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112th Congress, 1st Session - - - - - House Report 112-xxx

**REPORT ON ACTIVITIES
DURING THE 112TH CONGRESS**

(JANUARY 5, 2011 TO JUNE ??, 2011)

R E P O R T
OF THE
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES



June ??, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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WASHINGTON : 2011

COMMITTEE ON AGRICULTURE

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LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., June ??, 2011.

Hon. KAREN L. HASS,
Clerk of the House of Representatives,
Washington, D.C.

Dear Ms. MILLER: Pursuant to rule XI, clause 1(d), of the Rules of the House of Representatives, I herewith submit to the House a report of the activities of the Committee on Agriculture during the first quarter of the 112th Congress.

With best wishes, I am
Sincerely,

Hon. FRANK D. LUCAS,
Chairman.

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JUNE ??, 2011.—Committed to the Committee of the Whole House on the State of
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Mr. LUCAS, from the Committee on Agriculture, submitted the
following

R E P O R T

In accordance with rule

I. SUMMARY OF ORGANIZATION, JURISDICTION, AND OVERSIGHT PLAN OF THE COMMITTEE ON AGRICULTURE

A. ORGANIZATION

The House of Representatives established the total authorized membership of the Committee on Agriculture for the 112th Congress at 46, with a party division of 26 Republicans and 20 Democrats. Among the committee members were 16 Representatives who were serving their first terms (Gibbs, Austin Scott, Fincher, Tipton, Southerland, Crawford, Roby, Huelskamp, DesJarlais, Ellmers, Gibson, Hultgren, Hartzler, Schilling, Ribble, Sewell, and Noem).

SUBCOMMITTEE ASSIGNMENTS

(Ratio includes *ex officio* Members.)

(Frank D. Lucas, Chairman, and Collin C. Peterson, Ranking Minority Member, are *ex officio* Members of all Subcommittees.)

The Committee organized on January 25, 2011, into six subcommittees, five of which were assigned jurisdiction over major agricultural commodities and one that dealt with various related agricultural operations. The six subcommittees were constituted as follows:

SUBCOMMITTEE ON CONSERVATION, ENERGY, AND FORESTRY
(RATIO 12–10 (TOTAL 22))

GLENN THOMPSON, Pennsylvania, *Chairman*

BOB GOODLATTE, Virginia	TIM HOLDEN, Pennsylvania, <i>Ranking</i>
MARLIN A. STUTZMAN, Indiana	<i>Minority Member</i>
BOB GIBBS, Ohio	KURT SCHRADER, Oregon
STEPHEN LEE FINCHER,† Tennessee	WILLIAM L. OWENS, New York
SCOTT R. TIPTON, Colorado	MIKE MCINTYRE, North Carolina
STEVE SOUTHERLAND II, Florida	JIM COSTA, California
MARTHA ROBY, Alabama	TIMOTHY J. WALZ, Minnesota
TIM HUELSKAMP, Kansas	CHELLIE PINGREE, Maine
RANDY HULTGREN, Illinois	MARCIA L. FUDGE, Ohio
REID J. RIBBLE, Wisconsin	GREGORIO KILILI CAMACHO SABLAN,
KRISTI L. NOEM,‡ South Dakota	Northern Mariana Islands

Jurisdiction: Soil, water, and resource conservation, small watershed program, energy and bio-based energy production, rural electrification, forestry in general and forest reserves other than those created from the public domain.

SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, AND CREDIT
(RATIO 6–4 (TOTAL 10))

JEFF FORTENBERRY, Nebraska, *Chairman*

TIMOTHY V. JOHNSON, Illinois	MARCIA L. FUDGE, Ohio, <i>Ranking Minority</i>
STEVE KING, Iowa	<i>Member</i>
ERIC A. “RICK” CRAWFORD, Arkansas	JAMES P. MCGOVERN, Massachusetts
STEPHEN LEE FINCHER,† Tennessee	JOE BACA, California
KRISTI L. NOEM,‡ South Dakota	

Jurisdiction: Agency oversight, review and analysis, special investigations, and agricultural credit.

SUBCOMMITTEE ON NUTRITION AND HORTICULTURE
(RATIO 6–4 (TOTAL 10))

JEAN SCHMIDT, Ohio, *Chairwoman*

STEVE KING, Iowa	JOE BACA, California, <i>Ranking Minority</i>
THOMAS J. ROONEY, Florida	<i>Member</i>
STEVE SOUTHERLAND II, Florida	CHELLIE PINGREE, Maine
ERIC A. “RICK” CRAWFORD, Arkansas	GREGORIO KILILI CAMACHO SABLAN,
	Northern Mariana Islands

Jurisdiction: Food stamps, nutrition and consumer programs, fruits and vegetables, honey and bees, marketing and promotion orders, plant pesticides, quarantine, adulteration of seeds and insect pests, and organic agriculture.

† Resigned from Committee May 11, 2011.

‡ Appointed to Committee and Subcommittee June 14, 2011.

SUBCOMMITTEE ON GENERAL FARM COMMODITIES AND RISK MANAGEMENT
(RATIO 15–11 (TOTAL 26))

K. MICHAEL CONAWAY, Texas, *Chairman*

STEVE KING, Iowa	LEONARD L. BOSWELL, Iowa, <i>Ranking Minority Member</i>
RANDY NEUGEBAUER, Texas	MIKE MCINTYRE, North Carolina
JEAN SCHMIDT, Ohio	TIMOTHY J. WALZ, Minnesota
BOB GIBBS, Ohio	LARRY KISSELL, North Carolina
AUSTIN SCOTT, Georgia	JAMES P. MCGOVERN, Massachusetts
ERIC A. "RICK" CRAWFORD, Arkansas	DENNIS A. CARDOZA, California
MARTHA ROBY, Alabama	DAVID SCOTT, Georgia
TIM HUELSKAMP, Kansas	JOE COURTNEY, Connecticut
RENEE L. ELLMERS, North Carolina	PETER WELCH, Vermont
CHRISTOPHER P. GIBSON, New York	TERRI A. SEWELL, Alabama
RANDY HULTGREN, Illinois	
VICKY HARTZLER, Missouri	
ROBERT T. SCHILLING, Illinois	

Jurisdiction: Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, risk management, including crop insurance, commodity exchanges, and specialty crops.

SUBCOMMITTEE ON LIVESTOCK, DAIRY, AND POULTRY
(RATIO 11–9 (TOTAL 20))

THOMAS J. ROONEY, Florida, *Chairman*

BOB GOODLATTE, Virginia	DENNIS A. CARDOZA, California, <i>Ranking Minority Member</i>
STEVE KING, Iowa	DAVID SCOTT, Georgia
RANDY NEUGEBAUER, Texas	JOE COURTNEY, Connecticut
K. MICHAEL CONAWAY, Texas	TIM HOLDEN, Pennsylvania
STEPHEN LEE FINCHER,† Tennessee	LEONARD L. BOSWELL, Iowa
TIM HUELSKAMP, Kansas	JOE BACA, California
SCOTT DESJARLAIS, Tennessee	KURT SCHRADER, Oregon
CHRISTOPHER P. GIBSON, New York	WILLIAM L. OWENS, New York
REID J. RIBBLE, Wisconsin	
KRISTI L. NOEM,‡ South Dakota	

Jurisdiction: Livestock, dairy, poultry, meat, seafood and seafood products, inspection, marketing, and promotion of such commodities, aquaculture, animal welfare, and grazing.

SUBCOMMITTEE ON RURAL DEVELOPMENT, RESEARCH, BIOTECHNOLOGY, AND
FOREIGN AGRICULTURE

(RATIO 8–6 (TOTAL 14))

TIMOTHY V. JOHNSON, Illinois, *Chairman*

GLENN THOMPSON, Pennsylvania	JIM COSTA, California, <i>Ranking Minority Member</i>
MARLIN A. STUTZMAN, Indiana	HENRY CUELLAR, Texas
AUSTIN SCOTT, Georgia	PETER WELCH, Vermont
RANDY HULTGREN, Illinois	TERRI A. SEWELL, Alabama
VICKY HARTZLER, Missouri	LARRY KISSELL, North Carolina
ROBERT T. SCHILLING, Illinois	

Jurisdiction: Rural Development, farm security and family farming matters; research, education, extension and extension, biotechnology, foreign agriculture assistance, and trade promotion programs, generally.

† Resigned from Committee May 11, 2011.

‡ Appointed to Committee and Subcommittee June 14, 2011.

B. COMMITTEE JURISDICTION

Under Rules adopted by the House of Representatives for the 111th Congress, the Committee on Agriculture's (hereinafter also referred to as Committee) jurisdiction (See Rule X, clause 1 of the Rules of the House of Representatives) extended to—

- (1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
- (2) Agriculture generally.
- (3) Agricultural and industrial chemistry.
- (4) Agricultural colleges and experiment stations.
- (5) Agricultural economics and research.
- (6) Agricultural education extension services.
- (7) Agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States).
- (8) Animal industry and diseases of animals.
- (9) Commodity exchanges.
- (10) Crop insurance and soil conservation.
- (11) Dairy industry.
- (12) Entomology and plant quarantine.
- (13) Extension of farm credit and farm security.
- (14) Inspection of livestock, poultry, meat products, and seafood and seafood products.
- (15) Forestry in general, and forest reserves other than those created from the public domain.
- (16) Human nutrition and home economics.
- (17) Plant industry, soils, and agricultural engineering.
- (18) Rural electrification.
- (19) Rural development.
- (20) Water conservation related to activities of the Department of Agriculture.

The revised edition of the Rules and Manual of the House of Representatives for the 107th Congress (House Document No. 106–320) provides the following concerning the Committee on Agriculture:¹

“This Committee was established in 1820 (IV, 4149). In 1880 the subject of forestry was added to its jurisdiction, and the Committee was conferred authority to receive estimates of and to report appropriations (IV, 4149). However, on July 1, 1920, authority to report appropriations for the U.S. Department of Agriculture was transferred to the Committee on Appropriations (VII, 1860).

The basic form of the present jurisdictional statement was made effective January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812). Subparagraph (7) was altered by the 93d Congress, effective January 3, 1975, to include jurisdiction over agricultural com-

¹References are to the volume and section of Hinds' (volumes I–V, *e.g.*, IV, 500) and Cannon's (volumes VI–VIII, *e.g.*, VI, 400) Precedents of the House of Representatives, and to the Congressional Record by date and page (*e.g.*, January 3, 1953, p. 500).

modities (including the Commodity Credit Corporation) while transferring jurisdiction over foreign distribution and non-domestic production of commodities to the Committee on International Relations (H. Res. 988, 93d Cong., Oct 8, 1974, p. 34470). Nevertheless, the Committee has retained a limited jurisdiction over measures to release CCC stocks for such foreign distribution (Sept. 14, 1989, p. 20428). Previously unstated jurisdictions over commodities exchanges and rural development were codified effective January 3, 1975.

The 104th Congress consolidated the Committee's jurisdiction over inspection of livestock and meat products to include inspection of poultry, seafood, and seafood products, and added subparagraph (20) relating to water conservation (sec. 202(a), H. Res. 6, Jan. 4, 1995, p.464). Clerical and stylistic changes were effected when the House re-codified its rules in the 106th Congress (H. Res. 5, Jan. 6, 1999, p. 47).

The Committee has had jurisdiction of bills for establishing and regulating the Department of Agriculture (IV, 4150), for inspection of livestock and meat products, regulation of animal industry, diseases of animals (IV, 4154; VII, 1862), adulteration of seeds, insect pests, protection of birds and animals in forest reserves (IV, 4157; VII, 1870), the improvement of the breed of horses, even with the cavalry service in view (IV, 4158; VII, 1865), and in addition to the Committee on Energy and Commerce, amending Horse Protection Act to prevent the shipping, transporting, moving, delivering, or receiving of horses to be slaughtered for human consumption (July 13, 2006, p. 5270).

The Committee, having charge of the general subject of forestry, has reported bills relating to timber, and forest reserves other than those created from the public domain (IV, 4160). The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain (March 23, 2004, p. 1344). It has also exercised jurisdiction of bills relating to agricultural colleges and experiment stations (IV, 4152), incorporation of agricultural societies (IV, 4159), and establishment of a highway commission (IV, 4153), to discourage fictitious and gambling transactions in farm products (IV, 4161; VII, 1861), to regulate the transportation, sale and handling of dogs and cats intended for use in research and the licensing of animal research facilities (July 29, 1965, p. 18691); and to designate an agricultural research center (May 14, 1995, p. 11070). The Committee shares with the Committee on the Judiciary jurisdiction over a bill comprehensively amending the Immigration and Nationality Act and including food stamp eligibility requirements for aliens (Sept. 19, 1995, p. 25533).

The House referred the President's message dealing with the refinancing of farm-mortgage indebtedness to the Committee, thus conferring jurisdiction (April 4, 1933, p. 1209).

The Committee has jurisdiction over a bill relating solely to executive level position in the Department of Agriculture (Mar. 2, 1976, p. 4958) and has jurisdiction over bills to develop land and water conservation programs on private and non-Federal lands (June 7, 1976, p. 16768).”

