

(A) identifying and prioritizing critical detection, surveillance, and eradication needs for tree and wood pests; and

(B) identifying the actions each agency takes within their respective missions to address identified priorities.

SEC. 10111. REPORT ON PLANT BIOSTIMULANTS.

(a) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the President and Congress that identifies any potential regulatory, non-regulatory, and legislative recommendations, including the appropriateness of any definitions for plant biostimulant, to ensure the efficient and appropriate review, approval, uniform national labeling, and availability of plant biostimulant products to agricultural producers.

(b) **CONSULTATION.**—The Secretary shall prepare the report required by subsection (a) in consultation with the Administrator of the Environmental Protection Agency, the several States, industry stakeholders, and such other stakeholders as the Secretary determines necessary.

(c) **PLANT BIOSTIMULANT.**—For the purposes of the report under subsection (a), the Secretary—

(1) shall consider “plant biostimulant” to be a substance or micro-organism that, when applied to seeds, plants, or the rhizosphere, stimulates natural processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, or crop quality and yield; and

(2) may modify the description of plant biostimulant, as appropriate.

SEC. 10112. CLARIFICATION OF USE OF FUNDS FOR TECHNICAL ASSISTANCE.

Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) is amended in the last sentence by inserting after “activities” the following: “but excluding any amounts used to provide technical assistance under title X of the Agriculture Improvement Act of 2018 or an amendment made by that title”.

SEC. 10113. HEMP PRODUCTION.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle G—Hemp Production

“SEC. 297A. DEFINITIONS.

“In this subtitle:

“(1) **HEMP.**—The term ‘hemp’ means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“(2) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Agriculture.

“(4) **STATE.**—The term ‘State’ means—

“(A) a State;
 “(B) the District of Columbia;
 “(C) the Commonwealth of Puerto Rico; and
 “(D) any other territory or possession of the United States.

“(5) STATE DEPARTMENT OF AGRICULTURE.—The term ‘State department of agriculture’ means the agency, commission, or department of a State government responsible for agriculture in the State.

“(6) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the governing body of an Indian tribe.

“SEC. 297B. STATE AND TRIBAL PLANS.

“(a) SUBMISSION.—

“(1) IN GENERAL.—A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2).

“(2) CONTENTS.—A State or Tribal plan referred to in paragraph (1)—

“(A) shall only be required to include—

“(i) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

“(ii) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

“(iii) a procedure for the effective disposal of—

“(I) plants, whether growing or not, that are produced in violation of this subtitle; and

“(II) products derived from those plants;

“(iv) a procedure to comply with the enforcement procedures under subsection (e);

“(v) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle;

“(vi) a procedure for submitting the information described in section 297C(d)(2), as applicable, to the Secretary not more than 30 days after the date on which the information is received; and

“(vii) a certification that the State or Indian tribe has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi); and

“(B) may include any other practice or procedure established by a State or Indian tribe, as applicable, to the ex-

tent that the practice or procedure is consistent with this subtitle.

“(3) RELATION TO STATE AND TRIBAL LAW.—

“(A) *NO PREEMPTION.*—*Nothing in this subsection preempts or limits any law of a State or Indian tribe that—*

- “(i) *regulates the production of hemp; and*
- “(ii) *is more stringent than this subtitle.*

“(B) *REFERENCES IN PLANS.*—*A State or Tribal plan referred to in paragraph (1) may include a reference to a law of the State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.*

“(b) APPROVAL.—

“(1) *IN GENERAL.*—*Not later than 60 days after receipt of a State or Tribal plan under subsection (a), the Secretary shall—*

- “(A) *approve the State or Tribal plan if the State or Tribal plan complies with subsection (a); or*
- “(B) *disapprove the State or Tribal plan only if the State or Tribal plan does not comply with subsection (a).*

“(2) *AMENDED PLANS.*—*If the Secretary disapproves a State or Tribal plan under paragraph (1)(B), the State, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, may submit to the Secretary an amended State or Tribal plan that complies with subsection (a).*

“(3) *CONSULTATION.*—*The Secretary shall consult with the Attorney General in carrying out this subsection.*

“(c) AUDIT OF STATE COMPLIANCE.—

“(1) *IN GENERAL.*—*The Secretary may conduct an audit of the compliance of a State or Indian tribe with a State or Tribal plan approved under subsection (b).*

“(2) *NONCOMPLIANCE.*—*If the Secretary determines under an audit conducted under paragraph (1) that a State or Indian tribe is not materially in compliance with a State or Tribal plan—*

- “(A) *the Secretary shall collaborate with the State or Indian tribe to develop a corrective action plan in the case of a first instance of noncompliance; and*
- “(B) *the Secretary may revoke approval of the State or Tribal plan in the case of a second or subsequent instance of noncompliance.*

“(d) *TECHNICAL ASSISTANCE.*—*The Secretary may provide technical assistance to a State or Indian tribe in the development of a State or Tribal plan under subsection (a).*

