



**Conference Report to Accompany
Agriculture and Consumer
Protection Act of 1973
H.R. Rep. No. 93-427 (1973)**

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AGRICULTURE AND CONSUMER PROTECTION ACT
OF 1973

JULY 31, 1973.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany S. 1888]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1888), to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, having met, after full and free conference, have been unable to agree.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1888), to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, submit the following joint statement to the House and the Senate in explanation of the accompanying conference report:

The House amendment struck out all after the enacting clause of S. 1888 and inserted in lieu thereof the language of H.R. 8860 as passed by the House.

There were 111 substantive differences between S. 1888 and the House amendment. The conferees were able to reconcile 110 of these differences, but were unable to agree on the provision in the House amendment which would, under specified conditions, prohibit food stamp assistance to strikers.

The language upon which the conferees reached agreement (omitting the one point upon which they were unable to agree) is as follows:

That the Agricultural Act of 1970 is amended as follows:

(1) *Title I is amended to read as follows:*

"TITLE I—PAYMENT LIMITATION

"SEC. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1977 crops of the commodities shall not exceed \$20,000.

"(2) The term 'payments' as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment or public access for recreation.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term 'person' and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: Provided, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary. The rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970."

DAIRY PROGRAM

MILK MARKETING ORDERS

(2) Section 201 is amended by—

(A) amending section 201(e) by striking out "1973" and inserting "1977", and by striking out "1976" and inserting "1980", and

(B) adding at the end thereof the following:

"(f) The Agricultural Adjustment Act as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by:

"(1) striking the period at the end of subsection 8c(17) and adding in lieu thereof the following: ' : Provided further, That if one-third or more of the producers as defined in a milk order apply in writing for a hearing on a proposed amendment of such order, the Secretary shall call such a hearing if the proposed amendment is one that may legally be made to such order. Subsection (12) of this section shall not be construed to permit any cooperative to act for its members in an application for a hearing under the foregoing proviso and nothing in such proviso shall be construed to preclude the Secretary from calling an amendment hearing as provided in subsection (3) of this section. The Secretary shall not be required to call a hearing on any proposed amendment to an order in response to an application for a hearing on such proposed amendment if the application requesting the hearing is received by the Secretary within ninety days after the date on which the Secretary has announced his decision on a previously proposed amendment to such order and the two proposed amendments are essentially the same.'

"(2) inserting after the phrase 'pure and wholesome milk' in section 8c(18) the phrase 'to meet current needs and further to assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs'."

MILK PRICE SUPPORT, BUTTERFAT PRICE SUPPORT
SUSPENSION

(3) Section 202 is amended by—

(A) striking the introductory clause which precedes subsection (a);

(B) effective April 1, 1974, inserting in subsection (b) before the period at the end of the first sentence in the quotation the following: "of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs"; and

(C) inserting in subsection (b) after the first sentence in the quotation the following: "Notwithstanding the foregoing, effective for the period beginning with the date of enactment of the Agriculture and Consumer Protection Act of 1973 and ending on March 31, 1975, the price of milk shall be supported at not less than 80 per centum of the parity price therefor."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY
AND TO VETERANS HOSPITALS

(4) Section 203 is amended by striking out "1973" and inserting "1977".

DAIRY INDEMNITY PROGRAM

(5) Section 204 is amended by—

(A) striking out "1973" and inserting "1977"; and

(B) striking subsection (b) and substituting therefor the following:

"(b) Section 1 of said Act is amended to read as follows:

"SECTION 1. The Secretary of Agriculture is authorized to make indemnity payments for milk or cows producing such milk at a fair market value, to dairy farmers who have been directed since January 1, 1964 (but only since the date of enactment of the Agriculture and Consumer Protection Act of 1973 in the case of indemnity payments not authorized prior to such date of enactment), to remove their milk, and to make indemnity payments for dairy products at fair market value to manufacturers of dairy products who have been directed since the date of enactment of the Agricultural Act of 1970 to remove their dairy products from commercial markets because of residues of chemicals registered and approved for use by the Federal Government at the time of such use. Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets."

DAIRY IMPORT STUDY

(6) Title II is amended by adding at the end thereof the following:

"SEC. 205. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine the effect upon domestic dairy producers, handlers, and processors and upon consumers of increases in the level of imports, if any, of dairy products and report his findings, together with any recommendations he may have with respect to import quotas or other matters, to the Congress of the United States no later than January 1, 1975. For the purposes of this section dairy products include (1) all forms of milk and dairy products, butterfat, milk solids-not-fat, and any combination or mixture thereof; (2) any article, compound, or mixture containing 5 per centum or more of butterfat, or milk solids-not-fat, or any combinations of the two; and (3) lactose, and other derivatives of milk, butterfat, or milk solids-not-fat, if imported commercially for any food use. Dairy products do not include (1) casein, caseinates, industrial casein, industrial caseinates, or any other industrial products, not to be used in any form for any food use, or an ingredient of food; or (2) articles not normally considered to be dairy products, such as candy, bakery goods, and other similar articles."

"PRODUCER HANDLERS

"SEC. 206. The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by the Agriculture Act of 1973 as it was prior thereto."

WOOL PROGRAM

(7) Section 301 is amended by—

(A) striking out "1973" each place it occurs and inserting "1977", and by striking out the word "three" each place it occurs; and

(B) adding at the end thereof the following:

"(6) Strike out the first sentence of section 708 and insert the following: 'The Secretary of Agriculture is authorized to enter into agreements with, or to approve agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, mohair, sheep, or goats or the products thereof. Advertising and sales promotion programs may be conducted outside of the United States for the purpose of maintaining and expanding foreign markets and uses for mohair or goats or the products thereof produced in the United States.'"

WHEAT PROGRAM

WHEAT PRODUCTION INCENTIVES

(8) Effective beginning with the 1974 crop section 401 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977" and section 107 of the Agricultural Act of 1949, as it appears therein is amended by—

(A) amending section 107 (a) to read as follows:

"(a) Loans and purchases on each crop of wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains: Provided, That in no event shall such level be in excess of the parity price for wheat or less than \$1.37 per bushel."

(B) substituting the word "payments" for the word "certificates" in section 107 (b);

(C) striking the quotation mark at the end of section 107 (b); and

(D) adding at the end of the section the following:

"(c) Payments shall be made for each crop of wheat to the producers on each farm in an amount determined by multiplying (i) the amount by which the higher of—

"(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under subsection (a) for such crop

is less than the established price of \$2.05 per bushel in the case of the 1974 and 1975 crops, \$2.05 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop, times in each case (ii) the allotment for the farm for such crop, times (iii) the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield: Provided, That any increase that would otherwise be made in the established price to reflect a

change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of wheat for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of wheat for the three calendar years preceding the year previous to the one for which the determination is made. If the Secretary determines that the producers are prevented from planting, any portion of the farm acreage allotment to wheat or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. If the Secretary determines that, because of such a disaster or condition, the total quantity of wheat (or other nonconserving crop planted instead of wheat) which the producers are able to harvest on any farm is less than $66\frac{2}{3}$ percent of the farm acreage allotment times the projected yield of wheat (or other nonconserving crop planted instead of wheat) for the farm, the rate of payment for the deficiency in production below 100 percent shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis."

TERMINATION OF WHEAT CERTIFICATE PROGRAM, FARM ACREAGE ALLOTMENTS

(9) Section 402 is amended by inserting "(a)" after the section designation and adding the following at the end of the section:

"(b) (A) Section 379b of the Agricultural Adjustment Act of 1938 (which provides for a wheat marketing certificate program) shall not be applicable to the 1974 through 1977 crops of wheat, except as provided in paragraphs (B) and (C) of this subsection.

"(B) Section 379b(c) of the Agricultural Adjustment Act of 1938, as amended by subsection (a) of this section (which provides for a set-aside program), shall be effective with respect to the 1974 through 1977 crops of wheat with the following changes:

"(i) The phrase 'payments authorized by section 107(c) of the Agricultural Act of 1949' shall be substituted for the word 'certificates' and the phrases 'certificates authorized in subsection (b)' and 'marketing certificates' each place they occur.

"(ii) The word 'domestic' shall be stricken each place it occurs.

"(iii) The second sentence of section 379b(c) (1) is amended to read as follows: 'If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments authorized by section 107(c) of the Agricultural Act of 1949, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the wheat allotment for the farm as may be specified by the Secretary and will be estimated by the Secretary to result in a set-aside not in excess of thirteen and three-tenths million acres in the case of the 1971 crop; plus, if required by the Secretary, (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary.'

"(iv) The third sentence in 379b(c) (1) is amended to read as follows: 'The Secretary is authorized for the 1974 through 1977

crops to limit the acreage planted to wheat on the farm to a percentage of the acreage allotment.'

"(v) '1971 through 1977' shall be substituted for '1971, 1972, and 1973' each place it occurs other than in the third sentence of section 379b(c)(1).

"(vi) The last sentence of section 379b(c)(1) is amended to read as follows: 'The Secretary shall permit producers to plant and graze on set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.'

"(vii) After the second sentence of section 379b(c)(3) the following shall be inserted: 'The Secretary may, in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences.'

"(C) Sections 379b(d), (e), (g), and (i) of the Agricultural Adjustment Act of 1938, as amended by subsection (a) of this section, shall be effective for the 1974 through 1977 crops amended to read as follows:

"(d) The Secretary shall provide for the sharing of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.'

"(D) Section 379c of the Agricultural Adjustment Act of 1938, effective only with respect to the 1974 through 1977 crops of wheat is amended to read as follows:

"SEC. 379c. (a) (1) The farm acreage allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim the national acreage allotment not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. Such national allotment shall be the number of acres he determines on the basis of the estimated national average yield for the crop for which the determination is being made will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks. The national acreage allotment for any crop of wheat shall be apportioned by the Secretary

among the States on the basis of the apportionment to each State of the national acreage allotment for the preceding crop (1973 national domestic allotment in the case of apportionment of the 1974 national acreage allotment) adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm acreage allotments, and other relevant factors.

“(2) The State acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the wheat allotment for the preceding crop, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm allotments, and other relevant factors.

“(3) The farm allotment for each crop of wheat shall be determined by apportioning the county wheat allotment among farms in the county which had a wheat allotment for the preceding crop on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. Notwithstanding any other provision of this subsection, the farm allotment shall be adjusted downward to the extent required by subsection (b).