Some of the specific areas in which the Committee on Agriculture exercises its jurisdiction or that have been created for the Committee by historical reference include:

- (1) Public Law 480, Eighty-third Congress, the restoration, expansion, and development of foreign markets for United States agricultural products; and the effect of the General Agreement on Tariffs and Trade (and the North American Free Trade Agreement), bilateral free trade agreements, the European Community, and other regional economic agreements and commodity marketing and pricing systems on United States agriculture.
- (2) All matters relating to the establishment and development of an effective Foreign Agricultural Service.
- (3) Matters relating to rural development, including rural telephone companies, farm credit banks, farm rural housing loans, rural water supply, rural flood control and water pollution control programs, and loans for rural firehouses, community facilities, and businesses.
- (4) Production and use of energy from agricultural and forestry resources.
- (5) Matters relating to the development, use, and administration of the National Forests, including, but not limited to, development of a sound program for general public use of the National Forests consistent with watershed protection and sustained-yield timber management, study of the forest fire prevention and control policies and activities of the Forest Service and their relation to coordinated activities of other Federal, State, and private agencies; Forest Service land exchanges; and wilderness and similar use designations applied to National Forest land.
- (6) Price spreads of agricultural commodities between producers and consumers.
- (7) The formulation and development of improved programs for agricultural commodities; matters relating to the inspection, grading, and marketing of such commodities, including seafood; and food safety generally.
- (8) Matters relating to trading in futures contracts for all commodities and similar instruments, including commodity options and commodity leverage contracts.
- (9) The administration and operation of agricultural programs through State and county committees and the administrative policies and procedures relating to the selection, election, and operation of such committees.
- (10) The administration and development of small watershed programs under Public Law 566, Eighty-third Congress, as amended, and the development of resource conservation and development programs for rural areas.

- (11) Programs of food assistance or distribution supported in whole or in part by funds of the Department of Agriculture, including but not limited to the food stamp program and the commodity distribution program.
- (12) Aquaculture programs of the Department of Agriculture.
- (13) Sugar legislation, including import control programs that stabilize domestic prices.
- (14) All matters relating to pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, the Federal Environmental Pesticide Control Act of 1972, the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1988, and the Food Quality Protection Act of 1996, including, but not limited to, the registration, marketing, and safe use of pesticides, groundwater contamination, and the coordination of the pesticide program under FIFRA with food safety programs.
- (15) Agricultural research programs, including, but not limited to, the authorization of specific research projects and agricultural biotechnology development efforts.
- (16) All matters relating to the Commodity Credit Corporation Charter Act.
- (17) Legislation relating to the control of the entry into the United States of temporary, nonresident aliens for employment in agricultural production.
- (18) Legislation relating to the general operations and the Organic Act of the Department of Agriculture, the Commodity Credit Corporation, Federal Crop Insurance Corporation, Farm Credit Administration, Farm Credit System, Federal Agricultural Mortgage Corporation, and Commodity Futures Trading Commission.
- (19) Producer-funded research, promotion, and consumer and industry information programs for agricultural commodities.
- (20) Legislation regarding reclamation water projects where the pricing of water delivered by such projects is affected by whether the water will be used in the production of a crop for which an acreage reduction program is in effect.
- (21) Legislation regarding reclamation water projects for which the Secretary of Agriculture is required to make a determination regarding commodity availability prior to the determination of the price to be charged for the delivery of such project water.
- (22) Legislation establishing the level of fees charged by the Federal Government for the grazing of livestock on Federal lands.
- (23) Legislation governing the Federal regulation of transactions involving swaps contracts, hybrid financial instruments, and derivative securities and financial products.
- (24) Legislation regarding the Federal Reserve Board with respect to its authority to regulate the establishment of appropriate levels of margin on stock index futures contracts.

The Committee also reviews and studies, on a continuing basis, the current and prospective application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter

of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof. In addition, the Committee, along with other standing Committees of the House, has the function of reviewing and studying on a continuing basis the effect or probable effect of tax and other fiscal and monetary policies affecting subjects within their jurisdiction.

C. OVERSIGHT PLAN

The Committee on Agriculture met on February 10, 2011 to also fulfill the General Oversight Responsibility reporting requirements of Rule X 2(d)(1) of the Rules of the House of Representatives.

The following outline was prepared in consultation with the Ranking Minority Member and approved by the Full Committee which was forwarded to the Committee on Oversight and Government Reform and the Committee on House Administration on February 10, 2011:

OVERSIGHT PLAN HOUSE COMMITTEE ON AGRICULTURE 112TH CONGRESS

The committee expects to exercise appropriate oversight activity with regard to the following issues:

2008 Farm Bill and Current Agricultural Conditions:

- Review the U.S. Department of Agriculture's (USDA) implementation of the Food, Conservation, and Energy Act of 2008 (FCEA);
- Conduct an audit or inventory of every farm bill program under the committee's jurisdiction;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review programs for waste, fraud and abuse;
- Review the current state of health of the U.S. farm economy;
- Review USDA's initial and subsequent implementation of FCEA payment limit and adjusted gross income provisions;
- Review USDA's use of Ad Hoc Disaster Assistance;
- Review the state of credit conditions and availability in rural America;
- Review the impact of weather conditions on crop production;
- Review USDA's activities regarding implementation of the U.S. Warehouse Act;
- Review of market situation, including impact of crop reports and projections;
- Review colony collapse disorder and other long term threats to pollinator health;
- Review USDA's implementation of the U.S. Grain Standards Act;
- Review USDA's implementation of the Fair and Equitable Tobacco Reform Act of 2004;

- Review the Farm Service Agency's (FSA) management controls for Finality Rule and equitable relief decisions;
- Review how Administrative Pay-Go is affecting Department actions; and
- Review discretionary actions by USDA that are not directly authorized by legislation.

Energy

- Assess implementation of energy programs authorized by FCEA;
- Review administration of the Biomass Crop Assistance Program (BCAP);
- Review activities funded by the Biomass Research and Development Act (BRDA) and input from the external BRDA Advisory Board;
- Review availability of agriculture and forestry feedstocks for renewable energy production;
- Review current status of research on energy crops and feedstocks;
- Review RUS electric loan program;
- Review electricity reliability in rural America;
- Review current provisions in existing law that support agriculture-based energy production and use;
- Review the implementation of the Renewable Fuels Standard (RFA);
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review renewable fuel programs and their impact on agriculture; and
- Review USDA's energy infrastructure initiative.

Conservation and the Environment:

- Review the impact of regulatory activities by the EPA and its effect on agriculture productivity;
- Review the impact of regulatory activities carried out pursuant to the Endangered Species Act (ESA), or any proposed legislative changes to such Act, on agricultural producers;
- Review the impact of the Administration's regulatory activity relative to methyl bromide on production of agriculture in the U.S.;
- Review of EPA's resource needs as they pertain to the collection of pesticide user fees;
- Review any proposed legislation to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- Review the International Treaty on Plant Genetic Resources for Food and Agriculture;

- Review budget and program activities of the NRCS;
- Review implementation of all of USDA's conservation programs;
- Review conservation streamlining initiatives to eliminate duplicative and overlapping programs;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review EPA's jurisdiction under the Clean Water Act (CWA) and its impact to U.S. agriculture;
- Review of potential impacts of EPA's Clean Air Act (CAA) regulatory program on U.S. agriculture;
- Review ongoing discussions and potential consequences for American agriculture under the United Nations Climate Change Conference;
- Review EPA's implementation of the Food Quality Protection Act (FQPA), FIFRA and Pesticide Registration Improvement Renewal Act (PRIA II);
- Review the impact of litigation and rulemaking concerning FIFRA, ESA, CAA, CWA, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA) and for impacts agricultural operations;
- Review the EPA's regulatory actions in regard to pesticide evaluations;
- Review of EPA's regulation of Animal Feeding Operations;
- Review of the non-emergency haying and grazing provisions of the Conservation Reserve Program (CRP);
- Review of the operation of the Resource, Conservation and Development Program; and
- Review of Total Maximum Daily Load strategies and impacts on production agriculture.

Federal Crop Insurance and Risk Management:

- Review USDA's implementation of crop insurance provisions of the FCEA;
- Review the effectiveness of the Supplemental Revenue Assistance Payments Program (SURE);
- Review the role and effectiveness of the Federal Crop Insurance Program;
- Review USDA's and the Risk Management Agency's (RMA) administration and oversight of the Federal Crop Insurance Program;
- Review the availability of crop insurance as a risk management tool;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review USDA's activities designed to find and reduce crop insurance program waste, fraud, and abuse;
- Review USDA's handling of the SRA process;

- Review RMA's combination of revenue protection crop insurance programs;
- Review the operations of the Commodity Futures Trading Commission (CFTC);
- Review the growing consolidation and internationalization of futures exchange trading;
- Review market machinations for exchange traded energy and agricultural future products;
- Review enforcement and oversight capabilities of the CFTC both domestically and internationally; and
- Review the role of the CFTC in light of potential climate change legislation.

Implementation of Title VII of Dodd-Frank Wall Street Reform and Consumer Protection Act

- Review the process by which the CFTC engages in rulemaking as directed by Title VII of the Dodd-Frank Act to ensure—
 - (1) it is a transparent process;
 - (2) the sequence, timing and comment deadlines of rule proposals allow for meaningful public comment;
 - (3) cost benefit analysis is adequately performed and reflected in rule proposals;
 - (4) the CFTC is well coordinated with other federal financial regulators responsible for implementing Title VII;
 - (5) regulations do not impose undue or excessive burdens on financial markets and the economy;
 - (6) regulations are consistent with the intent and statutory language of the Dodd-Frank Act.
- Examine the CFTC, SEC and Federal Reserve rules as they relate to the exemption for commercial end-users, including the application of margin and capital to end-user OTC transactions;
- Examine the feasibility of timetables established by Dodd-Frank in building the data, technology and connectivity necessary to meet regulatory objectives;
- Review the impact of Title VII on market structure;
- Review the impact of proposed transparency mechanisms on trade pricing and liquidity;
- Review the impact of Title VII on the global competitiveness of U.S. firms.

Agriculture Trade and International Food Aid:

- Review ongoing multilateral, regional, and bilateral trade negotiations (including WTO accession agreements) to assess their potential impact on U.S. agriculture;
- Review implementation of existing trade agreements and commitments as well as proposed new trade agreements and commitments to determine—
 - (1) whether they are consistent with current U.S. law;
 - (2) whether they will promote economic development in rural areas of the U.S.;

(3) their impact or potential impact on current production of import sensitive agricultural commodities, and on exports of U.S. agricultural products; and

(4) their impact or potential impact on the overall competitiveness of the U.S. agricultural sector, including the production, processing and distribution of agricultural products.

- Monitor existing trade agreements to ensure trading partners are meeting obligations and enforcing trade commitments;
- Review farm export programs to determine how well they are promoting the interests of U.S. agriculture and examine proposals to improve, modify or expand such programs;
- Assess U.S. food aid programs to determine their impact or potential impact on the reduction of world hunger. In particular, the committee will examine the potential impact of multilateral trade negotiations on the effectiveness of U.S. food aid programs; and
- Address sanitary and phytosanitary (SPS) barriers and other technical barriers to U.S. agricultural exports and examine USDA efforts to eliminate such barriers.

Agricultural Research and Promotion:

- Review implementation of biosecurity protocols at USDA Agricultural Research Service (ARS) laboratories;
- Review USDA's implementation of research, education and extension programs authorized in FCEA;
- Review the administration of the ARS research stations and worksites;
- Review USDA's continuing ability to conduct foreign animal disease research, training and diagnostic programs at the National Bio and Agro-Defense Facility following the transfer of the center to the Department of Homeland Security;
- Assess federal efforts to facilitate research and development of aquacultural enterprises, specifically focusing on the activities of the Joint Committee on Aquaculture;
- Review implementation of USDA's regulation on organic standards;
- Review implementation of USDA's collection of organic production and market data;
- Review implementation of National Institute of Food and Agriculture (NIFA);
- Review coordination between ARS, Economic Research Service (ERS), NIFA and action agencies in USDA—such as NRCS and FSA—in order to prevent duplicative research;
- Review operation of the National Agricultural Research, Extension, Education, and Economics Advisory Board;
- Review USDA's efforts to expand research and development of pathogen reduction technologies;
- Evaluate the current mix of research funding mechanisms to ensure maximum benefits from these investments to producers, processors and consumers;

- Review administration of USDA's agricultural marketing and promotion programs;
- Review of coordination between USDA and DOE on energy research programs;
- Review of congressional appropriation process and implications on research funding under ARS, ERS, NASS and NIFA;
- Review of ARS, ERS, NASS and NIFA national program priorities;
- Oversight of research grant process to coordinate and prevent overlapping research; and
- Review the potential for research and technology transfer to address the needs of both the biofuels and livestock industries.

Biotechnology:

- Review current regulations and research regarding animal and plant biotechnology;
- Review the Food and Drug Administration's (FDA) findings regarding cloned animal products and regulation of genetically engineered animals;
- Assess USDA's efforts to develop and promote benefits of biotechnology for increasing agricultural productivity and combating hunger globally; and
- Review USDA's management and controls over biotechnology-derived material.

U.S. Forest Service Administration:

- Review U.S. Forest Service (USFS) budget, with special attention to land acquisition and easement programs;
- Continue to monitor the effectiveness and efficiency of the Forest Service fire management program, including the impact of hazardous fuels management, forest health efforts and fire preparedness;
- Review the impact of fire expenses on other USFS program delivery;
- Assess the USFS strategy for timber harvesting on federal lands; and
- Review USFS efforts to promote utilization of federal forests for renewable energy purposes.

Dairy:

- Review options to improve the efficiency and effectiveness of dairy programs; and
- Review efficiency of federal market order system.

Outreach and Civil Rights

- Review implementation of Section 14012 of the FCEA;
- Review the implementation of the Office of Advocacy and Outreach;
- Monitor USDA's outreach efforts to small and minority farmers/ranchers;
- Review of the operations of the office of the Assistant Secretary for Civil Rights;

- Review USDA process for evaluating discrimination claims under the *Pigford* settlement;
- Review of the delivery of USDA services and outreach efforts on Indian reservations and tribal lands;
- Review current status of Agricultural Census and efforts to reach undercounted farmers and ranchers; and
- Review participation of minority farmers in FSA County/Local Committees as well as outreach to increase participation in County Committee elections.

