” to purposes of the program, and emphasizes forestry, pollinators, and fuels	

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	<p>Sec. 2105 of H.R. 2419</p> <p>Sec. 2351 of Senate Amdt.</p>	<p>providing technical assistance, cost-share payments, and incentive payments to assist crop and livestock producers with environmental and conservation improvements on the farm.</p> <p>Sec. 1240A(2) FSA '85: Eligible land includes land on which agricultural commodities or livestock are produced (cropland, grassland, rangeland, pastureland, and private nonindustrial forest land).</p> <p>Sec. 1240A(3) FSA '85: A land management practice means a site specific nutrient, manure, integrated pest management, irrigation, tillage, residue, grazing, air quality management practice.</p> <p>Sec. 1240A(4) FSA '85: Livestock means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep and other animals determined by the Secretary.</p>	<p>energy conservation as compatible goals with environmental quality.</p> <p>Same as current law</p> <p>Sec. 2105(b): The definition of land management practice is changed to include forest management and silvicultural practices.</p> <p>A land management practice may involve the coordination of multiple landowners.</p> <p>Forest management practices are defined as activities that may be needed to improve water quality, restore forest biodiversity, control invasive species or improve watershed health.</p> <p>Alpaca and bison are added to the definition of livestock.</p>	<p>management.</p> <p>Sec. 2352(a): Adds land used for pond raised aquaculture production to the definition of eligible land.</p> <p>Sec. 2352(b): Similar to House on forest management and adds “fuels management” to the definition of land management practice.</p> <p>No comparable provision</p> <p>Forest management practices are defined as activities that may be needed to improve water, soil, or air quality, restore forest biodiversity, control invasive species, improve wildlife habitat, or achieve conservation priorities identified in a forest resource assessment and plan.</p> <p>Same as current law</p>	

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		<p>Sec. 1240A(5) FSA '85: A practice means one or more structural practices, land management, practices, and comprehensive nutrient management planning practices.</p> <p>Sec. 1240A(6) FSA '85: Structural practice includes establishment of site-specific structures or vegetative practices, including capping of abandoned wells, that the Secretary determines is needed to protect soil, water, and related resources.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>Same as current law</p> <p>Adds the definition of “socially disadvantaged farmer or rancher” and has the same meaning as in Sec. 355(e) of the Consolidated Farm and Rural Development Act.</p> <p>Defines “integrated pest management” to mean managing pests by combining biological, cultural, physical, and chemical tools (the definition under FIFRA).</p> <p>Sec. 2105(h): Expands the program to provide that livestock market agencies (as defined in section 301(c) of the Packers & Stockyards Act) and custom feeding businesses may receive technical assistance, cost-share payments, or incentive payments.</p>	<p>Sec. 2352(c): Adds ‘conservation planning practices’ to the definition of practices.</p> <p>Sec. 2352(e): Adds ‘firebreak’ and ‘fuel break’ to the definition of structural practices.</p> <p><i>Adds definition under Sec. 1201 to apply to entire title.</i></p> <p>No comparable provision</p> <p>Sec. 2352(d): Defines producer to include a custom feeding business and a contract grower or finisher.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1240B(a)(1) FSA '85: Directs the Secretary to provide cost-share and incentive payments to producers that enter into EQIP contracts.</p> <p>Sec. 1240B(a)(2) FSA '85: Eligible practices include structural, land management, and comprehensive nutrient management practices.</p> <p>Sec. 1240B(a)(2)(B) FSA '85: Incentive payments may be made for a land management or comprehensive nutrient</p>	<p>Sec. 2105(c): Reauthorizes cost-share and incentive payments through 2012.</p> <p>Sec. 2105(c): Adds organic certification as an eligible practice.</p> <p><i>Compare to House Sections 10301 and 10303:</i></p> <p><i>Sec. 10301. National Organic Certification Cost-Share Program. Provides \$22 million until expended for the national organic certification cost-share program.</i></p> <p><i>The Federal share may not exceed 75 percent of the cost of certification, and the maximum amount a producer may receive is raised from \$500 to \$750.</i></p> <p><i>Sec. 10303. Organic Conversion, Technical and Educational Assistance. Authorizes \$50 million over five years to provide technical assistance and cost-sharing grants to farmers trying to transition to organic farming.</i></p> <p>Sec. 2105(c): Expands the activities for which a producer can receive incentive payments to include technical services</p>	<p>Same as House</p> <p>Sec. 2360 (<i>amends FSA to add Sec. 1240J(b)</i>): Establishes a new option within EQIP to provide cost share and incentive payments to producers who choose to convert to organic production practices on some or all of their operations.</p> <p>Sec. 2360 (<i>amends FSA to add Sec. 1240J(b)</i>): Provides technical and financial assistance appropriate for an organic plan to producers in the EQIP organic transition program.</p> <p>Sec. 2360 (<i>amends FSA to add Sec. 1240J(e)</i>): Requires eligible producers to protect soil, water, wildlife, air and other natural resources and submit an annual verification by a certifying entity to participate in the organic transition program.</p> <p>Sec. 2360 (<i>amends FSA to add Sec. 1240J(g)</i>): Stipulates that contract length of 3-4 years and caps total costs at \$80,000 (organic contracts fall within the overall payment limitation for EQIP).</p> <p>Sec. 2353(c)(3): Adds a conservation plan to practices eligible for incentive payments.</p>	

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		<p>management plan.</p> <p>Sec. 1240B(b)(2) FSA '85: A contract under this chapter shall have a term of at least 1 year after the last practice is applied to no more than 10 years</p> <p>Sec. 1240B(d)(2) FSA '85: Allows not more than a 90 percent cost-share rate if producer is a limited-resource or beginning farmer or rancher.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>Sec. 1240B(d)(3) FSA '85: Producers are not eligible to receive cost-share payments for practices on eligible land under the program if they are receiving benefits for the same practice on the same land under chapter 1.</p>	<p>from an approved third party provider, energy efficiency improvements and the implementation of renewable energy systems.</p> <p>Same as current law</p> <p>Sec. 2105(d): The Secretary shall increase the cost-share provided to a limited resource, socially disadvantaged, or beginning farmer or rancher to 90 percent of the cost of the practice.</p> <p>No comparable provision</p> <p>Sec. 2105(e): A 90 percent cost-share is provided for projects utilizing gasifier technology to dispose animal carcasses and byproducts.</p> <p>Same as current law</p>	<p>Sec. 2353(b)(2): Reduces maximum contract term to 5 years.</p> <p>Sec. 2353(c)(2)(A): Socially disadvantaged and beginning farmers or ranchers may receive not more than 90 percent cost share or 15 percent above the prevailing cost share rate.</p> <p>Socially disadvantaged and beginning farmers or ranchers can receive 30 percent of their payment in advance for purchases of materials and labor.</p> <p>No comparable provision</p> <p>Sec. 2353(b): Prohibits duplicate payments for same practice from any other programs.</p>	

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		<p>Sec. 1240B(e) FSA '85: Incentive payments shall be in an amount necessary to encourage a producer to perform 1 or more land management practices. Significance may be accorded to promoting residue, nutrient, pest, invasive species or air quality management.</p> <p>Sec. 1240B(g) FSA '85: Funding for livestock producers is targeted at 60 percent of annual program funding, from fiscal years 2002 - 2007.</p> <p>No comparable provision</p> <p>Sec. 1240C FSA '85: In evaluating applications for cost-share and incentive payments, the Secretary shall prioritize</p>	<p>Sec. 2105(f): The Secretary shall set incentive payments in an amount and rate necessary to encourage producers to perform one or more practices, receive technical services, develop a comprehensive nutrient management plan, or implement energy efficiency improvements or renewable energy systems. In determining the amount of such payments, great significance may be accorded to practices that promote pollinator habitat, among other practices preexisting in law.</p> <p>Sec. 2105(g)(2): Extends current law through fiscal year 2012.</p> <p>Sec. 2105(g)(3): During the first 90 days of each period for which incentive and cost-share funds are available, at least 5 percent of those funds shall be reserved for beginning farmers and ranchers, and at least 5 percent shall be reserved for socially disadvantaged and limited resource farmers and ranchers.</p> <p>Sec. 2105(i): Changes the evaluation of applications for cost-share and incentive payments. The Secretary is directed to</p>	<p>Sec. 2353 (<i>amends Sec. 1240B(e)(2) FSA</i>): Same as current law but adds predator deterrence including species protected under the ESA, gray wolves, grizzly bears, and black bears to list of activities that may receive greater accord in determining the amount and rate of incentive payments.</p> <p>Same as House</p> <p>See Sec. 2403: Conservation Access: Reserves 10 percent of conservation program funding for beginning farmers and ranchers and socially disadvantaged farmers and ranchers. Amounts not obligated by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year.</p> <p>Sec. 2354: Expands application evaluation criteria to include providing priority to applications that improve existing</p>	

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		<p>assistance that encourages cost effective conservation practices and addresses national conservation priorities.</p> <p>1240D(2) FSA '85: Producer must implement an environmental quality incentive program, agree not to conduct practices on the farm or ranch that will defeat the purposes of the program, and forfeit entire or partial amount of payment to Secretary if in violation of the contract.</p> <p>Sec. 1240E FSA '85: To be eligible to participate, a producer shall submit to a program plan that specifies covered practices, necessary terms and conditions, and development and implementation of a</p>	<p>prioritize applications based on: overall cost-effectiveness and the effectiveness and comprehensiveness of the project in addressing designated resource concerns.</p> <p>The Secretary shall develop evaluation criteria to ensure that national, State and local priorities are addressed.</p> <p>The Secretary shall evaluate applications with those which address conservation activities for similar agriculture operations.</p> <p>Sec. 2105(i) (amends Sec. 1240C of FSA): The evaluation process must be as streamlined as possible for applications that involve operations with substantial and sound management systems and seek a single or limited number of practices to improve the performance of that system.</p> <p>Sec. 2105(j): Adds forest land to the lands on which producers agree not to conduct practices that may defeat the program purposes.</p> <p>Sec. 2105(k): Adds forest land to the program plan requirements.</p>	<p>conservation practices or systems or to complete a conservation system.</p> <p>Same as current law</p> <p>Same as current law</p> <p>Same as current law</p> <p>Same as House</p> <p>Same as House</p>	