“(e) VIOLATIONS.—

“(1) *IN GENERAL.*—*A violation of a State or Tribal plan approved under subsection (b) shall be subject to enforcement solely in accordance with this subsection.*

“(2) NEGLIGENT VIOLATION.—

“(A) *IN GENERAL.*—*A hemp producer in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b) shall be subject to subparagraph (B) of this paragraph if the State department of agriculture or Tribal government, as applicable, determines that the hemp producer has negligently violated the State or Tribal plan, including by negligently—*

"(i) failing to provide a legal description of land on which the producer produces hemp;

"(ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

"(iii) producing Cannabis sativa L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

"(B) CORRECTIVE ACTION PLAN.—A hemp producer described in subparagraph (A) shall comply with a plan established by the State department of agriculture or Tribal government, as applicable, to correct the negligent violation, including—

"(i) a reasonable date by which the hemp producer shall correct the negligent violation; and

"(ii) a requirement that the hemp producer shall periodically report to the State department of agriculture or Tribal government, as applicable, on the compliance of the hemp producer with the State or Tribal plan for a period of not less than the next 2 calendar years.

"(C) RESULT OF NEGLIGENT VIOLATION.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any State government, Tribal government, or local government.

"(D) REPEAT VIOLATIONS.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) 3 times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

"(3) OTHER VIOLATIONS.—

"(A) IN GENERAL.—If the State department of agriculture or Tribal government in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b), as applicable, determines that a hemp producer in the State or territory has violated the State or Tribal plan with a culpable mental state greater than negligence—

"(i) the State department of agriculture or Tribal government, as applicable, shall immediately report the hemp producer to—

"(I) the Attorney General; and

"(II) the chief law enforcement officer of the State or Indian tribe, as applicable; and

"(ii) paragraph (1) of this subsection shall not apply to the violation.

"(B) FELONY.—

"(i) IN GENERAL.—Except as provided in clause (ii), any person convicted of a felony relating to a controlled substance under State or Federal law before, on, or after the date of enactment of this subtitle shall be ineligible, during the 10-year period following the date of the conviction—

“(I) to participate in the program established under this section or section 297C; and

“(II) to produce hemp under any regulations or guidelines issued under section 297D(a).

“(ii) EXCEPTION.—Clause (i) shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) before the date of enactment of this subtitle.

“(C) FALSE STATEMENT.—Any person who materially falsifies any information contained in an application to participate in the program established under this section shall be ineligible to participate in that program.

“(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—

“(1) for which a State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 297C or other Federal laws (including regulations); and

“(2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.

“SEC. 297C. DEPARTMENT OF AGRICULTURE.

“(a) DEPARTMENT OF AGRICULTURE PLAN.—

“(1) IN GENERAL.—In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2).

“(2) CONTENT.—A plan established by the Secretary under paragraph (1) shall include—

“(A) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

“(B) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

“(C) a procedure for the effective disposal of—

“(i) plants, whether growing or not, that are produced in violation of this subtitle; and

“(ii) products derived from those plants;

“(D) a procedure to comply with the enforcement procedures under subsection (c)(2);

“(E) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subtitle; and

“(F) such other practices or procedures as the Secretary considers to be appropriate, to the extent that the practice or procedure is consistent with this subtitle.

“(b) LICENSING.—The Secretary shall establish a procedure to issue licenses to hemp producers in accordance with a plan established under subsection (a).

"(c) VIOLATIONS.—

"(1) IN GENERAL.—*In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, it shall be unlawful to produce hemp in that State or the territory of that Indian tribe without a license issued by the Secretary under subsection (b).*

"(2) NEGLIGENT AND OTHER VIOLATIONS.—*A violation of a plan established under subsection (a) shall be subject to enforcement in accordance with paragraphs (2) and (3) of section 297B(e), except that the Secretary shall carry out that enforcement instead of a State department of agriculture or Tribal government.*

"(3) REPORTING TO ATTORNEY GENERAL.—*In the case of a State or Indian tribe covered by paragraph (1), the Secretary shall report the production of hemp without a license issued by the Secretary under subsection (b) to the Attorney General.*

"(d) INFORMATION SHARING FOR LAW ENFORCEMENT.—

"(1) IN GENERAL.—*The Secretary shall—*

"(A) collect the information described in paragraph (2); and

"(B) make the information collected under subparagraph (A) accessible in real time to Federal, State, territorial, and local law enforcement.

"(2) CONTENT.—*The information collected by the Secretary under paragraph (1) shall include—*

"(A) contact information for each hemp producer in a State or the territory of an Indian tribe for which—

"(i) a State or Tribal plan is approved under section 297B(b); or

"(ii) a plan is established by the Secretary under this section;

"(B) a legal description of the land on which hemp is grown by each hemp producer described in subparagraph (A); and

"(C) for each hemp producer described in subparagraph (A)—

"(i) the status of—

"(I) a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

"(II) a license from the Secretary; and

"(ii) any changes to the status.