USDA General Administration:

- Review confidentiality of information provided to USDA by agricultural producers;
- Review USDA's field office structure for the purpose of delivering commodity, conservation, energy and rural development programs;
- Review USDA's plan to modernize its Information Technology (IT) systems; and
- Review the administrative structure of USDA for effectiveness and additional efficiencies.

Farm Credit, Rural Development, and The Rural Economy:

- Review Farm Credit Administration's (FCA) regulatory program and activities regarding the Farm Credit System (FCS) to assure the its safety and soundness;
- Review of Farmer Mac activities and programs;
- Review of FSA's direct and guaranteed loan programs and graduation efforts;
- Review of the Rural Electrification Act (REA);
- Review of the farm economy and access to credit;
- Review implementation of rural development policies and authorities contained in FCEA and the Consolidated Farm and Rural Development Act;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Conduct oversight of the USDA's Rural Broadband Access Loan and Loan Guarantee Program;
- Conduct oversight of new Rural Microentrepreneur Assistance Program;
- Conduct oversight of the implementation of the USDA's Telecommunications Programs;
- Review the status of the Rural Telephone Bank;
- Assess state of rural water systems and effectiveness of federal funding to build and upgrade those systems;
- Assess rural infrastructure and business needs and effectiveness of USDA programs targeted to those needs;
- Review of agriculture lending practices;
- Review of definition of "rural" under rural development programs; and
- Review of rural development loan programs and default rates.

USDA Food and Nutrition Programs:

- Review food and nutrition programs including the Supplemental Nutrition Assistance Program (SNAP), fruit and vegetable initiatives, the Emergency Food Assistance Program (TEFAP), the Food Distribution on Indian Reservations (FDPIR) and other commodity distribution programs;
- Assess the level of participation by states in SNAP and examine state options for expanding SNAP participation;
- Review buying patterns of SNAP recipients and methods for encouraging balanced lifestyles;
- Review programs that may be inefficient, duplicative, outdated or more appropriately administered by State or local governments for possible cuts or elimination;
- Review efforts by state SNAP administrators to modernize and streamline their programs;
- Review the Community Food Project Program to ensure cooperative grants are working;
- Review of the SNAP retailer approval process; and
- Review of the implementation of changes made to the SNAP Nutrition Education Program.

Food Safety:

- Review implementation of the FDA Food Safety Modernization Act;
- Review implementation of the recent FDA Egg Safety Rule;
- Review USDA's administration of meat and poultry inspection laws and the FDA's food inspection activities to ensure the development of scientifically sound systems for food safety assurance;
- Review USDA's implementation of the catfish inspection program;
- Review USDA's efforts to educate consumers regarding safe food handling practices and streamline the assessment and approval of food safety technologies;
- Review implementation of new protocols for meat, poultry, eggs, or seafood safety inspection; and
- Review USDA's enforcement of the Humane Methods of Slaughter Act and humane handling regulations.

Plant and Animal Health:

- Review enforcement of the Animal Welfare Act;
- Assess federal efforts to reduce threats to human, animal, and plant health due to predatory and invasive species;
- Assess USDA's Animal Disease Traceability Plan; and
- Review implementation of Sec. 10201—Plant pest and disease management and disaster prevention.

Livestock Marketing:

- Assess the effectiveness of the Grain Inspection, Packers and Stockyards Administration (GIPSA) in determining market manipulation in the livestock industry;

- Review structural changes in agribusiness and the potential cost and benefits for agricultural producers; and
- Review the USDA's mandatory livestock price reporting system.

Homeland and Agricultural Security:

- Oversight of USDA's preparedness against terrorist threats to agriculture production; and
- Review of agriculture inspection activities under the Department of Homeland Security.

Miscellaneous:

- Review the implementation and impact of The American Recovery and Reinvestment Act of 2009 (ARRA) on USDA programs;
- Review implementation of the Specialty Crop Competitiveness Act;
- Review of the impact of transportation infrastructure issues on agriculture and forestry;
- Review USDA's implementation and enforcement of the country of origin labeling rule; and
- Assess operation of the Fruit and Vegetable (FAV) planting prohibition pilot program.

Consultation With Other Committees To Reduce Duplication:

- With Natural Resources Committee on forestry issues, ESA issues and other public land issues;
- With Science Committee on Research;
- With Ways and Means and Education and the Workforce on nutrition programs;
- With Ways and Means on trade issues;
- With Homeland Security on importation of animal and plant material and on research related to agroterrorism;
- With Judiciary on immigrant agricultural labor;
- With Energy and Commerce on food safety and biomass energy programs both existing and new;
- With Transportation and Infrastructure on CWA compliance issues;
- With Financial Services Committee on Dodd-Frank Act issues; and
- With any other committee as appropriate.

II. COMMITTEE ACTIVITIES DURING THE 111TH CONGRESS

A. MAIN LEGISLATIVE ACTIVITIES

The Committee on Agriculture reported or otherwise considered a variety of bills in the 112th Congress covering many of the diverse areas within its jurisdictional interests.

Some of the major activities of the committee during the 112th Congress included the following:

Agenda for the House Agriculture Committee

- The Agriculture Committee approached its business in an open, transparent manner and maintained the strong bipartisan tradition of the Committee. One of the main priorities of the Committee during this Congress was to provide oversight to the various federal agencies through the hearing process.
- The Agriculture Committee held 7 full committee hearings and 6 business meetings during the 112th Congress. Various subcommittees held 16 hearings during the 112th Congress
- The Committee heard testimony from Administration officials on 16 occasions, including 9 testimonies from U.S. Department of Agriculture representatives, and 5 from the Commodity Futures Trading Commission. Additional testimony heard by the Committee was offered by university researchers, nonprofit organizations, trade groups, and farmers and ranchers from across the United States and totaled 86 testimonies all together.

Biotechnology

- In January 2011, the Committee held a public forum to review the biotechnology product regulatory approval process. The public forum was held to explore the issue in advance of that decision.

Trade

- On April 7, 2011, Rep. Timothy V. Johnson, Chairman of the Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, held a public hearing to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products.

Oversight of the U.S. Department of Agriculture and the Commodity Futures Trading Commission

- On February 17, 2011, the House Agriculture Committee held a public hearing to review the state of the farm economy. Members of the committee heard testimony from U.S. Department of Agriculture Secretary Tom Vilsack and questioned him on a variety of topics including the many regulatory burdens affecting the livelihoods of farmers and ranchers. The committee also discussed economic trends in prices, input costs, and farm output.
- March 31, 2011, the House Agriculture Committee held a public hearing to review the definitions of key terms included in Title VII of the Wall Street Reform and Consumer Protection Act, such as “swap,” “Swap Dealer,” and “Major Swap Participant.” Additionally, Members examined how end-users will be impacted by these definitions and regulatory designations. The Act does not define an end-user explicitly. In order to qualify for the end-user exemption, a company must not be designated a Swap Dealer, Major Swap Participant, or a financial entity.
- On April 13, 2011, Rep. K. Michael Conaway, Chairman of the Subcommittee on General Farm Commodities and Risk Management held a public hearing to further review the Commodity Futures Trading Commission’s (CFTC) rulemaking

process for implementing title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

- On May 4, 2011, the House Agriculture Committee approved H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform Act, promote regulatory coordination, and avoid market disruption. This legislation gives regulators additional time to write and vet the rules governing derivatives, and brings the U.S. into alignment with our G20 partners on financial reform.
- On April 15, 2011, U.S. Representatives Frank D. Lucas, Spencer Bachus, K. Michael Conaway, and Scott Garrett introduced H.R. 1573, which would extend the deadline by 18 months for implementing Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The bill gives the regulatory agencies more time to effectively meet the objectives of the derivatives title, to prioritize deliberation over speed, to consider the costs and benefits, and to understand the cumulative impact of the rules that will be applied to the marketplace. Additionally, the bill realigns the U.S. with the G20 agreement to implement reform by December 2012.

Oversight of the U.S. Department of Agriculture Rural Development Programs

- On February 15, 2011, Rep. Timothy V. Johnson, Chairman of the Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture held a public hearing to review the various definitions of rural applied under programs operated by the U.S. Department of Agriculture (USDA).
- On April 14, 2011, Rep. Jeff Fortenberry, Chairman of the Subcommittee on Department Operations, Oversight, and Credit held a public hearing to review credit conditions in rural America. A number of institutions provide credit to our nation's farmers, ranchers, and rural constituents. It is important to ensure credit is readily available through institutions that are fundamentally sound.

Livestock

- April 6, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry held a public hearing to review the state of the beef industry. Members of the Subcommittee heard testimony from a cow-calf producer, an owner of a feeding business, and a beef packer. In addition to educating Members about the structure and economic conditions of the beef sector, witnesses also highlighted a range of issues impacting the beef industry such as environmental policies, feed availability, input prices, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule.
- April 13, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry held a public hearing to review the state of the poultry industry. Members of the Subcommittee heard testimony from a chicken grower, a chicken integrator, and a turkey grower who is also the chairman of a poultry processing cooperative. In addition to educating

Members about the structure and economic conditions of the poultry sector, witnesses also highlighted a range of issues impacting the poultry industry, such as environmental policies, feed availability, input prices, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule.

- On May 4, 2011, Rep. Thomas J. Rooney, Chairman of the Subcommittee on Livestock, Dairy, and Poultry, held a public hearing to review the state of America's pork industry. Members of the Subcommittee heard statements from witnesses that represented a cross-section of the pork industry, including a small farrow-to-finish producer, an owner of a large family-owned pork farming network, and a packer. The witnesses discussed the economic and policy issues currently affecting the pork industry, including international trade, feed availability, animal health and welfare, environmental policies, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule adding new regulations under the Packers and Stockyards Act.

Environmental Protection Agency

- On February 16, 2011, Rep. Jean Schmidt, Chairman of the Subcommittee on Nutrition and Horticulture and Rep. Bob Gibbs, Chairman of the House Transportation and Infrastructure Committee's Subcommittee on Water Resources and Environment held a joint public hearing to consider reducing the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009) and to review related draft legislation.
- On March 2, 2011, Reps. Bob Gibbs (R-OH), Jean Schmidt (R-OH), and Joe Baca (D-CA) introduced H.R. 872, a bipartisan bill to reduce the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009).
- On March 9, 2011, the House Agriculture Committee approved H.R. 872, The Reducing Regulatory Burdens Act of 2011. It was a bipartisan bill that would amend the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and the Clean Water Act (CWA) to clarify Congressional intent and eliminate the requirement of a National Pollutant Discharge Elimination System (NPDES) permit for pesticides approved for use under FIFRA. The legislation was cosponsored by 39 of the 46 Agriculture Committee members.
- On March 31, 2011, the U.S. House of Representatives passed H.R. 872, the Reducing Regulatory Burdens Act of 2011 in a bipartisan vote, 292–130.
- Rep. Glenn “G.T.” Thompson, Chairman of the Subcommittee on Conservation, Energy, and Forestry held a public hearing on March 16, 2011 to further review the Chesapeake Bay Total Maximum Daily Load (TMDL), agricultural practices, and their implications on national watersheds. Members of the subcommittee highlighted the importance of conservation programs and their impact on the health of the Chesapeake Bay, as well as the voluntary steps farmers have taken to preserve and protect this watershed.

- On March 10, 2011, the Committee held a public hearing to review the impact of Environmental Protection Agency regulations on agriculture.

B. STATISTICAL SUMMARY OF ACTIVITIES

(1) *Statistics on bills referred to the Committee on Agriculture* Number of bills referred:

House bills	67
Senate bills	0
House joint resolutions	0
House concurrent resolutions	0
Senate joint resolutions	0
Senate concurrent resolutions	0
House resolutions	3
Total	70

(2) *Disposition of Bills Containing Items Under the Jurisdiction of the Committee on Agriculture*

Bills enacted into law	0
Bills acted on by the Committee included in other bills that became law	0
Bills vetoed	0
Bills acted on by both Houses, but not enacted	0
Bills acted on by the House but not the Senate	1
Concurrent Resolutions approved	0
Bills reported to the House but not considered	1
Bills ordered reported, but not reported	0
Bills defeated in the House	0

(3) *Statistics on hearings and markups:*

	Open business meetings	Washington hearings/ forum	Field hearings	Total
Full Committee	6	7	0	13
Subcommittees:				
General Farm Commodities and Risk Management	0	4	0	4
Livestock, Dairy, and Poultry	0	3	0	3
Rural Development, Research, Biotechnology, and Foreign Agriculture	0	3	0	3
Conservation, Energy and Forestry	0	2	0	2
Department Operations, Oversight, and Credit	0	1	0	1
Nutrition and Horticulture	0	1	0	1
Total	6	23	0	29

C. DIGEST OF BILLS WITHIN THE JURISDICTION OF THE COMMITTEE ON WHICH ACTION HAS BEEN TAKEN

1. *Bills Enacted into Law*

Other Bills: Several bills acted on by other committees, but not acted on by the Committee on Agriculture contain provisions relating to matters within the Committee's jurisdiction. The following are abbreviated summaries of these bills, including some of the relevant provisions.

Appropriations

*P.L. 112-4, (H.J. Res. 44)**Further Continuing Appropriations Amendments*

H.J. Res. 44 was introduced on February 28, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On March 1, 2011 the resolution passed the House by a recorded vote of 335 yeas to 91 nays. On March 2, 2011 the resolution passed the Senate by a recorded vote of 91 yeas to 9 nays, clearing the measure for the President. On that same date the resolution was presented to the President and signed into Public Law 112-4.

The Act amends the Continuing Appropriations Act of 2011 (P.L. 111-242) to extend through March 18, 2011, specified continuing appropriations for FY 2011.

The measure also makes certain provisions under the Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act, 2010 relating to "Rural Development Programs—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program" for the principal amount of broadband telecommunication loans and for the cost of certain broadband loans inapplicable to funds appropriated by the Continuing Appropriation Act of 2011.