“(4) Not to exceed 1 per centum of the State allotment for any crop may be apportioned to farms for which there was no allotment for the preceding crop on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

“(5) The planting on a farm of wheat or any crop for which no farm allotment was established shall not make the farm eligible for an allotment under subsection (a) (3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a) (4).

“(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

“(b) (1) If for any crop the total acreage of wheat planted on a farm is less than the farm allotment, the farm allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm allotment, but such reduction shall not exceed 20 per centum of the farm allotment for the

preceding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has an allotment, such farm shall lose its allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans, feed grains for which there is a set-aside program in effect, guar, castor beans, cotton, triticale, oats, rye, or such other crops as the Secretary may deem appropriate considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"(2) Notwithstanding the provisions of subsection (b)(1), no farm allotment shall be reduced or lost through failure to plant the farm allotment, if the producer elects not to receive payments for the portion of the farm allotment not planted, to which he would otherwise be entitled under the provisions of section 107(c) of the Agricultural Act of 1949."

REPEAL OF PROCESSOR CERTIFICATE REQUIREMENT

(10) Section 403 is amended by inserting "(a)" after the section designation and by inserting at the end thereof the following:

"(b) Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processed or exported during the period July 1, 1973 through June 30, 1978; and section 379g is amended by adding the following new subsection (c):

"(c) The Secretary is authorized to take such action as he determines to be necessary to facilitate the transition from the certificate program provided for under section 379d to a program under which no certificates are required. Notwithstanding any other provision of law, such authority shall include, but shall not be limited to the authority to exempt all or a portion of wheat or food products made therefrom in the channels of trade on July 1, 1973, from the marketing restrictions in subsection (b) of section 379d, or to sell certificates to persons owning such wheat or food products made therefrom at such price and under such terms and conditions as the Secretary may determine. Any such certificate shall be issued by the Commodity Credit Corporation. Nothing herein shall authorize the Secretary to require certificates on wheat processed after June 30, 1973."

SUSPENSION OF WHEAT MARKETING QUOTAS

(11) Section 404 is amended by striking "1971, 1972, and 1973" wherever it appears and inserting "1971 through 1977", and by striking "1972 and 1973" and inserting "1972 through 1977".

STATE AGENCY ALLOTMENTS, YIELD CALCULATIONS

(12) (a) Section 405 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977"; and by repealing paragraph

(2) effective with the 1974 crop; by inserting "(a)" after the section designation; by changing the period and quotation mark at the end of the section to a semicolon; and by adding at the end of the section the following:

"(b) Effective with respect to the 1974 through 1977 crops, section 301(b)(13)(K) of the Agricultural Adjustment Act of 1938 is amended by adding after 'three calendar years' the following: '(five calendar years in the case of wheat)', and section 708 of Public Law 89-321 is amended by inserting in the second sentence after 'determining the projected yield' the following '(except that in the case of wheat, if the yield is abnormally low in any one of the calendar years of the base period because of drought, flood, or other natural disaster, the Secretary shall take into account the actual yield proved by the producer in the other four years of such base period)'."

SUSPENSION OF QUOTA PROVISIONS

(13) Section 406 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977".

REDUCTION IN WHEAT STORED TO AVOID PENALTY

(14) Section 407 of the Agricultural Act of 1970 is amended by adding at the end thereof the following: "Notwithstanding the foregoing, the Secretary may authorize release of wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop, whenever he determines such release will not significantly affect market prices for wheat. As a condition of release, the Secretary may require a refund of such portion of the value of certificates received in the crop year the excess wheat was produced as he deems appropriate considering the period of time the excess wheat has been in storage and the need to provide fair and equitable treatment among all wheat program participants."

APPLICATION OF THE AGRICULTURAL ACT OF 1949

(15) Section 408 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977".

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

(16) Section 409 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977".

SET-ASIDE ON SUMMER FALLOW FARMS

(17) Section 410 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1977".

FEED GRAIN PROGRAM

(18) Effective only with respect to the 1974 through 1977 crops of feed grains, section 501 is amended by—

(A) striking out that portion through the first colon and section 105(a) of the Agricultural Act of 1949, as it appears therein, and inserting the following:

"SEC. 501. (a) Effective only with respect to the 1971 through 1977 crops of feed grains, section 105(a) of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 105. Notwithstanding any other provision of law—

"(a) (1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than \$1.10 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

"(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn."

(B) adding at the end thereof the following:

"(b) Effective only with respect to the 1974 through 1977 crops of feed grains, section 105(b) of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"(b) (1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and, if designated by the Secretary, barley, computed by multiplying (1) the payment rate, times (2) the allotment for the farm for such crop, times (3) the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield. The payment rate for corn shall be the amount by which the higher of—

"(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under subsection (a) for such crop

is less than the established price of \$1.38 per bushel in the case of the 1974 and 1975 crops, \$1.38 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: Provided, That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of feed grains for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of feed grains for the three calendar years preceding the year previous to the one for which the determination is made. The payment rate for grain

sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. If the Secretary determines that the producers on a farm are prevented from planting any portion of the farm acreage allotment to feed grains or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. If the Secretary determines that, because of such a disaster or condition, the total quantity of feed grains (or other nonconserving crop planted instead of feed grains) which the producers are able to harvest on any farm is less than 66 $\frac{2}{3}$ percent of the farm acreage allotment times the yield of feed grains (or other nonconserving crop planted instead of feed grains) established for the farm, the rate of payment for the deficiency in production below 100 percent shall be the larger of (A) the foregoing rate, or (B) one-third of the established price.

“(2) The Secretary shall, prior to January 1 of each calendar year, determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains, which shall be the number of acres he determines on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks. State, county, and farm feed grain allotments shall be established on the basis of the feed grain allotments established for the preceding crop (for 1974 on the basis of the feed grain bases established for 1973), adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each State, county, and farm. Not to exceed 1 per centum of the State feed grain allotment may be reserved for apportionment to new feed grain farms on the basis of the following factors: suitability of the land for production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain allotments.

“(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the feed grain allotment for the farm, the feed grain allotment for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than the feed grain allotment for the farm, but such reduction shall not exceed 20 per centum of the feed grain allotment. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain allotment, such farm shall lose its feed grain allotment: Provided, That no farm feed grain allotment shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain allotment not planted,

to which he would otherwise be entitled under the provisions of this Act. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain allotments as provided for in subsection (e) (2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the feed grain allotment shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans, wheat, guar, castor beans, cotton, triticale, oats, rye, or such other crops as the Secretary may deem appropriate, considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.'",

(C) amending the last sentence of section 105(c) (1) to read as follows:

"The Secretary shall permit producers to plant and graze on set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income."

(C) striking out "1971, 1972, 1973" where it appears in that part which amends section 105(c) (1) of the Agricultural Act of 1949 and inserting "1971 through 1977", and by amending the second sentence of section 105(c) (1) to read as follows: "If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain allotment for the farm as may be specified by the Secretary, plus, if required by the Secretary (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary."

(D) amending the third sentence of section 105(c) (1) to read as follows: "The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to feed grains on the farm to a percentage of the farm acreage allotment."

(E) striking out paragraphs (1) and (3) of subsection (e), changing "bases" to "allotments" wherever it appears in paragraph (2) of subsection (e), and striking out all of subsection (g).

(F) inserting after the second sentence of section 105(c) (3) the following: "The Secretary may, in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences."

COTTON PROGRAM

SUSPENSION OF MARKETING QUOTAS FOR COTTON,
MINIMUM BASE ACREAGE ALLOTMENT

(19) Section 601 is amended by—

(A) striking out "1971, 1972, and 1973" wherever it appears therein and inserting "1971 through 1977",

(B) striking "1970, 1971, and 1972" from paragraph (2) and inserting "1970 through 1976",

(C) effective beginning with the 1974 crop, striking out the following from section 344a(a) in section 601 "for which a farm base acreage allotment is established (other than pursuant to section 350(e)(1)(A))",

(D) striking "1974" from paragraph (3)(1) and inserting "1978", and by striking "1972 and 1973" from paragraph (4) and inserting "1972 through 1977",

(E) effective beginning with the 1974 crop, adding at the end of section 350(a) in paragraph (4) of section 601 the following: "The national base acreage allotment for the 1974 through 1977 crops shall not be less than eleven million acres.",

(F) effective beginning with the 1974 crop, striking "soybeans, wheat or feed grains" from the last sentence of section 350(e)(2) in paragraph (4) of section 601 and inserting "soybeans, wheat, feed grains, guar, castor beans, critical, oats, rye or such other crops as the Secretary may deem appropriate",

(G) effective beginning with the 1974 crop, striking the words "an adjoining" in the first sentence of section 350(h) as found in paragraph (4) of section 601, and inserting in lieu thereof "any other nearby".

COTTON PRODUCTION INCENTIVES

(20) Section 602 is amended by—

(A) striking "1971, 1972, and 1973" wherever it appears therein and inserting "1971 through 1977", by striking "the 1972 or 1973 crop" where it appears in that part amending section 103(e)(1) of the Agricultural Act of 1949 and inserting "any of the 1972 through 1977 crops", and by striking out "acreage world price" in that part amending section 103(e)(1) of the Agricultural Act of 1949, and substituting "average price of American cotton in world markets";

(B) in that part amending section 103(e)(1) of the Agricultural Act of 1949 striking out "two-year period" wherever it appears therein and substituting "three-year period"; and by striking out that part beginning with "except that" in the first sentence and substituting "except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price.";

(C) effective, beginning with the 1974 crop, amending section 103(e)(2) of the Agricultural Act of 1949, as it appears in such section 602 to read as follows:

"(2) Payments shall be made for each crop of cotton to the producers on each farm at a rate equal to the amount by which the higher of—

"(1) the average market price received by farmers for upland cotton during the calendar year which includes the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under paragraph (1) for such crop

is less than the established price of 38 cents per pound in the case of the 1974 and 1975 crops, 38 cents per pound adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: Provided, That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of cotton for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of cotton for the three calendar years preceding the year previous to the one for which the determination is made. If the Secretary determines that the producers on a farm are prevented from planting, any portion of the allotment to cotton because of drought, flood, or other natural disaster, or condition beyond the control of the producer, the rate of payment for such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. If the Secretary determines that, because of such a disaster or condition, the total quantity of cotton which the producers are able to harvest on any farm is less than 66 $\frac{2}{3}$ percent of the farm base acreage allotment times the average yield established for the farm, the rate of payment for the deficiency in production below 100 percent shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 350(f), (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3)."

