



May 23, 2006

Amendments to H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2007

Part II

The following contains information on amendments provided for in the UC agreement.

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Amendments Not Pre-printed in the Congressional Record

Blumenauer (D-OR). Provides that none of the funds may be used to pay the salaries of federal employees who make loans to domestic sugar processors under Section 156 of the Federal Agriculture Improvement and Reform Act of 1996, if the loans are made at a base rate over \$0.17/lb. for sugarcane and over \$0.216/lb. for sugarbeets.

Under the U.S. Sugar Loan Program, sugar processors are able to get non-recourse loans from the federal government. The processors may use their sugar stocks as collateral to borrow money based on the price of sugar. If the prices fall below a floor, the processors may repay the loan based on the new, below floor price or forfeit the sugar. If the processors forfeit the sugar, the federal government must then bear the costs of storing the sugar. There are no penalties for processors who forfeit the sugar to repay the loans. (source: http://www.taxpayer.net/agriculture/learnmore/factsheets/TCSSugarCommodityFactSheet_2003.pdf)

Slaughter (D-NY). According to the UC agreement, this amendment is regarding funding for the Center for Veterinary Medicine. However, the sponsor's office did not provide the text of the amendment or talking points.

Bonilla (R-TX). The UC made in order a Bonilla amendment regarding overall funding levels. The sponsor has indicated he will only offer this amendment if corrections are needed at the end of debate.

Latham (R-IA). Prohibits funds from being used to pay salaries and expenses of personnel who implement or administer section 508(e)(3) of the Federal Crop Insurance

Act (7 U.S.C. 1508(e)(3)) (regarding conditions for crop insurance premium reductions) or any regulation, bulletin, policy, or agency guidance issued pursuant to such section for the 2007 and the 2008 reinsurance years, except that funds are available to administer such section for policies for those producers who, before the date of the enactment of this Act, had in effect a crop year 2006 crop insurance policy from a company eligible for the opportunity to offer a premium reduction under such section for the 2006 reinsurance year. **This amendment was withdrawn.**

Hefley (R-CO). The amendment is a rescission of \$178,120,000 from the total agriculture appropriation. This is a 1% across-the-board rescission on discretionary spending in the bill. **A recorded vote was requested on this amendment.**

Tiahrt (R-KS). Prohibits funds from being used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. *This amendment is subject to a point of order. The amendment sponsor will offer the amendment, discuss the issue, and withdraw the amendment.* **This amendment was withdrawn.**

Paul (R-TX). Provides that none of the funds made available may be used to implement or administer the National Animal Identification System (NAIS). NAIS requires all farmers and ranchers to tag their livestock with a radio ID tag. According to the sponsor, tagging all livestock could cost each farm thousands and burden the farms with compliance with required federal paperwork and monitoring. The sponsor asserts NAIS allows the federal government to enter farms and ranches for warrantless searches and seizures in violation of the Fourth Amendment and subjects the owner to liability for animals diseased after they leave the farm. The sponsor further contends that the bill does not achieve its intended aims, is duplicative, and harmful to the competitiveness of American farm products from livestock. **A recorded vote was requested on this amendment.**

King (R-IA). Inserts language directing the Secretary of Agriculture to submit to Congress, an economic impact study on the proposed National Animal Identification System. The report is to include information on the lessons from, and the effectiveness of, the pilot program.

According to the sponsor's office, Rep. King is offering the amendment in an effort to speak about the Livestock Identification and Marketing Opportunities Act (H.R. 3170). *This amendment is likely subject to a point of order.* **This amendment was withdrawn.**

Schwarz (R-MI). Expresses the sense of Congress that the Secretary of Agriculture should use his transfer authority to move funds from Commodity Credit Corporation to a program for the eradication of the Emerald Ash Borer (EAB) in Michigan, Ohio, and Indiana.

Sweeney (R-NY). According to the UC agreement, this amendment is regarding a funding limitation on examination, inspection, and processing of horses. However, the sponsor's office did not provide the text of the amendment or talking points.