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		<p data-bbox="526 147 1024 180">nutrient management plan for CAFOs.</p> <p data-bbox="526 220 1037 326">The Secretary will avoid duplication of planning activities to the extent practicable.</p> <p data-bbox="526 513 1064 724">Sec. 1240F FSA '85: Directs the Secretary to assist producers to achieve the conservation and environmental goals of an EQIP plan through providing financial assistance and information and training to aid in plan implementation.</p> <p data-bbox="526 1276 1077 1487">Sec. 1240H FSA '85: Conservation Innovation Grants: The Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the federal investment in environmental enhancement</p>	<p data-bbox="1104 220 1628 358">Sec. 2105(k): To avoid duplication, the Secretary may consider a water or air quality permit as the equivalent of a plan of operations.</p> <p data-bbox="1104 513 1655 837">Sec. 2105(l) (Sec. 1240F, as amended by the House): Adds special rules for water conservation: the Secretary may provide assistance for water conservation or irrigation only if the assistance will yield a net savings in total or consumptive use of ground or surface water affected by the practice and will not result in an increase of water use by the agriculture operation.</p> <p data-bbox="1104 911 1628 984"><i>House funds air quality in Conservation Innovation Grants. (see below)</i></p> <p data-bbox="1104 1097 1427 1130">No comparable provision</p> <p data-bbox="1104 1276 1628 1455">Sec. 2105(m): Conservation Innovation Grants <i>(amends Sec. 1240H(a) FSA):</i> Forest resource management is added as an eligible grant activity.</p>	<p data-bbox="1682 220 2220 431">Sec. 2341 (amends FSA to add Sec. 1240T(b)(2)): The Secretary shall avoid duplication between conservation plans required under this chapter [CSIP] and plans required under a water or air quality regulatory program.</p> <p data-bbox="1682 513 2220 764">Sec. 2353(c)(6): The Secretary may give priority to applications in which there is an improvement in surface flows or a reduction in the use of groundwater or the producer agrees not to use any associated water savings to bring new land into irrigated production.</p> <p data-bbox="1682 911 2206 1057">Sec. 2353 (amends FSA to add Sec. 1240(b)(i)): Provides priority for applications for conservation to improve air quality under certain circumstances.</p> <p data-bbox="1682 1097 2220 1243">Sec. 2353(d): Prohibits EQIP contracts to producers with less than \$15,000 in gross sales from farming, ranching or forestry operations.</p> <p data-bbox="1682 1276 2085 1308">Section 2358: Similar to House</p>	

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		<p>and protection in conjunction with agricultural production.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2105(m) (<i>amends Sec. 1240H(b) FSA</i>): Eligible projects include those which ensure the efficient and effective transfer of technologies and provide benefits through increased participation of specialty crop producers.</p> <p>Sec. 2105(m) (<i>amends Sec. 1240H(c) FSA</i>): A new pilot program for the Chesapeake Bay watershed is established to assist producers in comprehensive planning before they submit applications for any of the conservation programs. Assistance may be provided through certified third party providers. Assistance under this pilot is intended to help the producer choose the appropriate type of financial assistance that would address the resource needs of their farm consistent with the goals of the area where the farm is located. A report on the effectiveness of the pilot shall be published.</p> <p>Sec. 2105(m) (<i>amends Sec. 1240H(d) FSA</i>): From CIG funds, \$10 million for fiscal year 2008; \$15 million for fiscal year 2009; \$30 million for fiscal year 2010; \$40 million for fiscal year 2011; \$55 million for fiscal year 2012 shall be used for cost-share and incentive payments to help producers meet State and local air quality regulations.</p>	<p>Sec. 2358: Clarifies that purpose of grants are to develop and transfer innovative conservation technology. Seeks to increase participation by specialty crop producers.</p> <p>Sec. 2361. Establishes a Chesapeake Bay Watershed Conservation program to use the authorities of EQIP to address natural resource concerns in the watershed that are associated with agricultural. Provides \$165 million in CCC funding from 2008 through 2012.</p> <p>Sec. 2353 (<i>amends FSA to add Sec. 1240(b)(i)</i>): Clarifies that technical and financial assistance may be provided under EQIP for air quality improvement. Provides priority for applications for conservation to improve air quality in areas that are located in non-attainment areas or where there is air quality degradation.</p>	

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		<p>Sec. 1240H FSA '85: Funding comes from EQIP, but current law does not specify an amount for this provision.</p>	<p>Funds shall be available to States based on air quality concerns facing producers in that State.</p> <p>Sec. 2105(m) (<i>amends Sec. 1240H(e) FSA</i>): From EQIP funds, the following amounts shall be used for Conservation Innovation Grants: \$30 million for fiscal year 2008; \$35 million for fiscal year 2009; \$50 million for fiscal year 2010; \$60 million for fiscal year 2011; \$75 million for fiscal year 2012.</p> <p>Of these amounts, \$5 million each fiscal year shall be used for outreach for organic and specialty crop producers and \$5 million for each fiscal year shall be available for the comprehensive conservation planning pilot program.</p>	<p>No comparable provision</p>	
T2-13	<p>Ground and Surface Water Conservation</p> <p>Sec. 2106 of H.R. 2419 – <i>changes program to RWEP</i></p> <p>Sec. 2359 of Senate Amdt – <i>keeps existing GSWC program</i></p>	<p>Sec. 1240I(a) FSA '85: The Ground and Surface Water Conservation Program was established to promote ground and surface water conservation by providing cost-share payments, incentive payments and loans for producers to carry out water conservation activities.</p>	<p>Section 2106</p> <p>Sec. 2106(a): Changes the purpose of the existing ground and surface water conservation program to allow cooperative agreements between the Secretary, producers, government entities and Tribes in achieving regional water quality or quantity goals in water quality priority areas.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(b)(1) FSA, as amended</i>): Establishes a regional water enhancement program to improve water</p>	<p><i>Note: Senate version of RWEP is in T2-31 Sec. 2405 - Partnerships and Cooperation.</i></p> <p><i>Note: The House changes the existing Ground and Surface Water (Sec. 1240I(a)) to RWEP. The Senate keeps existing Ground and Surface Water, but only amends current law in Sec. 1240I(c).</i></p>	

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			<p>quality or quantity to benefit working agricultural land and surrounding agricultural land on a regional basis.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(b)(2) FSA, as amended</i>): Requires the Secretary to identify areas where protecting or improving water quality or quantity, or both, is a priority. Further requires the Secretary to prioritize the Chesapeake Bay, the Upper Mississippi River basin, the Everglades, the Sacramento River watershed and the Klamath River basin are priority areas. Not more than 50 percent of the funds provided for this program may be reserved for these priority areas.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(c)(1) FSA, as amended</i>): Requires the Secretary to invite prospective partners to submit competitive grant proposals for regional water enhancement programs.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(c)(2) FSA, as amended</i>): Proposal must include a description of the exact geographic area, identification of water quality or quantity issues of concern; a method of determining a baseline assessment; a description of proposed activities; performance measures; other regional water enhancement activities carried out by the Secretary and partners through other means.</p>		

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		<p>Sec. 1240I(c) FSA '85: Provides CCC funding of: \$25 million for fiscal year 2002, \$45 million for fiscal year 2003, and \$60 million for fiscal year 2004-07.</p>	<p>Sec. 2106(b) (<i>Sec. 1240I(c)(3) FSA, as amended</i>): Proposals will be awarded competitively based on the inclusion of the most lands and producers; the most activities versus costs; contribution to sustaining or enhancing agricultural production or rural economic development; development of performance measures to measure long term effectiveness; the capture of surface water runoff; the participation of multiple interested persons in improving issues of concern, the assistance provided to producers to meet regulatory requirements that reduce the economic scope of their operation.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(c)(4) FSA, as amended</i>): Grants may not exceed 5 years, and may be terminated if performance measures are unmet.</p> <p>Sec. 2106(b) (<i>Sec. 1240I(h) FSA as amended</i>): \$60 million will be available for each fiscal year 2008-2012. No more than 3 percent may be used for administrative expenses.</p>	<p>Sec. 2359 (<i>amends Sec. 1240I(c)(1) FSA</i>): Maintains existing Ground and Surface Water Conservation Program. Provides increase in funding from \$60 million to \$65 million.</p> <p>Sec. 2359 (<i>amends Sec. 1240I(c)(2)(B) FSA</i>): Provides for each state that received funding under the program in previous years funding that is the simple</p>	

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				<p>average of funds provided for fiscal years 2002-2007 or the amount provided in 2007, whichever is greater. Provides not less than the greater of \$3 million or the average of funds provided for fiscal years 2002-2007 per year for each state over the Ogallala Aquifer (CO, KS, NM, OK, NE, SD, TX, WY).</p> <p>Sec. 2359 (<i>amends Sec. 1240I(c)(3) FSA</i>): Creates an Eastern Snake Plain Aquifer Pilot for regional water conservation activities in the Eastern Snake Aquifer Region; authorizes not less than \$2 million for the pilot program, from funds made available in amended sec. 1240I(c)(1).</p>	
T2-14	<p>Grassroots Source Water Protection Program</p> <p>Sec. 2107 of H.R. 2419</p> <p>Sec. 2394 of Senate Amdt.</p>	<p>Sec. 12400 FSA '85: Established a national Grassroots Source Water Protection Program to more effectively use onsite technical assistance capacity of State rural water associations that operate wellhead or groundwater protection programs. Authorizes appropriations of \$5 million annually for fiscal years 2002-07.</p> <p>No comparable provision</p>	<p>Section 2107</p> <p>Sec. 2107(a): Increases appropriations authorization from \$5 million each fiscal year to \$20 million each fiscal year through 2012.</p> <p>Sec. 2107(b): A one time infusion of \$10 million shall be available until expended.</p>	<p>Section 2394:</p> <p>Similar to House</p> <p>No comparable provision</p>	
T2-15	<p>Conservation of Private Grazing Land</p> <p>Sec. 2108 of H.R.</p>	<p>Sec. 1240M(e) FSA '85: Conservation of Private Grazing Lands (CPGL) authorizes technical and educational assistance for conservation and enhancement of private grazing lands.</p>	<p>Section 2108</p> <p>Extended through 2012.</p>	<p>Section 2392:</p> <p>Same as House</p>	