*P.L. 112-6 (H.J. Res. 48)**Additional Continuing Appropriations Amendments, 2011*

H.J. Res. 48 was introduced on March 11, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations. On March 15, 2011 the resolution passed the House by a recorded vote of 271 yeas to 158 nays. On March 17, 2011 the resolution passed the Senate by a recorded vote of 87 yeas to 13 nays clearing the measure for the President. On March 18, 2011 the resolution was signed by President into Public Law 112-6.

The Additional Continuing Appropriations Act amends the Continuing Appropriations Act of 2011 (P.L. 111-242) to extend through April 8, 2011, specified continuing appropriations for FY 2011.

The Act provides funding at a specified rate of operations for certain agricultural, conservation, and rural development programs. Eliminates specified funding for: (1) the Agricultural Research Service; (2) the Natural Resources Conservation Service; (3) the National Telecommunications and Information Administration; (4) the Federal Payment to the Office of the Chief Financial Officer for the District of Columbia; (5) the International Fund for Ireland; (6) the Department of Housing and Urban Development (HUD), Brownfields Redevelopment; and (7) the Federal Railroad Administration.

The Act also eliminated specified funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 for: (1) a certain grant to the National Center for Natural Products Research; (2) an agricultural pest facility in Hawaii; (3) the Congressional Hunger Fellows Program; (4) grants to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, to the Vermont Agency of Agriculture, Foods, and Markets, and to the Wisconsin Depart-

ment of Agriculture, Trade and Consumer Protection; (5) development of a prototype for a national carbon inventory and accounting system for forestry and agriculture; (6) the International Food Protection Training Institute; and (7) the Center for Foodborne Illness Research and Prevention.

P.L. 112–8 (H.R. 1363)

Further Additional Continuing Appropriations Amendments, 2011

H.R. 1363 was introduced on April 4, 2011 by Representatives Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On April 7, 2011 the bill passed the House by a recorded vote of 247 yeas to 181 nays. On April 8, 2011 the Senate passed the bill, amended, by a voice vote. On April 9, 2011 the House agreed to the Senate amendment by a recorded vote of 348 yeas to 70 nays. On that same date the bill was presented to the President and signed into Public Law 112–8.

The Further Additional Continuing Appropriations Act, 2011 amends the Continuing Appropriations, 2011 to extend from December 3, 2010, to April 15, 2011, the date by which appropriations and funds made available authority granted pursuant to such Act shall be available.

P.L. 112–10, Department of Defense and Full-Year Continuing Appropriations Act, 2011

H.R. 1473 was introduced on April 11, 2011 by Representatives Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget and Ways and Means. On April 14, 2011 the bill passed the House by a recorded vote of 260 yeas to 167 nays. On that same day the bill passed the Senate by a recorded vote of 81 yeas to 19 nays. On April 15, 2011 the bill was presented to the President and signed into Public Law 112–10.

Division B of the Act makes continuing appropriations for FY 2011 by appropriating FY 2011 amounts at FY 2010 level for such operating, projects or activities as were conducted in FY 2010 and for which appropriations, funds, or other authority were made available in: (1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010; (2) the Energy and Water Development and Related Agencies Appropriations Act, 2010; (3) the Department of Homeland Security Appropriations Act, 2010; (4) the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010; (5) the Legislative Branch Appropriations Act, 2010; (6) the Consolidated Appropriations Act, 2010; and (7) chapter 1 of title I of the Supplemental Appropriations Act, 2010, addressing guaranteed loans in the rural housing insurance fund. (Note: See also the discussion of H.R. 1 under “2. Bills Acted on by the House But Not the Senate.”)

2. Bills Acted on by the House But Not the Senate

H.R. 872, Reducing Regulatory Burdens Act of 2011

H.R. 872 was introduced on March 2, 2011 by Representative Bob Gibbs, and referred to the Committee on Transportation and

Infrastructure and in addition to the Committee on Agriculture. On March 9, 2011, the Committee on Agriculture ordered reported the bill, amended, by a voice vote. On March 16, 2011, the Committee on Transportation and Infrastructure ordered reported the bill, amended, by a recorded vote of 46 yeas to 8 nays. The measure was reported to the House on March 29, 2011, by both committees of jurisdiction, H. Rept. part 1 and II. On March 30, 2011, the bill was considered in the House under suspension of the rules with the vote postponed until the following day. The bill then passed the House, amended, by a recorded vote of 292 yeas to 130 nays on March 31, 2011. On April 4, 2011, the measure was received in the Senate and referred to the Committee on Agriculture, Nutrition, and Forestry.

The Reducing Regulatory Burdens Act of 2011, H.R. 872, amends the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of application of pesticides or residue of pesticides in or near navigable waters.

The Federal Insecticide, Fungicide, and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) is a regulatory statute that governs the sale and use of pesticides in the United States through the registration and labeling of such products. Its objective is to protect human health and the environment from unreasonable adverse effects of pesticides, taking into account the costs and benefits of various product uses. Pesticides regulated under FIFRA include insecticides, herbicides, fungicides, rodenticides, and other designated substances. The Environmental Protection Agency (“EPA”) reviews scientific data submitted by chemical manufacturers on toxicity and behavior in the environment to evaluate risks and exposure associated with a product’s use.

FIFRA prohibits the sale of any pesticide unless it is registered and labeled indicating approved uses and restrictions. It is a violation of Federal law to use such a chemical in a manner that is inconsistent with the label instructions. If a registration is granted, EPA makes a finding that the chemical “when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.” (7 U.S.C.136a(c)(5)(D).) EPA then specifies the approved uses and conditions of use of the pesticide, and this is required to be explained on the product label.

The Clean Water Act

The objective of the Federal Water Pollution Control Act (commonly known as the “Clean Water Act” or the “CWA”) is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. The primary mechanism for achieving this objective is the CWA’s prohibition on the discharge of any pollutant without a National Pollutant Discharge Elimination System (“NPDES”) permit. EPA has the authority to regulate the discharge of pollutants either through general permits or through individual permits. NPDES permits specify limits on what pollutants may be discharged from point sources and in what amounts. Under the CWA, 47 states and territories have been authorized to implement

NPDES permits and enforce permits. EPA manages the Clean Water Act program in the remaining states and territories.

NPDES permits are the basic regulatory tool of the CWA. EPA or an authorized state may issue compliance orders, or file civil suits against those who violate the terms of a permit. In addition, in the absence of Federal or state action, individuals may bring a citizen suit in United States district court against those who violate the terms of an NPDES permit, or against those who discharge without a valid permit.

Litigation

In over 30 years of administering the CWA, EPA had never required an NPDES permit for the application of a pesticide, when the pesticide is applied in a manner consistent with FIFRA and its regulations. While the CWA contains a provision granting citizen suits against those who violate permit conditions or those who discharge without an NPDES permit, FIFRA has no citizen suit provision. As a result, beginning in the late 1990s, a series of citizen lawsuits were filed by parties, contending that an NPDES permit is necessary when applying a FIFRA-regulated product over, into, or near waterbodies. These cases generated several Court of Appeals decisions that created confusion and concern among pesticide users regarding the applicability of the CWA with regard to pesticide use.

As the litigation continued, concern and confusion grew among farmers, forest landowners, and public health officials, prompting EPA to issue interim, and later final, interpretive guidance in August 2003 and January 2005, and then to undertake a rulemaking to clarify and formalize the Agency's interpretation of the CWA as it applied to pesticide use. The EPA rule was finalized in November 2006 (71 *Fed. Reg.* 68483 (Nov. 27, 2006)), and was the culmination of a three year participatory rulemaking process that began with the interim interpretive statement in 2003 and involved two rounds of public comment.

The 2006 EPA rule codified EPA's long-standing interpretation that the application of chemical and biological pesticides for their intended purpose and in compliance with pesticide label restrictions is not a discharge of a "pollutant" under the CWA, and therefore, that an NPDES permit is not required. The rule clearly defined specific circumstances in which the use of pesticides in accordance with all relevant requirements under FIFRA is not a CWA "discharge of a pollutant," explaining in detail the rationale for the Agency's interpretation.

When the rule was finalized, environmental groups, as well as farm and pesticide industry groups, filed petitions for review of the rule in several Federal Circuit Courts of Appeal. The petitions were consolidated in the Sixth Circuit. The Sixth Circuit ultimately vacated the rule on January 7, 2009 in *National Cotton Council v. EPA* (553 F.3d 927; hereinafter, *National Cotton Council*), concluding that the final rule was not a reasonable interpretation of the CWA's permitting requirements. The court rejected EPA's contention that, when pesticides are applied over, into, or near waterbodies to control pests, they are not considered pollutants as long as they comply with FIFRA, and held that NPDES permits

are required for all pesticide applications that may leave a residue in water.

EPA estimated that the ruling would affect approximately 365,000 pesticide applicators that perform some 5.6 million pesticide applications annually. The court's decision, which would apply nationally, was to be effective seven days after the deadline for rehearing expires or seven days after a denial of any petition for rehearing. Parties had until April 9, 2009 to seek rehearing.

On April 9, 2009, the government chose not to seek rehearing in the *National Cotton Council* case. The government instead filed a motion to stay issuance of the court's mandate for two years to provide EPA time to develop an entirely new NPDES permitting process to cover pesticide use. As part of this, EPA needed to propose and issue a final NPDES general permit for pesticide applications, for states to develop permits, and for EPA to provide outreach and education to the regulated community. Industry groups filed a petition seeking *en banc* review, asking the full Sixth Circuit to reconsider the decision from the three-judge panel.

On June 8, 2009, the Sixth Circuit granted EPA a two-year stay of the court's mandate, in response to their earlier request. The Sixth Circuit denied the industry groups' petition for rehearing in August 2009. The court-ordered deadline for EPA to promulgate a new permitting process for pesticides under the Clean Water Act is April 9, 2011. On March 3, 2011, EPA filed another request for an extension with the court. The new deadline or effective date is October 31, 2011.

Two petitions were filed with the U.S. Supreme Court in December 2009 by representatives of the agriculture community and the pesticide industry, requesting that the U.S. Supreme Court review the *National Cotton Council* case. A number of parties, including numerous Members of Congress, filed *amicus briefs* with the U.S. Supreme Court, in support of or opposition to the petitions. On February 22, 2010, the U.S. Supreme Court denied the petitioners' request without comment.

EPA Development of a New Permitting Process to Cover Pesticide Use

With a two-year stay of the Sixth Circuit's mandate in place, EPA moved ahead with developing a new NPDES permitting process to cover pesticide use by the court-ordered deadline of April 9, 2011. The permit covers four pesticide uses: (1) mosquito and other flying insect pest control; (2) aquatic weed and algae control; (3) aquatic nuisance animal control; and (4) forest canopy pest control. It does not cover terrestrial applications to control pests on agricultural crops or forest floors, and does not cover activities exempt from permitting under the CWA (irrigation return flow, agricultural stormwater runoff) and discharges that will require coverage under an individual permit, such as discharges of pesticides to waterbodies that are considered impaired under CWA § 303(d) for that discharged pesticide.

Implications

The Committee has received testimony and other information on the implications of the Sixth Circuit's holding in the *National Cotton Council* case, and the new permitting process that EPA has to

develop under the CWA as a result of that holding, on state and local agencies, mosquito control districts, water districts, pesticide applicators, agriculture, forest managers, and other stakeholders. On February 16, 2011, the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure held a joint hearing with the Nutrition and Horticulture Subcommittee of the House Committee on Agriculture to consider means for reducing the regulatory burdens posed by the case, *National Cotton Council v. EPA* (6th Cir. 2009), and to consider related draft legislation.

Despite being limited to four categories of pesticide uses, EPA's new general permit for covered pesticides stands to be the single greatest expansion of the permitting process in the history of the NPDES program. EPA has estimated that it can expect approximately 5.6 million covered pesticide applications per year by approximately 365,000 applicators—virtually doubling the number of entities currently subject to NPDES permitting. (U.S. EPA, Fact Sheet for 2010 *Public Notice of: Draft National Pollutant Discharge Elimination System (NPDES) Pesticides General Permit (PGP) for Discharges from the Application of Pesticides to or over, including near Waters of the U.S.*, at 14, available at http://www.epa.gov/npdes/pubs/proposed_pgp_fs.pdf.)

With this unprecedented expansion comes real and tangible burdens for EPA and the states that will have to issue the permits, those whose livelihoods depend on the use of pesticides, and even everyday citizens going about their daily lives.

EPA has said that it will be able to conform its current process to meet the Sixth Circuit's mandate. Even so, much of the responsibility of developing and issuing general permits falls on the states. Forty-five states (and the Virgin Islands) will face increased financial and administrative burdens in order to comply with the new permitting process. In a time when too many states are being forced to make difficult budgetary cuts, the nation cannot afford to impose more financial burdens.

The expanded permitting process also imposes enormous burdens on pesticide users who encompass a wide range of individuals from state agencies, city and county municipalities, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists and others. The new and duplicative permitting process will increase both the administrative difficulty and costs for pesticide applicators to come into compliance with the law. Compliance will no longer mean simply following instructions on a pesticide label. Instead, applicators will have to navigate a complex process of identifying the relevant permit, filing with the regulatory authority a valid notice of intent to comply with the permit and having a familiarity with all of the permit's conditions and restrictions. Along with increased administrative burdens comes an increased monetary burden. Estimates are that the cost associated with the EPA permit scheme to small businesses could be as high as \$50,000 annually.

In addition to the costs of coming into compliance, pesticide users will be subject to an increased risk of litigation and exorbitant fines. Applicators not in compliance face fines of up to \$37,500 per day per violation, not including attorney's fees. Given the fact that a large number of applicators have never been subject to NPDES

and its permitting process, even a good faith effort to be in compliance could fall short. Moreover, the CWA allows for private actions against individuals who may or may not have committed a violation. Thus, while EPA may exercise its judgment and refrain from prosecuting certain applicators, they remain vulnerable to citizen suits. Unless Congress acts, hundreds of thousands of farmers, foresters, and public health pesticide users will go into the next season under threat of lawsuits once the Sixth Circuit's April 9, 2011 deadline passes.

