

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

115TH CONGRESS 2d Session	}	HOUSE OF REPRESENTATIVES	{	REPORT 115-_____
------------------------------	---	--------------------------	---	---------------------

AGRICULTURE IMPROVEMENT ACT OF 2018

 _____—Ordered to be printed

Mr. Conaway, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H. R. 2]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2), to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Agriculture Improvement Act of 2018”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—COMMODITIES

Subtitle A—Commodity Policy

- Sec. 1101. Definition of effective reference price.
- Sec. 1102. Base acres.
- Sec. 1103. Payment yields.
- Sec. 1104. Payment acres.
- Sec. 1105. Producer election.
- Sec. 1106. Price loss coverage.
- Sec. 1107. Agriculture risk coverage.
- Sec. 1108. Repeal of transition assistance for producers of upland cotton.



O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

2

Subtitle B—Marketing Loans

- Sec. 1201. Extensions.*
- Sec. 1202. Loan rates for nonrecourse marketing assistance loans.*
- Sec. 1203. Economic adjustment assistance for textile mills.*
- Sec. 1204. Special competitive provisions for extra long staple cotton.*
- Sec. 1205. Availability of recourse loans.*

Subtitle C—Sugar

- Sec. 1301. Sugar policy.*

Subtitle D—Dairy Margin Coverage and Other Dairy Related Provisions

- Sec. 1401. Dairy margin coverage.*
- Sec. 1402. Reauthorizations.*
- Sec. 1403. Class I skim milk price.*
- Sec. 1404. Dairy product donation.*

Subtitle E—Supplemental Agricultural Disaster Assistance

- Sec. 1501. Supplemental agricultural disaster assistance.*

Subtitle F—Noninsured Crop Assistance

- Sec. 1601. Noninsured crop assistance program.*

Subtitle G—Administration

- Sec. 1701. Regulations.*
- Sec. 1702. Suspension of permanent price support authority.*
- Sec. 1703. Payment limitations.*
- Sec. 1704. Adjusted gross income limitations.*
- Sec. 1705. Farm Service Agency accountability.*
- Sec. 1706. Implementation.*
- Sec. 1707. Exemption from certain reporting requirements for certain producers.*

TITLE II—CONSERVATION

Subtitle A—Wetland Conservation

- Sec. 2101. Wetland conversion.*
- Sec. 2102. Wetland conservation.*
- Sec. 2103. Mitigation banking.*

Subtitle B—Conservation Reserve Program

- Sec. 2201. Conservation reserve.*
- Sec. 2202. Conservation reserve enhancement program.*
- Sec. 2203. Farmable wetland program.*
- Sec. 2204. Pilot programs.*
- Sec. 2205. Duties of owners and operators.*
- Sec. 2206. Duties of the Secretary.*
- Sec. 2207. Payments.*
- Sec. 2208. Contracts.*
- Sec. 2209. Eligible land; State law requirements.*

Subtitle C—Environmental Quality Incentives Program and Conservation Stewardship Program

- Sec. 2301. Repeal of conservation programs.*
- Sec. 2302. Purposes of environmental quality incentives program.*
- Sec. 2303. Definitions under environmental quality incentives program.*
- Sec. 2304. Establishment and administration of environmental quality incentives program.*
- Sec. 2305. Environmental quality incentives program plan.*
- Sec. 2306. Limitation on payments under environmental quality incentives program.*
- Sec. 2307. Conservation innovation grants and payments.*
- Sec. 2308. Conservation stewardship program.*
- Sec. 2309. Grassland conservation initiative.*

Subtitle D—Other Conservation Programs

- Sec. 2401. Watershed protection and flood prevention.*
- Sec. 2402. Soil and water resources conservation.*
- Sec. 2403. Emergency conservation program.*
- Sec. 2404. Conservation of private grazing land.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

3

- Sec. 2405. *Grassroots source water protection program.*
- Sec. 2406. *Voluntary public access and habitat incentive program.*
- Sec. 2407. *Wildlife management.*
- Sec. 2408. *Feral swine eradication and control pilot program.*
- Sec. 2409. *Report on small wetlands.*
- Sec. 2410. *Sense of Congress relating to increased watershed-based collaboration.*

Subtitle E—Funding and Administration

- Sec. 2501. *Commodity Credit Corporation.*
- Sec. 2502. *Delivery of technical assistance.*
- Sec. 2503. *Administrative requirements for conservation programs.*
- Sec. 2504. *Temporary administration of conservation programs.*

Subtitle F—Agricultural Conservation Easement Program

- Sec. 2601. *Establishment and purposes.*
- Sec. 2602. *Definitions.*
- Sec. 2603. *Agricultural land easements.*
- Sec. 2604. *Wetland reserve easements.*
- Sec. 2605. *Administration.*

Subtitle G—Regional Conservation Partnership Program

- Sec. 2701. *Establishment and purposes.*
- Sec. 2702. *Definitions.*
- Sec. 2703. *Regional conservation partnerships.*
- Sec. 2704. *Assistance to producers.*
- Sec. 2705. *Funding.*
- Sec. 2706. *Administration.*
- Sec. 2707. *Critical conservation areas.*

Subtitle H—Repeals and Technical Amendments

PART I—REPEALS

- Sec. 2811. *Repeal of Conservation Corridor Demonstration Program.*
- Sec. 2812. *Repeal of cranberry acreage reserve program.*
- Sec. 2813. *Repeal of National Natural Resources Foundation.*
- Sec. 2814. *Repeal of flood risk reduction.*
- Sec. 2815. *Repeal of study of land use for expiring contracts and extension of authority.*
- Sec. 2816. *Repeal of Integrated Farm Management Program Option.*
- Sec. 2817. *Repeal of clarification of definition of agricultural lands.*

PART II—TECHNICAL AMENDMENTS

- Sec. 2821. *Technical amendments.*
- Sec. 2822. *State technical committees.*

TITLE III—TRADE

Subtitle A—Food for Peace Act

- Sec. 3101. *Labeling requirements.*
- Sec. 3102. *Food aid quality assurance.*
- Sec. 3103. *Local sale and barter of commodities.*
- Sec. 3104. *Minimum levels of assistance.*
- Sec. 3105. *Food aid consultative group.*
- Sec. 3106. *Issuance of regulations.*
- Sec. 3107. *Oversight, monitoring, and evaluation.*
- Sec. 3108. *Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.*
- Sec. 3109. *Consideration of impact of provision of agricultural commodities and other assistance on local farmers and economy.*
- Sec. 3110. *Allowance for distribution costs.*
- Sec. 3111. *Prepositioning of agricultural commodities.*
- Sec. 3112. *Annual report regarding food aid programs and activities.*
- Sec. 3113. *Deadline for agreements to finance sales or to provide other assistance.*
- Sec. 3114. *Minimum level of nonemergency food assistance.*
- Sec. 3115. *Termination date for micronutrient fortification programs.*
- Sec. 3116. *John Ogonowski and Doug Bereuter Farmer-to-Farmer program.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

