

**COMPARISON OF ORGANIC PROVISIONS
IN FARM BILL, H.R. 2419, PASSED BY HOUSE, JULY 27, 2007,
AND FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

COMPILED BY THE ORGANIC TRADE ASSOCIATION

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(CONTINUED)**

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AUTHORIZATION TO CARRY OUT NATIONAL ORGANIC PROGRAM

**PROVISION IN FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(NO SIMILAR PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Authorization to carry out NOP activities	OFPA, Sec. 2123 (7 USC § 6522). authorizes “such sums as may be necessary.” NOP appropriation for FY 2008, \$3.18 mil. (in Consolidated Appropriations Act, 2008)	No provision authorizing specific amount for NOP.	Sec. 1824 keeps the “such sums” language while adding the following specific authorizations: FY 2008, \$5 mil. FY 2009, \$6.5 mil. FY 2010, \$8 mil. FY 2011, \$9.5 mil. FY 2012, \$11 mil.

CERTIFICATION COST SHARE

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Certification Cost Share – Main Program for Producers and Handlers	Sec. 10606 of 2002 Farm Bill (7 USC § 6523) – \$5 mil. of CCC funds, available to AMS until expended. Covered 75% of producers and handlers’ costs, maximum payment \$500.	Sec. 10301 – raises funding to \$22 mil. of CCC funds, and maximum payment to \$750.	Sec. 1823 – raises funding to \$22 mil. and maximum payment to \$750, but distribution of payments to producers and handlers would be through States, which would apply annually to Secretary. Secretary would report annually to Congress on expenditures for each State. Funding would not be with CCC funds but instead with funds transferred from Treasury without further appropriation.
Certification Cost- Share - Producers in Certain States Under Agricultural Management Assistance Program	Program (7 USC § 1524(b)) established in Agricultural Risk Protection Act of 2000, for producers, and not handlers, in states designated in Act. Out of \$10 mil. provided yearly from CCC funds in FYs 2004-2007, \$1 mil. is designated in Act for certification cost share for producers in 15 states: CT, DE, MD, MA, ME, NV, NH, NJ, NY, PA, RI, UT, VT, WV and WY.	Sec. 2201(c) amends Program to make it permanent with annual funding of \$10 mil. in CCC funds. Designates 10% of total funds (\$1 million annually) for certification cost-share. Adds two states, HI and VA, to list of 15 existing states.	Sec. 2601 amends Program to extend it through FY 2012, with \$1 mil. designated each year for certification cost-share. Adds one state, ID, to list of 15 existing states.

GRANTS FOR URBAN GARDENS AND GREENHOUSES

**PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419,
(NO SIMILAR PROVISION IN FARM BILL
PASSED BY SENATE, DECEMBER 14, 2007)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Grants for Urban Gardens or Greenhouses, with organic produce required to be sold to local grocery stores.	No existing provision	Sec. 10103A, offered on floor by Rep. Clay (D-MO), authorizes \$20 mil. per year. Grants, up to \$25,000 per year, to neighborhood residents to assist in purchasing and operating gardens or greenhouses.	No provision

CONVERSION TO ORGANIC

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate –Passed Farm Bill
Assistance for Conversion to Organic	No provision in existing law	Sec. 10303 provides a new program of cost-share and incentive payments and technical and educational assistance. \$50 mil. authorized, available until expended. 50% of funds would be required to be spent on technical and educational assistance.	Sec. 2360 provides a new program option within EQIP that would offer cost-share and incentive payments and technical assistance. No separate authorization outside of available EQIP funding. No requirement that 50% of funds be spent on technical and educational assistance.
Payment Limits on Conversion Assistance	No provision in existing law	Sec. 10303(b)(4) limits payments to 3 years. Payments may not be more than \$10,000 in a fiscal year, and would be further limited to \$50 per acre for cropland, or \$25 per acre for grazing land.	Sec. 2360(g) limits payments to 4 years. Payments may not be over \$20,000 per year, or \$80,000 total.
Soil and Water Conservation and Protection Loans Used For Conversion	Existing law, 7 USC § 1924, provides for loans to be “made or insured” for soil and water conservation and protection.	Sec. 5001 amends 7 USC § 1924 to change it entirely to a program of loan guarantees and interest subsidies. Priority is given to beginning or socially disadvantaged farmers and ranchers, producers on highly erodible land using the loans to comply with conservation standards, and “owners or tenants who use the loans to convert to sustainable or organic agricultural production systems.”	Sec. 5003 retains the direct loans under 7 USC § 1924. It adds language that loans may be used for conversion to a certified organic farm in accordance with OFPA. Like the House bill, it gives priority to the same groups.