It is not only pesticide regulators and applicators who will be affected by new permitting requirements. Rather, the Sixth Circuit's decision will affect everyday citizens, who rely on the benefits provided by pesticides and their responsible application. Pesticide use is an essential part of agriculture. Imposing a burdensome and duplicative permitting process on our nation's farmers threatens their ability to continue to provide the country with a safe and reliable food supply. Many family farmers and small applicators lack the resources to ensure compliance with a cumbersome and detailed permit scheme. Moreover, for those farmers who are able to comply, delays that are inherent in permitting schemes are ill-suited for prompt pest control actions necessary in agriculture. Failure to apply a pesticide soon after a pest is first detected could result in recurring and greater pest damage in subsequent years if a prolific insect were to become established in plant hosts. The Secretary of Agriculture, Hon. Thomas J. Vilsack, has said that a permitting system under the CWA for pesticide use "is ill-suited to the demands of agricultural production." (Letter, Hon. Thomas J. Vilsack, Secretary of Agriculture, to Hon. Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency, Subject: The *National Cotton Council of America, et al., v. United States Environmental Protection Agency* (Mar. 6, 2009)).

Forest landowners also will suffer under the new permit scheme. EPA's permit scheme will result in a reduction in the use of forest pest control as a forest management tool, resulting in the acceleration of tree mortality and general decline in overall forest health. It will also erect barriers for the control of pests, such as Gypsy Moth and Forest Tent Caterpillar. This may result in a higher incidence of preventable tree kills and defoliated landscapes.

Finally, the Sixth Circuit's holding could have significant implications for public health. The National Centers for Disease Control officially recognizes the following as a partial list of mosquito-borne diseases—Eastern Equine Encephalitis, Japanese Encephalitis, La Crosse Encephalitis, St. Louis Encephalitis, West Nile Virus, Western Equine Encephalitis, Dengue Fever, Malaria, Rift Valley Fever, and Yellow Fever. (Centers for Disease Control and Prevention, http://www.cdc.gov/ncidod/diseases/list_mosquitoborne.htm.)

EPA's permit program poses the possibility of critical delays in emergency responses to insect and disease outbreaks and will divert resources from controlling environmental pests to litigation and administrative burdens.

Development of Legislation in Response to the Sixth Circuit Decision

As a result of concerns raised by Federal, state, local, and private stakeholders regarding the interrelationship between FIFRA and

the CWA and the concerns posed by the new and duplicative permitting process under the CWA, the House Committee on Transportation and Infrastructure and House Committee on Agriculture sought technical assistance from EPA to draft very narrow legislation targeted only at addressing the Sixth Circuit's holding in *National Cotton Council* and return the state of pesticide regulation to the status quo—before the courts got involved. H.R. 872 is based on the technical assistance that EPA provided to the Committees, and is intended to be consistent with EPA's final rule from November 2006. The bill amends FIFRA and the CWA to eliminate the requirement of an NPDES permit for applications of pesticides authorized for sale, distribution, or use under FIFRA. (Note: See also the discussion of H. Res. 72 under "3. House Resolutions Considered in the House" and the discussion under "D. Oversight")

Other Bills: Several bills acted on by other committees, but not acted on by the Committee on Agriculture contain provisions relating to matters with the Committee's jurisdiction. The following are abbreviated summaries of these bill, including some the relevant provisions.

Legislative Matters

H.R. 910, to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes

H.R. 910 was introduced by Representative Fred Upton on March 3, 2011 and referred to the Committee on Energy and Commerce. On April 1, 2011 the bill was reported to the House, amended, H. Rept. 112-50. The bill passed the House, amended, by a recorded vote on April 7, 2011 and was then referred to the Senate Committee on Environment and Public Works on April 8, 2011.

The Act prohibits the Administrator of the Environmental Protection Agency (EPA) from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas (GHG) to address climate change under the Clean Air Act. The bill would also repeal a number of EPA rules and actions and allow the term "air pollutant" to include a GHG for the purpose of addressing other concerns.

The Act also exempts from such prohibition: (1) implementation and enforcement of the rule, "Light-Duty Vehicle Greenhouse Emission Standards and Corporate Average Fuel Economy Standards" and finalization implementation, enforcement, and revision of the proposed rule, "Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles"; (2) implementation of the renewable fuel program, statutorily authorized federal research, development, and demonstration programs and voluntary programs addressing climate change; (3) implementation and enforcement of stratospheric ozone protection to the extent that such implementation or enforcement only involves class I or II substances; and (4) implementation and enforcement of requirements for monitoring and reporting of carbon dioxide emission.

The measure prohibits the Administrator from waiving, and invalidates waivers given by the Administrator, the ban on states from adopting or enforcing standards relating to the control of emissions from new motor vehicles or engines with respect to GHG emissions for model year 2017 or any subsequent model year.

The bill expresses the sense of Congress that: (1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level; (2) addressing climate change is an international issue, involving complex scientific and economic consideration; (3) the United States has a role to play in resolving global climate change matters on an international basis; and (4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House.”)

Appropriations

H.R. 1, Full-Year Continuing Appropriations Act, 2011

H.R. 1 was introduced on February 11, 2011 by Representative Harold Rogers and referred to the Committee on Appropriations and in addition to the Committee on the Budget. On February 19, 2011 the bill passed the House by a recorded vote of 235 yeas to 189 nays. On February 28, 2011, the bill was received in the Senate and placed on the Legislative Calendar. On March 9, 2011 the bill not having achieved 60 votes in the affirmative, failed passage by a vote of 44 yeas to 56 nays.

The Full-Year Continuing Appropriations Act, 2011 makes FY 2011 appropriations for the Department of Defense, with some specified items at levels reduced from FY 2010 levels. The bill makes FY 2011 appropriations for other federal departments and agencies, with many specified programs at levels reduced from FY 2010 levels and funding for certain programs eliminated entirely.

Specifically division B of the Act appropriates FY 2011 amounts at the FY 2010 level for such continuing operations, projects, or activities as were conducted in FY 2010 and for which appropriations, funds, or other authority were made available in: (1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111–80); (2) the Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111–85); (3) the Department of Homeland Security Appropriations Act, 2010 (P.L. 111–83); (4) the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111–88); (5) the Legislative Branch Appropriations Act, 2010 (division A of P.L. 111–68); (6) the Consolidated Appropriations Act, 2010 (P.L. 111–117); (7) chapter 1 of title I of the Supplemental Appropriations Act, 2010 (P.L. 111–212), addressing guaranteed loans in the rural housing insurance fund; and (8) the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (P.L. 111–224) for the United States Patent and Trademark Office. (Note: See also the discussion of P.L. 112–10 under “1. Bills Enacted into Law.”)

H.R. 2112, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

H.R. 2112 was introduced on June 3, 2011 by Representative Jack Kingston and referred to the Committee on Appropriations. On that same day the Committee on Appropriations reported an original measure, H. Rept. 112–101. On June 16, 2011 the bill passed the House by a recorded vote of 217 yeas to 203 nays.

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 makes FY 2012 appropriations for the: (1) Department of Agriculture (USDA); (2) Food and Drug Administration (FDA); (3) Commodity Futures Trading Commission (CFTC), and (4) the Farm Credit Administration.

3. *House Resolutions Considered in the House*

H. Res. 72, Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

H. Res. 72 was introduced on February 8, 2011 by Representative Pete Sessions and referred to the Committee on Rules. On February 8, 2011 the Committee on Rules reported an original measure, H. Rept. 112–6. On February 11, 2011, the resolution passed the House by a recorded vote of 391 yeas to 28 nays.

H. Res. 72 requires Committees, including the Committee on Agriculture to inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by federal agencies within its jurisdiction. The resolution also requires each committee, upon completion of its inventory and review to: (1) consider specified matters; (2) conduct any hearings and other oversight activities necessary in support of the inventory and review, and (3) identify in a report on the first session of the 112th Congress any oversight or legislative activity conducted in support of, or as a result of, such inventory and review. (Note: See the discussion of H.R. 872 under “2 Bills Acted on by the House But Not the Senate”, H.R. 1573 under “4. Bills Ordered Reported, and D. Oversight.”)

4. *Bills Reported*

H.R. 1573, To facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption.

H.R. 1573 was introduced on April 15, 2011 by Chairman Lucas and referred to the Committee on Financial Services and in addition to the Committee on Agriculture. On May 4, 2011, the Committee on Agriculture held a business meeting and ordered reported, H.R. 1573, amended, by a voice vote. On May 24, 2011, the Committee on Financial Services held a business meeting and ordered reported, H.R. 1573, amended, by a recorded vote of 30 yeas to 24 nays. On June 11, 2011 both the Committee on Financial

Services and the Committee on Agriculture filed a report, H. Rept. 112–109 pt. 1 and 2.

The bill as ordered reported extends the statutory deadline for the implementation of most provisions of Title VII of the Wall Street Reform and Consumer Protection Act (P.L. 111–203) by 18 months. The bill does not extend the deadline for the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC) to issue final rules further defining key terms in Section 712(d)(1) of swap, security based swap, swap dealer, security-based swap dealer, major swap participant, major security-based swap participant and eligible contract participant. The bill also does not extend the deadline for the reporting requirements in Sections 2(h)(5) and 4r of the Commodity Exchange Act and Sections 3C(e) and 13A(a) of the Securities Exchange Act of 1934. To facilitate the reporting of swaps data, the bill gives the CFTC and the SEC interim authority to designate swap data repositories that meet certain criteria. In addition, the bill requires the CFTC and SEC, prior to prescribing any final rules required under Title VII, to hold additional roundtables and public hearings to receive public testimony and factor it into the rule proposals. Lastly, HR 1573 gives the CFTC and SEC authority to exempt certain persons from registration or related regulatory requirements if they are subject to comparable regulation by a U.S. or foreign regulatory authority.

Beginning in February, the Committee held 4 hearings, two Full Committee and two General Farm Commodities and Risk Management Subcommittee hearings to examine the implementation of Title VII of the Dodd-Frank Act. The Committee took testimony from witnesses that represented a broad spectrum of participants in the derivatives markets. The Committee heard from a broad array of end-users, including agricultural cooperatives, manufacturers, commercial energy firms and electric utilities. The Committee also heard from large financial market participants, such as a global exchange and clearinghouse, electronic trading platforms, swap dealers, hedge funds and mutual funds. Witnesses also included pension funds, community banks and farm credit banks. Across the spectrum of expertise, an overwhelming majority of witnesses expressed concerns that the compressed statutory deadlines and sheer volume of regulations were having a negative impact on the implementation process, particularly at the Commodity Futures Trading Commission (CFTC). In short, a common concern was that the statutory deadlines forced the regulatory agencies to prioritize speed over deliberation, making it difficult for stakeholders to comment, and undermining the economic analysis associated with each proposed rule. Witnesses also expressed concerns that many of the CFTC's rule proposals exceed or conflict with congressional intent, are inconsistent with proposals from other regulatory agencies, and may be detrimental for U.S. businesses, for our markets, and for our economy.

In addition, there are efforts around the world to implement financial regulatory reform in the wake of the global financial crisis. In September of 2009, the leaders of the G20 Nations agreed to implement certain OTC derivatives reforms by the end of December of 2012. Many of the witnesses, along with a broad cross section of industry and academics, have cited concerns about the U.S. mov-

ing on a much faster timetable than the European Union (EU) or Asian regulators, creating the potential for regulatory arbitrage and negative consequences to the competitiveness of U.S. businesses. The extreme pace of rulemaking diminishes the opportunity for regulators to coordinate and harmonize international regulatory regimes, creates opportunities for regulatory arbitrage, and gives foreign countries a “learn from our mistakes” advantage. While it would not be possible or wise to tie the timing of our regulatory reforms to unpredictable deadlines of the EU and other jurisdictions, slowing the process down would enhance the opportunity for coordination and greater consistency among regulatory regimes.

Last, the CFTC Inspector General (IG) recently issued an investigative report of the CFTC’s cost-benefit analysis performed in connection with Dodd-Frank rulemakings. In general, the report found that the CFTC takes a minimalist approach to considering the costs and benefits of proposed regulations and focuses more on meeting the legal obligation under the Commodity Exchange Act than performing a legitimate economic analysis. Put simply, the CFTC IG concluded the report by saying “We are mindful of the adage, ‘just because something is legal, doesn’t make it right.’ And we wholeheartedly agree that, [in] the end, economic analysis is more than about satisfying procedural requirements for regulatory rulemaking.” In addition, the report found that the irrational sequence of rule proposals that many witnesses cited as an impediment to their ability to provide meaningful comment was created by the compressed timeframes. Specifically the report stated “Staff and management were aware that market participants might refrain from comment on conduct regulations in the mistaken belief that they would not fall within the definitions. However, at this stage in the process, staff indicated the overriding concern was meeting the rule-making deadline under Dodd-Frank.”

H.R. 1573 gives the regulatory agencies an additional 18 months to promulgate most rules required by Title VII. A common concern, particularly among end-users, was that the sequence of rule proposals made it difficult for them to comment meaningfully. For example, one of the last rules proposed by the CFTC in the initial proposing phase was the definition of “swap.” Stakeholders were asked to comment on each rule prescribing a regulatory regime without clarification regarding the scope of products impacted. For certain industries, such as the electric power industry, the definition of swap was a significant factor in understanding which regulations they may be subject to. In addition, rules were proposed to govern Major Swap Participants and Swap Dealers before a rule had been proposed to define Major Swap Participant and Swap Dealer. To provide for a more rational sequence of rule proposals, HR 1573 does not extend the deadline for the definitions required under Section 712 (d)(1). This will provide clarity to market participants about their regulatory status, and to facilitate productive comment on the succeeding rules prescribing the relevant regulatory requirements.

