

106TH CONGRESS
2D SESSION

H. R. 5426

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2000

Mr. SKEEN introduced the following bill; which was referred to the Committee on Appropriations

A BILL

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Programs for the fiscal year ending September 30, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for Ag-
5 riculture, Rural Development, Food and Drug Administra-
6 tion, and Related Agencies for the fiscal year ending Sep-
7 tember 30, 2001, and for other purposes, namely:

1 TITLE I
2 AGRICULTURAL PROGRAMS
3 PRODUCTION, PROCESSING, AND MARKETING
4 OFFICE OF THE SECRETARY
5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses of the Office of the Secretary
7 of Agriculture, and not to exceed \$75,000 for employment
8 under 5 U.S.C. 3109, \$2,914,000: *Provided*, That not to
9 exceed \$11,000 of this amount shall be available for offi-
10 cial reception and representation expenses, not otherwise
11 provided for, as determined by the Secretary: *Provided*
12 *further*, That none of the funds appropriated or otherwise
13 made available by this Act may be used to pay the salaries
14 and expenses of personnel of the Department of Agri-
15 culture to carry out section 793(c)(1)(C) of Public Law
16 104–127: *Provided further*, That none of the funds made
17 available by this Act may be used to enforce section 793(d)
18 of Public Law 104–127.

19 EXECUTIVE OPERATIONS
20 CHIEF ECONOMIST

21 For necessary expenses of the Chief Economist, in-
22 cluding economic analysis, risk assessment, cost-benefit
23 analysis, energy and new uses, and the functions of the
24 World Agricultural Outlook Board, as authorized by the
25 Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and

1 including employment pursuant to the second sentence of
2 section 706(a) of the Organic Act of 1944 (7 U.S.C.
3 2225), of which not to exceed \$5,000 is for employment
4 under 5 U.S.C. 3109, \$7,462,000.

5 NATIONAL APPEALS DIVISION

6 For necessary expenses of the National Appeals Divi-
7 sion, including employment pursuant to the second sen-
8 tence of section 706(a) of the Organic Act of 1944 (7
9 U.S.C. 2225), of which not to exceed \$25,000 is for em-
10 ployment under 5 U.S.C. 3109, \$12,421,000.

11 OFFICE OF BUDGET AND PROGRAM ANALYSIS

12 For necessary expenses of the Office of Budget and
13 Program Analysis, including employment pursuant to the
14 second sentence of section 706(a) of the Organic Act of
15 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is
16 for employment under 5 U.S.C. 3109, \$6,765,000.

17 OFFICE OF THE CHIEF INFORMATION OFFICER

18 For necessary expenses of the Office of the Chief In-
19 formation Officer, including employment pursuant to the
20 second sentence of section 706(a) of the Organic Act of
21 1944 (7 U.S.C. 2225), of which not to exceed \$10,000
22 is for employment under 5 U.S.C. 3109, \$10,051,000.

23 COMMON COMPUTING ENVIRONMENT

24 For necessary expenses to acquire a Common Com-
25 puting Environment for the Natural Resources Conserva-
26 tion Service, the Farm and Foreign Agricultural Service

1 and Rural Development mission areas for information
2 technology, systems, and services, \$40,000,000, to remain
3 available until expended, for the capital asset acquisition
4 of shared information technology systems, including serv-
5 ices as authorized by 7 U.S.C. 6915–16 and 40 U.S.C.
6 1421–28: *Provided*, That obligation of these funds shall
7 be consistent with the Department of Agriculture Service
8 Center Modernization Plan of the county-based agencies,
9 and shall be with the concurrence of the Department’s
10 Chief Information Officer.

11 OFFICE OF THE CHIEF FINANCIAL OFFICER

12 For necessary expenses of the Office of the Chief Fi-
13 nancial Officer, including employment pursuant to the sec-
14 ond sentence of section 706(a) of the Organic Act of 1944
15 (7 U.S.C. 2225), of which not to exceed \$10,000 is for
16 employment under 5 U.S.C. 3109, \$5,171,000: *Provided*,
17 That the Chief Financial Officer shall actively market
18 cross-servicing activities of the National Finance Center.

19 OFFICE OF THE ASSISTANT SECRETARY FOR
20 ADMINISTRATION

21 For necessary salaries and expenses of the Office of
22 the Assistant Secretary for Administration to carry out
23 the programs funded by this Act, \$629,000.

1 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
2 PAYMENTS
3 (INCLUDING TRANSFERS OF FUNDS)

4 For payment of space rental and related costs pursu-
5 ant to Public Law 92–313, including authorities pursuant
6 to the 1984 delegation of authority from the Adminis-
7 trator of General Services to the Department of Agri-
8 culture under 40 U.S.C. 486, for programs and activities
9 of the Department which are included in this Act, and for
10 the operation, maintenance, improvement, and repair of
11 Agriculture buildings, \$182,747,000, to remain available
12 until expended: *Provided*, That in the event an agency
13 within the Department should require modification of
14 space needs, the Secretary of Agriculture may transfer a
15 share of that agency’s appropriation made available by
16 this Act to this appropriation, or may transfer a share
17 of this appropriation to that agency’s appropriation, but
18 such transfers shall not exceed 5 percent of the funds
19 made available for space rental and related costs to or
20 from this account.

21 HAZARDOUS MATERIALS MANAGEMENT
22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Department of Agri-
24 culture, to comply with the Comprehensive Environmental
25 Response, Compensation, and Liability Act, 42 U.S.C.

1 9601 et seq., and the Resource Conservation and Recovery
2 Act, 42 U.S.C. 6901 et seq., \$15,700,000, to remain avail-
3 able until expended: *Provided*, That appropriations and
4 funds available herein to the Department for Hazardous
5 Materials Management may be transferred to any agency
6 of the Department for its use in meeting all requirements
7 pursuant to the above Acts on Federal and non-Federal
8 lands.

9 DEPARTMENTAL ADMINISTRATION

10 (INCLUDING TRANSFERS OF FUNDS)

11 For Departmental Administration, \$36,010,000, to
12 provide for necessary expenses for management support
13 services to offices of the Department and for general ad-
14 ministration and disaster management of the Department,
15 repairs and alterations, and other miscellaneous supplies
16 and expenses not otherwise provided for and necessary for
17 the practical and efficient work of the Department, includ-
18 ing employment pursuant to the second sentence of section
19 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of
20 which not to exceed \$10,000 is for employment under 5
21 U.S.C. 3109: *Provided*, That this appropriation shall be
22 reimbursed from applicable appropriations in this Act for
23 travel expenses incident to the holding of hearings as re-
24 quired by 5 U.S.C. 551–558.

1 OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

2 For grants and contracts pursuant to section 2501
3 of the Food, Agriculture, Conservation, and Trade Act of
4 1990 (7 U.S.C. 2279), \$3,000,000, to remain available
5 until expended.

6 OFFICE OF THE ASSISTANT SECRETARY FOR

7 CONGRESSIONAL RELATIONS

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary salaries and expenses of the Office of
10 the Assistant Secretary for Congressional Relations to
11 carry out the programs funded by this Act, including pro-
12 grams involving intergovernmental affairs and liaison
13 within the executive branch, \$3,568,000: *Provided*, That
14 these funds may be transferred to agencies of the Depart-
15 ment of Agriculture funded by this Act to maintain per-
16 sonnel at the agency level: *Provided further*, That no other
17 funds appropriated to the Department by this Act shall
18 be available to the Department for support of activities
19 of congressional relations.

20 OFFICE OF COMMUNICATIONS

21 For necessary expenses to carry out services relating
22 to the coordination of programs involving public affairs,
23 for the dissemination of agricultural information, and the
24 coordination of information, work, and programs author-
25 ized by Congress in the Department, \$8,623,000, includ-

1 ing employment pursuant to the second sentence of section
2 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of
3 which not to exceed \$10,000 shall be available for employ-
4 ment under 5 U.S.C. 3109, and not to exceed \$2,000,000
5 may be used for farmers' bulletins.

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of the Inspector
8 General, including employment pursuant to the second
9 sentence of section 706(a) of the Organic Act of 1944 (7
10 U.S.C. 2225), and the Inspector General Act of 1978,
11 \$68,867,000, including such sums as may be necessary for
12 contracting and other arrangements with public agencies
13 and private persons pursuant to section 6(a)(9) of the In-
14 spector General Act of 1978, including not to exceed
15 \$50,000 for employment under 5 U.S.C. 3109; and includ-
16 ing not to exceed \$125,000 for certain confidential oper-
17 ational expenses, including the payment of informants, to
18 be expended under the direction of the Inspector General
19 pursuant to Public Law 95-452 and section 1337 of Pub-
20 lic Law 97-98.

21 OFFICE OF THE GENERAL COUNSEL

22 For necessary expenses of the Office of the General
23 Counsel, \$31,080,000.

1 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,
2 EDUCATION AND ECONOMICS

3 For necessary salaries and expenses of the Office of
4 the Under Secretary for Research, Education and Eco-
5 nomics to administer the laws enacted by the Congress
6 for the Economic Research Service, the National Agricul-
7 tural Statistics Service, the Agricultural Research Service,
8 and the Cooperative State Research, Education, and Ex-
9 tension Service, \$556,000.

10 ECONOMIC RESEARCH SERVICE
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Economic Research
13 Service in conducting economic research and analysis, as
14 authorized by the Agricultural Marketing Act of 1946 (7
15 U.S.C. 1621–1627) and other laws, \$67,038,000: *Pro-*
16 *vided*, That \$1,000,000 shall be transferred to and merged
17 with the appropriation for “Food and Nutrition Service,
18 Food Program Administration” for studies and evalua-
19 tions: *Provided further*, That this appropriation shall be
20 available for employment pursuant to the second sentence
21 of section 706(a) of the Organic Act of 1944 (7 U.S.C.
22 2225).

23 NATIONAL AGRICULTURAL STATISTICS SERVICE

24 For necessary expenses of the National Agricultural
25 Statistics Service in conducting statistical reporting and

1 service work, including crop and livestock estimates, sta-
2 tistical coordination and improvements, marketing sur-
3 veys, and the Census of Agriculture, as authorized by 7
4 U.S.C. 1621–1627, Public Law 105–113, and other laws,
5 \$100,772,000, of which up to \$15,000,000 shall be avail-
6 able until expended for the Census of Agriculture: *Pro-*
7 *vided*, That this appropriation shall be available for em-
8 ployment pursuant to the second sentence of section
9 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and
10 not to exceed \$40,000 shall be available for employment
11 under 5 U.S.C. 3109.