4

*Subtitle B—Agricultural Trade Act of 1978**Sec. 3201. Agricultural trade promotion and facilitation.**Subtitle C—Other Agricultural Trade Laws**Sec. 3301. Growing American Food Exports.**Sec. 3302. Food for Progress Act of 1985.**Sec. 3303. Bill Emerson Humanitarian Trust Act.**Sec. 3304. Promotion of agricultural exports to emerging markets.**Sec. 3305. Cochran fellowship program.**Sec. 3306. Borlaug International Agricultural Science and Technology Fellowship program.**Sec. 3307. International Agricultural Education Fellowship program.**Sec. 3308. International food security technical assistance.**Sec. 3309. McGovern-Dole International Food for Education and Child Nutrition program.**Sec. 3310. Global Crop Diversity Trust.**Sec. 3311. Local and regional food aid procurement projects.**Sec. 3312. Foreign trade missions.***TITLE IV—NUTRITION***Subtitle A—Supplemental Nutrition Assistance Program**Sec. 4001. Requirements for online acceptance of benefits.**Sec. 4002. Re-evaluation of thrifty food plan.**Sec. 4003. Food distribution program on Indian reservations.**Sec. 4004. Simplified homeless housing costs.**Sec. 4005. Employment and training for supplemental nutrition assistance program.**Sec. 4006. Improvements to electronic benefit transfer system.**Sec. 4007. Review of supplemental nutrition assistance program operations.**Sec. 4008. Retail incentives.**Sec. 4009. Required action on data match information.**Sec. 4010. Incentivizing technology modernization.**Sec. 4011. Interstate data matching to prevent multiple issuances.**Sec. 4012. Requirement of live-production environments for certain pilot projects relating to cost sharing for computerization.**Sec. 4013. Quality control improvements.**Sec. 4014. Evaluation of child support enforcement cooperation requirements.**Sec. 4015. Longitudinal data for research.**Sec. 4016. Authorization of appropriations.**Sec. 4017. Assistance for community food projects.**Sec. 4018. Emergency food assistance program.**Sec. 4019. Nutrition education.**Sec. 4020. Retail food store and recipient trafficking.**Sec. 4021. Public-private partnerships.**Sec. 4022. Technical corrections.**Subtitle B—Commodity Distribution Programs**Sec. 4101. Commodity distribution program.**Sec. 4102. Commodity supplemental food program.**Sec. 4103. Distribution of surplus commodities to special nutrition projects.**Sec. 4104. Food donation standards.**Subtitle C—Miscellaneous**Sec. 4201. Seniors farmers' market nutrition program.**Sec. 4202. Purchase of fresh fruits and vegetables for distribution to schools and service institutions.**Sec. 4203. Service of traditional foods in public facilities.**Sec. 4204. Healthy food financing initiative.**Sec. 4205. The Gus Schumacher nutrition incentive program.**Sec. 4206. Micro-grants for food security.**Sec. 4207. Buy American requirements.**Sec. 4208. Healthy fluid milk incentives projects.***TITLE V—CREDIT***Subtitle A—Farm Ownership Loans**Sec. 5101. Modification of the 3-year experience eligibility requirement for farm ownership loans.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

5

- Sec. 5102. Conservation loan and loan guarantee program.*
- Sec. 5103. Limitations on amount of farm ownership loans.*
- Sec. 5104. Relending program to resolve ownership and succession on farmland.*

Subtitle B—Operating Loans

- Sec. 5201. Limitations on amount of operating loans.*
- Sec. 5202. Microloans.*
- Sec. 5203. Cooperative lending pilot projects.*

Subtitle C—Administrative Provisions

- Sec. 5301. Beginning farmer and rancher individual development accounts pilot program.*
- Sec. 5302. Loan authorization levels.*
- Sec. 5303. Loan fund set-asides.*
- Sec. 5304. Use of additional funds for direct operating microloans under certain conditions.*
- Sec. 5305. Equitable relief.*
- Sec. 5306. Socially disadvantaged farmers and ranchers; qualified beginning farmers and ranchers.*
- Sec. 5307. Emergency loan eligibility.*

Subtitle D—Miscellaneous

- Sec. 5401. Technical corrections to the Consolidated Farm and Rural Development Act.*
- Sec. 5402. State agricultural mediation programs.*
- Sec. 5403. Compensation of bank directors.*
- Sec. 5404. Sharing of privileged and confidential information.*
- Sec. 5405. Facility headquarters.*
- Sec. 5406. Removal and prohibition authority; industry-wide prohibition.*
- Sec. 5407. Jurisdiction over institution-affiliated parties.*
- Sec. 5408. Definition of institution-affiliated party.*
- Sec. 5409. Prohibition on use of funds.*
- Sec. 5410. Expansion of acreage exception to loan amount limitation.*
- Sec. 5411. Repeal of obsolete provisions; technical corrections.*
- Sec. 5412. Corporation as conservator or receiver; certain other powers.*
- Sec. 5413. Reporting.*
- Sec. 5414. Study on loan risk.*
- Sec. 5415. GAO report on ability of the Farm Credit System to meet the agricultural credit needs of Indian tribes and their members.*
- Sec. 5416. GAO report on credit service to socially disadvantaged farmers and ranchers.*

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Improving Health Outcomes in Rural America

- Sec. 6101. Combating substance use disorder in rural America; prioritizations.*
- Sec. 6102. Distance learning and telemedicine.*
- Sec. 6103. Refinancing of certain rural hospital debt.*

Subtitle B—Connecting Rural Americans to High Speed Broadband

- Sec. 6201. Access to broadband telecommunications services in rural areas.*
- Sec. 6202. Expansion of middle mile infrastructure into rural areas.*
- Sec. 6203. Modifications to the Rural Gigabit Program.*
- Sec. 6204. Community Connect Grant Program.*
- Sec. 6205. Outdated broadband systems.*
- Sec. 6206. Default and deobligation; deferral.*
- Sec. 6207. Public notice, assessments, and reporting requirements.*
- Sec. 6208. Environmental reviews.*
- Sec. 6209. Use of loan proceeds to refinance loans for deployment of broadband service.*
- Sec. 6210. Smart utility authority for broadband.*
- Sec. 6211. Refinancing of telephone loans.*
- Sec. 6212. Federal broadband program coordination.*
- Sec. 6213. Transition rule.*
- Sec. 6214. Rural broadband integration working group.*

Subtitle C—Miscellaneous

- Sec. 6301. Exclusion of certain populations from definition of rural area.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

6

- Sec. 6302. *Establishment of technical assistance program.*
- Sec. 6303. *Rural energy savings program.*
- Sec. 6304. *Northern Border Regional Commission reauthorization.*
- Sec. 6305. *Definition of rural area for purposes of the Housing Act of 1949.*
- Sec. 6306. *Council on Rural Community Innovation and Economic Development.*