Weiner (D-NY)/ Schwarz (R-MI). Increases funds for the Animal and Plant Health Inspection Service (APHIS) by \$23 million (from \$898.1 million to \$921.1 million) and decreases funds for the common computing environment account (which funds computer system upgrades for the Agriculture Department) by \$25.576 million (from \$69.0 million to \$43.4 million). This top-line reduction is broken down into reductions for rural development activities, Natural Resource Conservation Service-related activities, and Farm Service Agency-related activities. A similar amendment increasing funds for APHIS last year (H.Amdt. 227) passed by a vote of 226-201: <http://clerk.house.gov/evs/2005/roll230.xml>. **A recorded vote was requested for this amendment.**

Carter (R-TX). Permits the Secretary of Agriculture to use up to \$3.6 million from the Federal Crop Insurance Program for a data mining project.

The sponsor states the money comes from the Insurance Program's outreach and education to fund a data mining project intended to eradicate anomalous payouts in the program. According to the office, the mining project is housed at Tarleton State University, located in Stephenville, TX. The sponsor asserts that conservative estimates are that the program spends \$20 million to identify fraud, waste and abuse to save \$450 million. **This amendment was agreed to by voice vote.**

Chabot (R-OH). Prohibits funds made available from being used to pay the salaries of any employee administering section 203 of the Agriculture Trade Act (7 U.S.C 5623), or to pay the salaries and expenses of personnel who carry out a market program under this section.

According to the sponsor, the amendment prevents the federal government from subsidizing advertising and marketing for agricultural associations, cooperatives, and state and local groups in overseas markets. **A recorded vote was requested for this amendment.**

Lucas (R-OK). Transfers \$50 million from the Natural Resources Conservation Services National Headquarters salaries and expenses account to be used on conservation technical assistance.

According to the sponsor's office, technical assistance at the state level is "underfunded" and therefore faces difficulties in delivering conservation funding. The \$50 million transfer is a reduction of over 50% to the National HQ's appropriation.

Gutknecht (R-MN). Provides that none of the funds can be used to implement the limitation of the wetlands reserve program found in section 720 of the Act. The section reads:

SEC. 720. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the calendar year 2007 wetlands reserve program as authorized by 16 U.S.C. 3837 in excess of 144,776 acres.

In addition, corresponding funds are reduced for the Agricultural Research Service buildings and facilities by \$65.32 million from \$140 million to \$74.681 million. Funds are reduced for the Cooperative State Research, Education, and Extension Service by \$16.681 million (from \$651.606 million to \$634.925 million).

Baca (D-CA)/Butterfield (D-NC)/Thompson (D-MS)/Hinojosa (D-TX). Increases funds for the Socially Disadvantaged Farmer and Rancher Grant Program by \$100,000 (from \$6.9 million to \$7.0 million), increases funds for the agricultural research programs at Hispanic Serving Institutions by \$700,000 (from \$5.9 million to \$6.6 million), and decreases funds for competitive research grants by \$800,000 (from \$190 million to \$189.2 million). *Note: The RSC Budget proposed the termination of all funding for the Socially Disadvantaged Farmer program.* **This amendment was agreed to by voice vote.**

Gerlach (R-PA). Prohibits funds from being used to implement the funding limitation in the underlying bill for the Farm and Ranch Lands Protection Program. This would have the effect of increasing funds for this program by \$23.5 million (from \$50.0 million to \$73.5 million). The amendment would also decrease funds for the common computing environment account (which funds computer system upgrades for the Agriculture Department) by \$23.5 million (from \$69.0 million to \$45.5 million).

Reichert (R-WA). Prohibits funds from being used to implement a recent USDA producer-handler rule (part 1124 of title 7, Code of Federal Regulations) for dairy farms that produce less than nine million pounds of milk per month.

The USDA published a final rule effective April 1, 2006 (<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-1587.htm>), which establishes a 3 million pounds-per-month route disposition limit for a producer-handler exemption, both in the Pacific Northwest and the Arizona-Las Vegas order areas. In other words, producer-handlers disposing of more than 3 million pounds, are not exempted from pooling and pricing provisions of federal law. According to CRS, this rule final USDA regulation would affect at least three large producer handlers in the Pacific Northwest, as well as Arizona producer-handler Hein Hettinga. Although the USDA regulation allows only those with up to 3 million pounds to be exempt, the amendment essentially would prohibit USDA from enforcing this rule against those who dispose of between 3 and 9 million pounds a month. [The House recently addressed certain milk pricing rules when it passed S. 2120.] For additional information, please see this CRS report <http://www.congress.gov/erp/ib/pdf/IB97011.pdf>.