12 AGRICULTURAL RESEARCH SERVICE

13 SALARIES AND EXPENSES

14 For necessary expenses to enable the Agricultural Re-
15 search Service to perform agricultural research and dem-
16 onstration relating to production, utilization, marketing,
17 and distribution (not otherwise provided for); home eco-
18 nomics or nutrition and consumer use including the acqui-
19 sition, preservation, and dissemination of agricultural in-
20 formation; and for acquisition of lands by donation, ex-
21 change, or purchase at a nominal cost not to exceed \$100,
22 and for land exchanges where the lands exchanged shall
23 be of equal value or shall be equalized by a payment of
24 money to the grantor which shall not exceed 25 percent
25 of the total value of the land or interests transferred out

1 of Federal ownership, \$898,812,000: *Provided*, That ap-
2 propriations hereunder shall be available for temporary
3 employment pursuant to the second sentence of section
4 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and
5 not to exceed \$115,000 shall be available for employment
6 under 5 U.S.C. 3109: *Provided further*, That appropria-
7 tions hereunder shall be available for the operation and
8 maintenance of aircraft and the purchase of not to exceed
9 one for replacement only: *Provided further*, That appro-
10 priations hereunder shall be available pursuant to 7
11 U.S.C. 2250 for the construction, alteration, and repair
12 of buildings and improvements, but unless otherwise pro-
13 vided, the cost of constructing any one building shall not
14 exceed \$375,000, except for headhouses or greenhouses
15 which shall each be limited to \$1,200,000, and except for
16 10 buildings to be constructed or improved at a cost not
17 to exceed \$750,000 each, and the cost of altering any one
18 building during the fiscal year shall not exceed 10 percent
19 of the current replacement value of the building or
20 \$375,000, whichever is greater: *Provided further*, That the
21 limitations on alterations contained in this Act shall not
22 apply to modernization or replacement of existing facilities
23 at Beltsville, Maryland: *Provided further*, That appropria-
24 tions hereunder shall be available for granting easements
25 at the Beltsville Agricultural Research Center, including

1 an easement to the University of Maryland to construct
2 the Transgenic Animal Facility which upon completion
3 shall be accepted by the Secretary as a gift: *Provided fur-*
4 *ther*, That the foregoing limitations shall not apply to re-
5 placement of buildings needed to carry out the Act of April
6 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds
7 may be received from any State, other political subdivi-
8 sion, organization, or individual for the purpose of estab-
9 lishing or operating any research facility or research
10 project of the Agricultural Research Service, as authorized
11 by law.

12 None of the funds in the foregoing paragraph shall
13 be available to carry out research related to the produc-
14 tion, processing or marketing of tobacco or tobacco prod-
15 ucts.

16 In fiscal year 2001, the agency is authorized to
17 charge fees, commensurate with the fair market value, for
18 any permit, easement, lease, or other special use author-
19 ization for the occupancy or use of land and facilities (in-
20 cluding land and facilities at the Beltsville Agricultural
21 Research Center) issued by the agency, as authorized by
22 law, and such fees shall be credited to this account, and
23 shall remain available until expended for authorized pur-
24 poses.

1 BUILDINGS AND FACILITIES

2 For acquisition of land, construction, repair, improve-
3 ment, extension, alteration, and purchase of fixed equip-
4 ment or facilities as necessary to carry out the agricultural
5 research programs of the Department of Agriculture,
6 where not otherwise provided, \$74,200,000, to remain
7 available until expended (7 U.S.C. 2209b): *Provided*, That
8 funds may be received from any State, other political sub-
9 division, organization, or individual for the purpose of es-
10 tablishing any research facility of the Agricultural Re-
11 search Service, as authorized by law.

12 COOPERATIVE STATE RESEARCH, EDUCATION, AND

13 EXTENSION SERVICE

14 RESEARCH AND EDUCATION ACTIVITIES

15 For payments to agricultural experiment stations, for
16 cooperative forestry and other research, for facilities, and
17 for other expenses, \$506,193,000, as follows: to carry out
18 the provisions of the Hatch Act (7 U.S.C. 361a-i),
19 \$180,545,000; for grants for cooperative forestry research
20 (16 U.S.C. 582a-a7), \$21,932,000; for payments to the
21 1890 land-grant colleges, including Tuskegee University
22 (7 U.S.C. 3222), \$32,676,000, of which \$1,000,000 shall
23 be made available to West Virginia State College in Insti-
24 tute, West Virginia; for special grants for agricultural re-
25 search (7 U.S.C. 450i(c)), \$85,669,000; for special grants

1 for agricultural research on improved pest control (7
2 U.S.C. 450i(c)), \$13,721,000; for competitive research
3 grants (7 U.S.C. 450i(b)), \$106,000,000; for the support
4 of animal health and disease programs (7 U.S.C. 3195),
5 \$5,109,000; for supplemental and alternative crops and
6 products (7 U.S.C. 3319d), \$800,000; for grants for re-
7 search pursuant to the Critical Agricultural Materials Act
8 of 1984 (7 U.S.C. 178) and section 1472 of the Food and
9 Agriculture Act of 1977 (7 U.S.C. 3318), \$640,000, to
10 remain available until expended; for the 1994 research
11 program (7 U.S.C. 301 note), \$1,000,000, to remain
12 available until expended; for higher education graduate
13 fellowship grants (7 U.S.C. 3152(b)(6)), \$3,000,000, to
14 remain available until expended (7 U.S.C. 2209b); for
15 higher education challenge grants (7 U.S.C. 3152(b)(1)),
16 \$4,350,000; for a higher education multicultural scholars
17 program (7 U.S.C. 3152(b)(5)), \$1,000,000, to remain
18 available until expended (7 U.S.C. 2209b); for an edu-
19 cation grants program for Hispanic-serving Institutions (7
20 U.S.C. 3241), \$3,500,000; for a program of noncompeti-
21 tive grants, to be awarded on an equal basis, to Alaska
22 Native-serving and Native Hawaiian-serving Institutions
23 to carry out higher education programs (7 U.S.C. 3242),
24 \$3,000,000; for a secondary agriculture education pro-
25 gram and 2-year post-secondary education (7 U.S.C.

1 3152(h)), \$800,000; for aquaculture grants (7 U.S.C.
2 3322), \$4,000,000; for sustainable agriculture research
3 and education (7 U.S.C. 5811), \$9,250,000; for a pro-
4 gram of capacity building grants (7 U.S.C. 3152(b)(4))
5 to colleges eligible to receive funds under the Act of Au-
6 gust 30, 1890 (7 U.S.C. 321–326 and 328), including
7 Tuskegee University, \$9,500,000, to remain available
8 until expended (7 U.S.C. 2209b); for payments to the
9 1994 Institutions pursuant to section 534(a)(1) of Public
10 Law 103–382, \$1,552,000; and for necessary expenses of
11 Research and Education Activities, of which not to exceed
12 \$100,000 shall be for employment under 5 U.S.C. 3109,
13 \$18,149,000.

14 None of the funds in the foregoing paragraph shall
15 be available to carry out research related to the produc-
16 tion, processing or marketing of tobacco or tobacco prod-
17 ucts: *Provided*, That this paragraph shall not apply to re-
18 search on the medical, biotechnological, food, and indus-
19 trial uses of tobacco.

20 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

21 For the Native American Institutions Endowment
22 Fund authorized by Public Law 103–382 (7 U.S.C. 301
23 note), \$7,100,000: *Provided*, That hereafter, any distribu-
24 tion of the adjusted income from the Native American In-
25 stitutions Endowment Fund is authorized to be used for

1 facility renovation, repair, construction, and maintenance,
2 in addition to other authorized purposes.

3 EXTENSION ACTIVITIES

4 For payments to States, the District of Columbia,
5 Puerto Rico, Guam, the Virgin Islands, Micronesia,
6 Northern Marianas, and American Samoa, \$433,429,000,
7 as follows: payments for cooperative extension work under
8 the Smith-Lever Act, to be distributed under sections 3(b)
9 and 3(c) of said Act, and under section 208(c) of Public
10 Law 93–471, for retirement and employees’ compensation
11 costs for extension agents and for costs of penalty mail
12 for cooperative extension agents and State extension direc-
13 tors, \$276,548,000; payments for extension work at the
14 1994 Institutions under the Smith-Lever Act (7 U.S.C.
15 343(b)(3)), \$3,280,000; payments for the nutrition and
16 family education program for low-income areas under sec-
17 tion 3(d) of the Act, \$58,695,000; payments for the pest
18 management program under section 3(d) of the Act,
19 \$10,783,000; payments for the farm safety program under
20 section 3(d) of the Act, \$4,000,000; payments to upgrade
21 research, extension, and teaching facilities at the 1890
22 land-grant colleges, including Tuskegee University, as au-
23 thorized by section 1447 of Public Law 95–113 (7 U.S.C.
24 3222b), \$12,200,000, to remain available until expended;
25 payments for the rural development centers under section
26 3(d) of the Act, \$908,000; payments for youth-at-risk pro-

1 grams under section 3(d) of the Act, \$8,500,000; for
2 youth farm safety education and certification extension
3 grants, to be awarded competitively under section 3(d) of
4 the Act, \$500,000; payments for carrying out the provi-
5 sions of the Renewable Resources Extension Act of 1978,
6 \$3,192,000; payments for Indian reservation agents under
7 section 3(d) of the Act, \$2,000,000; payments for sustain-
8 able agriculture programs under section 3(d) of the Act,
9 \$3,800,000; payments for rural health and safety edu-
10 cation as authorized by section 2390 of Public Law 101-
11 624 (7 U.S.C. 2661 note, 2662), \$2,628,000; payments
12 for cooperative extension work by the colleges receiving the
13 benefits of the second Morrill Act (7 U.S.C. 321-326 and
14 328) and Tuskegee University, \$28,243,000, of which
15 \$1,000,000 shall be made available to West Virginia State
16 College in Institute, West Virginia; and for Federal ad-
17 ministration and coordination including administration of
18 the Smith-Lever Act, and the Act of September 29, 1977
19 (7 U.S.C. 341-349), and section 1361(c) of the Act of
20 October 3, 1980 (7 U.S.C. 301 note), and to coordinate
21 and provide program leadership for the extension work of
22 the Department and the several States and insular posses-
23 sions, \$18,152,000: *Provided*, That funds hereby appro-
24 priated pursuant to section 3(c) of the Act of June 26,
25 1953, and section 506 of the Act of June 23, 1972, shall

1 not be paid to any State, the District of Columbia, Puerto
2 Rico, Guam, or the Virgin Islands, Micronesia, Northern
3 Marianas, and American Samoa prior to availability of an
4 equal sum from non-Federal sources for expenditure dur-
5 ing the current fiscal year.