CONVERSION TO ORGANIC

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
 COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
 (CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
<p>Beginning Farmers and Ranchers Development Program</p>	<p>Sec. 7405 of 2002 Farm Bill (7 USC § 3319f) established a competitive grant program to provide training, education, outreach and technical assistance initiatives for beginning farmers and ranchers. Grants may support both “new” and “established” initiatives. Program includes “beginning farmer and rancher education teams” to develop curricula and conduct education and workshops. Authorization is “such sums as may be necessary.”</p>	<p>Sec. 11204 directs \$15 million yearly in CCC funds for FYs 2008 – 2012. Adds no new language related to conversion to organic.</p>	<p>Sec. 7309 authorizes \$30 million per year for fiscal years through 2012. Limits grants to 3 years and \$250,000 per year, but an eligible recipient could receive consecutive grants. Expands existing language offering grants for “diversification and market strategies” to include “transition to organic and other source-verified and value-added alternative production and marketing systems.” Specific new provision, at Sec. 7309(a)(4), allows grants for “comprehensive technical assistance to beginning farmers or ranchers who are in the process of converting to certified organic production.” At Sec. 7309(b), training by education teams would include training in “sustainable and organic farming production and marketing methods.”</p>

ORGANIC PRODUCTION AND MARKET DATA

**PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Organic Production and Market Data	Sec. 7407 of 2002 Farm Bill (7 USC § 5925c) – simple provision requiring Secretary to include segregated data on organic in ongoing baseline of data collection for all agricultural production and marketing. No separate funding.	Sec. 10302 – amends existing provision to direct Secretary to collect and publish segregated data on price, production and marketing of major organic commodities. Provides \$3 mil. of CCC funds, available until expended.	Sec. 1821 – does not amend existing provision, 7 USC § 5925c. Instead, adds new provision to OFPA for data collection and price reporting, and provides \$5 million of CCC funds for FYs 2008 through 2012. Lists seven types of data and analyses to be covered.

**EXEMPTION OF ORGANIC PRODUCERS
FROM COMMODITY PROMOTION ASSESSMENTS**

**PROVISION IN FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(NO SIMILAR PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Exemption of Organic Producers from Commodity Promotion Assessments	Sec. 10607 of 2002 Farm Bill (7 USC § 7401(e)), exempts persons that “produce and market solely 100 percent organic products” and do not “produce any conventional or nonorganic products.”	No provision	Sec. 1822 amends 7 USC § 7401(e) to apply to any person that produces and markets organic products, with the exemption applying with respect to the portion of the commodities produced organically.

ORGANIC RESEARCH AND EXTENSION

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Organic Agriculture Research & Extension Initiative (OREI)	Sec. 1672B of the 1990 Farm Bill, as amended (7 USC § 5925b), authorizes competitive grants for research and extension activities for six specific purposes. \$3 mil. in mandatory funding through October 2007.	Sec. 7310 authorizes a total of \$100 mil. (\$25 mil. yearly in FYs 2009 – 2012), plus \$25 mil. in CCC funds for FYs 2008 – 2012. Adds two purposes to the existing 6: “(7) examining optimal conservation and environmental outcomes...” and “(8) developing new and improved seed varieties...”	Sec. 7104 provides \$80 mil. (\$16 mil. yearly) in CCC funds for FYs 2008-2012. Does not add any purposes to existing 6.
Specialty Crop Research Initiative	No existing provision	Sec. 7411 adds a Specialty Crop Research Initiative, authorizes \$100 mil. yearly for FYs 2008-2012, plus \$215 mil. from CCC funds for FYs 2008-2012. No mention of organic research.	Sec. 7211 adds same program, funded at \$16 mil. yearly from CCC funds for FYs 2008-2012. Includes “optimizing the production of organic specialty crops” as a “critical need” for research.