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	<p>2419</p> <p>Sec. 2392 of Senate Amdt.</p>				
T2-16	<p>Great Lakes Basin Program for Soil Erosion and Sediment Control</p> <p>Sec. 2109 of H.R. 2419</p> <p>Sec. 2395 of Senate Amdt.</p>	<p>Sec. 1240P(c) FSA '85: Established a program for soil and sediment control that provides project demonstration grants, technical assistance, and information/education programs to improve water quality in the Great Lakes Basin. Authorizes appropriations of \$5 million annually for 2002-07.</p>	<p>Section 2109 Extended through 2012.</p> <p>No comparable provision</p>	<p>Section 2395: Same as House</p> <p>Sec. 2395 (amends Sec. 1240P(a) FSA): Identifies the purpose of the program is to assist implementation of the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.</p>	
T2-17	<p>Discovery Watershed Demonstration Program</p> <p>Sec.2397 of Senate Amdt.</p>	<p>No comparable provision</p>	<p>No comparable provision</p>	<p>Section 2397 Sec. 2397 (amends FSA to add Sec. 1240Q): Establishes that the Secretary shall carry out a demonstration program in not less than 30 small watersheds in states of the Upper Mississippi River basin to identify and promote the most cost effective and efficient ways of reducing nutrient loss to surface waters.</p> <p>Sec. 2397 (amends FSA to add Sec. 1240Q(b): Defines the purpose of the program to demonstrate approaches to reduce the loss of nutrients to surface waters from agricultural land and to monitor management practices designed to reduce the loss of nutrients to surface waters from agricultural land.</p> <p>Sec. 2397 (amends FSA to add Sec.</p>	

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				<p><i>1240Q(c):</i> Allows for the Secretary to establish or identify appropriate partnerships to select the watersheds and to encourage cooperative effort among the Secretary and State, local and nongovernmental organizations.</p> <p>Sec. 2397 (<i>amends FSA to add Sec. 1240Q(d)</i>): Provides criteria for selection of watersheds.</p> <p>Sec. 2397 (<i>amends FSA to add Sec. 1240Q(f)</i>): Prohibits the use of funds for administrative expenses.</p> <p>Sec. 2397 (<i>amends FSA to add Sec. 1240Q(g)</i>): Authorizes such sums as are necessary to carry out this section.</p>	
T2-18	<p>Emergency Landscape Restoration Program</p> <p>Sec.2398 of Senate Amdt.</p>	<p>Emergency Conservation Program, Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.): The Secretary is authorized to provide funding and technical assistance to agricultural producers to carry out measures, including emergency water conservation measures, to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters.</p> <p>Emergency Watershed Protection Program, Section 403 of the Agriculture Credit Act of 1978 (16 U.S.C. 2203): The Secretary is authorized to undertake emergency measures, including the purchase of floodplain</p>	<p><i>Comparable provision in House Forestry Title but only includes forestry.</i></p>	<p>Section 2398</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R</i>): Replaces the Emergency Conservation Program and the Emergency Watershed Protection Program to establish a new Emergency Landscape Restoration Program.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(a)(1)</i>): Entities eligible for assistance are community-based associations and city, county or regional governments, including watershed councils and conservation districts.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(a)(2)</i>): Individuals eligible for assistance include producers, ranchers,</p>	

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		<p>easements, in cooperation with landowners and land users to retard runoff and control erosion to safeguard life and property in the event of fire, flood, or other natural occurrence causing watershed impairment.</p>		<p>operators, private non-industrial forest landowners, and landlords on working agricultural land.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(b)</i>): The purpose of the emergency landscape restoration program is to rehabilitate watersheds, non-industrial private forest lands and working agricultural lands adversely affected by natural catastrophic events, including the purchase of floodplain easements.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240(c)</i>): Establishes emergency landscape program to provide technical and cost-share assistance to carry out remedial activities to restore landscapes damaged by fire, drought, flood, hurricanes, ice storms, and other natural events as determined by the Secretary.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(d)</i>): Prioritizes emergency response activities that protect human health and safety.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(e)(1)</i>): Provides technical assistance and cost-share payments up to 75 percent of the cost of remedial activities to rehabilitate watersheds, non-industrial private forest land, and working agricultural land.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(e)(2)</i>): Remedial activities include</p>	

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				<p>debris removal, stream bank stabilization, establishment of cover, restoration of fences, construction of conservation structures, providing livestock water in drought situations, restoring non-industrial private forestland.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(f)</i>): Authorizes such sums as necessary.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(g)(1)</i>): Provides for the temporary administration of ECP and EWP until final regulations are formulated.</p> <p>Sec. 2398 (<i>amends FSA to add Sec. 1240R(g)(2)</i>): Repeals ECP and EWP.</p>	
T2-19	<p>Farm and Ranchland Protection Program</p> <p>Sec. 2110 of H.R. 2419</p> <p>Farmland Protection Program</p> <p>Sec. 2371 of Senate Amdt.</p>	<p>Sec. 1238I(a) FSA '85: Farmland Protection Program (FPP) provides funds to State, tribal, or local governments and to nonprofit organizations to help purchase easements against development of productive farmland.</p> <p>Sec. 1238H(2) FSA '85: Eligible lands are farm or ranchland that has prime, unique or productive soil, or land that contains historical resources. In addition, eligible land must be subject to a pending offer for purchase from an eligible entity. Eligible land on a farm or ranch includes: cropland, rangeland, grassland, pastureland, and forest land that is an incidental part of an agricultural operation.</p>	<p><u>Section 2110</u></p> <p>Sec. 2110 (<i>Sec. 1238H(2) FSA, as amended</i>): Same as current law, except eligible lands no longer specifically includes land that has prime, unique or other productive soil or is subject to a pending offer for purchase from an eligible entity.</p>	<p><u>Section 2371</u></p> <p>Sec. 2371(a)(2): Maintains current law regarding prime, unique or other productive soil, and adds land that furthers a state or local policy. Modifies the definition of forestland to include land that contributes to the economic viability of an operation or serves as a buffer. Amends definition to include land that is incidental to other eligible land to ensure efficient administration of the program.</p>	

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		<p>Sec. 1238I(a) FSA '85: Authorizes the Secretary to purchase easements in eligible land subject to a pending offer from an eligible entity.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2110 (<i>Sec. 1238I(a)(1) FSA, as amended</i>): The program allows the Secretary to facilitate and provide funding for the purchase of conservation easement or other interests in eligible land pending offers from eligible entities or a certified State.</p> <p>Sec. 2110 (<i>Sec. 1238I(a)(2) FSA, as amended</i>): Priority shall be given to protecting the farm and ranch land with prime soils that are at risk of development or projects that further a State or local policy consistent with the program.</p> <p>Sec. 2110 (<i>Sec. 1238I(b) FSA, as amended</i>): Grants shall be made to certified states based on demonstrated need for farm and ranch land protection, and may be made for multiple transactions in purchasing easements or other interests in land. Up to 10 percent of grant monies may be used for reasonable costs of purchasing easements and easement enforcement.</p> <p>Sec. 2110 (<i>Sec. 1238I(c) FSA, as amended</i>): The Secretary shall establish a process to certify eligible States. Certification requirements must at a minimum include a legislative purpose consistent with the program; authority and resources to enforce easements; ways to ensure that the average purchase price does not exceed fair market value; and</p>	<p>Sec. 2371(b)(1): Requires the Secretary to enter into cooperative agreements with eligible entities for the eligible entities to purchase conservation easements.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	

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		<p>No comparable provision</p> <p>No comparable provision</p>	<p>ways to ensure that easements protect agricultural use.</p> <p>Sec. 2110 (Sec. 1238I(d) FSA, as amended): The Secretary may also enter into an agreement with an eligible entity allowing it to purchase easements using a combination of its own funds and funds provided by the Secretary to purchase easements. The agreement may stipulate how the entity uses funds provided by the Secretary. However, the terms and conditions must be consistent with the purposes of the program; include a requirement consistent with agricultural activities regarding impervious surfaces; and require the use of a plan for any highly erodible cropland subject to an easement.</p> <p>Sec. 2110 (Sec. 1238I(e) FSA, as amended): Allows the federal government to retain a federal contingent right of enforcement or executory limitation in an easement to ensure its enforcement. This right is not considered an acquisition of property.</p> <p>Sec. 2110 (Sec. 1238I(f) FSA, as amended): Performance of eligible entities and States shall be reviewed every 3 years, and if they do not meet the necessary requirements of an agreement, the agreement may be terminated or additional time may be allowed for the</p>	<p>Sec. 2371(b)(3): Establishes the terms and conditions of a cooperative agreement between the Secretary and an eligible entity to include: entity qualifications, specific projects, substitution of projects, use of funds, flexibility to use unique terms and conditions for easements, impervious surface limitation, appraisal method, and charitable contributions.</p> <p>Sec. 2371(b)(3) (amends Sec. 1238I(d) FSA): Requires protection of Federal investment through executory limitation, but specifies that the executory limitation is not a Federal acquisition of real property and will not trigger any Federal appraisal or other real property requirements.</p> <p>No comparable provision</p>	
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Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>Sec. 1238I(b) FSA '85: Any highly erodible cropland subject to an easement shall be subject to a conservation plan.</p> <p>Sec. 1238I(c)(1) FSA '85: Federal cost-share shall be 50 percent. Charitable contributions may not exceed 25 percent of the fair market value of the easement.</p> <p>Sec. 1238I(c)(2) FSA: Bidding Down – Prohibits the Secretary from assigning a higher priority to any application solely on the basis of lesser cost.</p>	<p>entity or State to improve its performance.</p> <p>Sec. 2110 (Sec. 1238I(g) FSA, as amended): A conservation plan is required for any highly erodible cropland for which an easement or other interest is purchased. If the easement or interest is perpetual, the Secretary may not require the conversion of the cropland to less intensive uses if soil erosion can be reduced to a “T” or below under the plan.</p> <p>Sec. 2110 (Sec. 1238I(h) FSA, as amended): The cost-share for purchasing an easement may not exceed 50 percent of the appraised fair market value of the easement. Fair market value to be determined by appraisal using an industry-approved method.</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>Sec. 2371(b)(3) (amends Sec. 1238I(c) FSA): Limits the amount the Secretary can share in the costs of purchasing the easement to 50 percent of the appraised fair market value. Establishes minimum amounts entities pay based on the amount of landowner contributions. Requires appraisals based on Uniform standards of Professional Appraisal Practice or any other industry-approved standard.</p> <p>Same as current law</p>	
T2-20	<p>Farm Viability Program</p> <p>Sec. 2111 of H.R. 2419</p>	<p>Sec. 1238J FSA '85: Provides grants to eligible entities to carry out farm viability programs; authorizes necessary funds for each of fiscal years 2002 through 2007.</p>	<p>Section 2111 Reauthorized through 2012.</p>	<p>Section 2396: Same as House</p>	