6 INTEGRATED ACTIVITIES

7 For the integrated research, education, and extension
8 competitive grants programs, including necessary adminis-
9 trative expenses, as authorized under section 406 of the
10 Agricultural Research, Extension, and Education Reform
11 Act of 1998 (7 U.S.C. 7626), \$41,941,000, as follows:
12 payments for the water quality program, \$13,000,000;
13 payments for the food safety program, \$15,000,000; pay-
14 ments for the national agriculture pesticide impact assess-
15 ment program, \$4,541,000; payments for the Food Qual-
16 ity Protection Act risk mitigation program for major food
17 crop systems, \$4,900,000; payments for the crops affected
18 by Food Quality Protection Act implementation,
19 \$1,500,000; payments for the methyl bromide transition
20 program, \$2,500,000; and payments for the organic tran-
21 sition program, \$500,000.

22 OFFICE OF THE UNDER SECRETARY FOR MARKETING
23 AND REGULATORY PROGRAMS

24 For necessary salaries and expenses of the Office of
25 the Under Secretary for Marketing and Regulatory Pro-
26 grams to administer programs under the laws enacted by

1 the Congress for the Animal and Plant Health Inspection
2 Service; the Agricultural Marketing Service; and the Grain
3 Inspection, Packers and Stockyards Administration;
4 \$635,000.

5 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFERS OF FUNDS)

8 For expenses, not otherwise provided for, including
9 those pursuant to the Act of February 28, 1947 (21
10 U.S.C. 114b–c), necessary to prevent, control, and eradi-
11 cate pests and plant and animal diseases; to carry out in-
12 spection, quarantine, and regulatory activities; to dis-
13 charge the authorities of the Secretary of Agriculture
14 under the Acts of March 2, 1931 (46 Stat. 1468) and
15 December 22, 1987 (101 Stat. 1329–1331) (7 U.S.C.
16 426–426c); and to protect the environment, as authorized
17 by law, \$530,564,000, of which \$4,105,000 shall be avail-
18 able for the control of outbreaks of insects, plant diseases,
19 animal diseases and for control of pest animals and birds
20 to the extent necessary to meet emergency conditions; of
21 which \$59,400,000 shall be used for the boll weevil eradi-
22 cation program for cost share purposes or for debt retire-
23 ment for active eradication zones: *Provided*, That no funds
24 shall be used to formulate or administer a brucellosis
25 eradication program for the current fiscal year that does
26 not require minimum matching by the States of at least

1 40 percent: *Provided further*, That this appropriation shall
2 be available for field employment pursuant to the second
3 sentence of section 706(a) of the Organic Act of 1944 (7
4 U.S.C. 2225), and not to exceed \$40,000 shall be available
5 for employment under 5 U.S.C. 3109: *Provided further*,
6 That this appropriation shall be available for the operation
7 and maintenance of aircraft and the purchase of not to
8 exceed four, of which two shall be for replacement only:
9 *Provided further*, That, in addition, in emergencies which
10 threaten any segment of the agricultural production indus-
11 try of this country, the Secretary may transfer from other
12 appropriations or funds available to the agencies or cor-
13 porations of the Department such sums as may be deemed
14 necessary, to be available only in such emergencies for the
15 arrest and eradication of contagious or infectious disease
16 or pests of animals, poultry, or plants, and for expenses
17 in accordance with the Act of February 28, 1947, and sec-
18 tion 102 of the Act of September 21, 1944, and any unex-
19 pended balances of funds transferred for such emergency
20 purposes in the preceding fiscal year shall be merged with
21 such transferred amounts: *Provided further*, That appro-
22 priations hereunder shall be available pursuant to law (7
23 U.S.C. 2250) for the repair and alteration of leased build-
24 ings and improvements, but unless otherwise provided the
25 cost of altering any one building during the fiscal year

1 shall not exceed 10 percent of the current replacement
2 value of the building: *Provided further*, That not to exceed
3 \$1,000,000 of the funds available under this heading for
4 wildlife services methods development may be used by the
5 Secretary of Agriculture to conduct pilot projects in up
6 to four States representative of wildlife predation of live-
7 stock in connection with farming operations for direct as-
8 sistance in the application of non-lethal predation control
9 methods: *Provided further*, That the General Accounting
10 Office shall report to the Committees on Appropriations
11 by November 30, 2001, on the Department's compliance
12 with this provision and on the effectiveness of the non-
13 lethal measures.

14 In fiscal year 2001, the agency is authorized to collect
15 fees to cover the total costs of providing technical assist-
16 ance, goods, or services requested by States, other political
17 subdivisions, domestic and international organizations,
18 foreign governments, or individuals, provided that such
19 fees are structured such that any entity's liability for such
20 fees is reasonably based on the technical assistance, goods,
21 or services provided to the entity by the agency, and such
22 fees shall be credited to this account, to remain available
23 until expended, without further appropriation, for pro-
24 viding such assistance, goods, or services.

1 Of the total amount available under this heading in
2 fiscal year 2001, \$85,000,000 shall be derived from user
3 fees deposited in the Agricultural Quarantine Inspection
4 User Fee Account.

5 BUILDINGS AND FACILITIES

6 For plans, construction, repair, preventive mainte-
7 nance, environmental support, improvement, extension, al-
8 teration, and purchase of fixed equipment or facilities, as
9 authorized by 7 U.S.C. 2250, and acquisition of land as
10 authorized by 7 U.S.C. 428a, \$9,870,000, to remain avail-
11 able until expended.

12 AGRICULTURAL MARKETING SERVICE

13 MARKETING SERVICES

14 For necessary expenses to carry out services related
15 to consumer protection, agricultural marketing and dis-
16 tribution, transportation, and regulatory programs, as au-
17 thorized by law, and for administration and coordination
18 of payments to States, including field employment pursu-
19 ant to the second sentence of section 706(a) of the Or-
20 ganic Act of 1944 (7 U.S.C. 2225) and not to exceed
21 \$90,000 for employment under 5 U.S.C. 3109,
22 \$65,335,000, including funds for the wholesale market de-
23 velopment program for the design and development of
24 wholesale and farmer market facilities for the major met-
25 ropolitan areas of the country: *Provided*, That this appro-
26 priation shall be available pursuant to law (7 U.S.C. 2250)

1 for the alteration and repair of buildings and improve-
2 ments, but the cost of altering any one building during
3 the fiscal year shall not exceed 10 percent of the current
4 replacement value of the building: *Provided further*, That,
5 only after promulgation of a final rule on a National Or-
6 ganic Standards Program, \$639,000 of this amount shall
7 be available for the Expenses and Refunds, Inspection and
8 Grading of Farm Products fund account for the cost of
9 the National Organic Standards Program and such funds
10 shall remain available until expended.

11 Fees may be collected for the cost of standardization
12 activities, as established by regulation pursuant to law (31
13 U.S.C. 9701).

14 LIMITATION ON ADMINISTRATIVE EXPENSES

15 Not to exceed \$60,730,000 (from fees collected) shall
16 be obligated during the current fiscal year for administra-
17 tive expenses: *Provided*, That if crop size is understated
18 and/or other uncontrollable events occur, the agency may
19 exceed this limitation by up to 10 percent with notification
20 to the Committees on Appropriations of both Houses of
21 Congress.

22 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND

23 SUPPLY (SECTION 32)

24 (INCLUDING TRANSFERS OF FUNDS)

25 Funds available under section 32 of the Act of Au-
26 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-

1 modify program expenses as authorized therein, and other
2 related operating expenses, except for: (1) transfers to the
3 Department of Commerce as authorized by the Fish and
4 Wildlife Act of August 8, 1956; (2) transfers otherwise
5 provided in this Act; and (3) not more than \$13,438,000
6 for formulation and administration of marketing agree-
7 ments and orders pursuant to the Agricultural Marketing
8 Agreement Act of 1937 and the Agricultural Act of 1961.

9 PAYMENTS TO STATES AND POSSESSIONS

10 For payments to departments of agriculture, bureaus
11 and departments of markets, and similar agencies for
12 marketing activities under section 204(b) of the Agricul-
13 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
14 \$1,350,000.

15 GRAIN INSPECTION, PACKERS AND STOCKYARDS

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses to carry out the provisions
19 of the United States Grain Standards Act, for the admin-
20 istration of the Packers and Stockyards Act, for certifying
21 procedures used to protect purchasers of farm products,
22 and the standardization activities related to grain under
23 the Agricultural Marketing Act of 1946, including field
24 employment pursuant to the second sentence of section
25 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and
26 not to exceed \$25,000 for employment under 5 U.S.C.

1 3109, \$31,420,000: *Provided*, That this appropriation
2 shall be available pursuant to law (7 U.S.C. 2250) for the
3 alteration and repair of buildings and improvements, but
4 the cost of altering any one building during the fiscal year
5 shall not exceed 10 percent of the current replacement
6 value of the building.

7 LIMITATION ON INSPECTION AND WEIGHING SERVICES

8 EXPENSES

9 Not to exceed \$42,557,000 (from fees collected) shall
10 be obligated during the current fiscal year for inspection
11 and weighing services: *Provided*, That if grain export ac-
12 tivities require additional supervision and oversight, or
13 other uncontrollable factors occur, this limitation may be
14 exceeded by up to 10 percent with notification to the Com-
15 mittees on Appropriations of both Houses of Congress.

16 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

17 For necessary salaries and expenses of the Office of
18 the Under Secretary for Food Safety to administer the
19 laws enacted by the Congress for the Food Safety and In-
20 spection Service, \$460,000.

21 FOOD SAFETY AND INSPECTION SERVICE

22 For necessary expenses to carry out services author-
23 ized by the Federal Meat Inspection Act, the Poultry
24 Products Inspection Act, and the Egg Products Inspection
25 Act, including not to exceed \$50,000 for representation
26 allowances and for expenses pursuant to section 8 of the

1 Act approved August 3, 1956 (7 U.S.C. 1766),
2 \$696,704,000, of which no less than \$591,258,000 shall
3 be available for Federal food inspection; and in addition,
4 \$1,000,000 may be credited to this account from fees col-
5 lected for the cost of laboratory accreditation as author-
6 ized by section 1017 of Public Law 102-237: *Provided*,
7 That not more than \$2,500,000 of this appropriation may
8 be used to implement section 752 of title VII of this Act:
9 *Provided further*, That this appropriation shall be available
10 for field employment pursuant to the second sentence of
11 section 706(a) of the Organic Act of 1944 (7 U.S.C.
12 2225), and not to exceed \$75,000 shall be available for
13 employment under 5 U.S.C. 3109: *Provided further*, That
14 this appropriation shall be available pursuant to law (7
15 U.S.C. 2250) for the alteration and repair of buildings
16 and improvements, but the cost of altering any one build-
17 ing during the fiscal year shall not exceed 10 percent of
18 the current replacement value of the building: *Provided*
19 *further*, That from amounts appropriated under this head-
20 ing not needed for federal food inspection, up to
21 \$6,000,000 may be used to liquidate obligations incurred
22 in previous years, to the extent approved by the Director
23 of the Office of Management and Budget based on docu-
24 mentation provided by the Secretary of Agriculture.