H.R. 1573 also does not extend the deadline for the regulatory reporting requirements applicable to swaps in Sections 723 and 729 and the similar provisions applicable to security-based swaps. This provision will ensure transparency and reporting of all swap transactions are not delayed, both to give the regulatory agencies access

to market data to monitor for systemic risk, and to further instruct the rulemaking process by providing swap market data that the agencies currently do not have. To facilitate the reporting of swaps data and encourage further development of swap data repositories, HR 1573 gives the regulatory agencies interim authority to designate swap data repositories during the period in which the regulations governing swap data repositories are being finalized.

The bill also requires the CFTC and the Securities and Exchange Commission (SEC) to hold additional public roundtables and hearings to take testimony from affected market participants prior to the finalization of any rules. Providing stakeholders additional time to offer input will help to mitigate unintended consequences of poorly vetted proposals, and permit comment once all rules have been proposed and can be considered in light of their interdependence and cumulative impact on the markets. (Note: See also the discussion of H. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of “D. Oversight.”)

D. OVERSIGHT

The Committee on Agriculture and its Subcommittees were active in their oversight functions, holding a number of oversight hearings and activities during the first quarter of the 112th Congress. The hearings related to the application, administration, and effectiveness of laws that lie within the Committee’s jurisdiction, as well as the organization and operation of the Department of Agriculture and other federal agencies having responsibility for the administration of such laws. The hearings often result in recommendations for improvements in the administration of the laws, regulations and policies in effect in the Executive Branch as they relate to the Committee’s jurisdiction. Information gathered at these hearings was useful in preparing legislation for consideration in the House of Representatives.

As part of its hearings, the Committee and its Subcommittees reviewed the way the particular federal agency or department (usually the Department of Agriculture) administered existing laws related to the subject matter of the legislation before, or to be considered by, the Committee. In some cases, legislation favorably reported to the House carries a termination date (a “sunset”) to ensure that in the future Congress will again review the effectiveness and the methods with which the Executive Branch of Government has carried out the letter and the spirit of that statute.

In keeping with the objective of the Oversight Plan as submitted to the Committee on Oversight and Government Reform and House Administration and H.J. Res. 72, the Committee and its subcommittees conducted the following chronological oversight hearings during the first quarter of the 112th Congress (Note: To see a copy of the Oversight Plan as submitted, see “I. Summary of Organization, Jurisdiction, and Oversight Plan of the Committee on Agriculture” and to see the description of H.J. Res. 72, see “3. House Resolutions Considered in the House”.):

January 20, 2011: *Public Forum To Review the Biotechnology Product Regulatory Approval Process*. Full Committee. Committee Print No. 112–1.

The purpose of this forum was to review the biotechnology product regulatory approval process. The forum was held prior to an ex-

pected announcement by the USDA regarding genetically engineered alfalfa. The USDA has proposed an option that would be a departure from existing policy and would partially deregulate the product and impose geographic restrictions and isolation distances. Testimony was heard from two witnesses on two panels, including Thomas Vilsack, Secretary, U.S. Department of Agriculture. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

February 10, 2011: *Hearing To Review Implementation of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part I.* Full Committee. Hearing Serial No. 112-1.

The purpose of this hearing was to review implementations of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Many expressed concerns that the Commodity Futures Trading Commission is issuing too many rules too quickly to the detriment of adequate cost benefit analysis, deliberation and meaningful public comment. The subcommittee heard testimony from six witnesses on two panels, including Chairman Gary Gensler of the Commodity Futures trading Commission, as well as buyers and sellers of derivatives, and providers of clearing and execution platforms. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

February 15, 2011: *Hearing To Review the Various Definitions of Rural Applied Under Programs Operated by the U.S. Department of Agriculture.* Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. Hearing Serial No. 112-2.

The purpose of this hearing was to review the various definitions of rural applied under programs operated by the U.S. Department of Agriculture. The definition of rural plays a key role in targeting scarce federal dollars to communities in need. The 2008 Farm Bill made several changes to these definitions to ensure that funds are not used in and around urban areas. The 2008 Farm Bill also directed the Secretary of Agriculture to submit a report on the various definitions of rural as used by the USDA within two years of passage of the bill. Concern was expressed because the report has not been completed. There were five witnesses on two panels, including Ms. Cheryl Cook, Deputy Under Secretary, Rural Development, U.S. Department of Agriculture. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

February 15, 2011: *Hearing To Review Implementation of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Part II.* Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112-1.

The purpose of this hearing was to review the implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This was part two of last weeks hearing to further review the Commodity Futures Trading Commission’s effort to write rules that will implement a new regulatory regime for the derivatives market. Topics discussed were the potential impact of the more than thirty new regulatory proposals the Commodity Futures Trading Commission has issued since September. Testimony was heard from six witnesses on a single panel. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in

the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

February 16, 2011: *Joint Hearing To Consider Reducing the Regulatory Burdens Posed by the Case, National Cotton Council v. EPA (6th Cir. 2009) and To Review Related Draft Legislation.* Subcommittee on Nutrition and Horticulture of the Committee on Agriculture and Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure. Hearing Serial No. 112–3.

The purpose of this hearing was to consider reducing the regulatory burdens posed by the case *National Cotton Council v. EPA* (6th Cir. 2009) and to review related draft legislation. Members of the subcommittee considered draft legislation targeted at addressing the 6th Circuit Court ruling under which, pesticide users would have to obtain a duplicate permit under the Clean Water Act for the use of pesticides. Pesticides are used by farmers, ranchers, forest managers, mosquito control districts, water districts, and others and pesticide applications are highly regulated under the Federal Insecticide, Fungicide, Rodenticide Act. Testimony was heard from five witnesses on two panels. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of the H.R. 872 under “2. Bills Acted on by the House But Not the Senate.”)

February 17, 2011: *Hearing To Review the State of the Farm Economy.* Full Committee. Hearing Serial No. 112–4.

The purpose of this hearing was to review the state of the farm economy. Topics discussed include the many regulatory burdens affecting the livelihoods of farmers and ranchers, economic trends in prices, input costs, and farm output. The committee heard testimony from the Honorable Thomas J. Vilsack, Secretary of the U.S. Department of Agriculture.

March 10, 2011: *Hearing To Review the Impact of EPA Regulation on Agriculture.* Full Committee. Hearing Serial No. 112–5.

The purpose of this hearing was to review the impact of EPA regulations on agriculture. The committee discussed the aggressive regulatory agenda the agency is pursuing at the expense of the livelihoods of America’s farmers and ranchers. Testimony was heard from Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

March 16, 2011: *Hearing To Review the Chesapeake Bay TMDL, Agricultural Conservation Practices, and Their Implications on National Watersheds.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–6.

The purpose of this hearing was to review the Chesapeake Bay TMDL, agriculture conservation practices, and their implications on national watersheds. Topics discussed were the importance of conservation programs and their impacts on the health of the Chesapeake Bay, as well as the steps farmers have taken to preserve and protect the watershed. Many expressed concerns that the EPA is not recognizing the contributions producers have made to ensuring a healthy bay, that the EPA is not considering the economic consequences of its Chesapeake Bay cleanup program on the agricultural community, and that the EPA could use the process from this effort and eventually apply it to other watersheds across

the country which would subject farmers there to heavy regulations. The subcommittee heard testimony from seven witnesses on two panels. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

March 31, 2011: *Defining the Market: Entity and Product Classifications Under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.* Full Committee. Hearing Serial No. 112–7.

The purpose of this hearing, titled “Define the Market: Entity and Product Classifications under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act,” was to review the definitions of key terms included in Dodd-Frank, such as “swap,” “swap dealer,” and “major swap participant.” Members of the committee considered how end-users will be impacted by these definitions and regulatory designations. There were six witnesses on two panels, including the Honorable Gary Gensler, Chairman, Commodity Futures Trading Commission. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

April 6, 2011: *Hearing To Review the State of the Beef Industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–8.

The purpose of this hearing was to review the state of the beef industry. Topics discussed included the structure and economic conditions of the beef sector and a range of issues impacting the beef industry such as environmental policies, feed availability, input process, trade, and the proposed Grain Inspection, Packers and Stockyards Administration (GIPSA) rule. The subcommittee heard testimony from three witnesses on one panel.

April 7, 2011: *Hearing To Review Market Promotion Programs and Their Effectiveness on Expanding Exports of U.S. Agricultural Products.* Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture. Hearing Serial No. 112–9.

The purpose of this hearing was to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products. Topics discussed included the U.S. Department of Agriculture’s Foreign Agricultural Service which operates five market promotion programs. These programs are all designed to facilitate exports and include the Market Access Program, Foreign Market Development Program, Emerging Markets Program, Quality Samples Program, and the Technical Assistance for Specialty Crops program. Testimony was heard from six witnesses on two panels, including John Brewer, Administrator, Foreign Agricultural Service, U.S. Department of Agriculture.

April 13, 2011: *Implementing Dodd-Frank: A Review of the CFTC’s Rulemaking Process.* Hearing Serial No. 112–10.

The purpose of this hearing was to review CFTC’s Rulemaking Process for implementing title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This was the third hearing in a series of hearings to review the Dodd-Frank Wall Street Reform and Consumer Protection Act. Testimony was heard from six witnesses on two panels.

April 13, 2011: *Hearing To Review the State of the Poultry Industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–11.

The purpose of this hearing was to review the state of the poultry industry. The subcommittee heard testimony from a chicken grower, a chicken integrator, and a turkey grower on the structure and economic conditions of the poultry sector. Testimony from three witnesses was heard on a single panel. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House” and the discussion of H.R. 1573 under “4. Bills Reported.”)

April 14, 2011: *Hearing To Review Credit Conditions in Rural America.* Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112–12.

The purpose of this hearing was to review credit conditions in rural America. Many expressed concern over credit being readily available through institutions that are fundamentally sound, since a number of institutions provide credit to our nations farmers, ranchers, and rural constituents. The subcommittee heard testimony from seven witnesses from two panels. Witnesses included representatives from the FSA, FCA, Farmer Mac, the Federal Reserve Bank, local banks, and the agricultural community.

May 3, 2011: Joint hearing *At Risk: American Jobs, Agriculture, Health and Species—the Costs of Federal Regulatory Dysfunction.* Committee on Agriculture and the Committee on Natural Resources. Hearing Serial No. 112–13.

The purpose of this hearing was to bring together the Agriculture and Natural Resources Committees to focus on pesticide registration consultations under section 7 of the Endangered Species Act (ESA) carried out between the Environmental Protection Agency (EPA), and either the National Marine Fisheries Service (NMFS) of the Department of Commerce, or the Fish and Wildlife Service of the Department of the Interior (FWS).

Committee members encouraged federal agencies to include a transparent analysis of the economic impacts to production agriculture and forestry in the scope of work of the recently requested review by the National Academies of Science (NAS) and to commit to re-initiating consultation on the first several biological opinions following completion of the review by the NAS of the scientific models and economic impacts used by the federal agencies. The Committees heard from ten witnesses on two panels including USDA Chief Economist Dr. Joseph Glauber. (Note: See also the discussion of H.J. Res. 72 under “3. House Resolutions Considered in the House.”)

May 4, 2011: *Hearing To Review the State of the Pork Industry.* Subcommittee on Livestock, Dairy, and Poultry. Hearing Serial No. 112–14.

The purpose of this hearing was to review the state of the pork industry. The subcommittee discussed the economic and policy issues currently affecting the pork industry. These included international trade, feed availability, animal health and welfare, environmental policies, and the proposed Grain Inspection. The subcommittee heard testimony from three witnesses, including a small farrow-to-finish producer, a packer, and an owner of a large family-owned pork farming network.

May 5, 2011: *Hearing To Review the U.S. Forest Service’s Proposed Forest Planning Rule.* Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112–15.

The purpose of this hearing was to review U.S. Forest Service's proposed Forest Planning Rule. The proposed planning rule was issued on February 14, 2011 and has a public comment period open until May 16, 2011. The rule revises the Forest Service's current planning process for its 155 national forests, 20 grasslands, and 1 prairie. Many expressed concerns that the rule is too complex, does nothing to reduce the regulatory burden on those working in the forest products industry, and does not adequately promote forestry job growth. The subcommittee heard testimony from five witnesses on two panels.

May 12, 2011: *Hearing To Review Pending Free Trade Agreements. Full Committee. Hearing Serial No. 112-16.*

The purpose of this hearing was to review pending free trade agreements. The Committee examined pending free trade agreements between the U.S. and Colombia, Panama, and South Korea. Witnesses discussed the potential benefits of reducing tariffs under the three pending agreements and the U.S. experience with past trade agreements. The Committee heard testimony from two panels with eight witnesses, including Hon. Thomas J. Vilsack, Secretary, U.S. Department of Agriculture and Hon. Ron Kirk, United States Trade Representative.

May 25, 2011: *Harmonizing Global Derivatives Reform: Impact on U.S. Competitiveness and Market Stability. Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112-17*

The purpose of this hearing was to explore the need to harmonize reforms with other G20 nations, perform cost-benefit analysis, and avoid opportunities for regulatory arbitrage. The subcommittee heard testimony from eight witnesses on two panels including two commissioners from the Commodity Futures Trading Commission.

June 2, 2011: *Hearing To Review Recent Investigations and Audits Conducted by the USDA Inspector General. Subcommittee on Department Operations, Oversight, and Credit. Hearing Serial No. 112-18.*

The purpose of this hearing was to review the work of the USDA Office of the Inspector General. Members of the subcommittee discussed Supplemental Nutrition Assistance Program misuse, the Natural Resources Conservation Service audit, minority programs investigations, Biomass Crop Assistance Program implementation oversight, and USDA information technology improvement progress. Members heard testimony from a single panel of one witness, The Honorable Phyllis K. Fong, who was accompanied by three other OIG staff members. (Note: See also the discussion of H.J. Res. 72 under "3. House Resolutions Considered in the House.")