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	<p>Sec. 2396 of Senate Amdt.</p>				
<p>T2-21</p>	<p>Wildlife Habitat Incentive Program</p> <p>Sec. 2112 of H.R. 2419</p> <p>Senate. 2393 of Senate Amdt.</p>	<p>Sec. 1240N FSA '85: Wildlife Habitat Incentives Program (WHIP) provides cost sharing for landowners who want to develop and improve wildlife habitat. Contracts are generally 5 to 10 years in length.</p> <p>No comparable provision</p>	<p>Section 2112</p> <p>Sec. 2112(a): The program is reauthorized through 2012.</p> <p>No comparable provision</p> <p>Sec. 2112(b): The limitation for cost-share payments is raised from 15 percent to 25 percent for long-term projects.</p> <p>Increases cost-share for long-term agreements and activities that assist producers in meeting a regulatory requirement that impacts the economic scope of their operation from 15 to 25 percent.</p> <p>No comparable provision</p>	<p>Section 2393:</p> <p>Sec. 2393 (<i>amends Sec. 1240N FSA</i>): Same as House</p> <p>Sec. 2393(1)(B): Authorizes Secretary to make incentive payments.</p> <p>Sec. 2393(1)(C): Increases the percentage of funds that can be used for long-term projects longer than 15 years from 15 percent to 25 percent.</p> <p>Sec. 2393(2): Requires the Secretary to give priority to projects that would further the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives.</p>	
<p>T2-22</p>	<p>Agricultural Management Assistance Program</p>	<p>Sec. 524(b)(1) Federal Crop Insurance Act (FCIA): Agricultural Management Assistance Program provides assistance to States found to be underserved by USDA programs.</p>	<p>Section 2201</p> <p>Sec. 2201(a): Adds Virginia and Hawaii as eligible States.</p>	<p>Section 2601:</p> <p>Sec. 2601 (<i>amends Sec. 524(b)(1) of Federal Crop Insurance Act (FCIA)</i>): Adds Idaho as a participating state.</p>	

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	<p>Sec. 2201 of H.R. 2419</p> <p>Sec. 2601 of Senate Amdt.</p>	<p>Sec. 524(b)(4)(B)(i) FCIA: Except as provided in clauses (ii) and (iii), requires the CCC to make not less than \$10 million available each fiscal year to carry out this section.</p> <p>Sec. 524(b)(4)(B)(ii) FCIA: Exception—for each of fiscal years 2003-2007, the CCC shall make \$20 million available.</p> <p>Sec. 524(b)(4)(B)(ii) FCIA: For each of fiscal years 2004-2007, specifies the amounts of the \$20 million that go to each NRCS, AMS, and RMA.</p> <p>No comparable provision</p>	<p>Same as current law</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>Sec. 2201(c): Fifty percent of available funds shall be used for construction or improvement of watershed management or irrigation structures, planting trees for windbreaks or improving water quality, and mitigating risk through diversification or various conservation practices; 40 percent may be used for any activity relating to risk management activities, including entering ag trade options, futures, or hedging; and 10 percent shall be used for organic certification cost share assistance.</p>	<p>Sec. 2601 (<i>amends Sec. 524(b)(2) FCIA</i>): Extends additional program funding through 2012.</p> <p>Sec. 2601 (<i>amends Sec. 524(b)(2)(FCIA)</i>): Extends current section 524(b)(4)(B)(ii) through 2012, providing funding of \$20 million each year.</p> <p>Same as current law</p> <p>No comparable provision</p>	
T2-23	<p>Resource Conservation and Development Program</p> <p>Sec. 2202 of H.R.</p>	<p>Sec. 1528 Agriculture and Food Act of 1981 (AFA '81): Resource Conservation and Development Program promotes the protection of natural resources and the improvement of local economies.</p>	<p><u>Section 2202</u></p>	<p><u>Section 2605:</u></p>	

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	<p>2419</p> <p>Sec. 2605 of Senate Amdt.</p>	<p>Sec. 1528(1) AFA '81: An area plan is developed through a council representing 1 or more States.</p> <p>Sec. 1528(13) AFA '81: Technical assistance means inventorying, evaluating and planning projects; providing documents associated with projects; providing assistance for long term implementation; and providing services to assist councils in carrying our plans.</p> <p>No comparable provision</p> <p>Sec. 1534 AFA '81: The Secretary, in consultation with councils, shall evaluate the program to determine its efficacy.</p>	<p>Sec. 2202(a): Clarifies that an area plan must be developed through a locally led process, and that the planning process must be conducted by a local council.</p> <p>Sec. 2202(b): Changes technical assistance services from providing assistance for long-term implementation to providing assistance for area plans and projects; also changes to providing services of USDA programs in a local community.</p> <p>Sec. 2202(c): The Secretary shall designate a coordinator to provide technical assistance to councils.</p> <p>Sec. 2202(d): The program evaluation requirement is repealed.</p>	<p>Sec. 2605(a): Same as House</p> <p>Sec. 2605(b): Same as House</p> <p>Sec.2605(c): Same as House</p> <p>Sec. 2605(d): Same as House</p>	
T2-24	<p>Small Watershed Rehabilitation Program</p> <p>Sec. 2203 of H.R. 2419</p> <p>Sec. 2604 of Senate Amdt.</p>	<p>Sec. 14 Watershed Protection and Flood Prevention Act (WPFPA): Small Watershed Rehabilitation Program provides funding for rehabilitation of water resource projects.</p> <p>Sec. 14(h)(1) WPFPA: Provides CCC funding, to remain available until expended, of: \$45 million in fiscal year 2003, \$50 million in fiscal year 2004, \$55 million in fiscal year 2005, \$60 million in fiscal year 2006, and \$65 million in fiscal year 2007.</p>	<p>Section 2203</p> <p>Sec. 2203(a): Provides \$50 million in CCC funds per fiscal year for 2009 through 2012.</p>	<p>Section 2604:</p> <p>No comparable provision</p>	

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		<p>Sec. 14(h)(2) WPFPA: In addition, the following amounts, to remain available until expended, are authorized to be appropriated: \$45 million in fiscal year 2003, \$55 million in fiscal year 2004, \$65 million in fiscal year 2005, \$75 million in fiscal year 2006, and \$85 million in fiscal year 2007.</p>	<p>Sec. 2202(b): Authorizes appropriations for fiscal years 2007 through 2012 at current funding level of \$85 million per year.</p>	<p>Sec. 2604(h): Extends program to 2012 and authorizes appropriations for fiscal year 2008 through fiscal year 2012 as such sums as necessary.</p>	
T2-25	<p>Chesapeake Bay Program for Nutrient Reduction and Sediment Control</p> <p>Sec. 2301 of H.R. 2419</p> <p>Sec. 2361 of Senate Amdt.</p>	<p>No comparable provision</p>	<p><u>Section 2301</u></p> <p>Defines the Chesapeake Bay watershed as all tributaries, backwaters side channels and their watersheds which drain in to the Chesapeake Bay.</p> <p>Requires the Secretary to develop a comprehensive plan to restore and protect the bay watershed.</p> <p>The plan will provide for proven technologies and innovative approaches to improve water quality and quantity; restore, enhance and preserve wildlife habitat; and increase economic opportunity for rural communities and producers.</p> <p>The plan must be developed in consultation with relevant federal agencies, and must be provided to Congress two years after the date of enactment.</p> <p>Critical projects include those in the</p>	<p><u>Section 2361.</u></p> <p>Sec. 2361 (<i>amends FSA to add Sec. 1240K</i>): Same as House</p> <p>Sec. 2361 (<i>amends FSA to add Sec. 1240K(b)</i>): Directs the Secretary to use EQIP to address natural resources concerns relating to agricultural and non-industrial private forest land in the Chesapeake Bay watershed.</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
			<p>Susquehanna, Shenandoah, Potomac and Patuxent Rivers.</p> <p>It is the sense of Congress that USDA is authorized and should be a member of the Chesapeake Bay Executive Council.</p> <p>Of available CCC funds, \$10 million in fiscal year 2008; \$15 million in fiscal year 2009; \$30 million in fiscal year 2010; \$40 million in fiscal year 2011; and \$55 million in fiscal year 2012.</p>	<p>Sec. 2361 (<i>amends FSA to add Sec. 1240K(b)</i>): Provides \$165 million for this purpose from CCC funds from fiscal year 2008 through 2012, to be administered through EQIP.</p>	
T2-26	<p>Voluntary Public Access and Habitat Incentive Program</p> <p>Sec. 2302 of H.R. 2419</p> <p>Sec. 2399 of Senate Amdt.</p>	No comparable provision	<p><u>Section 2302</u></p> <p>Sec. 2302 (<i>amends FSA to add Sec. 1240R(a)</i>): Establishes a voluntary public access program under which States and Tribes may apply for grants to encourage owners and operators of privately held farm, ranch and forest land to make that land available for wildlife-dependent recreation.</p> <p>Sec. 2302 (<i>amends FSA to add Sec. 1240R(c)</i>): The Secretary shall give priority to states and tribal governments that have consistent opening dates for migratory bird hunting for both residents and non residents, and meet other priority factors.</p> <p>Sec. 2302 (<i>amends FSA to add Sec. 1240R(f)</i>): Authorizes \$20 million in discretionary funding for each of fiscal</p>	<p><u>Section 2399:</u></p> <p>Sec. 2399(a) (<i>amends FSA to add Sec. 1240S(a)</i>): Same as House</p> <p>No comparable provision</p> <p>Sec. 2399 (<i>amends FSA to add Sec.1241(9)</i>): Provides \$20 million per year in mandatory funding from fiscal</p>	