Subtitle D—Additional Amendments to the Consolidated Farm and Rural Development Act

- Sec. 6401. *Strategic economic and community development.*
- Sec. 6402. *Expanding access to credit for rural communities.*
- Sec. 6403. *Water, waste disposal, and wastewater facility grants.*
- Sec. 6404. *Rural water and wastewater technical assistance and training programs.*
- Sec. 6405. *Rural water and wastewater circuit rider program.*
- Sec. 6406. *Tribal college and university essential community facilities.*
- Sec. 6407. *Emergency and imminent community water assistance grant program.*
- Sec. 6408. *Water systems for rural and native villages in Alaska.*
- Sec. 6409. *Rural decentralized water systems.*
- Sec. 6410. *Solid waste management grants.*
- Sec. 6411. *Rural business development grants.*
- Sec. 6412. *Rural cooperative development grants.*
- Sec. 6413. *Locally or regionally produced agricultural food products.*
- Sec. 6414. *Appropriate technology transfer for rural areas program.*
- Sec. 6415. *Rural economic area partnership zones.*
- Sec. 6416. *Intermediary relending program.*
- Sec. 6417. *Access to information to verify income for participants in certain rural housing programs.*
- Sec. 6418. *Providing for additional fees for guaranteed loans under the Consolidated Farm and Rural Development Act.*
- Sec. 6419. *Rural Business-Cooperative Service programs technical assistance and training.*
- Sec. 6420. *National Rural Development Partnership.*
- Sec. 6421. *Grants for NOAA weather radio transmitters.*
- Sec. 6422. *Rural microentrepreneur assistance program.*
- Sec. 6423. *Health care services.*
- Sec. 6424. *Rural innovation stronger economy grant program.*
- Sec. 6425. *Delta Regional Authority.*
- Sec. 6426. *Rural business investment program.*
- Sec. 6427. *Rural business investment program.*

Subtitle E—Additional Amendments to the Rural Electrification Act of 1936

- Sec. 6501. *Amendments to section 2 of the Rural Electrification Act of 1936.*
- Sec. 6502. *Loans for telephone service.*
- Sec. 6503. *Cushion of credit payments program.*
- Sec. 6504. *Extension of the rural economic development loan and grant program.*
- Sec. 6505. *Guarantees for bonds and notes issued for electrification or telephone purposes.*
- Sec. 6506. *Expansion of 911 access.*
- Sec. 6507. *Cybersecurity and grid security improvements.*

Subtitle F—Program Repeals

- Sec. 6601. *Elimination of unfunded programs.*
- Sec. 6602. *Repeal of Rural Telephone Bank.*
- Sec. 6603. *Amendments to LOCAL TV Act.*

Subtitle G—Technical Corrections

- Sec. 6701. *Corrections relating to the Consolidated Farm and Rural Development Act.*
- Sec. 6702. *Corrections relating to the Rural Electrification Act of 1936.*

TITLE VII—RESEARCH, EXTENSION, AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

- Sec. 7101. *Purposes of agricultural research, extension, and education.*
- Sec. 7102. *Matters related to certain school designations and declarations.*
- Sec. 7103. *National Agricultural Research, Extension, Education, and Economics Advisory Board.*
- Sec. 7104. *Specialty crop committee.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

7

- Sec. 7105. *Renewable energy committee discontinued.*
- Sec. 7106. *Veterinary services grant program.*
- Sec. 7107. *Grants and fellowships for food and agriculture sciences education.*
- Sec. 7108. *Agricultural and food policy research centers.*
- Sec. 7109. *Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions.*
- Sec. 7110. *Next generation agriculture technology challenge.*
- Sec. 7111. *Land-grant designation.*
- Sec. 7112. *Nutrition education program.*
- Sec. 7113. *Continuing animal health and disease research programs.*
- Sec. 7114. *Carryover of funds for extension at 1890 land-grant colleges, including Tuskegee University.*
- Sec. 7115. *Extension and agricultural research at 1890 land-grant colleges, including Tuskegee University.*
- Sec. 7116. *Reports on disbursement of funds for agricultural research and extension at 1862 and 1890 land-grant colleges, including Tuskegee University.*
- Sec. 7117. *Scholarships for students at 1890 institutions.*
- Sec. 7118. *Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.*
- Sec. 7119. *Grants to upgrade agriculture and food sciences facilities and equipment at insular area land-grant institutions.*
- Sec. 7120. *New Beginning for Tribal Students.*
- Sec. 7121. *Hispanic-serving institutions.*
- Sec. 7122. *Binational agricultural research and development.*
- Sec. 7123. *Partnerships to build capacity in international agricultural research, extension, and teaching.*
- Sec. 7124. *Competitive grants for international agricultural science and education programs.*
- Sec. 7125. *Limitation on indirect costs for agricultural research, education, and extension programs.*
- Sec. 7126. *Research equipment grants.*
- Sec. 7127. *University research.*
- Sec. 7128. *Extension service.*
- Sec. 7129. *Supplemental and alternative crops; hemp.*
- Sec. 7130. *New Era Rural Technology program.*
- Sec. 7131. *Capacity building grants for NLGCA Institutions.*
- Sec. 7132. *Agriculture advanced research and development authority pilot.*
- Sec. 7133. *Aquaculture assistance programs.*
- Sec. 7134. *Rangeland research programs.*
- Sec. 7135. *Special authorization for biosecurity planning and response.*
- Sec. 7136. *Distance education and resident instruction grants program for insular area institutions of higher education.*

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

- Sec. 7201. *Best utilization of biological applications.*
- Sec. 7202. *Integrated management systems.*
- Sec. 7203. *Sustainable agriculture technology development and transfer program.*
- Sec. 7204. *National training program.*
- Sec. 7205. *National strategic germplasm and cultivar collection assessment and utilization plan.*
- Sec. 7206. *National Genetics Resources Program.*
- Sec. 7207. *National Agricultural Weather Information System.*
- Sec. 7208. *Agricultural genome to phenome initiative.*
- Sec. 7209. *High-priority research and extension initiatives.*
- Sec. 7210. *Organic agriculture research and extension initiative.*
- Sec. 7211. *Farm business management.*
- Sec. 7212. *Urban, indoor, and other emerging agricultural production research, education, and extension initiative.*
- Sec. 7213. *Centers of excellence at 1890 Institutions.*
- Sec. 7214. *Clarification of veteran eligibility for assistive technology program for farmers with disabilities.*
- Sec. 7215. *National Rural Information Center Clearinghouse.*

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

- Sec. 7301. *National food safety training, education, extension, outreach, and technical assistance program.*
- Sec. 7302. *Integrated research, education, and extension competitive grants program.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

8

- Sec. 7303. Support for research regarding diseases of wheat, triticale, and barley caused by Fusarium graminearum or by Tilletia indica.*
Sec. 7304. Grants for youth organizations.
Sec. 7305. Specialty crop research initiative.
Sec. 7306. Food Animal Residue Avoidance Database program.
Sec. 7307. Office of Pest Management Policy.
Sec. 7308. Forestry products advanced utilization research.