June 22, 2011: *Agricultural Program Audit: Examination of Conservation Programs. Subcommittee on Conservation, Energy, and Forestry. Hearing Serial No. 112-19*

June 23, 2011: *Hearing To Review Opportunities and Benefits of Agricultural Biotechnology. Subcommittee on Rural Development, Research, Biotechnology and Foreign Agriculture. Hearing Serial No. 112-20*

June 24, 2011: *Agricultural Program Audit: Examination of Crop Insurance programs. Subcommittee on General Farm Commodities and Risk Management. Hearing Serial No. 112-19*

E. MEETINGS NOT PRINTED

January 25, 2011—Full Committee open business meeting. Organizational meeting for the 112th Congress. Approval by voice vote of the Committee rules.

February 10, 2011—Full Committee open business meeting. Approval by voice vote of the Oversight Plan for the 112th Congress.

March 9, 2011—Full Committee open business meeting. Approval by voice vote of H.R. 872, the Reducing Regulatory Burdens Act of 2011.

March 15, 2011—Full Committee open business meeting. Approval by voice vote of the Budget Views and Estimates Letter for FY 2012, offering budget recommendations of the Committee on Agriculture for the agencies and programs under its jurisdiction.

May 4, 2011—Full Committee open business meeting. Approval by voice vote H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption.

June 23, 2011—Full Committee open business meeting. Consideration of the Activity Report on Agriculture for the 1st Quarter of the 112th Congress as required by House Rule XI, clause d(1).

F. COMMITTEE PRINTS

Public Forum To Review the Biotechnology Product Regulatory Approval Process. January 20, 2011. Print No. 112-1.

Committee on Agriculture Rules. Print. No. 112-2.

Ceremony Unveiling the Portrait of the Honorable Collin C. Peterson. April 5, 2011. Print No. 112-3.

III. APPENDIX

A. EXECUTIVE COMMUNICATIONS

E.C. 25—Jan. 6, 2011: A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program (SNAP): Clarifications and Corrections to Recipient Claim Establishment and Collection Standards [FNS-2008-0034] (RIN: 0584-AD25) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 44—Jan. 7, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 119—Jan. 19, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Tobacco Transition Payment Program; Tobacco Transition Assessments (RIN: 0560-AH30) received January 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 172—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Emerald Ash Borer; Quarantined Areas; Maryland, Michigan, Minnesota, Missouri, Pennsylvania, Virginia, West Virginia, and Wisconsin [Docket No.: APHIS-2008-0072] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 173—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas [Docket No.: APHIS-2008-0111] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 174—Jan. 24, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Additions to Quarantined Areas in Massachusetts and New York [Docket No.: APHIS-2009-0014] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 193—Jan. 25, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule—Subpart B—Advanced Biofuel Payment Program (RIN: 0570-AA75) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 194—Jan. 25, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule—Biorefinery Assistance Guaranteed Loans (RIN: 0570-AA73) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 257—Feb. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic Acid, Methyl Ester, Polymer with Ethenyl Acetate, Hydrolyzed, Sodium Salts; Tolerance Exemption [EPA-HQ-OPP-2006-0603 FRL-8114-9] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 335—Feb. 9, 2011: A letter from the Secretary, Department of Agriculture, transmitting a report entitled "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project"; jointly to the Committees on Natural Resources and Agriculture.

E.C. 336—Feb. 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2009-0032; FRL-8859-3] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 416—Feb. 14, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0088] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 478—Feb. 14, 2011: A letter from the Management Analyst, Directives and Regulations Branch, Forest Service, transmitting the Service's final rule—Prohibitions in Areas Designated by Order Closure of National Forest System Lands to Protect Privacy of Tribal Activities (RIN: 0596-AC93) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

E.C. 508—Feb. 16, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin [Docket No.: APHIS-2009-0098] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 509—Feb. 16, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Prevention of Payments to Deceased Persons (RIN: 0560-AH91) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 510—Feb. 16, 2011: A letter from the Chief Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization To Reflect the End of Coupon Issuance Systems (RIN: 0584-AD48) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 511—Feb. 16, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Highly Pathogenic Avian Influenza [Docket No.: APHIS-2006-0074] (RIN: 0579-AC36) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 512—Feb. 16, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Loan Servicing; Farm Loan Programs (RIN: 0560-AI05) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 538—Feb. 17, 2011: A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule—Subpart A—Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 539—Feb. 17, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 540—Feb. 17, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 558—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sodium and Potassium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0098; FRL-8861-9] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 559—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerances for Emergency Exemptions [EPA-Q-OPP-2010-0982; FRL-8859-6] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 560—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—n-Octyl alcohol and n-Decyl alcohol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0181; FRL-8860-7] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 561—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—(S,S)-Ethylenediamine Disuccinic Acid Trisodium Salt; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0733; FRL-8860-6] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 562—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2010-0385; FRL-8860-3] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 563—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Isobutane; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0676; FRL-8860-4] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 564—Feb. 18, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Bispyribac-sodium; Pesticide Tolerances [EPA-HQ-OPP-2009-0796; FRL-8860-2] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 597—Mar. 1, 2011: A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2010 Tariff-Rate Quota Year received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 598—Mar. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mefenoxam; Pesticide Tolerances [EPA-HQ-OPP-2009-0713; FRL-8855-1] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 717—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Polymerized Fatty Acid Esters with Aminoalcohol Alkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0275; FRL-8860-8] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 718—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clothianidin; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2010-0217; FRL-8858-3] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 719—Mar. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—1,4-Benzenedicarboxylic Acid, Dimethyl Ester, Polymer with 1,4-Butanediol, Adipic Acid, and Hexamethylene Diisocyanate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0838; FRL-8863-9] received February 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 762—Mar. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0823; FRL-8864-9] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 763—Mar. 8, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Potassium hypochlorite; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0996; FRL-8859-5] received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 802—Mar. 10, 2011: A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule—Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products [Docket No.: FSIS-2005-0018] (RIN: 0583-AC60) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 803—Mar. 10, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis [Docket No.: APHIS-2008-0052] (RIN: 0579-AD07) received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 842—Mar. 14, 2011: A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Asparagus Revenue Market Loss Assistant Payment Program (RIN: 0560-AI02) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 881—Mar. 15, 2011: A letter from the Commissioner, Commodity Futures Trading Commission, transmitting a letter regarding the current budget deliberations for the Commodity Futures Trading Commission; jointly to the Committees on Agriculture and Appropriations.

E.C. 903—Mar. 17, 2011: A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "2010 Packers and Stockyards Program Annual Report", pursuant to the Packers and Stockyards Act of 1921, as amended.

E.C. 1002—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Potassium benzoate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0117; FRL-8863-2] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1003—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Peroxyacetic Acid; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0021; FRL-8865-3] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1004—Apr. 4, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fomesafen; Pesticide Tolerances [EPA-HQ-OPP-2010-0122; FRL-8858-5] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1065—Apr. 6, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Bacillus thuringiensis* eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8866-5] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1148—Apr. 8, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Changes in Disease Status of the Brazilian State of Santa Catarina With Regard to Certain Ruminant and Swine Diseases; Technical Amendment [Docket No.: APHIS-2009-0034] (RIN: 0579-AD12) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1149—Apr. 8, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxiliary Provisions [Docket No.: APHIS-2009-0031] (RIN: 0579-AD21) received March 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1188—Apr. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Sodium Ferric Ethylenediaminetetraacetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0097; FRL-8867-7] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1189—Apr. 11, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerances [EPA-HQ-OPP-2005-0307; FRL-8864-1] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1190—Apr. 11, 2011: A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule—Indaziflam; Pesticide Tolerances [EPA-HQ-OPP-2009-0636; FRL-8864-3] received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1218—Apr. 12, 2011: A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Horses From Contagious Equine Metritis-Affected Countries [Docket No.: APHIS-2008-0112] (RIN: 0579-AD31) received March 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1285—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures [Docket No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1286—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document No.: AMS-NOP-10-0051; NOP-10-04FR] (RIN: 0581-AD04) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1287—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No.: AMS-FV-10-0060; FV-10-984-1FIR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1288—Apr. 15, 2011: A letter from the Assistant Administrator, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and

Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010–2011 Marketing Year [Docket Nos.: AMS–FV–09–0082; FV–10–985–1A IR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1289—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Country of Origin Labeling of Packed Honey [Document No.: AMS–FV–08–0075] (RIN: 0581–AC89) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1290—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Blueberry Promotion, Research, and Information Order; Section 610 Review [Docket Number: AMS–FV–10–0006] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1291—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Avocados Grown in South Florida; Increased Assessment Rate [Docket No.: AMS–FV–10–0067; FV–10915–1FIR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1292—Apr. 15, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2010–2011 Crop Year for Tart Cherries [Docket No.: AMS–FV–10–930–4FR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1306—May 2, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Kiwifruit Grown in California; Order Amending Marketing Order No. 920; Correction [Doc. No.: AO–FV–08–0174; AMS–FV–08–0085; FV–08–920–3 C] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1363—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Flubendiamide; Pesticide Tolerances [EPA–HQ–OPP–2007–0099; FRL–8863–8] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1364—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—*Aspergillus flavus* AF36; Exemption from the Requirement of a Tolerance [EPA–HQ–OPP–2010–0101; FRL–8868–7] received March 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1365—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Hexythiazox; Pesticide Tolerances [EPA–HQ–OPP–2009–0325; FRL–8868–6] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1366—May 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Ethiprole; Pesticide Tolerances [EPA–HQ–OPP–2009–0493; FRL–8863–1] received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1424—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule—Minimum Quality and Handling Standards for Domestic and

Imported Peanuts Marketed in the United States; Section 610 Review [Doc. No.: AMS-FV-10-0030; FV10-996-610 Review] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1425—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0115; FV11-932-1 IR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1426—May 5, 2011: A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Amendment To Allow Additional Exemptions [Doc. No.: AMS-FV-10-0072; FV10-927-1 IR] received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1427—May 5, 2011: A letter from the Director, Program Development and Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule—Rural Broadband Access Loans and Loan Guarantees (RIN: 0572-AC06) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1480—May 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Etoxazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0063; FRL-8867-5] received April 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1481—May 10, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Escherichia coli* O157:H7 Specific Bacteriophages; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2010-0274; FRL-8868-4] received April 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1482—May 10, 2011: A letter from the Director, Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate (N-(phosphonomethyl)glycine; Pesticide Tolerances [EPA-HQ-OPP-2009-0988; FRL-8866-8] received April 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1552—May 12, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin [Docket No.: APHIS-2010-0075] received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1553—May 12, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock [Docket No.: APHIS-2010-0048] (RIN: 0579-AD29) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1598—May 23, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—General Provisions; Operating and Strategic Business Planning (RIN: 3052-AC66) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1635—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Metiram; Pesticide Tolerances [EPA-HQ-OPP-2005-0308; FRL-8869-1] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1636—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Mefenpyr-diethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0267; FRL-8870-9] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1637—May 24, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Pyrasulfotole; Pesticide Tolerances [EPA-HQ-OPP-2010-0266; FRL-8869-5] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1706—May 27, 2011: A letter from the Chief, Planning & Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule—Food Distribution Program on Indian Reservations: Amendments Related to the Food, Conservation, and Energy Act of 2008 [FNS-2009-0006] (RIN: 0584-AD95) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1707—May 27, 2011: A letter from the Director of Legislative Affairs, NRCS, Department of Agriculture, transmitting the Department's final rule—Wetland Conservation [Docket No.: NRCS-2011-0010] (RIN: 0578-AA58) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1713—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Aluminum tris(Oethylphosphonate), Butylate, Chlorethoxyfos, Clethodim, *et al.*; Tolerance Actions [EPA-HQ-OPP-2010-0490; FRL-8869-6] received April 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1714—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Carbon Dioxide; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1077; FRL-0873-1] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1715—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2008-0771; FRL-8873-3] received May 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1716—May 31, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—*Metarhizium anisopliae* strain F52; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0194; FRL-8872-3] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1717—May 31, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule—Federal Agricultural Mortgage Corporation Governance and Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC51) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1745—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2010-0938; FRL-8872-6] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1746—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-1009; FRL-8873-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1747—Jun. 1, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-0755; FRL-8872-7] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1748—Jun. 1, 2011: A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2011 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989.

E.C. 1812—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Triflusaluron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0102; FRL-8871-4] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1813—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Data Requirements for Antimicrobial Pesticides; notification to the Secretaries of Agriculture and Health and Human Services [EPA-HQ-OPP-2008-0110; FRL-8861-7] (RIN: 2010-AD30) received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1814—Jun. 3, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2006-0481; FRL-8859-9] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1872—Jun. 9, 2011: A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2009-0263; FRL-8865-8] received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1903—Jun. 14, 2011: A letter from the Chief, Planning and Regulatory Affairs, Department of Agriculture, transmitting the Department's final rule—Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs (RIN: 0584-AE03) received May 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1904—Jun. 14, 2011: A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers [Docket No.: GIPSA-

2010–FGIS–0002] (RIN: 0580–AB18) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1962—Jun. 14, 2011: A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 120–147 of the March 2011 “Treasury Bulletin”, pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and the Workforce, and Energy and Commerce.