1 OFFICE OF THE UNDER SECRETARY FOR FARM AND
2 FOREIGN AGRICULTURAL SERVICES

3 For necessary salaries and expenses of the Office of
4 the Under Secretary for Farm and Foreign Agricultural
5 Services to administer the laws enacted by Congress for
6 the Farm Service Agency, the Foreign Agricultural Serv-
7 ice, the Risk Management Agency, and the Commodity
8 Credit Corporation, \$589,000.

9 FARM SERVICE AGENCY
10 SALARIES AND EXPENSES
11 (INCLUDING TRANSFERS OF FUNDS)

12 For necessary expenses for carrying out the adminis-
13 tration and implementation of programs administered by
14 the Farm Service Agency, \$828,385,000: *Provided*, That
15 the Secretary is authorized to use the services, facilities,
16 and authorities (but not the funds) of the Commodity
17 Credit Corporation to make program payments for all pro-
18 grams administered by the Agency: *Provided further*, That
19 other funds made available to the Agency for authorized
20 activities may be advanced to and merged with this ac-
21 count: *Provided further*, That these funds shall be avail-
22 able for employment pursuant to the second sentence of
23 section 706(a) of the Organic Act of 1944 (7 U.S.C.
24 2225), and not to exceed \$1,000,000 shall be available for
25 employment under 5 U.S.C. 3109.

1 STATE MEDIATION GRANTS

2 For grants pursuant to section 502(b) of the Agricul-
3 tural Credit Act of 1987 (7 U.S.C. 5101–5106),
4 \$3,000,000.

5 DAIRY INDEMNITY PROGRAM

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses involved in making indemnity
8 payments to dairy farmers for milk or cows producing
9 such milk and manufacturers of dairy products who have
10 been directed to remove their milk or dairy products from
11 commercial markets because it contained residues of
12 chemicals registered and approved for use by the Federal
13 Government, and in making indemnity payments for milk,
14 or cows producing such milk, at a fair market value to
15 any dairy farmer who is directed to remove his milk from
16 commercial markets because of: (1) the presence of prod-
17 ucts of nuclear radiation or fallout if such contamination
18 is not due to the fault of the farmer; or (2) residues of
19 chemicals or toxic substances not included under the first
20 sentence of the Act of August 13, 1968 (7 U.S.C. 450j),
21 if such chemicals or toxic substances were not used in a
22 manner contrary to applicable regulations or labeling in-
23 structions provided at the time of use and the contamina-
24 tion is not due to the fault of the farmer, \$450,000, to
25 remain available until expended (7 U.S.C. 2209b): *Pro-*
26 *vided*, That none of the funds contained in this Act shall

1 be used to make indemnity payments to any farmer whose
2 milk was removed from commercial markets as a result
3 of the farmer's willful failure to follow procedures pre-
4 scribed by the Federal Government: *Provided further,*
5 That this amount shall be transferred to the Commodity
6 Credit Corporation: *Provided further,* That the Secretary
7 is authorized to utilize the services, facilities, and authori-
8 ties of the Commodity Credit Corporation for the purpose
9 of making dairy indemnity disbursements.

10 AGRICULTURAL CREDIT INSURANCE FUND PROGRAM

11 ACCOUNT

12 (INCLUDING TRANSFERS OF FUNDS)

13 For gross obligations for the principal amount of di-
14 rect and guaranteed loans as authorized by 7 U.S.C.
15 1928–1929, to be available from funds in the Agricultural
16 Credit Insurance Fund, as follows: farm ownership loans,
17 \$998,000,000, of which \$870,000,000 shall be for guaran-
18 teed loans; operating loans, \$1,972,741,000, of which
19 \$1,077,839,000 shall be for unsubsidized guaranteed
20 loans and \$369,902,000 shall be for subsidized guaranteed
21 loans; Indian tribe land acquisition loans as authorized by
22 25 U.S.C. 488, \$2,006,000; for emergency insured loans,
23 \$25,000,000 to meet the needs resulting from natural dis-
24 asters; and for boll weevil eradication program loans as
25 authorized by 7 U.S.C. 1989, \$100,000,000.

1 For the cost of direct and guaranteed loans, including
2 the cost of modifying loans as defined in section 502 of
3 the Congressional Budget Act of 1974, as follows: farm
4 ownership loans, \$18,223,000, of which \$4,437,000 shall
5 be for guaranteed loans; operating loans, \$92,310,000, of
6 which \$14,770,000 shall be for unsubsidized guaranteed
7 loans and \$30,185,000 shall be for subsidized guaranteed
8 loans; Indian tribe land acquisition loans as authorized by
9 25 U.S.C. 488, \$323,000; and for emergency insured
10 loans, \$6,133,000 to meet the needs resulting from nat-
11 ural disasters.

12 In addition, for administrative expenses necessary to
13 carry out the direct and guaranteed loan programs,
14 \$269,454,000, of which \$265,315,000 shall be transferred
15 to and merged with the appropriation for “Farm Service
16 Agency, Salaries and Expenses”.

17 Funds appropriated by this Act to the Agricultural
18 Credit Insurance Program Account for farm ownership
19 and operating direct loans and guaranteed loans may be
20 transferred among these programs with the prior approval
21 of the Committees on Appropriations of both Houses of
22 Congress.

23 RISK MANAGEMENT AGENCY

24 For administrative and operating expenses, as au-
25 thorized by the Federal Agriculture Improvement and Re-

1 form Act of 1996 (7 U.S.C. 6933), \$65,597,000: *Provided*,
2 That not to exceed \$700 shall be available for official re-
3 ception and representation expenses, as authorized by 7
4 U.S.C. 1506(i).

5 CORPORATIONS

6 The following corporations and agencies are hereby
7 authorized to make expenditures, within the limits of
8 funds and borrowing authority available to each such cor-
9 poration or agency and in accord with law, and to make
10 contracts and commitments without regard to fiscal year
11 limitations as provided by section 104 of the Government
12 Corporation Control Act as may be necessary in carrying
13 out the programs set forth in the budget for the current
14 fiscal year for such corporation or agency, except as here-
15 inafter provided.

16 FEDERAL CROP INSURANCE CORPORATION FUND

17 For payments as authorized by section 516 of the
18 Federal Crop Insurance Act, such sums as may be nec-
19 essary, to remain available until expended (7 U.S.C.
20 2209b).

21 COMMODITY CREDIT CORPORATION FUND

22 REIMBURSEMENT FOR NET REALIZED LOSSES

23 For fiscal year 2001, such sums as may be necessary
24 to reimburse the Commodity Credit Corporation for net
25 realized losses sustained, but not previously reimbursed,

1 pursuant to section 2 of the Act of August 17, 1961 (15
2 U.S.C. 713a–11).

3 OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE
4 MANAGEMENT

5 For fiscal year 2001, the Commodity Credit Corpora-
6 tion shall not expend more than \$5,000,000 for site inves-
7 tigation and cleanup expenses, and operations and mainte-
8 nance expenses to comply with the requirement of section
9 107(g) of the Comprehensive Environmental Response,
10 Compensation, and Liability Act, 42 U.S.C. 9607(g), and
11 section 6001 of the Resource Conservation and Recovery
12 Act, 42 U.S.C. 6961.

13 TITLE II
14 CONSERVATION PROGRAMS
15 OFFICE OF THE UNDER SECRETARY FOR NATURAL
16 RESOURCES AND ENVIRONMENT

17 For necessary salaries and expenses of the Office of
18 the Under Secretary for Natural Resources and Environ-
19 ment to administer the laws enacted by the Congress for
20 the Forest Service and the Natural Resources Conserva-
21 tion Service, \$711,000: *Provided*, That none of the funds
22 appropriated or otherwise made available by this Act or
23 any other Act shall be available to the Office of the Under
24 Secretary for Natural Resources and Environment for the
25 supervision, management or direction of the Forest Serv-
26 ice or the Natural Resources Conservation Service until

1 January 20, 2001: *Provided further*, That the Chiefs of
2 the Forest Service and the Natural Resources Conserva-
3 tion Service shall report directly to the Secretary of Agri-
4 culture until January 20, 2001.

5 NATURAL RESOURCES CONSERVATION SERVICE
6 CONSERVATION OPERATIONS

7 For necessary expenses for carrying out the provi-
8 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
9 including preparation of conservation plans and establish-
10 ment of measures to conserve soil and water (including
11 farm irrigation and land drainage and such special meas-
12 ures for soil and water management as may be necessary
13 to prevent floods and the siltation of reservoirs and to con-
14 trol agricultural related pollutants); operation of conserva-
15 tion plant materials centers; classification and mapping of
16 soil; dissemination of information; acquisition of lands,
17 water, and interests therein for use in the plant materials
18 program by donation, exchange, or purchase at a nominal
19 cost not to exceed \$100 pursuant to the Act of August
20 3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
21 ation or improvement of permanent and temporary build-
22 ings; and operation and maintenance of aircraft,
23 \$714,116,000, to remain available until expended (7
24 U.S.C. 2209b), of which not less than \$5,990,000 is for
25 snow survey and water forecasting and not less than

1 \$9,125,000 is for operation and establishment of the plant
2 materials centers: *Provided*, That appropriations here-
3 under shall be available pursuant to 7 U.S.C. 2250 for
4 construction and improvement of buildings and public im-
5 provements at plant materials centers, except that the cost
6 of alterations and improvements to other buildings and
7 other public improvements shall not exceed \$250,000: *Pro-*
8 *vided further*, That not to exceed \$2,000,000 of this
9 amount shall be available for the Urban Resources Part-
10 nership program, of which \$1,000,000 shall be available
11 only after promulgation of a final rule on this program:
12 *Provided further*, That not to exceed \$204,000 of this
13 amount shall be available for American Heritage Rivers:
14 *Provided further*, That when buildings or other structures
15 are erected on non-Federal land, that the right to use such
16 land is obtained as provided in 7 U.S.C. 2250a: *Provided*
17 *further*, That this appropriation shall be available for tech-
18 nical assistance and related expenses to carry out pro-
19 grams authorized by section 202(e) of title II of the Colo-
20 rado River Basin Salinity Control Act of 1974 (43 U.S.C.
21 1592(e)): *Provided further*, That this appropriation shall
22 be available for employment pursuant to the second sen-
23 tence of section 706(a) of the Organic Act of 1944 (7
24 U.S.C. 2225), and not to exceed \$25,000 shall be available
25 for employment under 5 U.S.C. 3109: *Provided further*,

1 That qualified local engineers may be temporarily em-
2 ployed at per diem rates to perform the technical planning
3 work of the Service (16 U.S.C. 590e-2).

