

adopted vs

**BISHOP #1
Agriculture**

HOUSE APPROPRIATIONS COMMITTEE

June 4, 2019

Fiscal Year 2020 Agriculture, Rural Development, Food and Drug Administration
and Related Agencies Bill

Manager's amendment

In the bill:

On page 8, line 20, strike "\$1,344,516,000" and insert "\$1,347,516,000".

On page 11, line 14, strike "\$1,018,007,000" and insert "\$1,033,007,000".

On page 13, line 1, strike "\$536,086,000" and insert "\$541,086,000".

On page 54, line 9, strike "\$70,000,000" and insert "\$90,000,000".

On page 100, line 18, strike "\$498,000,000" and insert "\$466,000,000".

On page 100, line 25, strike "\$52,000,000" and insert "\$84,000,000".

On page 107, line 14, insert the following:

Sec. _____. There is hereby appropriated \$7,000,000 for the purposes described in the paragraph entitled "*Nutrition Assistance Program (NAP) Study*" under the Supplemental Nutrition Assistance Program included in the report accompanying this Act.

Sec. _____. There is hereby appropriated \$5,000,000 to remain available until September 30, 2021, to carry out section 4206 of Public Law 115-334.

In the report:

On page 15, in the first full paragraph under the header "Agricultural Research Service – Salaries and Expenses", strike "\$1,344,516,000" and insert "\$1,347,516,000".

On page 16, in the six full paragraph, strike "\$5,000,000" and insert "\$8,000,000".

On page 21, in the first full paragraph under the header “Research and Education Activities”, strike “\$1,018,007,000” and insert “\$1,033,007,000”.

On page 23, before the first full paragraph, insert the following:

Grants Promoting K-12 Agriculture Education.—The Committee directs USDA to continue to prioritize projects that include a component of connecting stakeholders and employers to students, teachers, and schools to facilitate collaboration and communication and to ensure stakeholders are connected to students, especially in urban areas.

On page 24, change Committee Provision amount from “445,000,000” to “460,000,000” in the table under “National Institute of Food and Agriculture—Research and Education Activities” and amend amounts in the table under “Total, Research and Education Activities” accordingly.

On page 25, in the first full paragraph under the header “Extension Activities”, strike “\$536,086,000” and insert “\$541,086,000”; change the committee provision amount from “5,000,000” to “10,000,000” in the table under “National Institute of Food and Agriculture—Extension Activities” and amend amounts in the table under “Total, Extension Activities” accordingly.

On page 29, after the last full paragraph, insert the following:

Center for Plant Health Science and Technology Laboratory – The Committee is concerned about the major threat to pistachios, almonds, and walnuts from the navel orangeworm. The annual loss caused by this pest is in excess of \$500,000,000. The Committee directs APHIS to develop a cost estimate for the creation of a pilot program involving the navel orangeworm rearing and sterile insect technology. This pilot program would mirror the work conducted by APHIS at this facility which led to the eradication of the pink bollworm. The Committee directs APHIS to provide the Committees with the estimate no later than 90 days after enactment.

On page 34, in the fourth full paragraph, insert “,including rotary wing assets,” after “aviation assets.”

On page 39, before “Title II”, insert the following:

Tribally-raised Buffalo and Bison. —The Committee urges FSIS to enhance its efforts to work with tribes to set up voluntary, fee-for-service programs for the slaughter of tribally raised buffalo/bison. In doing so, FSIS should work with the Tribal Council and

make the Council aware of such opportunities as mobile slaughter and any trade associations that may be able to assist the tribe in qualifying for inspection and starting its operations. In addition, the Committee expects a report to the Committee within 90 days of enactment on the projected impact to the agency if Congress were to determine that buffalo/bison were an amenable species under the Federal Meat Inspection Act.

On page 45, before the first full paragraph, insert the following:

Office of Urban Agriculture and Innovative Production.—The Committee provide \$5,000,000 for this office. Of this amount, \$1,000,000 is for pilot programs under section 222(d)(2) of Subtitle A of the Department of Agriculture Reorganization Act of 1994, as amended by section 12302 of P.L. 115–334.