ORGANIC RESEARCH AND EXTENSION

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
 COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
 (CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
“Sense of Congress” on Organic Research Funding	No existing provision	Sec. 7608, added on House floor by Rep. Kagen (D-WI), would make it the “sense of Congress” that the Agricultural Research Service use a share of its funding for organic research commensurate with the organic sector’s market share.	Sec. 7505, “Sense of Senate” provision added on Senate floor in Managers’ Amendments package, is similar but more detailed, with statement that increase in funding should be devoted to for efforts to “establish long-term core capacities for organic research,” assist existing organic farmers and those intending to transition, and disseminate research results through Alternative Farming Systems Information Center of National Agriculture Library.

ORGANIC RESEARCH AND EXTENSION

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
National Genetic Resources Program	Sec. 1632 of the 1990 Farm Bill, as amended (7 USC § 5841), directed the Secretary to provide for a National Genetic Resources Program to collect, preserve and disseminate genetic material of importance to food and agriculture production.	No provision	Section 7101 adds to the existing functions of the program, “long-term research on plant and animal breeding, including the development of varieties adapted to sustainable and organic farming systems.”
Making Classical Plant and Animal Breeding “High Priority Research” for National Research Initiative (NRI) Competitive Grants	Competitive, Special, and Facilities Research Grant Act (7 USC § 450i) (“National Research Initiative” or NRI) authorizes competitive research grants, identifying six areas as “high priority research.” (7 USC § 450i(b)(2)(A)-(F).) Act authorizes “such sums as are necessary.”	House bill, Sec. 7505, extends authorization of Act through 2012. It strikes 7 USC § 450i(g), which requires Secretary to limit overhead costs for grants. House bill makes no other changes in Act.	Sec. 7307 would add a seventh area for grants: “classical plant and animal breeding,” including “breeding for organic and sustainable systems”

ORGANIC RESEARCH AND EXTENSION

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
National Farm Management Center at a Land-Grant Institution	No existing provision	No provision	Sec. 7037 would establish National Farm Management Center at a land-grant college or university. Institution would be one that has maintained farm financial analysis software that includes “some organic commodities.”
OREI, Specialty Crop Research Initiative, National Research Initiative (NRI) Competitive Grants, as Part of New “National Institute of Food and Agriculture”	No existing provision	Sec. 7101(2)(G) lists OREI and Sec. 7101(2)(A) lists NRI as “competitive programs” for USDA research. Sec. 7105 puts all “competitive programs,” including the Specialty Crop Research Initiative created by this Farm Bill, into a new National Institute of Food and Agriculture.	Sec. 7401 also puts these three “competitive programs” within new National Institute, which, in the Senate Committee bill, would control not just “competitive programs” but also all “infrastructure” research grant programs and programs currently under Cooperative State Research, Education and Extension Service (CSREES).

REFORMS IN CROP INSURANCE FOR ORGANIC PRODUCERS

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Crop Insurance -- Surcharge For Organic Producers	No provision in existing law	Sec. 11005 directs Federal Crop Insurance Corporation (FCIC) to enter into one or more contracts for development of improvements in policies covering organic crops. A contract shall review the underwriting risk and loss experience of organic crops, compared to same crops in same counties at same time grown nonorganically. Unless review shows “such significant, consistent and systemic variations, Corp. shall eliminate or reduce the current 5% surcharge on organic policyholders.	Sec. 1907 prohibits the FCIC from imposing any surcharge on producers using “scientifically sound sustainable and organic farming practices and systems,” <u>except</u> for individual organic crops “on the basis of significant, consistent, and systemic increased risk factors (including loss history) demonstrated by published cropping system research (as applied to crop types and regions) and other relevant information.”
Crop Insurance -- “Price Election” for Organic Policies	No provision in existing law	Sec. 11005 requires that a contract include a procedure to offer organic policyholders an “additional price election” to reflect higher prices received for organic crops, to take effect for the first time in the 2009 crop year.	Sec. 1917 similarly requires that FCIC enter into a contract to develop a procedure for offering a “price election.”