"SEC. 297D. REGULATIONS AND GUIDELINES; EFFECT ON OTHER LAW.

"(a) PROMULGATION OF REGULATIONS AND GUIDELINES; REPORT.—

"(1) REGULATIONS AND GUIDELINES.—

"(A) IN GENERAL.—*The Secretary shall promulgate regulations and guidelines to implement this subtitle as expeditiously as practicable.*

"(B) CONSULTATION WITH ATTORNEY GENERAL.—*The Secretary shall consult with the Attorney General on the promulgation of regulations and guidelines under subparagraph (A).*

"(2) REPORT.—*The Secretary shall annually submit to the Committee on Agriculture of the House of Representatives and*

the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing updates on the implementation of this subtitle.

“(b) AUTHORITY.—Subject to subsection (c)(3)(B), the Secretary shall have sole authority to promulgate Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of sections 297B and 297C.

“(c) EFFECT ON OTHER LAW.—Nothing in this subtitle shall affect or modify—

“(1) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

“(2) section 351 of the Public Health Service Act (42 U.S.C. 262); or

“(3) the authority of the Commissioner of Food and Drugs and the Secretary of Health and Human Services—

“(A) under—

“(i) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

“(ii) section 351 of the Public Health Service Act (42 U.S.C. 262); or

“(B) to promulgate Federal regulations and guidelines that relate to the production of hemp under the Act described in subparagraph (A)(i) or the section described in subparagraph (A)(ii).

“SEC. 297E. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this subtitle.”.

SEC. 10114. INTERSTATE COMMERCE.

(a) RULE OF CONSTRUCTION.—Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products.

(b) TRANSPORTATION OF HEMP AND HEMP PRODUCTS.—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.

SEC. 10115. FIFRA INTERAGENCY WORKING GROUP.

Section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 13a(c)) is amended by adding at the end the following:

“(11) INTERAGENCY WORKING GROUP.—

“(A) DEFINITION OF COVERED AGENCY.—In this paragraph, the term ‘covered agency’ means any of the following:

“(i) The Department of Agriculture.

“(ii) The Department of Commerce.

“(iii) The Department of the Interior.

“(iv) The Council on Environmental Quality.

“(v) The Environmental Protection Agency.

“(B) ESTABLISHMENT.—The Administrator shall establish an interagency working group, to be comprised of representatives from each covered agency, to provide rec-

ommendations regarding, and to implement a strategy for improving, the consultation process required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) for pesticide registration and registration review.

"(C) DUTIES.—The interagency working group established under subparagraph (B) shall—

"(i) analyze relevant Federal law (including regulations) and case law for purposes of providing an outline of the legal and regulatory framework for the consultation process referred to in that subparagraph, including—

"(I) requirements under this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(II) Federal case law regarding the intersection of this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(III) Federal regulations relating to the pesticide consultation process;

"(ii) provide advice regarding methods of—

"(I) defining the scope of actions of the covered agencies that are subject to the consultation requirement referred to in subparagraph (B); and

"(II) properly identifying and classifying effects of actions of the covered agencies with respect to that consultation requirement;

"(iii) identify the obligations and limitations under Federal law of each covered agency for purposes of providing a legal and regulatory framework for developing the recommendations referred to in subparagraph (B);

"(iv) review practices for the consultation referred to in subparagraph (B) to identify problem areas, areas for improvement, and best practices for conducting that consultation among the covered agencies;

"(v) develop scientific and policy approaches to increase the accuracy and timeliness of the process for that consultation, in accordance with requirements of this Act and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including—

"(I) processes to efficiently share data and coordinate analyses among the Department of Agriculture, the Department of Commerce, the Department of the Interior, and the Environmental Protection Agency;

"(II) a streamlined process for identifying which actions require no consultation, informal consultation, or formal consultation;

"(III) an approach that will provide clarity with respect to what constitutes the best scientific and commercial data available in the fields of pesticide use and ecological risk assessment, pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)); and

"(IV) approaches that enable the Environmental Protection Agency to better assist the De-

partment of the Interior and the Department of Commerce in carrying out obligations under that section in a timely and efficient manner; and

"(vi) propose and implement a strategy to implement approaches to consultations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and document that strategy in a memorandum of understanding, revised regulations, or another appropriate format to promote durable cooperation among the covered agencies.

"(D) REPORTS.—

"(i) PROGRESS REPORTS.—

"(I) IN GENERAL.—Not later than 18 months after the date of enactment of this paragraph, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the progress of the working group in developing the recommendations under subparagraph (B).

"(II) REQUIREMENTS.—The report under this clause shall—

"(aa) reflect the perspectives of each covered agency; and

"(bb) identify areas of new consensus and continuing topics of disagreement and debate.

"(ii) RESULTS.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

"(aa) the recommendations developed under subparagraph (B); and

"(bb) plans for implementation of those recommendations.