On page 49, in the second full paragraph, before the last sentence, insert:

Specifically, the Committee is concerned about the lack of access to ReConnect funds for entities other than the CAF-II auction recipient in a census block. Currently there is no connectivity requirement, such as number of households served, for these funds, and therefore many rural Americans are still left without broadband access. The Committee believes that all Americans should have access to reliable and affordable broadband, and urges the USDA to amend the ReConnect eligibility requirements in order to better provide service to an accurate number of households, grant recipients, and census block areas.

On page 59, insert the following at the end of the paragraph entitled “Senior Farmers Market Nutrition Program (SFMNP)”:

The Committee is critically aware of the need for SFMNP in low income communities. The Committee directs FNS to research the backlog of states requesting SFMNP funding and to deliver their findings to the Committees within 180 days of enactment.

On page 60, under Office of the Under Secretary for Food Nutrition and Consumer Services, insert the following:

WIC Realignment. The Committee is concerned with the proposed realignment of state WIC agencies within FNS regional offices, which could have unintended consequences on resource distribution and multi-state projects. The Committee urges FNS to reach out to stakeholders and requests a briefing within 60 days of enactment on how the realignment is proceeding and how state and Indian Tribal Organizations’ concerns are being addressed.

On page 61, in fourth full paragraph, put at period after “normal working hours”, strike everything that follows, and insert the following:

In the event such training is scheduled outside working hours, all efforts should be made to inform food service personnel of the necessity of the training; the committee also encourages the Department to work with states on compensation for personnel participating in such training programs under such circumstances.

On page 64, before the first full paragraph, insert the following:

Nutrition Assistance Program (NAP) Study. The Committee supports ongoing efforts by the Commonwealth of Puerto Rico to shift NAP to SNAP. The Committee recognizes this will require Puerto Rico to build additional capacity to operate SNAP according to federal rules. The Committee provides \$5 million (of which no less than \$1 million shall be made available to Puerto Rico to support the process) to develop a report to Congress that updates the administrative, operational, and program integrity parts of chapter IV of the 2010 report “Implementing Supplemental Nutrition Assistance Program in Puerto Rico: A Feasibility Study” and includes a detailed plan with specific steps and timelines for USDA and the Commonwealth to address and remedy identified gaps. The Secretary is to report the results to the Committees no later than September 30, 2020. In addition, the Committee provides \$2 million for the Commonwealth to fund a preliminary planning process regarding technology requirements and costs to operate SNAP and requests the Commonwealth to provide a report to the Committees on its efforts no later than September 30, 2020.

On page 70 of the report, at the end of the last paragraph on the page, add the following:

The Committee is aware that in 2019 the inter-agency Transfusion Transmissible Infections Monitoring System (TTIMS) will assess prevalence, incidence, and risk factors for HIV infection among both first-time and repeat donors and assess time trends that may be associated with policy changes such as the current 12-month deferral. The Committee encourages FDA to work with the National Heart, Lung and Blood Institute to analyze the TTIMS data to fully understand the risk factors that might expose a potential donor to blood-borne illness and adjust deferment questions if warranted.

On page 74 of the report, after the fifth full paragraph, insert the following:

Electrical Stimulation Devices.—The Committee is concerned about the delay in issuing a final rule prohibiting the use of electrical stimulation devices on persons with intellectual and developmental disabilities, especially in light of the agency’s statement that “these products present an unreasonable and substantial risk to public health.” Given this risk, the Committee directs the agency to issue the final rule no later than December 31, 2019, consistent with the Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions.

On page 75, after the first full paragraph, insert the following:

Food Additives.— There are more than 10,000 additives to preserve or modify the taste, appearance and nutrients in food. The Committee is concerned about potential effects of food additives on children and requests a report on the effects of direct and indirect food additives currently listed as generally recognized as safe on the behavioral health of children.