Subtitle D—Food, Conservation, and Energy Act of 2008

PART I—AGRICULTURAL SECURITY

- Sec. 7401. Agricultural biosecurity communication center.*
Sec. 7402. Assistance to build local capacity in agricultural biosecurity planning, preparation, and response.
Sec. 7403. Research and development of agricultural countermeasures.
Sec. 7404. Agricultural biosecurity grant program.

PART II—MISCELLANEOUS

- Sec. 7411. Grazinglands research laboratory.*
Sec. 7412. Farm and Ranch Stress Assistance Network.
Sec. 7413. Natural products research program.
Sec. 7414. Sun grant program.

Subtitle E—Amendments to Other Laws

- Sec. 7501. Critical Agricultural Materials Act.*
Sec. 7502. Equity in Educational Land-Grant Status Act of 1994.
Sec. 7503. Research Facilities Act.
Sec. 7504. Agriculture and Food Research Initiative.
Sec. 7505. Extension design and demonstration initiative.
Sec. 7506. Repeal of review of agricultural research service.
Sec. 7507. Biomass research and development.
Sec. 7508. Reinstatement of matching requirement for Federal funds used in extension work at the University of the District of Columbia.
Sec. 7509. Renewable Resources Extension Act of 1978.
Sec. 7510. National Aquaculture Act of 1980.
Sec. 7511. Federal agriculture research facilities.

Subtitle F—Other Matters

- Sec. 7601. Enhanced use lease authority program.*
Sec. 7602. Transfer of administrative jurisdiction over portion of Henry A. Wallace Beltsville Agricultural Research Center, Beltsville, Maryland.
Sec. 7603. Foundation for food and agriculture research.
Sec. 7604. Assistance for forestry research under the McIntire-Stennis Cooperative Forestry Act.
Sec. 7605. Legitimacy of industrial hemp research.
Sec. 7606. Collection of data relating to barley area planted and harvested.
Sec. 7607. Collection of data relating to the size and location of dairy farms.
Sec. 7608. Agriculture innovation center demonstration program.
Sec. 7609. Smith-Lever community extension program.
Sec. 7610. Mechanization and automation for specialty crops.
Sec. 7611. Experienced services program.
Sec. 7612. Simplified plan of work.
Sec. 7613. Review of land-grant time and effort reporting requirements.
Sec. 7614. Matching funds requirement.

TITLE VIII—FORESTRY

Subtitle A—Cooperative Forestry Assistance Act of 1978

- Sec. 8101. Support for State assessments and strategies for forest resources.*
Sec. 8102. State and private forest landscape-scale restoration program.

Subtitle B—Forest and Rangeland Renewable Resources Research Act of 1978

- Sec. 8201. Repeal of recycling research.*
Sec. 8202. Repeal of forestry student grant program.

Subtitle C—Global Climate Change Prevention Act of 1990

- Sec. 8301. Repeals relating to biomass.*

O:\RYARYA18A16.xml [file 2 of 13]

S.L.C.

9

Subtitle D—Healthy Forests Restoration Act of 2003

- Sec. 8401. Promoting cross-boundary wildfire mitigation.*
- Sec. 8402. Authorization of appropriations for hazardous fuel reduction on Federal land.*
- Sec. 8403. Repeal of biomass commercial utilization grant program.*
- Sec. 8404. Water Source Protection Program.*
- Sec. 8405. Watershed Condition Framework.*
- Sec. 8406. Authorization of appropriations to combat insect infestations and related diseases.*
- Sec. 8407. Healthy Forests Restoration Act of 2003 amendments.*
- Sec. 8408. Authorization of appropriations for designation of treatment areas.*

Subtitle E—Repeal or Reauthorization of Miscellaneous Forestry Programs

- Sec. 8501. Repeal of revision of strategic plan for forest inventory and analysis.*
- Sec. 8502. Semiarid agroforestry research center.*
- Sec. 8503. National Forest Foundation Act.*
- Sec. 8504. Conveyance of Forest Service administrative sites.*

Subtitle F—Forest Management

- Sec. 8601. Definition of National Forest System.*

PART I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

- Sec. 8611. Categorical exclusion for greater sage-grouse and mule deer habitat.*

PART II—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

- Sec. 8621. Additional authority for sale or exchange of small parcels of National Forest System land.*
- Sec. 8622. Forest Service participation in ACES program.*
- Sec. 8623. Authorization for lease of Forest Service sites.*
- Sec. 8624. Good neighbor authority.*
- Sec. 8625. Chattahoochee-Oconee National Forest land adjustment.*
- Sec. 8626. Tennessee wilderness.*
- Sec. 8627. Kisatchie National Forest land conveyance.*
- Sec. 8628. Purchase of Natural Resources Conservation Service property, Riverside County, California.*
- Sec. 8629. Collaborative Forest Landscape Restoration Program.*
- Sec. 8630. Utility infrastructure rights-of-way vegetation management pilot program.*
- Sec. 8631. Okhissa Lake rural economic development land conveyance.*
- Sec. 8632. Remote sensing technologies.*

PART III—TIMBER INNOVATION

- Sec. 8641. Definitions.*
- Sec. 8642. Clarification of research and development program for wood building construction.*
- Sec. 8643. Wood innovation grant program.*
- Sec. 8644. Community wood energy and wood innovation program.*

Subtitle G—Other Matters

- Sec. 8701. Rural revitalization technologies.*
- Sec. 8702. Resource Advisory Committees.*
- Sec. 8703. Tribal forest management demonstration project.*
- Sec. 8704. Technical corrections.*
- Sec. 8705. Streamlining the Forest Service process for consideration of communications facility location applications.*
- Sec. 8706. Report on wildfire, insect infestation, and disease prevention on Federal land.*
- Sec. 8707. West Fork Fire Station.*
- Sec. 8708. Competitive forestry, natural resources, and environmental grants program.*

TITLE IX—ENERGY

- Sec. 9001. Definitions.*
- Sec. 9002. Biobased markets program.*
- Sec. 9003. Biorefinery assistance.*
- Sec. 9004. Repowering assistance program.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

10

- Sec. 9005. Bioenergy program for advanced biofuels.*
- Sec. 9006. Biodiesel fuel education program.*
- Sec. 9007. Rural Energy for America Program.*
- Sec. 9008. Rural Energy Self-Sufficiency Initiative.*
- Sec. 9009. Feedstock flexibility.*
- Sec. 9010. Biomass Crop Assistance Program.*
- Sec. 9011. Carbon utilization and biogas education program.*