"(II) REQUIREMENTS.—The report under this clause shall—

"(aa) reflect the perspectives of each covered agency; and

"(bb) identify areas of consensus and continuing topics of disagreement and debate, if any.

"(iii) IMPLEMENTATION.—Not later than 1 year after the date of submission of the report under clause (i), the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

“(I) the implementation of the recommendations referred to in that clause;

“(II) the extent to which that implementation improved the consultation process referred to in subparagraph (B); and

“(III) any additional recommendations for improvements to the process described in subparagraph (B).

“(iv) OTHER REPORTS.—Not later than the date that is 180 days after the date of submission of the report under clause (iii), and not less frequently than once every 180 days thereafter during the 5-year period beginning on that date, the Administrator, in coordination with the head of each other covered agency, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

“(I) the implementation of the recommendations referred to in that clause;

“(II) the extent to which that implementation improved the consultation process referred to in subparagraph (B); and

“(III) any additional recommendations for improvements to the process described in subparagraph (B).

“(E) CONSULTATION WITH PRIVATE SECTOR.—In carrying out the duties under this paragraph, the working group shall, as appropriate—

“(i) consult with, representatives of interested industry stakeholders and nongovernmental organizations; and

“(ii) take into consideration factors, such as actual and potential differences in interest between, and the views of, those stakeholders and organizations.

“(F) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this paragraph.

“(G) SAVINGS CLAUSE.—Nothing in this paragraph supersedes any provision of—

“(i) this Act; or

“(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), including the requirements under section 7 of that Act (16 U.S.C. 1536).”.

SEC. 10116. STUDY ON METHYL BROMIDE USE IN RESPONSE TO AN EMERGENCY EVENT.

(a) *DEFINITIONS.—In this section:*

(1) *EMERGENCY EVENT.—The term “emergency event” means a situation—*

(A) that occurs at a location on which a plant or commodity is grown or produced or facility providing for the storage of, or other services with respect to, a plant or commodity;

(B) for which the lack of availability of methyl bromide for a particular use would result in significant economic

loss to the owner, lessee, or operator of the location or facility or the owner, grower, or purchaser of the plant or commodity; and

(C) that, in light of the specific agricultural, meteorological, or other conditions presented, requires the use of methyl bromide to control a pest or disease in the location or facility because there are no technically feasible alternatives to methyl bromide easily accessible by an entity referred to in subparagraph (B) at the time and location of the event that—

- (i) are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) for the intended use or pest to be so controlled; and*
- (ii) would adequately control the pest or disease presented at the location or facility.*

(2) PEST.—The term “pest” has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, shall complete a study on the potential use of methyl bromide in response to an emergency event.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) a risk-benefit analysis of authorizing State, local, or Tribal authorities, in accordance with appropriate requirements and criteria, such as the recommendations developed under subparagraph (E)—

- (i) to determine when the use of methyl bromide is required; and*
- (ii) to authorize such use;*

(B) a risk-benefit analysis of authorizing the Secretary, in accordance with appropriate requirements and criteria, such as the recommendations developed under subparagraph (E)—

- (i) to determine when the use of methyl bromide is required; and*
- (ii) to authorize such use;*

(C) a historic estimate of situations occurring on or after September 15, 1997, that could have been deemed emergency events;

(D) a detailed assessment of the adherence of the United States to international obligations of the United States with respect to the prevention of ozone depletion; and

(E) an assessment and recommendations on appropriate requirements and criteria to be met to authorize the use of methyl bromide in response to an emergency event (including any recommendations for revising the definition of the term “emergency event” in subsection (a)) in a manner that fully complies with the Montreal Protocol on Substances that Deplete the Ozone Layer, including Decision IX/7 of the Ninth Meeting of the Conference of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the study under subsection (b) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Forestry, and Nutrition of the Senate.

TITLE XI—CROP INSURANCE

SEC. 11101. DEFINITIONS.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

- (1) by redesignating paragraphs (6), (7), (8), (9), (10), and (11) as paragraphs (7), (8), (10), (11), (12), and (13) respectively;
- (2) by inserting after paragraph (5) the following:

“(6) COVER CROP TERMINATION.—The term ‘cover crop termination’ means a practice that historically and under reasonable circumstances results in the termination of the growth of a cover crop.”; and

- (3) by inserting after paragraph (8) (as so redesignated) the following:

“(9) HEMP.—The term ‘hemp’ has the meaning given the term in section 297A of the Agricultural Marketing Act of 1946.”.

SEC. 11102. DATA COLLECTION.

Section 506(h)(2) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)(2)) is amended—

- (1) by striking “The Corporation” and inserting the following:

“(A) IN GENERAL.—The Corporation”; and

- (2) by adding at the end the following:

“(B) NATIONAL AGRICULTURAL STATISTICS SERVICE.—Data collected by the National Agricultural Statistics Service, whether published or unpublished, shall be—

“(i) provided in an aggregate form to the Corporation for the purpose of providing insurance under this subtitle; and

“(ii) kept confidential by the Corporation in the same manner and to the same extent as is required under—

“(I) section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276); and

“(II) the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).