On page 81, after the sixth full paragraph, insert the following:

Traceability of food. —The Committee is aware that FDA has not put forward a comprehensive food-traceability system. The Committee directs FDA to work with stakeholders on a wide-scale traceability system that could help companies and government agencies more rapidly access data crucial to tracking foods implicated in disease outbreaks and subject to recalls.

On page 83, in the first full paragraph, strike the first sentence and replace it with:

The Committee is aware of concerns about pricing by aluminum end users.

On page 84, before Title VII, insert the following:

Public/private partnerships.—The Committee recognizes the value of public/private partnerships in financing rural community facilities and other similar projects, as well as the role the Farm Credit System (FCS) can play in expanding these partnerships. The Committee also recognizes that the Farm Credit Act of 1971, as amended, provides authority for FCS institutions to make investments in vital rural community facilities and supports improving the Farm Credit Administration's current process of approving these investments. To help the Committee consider ways it can encourage these partnerships, the Farm Credit Administration is directed to report back to the Committee within 120 days of the date of enactment of this Act on the current ways in which the FCS participates in these partnerships and on options to enhance and expand FCS's lending and investment opportunities to increase these partnerships and investment projects in rural America.

#1
adopted ✓

**AMENDMENT TO AGRICULTURE AND RURAL
DEVELOPMENT APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the end of the bill (before the short title) insert
the following:

1 SEC. ____ . None of the funds made available by this
2 Act may be used to notify a sponsor or otherwise acknowl-
3 edge receipt of a submission for an exemption for inves-
4 tigational use of a drug or biological product under section
5 505(i) of the Federal Food, Drug, and Cosmetic Act (21
6 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
7 Service Act (42 U.S.C. 262(a)(3)) in research in which
8 a human embryo is intentionally created or modified to
9 include a heritable genetic modification. Any such submis-
10 sion shall be deemed to have not been received by the Sec-
11 retary, and the exemption may not go into effect.



DeLauro #1

adopted ✓✓

**AMENDMENT TO AGRICULTURE AND RURAL
DEVELOPMENT APPROPRIATIONS BILL
OFFERED BY MS. DELAURO OF CONNECTICUT**

At the end of the bill (before the short title), insert
the following:

1 SEC. _____. None of the funds made available to the
2 Department of Agriculture shall be used to finalize, issue,
3 or implement the proposed rule entitled “Modernization
4 of Swine Slaughter Inspection” published in the Federal
5 Register by the Food Safety Inspection Service on Feb-
6 ruary 1, 2018 (83 Fed. Reg. 4780 et seq.), including inso-
7 far as such rule relates to converting establishments,
8 until—

9 (1) the Office of the Inspector General of the
10 Department of Agriculture has provided to the Food
11 Safety and Inspection Service and the Committees
12 on Appropriations of the House of Representatives
13 and the Senate findings on the data used in support
14 of the development and design of the swine slaughter
15 inspection program that is the subject of such pro-
16 posed rule; and

17 (2) the Food Safety and Inspection Service has
18 addressed and resolved issues identified by the In-

1 spector General in the findings referred to in para-
2 graph (1).



adopted vv

**AMENDMENT TO AGRICULTURE AND RURAL
DEVELOPMENT APPROPRIATIONS BILL
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

At the end of the bill (before the short title), insert
the following:

- 1 SEC. _____. None of the funds made available by this
2 Act may be used to—
3 (1) transfer the functions of, or eliminate, a
4 Forest Service Job Corps Civilian Conservation Cen-
5 ter; or
6 (2) alter the jurisdiction of the Secretary of Ag-
7 riculture with respect to the operation of such a
8 Forest Service Job Corps Civilian Conservation Cen-
9 ter, as such jurisdiction was in effect on January 1,
10 2019.