TITLE X—HORTICULTURE

- Sec. 10101. Specialty crops market news allocation.*
- Sec. 10102. Local agriculture market program.*
- Sec. 10103. Organic production and market data initiatives.*
- Sec. 10104. Organic certification.*
- Sec. 10105. National organic certification cost-share program.*
- Sec. 10106. Food safety education initiatives.*
- Sec. 10107. Specialty crop block grants.*
- Sec. 10108. Amendments to the Plant Variety Protection Act.*
- Sec. 10109. Multiple crop and pesticide use survey.*
- Sec. 10110. Report on the arrival in the United States of forest pests through restrictions on the importation of certain plants for planting.*
- Sec. 10111. Report on plant biostimulants.*
- Sec. 10112. Clarification of use of funds for technical assistance.*
- Sec. 10113. Hemp production.*
- Sec. 10114. Interstate commerce.*
- Sec. 10115. FIFRA interagency working group.*
- Sec. 10116. Study on methyl bromide use in response to an emergency event.*

TITLE XI—CROP INSURANCE

- Sec. 11101. Definitions.*
- Sec. 11102. Data collection.*
- Sec. 11103. Sharing of records.*
- Sec. 11104. Use of resources.*
- Sec. 11105. Specialty crops.*
- Sec. 11106. Insurance period.*
- Sec. 11107. Cover crops.*
- Sec. 11108. Underserved producers.*
- Sec. 11109. Treatment of forage and grazing.*
- Sec. 11110. Administrative basic fee.*
- Sec. 11111. Enterprise units.*
- Sec. 11112. Continued authority.*
- Sec. 11113. Submission of policies and materials to board.*
- Sec. 11114. Crop production on native sod.*
- Sec. 11115. Use of national agricultural statistics service data to combat waste, fraud, and abuse.*
- Sec. 11116. Submission of information to corporation.*
- Sec. 11117. Continuing education for loss adjusters and agents.*
- Sec. 11118. Program administration.*
- Sec. 11119. Agricultural commodity.*
- Sec. 11120. Maintenance of policies.*
- Sec. 11121. Reimbursement of research, development, and maintenance costs.*
- Sec. 11122. Research and development authority.*
- Sec. 11123. Funding for research and development.*
- Sec. 11124. Technical amendment to pilot programs.*
- Sec. 11125. Education and risk management assistance.*
- Sec. 11126. Repeal of cropland report annual updates.*

TITLE XII—MISCELLANEOUS

Subtitle A—Livestock

- Sec. 12101. Animal disease prevention and management.*
- Sec. 12102. Sheep production and marketing grant program.*
- Sec. 12103. Feasibility study on livestock dealer statutory trust.*
- Sec. 12104. Definition of livestock.*
- Sec. 12105. National Aquatic Animal Health Plan.*
- Sec. 12106. Veterinary training.*
- Sec. 12107. Report on FSIS guidance and outreach to small meat processors.*
- Sec. 12108. Regional Cattle and Carcass Grading Correlation and Training Centers.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

11

Subtitle B—Agriculture and Food Defense

- Sec. 12201. *Repeal of Office of Homeland Security.*
- Sec. 12202. *Office of Homeland Security.*
- Sec. 12203. *Agriculture and food defense.*
- Sec. 12204. *Biological agents and toxins list.*
- Sec. 12205. *Authorization of appropriations.*

Subtitle C—Historically Underserved Producers

- Sec. 12301. *Farming opportunities training and outreach.*
- Sec. 12302. *Urban agriculture.*
- Sec. 12303. *Tribal Advisory Committee.*
- Sec. 12304. *Beginning farmer and rancher coordination.*
- Sec. 12305. *Agricultural youth organization coordinator.*
- Sec. 12306. *Availability of Department of Agriculture programs for veteran farmers and ranchers.*

Subtitle D—Department of Agriculture Reorganization Act of 1994 Amendments

- Sec. 12401. *Office of Congressional Relations and Intergovernmental Affairs.*
- Sec. 12402. *Military Veterans Agricultural Liaison.*
- Sec. 12403. *Civil rights analyses.*
- Sec. 12404. *Farm Service Agency.*
- Sec. 12405. *Under Secretary of Agriculture for Farm Production and Conservation.*
- Sec. 12406. *Office of Partnerships and Public Engagement.*
- Sec. 12407. *Under Secretary of Agriculture for Rural Development.*
- Sec. 12408. *Administrator of the Rural Utilities Service.*
- Sec. 12409. *Rural Health Liaison.*
- Sec. 12410. *Natural Resources Conservation Service.*
- Sec. 12411. *Office of the Chief Scientist.*
- Sec. 12412. *Appointment of national appeals division hearing officers.*
- Sec. 12413. *Trade and foreign agricultural affairs.*
- Sec. 12414. *Repeals.*
- Sec. 12415. *Technical corrections.*
- Sec. 12416. *Termination of authority.*

*Subtitle E—Other Miscellaneous Provisions**PART I—MISCELLANEOUS AGRICULTURE PROVISIONS*

- Sec. 12501. *Acer access and development program.*
- Sec. 12502. *Protecting animals with shelter.*
- Sec. 12503. *Marketing orders.*
- Sec. 12504. *Establishment of food loss and waste reduction liaison.*
- Sec. 12505. *Report on business centers.*
- Sec. 12506. *Report on personnel.*
- Sec. 12507. *Report on absent landlords.*
- Sec. 12508. *Century farms program.*
- Sec. 12509. *Report on importation of live dogs.*
- Sec. 12510. *Tribal Promise Zones.*
- Sec. 12511. *Precision agriculture connectivity.*
- Sec. 12512. *Improvements to United States Drought Monitor.*
- Sec. 12513. *Dairy business innovation initiatives.*
- Sec. 12514. *Report on funding for the National Institute of Food and Agriculture and other extension programs.*
- Sec. 12515. *Prohibition on slaughter of dogs and cats for human consumption.*
- Sec. 12516. *Labeling exemption for single ingredient foods and products.*
- Sec. 12517. *South Carolina inclusion in Virginia/Carolina peanut producing region.*
- Sec. 12518. *Forest Service hire authority.*
- Sec. 12519. *Conversion authority.*
- Sec. 12520. *Authorization of protection operations for the Secretary of Agriculture and others.*

PART II—NATIONAL OILHEAT RESEARCH ALLIANCE

- Sec. 12531. *National oilheat research alliance.*

Subtitle F—General Provisions

- Sec. 12601. *Baiting of migratory game birds.*
- Sec. 12602. *Pima agriculture cotton trust fund.*
- Sec. 12603. *Agriculture wool apparel manufacturers trust fund.*

O:\RYA\RYA18A16.xml [file 2 of 13]

S.L.C.