(D) effective, beginning with the 1974 crop, amending the third sentence of section 103(e) (4) (A) of the Agricultural Act of 1949, as it appears in such section 602 to read as follows: "The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to a percentage of the farm base acreage allotment."

(E) The second sentence of Section 103(e) (4) (A) is amended to read as follows: "If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm base acreage allotment for the farm as may be specified by the Secretary (not to exceed 28 per centum of the farm base acreage allotment), plus, if re-

quired by the Secretary, (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary."

(F) the fourth sentence of section 103(e)(4)(A) of the Agricultural Act of 1949 as found in section 602 is amended to read as follows: "The Secretary shall permit producers to plant and graze on set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income."

(G) inserting after the second sentence of section 103(e)(5) of the Agricultural Act of 1949 as it appears in such section 602 the following: "The Secretary may in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences."

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS FOR COTTON

(21) Section 603 is amended by striking out "1974" and inserting "1978".

MISCELLANEOUS COTTON PROVISIONS

(22) Sections 604, 605, 606, 607, and 608 are each amended by striking out "1971, 1972, 1973" and inserting "1971 through 1977".

COTTON MARKET DEVELOPMENT

(23) Section 610 is amended by inserting after the words "shall be" in the second sentence the following words "10 million dollars." and by striking the balance of said sentence, and further by striking out "1972 and 1973" and inserting "1972 through 1977" in the third sentence.

COTTON INSECT ERADICATION

(24) Title VI is amended by adding at the end thereof the following: "SEC. 611. Section 104 of the Agricultural Act of 1949, as amended, is amended by adding a new subsection (d) as follows:

"(d) In order to reduce cotton production costs, to prevent the movement of certain cotton plant insects to areas not now infested, and to enhance the quality of the environment, the Secretary is authorized and directed to carry out programs to destroy and eliminate cotton boll weevils in infested areas of the United States as provided herein and to carry out similar programs with respect to pink bollworms or any other major cotton insect if the Secretary determines that methods and systems have been developed to the point that success in eradica-

tion of such insects is assured. The Secretary shall carry out the eradication programs authorized by this subsection through the Commodity Credit Corporation. In carrying out insect eradication projects, the Secretary shall utilize the technical and related services of appropriate Federal, State, private agencies, and cotton organizations. Producers and landowners in an eradication zone, established by the Secretary, who are receiving benefits from any program administered by the United States Department of Agriculture, shall, as a condition of receiving or continuing any such benefits, participate in and cooperate with the eradication project, as specified in regulations of the Secretary.

"The Secretary may issue such regulations as he deems necessary to enforce the provisions of this subsection with respect to achieving the compliance of producers and landowners who are not receiving benefits from any program administered by the United States Department of Agriculture. Any person who knowingly violates any such regulation promulgated by the Secretary under this subsection may be assessed a civil penalty of not to exceed \$5,000 for each offense. No civil penalty shall be assessed unless the person shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged. In determining the amount of the penalty the Secretary shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Where special measures deemed essential to achievement of the eradication objective are taken by the project and result in a loss of production and income to the producer, the Secretary shall provide reasonable and equitable indemnification from funds available for the project, and also provide for appropriate protection of the allotment, acreage history, and average yield for the farm. The cost of the program in each eradication zone shall be determined, and cotton producers in the zone shall be required to pay up to one-half thereof, with the exact share in each zone area to be specified by the Secretary upon his finding that such share is reasonable and equitable based on population levels of the target insect and the degree of control measures normally required. Each producer's pro rata share shall be deducted from his cotton payment under this Act or otherwise collected, as provided in regulations of the Secretary. Insofar as practicable, cotton producers and other persons engaged in cotton production in the eradication zone shall be employed to participate in the work of the project in such zone. Funding of the program shall be terminated at such time as the Secretary determines and reports to the Congress that complete eradication of the insects for which programs are undertaken pursuant to this subsection has been accomplished. Funds in custody of agencies carrying out the program shall, upon termination of such program, be accounted for to the Secretary for appropriate disposition.

"The Secretary is authorized to cooperate with the Government of Mexico in carrying out operations or measures in Mexico which he deems necessary and feasible to prevent the movement into the United States from Mexico of any insects eradicated under the provisions of this subsection. The measure and character of cooperation carried out

under this subsection on the part of the United States and on the part of the Government of Mexico, including the expenditure or use of funds made available by the Secretary under this subsection, shall be such as may be prescribed by the Secretary. Arrangements for the cooperation authorized by this subsection shall be made through and in consultation with the Secretary of State. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. There are hereby authorized to be appropriated to the Commodity Credit Corporation such sums as the Congress may from time to time determine to be necessary to carry out the purposes of this subsection.'"

SKIPROW PRACTICES

(25) Title VI is further amended by adding the following new section:

"SEC. 612. Section 374(a) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by adding the following new sentence: 'Where cotton is planted in skiprow patterns, the same rules that were in effect for the 1971 through 1973 crops for classifying the acreage planted to cotton and the area skipped shall also apply to the 1974 through 1977 crops.'"

PUBLIC LAW 480

(26) Section 701 is amended by striking out "1973" and inserting "1977"; and title VII is further amended by adding at the end thereof the following:

Section 103 of such Act is amended by inserting before the semicolon at the end of subsection (o) the following: "and that commercial supplies are available to meet demands developed through programs carried out under this Act."

"SEC. 704. Title IV of such Act is amended by adding at the end thereof the following:

"'SEC. 411. No agricultural commodities shall be sold under title I or title III or donated under title II of this Act to North Vietnam, unless by an Act of Congress enacted subsequent to July 1, 1973, assistance to North Vietnam is specifically authorized.'"

MISCELLANEOUS PROVISIONS

(27) Title VIII is amended as follows:

BEEKEEPER INDEMNITIES

(A) Section 804 is amended by striking out "December 31, 1973" and inserting "December 31, 1977".

(B) By adding at the end thereof the following:

"FHA LOANS

"SEC. 807. The first sentence of section 305 of the Consolidated Farm and Rural Development Act is amended by striking out '\$100,000'

and inserting '\$225,000'; and by striking out 'or (b)' and inserting '(b) the loans under such sections to any one borrower to exceed \$100,000, or (c)'.

"COST OF PRODUCTION STUDY

"SEC. 808. *The Secretary of Agriculture, in cooperation with the land grant colleges, commodity organizations, general farm organizations, and individual farmers, shall conduct a cost of production study of the wheat, feed grain, cotton, and dairy commodities under the various production practices and establish a current national weighted average cost of production. This study shall be updated annually and shall include all typical variable costs, a return on fixed costs equal to the existing interest rates charged by the Federal Land Bank, and return for management comparable to the normal management fees charged by other comparable industries. These studies shall be based upon the size unit that requires one man to farm on a full-time basis.*

"LIVESTOCK STUDY

"SEC. 809. (a) *The Secretary of Agriculture is authorized and directed to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes. The Secretary is also authorized and directed to conduct, in connection with such study and investigation, an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, through injury and disease, during transportation for commercial purposes.*

"(b) *The Secretary of Agriculture shall submit to the Congress not more than four years after the date of enactment of this section a final report on the results of his study and investigation and research together with such recommendations for administrative and legislative action as he deems appropriate. He shall submit such interim reports to the Congress as he deems advisable, but at least one at the end of each twelve month period following the date of enactment of this section.*

"(c) *There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than \$500,000 in any fiscal year.*

"WHEAT AND FEED GRAINS RESEARCH

"SEC. 810. *In order to reduce fertilizer and herbicide usage in excess of production needs, to develop wheat and feed grain varieties more susceptible to complete fertilizer utilization, to improve the resistance of wheat and feed grain plants to disease and to enhance their conservation and environmental qualities, the Secretary of Agriculture is authorized and directed to carry out regional and national research programs.*

"*In carrying out such research, the Secretary shall utilize the technical and related services of the appropriate Federal, State, and private agencies.*

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than \$1,000,000 in any fiscal year.

"TECHNICAL SUPPORT

"SEC. 811. The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply, compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

"EXPORT SALES REPORTING

"SEC. 812. All exporters of wheat and wheat flour, feed grains, oil seeds, cotton and products thereof, and other commodities the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period: (a) type, class, and quantity of the commodity sought to be exported, (b) the marketing year of shipment, (c) destination, if known. Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exporters of agricultural commodities produced in the United States shall upon request of the Secretary of Agriculture immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as he may request. Any person (or corporation) who knowingly fails to report export sales pursuant to the requirements of this section shall be fined not more than \$25,000 or imprisoned not more than one year, or both. The Secretary may, with respect to any commodity or type or class thereof during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales, provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis."

"DISASTER RESERVE

"SEC. 813. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall under the provisions of this Act establish, maintain, and dispose of a separate reserve of inventories of not to exceed 75 million bushels of wheat, feed grains, and soybeans for the purpose of alleviating distress caused by a natural disaster.

"Such reserve inventories shall include such quantities of grain that the Secretary deems needed to provide for the alleviation of distress as the result of a natural disaster.

"(b) *The Secretary shall acquire such commodities through the price support program.*

"(c) *Except when a state of emergency has been proclaimed by the President or by concurrent resolution of Congress declaring that such reserves should be disposed of, the Secretary shall not offer any commodity in the reserve for sale or disposition.*

"(d) *The Secretary is also authorized to dispose of such commodities only for (1) use in relieving distress (a) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands and (b) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855 et seq.), or (2) for use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).*

"(e) *The Secretary may sell at an equivalent price, allowing for the customary location and grade price differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve.*

"(f) *The Secretary may use the Commodity Credit Corporation to the extent feasible to fulfill the purposes of this section; and to the maximum extent practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.*

"(g) *The Secretary may issue such rules and regulations as may be necessary to carry out the provisions of this section.*

"(h) *There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.*

"IMPORTED COMMODITIES

"*SEC. 814. Notwithstanding any other provisions of this Act, the Secretary shall encourage the production of any crop of which the United States is a net importer and for which a price support program is not in effect by permitting the planting of such crop on set-aside acreage and with no reduction in the rate of payment for the commodity.*

"EMERGENCY SUPPLY OF AGRICULTURAL PRODUCTS

"*SEC. 815(a) Notwithstanding any other provision of law, the Secretary of Agriculture shall assist farmers, processors, and distributors in obtaining such prices for agricultural products that an orderly, adequate and steady supply of such products will exist for the consumers of this nation.*

"(b) *The President shall make appropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723 (dated June 13, 1973) or any subsequent Executive Order for any agricultural products (at any point in the distribution chain) as to which the Secretary of Agriculture certifies to the President that the supply of the product will be reduced to unacceptably low levels*

as a result of any price control or freeze order or regulation and that alternative means for increasing the supply are not available.