Not adopted
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Aderholt Amdt to AG
#2

**AMENDMENT TO AGRICULTURE AND RURAL
DEVELOPMENT APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the end of the bill (before the short title), insert
the following:

1 **TITLE VIII—STOPPING CONSUMPTION OF**
2 **TOBACCO BY TEENS**
3 **MINIMUM AGE RESTRICTIONS FOR SALE OF TOBACCO**
4 **PRODUCTS**

5 **SEC. 801.**

6 (a) Section 906(d)(3) of the Federal Food, Drug, and
7 Cosmetic Act (21 U.S.C. 387f(d)(3)) is amended—

8 (1) by amending subparagraph (A) to read as
9 follows:

10 “(A) **FACE-TO-FACE TRANSACTIONS.**—No
11 restrictions under paragraph (1) may prohibit
12 the sale of any tobacco product in face-to-face
13 transactions by a specific category of retail out-
14 lets.”; and

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

16 “(C) **MINIMUM AGE RESTRICTIONS.**—

17 “(i) **RESTRICTION.**—It shall be unlaw-
18 ful to sell or distribute a tobacco product

1 to any person younger than 21 years of
2 age.

3 “(ii) ENFORCEMENT.—The Secretary
4 of Health and Human Services is author-
5 ized to enforce the prohibition under clause
6 (i) and shall take necessary action to en-
7 force such prohibition, including, as appro-
8 priate—

9 “(I) conducting undercover com-
10 pliance checks, performing retailer in-
11 spections, initiating enforcement ac-
12 tions for noncompliance, and taking
13 any other measures appropriate to
14 help ensure nationwide compliance
15 with such prohibition; and

16 “(II) establishing requirements
17 that retailers check identification to
18 ensure compliance with clause (i) (in-
19 cluding increasing the minimum age
20 for which the checking of such identi-
21 fication is not required, which shall be
22 greater than the minimum age under
23 clause (i)) or issuing guidance con-
24 cerning the responsibility of retailers
25 to ensure such compliance.

1 “(iii) REGULATIONS.—Not later than
2 2 years after the date of the enactment of
3 this subparagraph, the Secretary shall re-
4 vise the regulations issued under para-
5 graph (1) to implement and enforce
6 clauses (i) and (ii).”.

7 (b) Section 906(d)(4) of the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 387f(d)(4)) is amended by add-
9 ing at the end the following:

10 “(C) ELECTRONIC NICOTINE DELIVERY
11 SYSTEMS.—

12 “(i) IN GENERAL.—Not later than 2
13 years after the date of the enactment of
14 this subparagraph, the Secretary shall
15 issue regulations or revise the regulations
16 issued under clause (i) and (ii) of subpara-
17 graph (A) to require age verification with
18 respect to remote sales of electronic nico-
19 tine delivery systems.

20 “(ii) CONTENT.—Such regulations
21 shall, at a minimum, provide—

22 “(I) that a delivery seller of elec-
23 tronic nicotine delivery systems—

24 “(aa) shall not sell, deliver,
25 or cause to be delivered any elec-

1 tronic nicotine delivery systems
2 to a person under the minimum
3 age required for the legal sale or
4 purchase of electronic nicotine
5 delivery systems, as determined
6 by the applicable law at the place
7 of delivery;

8 “(bb) shall not accept a de-
9 livery sale order from a person
10 without—

11 “(AA) obtaining the
12 full name, birth date, and
13 residential address of that
14 person; and

15 “(BB) verifying the in-
16 formation provided in sub-
17 paragraph (A), through the
18 use of a commercially avail-
19 able database or aggregate
20 of databases, consisting pri-
21 marily of data from govern-
22 ment sources, that are regu-
23 larly used by government
24 and businesses for the pur-
25 pose of age and identity

1 verification and authentica-
2 tion, to ensure that the pur-
3 chaser is at least the min-
4 imum age required for the
5 legal sale or purchase of
6 electronic nicotine delivery
7 systems, as determined by
8 the applicable law at the
9 place of delivery; and

10 “(cc) shall not make any
11 such delivery without first obtain-
12 ing, at the place of delivery, the
13 signature of a person who is not
14 younger than the minimum age
15 described in item (aa);

16 “(II) that no database being used
17 for age and identity verification pur-
18 suant to subclause (I)(bb)(BB) shall
19 be in the possession or under the con-
20 trol of the delivery seller, or be subject
21 to any changes or supplementation by
22 the delivery seller; and

23 “(III) for definitions of the terms
24 ‘delivery sale’, ‘delivery seller’, ‘online

1 marketplace', and 'electronic nicotine
2 delivery system'.