“(C) NONINSURED CROP DISASTER ASSISTANCE PROGRAM.—In collecting data under this subsection, the Secretary shall ensure that—

“(i) appropriate data are collected through the non-insured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

“(ii) not less frequently than annually, the Farm Service Agency shares, and the Corporation considers, the data described in clause (i).”.

SEC. 11103. SHARING OF RECORDS.

Section 506(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1506(h)(3)) is amended by inserting “applicants who have received payment under section 522(b)(2)(E),” after “divisions.”.

SEC. 11104. USE OF RESOURCES.

Section 507(f) of the Federal Crop Insurance Act (7 U.S.C. 1507(f)) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

*“(3) the Farm Service Agency, in assisting the Board in—
“(A) the determination of individual producer yields;
“(B) sharing information on beginning farmers and ranchers and veteran farmers and ranchers;
“(C) investigating potential waste, fraud, or abuse;
“(D) sharing information to support the transition of crops and counties from the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) to insurance under this subtitle; and
“(E) serving as a local point of contact for the dissemination of information on risk management options available to farmers and ranchers; and*

“(4) other Federal agencies, in assisting the Board in any way the Board determines is necessary in carrying out this subtitle.”;

(2) in paragraph (2), by striking “(2) the” and inserting the following:

“(2) the”; and

(3) by striking “(f) The Board” in the matter preceding paragraph (1) and all that follows through the semicolon at the end of paragraph (1) and inserting the following:

“(f) USE OF RESOURCES, DATA, BOARDS, AND COMMITTEES OF FEDERAL AGENCIES.—If the Board determines it is necessary, the Board shall use, to the maximum extent practicable, the resources, data, boards, and the committees of—

“(1) the Natural Resources Conservation Service, in assisting the Board in—

“(A) the classification of land as to risk and production capability; and

“(B) the consideration of acceptable conservation practices, including good farming practices with respect to conservation (such as cover crop termination);”.

SEC. 11105. SPECIALTY CROPS.

(a) SPECIALTY CROPS COORDINATOR.—Section 507(g) of the Federal Crop Insurance Act (7 U.S.C. 1507(g)) is amended—

(1) by striking the subsection designation and all that follows through “The Corporation” in paragraph (1) and inserting the following:

“(g) SPECIALTY CROPS COORDINATOR.—

“(1) IN GENERAL.—The Corporation”; and

“(2) by adding at the end the following:

“(4) SPECIALTY CROP LIAISONS.—The Specialty Crops Coordinator shall—

“(A) designate a Specialty Crops Liaison in each regional field office; and

“(B) share the contact information of the Specialty Crops Liaisons with specialty crop producers.

“(5) WEBSITE.—The Specialty Crops Coordinator shall establish a website focused on the efforts of the Corporation to provide and expand crop insurance for specialty crop producers.”.

(b) ADDITION OF SPECIALTY CROPS AND OTHER VALUE-ADDED CROPS.—Section 508(a)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(6)) is amended—

(1) in the paragraph heading, by adding at the end the following: “INCLUDING VALUE-ADDED CROPS”;

(2) by striking subparagraph (A) and inserting the following:

“(A) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, and annually thereafter, the manager of the Corporation shall prepare, to the maximum extent practicable, based on data shared from the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), written agreements, or other data, and present to the Board not less than 1 of each of the following:

“(i) Research and development for a policy or plan of insurance for a commodity for which there is no existing policy or plan of insurance.

“(ii) Expansion of an existing policy or plan of insurance to additional counties or States, including malting barley endorsements or contract options.

“(iii) Research and development for a new policy or plan of insurance, or endorsement, for commodities with existing policies or plans of insurance, such as dollar plans.”;

(3) in subparagraph (B), in the subparagraph heading, by striking “ADDITION OF NEW CROPS” and inserting “REPORT”, and

(4) by striking subparagraphs (C) and (D).

SEC. 11106. INSURANCE PERIOD.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking “and sweet potatoes” and inserting “sweet potatoes, and hemp”.

SEC. 11107. COVER CROPS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended—

(1) in paragraph (3)(B), in the subparagraph heading, by inserting “DETERMINATION REVIEW” after “PRACTICES”; and

(2) by adding at the end the following:

“(11) COVER CROPS.—

“(A) IN GENERAL.—The voluntary practice of cover cropping shall be considered a good farming practice under paragraph (3)(A)(iii) if the cover crop is terminated in accordance with subparagraph (B).

“(B) TERMINATION.—

"(i) IN GENERAL.—The termination of a cover crop shall be carried out according to—

*"(I) guidelines established by the Secretary; or
(II) an exception to the guidelines approved under clause (ii).*

"(ii) EXCEPTION TO GUIDELINES.—The Corporation shall approve an exception to the guidelines under clause (i)(I) if that exception is recommended by—

"(I) the Natural Resources Conservation Service; or

"(II) an agricultural expert, as determined by the Corporation, unless the exception is determined to be unreasonable by the Corporation.