4 WATERSHED SURVEYS AND PLANNING

5 For necessary expenses to conduct research, inves-
6 tigation, and surveys of watersheds of rivers and other wa-
7 terways, and for small watershed investigations and plan-
8 ning, in accordance with the Watershed Protection and
9 Flood Prevention Act approved August 4, 1954 (16 U.S.C.
10 1001-1009), \$10,868,000: *Provided*, That not to exceed
11 \$136,000 shall be available for American Heritage Rivers:
12 *Provided further*, That this appropriation shall be available
13 for employment pursuant to the second sentence of section
14 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and
15 not to exceed \$110,000 shall be available for employment
16 under 5 U.S.C. 3109.

17 WATERSHED AND FLOOD PREVENTION OPERATIONS

18 For necessary expenses to carry out preventive meas-
19 ures, including but not limited to research, engineering op-
20 erations, methods of cultivation, the growing of vegetation,
21 rehabilitation of existing works and changes in use of land,
22 in accordance with the Watershed Protection and Flood
23 Prevention Act approved August 4, 1954 (16 U.S.C.
24 1001-1005 and 1007-1009), the provisions of the Act of
25 April 27, 1935 (16 U.S.C. 590a-f), and in accordance
26 with the provisions of laws relating to the activities of the

1 Department, \$99,443,000, to remain available until ex-
2 pended (7 U.S.C. 2209b) (of which up to \$15,000,000
3 may be available for the watersheds authorized under the
4 Flood Control Act approved June 22, 1936 (33 U.S.C.
5 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed
6 \$44,423,000 of this appropriation shall be available for
7 technical assistance: *Provided further*, That this appro-
8 priation shall be available for employment pursuant to the
9 second sentence of section 706(a) of the Organic Act of
10 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall
11 be available for employment under 5 U.S.C. 3109: *Pro-*
12 *vided further*, That not to exceed \$1,000,000 of this appro-
13 priation is available to carry out the purposes of the En-
14 dangered Species Act of 1973 (Public Law 93–205), in-
15 cluding cooperative efforts as contemplated by that Act
16 to relocate endangered or threatened species to other suit-
17 able habitats as may be necessary to expedite project con-
18 struction: *Provided further*, That of the funds available for
19 Emergency Watershed Protection activities, \$8,000,000
20 shall be available for Ohio, New Mexico, Mississippi and
21 Wisconsin for financial and technical assistance for pilot
22 rehabilitation projects of small, upstream dams built
23 under the Watershed and Flood Prevention Act of 1954,
24 Public Law 83–566 (16 U.S.C. 1001 et seq.); Section 13
25 of the Flood Control Act of 1944, Public Law 78–534 (33

1 U.S.C. 701 b-1); the pilot watershed program authorized
2 under the heading “FLOOD PREVENTION” of the De-
3 partment of Agriculture Appropriations Act, 1954, Public
4 Law 83-156 (67 Stat. 214); and Subtitle H of title XV
5 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451
6 et seq.): *Provided further*, That the amount of Federal
7 funds that may be made available to an eligible local orga-
8 nization for construction of a particular rehabilitation
9 project shall be equal to 65 percent of the total rehabilita-
10 tion costs, but not to exceed 100 percent of actual con-
11 struction costs incurred in the rehabilitation: *Provided fur-*
12 *ther*, That consistent with existing statute, rehabilitation
13 assistance provided may not be used to perform operation
14 and maintenance activities specified in the agreement for
15 the covered water resource projects entered into between
16 the Secretary and the eligible local organization respon-
17 sible for the works of improvement.

18 RESOURCE CONSERVATION AND DEVELOPMENT

19 For necessary expenses in planning and carrying out
20 projects for resource conservation and development and
21 for sound land use pursuant to the provisions of section
22 32(e) of title III of the Bankhead-Jones Farm Tenant Act
23 (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27,
24 1935 (16 U.S.C. 590a-f); and the Agriculture and Food
25 Act of 1981 (16 U.S.C. 3451-3461), \$42,015,000, to re-
26 main available until expended (7 U.S.C. 2209b): *Provided*,

1 That this appropriation shall be available for employment
2 pursuant to the second sentence of section 706(a) of the
3 Organic Act of 1944 (7 U.S.C. 2225), and not to exceed
4 \$50,000 shall be available for employment under 5 U.S.C.
5 3109.

6 FORESTRY INCENTIVES PROGRAM

7 For necessary expenses, not otherwise provided for,
8 to carry out the program of forestry incentives, as author-
9 ized by the Cooperative Forestry Assistance Act of 1978
10 (16 U.S.C. 2101), including technical assistance and re-
11 lated expenses, \$6,325,000, to remain available until ex-
12 pended, as authorized by that Act.

13 TITLE III

14 RURAL DEVELOPMENT PROGRAMS

15 OFFICE OF THE UNDER SECRETARY FOR RURAL
16 DEVELOPMENT

17 For necessary salaries and expenses of the Office of
18 the Under Secretary for Rural Development to administer
19 programs under the laws enacted by the Congress for the
20 Rural Housing Service, the Rural Business-Cooperative
21 Service, and the Rural Utilities Service of the Department
22 of Agriculture, \$605,000.

23 RURAL COMMUNITY ADVANCEMENT PROGRAM

24 For the cost of direct loans, loan guarantees, and
25 grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c,
26 1926d, and 1932, except for sections 381E–H, 381N, and

1 381O of the Consolidated Farm and Rural Development
2 Act, \$762,542,000, to remain available until expended, of
3 which \$53,225,000 shall be for rural community programs
4 described in section 381E(d)(1) of such Act; of which
5 \$644,360,000 shall be for the rural utilities programs de-
6 scribed in sections 381E(d)(2), 306C(a)(2), and 306D of
7 such Act; and of which \$64,957,000 shall be for the rural
8 business and cooperative development programs described
9 in section 381E(d)(3) of such Act: *Provided*, That of the
10 total amount appropriated in this account, \$24,000,000
11 shall be for loans and grants to benefit Federally Recog-
12 nized Native American Tribes, including grants for drink-
13 ing and waste disposal systems pursuant to section 306C
14 of such Act, of which \$250,000 shall be available for a
15 grant to a qualified national organization to provide tech-
16 nical assistance for rural transportation in order to pro-
17 mote economic development: *Provided further*, That of the
18 amount appropriated for rural community programs,
19 \$6,000,000 shall be available for a Rural Community De-
20 velopment Initiative: *Provided further*, That such funds
21 shall be used solely to develop the capacity and ability of
22 private, nonprofit community-based housing and commu-
23 nity development organizations serving low-income rural
24 communities, including Federally Recognized Indian tribes
25 to undertake projects to improve housing, community fa-

1 cilities, community and economic development projects in
2 rural areas: *Provided further*, That such funds shall be
3 made available to qualified private, nonprofit intermediary
4 organizations (including tribal) proposing to carry out a
5 program of financial and technical assistance to other pub-
6 lic entities with a record of achievement in providing tech-
7 nical and financial assistance to housing and community
8 development organizations in rural areas: *Provided fur-*
9 *ther*, That such intermediary organizations shall provide
10 matching funds from other sources, including federal
11 funds for related activities, in an amount not less than
12 funds provided: *Provided further*, That of the amount ap-
13 propriated for rural community programs, not to exceed
14 \$5,000,000 shall be for hazardous weather early warning
15 systems: *Provided further*, That of the amount appro-
16 priated for the rural business and cooperative development
17 programs, not to exceed \$500,000 shall be made available
18 for a grant to a qualified national organization to provide
19 technical assistance for rural transportation in order to
20 promote economic development; \$5,000,000 shall be for
21 rural partnership technical assistance grants; and
22 \$2,000,000 shall be for grants to Mississippi Delta Region
23 counties: *Provided further*, That of the amount appro-
24 priated for rural utilities programs, not to exceed
25 \$20,000,000 shall be for water and waste disposal systems

1 to benefit the Colonias along the United States/Mexico
2 borders, including grants pursuant to section 306C of
3 such Act; not to exceed \$20,000,000 shall be for water
4 and waste disposal systems for rural and native villages
5 in Alaska pursuant to section 306D of such Act, with up
6 to one percent available to administer the program and
7 up to one percent available to improve interagency coordi-
8 nation; not to exceed \$16,215,000 shall be for technical
9 assistance grants for rural waste systems pursuant to sec-
10 tion 306(a)(14) of such Act; and not to exceed \$9,500,000
11 shall be for contracting with qualified national organiza-
12 tions for a circuit rider program to provide technical as-
13 sistance for rural water systems: *Provided further*, That
14 of the total amount appropriated, not to exceed
15 \$42,574,650 shall be available through June 30, 2001, for
16 authorized empowerment zones and enterprise commu-
17 nities and communities designated by the Secretary of Ag-
18 riculture as Rural Economic Area Partnership Zones; of
19 which \$34,704,000 shall be for the rural utilities programs
20 described in section 381E(d)(2) of such Act; and of which
21 \$8,435,000 shall be for the rural business and cooperative
22 development programs described in section 381E(d)(3) of
23 such Act.

1 RURAL DEVELOPMENT SALARIES AND EXPENSES
2 (INCLUDING TRANSFERS OF FUNDS)

3 For necessary expenses of administering Rural Devel-
4 opment programs as authorized by the Rural Electrifica-
5 tion Act of 1936; the Consolidated Farm and Rural Devel-
6 opment Act; title V of the Housing Act of 1949; section
7 1323 of the Food Security Act of 1985; the Cooperative
8 Marketing Act of 1926 for activities related to marketing
9 aspects of cooperatives, including economic research find-
10 ings, authorized by the Agricultural Marketing Act of
11 1946; for activities with institutions concerning the devel-
12 opment and operation of agricultural cooperatives; and for
13 cooperative agreements; \$130,371,000: *Provided*, That
14 this appropriation shall be available for employment pur-
15 suant to the second sentence of section 706(a) of the Or-
16 ganic Act of 1944 (7 U.S.C. 2225), and not to exceed
17 \$1,000,000 may be used for employment under 5 U.S.C.
18 3109: *Provided further*, That not more than \$10,000 may
19 be expended to provide modest nonmonetary awards to
20 non-USDA employees: *Provided further*, That any bal-
21 ances available from prior years for the Rural Utilities
22 Service, Rural Housing Service, and the Rural Business-
23 Cooperative Service salaries and expenses accounts shall
24 be transferred to and merged with this account.