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			<p>years 2008-2012.</p> <p>No comparable provision</p> <p>Sec. 2302 (<i>amends FSA to add Sec. 1240R(d)</i>): Program does not preempt a State or tribal government law, including liability law.</p>	<p>year 2008 – fiscal year 2012.</p> <p>Sec. 2399 (<i>amends FSA to add Sec. 1240S(c)</i>): Gives priority to land where the location would be available to the public.</p> <p>Sec. 2399 (<i>amends FSA to add Sec. 1240S(d)</i>): Same as House</p>	
T2-27	<p>Muck Soils Conservation</p> <p>Sec. 2303 of H.R. 2419</p>	No comparable provision	<p>Section 2303</p> <p>Sec. 2303(a): Establishes a new program under which owners/operators of eligible land shall receive payments to conserve soil, water and wildlife resources.</p> <p>Sec. 2303(b): Eligible land must be comprised of muck soil, be in agricultural production, have a spring cover crop, a winter crop, year round ditch banks seeded with grass.</p> <p>Sec. 2303(c): Payments may be between \$300 and \$500 per acre per year.</p> <p>Sec. 2303(d): \$50 million is authorized to be appropriated for each fiscal year 2008-2012.</p>	No comparable provision	
T2-28	<p>Funding for Programs under the Food Security Act of 1985</p>	<p>Sec. 1241(a)(3) FSA '85: CSP: \$1.954 billion for fiscal years 2006-2010, and</p>	<p>Section 2401</p> <p>Sec. 2401(b): CSP: CSP contracts entered into before Oct. 1, 2007, shall be funded</p>	<p>Section 2401:</p> <p>Sec. 2401(a): Funds programs in title XII of FSA of 85 for each of F 2008-2012.</p> <p>Sec. 2401(3): Current CSP-\$2.317 billion for current contracts to remain</p>	

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	<p>Sec. 2401 of H.R. 2419</p> <p>Sec. 2401 of Senate Amdt.</p>	<p>\$5.65 billion for fiscal years 2006-2015.</p> <p>Sec. 1241(a)(4) FSA '85: FPP: \$50 million for fiscal year 2002; \$100 million for fiscal year 2003; \$125 million for each fiscal year 2004 and 2005; \$100 million for fiscal year 2006; \$97 million for fiscal year 2007.</p> <p>Sec. 1241(a)(6) FSA '85: EQIP: \$400 million for fiscal year 2002; \$700 million for fiscal year 2003; \$1 billion for fiscal year 2004; \$1.2 billion in each of fiscal years 2005 and 2006; \$1.27 billion in fiscal years 2007 through 2009; \$1.3 billion in fiscal year 2010.</p>	<p>in the amount of \$1.454 billion for fiscal years 2007 through 2012 and \$1.927 billion for fiscal years 2007 through 2017. CSP contracts entered into on or after Oct. 1, 2011, shall be funded in the amount of \$501 billion for fiscal year 2012 and \$4.646 billion for the period of fiscal years 2013 through 2017 [bill says fiscal year 2012 through 2017].</p> <p>Sec. 2401(c): Farm and Ranchland Protection Program: \$125 million in fiscal year 2008, \$150 million in fiscal year 2009, \$200 million in fiscal year 2010, \$240 million in fiscal year 2011, and \$280 million in fiscal year 2012.</p> <p>Sec. 2401(d): EQIP: \$1.250 billion in fiscal year 2008, \$1.6 billion in fiscal year 2009, \$1.7 billion in fiscal year 2010, \$1.8 billion in fiscal year 2011 and \$2 billion in fiscal year 2012.</p> <p>Sec. 2401(e): WHIP funding is continued through 2012 at \$85 million each fiscal year.</p>	<p>available until expended.</p> <p>Sec. 2401(4): Conservation Stewardship Program: 13.273 million acres for each of fiscal years 2008-2012.</p> <p>Sec. 2401(5): FPP-\$97 million for each of fiscal years 2008-2012.</p> <p>Sec. 2401(7): EQIP: Fiscal years 2008 and 2009-\$1.270 billion; fiscal years 2010-2012-\$1.3 billion.</p> <p>Sec. 2401(8): WHIP: Same as House</p> <p>Sec. 2401(9): Voluntary Public Access and Habitat Incentives Program: \$20 million for each of fiscal years 2008-2012.</p> <p>Sec. 2401(6): GRP-\$240 million for fiscal years 2008-2012.</p>	
T2-29	Conservation Access	No comparable provision	No comparable provision	<p>Section 2403</p> <p>Sec. 2403 (amends Sec. 1241 of FSA): Creates a new Conservation Access</p>	

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	<p>Sec.2403 of Senate Amdt.</p>		<p><i>See Sec. 2105(g)(3).</i></p>	<p>program.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(1)(A) of FSA</i>): Defines eligible farmer or rancher as one who derives or expects to derive \$15,000 in gross sales from agriculture (not including CRP payments) and is a beginning farmer or rancher, or a socially disadvantaged farmer or rancher.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(1)(B)</i>): Requires 10 percent of conservation program funds be used to assist beginning and socially disadvantaged farmers and ranchers with annual gross sales of \$15,000 or more.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(2) FSA</i>): Requires 10 percent of the acreage in the CRP and WRP that would be enrolled in a fiscal year to be used to assist eligible farmer and ranchers.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(3) FSA</i>): Any unused funds are to be re-pooled back to the original program and made available to all persons eligible for assistance.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(4) FSA</i>): Expands purposes of Conservation Innovation Grants to include technology transfer, farmer-to-farmer workshops, and demonstrations of innovative conservation practices.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(5) FSA</i>):</p>	

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				<p>Requires, to the maximum extent practicable, the Secretary to offer higher levels of technical assistance to beginning and socially disadvantaged farmers and ranchers.</p> <p>Sec. 2403 (<i>amends Sec. 1241(g)(6) FSA</i>): Allows the Secretary to develop and implement cooperative agreements with entities with expertise in addressing the needs of beginning farmers or ranchers and socially disadvantaged farmers or ranchers to provide technical assistance, conservation planning education and sustainable agriculture training.</p>	
T2-30	<p>Improved Provision of Technical Assistance Under Conservation Programs</p> <p>Sec. 2402 of H.R. 2419</p> <p>Sec. 2404 of Senate Amdt. Delivery of Technical Assistance</p>	<p>Sec. 1242 FSA '85: The Secretary is required to provide technical assistance to eligible producers either directly or, at the producer's option, through payment to the producer for an approved third party.</p> <p>The Secretary is required to develop a program for approving third-party providers. The Secretary may also request services of non-Federal entities or enter into cooperative agreements or contracts with them to provide technical assistance.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Section 2402</p> <p>Sec. 2402 (<i>amends Sec. 1242(a) FSA</i>): Adds a third option to allow the Secretary to contract with an approved third party and provide payment directly to the approved third party to provide technical services.</p> <p>Sec. 2402 (<i>amends Sec. 1242(c) FSA</i>): The amount of payment provided shall be at least equal to prevailing market rates, except where USDA personnel are available to provide comparable services.</p> <p>Sec. 2402 (<i>amends Sec. 1242(d) FSA</i>):</p>	<p>Section 2404</p> <p>Sec. 2404 (<i>amends Sec. 1242(c) FSA</i>): Adds a third option to allow the Secretary to contract with a third party provider, or, at the option of the producer, through a payment to the producer for a third party provider.</p> <p>Sec. 2404 (<i>amends Sec. 1242(d)(5) FSA</i>): Directs the Secretary to establish fair and reasonable amounts of payments for technical services by third party providers.</p> <p>Sec. 2404 (<i>amends Sec. 1242(e)(2) FSA</i>):</p>	

Item		CURRENT LAW	HOUSE BILL (H.R. 2419)	SENATE AMENDMENT	CONF. AGREEMENT
		<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>assistance is to provide farmers, ranchers, non-industrial private forest owners, and interested individuals and organizations with consistent, science-based, site-specific practices to achieve conservation objectives.</p> <p>Sec. 2404 (<i>amends Sec. 1242(d) FSA</i>): States that the purpose of the technical service provider program is to increase the availability and range of technical expertise; provides for national criteria for the certification of technical service providers; and requires the Secretary to approve any unique certifications established at the State level.</p> <p>Sec. 2404 (<i>amends Sec. 1242(d)(4)(B) FSA</i>): Stipulates that technical assistance contracts with third-party providers cannot exceed 3 years. Allows contracts to be renewed.</p> <p>Sec. 2404 (<i>amends Sec. 1242(d)(4)(C) FSA</i>): Requires the Secretary to review certification requirements for third-party providers.</p> <p>Sec. 2404 (<i>amends Sec. 1242(d)(4)(D) FSA</i>): Establishes that education and outreach and administrative services are activities eligible for payment to third-party providers.</p>	
T2-31	Cooperative Conservation	Sec. 1243 FSA '85: Administration of the Comprehensive Conservation	Sec. 2403 Sec. 2403(a): The paragraphs under	Sec. 2405 Administrative Requirements for Conservation Programs –	