12

- Sec. 12604. *Wool research and promotion.*
 Sec. 12605. *Emergency Citrus Disease Research and Development Trust Fund.*
 Sec. 12606. *Extension of merchandise processing fees.*
 Sec. 12607. *Reports on land access and farmland ownership data collection.*
 Sec. 12608. *Reauthorization of rural emergency medical services training and equipment assistance program.*
 Sec. 12609. *Commission on Farm Transitions—Needs for 2050.*
 Sec. 12610. *Exceptions under United States Grain Standards Act.*
 Sec. 12611. *Conference report requirement threshold.*
 Sec. 12612. *National agriculture imagery program.*
 Sec. 12613. *Report on inclusion of natural stone products in Commodity Promotion, Research, and Information Act of 1996.*
 Sec. 12614. *Establishment of food access liaison.*
 Sec. 12615. *Eligibility for operators on heirs property land to obtain a farm number.*
 Sec. 12616. *Extending prohibition on animal fighting to the territories.*
 Sec. 12617. *Exemption of exportation of certain echinoderms from permission and licensing requirements.*
 Sec. 12618. *Data on conservation practices.*
 Sec. 12619. *Conforming changes to Controlled Substances Act.*

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

TITLE I—COMMODITIES

Subtitle A—Commodity Policy

SEC. 1101. DEFINITION OF EFFECTIVE REFERENCE PRICE.

Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) EFFECTIVE REFERENCE PRICE.—The term ‘effective reference price’, with respect to a covered commodity for a crop year, means the lesser of the following:

“(A) An amount equal to 115 percent of the reference price for such covered commodity.

“(B) An amount equal to the greater of—

“(i) the reference price for such covered commodity;

or

“(ii) 85 percent of the average of the marketing year average price of the covered commodity for the most recent 5 crop years, excluding each of the crop years with the highest and lowest marketing year average price.”.

SEC. 1102. BASE ACRES.

(a) TECHNICAL CORRECTIONS.—Section 1112(c)(2) of the Agricultural Act of 2014 (7 U.S.C. 9012(c)(2)) is amended by striking subparagraph (A) and inserting the following:

“(A) Any acreage on the farm enrolled in—

“(i) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); or

total of the Federal funds provided does not exceed the 30 percent limitation. (Section 7120)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 7125)

(16) Supplemental and alternative crops

The House bill amends section 1473D of NARETPA to reauthorize appropriations through fiscal year 2023 for the competitive grants program to develop supplemental and alternative crops. It amends the program to include canola and alternative crops “for agronomic rotational purposes and for use as a habitat for honey bees and other pollinators”. (Section 7124)

The Senate amendment is substantially similar to the House bill and also provides that the Secretary may award grants and enter into agreement or other arrangements to conduct research related to the development of industrial hemp as well as the development of new and emerging commercial products derived from hemp. (Section 7125)

The Conference substitute adopts the Senate provision with an amendment to increase the authorization of appropriations to \$2 million for each of fiscal years 2019 through 2023. (Section 7129)

(17) New era rural technology program

The Senate amendment amends section 1473E of NARETPA to reauthorize the New Era Rural Technology Program for fiscal years 2019 through 2023 and adds precision agriculture to the areas of technology development, applied research, and training supported under the program. (Section 7126)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7130)

(18) Agriculture advanced research and development authority pilot (AGARDA)

The Senate amendment adds a new section 1473H to NARETPA to establish the Agriculture Advanced Research and Development Authority (AGARDA) under the Office of Chief Scientist. “Advanced research and development” is defined as activities to overcome long-term and high-risk research challenges in agriculture and food through acceleration of innovative agricultural research or the development of qualified products and projects or agricultural technologies. The Senate amendment directs the Secretary to develop a strategic plan for AGARDA and disseminate the information in the plan to those who can best contribute to the activities described in the strategic plan. It permits the Secretary to use “other transaction authority” to expedite awarding grants and entering into contracts. The provision permits the Secretary to appoint highly qualified individuals without regard to certain sections of the U.S. Code governing appointments in the competitive service and without regard to the General Schedule pay rates and authorizes establishment of the AGARDA Fund in the U.S. Treasury administered by the Chief Scientist to carry out this section. The provision permits the Secretary to accept and deposit monies received from cost recovery or contribution into the AGARDA Fund. The authority under this new section terminates on September 30, 2023. (Section 7128)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendments that (1)

Similar to the House bill, the Senate amendment expands the specialty crop research and extension initiative to include additional production practices and technologies. (Section 7305)

The Conference substitute adopts the Senate provision. (Section 7305)

The Managers recognize that the funding for research programs for specialty crops should generally be made available to all specialty crops and not include carve-outs or set-asides for any one particular specialty crop. The Managers also acknowledge the unique challenges presently facing the citrus industry in the United States with respect to HLB and the Asian Citrus Psyllid vector. In direct response to a joint request from the leadership of the citrus industry and other specialty crop stakeholders, the Managers have agreed to establish a Citrus Trust Fund to support the Emergency Citrus Disease Research and Extension Program for one additional five-year period. The Managers intend for this program to address this challenge at this particular time and do not intend for such program to continue in perpetuity.

The Managers are aware of concerns that prioritizing grants that are multi-state, multi-institutional, or multi-disciplinary disproportionately impacts the funding success of projects for certain commodities grown only in one state. The Managers encourage the Secretary to take appropriate steps to ensure that meritorious proposals are not denied solely because they lack one of the enumerated priorities.

(35) Critical agricultural materials act

The House bill reauthorizes appropriations for fiscal years 2019 through 2023. (Section 7501)

The Senate amendment specifies that hemp, as defined in section 297A of the Agricultural Marketing Act of 1946, is eligible for funding under the Critical Agricultural Materials Act. The Secretary shall conduct, sponsor, promote, and coordinate basic and applied research for the development of critical agricultural materials from agricultural crops having strategic and industrial importance, including for hemp. The Senate amendment also reauthorizes appropriations for fiscal years 2019 through FY 2023.

(Section 7401)

The Conference substitute adopts the Senate provision. (Section 7501)

(36) Equity in Educational Land-Grant Status Act of 1994

The House bill amends section 532 of the Equity in Educational Land-Grant Status Act of 1994 to add to and update the defined list of 36 tribal colleges as “1994 Institutions.” The House bill reauthorizes endowment funding, capacity-building grants, and research grants for the 36 tribal colleges for fiscal years 2019 through 2023. (Section 7502)

The Senate amendment is substantially similar to the House bill with technical differences.

The Conference substitute adopts the House provision with an amendment specifying that the effective date for the updated list shall be the date of enactment. (Section 7502)

(37) Research Facilities Act

(5) Plant variety protection

The House bill defines the term “asexually reproduced”, adds asexual multiplication as an act constituting infringement of plant variety protection, and protects asexual reproducible plant material from certain acts in connection with sale, offering for sale or advertising. (Section 9005)

The Senate amendment is identical to section 9005(b) of the House bill. (Section 10108)

The Conference substitute adopts the House provision. (Section 10108)

The Managers recognize the importance of expanding the scope of the Plant Variety Protection Act to provide the same rights and protections provided to breeders of asexually propagated plants. The Managers expect the Department of Agriculture to promulgate the necessary rules and guidance to implement these amendments to the Plant Variety Protection Act no later than 1 year after the date of enactment of this Act.