1 RURAL HOUSING SERVICE

2 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

3 (INCLUDING TRANSFER OF FUNDS)

4 For gross obligations for the principal amount of di-
5 rect and guaranteed loans as authorized by title V of the
6 Housing Act of 1949, to be available from funds in the
7 rural housing insurance fund, as follows: \$4,800,000,000
8 for loans to section 502 borrowers, as determined by the
9 Secretary, of which \$3,700,000,000 shall be for unsub-
10 sidized guaranteed loans; \$32,396,000 for section 504
11 housing repair loans; \$100,000,000 for section 538 guar-
12 anteed multi-family housing loans; \$114,321,000 for sec-
13 tion 515 rental housing; \$5,152,000 for section 524 site
14 loans; \$11,780,000 for credit sales of acquired property,
15 of which up to \$1,780,000 may be for multi-family credit
16 sales; and \$5,000,000 for section 523 self-help housing
17 land development loans: *Provided*, That of the total
18 amount made available for loans to section 502 borrowers,
19 up to \$5,400,000 shall be available until expended for use
20 under a demonstration program to be carried out by the
21 Secretary of Agriculture in North Carolina to determine
22 the timeliness, quality, suitability, efficiency, and cost of
23 utilizing modular housing to house low-income and very
24 low-income elderly families who: (1) have lost their hous-
25 ing because of a major disaster (as so declared by the
26 President pursuant to the Robert T. Stafford Disaster Re-

1 lief and Emergency Assistance Act); and (2)(A) do not
2 have homeowner's insurance; or (B) can not repay a direct
3 loan that is provided under section 502 of the Housing
4 Act of 1949 with the maximum subsidy allowed for such
5 loans: *Provided further*, That of the amounts made avail-
6 able for such demonstration program, \$5,000,000 shall be
7 for grants and \$400,000 shall be for the cost (as defined
8 in section 502 of the Congressional Budget Act of 1974)
9 of loans, for such families to acquire modular housing.

10 For the cost of direct and guaranteed loans, including
11 the cost of modifying loans, as defined in section 502 of
12 the Congressional Budget Act of 1974, as follows: section
13 502 loans, \$184,160,000 of which \$7,400,000 shall be for
14 unsubsidized guaranteed loans; section 504 housing repair
15 loans, \$11,481,000; section 538 multi-family housing
16 guaranteed loans, \$1,520,000; section 515 rental housing,
17 \$56,326,000; multi-family credit sales of acquired prop-
18 erty, \$874,000; and section 523 self-help housing land de-
19 velopment loans, \$279,000: *Provided*, That of the total
20 amount appropriated in this paragraph, \$13,832,000 shall
21 be available through June 30, 2001, for authorized em-
22 powerment zones and enterprise communities and commu-
23 nities designated by the Secretary of Agriculture as Rural
24 Economic Area Partnership Zones.

1 In addition, for administrative expenses necessary to
2 carry out the direct and guaranteed loan programs,
3 \$409,233,000, which shall be transferred to and merged
4 with the appropriation for “Rural Development, Salaries
5 and Expenses”.

6 RENTAL ASSISTANCE PROGRAM

7 For rental assistance agreements entered into or re-
8 newed pursuant to the authority under section 521(a)(2)
9 or agreements entered into in lieu of debt forgiveness or
10 payments for eligible households as authorized by section
11 502(c)(5)(D) of the Housing Act of 1949, \$680,000,000;
12 and, in addition, such sums as may be necessary, as au-
13 thorized by section 521(c) of the Act, to liquidate debt
14 incurred prior to fiscal year 1992 to carry out the rental
15 assistance program under section 521(a)(2) of the Act:
16 *Provided*, That of this amount, not more than \$5,900,000
17 shall be available for debt forgiveness or payments for eli-
18 gible households as authorized by section 502(c)(5)(D) of
19 the Act, and not to exceed \$10,000 per project for ad-
20 vances to nonprofit organizations or public agencies to
21 cover direct costs (other than purchase price) incurred in
22 purchasing projects pursuant to section 502(c)(5)(C) of
23 the Act: *Provided further*, That agreements entered into
24 or renewed during fiscal year 2001 shall be funded for
25 a 5-year period, although the life of any such agreement
26 may be extended to fully utilize amounts obligated.

1 MUTUAL AND SELF-HELP HOUSING GRANTS

2 For grants and contracts pursuant to section
3 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
4 1490c), \$34,000,000, to remain available until expended
5 (7 U.S.C. 2209b): *Provided*, That of the total amount ap-
6 propriated, \$1,000,000 shall be available through June
7 30, 2001, for authorized empowerment zones and enter-
8 prise communities and communities designated by the Sec-
9 retary of Agriculture as Rural Economic Area Partnership
10 Zones.

11 RURAL HOUSING ASSISTANCE GRANTS

12 For grants and contracts for very low-income housing
13 repair, supervisory and technical assistance, compensation
14 for construction defects, and rural housing preservation
15 made by the Rural Housing Service, as authorized by 42
16 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$44,000,000,
17 to remain available until expended: *Provided*, That of the
18 total amount appropriated, \$5,000,000 shall be for a
19 housing demonstration program for agriculture, aqua-
20 culture, and seafood processor workers: *Provided further*,
21 That of the total amount appropriated, \$1,200,000 shall
22 be available through June 30, 2001, for authorized em-
23 powerment zones and enterprise communities and commu-
24 nities designated by the Secretary of Agriculture as Rural
25 Economic Area Partnership Zones.

1 FARM LABOR PROGRAM ACCOUNT

2 For the cost of direct loans, grants, and contracts,
3 as authorized by 42 U.S.C. 1484 and 1486, \$30,000,000,
4 to remain available until expended, for direct farm labor
5 housing loans and domestic farm labor housing grants and
6 contracts.

7 RURAL BUSINESS-COOPERATIVE SERVICE

8 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

9 (INCLUDING TRANSFER OF FUNDS)

10 For the cost of direct loans, \$19,476,000, as author-
11 ized by the Rural Development Loan Fund (42 U.S.C.
12 9812(a)), of which \$2,036,000 shall be for Federally Rec-
13 ognized Native American Tribes and of which \$4,072,000
14 shall be for Mississippi Delta Region counties (as defined
15 by Public Law 100-460): *Provided*, That such costs, in-
16 cluding the cost of modifying such loans, shall be as de-
17 fined in section 502 of the Congressional Budget Act of
18 1974: *Provided further*, That these funds are available to
19 subsidize gross obligations for the principal amount of di-
20 rect loans of \$38,256,000: *Provided further*, That of the
21 total amount appropriated, \$3,216,000 shall be available
22 through June 30, 2001, for the cost of direct loans for
23 authorized empowerment zones and enterprise commu-
24 nities and communities designated by the Secretary of Ag-
25 riculture as Rural Economic Area Partnership Zones.

1 In addition, for administrative expenses to carry out
2 the direct loan programs, \$3,640,000 shall be transferred
3 to and merged with the appropriation for “Rural Develop-
4 ment, Salaries and Expenses”.

5 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

6 ACCOUNT

7 (INCLUDING RESCISSION OF FUNDS)

8 For the principal amount of direct loans, as author-
9 ized under section 313 of the Rural Electrification Act,
10 for the purpose of promoting rural economic development
11 and job creation projects, \$15,000,000.

12 For the cost of direct loans, including the cost of
13 modifying loans as defined in section 502 of the Congres-
14 sional Budget Act of 1974, \$3,911,000, which shall be ad-
15 ministered in accordance with the regulations utilized in
16 fiscal year 2000.

17 Of the funds derived from interest on the cushion of
18 credit payments in fiscal year 2001, as authorized by sec-
19 tion 313 of the Rural Electrification Act of 1936,
20 \$3,911,000 shall not be obligated and \$3,911,000 are re-
21 scinded.

22 RURAL COOPERATIVE DEVELOPMENT GRANTS

23 For rural cooperative development grants authorized
24 under section 310B(e) of the Consolidated Farm and
25 Rural Development Act (7 U.S.C. 1932), \$6,500,000, of
26 which \$2,000,000 shall be available for cooperative agree-

1 ments for the appropriate technology transfer for rural
 2 areas program: *Provided*, That not to exceed \$1,500,000
 3 of the total amount appropriated shall be made available
 4 to cooperatives or associations of cooperatives whose pri-
 5 mary focus is to provide assistance to small, minority pro-
 6 ducers and whose governing board and/or membership is
 7 comprised of at least 75 percent minority.

8 RURAL UTILITIES SERVICE

9 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

10 LOANS PROGRAM ACCOUNT

11 (INCLUDING TRANSFER OF FUNDS)

12 Insured loans pursuant to the authority of section
 13 305 of the Rural Electrification Act of 1936 (7 U.S.C.
 14 935) shall be made as follows: 5 percent rural electrifica-
 15 tion loans, \$121,500,000; 5 percent rural telecommuni-
 16 cations loans, \$75,000,000; cost of money rural tele-
 17 communications loans, \$300,000,000; municipal rate rural
 18 electric loans, \$295,000,000; and loans made pursuant to
 19 section 306 of that Act, rural electric, \$1,700,000,000 and
 20 rural telecommunications, \$120,000,000; and
 21 \$500,000,000 for Treasury rate direct electric loans.

22 For the cost, as defined in section 502 of the Con-
 23 gressional Budget Act of 1974, including the cost of modi-
 24 fying loans, of direct and guaranteed loans authorized by
 25 the Rural Electrification Act of 1936 (7 U.S.C. 935 and
 26 936), as follows: cost of direct loans, \$19,871,000; and

1 cost of municipal rate loans, \$20,503,000: *Provided*, That
2 notwithstanding section 305(d)(2) of the Rural Elec-
3 trification Act of 1936, borrower interest rates may exceed
4 7 percent per year.

5 In addition, for administrative expenses necessary to
6 carry out the direct and guaranteed loan programs,
7 \$34,716,000, which shall be transferred to and merged
8 with the appropriation for “Rural Development, Salaries
9 and Expenses”.

10 RURAL TELEPHONE BANK PROGRAM ACCOUNT
11 (INCLUDING TRANSFER OF FUNDS)

12 The Rural Telephone Bank is hereby authorized to
13 make such expenditures, within the limits of funds avail-
14 able to such corporation in accord with law, and to make
15 such contracts and commitments without regard to fiscal
16 year limitations as provided by section 104 of the Govern-
17 ment Corporation Control Act, as may be necessary in car-
18 rying out its authorized programs. During fiscal year 2001
19 and within the resources and authority available, gross ob-
20 ligations for the principal amount of direct loans shall be
21 \$175,000,000.

22 For the cost, as defined in section 502 of the Con-
23 gressional Budget Act of 1974, including the cost of modi-
24 fying loans, of direct loans authorized by the Rural Elec-
25 trification Act of 1936 (7 U.S.C. 935), \$2,590,000.