"(c) Under this section, the term 'agricultural products' shall include meat, poultry, vegetables, fruits and all other agricultural commodities in raw or processed form, except forestry products or fish or fishery products.

"RURAL DEVELOPMENT

"SEC. 816. (a) Section 401 of the Rural Development Act of 1972 (86 Stat. 670) is amended by substituting the words 'fire' and 'fires' for the words 'wildfire' and 'wildfires', respectively, wherever such words appear.

"(b) Section 404 of the Rural Development Act of 1972 (86 Stat. 671) is amended to read as follows:

"SEC. 404. APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this title \$7,000,000 for each of three consecutive fiscal years beginning with the fiscal year for which funds are first appropriated and obligated by the Secretary of Agriculture carrying out this title."

"(c) Section 306(a) of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following:

"(13) (A) The Secretary, under such reasonable rules and conditions as he shall establish, shall make grants to eligible volunteer fire departments for up to 50 per centum of the cost of firefighting equipment needed by such departments but which such departments are unable to purchase through the resources otherwise available to them, and for the cost of the training necessary to enable such departments to use such equipment efficiently.

"(B) For the purposes of this subsection, the term "eligible volunteer fire department" means any established volunteer fire department in a rural town, village, or unincorporated area where the population is less than two thousand but greater than two hundred, as reasonably determined by the Secretary."

"SEC. 817. Section 310B(d) of subtitle A of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following:

"(4) No grant or loan authorized to be made under this Act shall require or be subject to the prior approval of any officer, employee, or agency of any State.

"(5) No loan commitment issued under this section, section 304, or section 312 shall be conditioned upon the applicant investing in excess of 10 per centum in the business or industrial enterprise for which purpose the loan is to be made unless the Secretary determines there are special circumstances which necessitate an equity investment by the applicant greater than 10 per centum.

"(6) No provision of law shall prohibit issuance by the Secretary of certificates evidencing beneficial ownership in a block of notes insured or guaranteed under this Act or Title V of the Housing Act of 1949; any sale by the Secretary of such certificates shall be treated as a sale of assets for the purposes of the Budget and Accounting Act of 1921. Any security representing beneficial ownership in a block of notes guaranteed or insured under this Act or Title V of the Housing Act of 1949 issued by a private

entity shall be exempt from laws administered by the Securities and Exchange Commission, except sections 17, 22, and 24 of the Securities Act of 1933, as amended; however, the Secretary shall require (i) that the issuer place such notes in the custody of an institution chartered by a Federal or State agency to act as trustee and (ii) that the issuer provide such periodic reports of sales as the Secretary deems necessary.

“AGRICULTURAL CENSUS

“SEC. 818. Notwithstanding any other provision of law, the Secretary of Commerce shall conduct a census of agriculture in 1974 as required by section 142 of title 13, United States Code, and shall submit to the Congress, within thirty days after the date of enactment of the Agriculture and Consumer Protection Act of 1973, an estimate of the funds needed to conduct such census.”

(28) By adding at the end thereof the following new title X:

“TITLE X—RURAL ENVIRONMENTAL CONSERVATION PROGRAM

“SEC. 1001. Notwithstanding any other provision of law, the Secretary shall carry out the purposes specified in clauses (1), (2), (3), (4), and (6) of section 7(a) of the Soil Conservation and Domestic Allotment Act, as amended, section 16(b) of such Act, and in the Water Bank Act (16 U.S.C. 1301 et seq.) by entering into contracts of three, five, ten, or twenty-five years with, and at the option of, eligible owners and operators of land as determined by the Secretary and having such control as the Secretary determines to be needed on the farms, ranches, wetlands, forests, or other lands covered thereby. In addition, the Secretary is hereby authorized to purchase perpetual easements to promote said purposes of this Title, including the sound use and management of flood plains, shore lands, and aquatic areas of the Nation. Such contracts shall be designed to assist farm, ranch, wetland, and nonindustrial private forest owners and operators, or other owners or operators, to make, in orderly progression over a period of years, such changes, if any, as are needed to effectuate any of the purposes specified in clauses (1), (2), (3), (4), and (6) of section 7(a) of the Soil Conservation and Domestic Allotment Act, as amended; section 16(b) of such Act; the Water Bank Act (16 U.S.C. 1301 et seq.); in enlarging fish and wildlife and recreation sources; in improving the level of management of nonindustrial private forest lands; and in providing long-term wildlife and upland game cover. In carrying out the provisions of this title, due regard shall be given to the maintenance of a continuing and stable supply of agricultural commodities and forest products adequate to meet consumer demand at prices fair to both producers and consumers.

“(1) to effectuate the plan for his farm, ranch, forest, wetland, or other land substantially in accordance with the schedule outlined therein;

“(2) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or

grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the Soil and Water Conservation District Board, or the State forester or other appropriate official in a contract entered into under the provisions of section 1009 of this title, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(3) upon transfer of his right and interest in the farm, ranch, forest, wetland, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(4) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"SEC. 1002. Eligible landowners and operators for contracts under this title shall furnish to the Secretary a plan of farming operations or land use which incorporates such practices and principles as may be determined by him to be practicable and which outlines a schedule of proposed changes, if any, in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, wetland, forests, or other land during the contract period to protect the farm, ranch, wetland, forests or other land and surrounding areas, its wildlife, and nearby populace and communities from erosion, deterioration, pollution by natural and manmade causes or to insure an adequate supply of timber and related forest products. Said plans may also, in important migratory waterfowl nesting and breeding areas which are identified in a conservation plan developed in cooperation with a soil and water conservation district in which the lands are located, and under such rules and regulations as the Secretary may provide, include a schedule of proposed changes, if any, to conserve surface waters and preserve and improve habitat for migratory waterfowl and other wildlife resources and improve subsurface moisture, including, subject to the provisions of section 1001 of this title, the reduction of areas of new land coming into production, the enhancement of the natural beauty of the landscape, and the promotion of comprehensive and total water management study.

"SEC. 1003. (a) Approved conservation plans of eligible landowners and operators developed in cooperation with the soil and water conservation district or the State forester or other appropriate State official in which their lands are situated shall form a basis for contracts under this title. Under the contract the landowner or operator shall agree—

"(5) to comply with all applicable Federal, State, or local laws, and regulations, including those governing environmental protection and noxious weed abatement; and

"(6) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program: Provided, That all contracts entered into to effectuate the purposes of the Water Bank Act for wetlands shall contain the further agreement of the owner or operator that he shall not drain, burn, fill, or otherwise destroy the wetland character of such areas, nor use such areas for agricultural purposes: And provided further, That contracts entered into for the protection of wetlands to effectuate the purposes of the Water Bank Act may include wetlands covered by Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary.

"(b) In return for such agreement by the landowner or operator the Secretary shall agree to make payments in appropriate circumstances for the use of land maintained for conservation purposes as set forth in this title, and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract, but, in the case of a contract not entered into under an advertising and bid procedure under the provisions of section 1009(d) of this title, not less than 50 per centum or more than 75 per centum of the actual costs incurred by the owner or operator.

"(c) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary.

"SEC. 1004. The Secretary is authorized to make available to eligible owners and operators conservation materials including seeds, seed inoculants, soil conditioning materials, trees, plants, and, if he determines it is appropriate to the purposes of this title, fertilizer and liming materials.

"SEC. 1005. (a) Notwithstanding the provisions of any other title, the Secretary may establish multiyear set-aside contracts for a period not to extend beyond the 1977 crop. Such contracts may be entered into only as a part of the programs in effect for wheat, feed grains, and cotton for the years 1974 through 1978, and only producers participating in one or more of such programs shall be eligible to contract with the Secretary under this section. Producers agreeing to a multiyear set-aside agreement shall be required to devote this acreage to vegetative cover capable of maintaining itself throughout such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty. Grazing of livestock under this section shall be

prohibited. Producers entering into agreements under this section shall also agree to comply with all applicable State and local law and regulation governing noxious weed control.

"(b) The Secretary shall provide cost-sharing incentives to farm operators for such cover establishment, whenever a multiyear contract is entered into on all or a portion of the set-aside acreage.

"SEC. 1006. The Secretary shall issue such regulations as he determines necessary to carry out the provisions of this title. The total acreage placed under agreements which result in their retirement from production in any county or local community shall in addition to the limitations elsewhere in this title be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired, if any, as compared to the average productivity of eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community.

"SEC. 1007. (a) The Secretary of Agriculture shall appoint an advisory board in each State to advise the State committee of that State (established under section 8(b) of the Soil Conservation and Domestic Allotment Act) regarding the types of conservation measures that should be approved to effectuate the purposes of this title. The Secretary shall appoint at least six individuals to the advisory board of each State who are especially qualified by reason of education, training, and experience in the fields of agriculture, soil, water, wildlife, fish, and forest management. The advisory board appointed for any State shall meet at least once each calendar year. Said appointed members shall include, but not be limited to, the State soil conservationist, the State forester, the State administrator of the water quality programs, and the State wildlife administrator or their designees: Provided, That such board shall limit its advice to the State committees to the types of conservation measures that should be approved affecting the water bank program; the authorization to purchase perpetual easements to promote the purposes of this title, as described in section 1001 of this title; the providing of long-term upland game cover; and the establishment and management of approved practices on multiyear set-aside contracts as provided in section 1005 of this title.