(6) Multiple crop and pesticide use survey

The Senate amendment authorizes a multiple crop and pesticide use survey. (Section 10109)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with modification to include \$500,000 of CCC funding for FY 2019, to remain available until expended. (Section 10109)

The Managers recognize the importance of crop protection tools as crucial technologies for helping farmers prevent, manage, and eradicate pests and plant diseases that threaten crop production yields. The Managers intend for the Secretary of Agriculture, acting through the Office of Pest Management Policy, to conduct crop and pesticide use surveys for a variety of crops for the use of risk assessment modeling and mitigation for active ingredients. The Managers intend for the multiple crop and pesticide use surveys to be conducted frequently and in a timely manner to allow the Office of Pest Management Policy sufficient time to respond to the Environmental Protection Agency’s 60-day comment periods related to pesticide registrations. The Managers direct the Secretary of Agriculture to work with the Office of Management & Budget (OMB) to gain approval of a generic clearance for the purposes of this provision to meet the requirements of information collection review under the Paperwork Reduction Act (and as outlined in an April 7, 2010, OMB Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies regarding information collection under the Paperwork Reduction Act). The generic clearance is necessary for the Department of Agriculture to gather and accurately communicate to the Environmental Protection Agency information regarding the agricultural community’s actual use patterns and mitigations in order for the Environmental Protection Agency’s final decisions to be more probabilistic and therefore more accurate and data based.

(7) Clarification of use of funds for technical assistance

The Senate amendment excludes technical assistance under this title of the 2018 farm bill from section 111 CCC cap. (Section 10110)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 10112)

(8) Hemp production

The Senate amendment provision amends the Agricultural Marketing Act of 1946 to allow States to regulate hemp production based on a state or tribal plan. The amendment requires that such plan includes information on locations of hemp production, testing for THC concentration, disposal of plants that are out of compliance, and negligence or other violations of the state or tribal plan. It requires the Secretary to establish a plan, in consultation with the U.S. Attorney General, for States and tribes without USDA approved plans to monitor and regulate hemp production. The section clarifies that nothing in this subtitle affects or modifies the Federal Food, Drug, and Cosmetic Act or authorities of the HHS Secretary and FDA Commissioner and clarifies that nothing in this title authorizes interference with the interstate commerce of hemp. (Sections 10111 & 10112)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment, including auditing authority and a grandfather clause regarding program participation. (Sections 10113 and 10114)

In Sec. 297A, the Managers intend to clarify, within the hemp production subtitle, that hemp is defined as the plant *cannabis sativa* L., or any part of that plant, including seeds, derivatives, and extracts, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

In Sec. 297B, the Managers intend to authorize states and tribal governments to submit a state plan to the Secretary for approval to have primary regulatory authority over the growing and production of hemp. The Managers do not intend to limit what states and tribal governments include in their state or tribal plan, as long as it is consistent with this subtitle. For example, states and tribal governments are authorized to put more restrictive parameters on the production of hemp, but are not authorized to alter the definition of hemp or put in place policies that are less restrictive than this title.

Within 60 days of receiving a state or tribal plan, the Secretary must approve or deny the plan. The Secretary is required to consult with the Attorney General regarding the approval or denial of state plans, but the Managers intend for the final decision to be made by the Secretary. The consultation with the Attorney General should not alter the 60 day requirement to approve or deny a plan.

The Managers authorized the Secretary to audit state and tribal compliance with an approved plan and take corrective action, including revoking approval, based on a state or tribal government's noncompliance, as appropriate. The Managers intend to allow state and tribal governments to appeal decisions by the Secretary pertaining to a state or tribal plan for hemp production and do not intend to preclude a state or tribal government from resubmitting a new state or tribal plan for consideration at a later date. If a state or tribal plan is denied or revoked, the Managers intend for hemp production in that state or tribal area to fall under the Secretary's jurisdiction as authorized in section 297C.

The Secretary is authorized to provide technical assistance to states and Indian tribes to aid in the development of a state or tribal plan.

The Managers define negligent and other types of producer violations that require enforcement under a state or tribal plan. The Managers also set limits on who may participate in state or tribal plans. Any person convicted of a felony relating to a controlled substance shall be ineligible to participate under the state or tribal plan for a

10-year period following the date of the conviction. However, this prohibition shall not apply to producers who have been lawfully participating in a state hemp pilot program as authorized by the Agricultural Act of 2014, prior to enactment of this subtitle. Subsequent felony convictions after the date of enactment of this subtitle will trigger a 10-year nonparticipation period regardless of whether the producer participated in the pilot program authorized in 2014. Additionally, anyone who materially falsifies any information in their application to participate in hemp production through a state, tribal, or USDA plan shall be ineligible.

In Sec. 297C, the Managers intend to require the Secretary to develop a USDA plan or plans to be implemented in states and tribal territories that forego developing and submitting a state or tribal hemp production plan. The Managers expect the USDA plan or plans to meet the same content requirements as state and tribal plans in Sec. 297B. The USDA plan may contain, as determined by the Secretary, additional practices and procedures that are otherwise consistent with this subtitle. It is the Managers intent that the Secretary have discretion regarding the appropriate number of plans, one or more than one, needed to implement Sec. 297C.

The Managers require the Secretary to collect, maintain, and make accessible to Federal, state, territorial, and local law enforcement, real-time information regarding the status of a license or other authorization for all hemp producers, whether participating under a state, tribal, or USDA plan. The Managers encourage the Secretary to develop a memorandum of understanding with Federal law enforcement agencies to define the parameters of this system and to potentially share the costs of such information sharing system.

In Sec. 297D, the Managers clarify that the Secretary has the sole authority to issue guidelines and regulations regarding the production of hemp. However, nothing in this subtitle shall affect or modify the authority granted to the Food and Drug Administration and the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262), including for hemp-derived products. The Secretary is required to consult with the Attorney General on the promulgation of regulations, but ultimately, the regulations shall only be issued by the Secretary of Agriculture. To ensure that the Secretary moves forward with issuing regulations in as timely a fashion as possible, the Secretary shall periodically report to Congress with updates regarding implementation of this title.

While states and Indian tribes may limit the production and sale of hemp and hemp products within their borders, the Managers, in Sec. 10112, agreed to not allow such states and Indian tribes to limit the transportation or shipment of hemp or hemp products through the state or Indian territory.