1 In addition, for administrative expenses, including
2 audits, necessary to carry out the loan programs,
3 \$3,000,000, which shall be transferred to and merged with
4 the appropriation for “Rural Development, Salaries and
5 Expenses”.

6 DISTANCE LEARNING AND TELEMEDICINE PROGRAM

7 For the cost of direct loans and grants, as authorized
8 by 7 U.S.C. 950aaa et seq., \$27,000,000, to remain avail-
9 able until expended, to be available for loans and grants
10 for telemedicine and distance learning services in rural
11 areas, and of which \$2,000,000 may be available for a
12 pilot program to finance broadband transmission and local
13 dial-up Internet service in areas that meet the definition
14 of “rural area” used for the Distance Learning and Tele-
15 medicine Program authorized by 7 U.S.C. 950aaa: *Pro-*
16 *vided*, That the cost of direct loans shall be as defined
17 in section 502 of the Congressional Budget Act of 1974.

18 TITLE IV

19 DOMESTIC FOOD PROGRAMS

20 OFFICE OF THE UNDER SECRETARY FOR FOOD,
21 NUTRITION AND CONSUMER SERVICES

22 For necessary salaries and expenses of the Office of
23 the Under Secretary for Food, Nutrition and Consumer
24 Services to administer the laws enacted by the Congress
25 for the Food and Nutrition Service, \$570,000.

1 FOOD AND NUTRITION SERVICE
2 CHILD NUTRITION PROGRAMS
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses to carry out the National
5 School Lunch Act (42 U.S.C. 1751 et seq.), except section
6 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771
7 et seq.), except sections 17 and 21; \$9,541,539,000, to
8 remain available through September 30, 2002, of which
9 \$4,413,960,000 is hereby appropriated and
10 \$5,127,579,000 shall be derived by transfer from funds
11 available under section 32 of the Act of August 24, 1935
12 (7 U.S.C. 612c): *Provided*, That except as specifically pro-
13 vided under this heading, none of the funds made available
14 under this heading shall be used for studies and evalua-
15 tions: *Provided further*, That of the funds made available
16 under this heading, up to \$6,000,000 shall be for school
17 breakfast pilot projects, including the evaluation required
18 under section 18(e) of the National School Lunch Act:
19 *Provided further*, That of the funds made available under
20 this heading, \$500,000 shall be for a School Breakfast
21 Program startup grant pilot program for the State of Wis-
22 consin: *Provided further*, That school food authorities in
23 Ohio participating in a domestic food assistance program
24 administered by the Secretary and preparing meals for use
25 by other schools and institutions also participating in a
26 domestic food assistance program, shall, with regard to

1 such meals, not be subject to additional requirements
2 under section 301(c) of the Federal Meat Inspection Act
3 or section 5(c) of the Poultry Products Inspection Act:
4 *Provided further*, That up to \$4,511,000 shall be available
5 for independent verification of school food service claims.

6 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
7 WOMEN, INFANTS, AND CHILDREN (WIC)

8 For necessary expenses to carry out the special sup-
9 plemental nutrition program as authorized by section 17
10 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
11 \$4,052,000,000, to remain available through September
12 30, 2002: *Provided*, That none of the funds made available
13 under this heading shall be used for studies and evalua-
14 tions: *Provided further*, That of the total amount available,
15 the Secretary shall obligate \$10,000,000 for the farmers'
16 market nutrition program within 45 days of the enactment
17 of this Act, and an additional \$10,000,000 for the farm-
18 ers' market nutrition program from any funds not needed
19 to maintain current caseload levels: *Provided further*, That
20 notwithstanding section 17(h)(10)(A) of such Act, up to
21 \$14,000,000 shall be available for the purposes specified
22 in section 17(h)(10)(B), no less than \$6,000,000 of which
23 shall be used for the development of electronic benefit
24 transfer systems: *Provided further*, That none of the funds
25 in this Act shall be available to pay administrative ex-
26 penses of WIC clinics except those that have an announced

1 policy of prohibiting smoking within the space used to
2 carry out the program: *Provided further*, That none of the
3 funds provided in this account shall be available for the
4 purchase of infant formula except in accordance with the
5 cost containment and competitive bidding requirements
6 specified in section 17 of such Act: *Provided further*, That
7 none of the funds provided shall be available for activities
8 that are not fully reimbursed by other Federal Govern-
9 ment departments or agencies unless authorized by section
10 17 of such Act: *Provided further*, That funds made avail-
11 able under this heading shall be made available for sites
12 participating in the special supplemental nutrition pro-
13 gram for women, infants, and children to determine
14 whether a child eligible to participate in the program has
15 received a blood lead screening test, using a test that is
16 appropriate for age and risk factors, upon the enrollment
17 of the child in the program.

18 FOOD STAMP PROGRAM

19 For necessary expenses to carry out the Food Stamp
20 Act (7 U.S.C. 2011 et seq.), \$20,114,293,000, of which
21 \$100,000,000 shall be placed in reserve for use only in
22 such amounts and at such times as may become necessary
23 to carry out program operations: *Provided*, That of the
24 funds made available under this heading and not already
25 appropriated to the Food Distribution Program on Indian
26 Reservations (FDPIR) established under section 4(b) of

1 the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to
2 exceed \$3,000,000 shall be used to purchase bison for the
3 FDPIR: *Provided further*, That the Secretary shall pur-
4 chase such bison from Native American producers and Co-
5 operative Organizations without competition: *Provided fur-*
6 *ther*, That none of the funds made available under this
7 heading shall be used for studies and evaluations: *Provided*
8 *further*, That funds provided herein shall be expended in
9 accordance with section 16 of the Food Stamp Act: *Pro-*
10 *vided further*, That this appropriation shall be subject to
11 any work registration or workfare requirements as may
12 be required by law: *Provided further*, That not more than
13 \$194,000,000 may be reserved by the Secretary, notwith-
14 standing section 16(h)(1)(A)(vi) of the Food Stamp Act
15 of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to
16 State agencies under section 16(h)(1) of such Act to carry
17 out Employment and Training programs: *Provided fur-*
18 *ther*, That funds made available for Employment and
19 Training under this heading shall remain available until
20 expended, as authorized by section 16(h)(1) of the Food
21 Stamp Act.

22 COMMODITY ASSISTANCE PROGRAM

23 For necessary expenses to carry out the commodity
24 supplemental food program as authorized by section 4(a)
25 of the Agriculture and Consumer Protection Act of 1973
26 (7 U.S.C. 612c note) and the Emergency Food Assistance

1 Act of 1983, \$140,300,000, to remain available through
2 September 30, 2002: *Provided*, That none of these funds
3 shall be available to reimburse the Commodity Credit Cor-
4 poration for commodities donated to the program: *Pro-*
5 *vided further*, That notwithstanding section 5(a)(2) of the
6 Agriculture and Consumer Protection Act of 1973 (Public
7 Law 93–86; 7 U.S.C. 612c note), \$20,781,000 of this
8 amount shall be available for administrative expenses of
9 the commodity supplemental food program.

10 FOOD DONATIONS PROGRAMS

11 For necessary expenses to carry out section 4(a) of
12 the Agriculture and Consumer Protection Act of 1973;
13 special assistance for the nuclear affected islands as au-
14 thorized by section 103(h)(2) of the Compacts of Free As-
15 sociation Act of 1985, as amended; and section 311 of the
16 Older Americans Act of 1965, \$151,081,000, to remain
17 available through September 30, 2002.

18 FOOD PROGRAM ADMINISTRATION

19 For necessary administrative expenses of the domes-
20 tic food programs funded under this Act, \$116,807,000,
21 of which \$5,000,000 shall be available only for simplifying
22 procedures, reducing overhead costs, tightening regula-
23 tions, improving food stamp benefit delivery, and assisting
24 in the prevention, identification, and prosecution of fraud
25 and other violations of law and of which not less than
26 \$4,500,000 shall be available to improve integrity in the

1 Food Stamp and Child Nutrition programs: *Provided*,
2 That this appropriation shall be available for employment
3 pursuant to the second sentence of section 706(a) of the
4 Organic Act of 1944 (7 U.S.C. 2225), and not to exceed
5 \$150,000 shall be available for employment under 5
6 U.S.C. 3109.

7 TITLE V

8 FOREIGN ASSISTANCE AND RELATED

9 PROGRAMS

10 FOREIGN AGRICULTURAL SERVICE

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses of the Foreign Agricultural
14 Service, including carrying out title VI of the Agricultural
15 Act of 1954 (7 U.S.C. 1761–1768), market development
16 activities abroad, and for enabling the Secretary to coordi-
17 nate and integrate activities of the Department in connec-
18 tion with foreign agricultural work, including not to exceed
19 \$158,000 for representation allowances and for expenses
20 pursuant to section 8 of the Act approved August 3, 1956
21 (7 U.S.C. 1766), \$115,424,000: *Provided*, That the Serv-
22 ice may utilize advances of funds, or reimburse this appro-
23 priation for expenditures made on behalf of Federal agen-
24 cies, public and private organizations and institutions
25 under agreements executed pursuant to the agricultural
26 food production assistance programs (7 U.S.C. 1737) and

1 the foreign assistance programs of the United States
2 Agency for International Development.

3 None of the funds in the foregoing paragraph shall
4 be available to promote the sale or export of tobacco or
5 tobacco products.

6 PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT
7 (INCLUDING TRANSFERS OF FUNDS)

8 For the cost, as defined in section 502 of the Con-
9 gressional Budget Act of 1974, of agreements under the
10 Agricultural Trade Development and Assistance Act of
11 1954, and the Food for Progress Act of 1985, including
12 the cost of modifying credit arrangements under said Acts,
13 \$114,186,000, to remain available until expended.

14 In addition, for administrative expenses to carry out
15 the credit program of title I, Public Law 83–480, and the
16 Food for Progress Act of 1985, to the extent funds appro-
17 priated for Public Law 83–480 are utilized, \$1,850,000,
18 of which \$1,035,000 may be transferred to and merged
19 with the appropriation for “Foreign Agricultural Service,
20 Salaries and Expenses”, and of which \$815,000 may be
21 transferred to and merged with the appropriation for
22 “Farm Service Agency, Salaries and Expenses”.

1 PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL
2 GRANTS
3 (INCLUDING TRANSFERS OF FUNDS)

4 For expenses during the current fiscal year, not oth-
5 erwise recoverable, and unrecovered prior years' costs, in-
6 cluding interest thereon, under the Agricultural Trade De-
7 velopment and Assistance Act of 1954, \$20,322,000, to
8 remain available until expended, for ocean freight differen-
9 tial costs for the shipment of agricultural commodities
10 under title I of said Act: *Provided*, That funds made avail-
11 able for the cost of title I agreements and for title I ocean
12 freight differential may be used interchangeably between
13 the two accounts with prior notice to the Committees on
14 Appropriations of both Houses of Congress.