"(C) INSURABILITY OF SUBSEQUENT CROP.—Cover crop termination shall not affect the insurability of a subsequently planted insurable crop if the cover crop is terminated in accordance with subparagraph (B).

"(D) SUMMER FALLOW.—In a county in which summer fallow is an insurable practice, a cover crop in that county that is terminated in accordance with subparagraph (B) shall be considered as summer fallow for the purpose of insurability.”.

SEC. 11108. UNDERSERVED PRODUCERS.

Section 508(a)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(7)) is amended—

(1) in the paragraph heading, by inserting “AND UNDERSERVED PRODUCERS” after “STATES”;

(2) in subparagraph (A)—

(A) by striking the designation and heading and all that follows through “the term” and inserting the following:

"(A) DEFINITIONS.—In this paragraph:

"(i) ADEQUATELY SERVED.—The term “

"(B) in clause (i) (as so designated), by striking “participation rate” and inserting “participation rate, by crop,”; and

"(C) by adding at the end the following:

"(ii) UNDERSERVED PRODUCER.—The term ‘underserved producer’ means an individual (including a member of an Indian Tribe) that is—

"(I) a beginning farmer or rancher;

"(II) a veteran farmer or rancher; or

"(III) a socially disadvantaged farmer or rancher.”;

(3) in subparagraph (B)—

(A) by striking “The Board” and inserting “Using resources and information available to the Board or the Secretary, the Board”; and

(B) by striking “subtitle” and inserting “subtitle, including policies and plans of insurance for underserved producers,”; and

(4) by striking subparagraph (C) and inserting the following:

"(C) REPORT.—

"(i) IN GENERAL.—Not later than 30 days after completion of the review under subparagraph (B), and

not less frequently than once every 3 years thereafter, the Board shall make publicly available and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the review.

"(ii) RECOMMENDATIONS.—The report under clause (i) shall include recommendations to increase participation in States and among underserved producers that are not adequately served by the policies and plans of insurance, including any plans for administrative action or recommendations for Congressional action.".

SEC. 11109. TREATMENT OF FORAGE AND GRAZING.

(a) AVAILABILITY OF CATASTROPHIC RISK PROTECTION FOR CROPS AND GRASSES USED FOR GRAZING.—Section 508(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(1)) is amended—

- (1) by striking "(A) IN GENERAL.—Except as provided in subparagraph (B), the" and inserting "The"; and*
- (2) by striking subparagraph (B).*

(b) COVERAGE FOR FORAGE AND GRAZING.—The Federal Crop Insurance Act is amended by inserting after section 508C (7 U.S.C. 1508c) the following new section:

"SEC. 508D. COVERAGE FOR FORAGE AND GRAZING.

"Notwithstanding section 508A, and in addition to any other available coverage, for crops that can be both grazed and mechanically harvested on the same acres during the same growing season, producers shall be allowed to purchase separate policies for each intended use, as determined by the Corporation, and any indemnity paid under those policies for each intended use shall not be considered to be for the same loss for the purposes of section 508(n).".

SEC. 11110. ADMINISTRATIVE BASIC FEE.

Section 508(b)(5)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)(A)) is amended by striking "\$300" and inserting "\$655".

SEC. 11111. ENTERPRISE UNITS.

Section 508(e)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(5)) is amended by adding at the end the following:

"(E) ENTERPRISE UNITS ACROSS COUNTY LINES.—The Corporation may allow a producer to establish a single enterprise unit by combining an enterprise unit with—

- "(i) 1 or more other enterprise units in 1 or more other counties; or*
- "(ii) all basic units and all optional units in 1 or more other counties.".*

SEC. 11112. CONTINUED AUTHORITY.

Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following new paragraph:

"(6) CONTINUED AUTHORITY.—

"(A) IN GENERAL.—The Corporation shall establish—

- "(i) underwriting rules that limit the decrease in the actual production history of a producer, at the elec-*

tion of the producer, to not more than 10 percent of the actual production history of the previous crop year provided that the production decline was the result of drought, flood, natural disaster, or other insurable loss (as determined by the Corporation); and

"(ii) actuarially sound premiums to cover additional risk.

"(B) OTHER AUTHORITY.—The authority provided under subparagraph (A) is in addition to any other authority that adjusts the actual production history of the producer under this Act.

"(C) EFFECT.—Nothing in this paragraph shall be construed to require a change in the administration of any provision of this Act as the Act was administered for the 2018 reinsurance year.".

SEC. 11113. SUBMISSION OF POLICIES AND MATERIALS TO BOARD.

Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in the matter preceding subclause (I) (as so redesignated), by striking "The Corporation shall" and inserting the following:

"(i) IN GENERAL.—The Corporation shall";

(C) in clause (i)(I) (as so redesignated), by inserting "subject to clause (ii)," before "will likely"; and

(D) by adding at the end the following:

"(ii) WAIVER FOR HEMP.—The Corporation may waive the viability and marketability requirement under clause (i)(I) in the case of a policy or pilot program relating to the production of hemp."; and

(2) in paragraph (3)(C)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting ";" and"; and

(C) by adding at the end the following:

"(iv) in the case of reviewing policies and other materials relating to the production of hemp, may waive the viability and marketability requirement under subparagraph (A)(ii)(I).".

SEC. 11114. CROP PRODUCTION ON NATIVE SOD.

Section 508(o)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)(2)(A)) is amended—

(1) by striking "During the" and inserting the following:

"(i) FIRST 4 CROP YEARS.—During the";

(2) in clause (i) (as so designated), by striking "after the date of enactment of the Agricultural Act of 2014" and inserting "beginning on February 8, 2014, and ending on the date of enactment of the Agriculture Improvement Act of 2018"; and

(3) by adding at the end the following:

"(ii) SUBSEQUENT CROP YEARS.—Native sod acreage that has been tilled for the production of an insur-

able crop after the date of enactment of the Agriculture Improvement Act of 2018 shall be subject to a reduction in benefits under this subtitle as described in this paragraph for not more than 4 cumulative years—

- “(I) during the first 10 years after initial tillage; and*
- “(II) during each of which a crop on that acreage is insured under subsection (c).”.*

SEC. 11115. USE OF NATIONAL AGRICULTURAL STATISTICS SERVICE DATA TO COMBAT WASTE, FRAUD, AND ABUSE.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

- (1) in subsection (d)(1)—
 - (A) in subparagraph (B), by striking “and” at the end;
 - (B) in subparagraph (C), by striking the period at the end and inserting “; and”; and
 - (C) by adding at the end the following:
 - “(D) using published aggregate data from the National Agricultural Statistics Service or any other data source to—
 - “(i) detect yield disparities or other data anomalies that indicate potential fraud; and
 - “(ii) target the relevant counties, crops, regions, companies, or agents associated with that potential fraud for audits and other enforcement actions.”; and
 - (2) in subsection (f)(2)(A), by striking “pursuant to” each place it appears and inserting “under”.

SEC. 11116. SUBMISSION OF INFORMATION TO CORPORATION.

Section 515(g) of the Federal Crop Insurance Act (7 U.S.C. 1515(g)) is amended—

- (1) in paragraph (1), by adding at the end the following:
 - “(D) The actual production history to be used to establish insurable yields.”; and
- (2) in paragraph (2)—
 - (A) by striking “The information required by paragraph (1)” and inserting the following:
 - “(A) IN GENERAL.—The information required to be submitted under subparagraphs (A) through (C) of paragraph (1); and
 - (B) by adding at the end the following:
 - “(B) ACTUAL PRODUCTION HISTORY.—
 - “(i) IN GENERAL.—The information required to be submitted under paragraph (1)(D) with respect to an applicable policy or plan of insurance for a covered commodity (as defined in section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011)) shall be submitted so as to ensure receipt by the Corporation not later than the Saturday of the week containing the calendar day that is 30 days after the applicable production reporting date for the crop to be insured.
 - “(ii) CORRECTION OF ERRORS.—Nothing in clause (i) limits the ability of an approved insurance provider to correct any error in the information submitted under paragraph (1)(D) after receipt of the information by the Corporation in accordance with clause (i).”.

SEC. 11117. CONTINUING EDUCATION FOR LOSS ADJUSTERS AND AGENTS.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

- (1) by redesignating subsection (k) as subsection (l); and
- (2) by inserting after subsection (j) the following:

“(k) CONTINUING EDUCATION FOR LOSS ADJUSTERS AND AGENTS.—

“(1) IN GENERAL.—The Corporation shall establish requirements for continuing education for loss adjusters and agents of approved insurance providers.

“(2) REQUIREMENTS.—The requirements for continuing education described in paragraph (1) shall ensure that loss adjusters and agents of approved insurance providers are familiar with—

“(A) the policies and plans of insurance available under this Act, including the regulations promulgated to carry out this Act;

“(B) efforts to promote program integrity through the elimination of waste, fraud, and abuse; and

“(C) other aspects of adjusting, delivering, and servicing policies and plans of insurance by adjustors and agents, as determined by the Secretary, including conservation activities and agronomic practices (including organic and sustainable practices) that are common and appropriate to the area in which the insured crop being inspected is produced.”.

SEC. 11118. PROGRAM ADMINISTRATION.

Section 516(b)(2)(C)(i) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)(C)(i)) is amended by striking “\$9,000,000” and inserting “\$7,000,000”.

SEC. 11119. AGRICULTURAL COMMODITY.

Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by inserting “hemp,” before “aquacultural species”.

SEC. 11120. MAINTENANCE OF POLICIES.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

- (1) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) REIMBURSEMENT.—

“(i) IN GENERAL.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs if the policy is approved by the Board for sale to producers.