"(b) The Secretary of Agriculture, through the establishment of a national advisory board to be named in consultation with the Secretary of the Interior, shall seek the advice and assistance of the appropriate officials of the several States in developing the programs under this title, especially in developing guidelines for (1) providing technical assistance for wildlife habitat improvement practices, (2) evaluating effects on surrounding areas, (3) considering aesthetic values, (4) checking compliance by cooperators, and (5) carrying out programs of wildlife management authorized under this title: Provided, That such board shall limit its advice to subjects which cover the types of conservation measures that should be approved regarding the water bank program; the authorization to purchase perpetual easements to promote the purposes of this Act, as described in section 1001 of this title; the providing of long-term upland game cover; and the establishment and management of approved practices on multiyear set-aside contracts as provided in section 1005 of this title.

"*SEC. 1008. In carrying out the programs authorized under sections 1001 through 1006 of this title, the Secretary shall, in addition to appropriate coordination with other interested Federal, State, and local agencies, utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary is also authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program. The Secretary shall also utilize the technical services of the Soil Conservation Service, the Forest Service, State forestry organizations, soil and water conservation districts, and other State, and Federal agencies, as appropriate, in development and installation of approved conservation plans under this title.*

"*SEC. 1009. (a) In furtherance of the purposes of this title, the Secretary of Agriculture is authorized and directed to develop and carry out a forestry incentives program to encourage the development, management, and protection of nonindustrial private forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of suitable open lands and reforestation of cutover and other nonstocked and understocked forest lands and intensive multiple-purpose management and protection of forest resources so as to provide for production of timber and related benefits.*

"*(b) For the purposes of this section, the term 'non-industrial private forest lands' means lands capable of producing crops of industrial wood and owned by any private individual, group, association, corporation, or other legal entity. Such term does not include private entities which regularly engage in the business of manufacturing forest products or providing public utilities services of any type, or the subsidiaries of such entities.*

"*(c) The Secretary shall consult with the State forester or other appropriate official of the respective States in the conduct of the forestry incentives program under this section, and Federal assistance shall be extended in accordance with section 1003(b) of this title. The Secretary shall for the purposes of this section distribute funds available for cost sharing among and within the States only after assessing the public benefit incident thereto, and after giving appropriate consideration to the number and acreage of commercial forest lands, number of eligible ownerships in the State, and counties to be served by such cost sharing; the potential productivity of such lands; and the need for reforestation, timber stand improvement, or other forestry investments on such land. No forest incentives contract shall be approved under this section on a tract greater than five hundred acres, unless the Secretary finds that significant public benefit will be incident to such approval.*

"*(d) The Secretary may, if he determines that such action will contribute to the effective and equitable administration of the program established by this section, use an advertising and bid procedure in determining the lands in any area to be covered by agreements.*

"*(e) In implementing the program under this section, the Secretary will cause it to be coordinated with other related programs in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices included in the forestry incentives improvement program. The Secretary shall periodically report to the appropriate con-*

gressional committees of the progress and conduct of the program established under this section.

"SEC. 1010. There are hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this title. The programs, contracts, and authority authorized under this title shall be in addition to, and not in substitution for, other programs in such areas authorized by this or any other title or Act, and shall not expire with the termination of any other title or Act: *Provided*, That not more than \$25,000,000 annually shall be authorized to be appropriated for the programs authorized under section 1009 of this Act."

ADVISORY COMMITTEE REPEAL

SEC. 2. Section 301 of the Act of August 14, 1946 (Public Law 79-733), as amended (7 U.S.C. 1628), is hereby repealed.

FOOD STAMPS

SEC. 3. The Food Stamp Act of 1964, as amended, is amended as follows:

(a) The second sentence of section 3(e) of the Food Stamp Act of 1964 (7 U.S.C. 2012(e)) is amended—

(1) by striking out "or"; and

(2) by inserting before the period at the end thereof the following: ", or (3) any narcotics addict or alcoholic who lives under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug or alcoholic treatment and rehabilitation program."

(b) Section 3(e) of the Food Stamp Act of 1964 is amended by striking out the last sentence therein and inserting in lieu thereof the following sentence: "No individual who receives supplemental security income benefits under title XVI of the Social Security Act shall be considered to be a member of a household or an elderly person for any purpose of this Act for any month if such person receives for such month, as part of his supplemental security income benefits or payments described in section 1616(a) of the Social Security Act (if any), an amount equal to the bonus value of food stamps (according to the Food Stamp Schedule effective for July 1973) in addition to the amount of assistance such individual would be entitled to receive for such month under the provisions of the plan of the State approved under title I, X, XIV, or XVI, as appropriate, in effect for December 1973, assuming such plan were in effect for such month and such individual were aged, blind, or disabled, as the case may be, under the provisions of such State plan or under Public Law 92-603 as amended. The Secretary of Health, Education, and Welfare shall issue regulations for the implementation of the foregoing sentence after consultation with the Secretary of Agriculture."

(c) Section 3 of the Food Stamp Act of 1964 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(n) The term 'drug addiction or alcoholic treatment and rehabilitation program' means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the State agency or agencies designated by the Governor as responsible for the administration of the State's programs for alcoholics and drug addicts pursuant to Public Law 91-616 'Comprehensive Alcohol Abuse and Alcohol Prevention,

Treatment, and Rehabilitation Act and Public Law 92-255 'Drug Abuse Office and Treatment Act of 1972' as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics."

(d) Section 5 of the Food Stamp Act of 1964 (7 U.S.C. 2014) is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall establish uniform national standards of eligibility for households described in section 3(e)(3) of this Act."

(e) Section 5(c) of the Food Stamp Act of 1964 (7 U.S.C. 2014(c)) is amended by adding at the end thereof the following: "For the purposes of this section, the term 'able-bodied adult person' shall not include any narcotics addict or alcoholic who regularly participates, as a resident or nonresident, in any drug addiction or alcoholic treatment and rehabilitation program."

(f) Section 10 of the Food Stamp Act of 1964 (7 U.S.C. 2019) is amended by inserting at the end thereof the following new subsection:

"(i) Subject to such terms and conditions as may be prescribed by the Secretary in the regulations pursuant to this Act, members of an eligible household who are narcotics addicts or alcoholics and regularly participate in a drug addiction or alcoholic treatment and rehabilitation program may use coupons issued to them to purchase food prepared for or served to them during the course of such program by a private nonprofit organization or institution which meets requirements (1), (2), and (3) of subsection (h) above. Meals served pursuant to this subsection shall be deemed 'food' for the purposes of this Act."

(g) Section 5(b) is amended by inserting the following before the period at the end of the second sentence: ": Provided, That such standards shall take into account payments in kind received from an employer by members of a household, if such payments are in lieu of or supplemental to household income: Provided further, That such payments in kind shall be limited only to housing provided by such employer to such employee and shall be the actual value of such housing but in no event shall such value be considered to be in excess of the sum of \$25.00 per month".

(h) The fourth sentence of section 5(b) is amended to read as follows:

The Secretary may also establish temporary emergency standards of eligibility for the duration of the emergency, without regard to income and other financial resources, for households that are the victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: Provided, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

(i) Section 10(e) is amended by striking out "and (6)" and inserting in lieu thereof the following: "(6) issuance of coupon allotments no less often than two times per month; (7) notwithstanding

any other provision of law, the institution of procedures under which any household participating in the program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under title IV of the Social Security Act and have its coupon allotment distributed to it with such grant or payment; and (8)"; and (2) by adding at the end thereof the following: "The State agency is required to submit, prior to January 1, 1974, for approval, a plan of operation specifying the manner in which such State agency intends to conduct the program in every political subdivision in the State, unless such State agency can demonstrate that for any political subdivision it is impossible or impracticable to extend the program to such subdivision. The Secretary shall make a determination of approval or disapproval of a plan of operation submitted by a State agency in sufficient time to permit institution of such plan by no later than June 30, 1974."

(j) Section 16(a) is amended by striking out in the first sentence "June 30, 1972, and June 30, 1973" and substituting "June 30, 1972, through June 30, 1977", and by inserting at the end of the first sentence of subsection (a) the following new sentence: "Sums appropriated under the provisions of this Act shall, notwithstanding the provisions of any other law, continue to remain available until expended."

(k) Section 10(h) is amended by adding at the end thereof the following: "Subject to such terms and conditions as may be prescribed by the Secretary, in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or elderly persons and their spouses may also use coupons issued to them to purchase meals prepared by senior citizens' centers, apartment buildings occupied primarily by elderly persons, any public or nonprofit private school which prepares meals especially for elderly persons, any public or nonprofit private eating establishment which prepares meals especially for elderly persons during special hours, and any other public or nonprofit private establishment approved for such purpose by the Secretary. When an appropriate State or local agency contracts with a private establishment to offer, at concessional prices, meals prepared especially for elderly persons during regular or special hours, the Secretary shall permit eligible households who are sixty years of age or over or elderly persons and their spouses to use coupons issued to them to purchase such meals."

(l) Section 3(b) of the Food Stamp Act of 1964 (7 U.S.C. 2012(b)) is amended to read as follows: "The term 'food' means any food or food product for home consumption except alcoholic beverages and tobacco and shall also include seeds and plants for use in gardens to produce food for the personal consumption of the eligible household."

(m) Section 7(a) of the Food Stamp Act of 1964 (7 U.S.C. 2016(a)) is amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted semiannually by the nearest dollar increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor to be implemented commencing with the allotments of January 1, 1974, incorporating the changes in the prices of food through August 31, 1973, but in no event shall such adjustments be made for value of the coupon

allotment for such households, as calculated above, is a minimum of \$2.00."

(n) The following new section is added at the end of such Act:
 "SEC. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase hunting and fishing equipment for the purpose of procuring food for the household except firearms, ammunition, and other explosives, with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on hunting and fishing for subsistence purposes."

(o) Section 3(f) of the Food Stamp Act of 1964 (7 U.S.C. 2012(f)) is amended by striking the second sentence and inserting in lieu thereof the following new sentence: "It shall also mean a political subdivision or a private nonprofit organization or institution that meets the requirements of sections 10(h) or 10(i) of this Act."

(p) Section 3(e) is amended by adding at the end thereof the following new sentence: "Residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), or section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall not be considered residents of an institution or boarding house for purposes of eligibility for food stamps under this Act."