MARKET ACCESS PROGRAM

PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419, COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Market Access Program	Sec. 203(a) of Agricultural Trade Act of 1978 (7 USC § 5623(a)), directs the CCC to carry out a program of cost-share assistance to trade organizations for foreign market development. The OTA has taken part in this program for a number of years.	Sec. 3003(a) adds language amending Sec. 203(a) to clarify that organically produced commodities, as defined in OFPA, are included.	Sec. 3103 has identical language.

**EXTENDING CONSERVATION TECHNICAL ASSISTANCE
TO ORGANIC PRODUCERS
PROVISION IN FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(NO SIMILAR PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
<p>Ensuring adequate conservation technical assistance for organic producers</p>	<p>Sec. 1242 of the 1985 Farm Bill, as amended (7 USC § 3842, provides for delivery of conservation technical assistance. It does not make any specific reference to conservation practices for organic crop producers.</p>	<p>No provision.</p>	<p>Sec. 2404 adds provision to 7 USC § 3842 directing the Secretary, to the maximum extent practicable, to “fully incorporate specialty crop production, organic crop production and precision agriculture into the NRCS’s conservation practice standards” and “provide for the appropriate range of conservation practices” for such producers. It directs the Secretary to ensure that these producers will have adequate technical assistance for implementing conservation practices. Managers’ amendments, adopted Dec. 14 on floor, modified original provision to clarify that it would apply to all producers “involved” with these methods, and not just to producers using such methods exclusively.</p>

CONSERVATION SECURITY PROGRAM

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Conservation Security Program (CSP) – General	Conservation Security Program (16 USC § 3838 et seq.) was a key feature of 2002 Farm Bill. It provides payments for stewardship on working agricultural lands.	Sec. 2103(a) extends existing Conservation Security Program through 2017.	Sec. 2341 replaces existing Conservation Security Program with a new “umbrella Comprehensive Stewardship Incentives Program” covering the existing Environmental Quality Incentives Program (EQIP) and a new “Conservation Stewardship Program” (with same initials, CSP).
Conservation Security Program (CSP) – Coordination between CSP Contracts and NOP Certification	No existing provision	Sec. 2103(a) requires Secretary to “establish a “transparent and producer-friendly means by which producers may coordinate and simultaneously certify eligibility” under a Conservation Security Program contract and the NOP.	Sec. 2341 contains identical language with respect to new Conservation Stewardship Program.

CONSERVATION SECURITY PROGRAM

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
 COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
 (CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Conservation Security Program (CSP) – Evaluation of Producers’ Offers to Favor Organic	No existing provision	Sec. 2103(a) specifies that in evaluating producers’ applications to enroll in Conservation Security Program, Secretary is to consider the “multiple benefits of conservation-based farming systems,” including organic production certified under OFPA.	Sec. 2341 does not have similar language in its factors for “evaluation of contract offers” in the new Conservation Stewardship Program, but in a separate subsection, Sec. 2341 directs Secretary to “identify and implement programmatic considerations, including “evaluation of contract offers,” to “maximize the purposes of the program” by enrolling NOP-certified producers.
Conservation Security Program (CSP) – Equity for Small-Acreage Organic Producers in Setting a Minimum Contract Value	No existing provision	No provision	Sec. 2341 imposes “additional requirements” in new Conservation Stewardship Program, including that Secretary “establish a minimum contract value, to ensure equity for small acreage farms, including specialty crop and organic producers.”