“(ii) REASONABLE COSTS.—For the purpose of reimbursing research and development and maintenance costs under this section, costs of the applicant shall be considered reasonable costs if the costs are based on—

“(I) for any employees or contracted personnel, wage rates equal to not more than 2 times the hourly wage rate plus benefits, as provided by the Bureau of Labor Statistics for the year in which such costs are incurred, calculated using the for-

mula applied to an applicant by the Corporation in reviewing proposed project budgets under this section on October 1, 2016; and

“(II) other actual documented costs incurred by the applicant.”; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking “approved insurance provider” and inserting “applicant”; and

(B) in subparagraph (D)—

(i) in clause (i), by striking “determined by the approved insurance provider” and inserting “determined by the applicant”; and

(ii) by adding at the end the following:

“(iii) REVIEW.—After the Board approves the amount of a fee under clause (ii), the fee shall remain in effect and not be reviewed by the Board unless—

“(I) the applicant petitions the Board for reconsideration of the fee;

“(II) a substantial change is made to the policy, as determined by the Board; or

“(III) there is substantial evidence that the fee is inhibiting sales or use of the policy, as determined by the Board.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall apply to reimbursement requests made on or after October 1, 2016.

(2) RESUBMISSION OF DENIED REQUEST.—An applicant that was denied all or a portion of a reimbursement request under paragraph (1) of section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) during the period between October 1, 2016, and the date of the enactment of this Act shall be given an opportunity to resubmit such request.

SEC. 11121. REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.

Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (2), by adding at the end the following:

“(K) WAIVER FOR HEMP.—The Board may waive the viability and marketability requirements under this paragraph in the case of research and development relating to a policy to insure the production of hemp.”; and

(2) in paragraph (3)—

(A) by striking “The Corporation” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the Corporation”; and

(B) by adding at the end the following:

“(B) WAIVER FOR HEMP.—The Corporation may waive the marketability requirement under subparagraph (A) in the case of research and development relating to a policy to insure the production of hemp.”.

section 552 of title 5, United States Code, unless disclosure is required under court order or unless the data is essential for an enforcement action under Federal wildlife management laws.

(3) EXCLUSION.—The exemption under subsection (b)(1) shall not apply in a State if—

(A) the State fails to transmit the data required under paragraph (1); or

(B) the applicable Marine Fisheries Commission determines, in consultation with the primary research agency of such Commission, after notice and an opportunity to comment, that the data required under paragraph (1) fails to prove that the State agency or official is engaged in conservation and management of the fish or wildlife described in subsection (c).

SEC. 12618. DATA ON CONSERVATION PRACTICES.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

“SEC. 1247. DATA ON CONSERVATION PRACTICES.

“(a) DATA ON CONSERVATION PRACTICES.—The Secretary shall identify available data sets within the Department of Agriculture regarding the use of conservation practices and the effect of such practices on farm and ranch profitability (including such effects relating to crop yields, soil health, and other risk-related factors).

“(b) REPORT.—Not later than 1 year after the date of enactment of the Agriculture Improvement Act of 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

“(1) a summary of the data sets identified under subsection (a);

“(2) a summary of the steps the Secretary would have to take to provide access to such data sets by university researchers, including taking into account any technical, privacy, or administrative considerations;

“(3) a summary of safeguards the Secretary employs when providing access to data to university researchers;

“(4) a summary of appropriate procedures to maximize the potential for research benefits while preventing any violations of privacy or confidentiality; and

“(5) recommendations for any necessary authorizations or clarifications of Federal law to allow access to such data sets to maximize the potential for research benefits.”.

SEC. 12619. CONFORMING CHANGES TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(1) by striking “(16) The” and inserting “(16)(A) Subject to subparagraph (B), the”; and

(2) by striking “Such term does not include the” and inserting the following:

“(B) The term ‘marijuana’ does not include—

“(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946; or

“(ii) the”.

(b) *TETRAHYDROCANNABINOL.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended in subsection (c)(17) by inserting after “Tetrahydrocannabinols” the following: “, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946)”.*

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

K. MICHAEL CONAWAY,
 GLENN THOMPSON of
 Pennsylvania,
 BOB GOODLATTE,
 FRANK D. LUCAS,
 MIKE ROGERS of Alabama,
 AUSTIN SCOTT of Georgia,
 ERIC A. “RICK” CRAWFORD,
 VICKY HARTZLER,
 RODNEY DAVIS of Illinois,
 TED S. YOHO,
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 JODEY C. ARRINGTON,
 COLLIN C. PETERSON,
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 JAMES P. McGOVERN,
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 ANN M. KUSTER of New
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 EDWARD R. ROYCE,
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 ROB BISHOP of Utah,
 BRUCE WESTERMAN,
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 JAMES COMER,
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 NEAL P. DUNN,
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 Texas,
 JEFF DENHAM,
 BOB GIBBS,
 CHERI BUSTOS,

Managers on the Part of the House.

PAT ROBERTS,
 MITCH McCONNELL,