COMMODITY DISTRIBUTION PROGRAM

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized until July 1, 1974 (1) to use funds available to carry out the provisions of section 32 of Public Law No. 320, Seventy-fourth Congress, as amended (7 U.S.C. 612c), and not expended or needed for such purpose to purchase, without regard to the provisions of existing law governing the expenditure of public funds, agricultural commodities and their products of the types customarily purchased under section 32 for donation to maintain the annually programmed level of assistance for schools, domestic relief distribution, and such other domestic food assistance programs as are authorized by law, and (2) if stocks of the Commodity Credit Corporation are not available, to use the funds of the Corporation to purchase agricultural commodities and the products thereof of the types customarily available under section 416 of the Agricultural Act of 1949 to meet such requirements.

(b) The Secretary is prohibited from furnishing commodities to summer camps as authorized under section 416 of the Agricultural Act of 1949, section 32 of Public Law 74-320, and section 709 of the Food and Agriculture Act of 1965 if the number of adults participating in the activities of such camp is in excess of one for each five children under 18 years of age participating in such activities.

(c) No individual who receives supplemental security income benefits under title XVI of the Social Security Act shall be considered to be a member of a household for any purpose of the Food Distribution program for families under section 32 of P.L. 74-320, section 416 of the Agricultural Act of 1949, or other law for any month if such person receives for such month, as part of his supplemental security income benefits or payments described in section 1616(a) of the Social

Security Act (if any), an amount equal to the bonus value of food stamps (according to the Food Stamp Schedule effective for July 1973) in addition to the amount of assistance such individual would be entitled to receive for such month under the provisions of the plan of the State approved under title I, X, XIV, or XVI, as appropriate, in effect for December 1973, assuming such plan were in effect for such month and such individual were aged, blind, or disabled, as the case may be, under the provisions of such State plan or under Public Law 92-603 as amended. The Secretary of Health, Education, and Welfare shall issue regulations for the implementation of the foregoing sentence after consultation with the Secretary of Agriculture.

SHORT TITLE

SEC. 5. This Act may be cited as the "Agriculture and Consumer Protection Act of 1973".

W. R. POAGE,
THOMAS S. FOLEY,
BERNIE SISK,
JOHN R. RARICK,
ED JONES,

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
GEORGE MCGOVERN,
JAMES B. ALLEN,
CARL T. CURTIS,
G. D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

DESCRIPTION OF DIFFERENCES RECONCILED

The 111 differences and a description of how the conferees reconciled 110 of them follows:

(1) *Senate* payment limitation excluded resource adjustment payments.

House (i) included diversion and resources adjustment payments, (ii) added a new paragraph (4) which provided for reductions in the payment limitation in cases where lands or allotments are leased, and (iii) amended existing paragraph (4) to provide for rules designed to achieve an "effective and economical" (rather than "fair and reasonable") application of the limitation.

The Conference substitute adopts the *Senate* provision with an amendment to paragraph (4) to preserve the definition of corporate "persons" originally adopted by U.S. Department of Agriculture regulations after the enactment of the Agricultural Act of 1970.

(2) *Senate* generally provided for a five year bill.

House generally provided for a four year bill, except that the payment limitation provision covered five years.

The Conference substitute generally provides for a four year bill.

(3) *Senate* increased the minimum dairy support price on manufactured milk to eighty percent of parity for balance of current marketing year.

House increased that support price to eighty percent permanently.

The Conference substitute increases the minimum support price to eighty percent of parity for the balance of the current marketing year and for the next marketing year, which ends March 31, 1975.

(4) *Senate* limited dairy imports to two percent of annual consumption subject to exceptions.

The Conference substitute deletes this provision.

(5) *Senate* gave dairy import license priority to domestic producers and processors for "any increase in the quantity to be imported under this section".

House gave such priority for "dairy products not currently being imported", specified that such priority shall be for thirty days, prohibited the transfer of licenses, and excluded casein and caseinates from "dairy products".

The Conference substitute rewrites both provisions to require the Secretary of Agriculture to make a comprehensive study of the dairy import situation and to report to the Congress no later than January 1, 1975 his findings and recommendations relative thereto.

(6) *House* preserved the legal status of producer handlers of milk.

The Conference substitute includes this provision.

(7) *House* increased the minimum wheat price support loan to \$1.49 per bushel (from \$1.25 in present law).

The Conference substitute increases the minimum wheat price support loan to \$1.37 per bushel.

(8) *Senate* wheat "target price" for 1974 was set at \$2.28 per bushel.

House "target" was \$2.05.

The Conference substitute sets the 1974 and 1975 wheat "target price" at \$2.05 per bushel, with adjustments in 1976 and 1977.

(9) *House* provided for adjustment of the prices paid index for wheat, corn, and cotton "to reflect any change in (i) the national average yield per acre . . . for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre . . . for the three calendar years preceding the year previous to the one for which the determination is made."

The Conference substitute adopts the House provision, but the application of the "escalator clause" will not be applicable to the 1974 or 1975 crops of wheat, corn, and cotton. In 1976 any adjustments occurring as the result of changes in farm costs and yields in the previous year would be reflected in the 1976 "target" prices. In 1977 the adjusted 1976 "target price" will be used as a basis for the 1977 "target price", but any adjustments occurring as the result of changes in farm costs and yields in the previous year would be reflected in that 1977 "target price".

(10) *Senate* provided for payment of one-third of "target price" for wheat, feed grains, and cotton *only* where producer is prevented from planting.

House provided such payment *also* where producer is prevented from harvesting.

The Conference substitute provides such payment where the producer is prevented from planting or where he harvests less than two-thirds of a normal crop.

(11) *Senate* extended the fifteen million acre limitation on the wheat set-aside.

The Conference substitute deletes this provision.

(12) *House* provided authority for practice payments for measures to protect annual wheat, feed grain, and cotton set-aside from pests and devote it to wildlife habitat.

The Conference substitute includes this provision.

(13) *House* added cotton, triticale, oats, and rye to crops specifically mentioned which the Secretary may permit to be counted as wheat or feed grains for the purpose of preserving acreage history.

The Conference substitute includes this provision.

(14) *Senate* suspended wheat certificate collections from processors on enactment.

House suspended it on July 1, 1973.

The Conference substitute includes the House provision.

(15) *House* provided authority to Secretary to exempt wheat and wheat food products in channels of trade on July 1, 1973, from such collections.

The Conference substitute includes the House provision.

(16) *Senate* made inapplicable to wheat the provision that the farm projected yield shall not be less than the proven yield.

House put wheat farm projected yield on a five-year (like county project yield) instead of three-year base, and provided that in computing the actual yield (which would be governing if greater) if one of the five years is abnormally low because of a natural disaster, that year shall be disregarded.

The Conference substitute includes the House provision.

(17) *Senate* permitted marketing without penalty of certain wheat stored to avoid penalty.

House authorized the Secretary to permit such marketing with authority to require a refund or part of the certificate payment made in the year the excess wheat was produced.

The Conference substitute includes the House provision.

(18) *House* provided for a minimum corn price support loan at \$1.19 per bushel (instead of \$1.00 in present law).

The Conference substitute sets the minimum corn price support loan at \$1.10 per bushel.

(19) *Senate* set the corn "target price" for 1974 at \$1.53 per bushel.

House "target" was \$1.38.

The Conference substitute sets the 1974 and 1975 corn "target prices" at \$1.38 per bushel with adjustments in 1976 and 1977.

(20) *House* provided that acres cut from farm allotments because of failure to plant would be assigned to a national pool for adjustment of feed grain allotments as provided by section 105(e) (2) of 1949 Act.

The Conference substitute includes this provision.

(21) *House* gave the Secretary discretionary authority to waive requirement that wheat and feed grain producers devote their conserving bases to approved conservation uses.

The Conference substitute includes this provision and extends it to cotton.

(22) *Senate* struck out all after first sentence of section 105(e) (2) of the Agricultural Act of 1949 (which dealt with adjustments of feed grain base acreages, which are replaced in the bill by acreage allotments).

The Conference substitute includes this provision with a technical revision to conform it to Item 20 above by substituting the word "allotments" for the word "bases".

(23) *House* permitted sale or lease of cotton from base acreage to farms which have no base acreage.

The Conference substitute includes this provision.

(24) *Senate* provided a minimum national base acreage for cotton of ten million acres.

House provided minimum of eleven million acres.

The Conference substitute includes the *House* provision.

(25) *House* permitted cotton base acreage in case of disaster to be planted in a "nearby" rather than "adjoining" county.

The Conference substitute includes this provision.

(26) *House* struck the provision requiring compliance with set-aside as condition of receiving base acreage through release and reapportionment, or sale, lease or other transfer.

The Conference substitute deletes this *House* provision.

(27) *House* based cotton price support loan level on the average "price of American cotton in world markets" rather than the average "world price".

The Conference substitute includes this provision. The Conferees intend that the Secretary shall obtain quotations in world markets for American cotton, supplemented by any other relevant price information available, for use in the determination of average price and in the establishment of the loan level at ninety percent of the three-year average.

(28) *Senate* based cotton price support loan level on price of strict low middling one and one-sixteenth inches, instead of middling one inch.

The Conference substitute deletes this provision.

(29) *Senate* provided for adjustments in loan level to keep United States cotton in line with world prices and retain adequate share of world market.

House provided for adjustment down to ninety percent of current world price.

The Conference substitute includes the *House* provision.

(30) *Senate* based cotton payments on the five-month average price of strict low middling one and one-sixteenths in the designated spot markets.

House based cotton payments on the average price received by farmers during the calendar year in which the marketing year begins.

The Conference substitute includes the *House* provision.

(31) *Senate* set the cotton "target prices" for 1974 at 43 cents per pound.

House "target" was 38 cents.

The Conference substitute sets the cotton "target price" at 38 cents per pound in 1974 and 1975, with adjustments in 1976 and 1977.

(32) *House* provided for payment of one-third of the "target price" to a producer prevented from planting or harvesting cotton, even though he could have planted or harvested another non-conserving crop.

The Conference substitute provides such payment where the producer is prevented from planting or harvests less than two-thirds of a normal crop.

(33) *Senate* authorized Secretary to limit cotton planted in excess of base acreage.

The Conference substitute includes this provision.

(34) *House* did not require cotton to be planted to qualify for payments.

The Conference substitute deletes this provision.