(9) Recognition and role of State lead agencies

The House bill amends section 2(aa) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) to include a definition of “State lead agency” for the purposes of FIFRA. It amends section 22(b) of FIFRA by limiting regulations to those promulgated by the EPA or within the authority of a State lead agency. The subsection further amends section 23(a)(1) of FIFRA to authorize States or Tribes to establish and maintain uniform regulation of pesticide through cooperative agreement with the Administrator of the EPA (“Administrator”). The section further amends section 24(a) of

the FIFRA to restrict the authority of a political subdivision of a State to regulate a pesticide beyond the Federal limits. Additionally the House bill amends section 25(a)(2) of FIFRA by requiring the Administrator to publish any comments regarding prescribed regulations promulgated pursuant to FIFRA from the Secretary or any State lead agency in the *Federal Register*, including any response to the comments, if such comments are received within 30 days of receipt of a copy of any such regulation. The section further allows for the Secretary or a State lead agency to request that any comments sent to the Administrator regarding prescribed regulations promulgated pursuant to FIFRA within 15 days of receipt of a copy of the regulation, including any responses to the comments, be published in the *Federal Register*. (Section 9101)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(10) Pesticide registration and use

The House bill amends section 3(c)(5) of the FIFRA to require the Administrator of the EPA to register a pesticide if the Administrator determines that the pesticide, when used in accordance with widespread and commonly recognized practices, is not likely to jeopardize the survival of a federally listed threatened or endangered species or to alter habitat critical for the survival or recovery of such species. It further amends section 3 to require the Administrator to use the best scientific and commercial information available, which may include species and habitat information from the Secretary of Interior or Secretary of Commerce, and consider all restrictions on use when considering the criteria for the registration of a pesticide. The Administrator shall not be required to consult or communicate with the Secretary of the Interior or the Secretary of Commerce under the authority of any other statute when making such determination, unless otherwise petitioned by the registrant of the pesticide. The House bill amends section 3(c)(7) of FIFRA to require the Administrator to conditionally register or amend the registration of a pesticide under special circumstances if the Administrator determines that the pesticide, when used in accordance with widespread and commonly recognized practices, is not likely to jeopardize the survival of a federally listed threatened or endangered species or to alter habitat critical for the survival or recovery of such species. The House bill amends section 3(g)(1)(A) of FIFRA to require the Administrator to complete the determination, and subsequent periodic reviews, that a pesticide, when used in accordance with widespread and commonly recognized practices, is not likely to jeopardize the survival of a federally listed threatened or endangered species or to alter habitat critical for the survival or recovery of such species, over the following schedule: by October 1, 2026 for an active ingredient first registered on or before October 1, 2007; by October 1, 2033 for an active ingredient first registered between October 1, 2007 and the day before enactment; and not later than 48 months after the effective date of registration for an active ingredient registered on or after the date of enactment. The House bill amends section 5(a) of FIFRA to require the Administrator, when issuing an experimental use permit for a pesticide, to determine that the pesticide, when used in accordance with widespread and commonly recognized practices, is not likely to jeopardize the survival of a federally listed threatened or endangered species or to alter habitat critical for the survival or recovery of such species. The House bill amends section 6(b) of FIFRA to require the Administrator, when issuing a notice to cancel or change the classification of a pesticide, to determine that the pesticide, when used in

The House bill contains no comparable provision.
The Conference substitute deletes the Senate amendment.

(25) Program administration

The House bill reduces the amount that FCIC may use under section 516(b)(2)(C)(i) to not more than \$7 million per fiscal year. (Section 11119)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 11118)

(26) Agricultural commodity

The Senate amendment adds hemp to the list of commodities enumerated in section 518. (Section 11120)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 11119)

The Managers expect that in determining the insurability of a crop of hemp under the Act, and in providing insurance options to hemp producers, RMA will collaborate with the appropriate USDA, state, or tribal authorities as necessary to do so consistent with the regulations and guidelines established in subtitle G of the Agricultural Marketing Act of 1946. The Managers note that USDA or the appropriate state or tribal authority, and not AIPs, agents, or loss adjusters, bear the responsibility of determining that a crop grown as hemp complies with the applicable regulations and guidelines under Subtitle G.

The Managers also intend for “aquacultural species” to include algae species as determined appropriate by the Board.

(27) Maintenance of policies; Reimbursement of research, development, and maintenance costs

House bill section 10007(a) amends section 522(b) of the Act to—

(1) allow for reimbursement of “reasonable and actual research and development costs” for policies that have been approved by the FCIC Board;

(2) require that costs of the applicant shall be considered “reasonable and actual costs” if the costs are based on—

(A) wage rates equal to 2 times the hourly wage rate plus benefits, as provided by the Bureau of Labor Statistics; or

(B) actual documented costs incurred by the applicant;

(3) designate the applicant (as opposed to the AIP) authority to determine whether to maintain a policy, and to establish the fee to be paid for maintenance of the policy;

(4) require the FCIC Board to approve the amount of a fee unless the Board determines, based on substantial evidence in the record, that the amount of the fee unnecessarily inhibits the use of the policy; and

(5) prohibit the FCIC Board from disapproving a user fee based on its comparison to a maintenance fee, or on the potential for the fee to result in a financial gain or loss to the applicant.

The House bill also provides that the amendments shall apply to reimbursement requests made on or after October 1, 2016, and that requests for reimbursement previously denied between October 1, 2016, and the date of enactment of this Act may be resubmitted. (Section 10007).

The Senate amendment contains no comparable provision.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12606)

(65) Conforming changes to controlled substances act

The Senate amendment amends the existing exemptions to include hemp as defined in section 297A of the Agricultural Marketing Act of 1946 and tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946). (Section 12608)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12619)

(66) National flood insurance program reauthorization

The Senate amendment extends financing authority of the program through January 31, 2019 and extends the program through January 31, 2019. (Section 12609)

The House bill contains no comparable provision.

The Conference substitute does not adopt the Senate provision.

(67) Eligibility for operators on heirs property land to obtain a farm number

The Senate amendment defines “eligible documentation” to include: (1) in states that have adopted the Uniform Partition of Heirs Property Act, a court order verifying the land meets the definition of heirs property or certification from the local recorder of deeds that the recorded landowner is deceased and not less than one heir has initiated a procedure to retitle the land; (2) a tenancy-in-common agreement that sets out ownership rights and responsibilities among all of the land owners; (3) tax returns for the preceding five years; (4) self-certification that the farm operator has control of the land; and (5) any other documentation identified by the Secretary as an alternative form of eligible documentation.

The Senate provision also requires the Secretary to provide for the assignment of a farm number to any farm operator who provides an form of eligible documentation, for purposes of demonstrating that the farm operator has control of the land for purpose of defining that land as a farm, and requires the Secretary to identify alternative forms of eligible documentation that a farm operator may provide in seeking the assignment of a farm number. (Section 12623)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12615)

The Managers recognize that farm operators on land that has been passed down through multiple generations without formal probate proceedings may not have clear title to the land. The Managers intend for this section to ensure operators of such land, commonly referred to as heirs’ property, who provide certain documentation to the Secretary are eligible to receive farm numbers for the purposes of accessing programs offered by the Farm Service Agency, Natural Resources Conservation Service, and Risk Management Agency. In determining States that have enacted or adopted the Uniform Partition of Heirs Property Act, the Managers intend that USDA consider “State” to mean any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Republic of Palau, Federated States of Micronesia, and the Republic of the Marshall Islands.