CONSERVATION RESERVE PROGRAM

**PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419,
(NO SIMILAR PROVISION IN FARM BILL PASSED BY SENATE,
DECEMBER 14, 2007)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
Conservation Reserve Program (CRP) Land – Allowing Beginning, Socially Disadvantaged or Limited-Resource Farmers Taking Over Land from a Retired or Retiring Owner or Operator to Begin NOP Certification Process Early	“Contracts” provision of Conservation Reserve Program (16 USC § 3835) contains no provision to favor organic certification on land coming out of the CRP.	Sec. 2101(h)(2) directs Secretary to allow farmers in these categories to begin the NOP certification process one year before the CRP contract with a retiring or retired owner or operator would expire.	No corresponding provision

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
EQIP – Identifying “Organic Transition” as Goal under EQIP	Under 16 USC § 3839aa, the purposes of the EQIP program are, first, to “promote agricultural production and environmental quality as compatible goals,…”	Sec. 2105(a)(1) amends this language to read that this purpose is to “promote “agricultural production, forest management, organic transition, and environmental quality as compatible goals…”	No corresponding provision. However, in Sec. 2360, the bill provides a program, under EQIP, to assist organic conversion with cost-share and incentive payments and technical assistance. (SEE PAGE 6 ABOVE)
EQIP – Making Organic Producers Eligible for EQIP Cost-Share Payments	Under 16 USC § 3839aa-2(a)(2)(A), a producer that implements a “structural practice” is eligible to receive cost-share payments. Under 16 USC § 3839aa-2(a)(2)(B), a producer that implements a “land management practice, or develops a comprehensive nutrient management plan,” is eligible to receive incentive payments.	Sec. 2105(c)(2)(A) amends this language to read that a producer that implements a “structural practice or receives organic certification” is eligible to receive cost share payments. (There is no corresponding amendment in the bill to extend incentive payments to organic farmers, even though they carry out “land management practices” as well as “structural practices.”)	No corresponding provision. However, see Sec. 2360, described above.

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)

**PROVISIONS IN HOUSE-PASSED FARM BILL, H.R. 2419,
 COMPARED TO FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
 (CONTINUED)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
EQIP – Conservation Innovation Grants	<p>Under 16 USC § 3839aa-8, EQIP provides these grants on a competitive basis, to “stimulate innovative approaches to leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production, through the program.”</p> <p>Grants are limited to 50% of the project cost. No specific sum within EQIP funding is authorized.</p>	<p>Sec. 2105(m) amends the grants program to direct the Secretary to use, from EQIP’s CCC funding: \$30 mil. in FY 2008, \$35 mil. in FY 2009, \$50 mil. in FY 2010, \$60 mil. in FY 2011, and \$75 mil. in FY 2012.</p> <p>Out of these funds, \$5 million per year is for “grants to support effective outreach and innovative proposals for outreach and to serve organic producers and producers of specialty crops.”</p>	<p>Sec. 2358 amends the language of the grants program, but does not establish any special grants that would serve organic producers. Sec. 2358 leaves the funding without a specific sum, as under existing law.</p>

**BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS
PILOT PROGRAM**

**PROVISION IN FARM BILL PASSED BY SENATE, DECEMBER 14, 2007
(NO SIMILAR PROVISION IN HOUSE-PASSED FARM BILL, H.R. 2419)**

Provision	Existing Law	House-Passed Farm Bill	Senate-Passed Farm Bill
<p>Individual Development Accounts for Beginning Farmers and Ranchers - Prohibition on Receiving NOP Funds for Similar Purpose</p>	<p>No existing provision</p>	<p>No provision</p>	<p>Sec. 5201 establishes pilot program of Individual Development Accounts for qualifying beginning farmers and ranchers. Provision specifies “eligible expenditures” that may be made from such accounts. A specific “prohibition” bars a farmer or rancher using funds for “an eligible expenditure described in subparagraph (A)(viii)” from receiving funds under the NOP for a “substantially similar purpose (as determined by the Secretary).” THIS APPEARS TO BE A DRAFTING OVERSIGHT. The list of “eligible expenditures” ends with subparagraph (A)(vi). Evidently the bill once had an additional item, (A)(viii), that would have made expenditures for organic certification eligible for this program, and that would have called for the “prohibition” on receiving NOP funds for the same purpose. When (A)(viii) was eliminated from the bill in Committee, this made the “prohibition” language no longer applicable, but it was not removed.</p>