(35) *House* struck out prohibition against grazing cotton set-aside during the five principal months of the growing season, and specifically authorized the Secretary to permit hay, triticale, oats, or rye to be planted on cotton set-aside.

The Conference substitute adopts this provision and extends it to wheat and feed grains.

(36) *Senate* based CCC cotton sales price restrictions on strict low middling one and one-sixteenth.

House set CCC domestic release price at 115 percent of the loan.

The Conference substitute deletes both these provisions.

(37) *Senate* extended section 608 of the Agricultural Act of 1970, thereby making inapplicable section 203 of the 1949 Act, which requires competitive support levels for cottonseed and soybeans.

The Conference substitute includes this provision.

(38) *House* amended section 610 of the Agricultural Act of 1970 to provide that the first grant by CCC provided for thereunder for cotton market promotion shall be \$10 million annually (instead of the amount not exceeding \$10 million withheld from producers because of the payment limitation).

The Conference substitute includes the House provision. It is the intent of the Conferees that the Secretary shall not approve agreements with the contracting organizations for sales promotion programs.

(39) *House* provided for a civil penalty of up to \$5,000 for violation of cotton pest eradication program regulations.

The Conference substitute includes this provision.

(40) *House* authorized appropriations to the Commodity Credit Corporation for the cotton pest eradication program.

The Conference substitute includes this provision.

(41) *House* extended to the 1974 through 1977 crops of cotton the same skip row rules that applied to the 1971 through 1973 crops.

The Conference substitute includes this provision.

(42) *Senate* permitted sales under title I of P. L. 480 for dollars to any country if assistance could be made available to that country under title II.

The Conference substitute deletes this provision.

(43) *Senate* required the President to take steps to assure that commercial supplies are available to meet demands developed through programs carried out under P.L. 480. The Senate also required that applications for participation in programs under P.L. 480 include considerations of supplementary cash dollar sales at that time or in the future.

The Conference substitute includes only the requirement that the President take steps to assure that commercial supplies are available to meet demands developed through programs carried out under P.L. 480.

While the Conference Substitute does not accept the remainder of the Senate statutory provision, the Conferees wish to emphasize the direction in the Senate Committee report on S. 1888 for action consistent with U.S. obligations under international agreements and the capabilities of the recipient country.

(44) *Senate* prohibited the use of foreign currencies under P.L. 480 for military, defense, or internal security purposes.

The Conference substitute deletes this provision.

(45) *House* prohibited P.L. 480 sales or donations to North Vietnam unless assistance is specifically authorized by act of Congress enacted after July 1, 1973,

The Conference substitute includes this provision.

(46) *Senate* required applications for export subsidies to specify the kind, class, and quantity of the agricultural commodity, and the regional geographic destination. Required publication of such information within seventy-two hours after the application is filed.

The Conference substitute includes a revised version of this provision (see also Item 80).

(47) *Senate* made title XVI Social Security supplemental assistance participants eligible for food stamp and food distribution programs if they meet income and resource criteria.

The Conference substitute includes a revised version of this provision.

Nothing in this amendment would affect the provisions of section 401 of the Social Security Amendments of 1972, which provides a limitation on fiscal liability of States for optional State supplementation, including the cashing out of food stamps, under the supplemental security income program. Neither would the amendment affect the eligibility of supplemental security income beneficiaries for food stamps under temporary emergency standards established by the Secretary of Agriculture for victims of a disaster.

(48) *House* extended food stamp program to certain participants in drug addiction and alcoholic treatment programs.

The Conference substitute includes this provision.

(49) *House* required payments in kind to be taken into account in food stamp eligibility standards.

The Conference substitute includes this provision, but modifies it to apply only to the actual value of housing provided by an employer not in excess of \$25.00 per month.

(50) *Senate* provided for application of the same eligibility standards for participation in the commodity distribution program under section 32 of P.L. 74-320 or section 416 of the Agricultural Act of 1949 as for participation in the food stamp program.

The Conference substitute includes a revised version of this provision (see also Item 97).

The revised language provides that each State agency is required to submit to the Department of Agriculture for approval, prior to January 1, 1974, a plan of operation for conduct of the food stamp program in their State and particularly specifying any areas of the State where it is impossible or impracticable to extend the program. The Secretary is required to make a determination on all State plans in sufficient time to permit implementation of the food stamp program by no later than June 30, 1974.

(51) *Senate* prohibited the establishment of resource eligibility criteria of less than \$3,000 for each individual sixty years of age or over.

The Conference substitute deletes this provision.

(52) *Senate* permitted establishment of temporary emergency eligibility standards for households that are the victims of a mechanical disaster which disrupts the distribution of coupons.

The Conference substitute includes this provision, but limits its application to the duration of the mechanical disaster.

(53) *Senate* raised the face value of coupon allotments for households that include persons medically certified as requiring a special diet due to disease or organic difficulty by the amount needed to assure a nutritionally adequate diet.

The Conference substitute deletes this provision.

(54) *Senate* provided for certification of eligibility upon request in the case of households receiving public assistance from any State under a program approved pursuant to title IV of the Social Security Act, and for action within thirty days after initial request in the case of other households upon the basis of a simplified application and reasonably available documentation verifying income.

The Conference substitute deletes this provision.

(55) *Senate* required income of migrant (as defined in 42 U.S.C. 242h) households earned on a seasonal basis to be averaged over three, six, or twelve months, as elected by the applicant, with certification of eligibility to be made for a like period of time.

The Conference substitute deletes this provision.

(56) *Senate* required participating households to report within thirty days after the close of each quarter any increase in income or resources or decrease or change in household composition which would lower its coupon entitlement and which occurred in that quarter.

The Conference substitute deletes this provision.

(57) *Senate* repealed the provision of section 10(c) prohibiting discrimination by reason of race, creed, origin, or political belief.

The Conference substitute deletes this provision.

(58) *Senate* made all political subdivisions, upon approval of a State plan, eligible for institution of the program within ninety days after request therefor, and repeals the existing final provision of section 10(e) for orderly expansion among the several States.

The Conference substitute deletes this provision. (See also Items 50 and 97.)

(59) *Senate* required employment by the State agency of one certification worker for each thousand participating households and one out-reach worker for each five hundred nonparticipating households with incomes below the poverty guidelines.

The Conference substitute deletes this provision.

(60) *Senate* repealed the present provisions of section 10(e) (5) for the use of other federally funded agencies for out-reach purposes.

The Conference substitute deletes this provision.

(61) *Senate* provided for federal reimbursable retroactive relief wherever appropriate by reducing the amount to be charged the aggrieved household for coupon allotments.

The Conference substitute deletes this provision.

(62) *Senate* required issuance of coupons at least twice a month.

The Conference substitute includes this provision.

(63) *Senate* required that at election of recipient, charges for coupons be deducted from payments to recipient under title IV of the Social Security Act and coupons be distributed with such payments.

The Conference substitute includes this provision.

(64) *Senate* required the federal government to pay eighty percent of all costs of the administrative responsibility assigned to the States under the Act (instead of, as at present, sixty-two and one-half percent of the direct salary, travel, and travel-related cost (including normal fringe benefits) involved in out-reach under section 10(e) (5), certification for non-welfare households, and hearings).

The Conference substitute deletes this provision.

(65) *Senate* provided that funds appropriated to carry out the Food Stamp Act shall remain available until expended.

The Conference substitute includes this provision.

(66) *Senate* repealed section 16(b) (which requires the bonus value of coupon allotments to be kept within available appropriations).

The Conference substitute deletes this provision.

(67) *Senate* permitted food stamps to be used by persons over sixty and their spouses to purchase meals prepared by nonprofit private establishments and private establishments contracting with State or local agencies preparing meals for elderly persons.

The Conference substitute includes this provision.

(68) *House* changed the definition of "food" to make imported foods eligible for purchase with food stamps.

The Conference substitute includes this provision.

(69) *Senate* provided that the semi-annual (instead of annual) adjustment of coupon allotments to reflect changes in food prices shall begin with an adjustment August 1, 1973, to reflect changes through April 30, 1973.

House made semi-annual adjustment provision effective January 1, 1974, to reflect changes through August 31, 1973, and provides for adjustments in \$2.00 increments.

The Conference substitute includes the House provision.

(70) *Senate* permitted food stamps to be used in certain areas and cases in Alaska for the purchase of hunting and fishing equipment, except firearms, ammunition, and other explosives.

The Conference substitute includes this provision, but limits the use of food stamps to the purchase of such equipment used directly for the procurement of food.

(71) *House* prohibited issuance of food stamps to strikers.

The Conferees were unable to agree on this item, but did agree on the fact that they deplore the lack of enforcement of existing food stamp regulations which require that an able-bodied person in the household register for employment "including a person who is not working because of a strike or lockout at his usual place of employment." It is the specific intent of the Conferees that this provision of the regulations be rigidly and uniformly enforced by the Department of Agriculture and those agencies administering the program at the local level under the auspices of the Department. Eligibility of strikers for food stamps should be carefully scrutinized prior to certification and certification made only in those cases where the household of the individual striker applicant meets all of the requirements of eligibility as in the case of other applicants.

(72) *House* provided that residents of federally subsidized housing for the elderly under certain acts shall not be excluded from the food stamp program as residents of an institution or boarding house.

The Conference substitute includes this provision.

(73) *Senate* permitted loans under sections 302, 303, and 304 of the Consolidated Farm and Rural Development Act even if the indebtedness against the security exceeds \$100,000, so long as the indebtedness under those sections does not exceed that amount.

The Conference substitute includes this provision, but modifies it to permit such loans up to \$100,000 if the total indebtedness against the security does not exceed \$225,000.

(74) *Senate* required production cost studies for wheat, feed grains, cotton, and dairy.

The Conference substitute includes this provision.

(75) *Senate* required a study of the reasons for, and means of preventing, loss of livestock in transit through injury and disease.

The Conference substitute includes this provision.

(76) *Senate* recommended an international grains agreement conference.

The Conference substitute deletes this provision.

(77) *Senate* created a National Agricultural Transportation Committee.

The Conference substitute deletes this provision.

(78) *Senate* authorized appropriation of \$500,000 per year for a wheat and feed grain research program and provided for a Wheat and Feed Grain Research Committee.

House authorized a similar effort by the Secretary of Agriculture with an authorized appropriation of \$1,000,000.

The Conference substitute includes the House provision.