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	<p>Partnership Initiative</p> <p>Sec. 2403 of H.R. 2419</p> <p>Partnerships and Cooperation</p> <p>Sec. 2405 of Senate Amdt.</p>	<p>Enhancement Program (CCEP) enables the Secretary to operate HEL conservation, CRP, WRP, and EQIP in a consistent manner.</p> <p>No comparable provision</p> <p>Sec. 1243(f)(1) FSA '85: The Secretary may use conservation program resources to enter into stewardship agreements to address natural resource issues related to agricultural production.</p> <p>Sec. 1243(f)(1) FSA '85: Any program under Subtitle D is made available for program purposes.</p>	<p>“Administration of CCEP” Sec. 1243 of the '85 Act regarding acreage limitations for CRP and WRP, tenant protections, and technical assistance provided by other sources are moved to the end of the next section, Sec. 1244, “Administrative Requirements for Conservation Programs.”</p> <p><i>[Note: There is a technical drafting error in Sec. 2403(a). In addition to the amendments made, the House intended to strike subsections (e) and (f) of section 1243 of the Food Security Act of 1985.]</i></p> <p>Sec. 2403 (amends Sec. 1243(a) FSA): “Administration of CCEP” is renamed “Cooperative Conservation Partnership Initiative.”</p> <p>Sec. 2403 (amends Sec. 1243(a) FSA): The Secretary will enter into 2-to-5 year agreements with eligible entities to preferentially enroll producers in specified conservation programs. This will allow multiple producers and others to cooperate on improving specific resources of concern related to farming on a local, State or regional scale. These agreements are also intended to increase participation of specialty crop growers in conservation programs.</p> <p>Sec. 2403 (amends Sec. 1243(b) FSA): CSP, EQIP, and WHIP are all programs covered by this section.</p>	<p>Partnerships and Cooperation</p> <p>Sec. 2405 (amends Sec. 1244(f)(1) FSA): Requires the Secretary to designate special projects to enhance conservation outcomes by working with multiple producers to address conservation issues, if recommended by the State Conservationist in consultation with the State Technical Committee.</p> <p>Sec. 2405 (amends Sec. 1244(f)(8) FSA): Agreements shall not exceed 5 years.</p> <p>Sec. 2405 (amends Sec. 1244(f)(1) FSA): Excludes the WRP and CRP. CSP, WHIP, EQIP, GRP, FRPP are covered by this section.</p>	

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		<p>Sec. 1243(f)(1) FSA '85: Eligible partners are states, and local agencies, Tribes and NGOs.</p> <p>No comparable provision</p> <p>Sec. 1243(f)(4) FSA '85: The Secretary may adjust program elements to reflect local circumstances.</p> <p>No comparable provision</p> <p>The Secretary shall use not more than 5 percent of the funds made available for each fiscal year under subsection 1241(a)</p>	<p>Sec. 2403 (amends Sec. 1243(c) FSA): Eligible partners are States, State agencies, State subdivisions including counties and conservation districts, Tribes, NGOs and associations with histories of working with farmers on agriculture conservation issues, and any combination of the preceding.</p> <p>Sec. 2403 (amends Sec. 1243(d) FSA): Grants and agreements will be awarded under a competitive process.</p> <p>Sec. 2403 (amends Sec. 1243(g) & Sec. 1243(h) FSA): Delineates duties of eligible partners and the Secretary; allows the Secretary to adjust eligibility criteria and other elements of programs to reflect local circumstances.</p> <p>Sec. 2403 (amends Sec. 1243(i) FSA): Not more than 25 percent of the cost share shall come from non-federal sources. However, a project that offers to cover a higher percentage of the costs may be given a higher priority.</p> <p>Sec. 2403 (amends Sec. 1243(k) FSA): Of the funds provided for CSP, EQIP, and WHIP, 10 percent shall be reserved for</p>	<p>Sec. 2405 (amends Sec. 1244(f)(4) FSA): Allows Secretary to enter into agreements with a wide range of eligible entities, including irrigation and water districts, canal companies, Tribes, farmer cooperatives, institutions of higher education, NGO, producer associations, and State and Local governments.</p> <p>Sec. 2405 (amends Sec. 1244(f)(6)(B) FSA): Projects will be designated under competitive process. Sets priority for Secretary to evaluate project applications.</p> <p>Sec. 2405 (amends Sec. 1242(f)(5); Sec. 1242(f)(6) FSA): Establishes duties of eligible partners, and the Secretary is required to ensure that the resources made available follow program rules, including appeals, payment limitations, and conservation compliance. Allows the Secretary to adjust elements of the programs to reflect unique local circumstances.</p> <p>No comparable provision</p> <p>Sec. 2405 (amends Sec. 1242(f)(9) FSA): 10 percent of the funds allocated to EQIP, WHIP, GRP, FPP and 10 percent of the</p>	

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		<p>to carry out conservation programs.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>Sec. 1244(f)(5) FSA '85: Provides that any funds made available for a fiscal year that are not obligated by April 1 of the fiscal year may be used to carry out other activities under conservation program during the fiscal year in which the funding becomes available.</p>	<p>grants, agreements, and financial assistance to producers under this section. 90 percent of these funds shall allow for State Conservationists, with the advice of State Technical Committees, to select projects at the State level.</p> <p>In making State allocations, the Secretary will develop criteria that are consistent with the program's stated priorities.</p> <p>Sec. 2403 (<i>Sec. 1243(k)(4) FSA, as amended</i>): Of the funds available for a particular project or initiative, prohibits more than 5 percent from being used by the eligible entity for the administrative costs.</p> <p>Sec. 2403 (<i>Sec. 1243(k)(3) FSA, as amended</i>): Authorizes funds not obligated by April 1 of a fiscal year to be used for other Subtitle D conservation activities during the remainder of the fiscal year.</p> <p><i>Note: House version of RWEPP is above in T2-13, under Ground and Surface Water Conservation.</i></p>	<p>acreage allocated to the CSP shall be reserved for this subsection. Not less than 75 percent shall be used for state projects and not more than 25 percent for multi-state projects.</p> <p>Sec. 2405 (<i>amends Sec. 1244(f)(9)(C) FSA</i>): Prohibits use of funds to pay for partner overhead or administrative costs.</p> <p>Sec. 2405 (<i>amends Sec. 1244(f)(9)(D) FSA</i>): Same as current law</p> <p>Partnerships and Cooperation; Special Rules Applicable to Regional Water Enhancement Projects</p> <p>Adds a section to the Partnerships and Cooperation section for Regional Water Enhancement Projects.</p>	

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				<p>Sec. 2405 (<i>amends Sec. 1244(f)(7)(D)(iv) FSA</i>): Requires the Secretary to identify priority areas. Names the following as priority areas: Chesapeake Bay, Upper Mississippi River basin, Everglades, Klamath River basin, Sacramento/San Joaquin River watershed, Mobile River basin, Puget Sound, Ogallala Aquifer, Illinois River watershed (of Arkansas and Oklahoma), Champlain Basin, Platte River watershed (<i>note: drafting error, this should be the Platte River Basin</i>), Republican River Watershed, Chatahoochee river watershed, and the Rio Grande watershed.</p> <p>Sec. 2405 (<i>amends Sec. 1244(f)(7)(D)(ii) FSA</i>): Provides items a proposal must contain to be considered, including geographical location, identification of issues, baseline assessment, activities to be undertaken, and performance measures.</p> <p>Sec. 2405 (<i>amends Sec. 1244(f)(7)(D)(iii) FSA</i>): Requires competitive awards of multi-year contracts for proposals that have: the highest likelihood of success, involve multiple stakeholders, highest percentage of working agricultural lands, highest percentage of on-the-ground activities, the greatest contribution to sustaining agriculture, and suitable performance measures.</p>	
T2-32	Regional Equity and Flexibility	Sec. 1241(d) FSA '85: Before April 1 of each year, priority for conservation	Section 2404 Raises the base amount of conservation	Section 2402: Sec. 2402 (<i>amends Sec. 1241(d)(1) FSA</i>):	

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	<p>Sec. 2404 of H.R. 2419</p> <p>Sec. 2402 of Senate Amdt.</p>	<p>program funding (excluding CRP, WRP, and CSP) shall be given to approved applications in any States that have not received total conservation funding of at least \$12 million for the fiscal year.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>funds that a State must receive in order to receive priority funding for conservation programs from \$12 million to \$15 million.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Same as the House and adds CSP and AMA to the programs considered in determining funding.</p> <p>Sec. 2402 (<i>amends Sec. 1241(e) FSA</i>): In determining funding allocation for each state, the secretary shall consider the respective demand for each program in each state.</p> <p>Sec. 2402 (<i>amends Sec. 1241(f)(1) FSA</i>): Instructs the Secretary to conduct a review of conservation program allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.</p> <p>Sec. 2402 (<i>amends Sec. 1241(f)(2) FSA</i>): Instructs the Secretary to improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.</p>	
T2-33	<p>Administrative Requirements for Conservation Programs</p> <p>Sec. 2405 of H.R. 2419</p>	<p>Sec. 1244 FSA '85: The Secretary may provide to beginning farmers and ranchers, Indian tribes and limited resource producers incentives to participate in conservation programs.</p> <p>No comparable provision</p>	<p>Section 2405</p> <p>Sec. 2405(a): Socially disadvantaged farmers are added as a group the Secretary must provide incentives for to encourage participation in conservation programs.</p> <p>Sec. 2405(b): The Secretary must establish a single, simplified application process for initial requests of assistance</p>	<p>Section 2405:</p> <p><i>Note: See Sec. 2403 Conservation Access for incentive payments to encourage participation in conservation programs.</i></p> <p>Sec. 2405(a): Requires Secretary to develop a streamlined application process for conservation programs and provide</p>	

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	Sec. 2405 of Senate Amdt.	<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>under the conservation programs administered by NRCS. Applicants should not be required to provide information that is already available to the Secretary, and the process itself must minimize complexity and redundancy.</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>written notification of completion to Congress not later than 1 year after enactment.</p> <p>Sec. 2405(b) (<i>amends FSA to add Sec. 1244(d)</i>): <i>Safe Harbor</i>. Requires the Secretary, at the request of the landowner, to cooperate with the Secretary of Interior and Secretary of Commerce to make Safe Harbor assurances available to the landowner under the Endangered Species Act.</p> <p>Sec. 2405(b) (<i>amends FSA to add Sec. 1244(e)</i>): Allows producers to apply for conservation programs through a producer organization. Any applicable payment limits shall apply to individuals and not the organization.</p> <p>Sec. 2405(b) (<i>amends FSA to add Sec. 1244(g)</i>): <i>Accuracy of Payments</i> Requires Secretary to immediately implement policies and procedures to ensure proper payment to producers participating in conservation programs and correct other management deficiencies identified in OIG report 50099-11-SF.</p> <p>Sec. 2405(b) (<i>amends FSA to add Sec. 1244(h)</i>): <i>Compliance and Performance</i> Requires the Secretary to monitor and</p>	