3 "(iii) DEFINITIONS.—To the extent
4 the Secretary determines is appropriate
5 and practicable, in issuing regulations re-
6 ferred to in clause (ii)(III), the Secretary
7 shall define the terms specified in such
8 clause consistent with the following defini-
9 tions:

10 "(I) The term 'delivery sale'
11 means a sale of electronic nicotine de-
12 livery systems in which—

13 "(aa) the consumer submits
14 the order for the sale by means
15 of a telephone or other method of
16 voice transmission, the mail or
17 common carrier, or the Internet
18 or other online service, or the
19 seller is otherwise not in the
20 physical presence of the buyer
21 when the request for purchase or
22 order is made; or

23 "(bb) the electronic nicotine
24 delivery systems are delivered to
25 the buyer by common carrier,

1 private delivery service, or other
2 method of remote delivery, or the
3 seller is not in the physical pres-
4 ence of the buyer when the buyer
5 obtains possession of the elec-
6 tronic nicotine delivery systems.

7 “(II) The term ‘delivery seller’
8 means a person who makes a delivery
9 sale, or provides an online market-
10 place to facilitate a delivery sale.

11 “(III) The term ‘online market-
12 place’ means an online portal or other
13 digital or similar platform that facili-
14 tates the sale of products to con-
15 sumers, through retail sale, auction,
16 or similar transactions.

17 “(IV) The term ‘electronic nico-
18 tine delivery system’—

19 “(aa) means any electronic
20 device that delivers nicotine, fla-
21 vor, or another substance via an
22 aerosolized solution to the user
23 inhaling from the device (includ-
24 ing e-cigarettes, e-hookah, e-ci-
25 gars, vape pens, advanced refill-

1 able personal vaporizers, and
2 electronic pipes) and any compo-
3 nent, liquid, part, or accessory of
4 such a device, whether or not
5 sold separately; and

6 “(bb) does not include a
7 product that—

8 “(AA) is approved by
9 the Food and Drug Admin-
10 istration for sale as a to-
11 bacco cessation product or
12 for another therapeutic pur-
13 pose; and

14 “(BB) is marketed and
15 sold solely for a purpose de-
16 scribed in subitem (AA).”.



Harris #1

not adopted
JV

AMENDMENT

**OFFERED BY MR. HARRIS OF MARYLAND TO THE
AMENDMENT OFFERED BY MR. ADERHOLT OF
ALABAMA
TO AGRICULTURE AND RURAL DEVELOPMENT
APPROPRIATIONS BILL**

[Page and line numbers refer to ADERHO_008 with
timestamp of June 3, 2019 at 11:17PM]

Page 1, line 17, strike "It shall be" and insert "Ex-
cept as provided in clause (ii), it shall be".

Page 2, after line 2, insert the following:

1 “(ii) MILITARY PERSONNEL.—The re-
2 striction under clause (i) shall not apply to
3 the sale, giving, distributing, or furnishing
4 of any tobacco product to active duty mili-
5 tary personnel who are 18 years of age or
6 older. An identification card issued by the
7 United States Armed Forces shall be used
8 to verify the age of such personnel.”.

Page 2, line 3, strike “(ii)” and insert “(iii)”.

Page 3, line 1, strike “(iii)” and insert “(iv)”.

Page 3, line 6, strike “clauses (i) and (ii)” and insert “clauses (i), (ii), and (iii)”.