(79) *Senate* provided for technical assistance to exporters and importers of U.S. agricultural products.

The Conference substitute includes this provision.

(80) (a) *Senate* required reporting within seventy-two hours of export contracts of wheat, feed grains, oilseeds, and their products.

House required reporting on a weekly basis and included cotton.

(b) *Senate* required that such reports be promptly made public.

House required that such reports be kept confidential but that compilations be published.

(c) *House* required reporting of marketing year of shipment, destination only if known, and any information with respect to export sales of agricultural commodities requested by the Secretary.

(d) *House* permitted Secretary to suspend requirement for publishing data under certain circumstances.

(e) *Senate* provided for an agricultural export market development unit within the Foreign Agricultural Service.

The Conference substitute revises the reporting requirement provisions of both bills. (See also Item 46.)

In place of the authority for complete suspension of publication of the information obtained from reports required of exporters under the section, provision is made for continuous reporting and publication on a monthly basis, under the same limitations as provided in the House amendment.

The managers also intend that the authority given the Secretary to suspend weekly publications and weekly reporting and substitute, instead, reporting and publication on a monthly basis be interpreted as a limitation of the Secretary's authority to make such suspension, or if made, his authority to proclaim an extension of such suspension.

Prior to issuing such suspension of the requirement of weekly reports, and of weekly publication of a compilation of data from such reports, the Secretary must find that all the conditions for such suspension exist simultaneously. An extension of a suspension, or additional extension after the first extension has been made, shall require a new determination by the Secretary that the extension should again be promulgated.

The reports required to be made by exporters to the Department are not affected by the existence or non-existence of funds made available for subsidy of export sales of commodities.

(81) *House* required the Secretary of Agriculture to report on steps to implement GAO recommendations in Russian wheat sales report.

The Conference substitute deletes this provision.

(82) *Senate* required the Council of Economic Advisers to monitor developments affecting food and fiber costs.

The Conference substitute deletes this provision.

(83) *House* provided for an emergency reserve of wheat, feed grains, and soybeans.

The Conference substitute includes this provision, but limits the total quantity of commodities to a total amount not to exceed 75 million bushels.

(84) *House* required the Secretary to permit planting on set-aside without loss of payment of any crop of which U.S. is a net importer and which is not price supported.

The Conference substitute includes this provision. The Conferees intend that the term "price supported" include crops for which payments are made as well as those for which CCC loans and purchases are made available. Thus, sugar cane and beets, for example, would not be considered as suitable crops to be planted under this provision.

(85) *House* required adjustment of ceiling prices of any agricultural product if the Secretary determines that the supply will be reduced to unacceptable levels.

The Conference substitute includes this provision with changes designed to clarify its application.

(86) *Senate* extended for two years the time within which the secretary is to submit a report detailing the contribution of the rural fire protection program to achieving the purposes of title IV of the Rural Development Act of 1972.

The Conference substitute deletes this provision.

(87) *House* prohibited any *grant* under section 310B of the Consolidated Farm and Rural Development Act from being subjected to prior State approval.

(Both the Senate bill and the House amendment prohibited any loan under that section from being so subjected.)

The Conference substitute includes this provision and applies it to all loans or grants under the Act.

(88) *Senate* prohibited requiring more than ten percent equity for loans under section 304, 310B, or 312 of Consolidated Farm and Rural Development Act.

The Conference substitute includes this provision.

(89) *House* exempted participations in notes insured or guaranteed under the Consolidated Farm and Rural Development Act from Securities and Exchange Commission laws with technical changes.

The Conference substitute includes this provision.

(90) *Senate* affirmed the national policy of strengthening family farms and required annual reports thereon.

The Conference substitute includes this provision.

(91) *Senate* restricted multi-year set-aside contracts to wheat, feed grain, and cotton programs.

The Conference substitute includes this amendment.

(92) *House* prohibited grazing on multi-year set-aside and required compliance with State noxious weed laws.

The Conference substitute includes this provision.

(93) *House* limited retirement of acreage under title X of 1970 Act in any county or local community to a percentage which will not adversely affect its economy.

The Conference substitute includes this provision.

(94) (a) *Senate* required State advisory board to meet at least once a year.

The Conference substitute includes this provision.

(b) *House* required such board to include the State soil conservationist, the State forester, the State administrator of the water quality programs, and the State wildlife administrator or their designees.

The Conference substitute includes this provision.

(c) *Senate* limited the national advisory board to advising on wildlife phases of the multi-year set-aside program.

House limited the advice of the State and national advisory boards to water bank conservation measures, perpetual easement purchases, long-term upland game cover, and multi-year set-aside practices.

The Conference substitute includes the *House* provision.

(95) *Senate* made the State Director of Wildlife Resources an ex-officio member of the State ASC Committee.

The Conference substitute deletes this provision.

(96) *Senate* reduced the grant authority for water and waste disposal facilities in section 306(a)(2) of the Consolidated Farm and Rural Development Act from \$300 million to \$50 million per year, but directed the Secretary to make such grants in the case of water facilities. It also reduced the planning grant authority under section 306(a)(6) of such Act from \$30 million to \$5 million per year, but directed the Secretary to make such grants in the case of water systems.

The Conference substitute deletes this provision.

(97) *Senate* required the Secretary of Agriculture to use funds appropriated under section 32 of the Act of August 24, 1935, and other available funds to purchase commodities of the types customarily purchased under section 416 of the Agricultural Act of 1949 needed to provide recipient households under section 416 with 125 percent of their daily nutritional requirements.

The conference substitute includes a revised version of this provision (see Item 50).

The revised language (subsection (a)) gives the Secretary authority, until June 30, 1974, to use funds appropriated under section 32 of the Act of August 24, 1935 to purchase commodities of the types customarily purchased under section 416 of the Agricultural Act of 1949. This action was necessary to continue the Federal food distribution program during any period when there are no surplus commodities up until June 30, 1974. At that time, it is the expectation of the conferees that the food stamp program will have been implemented nationwide (under Item 50) and that those areas of the country which had previously relied upon the Federal food distribution program will be receiving food stamp assistance.

The conferees also included language in subsection (b) to clarify the definition of "summer camp" in section 416 of the Agricultural Act of 1949, section 32 of P.L. 74-320, and section 709 of the Food and Agriculture Act of 1965 to provide that the number of adults participating in the activities of such camp not exceed more than one for each five children.

(98) *Senate* required the Secretary of Commerce to conduct a census of agriculture in 1974 as required by section 142 of title 13 of the U.S. Code; and within thirty days of enactment of the bill to submit an estimate of the funds needed to conduct such census.

The Conference substitute includes this provision.

(99) *Senate* contained a short title and policy statement for forestry incentives provisions.

The Conference substitute deletes this provision.

(100) *Senate* restricted forestry incentives to owners of 500 acres or less.

House restricted eligibility to tracts of 500 acres or less unless significant public benefit will result.

The Conference substitute includes the House provision.

(101) *Senate* excluded manufacturing and utility corporations (not individuals).

House excluded forest manufacturing and utility entities.

The Conference substitute includes the House provision.

(102) *House* restricted forestry incentive program to a "pilot" program, excluded non-federal public lands, and did not specifically provide for recreation, scenic, environmental, watershed, forage, and fish and wildlife benefits.

The Conference substitute includes this provision, but deletes the reference to a "pilot" program.

(103) *Senate* provided specifically for forestry incentive payments and limited any person to not more than \$2,500 annually.

The Conference substitute deletes this provision.

(104) *Senate* provided for distribution of funds for cost-sharing after consideration of enumerated factors.

House required distribution of funds among and within the States after consideration of somewhat different factors.

The Conference substitute includes the House provision.

(105) *Senate* authorized Secretary to designate ex-officio members of State and local committees for forestry incentive program to be selected from (1) small owners, (2) private forest manager or consulting foresters, and (3) wildlife and other private or public resource interests.

The Conference substitute deletes this provision.

(106) *Senate* required ten-year forest management contracts from forestry incentive program participants.

The Conference substitute deletes this provision.

(107) *Senate* limited REAP practices to permanent measures, and limited federal cost-sharing for such measures to not to exceed fifty percent.

House permanently required three, five, ten, and twenty-five year contracts, and perpetual easements to carry out the purposes of the REAP, Great Plains, and water bank programs.

The Conference substitute includes the House provision.

(108) *House* authorized the use of CCC in carrying out program described in Item 107 and multi-year set-aside.

The Conference substitute includes this provision.

(109) *Senate* postponed the effective date of regulations under the Occupational Safety and Health Act of 1970, fixing minimum field re-entry periods after the application of certain pesticides (Federal Register, Vol. 38, No. 83, pp. 10715-10717) from June 18, 1973, to a

date at least thirty days following submission of findings to Congress made after hearings held as soon as possible after enactment of the bill.

The Conference substitute deletes this provision. The Conferees, however, are fully mindful of the action of the Department of Labor in recent months in promulgating and attempting to enforce what has proven to be arbitrary and capricious regulations affecting farm workers and their employers. The Conferees strongly recommend that in the promulgation of future regulations the Secretary of Labor take into account both the expertise and the vital interests of both farmers and consumers, as well as providing an adequate public hearing process where all affected parties will have an opportunity to be heard.

(110) *House* repealed section 301 of the Agricultural Marketing Act of 1946 (which provides for a national research advisory committee).

The Conference substitute includes this provision.

(111) *Senate* provided short title "Agriculture and Consumer Protection Act of 1973".

House provided a short title "Agriculture Act of 1973".

The Conference substitute includes the Senate provision.

The Conferees also wish to express their intent in regard to the following:

DAIRY INDEMNITIES

The Conferees have taken note of the fact that the authority for dairy indemnity payments on milk has expired on June 30, 1973. In approving the four-year extension and amendment of this program the Conferees are also mindful that some claims for milk may arise during the period from June 30, 1973 to the date of enactment of this bill.

It is the intent of the Conferees that such claims occurring during this period be entertained by the Secretary and if the claimants otherwise qualify, the fact that these losses occurred during this period should not disqualify their claims.

W. R. POAGE,
THOMAS S. FOLEY,
BERNIE SISK,
JOHN R. RARICK,
ED JONES,

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
GEORGE MCGOVERN,
JAMES B. ALLEN,
CARL T. CURTIS,
G. D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.