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		No comparable provision	No comparable provision	<p>measure performance of conservation programs; to demonstrate the long-term benefits of the programs; and to coordinate program activities with the Soil and Water Resources Conservation Act.</p> <p>Sec. 2405 (<i>Sec. 1244(f): Partnerships and Cooperation moved to Sec. 2403, CCPI – T2-31</i>)</p>	
T2-34	<p>Annual Report on Participation by Specialty Crop Producers in Conservation Programs</p> <p>Sec. 2406 of H.R. 2419</p>	No comparable provision	<p>Section 2406 The Secretary must submit a report to the House and Senate Agriculture Committees regarding specialty crop producer participation in conservation programs that tracks participation by crop and livestock type, includes a plan to improve access of specialty crop producers to conservation programs, and the describes the results of this plan.</p>	No comparable provision	
T2-35	<p>Promotion of Market Based Approaches to Conservation</p> <p>Sec. 2407 of H.R. 2419</p> <p>Conservation Programs in Environmental Service Markets</p>	<p>No comparable provision</p> <p>No comparable provision</p>	<p>Section 2407 The Secretary may research, analyze and enter into contracts and agreements to promote the development of uniform standards for quantifying environmental benefits, promoting the establishment of credit registries and third party verification, and facilitating private sector market based approaches for agriculture and forest conservation activities.</p> <p>The Environmental Services Standards Board is established to develop uniform standards for quantifying environmental</p>	<p>Section 2406 Sec. 2406 (<i>amends FSA to add Sec. 1245(a)(3)(B)</i>): Requires the Secretary to establish uniform standards, design accounting procedures, establish a protocol to report environmental services benefits; establish a registry to report and maintain the benefits; and establish a process to verify that a farmer, rancher or forest land owner has implemented the conservation or land management activity.</p> <p>Sec. 2406 (<i>amends FSA to add Sec. 1245(a)(3)(B)(i)</i>): Requires the Secretary to develop uniform standards.</p>	

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	Sec. 2406 of Senate Amdt.	No comparable provision	services in order to help develop credit markets agriculture and forest conservation activities. Board members will be: The Secretaries of Agriculture, Interior, Energy, Commerce, Transportation, the Administrator of EPA, the Commander of the Army Corp of Engineers, and anyone selected by the President.	Sec. 2406 (<i>amends FSA to add Sec. 1245(a)(2)</i>): The Secretary shall include representatives of farm, ranch and forestry interests, financial institutions, higher education institutions, NGOs, Departments of Commerce, Energy, Interior, Transportation, EPA, Army Corps of Engineers, and other appropriate interests.	
		No comparable provision	Performance standards set by the Board may be adopted by Federal agencies to quantify environmental services or establish environmental and conservation credits.	No comparable provision	
		No comparable provision	\$50 million is authorized to be appropriated for this section.	Sec. 2406 (<i>amends FSA to add Sec. 1245(d)</i>): Authorizes such sums as are necessary for each of fiscal years 2008 through 2012.	
		No comparable provision	No comparable provision	Sec. 2406 (<i>amends FSA to add Sec. 1245(a)(3)(C)</i>): Requires the Secretary to consider the role of third party service providers in establishing the verification process.	
		No comparable provision	No comparable provision	Sec. 2406 (<i>amends FSA to add Sec. 1245(a)(5)</i>): Requires the Secretary to focus first on carbon markets.	
		No comparable provision	No comparable provision	Sec. 2406 (<i>amends FSA to add Sec.</i>	

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		No comparable provision	No comparable provision	<p><i>1245(b)</i>): Allows the Secretary to delegate the responsibility for this activity to a relevant agency or office.</p> <p>Sec. 2406 (<i>amends FSA to add Sec. 1245(c)</i>): Requires the Secretary to submit three reports to Congress:</p> <ol style="list-style-type: none"> 1) An initial status report within 90 days of enactment on the framework process; 2) An interim report within 180 days of enactment on the adequacy of existing research and methods to quantify environmental services benefits, proposals to establish technical guidelines, and recommendations; 3) A final report within 18 months of enactment on the progress made in this process; rates of participation by farmers, ranchers and forest land owners; and any recommendations. 	
T2-36	<p>Establishment of State Technical Committees</p> <p>Sec. 2408 of H.R. 2419</p> <p>Sec. 2501 of Senate Amdt.</p>	<p>Sec. 1261 FSA '85: The Secretary shall establish in each State a technical committee to assist in considerations relating to implementation of conservation programs.</p> <p>Sec. 2161(c): Requires State technical committees to include such representatives as can serve from among the following:</p> <ol style="list-style-type: none"> 1) Soil Conservation Service; 	<p><u>Section 2408</u></p> <p>Changes the existing composition of State technical committees to include at least 12 producers representing a variety of crops, livestock or poultry grown in the State.</p> <p>Requires State technical committees to include representatives from among the following:</p> <ol style="list-style-type: none"> 1) Natural Resources Conservation Service; 	<p><u>Section 2501:</u></p> <p>No comparable provision</p> <p>Sec. 2501(b): Requires State technical committees to include such representatives as can serve from among the following:</p> <ol style="list-style-type: none"> 1) Natural Resources Conservation 	

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		<ul style="list-style-type: none"> 2) Agricultural Stabilization and Conservation Service; 3) Forest Service; 4) Extension Service; 5) Farmers Home Administration; 6) Fish and Wildlife Service; 7) State fish and wildlife agency; 8) State forester or equivalent State official; 9) State water resources agency; 10) State department of agriculture; and 11) State association of soil and water conservation districts; 12) Other agency personnel with expertise in soil, water, wetland and wildlife management; 13) Agricultural producers with conservation expertise; 14) Nonprofit organizations with conservation expertise; 15) Persons knowledgeable about conservation techniques; and 16) agribusiness <p>No comparable provision</p>	<ul style="list-style-type: none"> 2) Farm Service Agency; 3) Forest Service; 4) Cooperative State Research, Education, and Extension Service; 5) State fish and wildlife agency; 6) State forester or equivalent State official; 7) State water resources agency; 8) State department of agriculture; and 9) State association of soil and water conservation districts; 10) At least 12 agricultural producers representing the variety of crops and livestock or poultry grown within the State; 11) Nonprofit (501(c)(3)) organizations with conservation expertise and experience working with agriculture producers in the State; and 12) Agribusiness <p>The State technical committees shall convene subcommittees to provide technical guidance and implementation recommendations. The topics subcommittees must address include: establishing priorities and criteria for state initiatives; private forestland protection issues; water quality and quantity issues; air quality, wildlife habitat, wetland</p>	<ul style="list-style-type: none"> Service; 2) Farm service Agency; 3) Forest Service; 4) Extension Service; 5) Rural Development agencies; 6) Fish and Wildlife Service; 7) State fish and wildlife agency; 8) State forester or equivalent State official; 9) State water resources agency; 10) State department of agriculture; and 11) Sate association of soil and water conservation districts; 12) Other agency personnel with expertise in soil, water, wetland and wildlife management; 13) Agricultural producers with conservation expertise; 14) Nonprofit organizations with conservation expertise 15) Persons knowledgeable about conservation techniques; 16) Agribusiness; and 17) Nonindustrial private forestland owners <p>No comparable provision</p>	

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		<p>No comparable provision</p> <p>Sec. 1262(e) FSA '85: Exempts state technical committees from the Federal Advisory Committee Act (FACA).</p>	<p>protection, and other issues.</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Sec. 2501(a): Requires the Secretary to develop standard operating procedures to be used by the State technical committee in the development of technical guidelines for the implementation of the conservation provisions of this title.</p> <p>Sec. 2501(c): Makes local work groups subcommittees of the State Technical Committee which exempts them from the Federal Advisory Committee Act (FACA).</p>	
T2-37	<p>Payment Limitation</p> <p>Sec. 2409 of H.R. 2419</p>		<p>Section 2409</p> <p>Sec. 2409 (<i>Sec. 1246(a) FSA, as amended</i>): Imposes payment limitation of \$60,000 per fiscal year for any single program, \$125,000 for payments from more than one program.</p> <p>Sec. 2409 (<i>Sec. 1246(b) FSA, as amended</i>): This limitation under subsection (a) shall not apply to WRP, FRPP, or GRP.</p> <p>Sec. 2409 (<i>Sec. 1246(c) FSA, as amended</i>): The Secretary shall issue regulations ensuring direct attribution.</p> <p>The secretary shall issue such regulations as necessary to ensure that the total amount of payments are attributed to an individual by taking into account the individual's direct and indirect ownership</p>	<p>Sec. 2405 (<i>amends FSA to add Sec. 1244(i)</i>): <i>Direct Attribution</i> Requires Secretary to use direct attribution for all conservation programs.</p> <p>Sec. 2357 (<i>amends Sec. 1240G FSA</i>): In the case of a producer organization the limitation established under this section shall apply to each participating producer and not to the entity.</p>	

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		<p>Sec. 1240G FSA '85: EQIP: No annual payment limitation. The sum of all EQIP payments to an individual or entity cannot exceed \$450,000 during fiscal years 2002-07.</p> <p>Sec. 1237D(c) FSA '85: WRP: \$50,000 per person/year. Does not apply to perpetual or 30 year easements.</p> <p>Sec. 1234(f) FSA '85: CRP rental payments (including the form of in-kind commodities) may not exceed \$50,000 per person per fiscal year.</p>	<p>interests in a legal entity that receives payments. Payments to individuals shall be combined with the individual's pro rata share of payments received by an entity in which the individual has a direct or indirect ownership interest. Likewise, payments made to an entity shall be attributed to those individuals with a direct or indirect ownership interest in the entity.</p> <p>Sec. 2103 (amends Sec. 1238C(d) FSA): Refer to this section for CSP payment limitation.</p>	<p>Same as current law</p> <p>Sec. 2341 (amends FSA to add Sec. 1240X(f)): Refer to this section for CSP payment limitation.</p> <p>Same as current law</p> <p>Same as current law</p>	
T2-38	Inclusion of Income from Affiliated Packing and Handling Operations as	No comparable provision	<p>Section 2501 Allows income from packing and handling operations to be included as income derived from farming for purposes of payment eligibility.</p>	<p>No comparable provision</p> <p><i>Sec. 1704, Title I: Extends current \$2.5</i></p>	