E.C. 1963—Jun. 15, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins; Technical Amendment [Docket No.: APHIS–2006–0113] (RIN: 0579–AC11) received May 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 1964—Jun. 15, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States [Docket No.: APHIS–2011–0005] received May 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 2024—Jun. 16, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Plum Pox Virus; Update of Quarantined Areas [Docket No.: APHIS–2010–0089] received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 2025—Jun. 16, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration’s final rule—Loan Policies and Operations; Loan Purchases from FDIC (RIN: 3052–AC62) received May 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 2067—Jun. 20, 2011: A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department’s final rule—Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis [Docket No.: APHIS–2006–0011] (RIN: 0579–AC03) received May 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 2068—Jun. 20, 2011: A letter from the Chief Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department’s final rule—Supplemental Nutrition Assistance Program: Civil Rights Protections for SNAP Households (RIN: 0584–AD89) received May 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

E.C. 2069—Jun. 20, 2011: A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration’s final rule—Loan Policies and Operations; Lending and Leasing Limits and Risk Management (RIN: 3052–AC60) received May 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A).

B. STATUTORY AND SPECIAL REPORTS

USDA: Report on the plans developed by the Animal and Plant Health Inspection Service (APHIS) for funding provided under Section 10201 of the Act for Plant Pest and Disease Management and Disaster Prevention as requested by the Food, Conservation, and Energy Act of 2008. Submitted by USDA, January 11, 2011.

USDA: List of statutory reporting requirements that USDA would like to prioritize or eliminate in order to reduce their administrative burden. Submitted by USDA, January 21, 2011.

USDA: Record of Decision on Glyphosate—Tolerant Alfalfa Events J101 and J163: Request for Nonregulated Status (APHIS decision to fully deregulate Roundup Ready alfalfa). Submitted by USDA, January 28, 2011.

USDA: Annual report describing the activities of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products as required by Section 3205(h) of the Food, Conservation, and Energy act of 2008. Submitted by USDA, January 28, 2011.

USDA: Report titled as the “Equitable Relief Report” as required by Section 1613 of the Farm Security and Rural Investment Act of 2002. Submitted by USDA, February 2, 2011.

USDA: Report on implementation of concluded appeals to the National Appeals Division (NAD) from the Farm Service Agency as required by Section 14009 of the Food, Conservation, and Energy Act of 2008. Submitted by USDA January 27, 2011, January 27, 2011.

FCA: Farm Credit Administration’s Proposed Fiscal Year 2012 Budget and Performance Budget. Submitted by FCA, February 14, 2011.

USDA: Termination notice of Marketing Order 924 (order) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, pursuant to section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937. Submitted by USDA, February 2, 2011.

USDC: Quarterly Report to Congress on activities undertaken by the Department of Commerce pursuant to Section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000. Submitted by the U.S. Department of Commerce, February 7, 2011.

USDA: Charter for the Lake Tahoe Basin Federal Advisory Committee in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, February 15, 2011.

USDA: Charter for the Forest Research Advisory Committee in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, February 16, 2011.

GAO: Report on a major rule promulgated by the USDA, Rural Business Cooperative Service and Rural Utilities Service, entitled “Advanced Biofuel Payment Program”, pursuant to section 801(a)(2)(A) of title 5, U.S.C. Submitted by GAO, February 28, 2011.

EPA: Report titled “FY2011–2015 EPA Strategic Plan”, as required by the Government Performance and Results Act of 1993. Submitted by EPA, March 1, 2011.

USDA: Report titled “Rural Development Housing and community Facilities Programs for July through December, 2010” as required by Section 14009 of the Food, Conservation, and Energy Act. Submitted by USDA, February 23, 2011.

USDA: The “2010 Packers and Stockyards Program Annual Report”. Submitted by USDA, March 1, 2011.

GAO: Report on a major rule promulgated by the USDA, Rural Business Cooperative and Rural Utilities Service, “Biorefinery As-

sistance Guaranteed Loans”, pursuant to section 801(a)(2)(A) of title 5, U.S.C. Submitted by GAO, March 1, 2011.

USDA: Charter for the U.S. Forest Service’s Recreation Resources Advisory Committee and Forest Resource Coordinating Committee, in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, March 2, 2011.

USDA: Charter for the National Wildlife Services Advisory Committee, in compliance with P.L. 92–463, the Federal Advisory Committee Act. Submitted by USDA, March 2, 2011.

USDA: The “Annual Crops and the Federal Crop Insurance Program” report as required by section 12030 of the Food, Conservation, and Energy Act of 2008. Submitted by USDA, March 3, 2011.

EPA: Draft copy of a proposed rule entitled “Pesticides Data Requirements for Plant-Incorporated Protectants (PIPs) and Certain Exemptions for PIPs” as required by section 25(a)(3) of the FIFRA Act. Submitted by EPA, March 4, 2011.

USDA: Report on the “Global Effort to Reduce Child Hunger and Increase School Attendance” as directed by Section 3107 of the Farm Security and Rural Investment Act of 2002. Submitted by USDA, March 16, 2011.

USDA: Fiscal Year 2010 Report to Congress on State Payment Statistics Related to Enrollments in Selected Conservation Programs as Required by Section 1241(h) of the Food Security Act of 1985. Submitted by USDA, March 17, 2011.

USDA: Report on the activities of the Agricultural Research Service as required by section 7409 of the 2008 Farm Bill (P.L. 110–246). Submitted by USDA, March 18, 2011.

USDA: Letter to Chairman Lucas from Secretary Thomas J. Vilsack concerning the Department’s of Agriculture’s final Environmental Impact Statement for the petition to grant nonregulated status for Roundup Ready (RR) alfalfa. Submitted by USDA, March 17, 2011.

USDA: Letter approving the proposed McChesney and Steed land purchase referred to as Submission No. 011/03–11. In accordance with requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94–588 (90 Stat. 2949). Submitted by USDA, March 18, 2011.

USDI: Two reports: “A National Cohesive Wildland Fire Management Strategy” and “The Federal Land Assistance, Management and Enhancement Act of 2009—Report to Congress” as required by Title V, section 503, of the 2010 Department of the Interior, Environment and Related Agencies Appropriations Act. Submitted by the U.S. Department of the Interior, March 25, 2011.

EPA: Draft copy of proposed rule that will provide several changes and corrections to the Microbial Pesticides data requirements at 40 CFR part 158, subpart V. Section 25(a)(3) of the FIFRA Act. Submitted by EPA, March 11, 2011.

USDA: Letter approving the proposed John Hoskins land exchange referred to as Submission No. 011/3–11. In accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94–588 (90 Stat. 2949). Submitted by USDA, March 18, 2011.

USDA: Letter approving the proposed South Appalachian Highlands Conservancy land purchase referred to as Submission No. 07/02–11. In accordance with the requirements in Section 17(b) of the

National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 22, 2011.

USDA: Letter to Chairman Lucas from Secretary Thomas J. Vilsack advising that the Department of Agriculture's Office of the Chief Economist will close its one-person weather office in Stoneville, Mississippi. Submitted by USDA, March 24, 2011.

FCSIC: Farm Credit System Insurance Corporation 2011 annual report demonstrating FCSIC's commitment to equal employment opportunity while fulfilling its mission to insure the timely payment of principal and interest on System-wide and consolidated bonds and obligations as required under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. Submitted by FCSIC, March 28, 2011.

FCA: Fiscal year 2011 annual report describing the Farm Credit Administration's many advancements in incorporating equal employment opportunity in the performance of its mission to serve U.S. agriculture and rural America as required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. Submitted by FCA, March 28, 2011.

USDA: Appraisal of the status and trends of natural resources on nonfederal lands pursuant to the Soil and Water Resources Conservation Act of 1977. Submitted by USDA, March 30, 2011.

CBO: Review of CBO's activities in 2010 under the Unfunded Mandates Reform Act. Submitted by CBO, March 2011.

CFTC: Report transmitting the fiscal year 2010 Federal Employee Antidiscrimination and Retaliation Act of 2002 for the U.S. Commodity Futures Trading Commission. Submitted by CFTC, March 30, 2011.

USDA: Letter approving the proposed Sumter National Forest Tripartite Exchange, using timber receipts for a land purchase referred to as Submission No. 04/01-11. Pursuant under the authority of the Act of March 1, 1911 (P.L. 61-435; 90 Stat. 2756, as amended; 16 U.S.C. 516); Act of August 20, 1988 (P.L. 100-409; 102 Stat. 1086; 43 U.S.C. 1716, 43 U.S.C. 751.) in accordance with the requirements in Section 17(b) of the National Forest Management Act of 1976, P.L. 94-588 (90 Stat. 2949). Submitted by USDA, March 31, 2011.

EPA: Draft final rule entitled "Data Requirements for Anti-microbial Pesticides" identified in the Regulatory Agenda under RIN 2070-AD30 as required by Section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act. Submitted by EPA, April 7, 2011.

GAO: Report on a major rule promulgated by the U.S. Department of Agriculture, Rural Utilities Service, entitled "Rural Broadband Access Loans and Loan Guarantees" pursuant to section 801 (a)(2)(A) of title 5, United States Code. Submitted by GAO, April 7, 2011.

FCA: Letter notifying that the Farm Credit Administration is currently working with several agencies to issue a proposed joint regulation for which they are unable to provide an advance copy of, as required by the Farm Credit Act of 1971. Submitted by FCA, April 7, 2011.

USDA: A report which describes the expenditures for each State under the National Organic Certification Cost-Share Program as

required by Section 10301 of the Food, Conservation, and Energy Act of 2008 (P.L. 110–246). Submitted by USDA, April 8, 2011.

CFTC: Joint Study on the Feasibility of Mandating Algorithmic Descriptions for Derivatives pursuant to the requirements of section 719 (b)(4) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Submitted by CFTC, April 8, 2011.

USDA: Annual report for Fiscal Year 2010 required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107–174). Submitted by USDA, April 12, 2011.

USHR: Letter from Representatives Frank D. Lucas, Fred Upton, and Sam Graves to the FDA regarding potential regulatory action by the Food and Drug Administration that are of significant concern to the nation’s producers, veterinarians and consumers. Submitted by United State House of Representatives, April 12, 2011.

USDA: Letter to Congressmen Kurt Schrader and Tim Holden thanking them and responding to one which they sent that was co-signed on February 16, 2011, supporting the use of domestically grown and produced wood products across the United States. Submitted by USDA, April 20, 2011.

USDC: Report to the Congress the export licensing actions taken by the Department of Commerce’s Bureau of Industry and Security relating to exports of agricultural commodities to Cuba during January through March 2011 required by Section 906(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (Title IX of Pub. L. 106–387). Submitted by USDC, April 21, 2011.

FCA: Final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971, amending Title 12, Chapter VI of the *Code of Federal Regulations*. Submitted by FCA, April 21, 2011.

FCA: Proposed amendments to title 12, chapter VI of the *Code of Federal Regulations* as promulgated by the Farm Credit Administration. Submitted by FCA, April 21, 2011.

USDA: Report pursuant to Section 154 of the Farmland Protection Policy Act, 7 U.S.C. 4207. Submitted by USDA, April 27, 2011.

SEC: Letter to Chairman Lucas from U.S. Securities and Exchange Commission concerning the implementation of Title VII of the Dodd-Frank Act. Submitted by USSEC, April 26, 2011.

CFTC: Most recent charter of the Commission’s Agricultural Advisory Committee pursuant to Section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, §9(c). Submitted by CFTC, April 27, 2011.

USHR: Letter to Secretary Thomas J. Vilsack concerning improving the nutritional profiles of meals served in schools and maintaining participation rates. Submitted by the United States House of Representatives, May 5, 2011.

USHR: Letter to Secretary Thomas J. Vilsack concerning improving the nutritional profiles of meals served in schools and maintaining participation rates. Submitted by the United States House of Representatives, May 5, 2011.

USAID: Report titled “Fiscal Year 2010 Report on U.S. Humanitarian Assistance to North Korea” pursuant to Section 201 of the North Korean Human Rights Act Reauthorization Act of 2008 (P.L. 110–346). Submitted by USAID, May 12, 2011.

Embassy of Mauritius: Letter from Ambassador Somduth Soburun to Chairman Frank D. Lucas informing him of the pivotal economic role the African Growth and Opportunity Act, AGOA, has on sub Saharan Africa, including Mauritius. In particular, the Ambassador wishes to inform the Chairman of the impending expiration of the Third Country Fabric Provision in September 2012. Submitted on May 11, 2011.

USDC: Copy of the Department of Commerce's Performance and Accountability Report for fiscal year 2010. It highlights the Department's efforts to maximize U.S. competitiveness and foster science leadership. Submitted on May 16, 2011.

FCA: Copy of a final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971. The rule amends Title 12, Chapter VI of the *Code of Federal Regulations*, which now allows Farm Credit institutions to directly purchase loans to Farmers and other agriculturists from the FDIC. Submitted on May 19, 2011. (056)

FCA: Copy of a final rule adopted by the Farm Credit Administration Board under the provisions of the Farm Credit Act of 1971. The rule amends Title 12, Chapter VI of the *Code of Federal Regulations*, which now permits a lower minimum lending limit on extensions of credit from a Federal Credit System Institution. Submitted on May 19, 2011.

EPA: Draft copy of a proposed rule entitled "Synchronizing the Expiration Dates of EPA Pesticide Applicator Certificates with the Underlying State or Tribal Applicator Certificate" identified with Regulatory Agenda under RIN 2070-AJ77 Section 25(a)(3). Submitted on May 25, 2011.

USDOT: Letter informing Chairman Frank D. Lucas of the activities of the Department under a one year licensing agreement set forth under the Trade Sanctions reform and Export Enhancement Act of 2000. The enclosed report details Exportation activities to Iran and the Sudan from the period between April 1 and June 30, 2010. Submitted on June 1, 2011.

USDA: Report informing Chairman Lucas of the most recent Semi Annual Report to Congress published by the Office of the Inspector General at the Department of Agriculture. The report spans the Department's accomplishments from October 1, 2010, through March 31, 2011. Submitted on June 14, 2011.

USDA: The report contains the appeals to the National Appeals Division from the Risk Management Agency, as is required by Section 14009(b) of the Food, Energy, and Conservation Act of 2008. Submitted on June 14, 2011.