Garrett (R-NJ). Provides that none of available funds may be used to send or otherwise pay for the attendance of more than 50 employees from a federal department or agency at any single conference occurring outside the U.S. In addition, the amendment provides that not more than \$8,167,978 (FY01 level), may be obligated or expended by a

department or agency for the purpose of sending or otherwise paying for employees from the department or agency to attend conferences occurring outside the U.S.

According to documents obtained by Senator Tom Coburn's office, conference expenditures for the Department of Agriculture rose from \$8.2 million in 2001 to \$10.2 million in 2005, a 49% increase. See the attached PDF for more on agency conference spending.

Garrett (R-NJ). Prohibits funds to be expended under the Food Stamp Program in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a). This section of the Immigration and Nationality Act discusses admission qualifications for aliens and sponsorship. Specifically, the Act states that sponsors of incoming-alien must sign an affidavit that the immigrant will not become dependent on Welfare programs for a certain number of years or until they become a US citizen, whichever comes first. Upon notification that a sponsored alien has received any means-tested public benefit, the appropriate nongovernmental entity which provided such benefit or the appropriate entity of the Federal Government, a State, or any political subdivision of a State shall request reimbursement by the sponsor in an amount which is equal to the unreimbursed costs of such benefit. A similar amendment was offered last year and failed 169-258. <http://clerk.house.gov/evs/2005/roll237.xml>.

Engel (D-NY). Prohibits funds in this bill from being used to acquire a motor vehicle (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) other than an alternative fueled vehicle (as defined in such section). An alternative fueled vehicle would be a vehicle powered at least in part by “methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas, including liquid fuels domestically produced from natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.” **This amendment was agreed to by voice vote.**

Jackson-Lee (D-TX). Provides that none of the funds may be used to deny or delay compensation to individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999 in *Pigford v Glickman*, 185 F.R.D. 82 (D.D.C. 1999). According to the sponsor, “Thousands of minority farmers say they were left out of a landmark 1999 civil rights case stemming from years of being denied farm loans from the U.S. Department of Agriculture. ... *Pigford v. Glickman* is a class action lawsuit brought by African American farmers in 1999 who alleged that USDA discriminated against them on the basis of their race in its farm credit and non-credit benefit programs. ... This amendment emphasizes existing policy in the Department of Agriculture that no funds may be used to in any way deny these farmers the compensation they rightfully deserve.”

King (R-IA). Prevents \$1 million of the funds available in the bill for the Animal and Plant Health Inspection Service, from being available until the Secretary of Agriculture submits to the Appropriations Committee the report demanded in the previous amendment.

Boren (D-OK). Provides that none of the funds made available for the Agricultural Research Service may be obligated or expended to reprogram programs and resources currently operating at Lane, Oklahoma. According to the sponsor, the President's FY07 budget proposes redirects the \$2 million and 30 personnel currently at Lane to other ARS locations. This amendment would prevent this from occurring.

Gordon (D-TN). According to the UC agreement, this amendment is regarding energy standards for federal buildings. However, the office did not provide the text of the amendment or the talking points. **This amendment was agreed to by voice vote.**

The following Flake amendments deal with provisions found in the Committee Report, commonly called earmarks.

Flake (R-AZ) #1. Regarding \$229,000 for funding for dairy education in IA.

Flake (R-AZ) #2. Regarding \$350,000 for funding for fruit and vegetable market analysis in AZ, MO.

Flake (R-AZ) #3. Regarding \$579,000 for funding for the Food Marketing Policy Center in CT.

Flake (R-AZ) #4. Regarding \$726,000 for funding for greenhouse nurseries in OH.

Flake (R-AZ) #5. Regarding \$900,000 for funding for aquaculture in OH.

Flake (R-AZ) #6. Regarding \$180,000 for hydroponic tomato production in OH.

Flake (R-AZ) #7. Regarding \$6,371,000 for wood utilization in OR, MS, NC, MN, ME, MI, ID, TN, AK, WV.

Flake (R-AZ) #8. Regarding \$100,000 for the National Grape and Wine Initiative in CA.

Flake (R-AZ) #9. Regarding \$1,247,000 for Income Enhancement Demonstration in OH.

Flake (R-AZ) #10. Regarding \$874,244 for Appalachian Horticulture Research in Mississippi.

Flake (R-AZ) #11. Regarding \$679,000 for the Competitiveness of Agriculture Products in WA.

Flake (R-AZ) #12. Regarding \$455,000 for Value-added Product Development for Agriculture Resources in MT.

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