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	<p>Income Derived from Farming for Application of Adjusted Gross Income Limitation on Eligibility for Conservation Programs</p> <p>Sec. 2501 of H.R. 2419</p>			<p><i>million AGI limitation to 2012. (Sec. 1001D(e) FSA).</i></p>	
T2-39	<p>Encouragement of Voluntary Sustainability Practices Guidelines</p> <p>Sec. 2502 of H.R. 2419</p>	<p>No comparable provision</p>	<p><u>Section 2502</u> The Secretary may encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops.</p>	<p>No comparable provision</p>	
T2-40	<p>Farmland and Resource Information</p> <p>Sec. 2503 of H.R. 2419</p>	<p><i>The House provision is the same as current law, except that it is providing funding from FPP for activity.</i></p> <p>Agriculture and Food Act of 1981 Sec. 1544 [7 USC 4205]: (a) directs the Secretary to design and implement educational programs and materials emphasizing the importance of productive farmland to the Nation's well being and to distribute educational</p>	<p><u>Section 2503</u> The Secretary shall design and implement educational programs emphasizing the importance of farming. One or more farmland information centers shall be designated to provide technical assistance and serve as central depositories for information on farmland issues.</p> <p>This section shall be funded using no more than .05 percent of FRPP funds per year, and no less than \$400,000 annually</p>	<p>No comparable provision</p> <p>No comparable provision</p>	

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		materials through communications, media, schools, etc. (b) directs the Secretary to designate one or more farmland information centers to serve as central depositories and distribution points for information on farmland issues, policies, programs, and related information.	and must be matched with non-federal funds or in-kind contributions.		
T2-41	Pilot Program for Four-Year Crop Rotation For Peanuts Sec. 2504 of H.R. 2419	No comparable provision	<u>Section 2504</u> Directs the Secretary to enter into a contract with a peanut producer to implement a four-year crop rotation for peanuts. Funding of this pilot shall not exceed \$10 million of CCC funds for each of fiscal years 2008-2012.	See CSP - Sec. 2341 (<i>amends FSA to add Sec. 1240X(e)</i>): The Secretary shall provide additional payments to producers that agree to adopt resource conserving crop rotations to achieve optimal crop rotations.	
T2-42	Agriculture Conservation Experienced Services Program Sec. 2602 of Senate Amdt.	No comparable provision No comparable provision No comparable provision	No comparable provision No comparable provision No comparable provision	<u>Section 2602</u> Sec. 2601 (<i>amends The Department of Agriculture Reorganization Act of 1994 to add Sec. 307(a)(1)</i>): Authorizes the Secretary to enter into agreements with organizations to hire individuals 55 or over to provide assistance in administering conservation related programs. Sec. 2601 (<i>amends The Department of Agriculture Reorganization Act of 1994 to add Sec. 307(a)(3)</i>): Funding for the program authorized from EQIP, SCDA (16 U.S.C. 590a et seq), and Older Americans Act (42 U.S.C. 3056) Sec. 2601 (<i>amends The Department of Agriculture Reorganization Act of 1994 to add Sec. 307(b)</i>): Stipulates that	

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		No comparable provision	No comparable provision	<p>agreements may not displace individuals employed by the Department.</p> <p>Sec. 2601 (<i>amends The Department of Agriculture Reorganization Act of 1994 to add Sec. 307(c)</i>): Allows the Secretary to provide tools, including agency vehicles, necessary to carry out the program.</p>	
T2-43	<p>Technical Assistance</p> <p>Sec. 2603 of Senate Amdt.</p>	<p>Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) States that it is the policy of the United States to preserve soils and promote soil fertility.</p> <p>Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) States resource appraisal is basic to effective soil and water conservation</p> <p>Directs Secretary to collect data on 6 items:</p> <p>(1) data on the quality and quantity of soil, water, and related resources, including fish and wildlife habitats;</p>	<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>Section 2603</p> <p>Sec. 2603(a): Clarifies that it is the policy of the United States to preserve soil, water, and related resources and to promote soil and water quality.</p> <p>Sec. 2603(a): Defines technical assistance to mean technical expertise, information and tools necessary for the conservation of natural resources on land active in agricultural, forestry or related uses. Also defines technical services and technical infrastructure.</p> <p>Sec. 2603(b)(1): Expands findings to clarify that appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative conservation programs are basic to effective soil, water, and related natural resource conservation.</p> <p>Sec. 2603(b)(2)(A): Adds a new element to existing requirements for data collection:</p> <p>“(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes,</p>	

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		<p>(2) data on the capability and limitations of those resources for meeting current and projected demands on the resource base;</p> <p>(3) data on the changes that have occurred in the status and condition of those resources resulting from various past uses, including the impact of farming technologies, techniques, and practices;</p> <p>(4) data on current Federal and State laws, policies, programs, rights, regulations, ownerships, and their trends and other considerations relating to the use, development, and conservation of soil, water, and related resources;</p> <p>(5) data on the costs and benefits of alternative soil and water conservation practices;</p> <p>(6) data on alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.</p> <p>No comparable provision</p> <p>The Secretary shall conduct four comprehensive appraisals under this section, to be completed by December 31,</p>	<p>No comparable provision</p> <p>No comparable provision</p>	<p>economic costs, and related matters under conservation programs administered by the Secretary.”</p> <p>Sec. 2603(b)(3)(C): Adds a new evaluation section requiring the Secretary to solicit and evaluate recommendations to improve the appraisal.</p> <p>Sec. 2603(b)(3): Updates required appraisals to December 31, 2010, December 31, 2015, December 31, 2020,</p>	

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		<p>1979, December 31, 1986, December 31, 1995, and December 31, 2005.</p> <p>No comparable provision</p> <p>Requires 10-year completion dates for Appraisal of December 31, 1987, December 31, 1997, and December 31, 2007.</p> <p>Reports to Congress. Requires reports to Congress in 1980, 1987, 1996, and 2006.</p>	<p>No comparable provision</p> <p>No comparable provision</p> <p>No comparable provision</p>	<p>and December 31, 2025.</p> <p>Sec. 2603(b)(3): Inserts two new subsections into program requirements: (b) Evaluation of Existing Conservation Programs.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards. (c) Improvement to Program.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary.</p> <p>Sec. 2603(b)(3): Requires 5-year completion dates for Appraisal: December 31, 2011, December 31, 2016, December 31, 2021, and December 31, 2026.</p> <p>Sec. 2603(b)(4): Requires reports to Congress in 2011, 2016, 2021, and 2026. The report is to contain a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture and an evaluation of the status, condition, and trends of soil quality on cropland in the United States that addresses the</p>	

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		Program termination in 2008	No comparable provision	challenges and opportunities for reducing soil erosion to tolerance levels. Requires the report on improving the appraisal to be submitted in 2012. Sec. 2603 (b)(5): Extends program to 2028.	
T2-44	National Natural Resources Conservation Foundation Sec.2606 of Senate Amdt.	Sec 351 of Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 5801) Establishes a National Natural Resources Conservation Foundation to promote innovative solutions, voluntary partnerships, conduct research, undertake educational activities and provide leadership related to natural resource conservation	No comparable provision	<u>Section 2606</u> Updates existing foundation language and expands granting authority of the foundation to include making grants to individuals, and entering into agreements with the federal government. Makes gifts to the foundation tax exempt.	
T2-45	Desert Terminal Lakes Sec.2607 of Senate Amdt.	Sec. 2507 of Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211)	No comparable provision	<u>Section 2607</u> Sec. 2607 (<i>amends Sec. 2507 FSRIA 2002</i>): Extends and reauthorizes through 2012. Sec. 2607 (<i>amends Sec. 2507b FSRIA 2002</i>): Allows funds to be used to lease or to purchase land, water appurtenant to the land and related interests in the Walker River Basin from willing sellers. Sec. 2607 (<i>amends Sec. 2507 FSRIA 2002</i>): \$200 million in mandatory CCC funds from fiscal year 2008 through fiscal year 2012. <i>Note: drafting error; section duplicated in</i>	

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				<i>Senate Amendment as Sec. 2607A.</i>	
T2-46	High Plains Water Study Sec.2609 of Senate Amdt.	No comparable provision	No comparable provision	<u>Section 2609</u> Requires that program benefits under the 2007 Farm Bill will not be denied to eligible individuals solely on the basis of participation in a one-time study of aquifer recharge potential in the high plains of Texas.	
T2-47	Payment of Expenses Sec.2610 of Senate Amdt.	Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 1360(d))	No comparable provision	<u>Section 2610</u> Amends the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.) to require that the Department of State shall cover expenses incurred by Environmental Protection Agency staff participating on an international technical, economic, or policy review board, committee, or other official body with respect to a related international treaty.	
T2-48	Use of Funds for Salinity Control Activities Upstream of Imperial Dam Sec.2611 of Senate Amdt.	Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a))	No comparable provision	<u>Section 2611</u> Amends Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) to create a Basin States Program to allow the Bureau of Reclamation, to carry out salinity control activities in the Colorado River Basin. Requires the Secretary of Interior to consult with the Colorado River Basin Salinity Control Advisory Council when providing assistance in the form of grants, grant commitments, or the advancement of funds to Federal or non-Federal entities.	

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				Requires a planning report to Congress that describes the proposed implementation of the program and stipulates that no funds may be expended to implement the program until 30 days after the report is submitted to Congress.	
T2-49	Technical Corrections to the Federal Insecticide, Fungicide, and Rodenticide Act Sec. 2612 of Senate Amdt.	Pesticide Registration Service Fees, Sec 33 of FIFRA (7 U.S.C. 136 W-8): Authorizes the collection of service fees to fund the operations of the Environmental Protection Agency's pesticide registration program.	No comparable provision	Section 2612 (FIFRA 7 U.S.C. 136 W-8): Makes technical corrections to the pesticide registration service fee program in the Federal Insecticide, Fungicide, and Rodenticide Act.	