15 PUBLIC LAW 480 TITLE II GRANTS

16 For expenses during the current fiscal year, not oth-
17 erwise recoverable, and unrecovered prior years' costs, in-
18 cluding interest thereon, under the Agricultural Trade De-
19 velopment and Assistance Act of 1954, \$837,000,000, to
20 remain available until expended, for commodities supplied
21 in connection with dispositions abroad under title II of
22 said Act.

1 COMMODITY CREDIT CORPORATION EXPORT LOANS
2 PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For administrative expenses to carry out the Com-
5 modity Credit Corporation's export guarantee program,
6 GSM 102 and GSM 103, \$3,820,000; to cover common
7 overhead expenses as permitted by section 11 of the Com-
8 modity Credit Corporation Charter Act and in conformity
9 with the Federal Credit Reform Act of 1990, of which
10 \$3,231,000 may be transferred to and merged with the
11 appropriation for "Foreign Agricultural Service, Salaries
12 and Expenses", and of which \$589,000 may be trans-
13 ferred to and merged with the appropriation for "Farm
14 Service Agency, Salaries and Expenses".

15 TITLE VI
16 RELATED AGENCIES AND FOOD AND DRUG
17 ADMINISTRATION
18 DEPARTMENT OF HEALTH AND HUMAN
19 SERVICES
20 FOOD AND DRUG ADMINISTRATION
21 SALARIES AND EXPENSES

22 For necessary expenses of the Food and Drug Ad-
23 ministration, including hire and purchase of passenger
24 motor vehicles; for payment of space rental and related
25 costs pursuant to Public Law 92-313 for programs and
26 activities of the Food and Drug Administration which are

1 included in this Act; for rental of special purpose space
2 in the District of Columbia or elsewhere; and for miscella-
3 neous and emergency expenses of enforcement activities,
4 authorized and approved by the Secretary and to be ac-
5 counted for solely on the Secretary's certificate, not to ex-
6 ceed \$25,000; \$1,217,797,000, of which not to exceed
7 \$149,273,000 in prescription drug user fees authorized by
8 21 U.S.C. 379(h) may be credited to this appropriation
9 and remain available until expended: *Provided*, That fees
10 derived from applications received during fiscal year 2001
11 shall be subject to the fiscal year 2001 limitation: *Provided*
12 *further*, That none of these funds shall be used to develop,
13 establish, or operate any program of user fees authorized
14 by 31 U.S.C. 9701: *Provided further*, That of the total
15 amount appropriated: (1) \$285,269,000 shall be for the
16 Center for Food Safety and Applied Nutrition and related
17 field activities in the Office of Regulatory Affairs; (2)
18 \$317,547,000 shall be for the Center for Drug Evaluation
19 and Research and related field activities in the Office of
20 Regulatory Affairs, of which no less than \$12,534,000
21 shall be available for grants and contracts awarded under
22 section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3)
23 \$140,489,000 shall be for the Center for Biologics Evalua-
24 tion and Research and for related field activities in the
25 Office of Regulatory Affairs; (4) \$64,069,000 shall be for

1 the Center for Veterinary Medicine and for related field
2 activities in the Office of Regulatory Affairs; (5)
3 \$165,207,000 shall be for the Center for Devices and Ra-
4 diological Health and for related field activities in the Of-
5 fice of Regulatory Affairs; (6) \$35,568,000 shall be for
6 the National Center for Toxicological Research; (7)
7 \$25,855,000 shall be for Rent and Related activities, other
8 than the amounts paid to the General Services Adminis-
9 tration; (8) \$104,954,000 shall be for payments to the
10 General Services Administration for rent and related
11 costs; and (9) \$78,839,000 shall be for other activities,
12 including the Office of the Commissioner; the Office of
13 Management and Systems; the Office of the Senior Asso-
14 ciate Commissioner; the Office of International and Con-
15 stituent Relations; the Office of Policy, Legislation, and
16 Planning; and central services for these offices: *Provided*
17 *further*, That funds may be transferred from one specified
18 activity to another with the prior approval of the Commit-
19 tees on Appropriations of both Houses of Congress.

20 In addition, mammography user fees authorized by
21 42 U.S.C. 263(b) may be credited to this account, to re-
22 main available until expended.

23 In addition, export certification user fees authorized
24 by 21 U.S.C. 381 may be credited to this account, to re-
25 main available until expended.

1 BUILDINGS AND FACILITIES

2 For plans, construction, repair, improvement, exten-
3 sion, alteration, and purchase of fixed equipment or facili-
4 ties of or used by the Food and Drug Administration,
5 where not otherwise provided, \$31,350,000, to remain
6 available until expended (7 U.S.C. 2209b).

7 INDEPENDENT AGENCIES

8 COMMODITY FUTURES TRADING COMMISSION

9 For necessary expenses to carry out the provisions
10 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
11 cluding the purchase and hire of passenger motor vehicles;
12 the rental of space (to include multiple year leases) in the
13 District of Columbia and elsewhere; and not to exceed
14 \$25,000 for employment under 5 U.S.C. 3109,
15 \$68,000,000, including not to exceed \$1,000 for official
16 reception and representation expenses.

17 FARM CREDIT ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 Not to exceed \$36,800,000 (from assessments col-
20 lected from farm credit institutions and from the Federal
21 Agricultural Mortgage Corporation) shall be obligated
22 during the current fiscal year for administrative expenses
23 as authorized under 12 U.S.C. 2249: *Provided*, That this
24 limitation shall not apply to expenses associated with re-
25 ceiverships.

1 TITLE VII—GENERAL PROVISIONS

2 SEC. 701. Within the unit limit of cost fixed by law,
3 appropriations and authorizations made for the Depart-
4 ment of Agriculture for fiscal year 2001 under this Act
5 shall be available for the purchase, in addition to those
6 specifically provided for, of not to exceed 389 passenger
7 motor vehicles, of which 385 shall be for replacement only,
8 and for the hire of such vehicles.

9 SEC. 702. Funds in this Act available to the Depart-
10 ment of Agriculture shall be available for uniforms or al-
11 lowances therefor as authorized by law (5 U.S.C. 5901–
12 5902).

13 SEC. 703. Not less than \$1,500,000 of the appropria-
14 tions of the Department of Agriculture in this Act for re-
15 search and service work authorized by sections 1 and 10
16 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; com-
17 monly known as the Bankhead-Jones Act), subtitle A of
18 title II and section 302 of the Act of August 14, 1946
19 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United
20 States Code, shall be available for contracting in accord-
21 ance with such Acts and chapter.

22 SEC. 704. The Secretary of Agriculture may transfer
23 unobligated balances of funds appropriated by this Act or
24 other available unobligated balances of the Department of
25 Agriculture to the Working Capital Fund for the acquisi-

1 tion of plant and capital equipment necessary for the deliv-
2 ery of financial, administrative, and information tech-
3 nology services of primary benefit to the agencies of the
4 Department of Agriculture: *Provided*, That none of the
5 funds made available by this Act or any other Act shall
6 be transferred to the Working Capital Fund without the
7 prior approval of the agency administrator: *Provided fur-*
8 *ther*, That none of the funds transferred to the Working
9 Capital Fund pursuant to this section shall be available
10 for obligation without the prior approval of the Commit-
11 tees on Appropriations of both Houses of Congress.

12 SEC. 705. New obligational authority provided for the
13 following appropriation items in this Act shall remain
14 available until expended: Animal and Plant Health Inspec-
15 tion Service, the contingency fund to meet emergency con-
16 ditions, fruit fly program, integrated systems acquisition
17 project, boll weevil program, up to 25 percent of the
18 screwworm program, and up to \$2,000,000 for costs asso-
19 ciated with collocating regional offices; Food Safety and
20 Inspection Service, field automation and information man-
21 agement project; funds appropriated for rental payments;
22 Cooperative State Research, Education, and Extension
23 Service, funds for competitive research grants (7 U.S.C.
24 450i(b)), funds for the Research, Education and Econom-
25 ics Information System (REEIS), and funds for the Na-

1 tive American Institutions Endowment Fund; Farm Serv-
2 ice Agency, salaries and expenses funds made available to
3 county committees; Foreign Agricultural Service, middle-
4 income country training program and up to \$2,000,000
5 of the Foreign Agricultural Service appropriation solely
6 for the purpose of offsetting fluctuations in international
7 currency exchange rates, subject to documentation by the
8 Foreign Agricultural Service.

9 SEC. 706. No part of any appropriation contained in
10 this Act shall remain available for obligation beyond the
11 current fiscal year unless expressly so provided herein.

12 SEC. 707. Not to exceed \$50,000 of the appropria-
13 tions available to the Department of Agriculture in this
14 Act shall be available to provide appropriate orientation
15 and language training pursuant to section 606C of the Act
16 of August 28, 1954 (7 U.S.C. 1766b; commonly known
17 as the Agricultural Act of 1954).

18 SEC. 708. No funds appropriated by this Act may be
19 used to pay negotiated indirect cost rates on cooperative
20 agreements or similar arrangements between the United
21 States Department of Agriculture and nonprofit institu-
22 tions in excess of 10 percent of the total direct cost of
23 the agreement when the purpose of such cooperative ar-
24 rangements is to carry out programs of mutual interest
25 between the two parties. This does not preclude appro-

1 puate payment of indirect costs on grants and contracts
2 with such institutions when such indirect costs are com-
3 puted on a similar basis for all agencies for which appro-
4 priations are provided in this Act.

5 SEC. 709. None of the funds in this Act shall be avail-
6 able to restrict the authority of the Commodity Credit
7 Corporation to lease space for its own use or to lease space
8 on behalf of other agencies of the Department of Agri-
9 culture when such space will be jointly occupied.

10 SEC. 710. None of the funds in this Act shall be avail-
11 able to pay indirect costs charged against competitive agri-
12 cultural research, education, or extension grant awards
13 issued by the Cooperative State Research, Education, and
14 Extension Service that exceed 19 percent of total Federal
15 funds provided under each award: *Provided*, That notwith-
16 standing section 1462 of the National Agricultural Re-
17 search, Extension, and Teaching Policy Act of 1977 (7
18 U.S.C. 3310), funds provided by this Act for grants
19 awarded competitively by the Cooperative State Research,
20 Education, and Extension Service shall be available to pay
21 full allowable indirect costs for each grant awarded under
22 section 9 of the Small Business Act (15 U.S.C. 638).

23 SEC. 711. Notwithstanding any other provision of
24 this Act, all loan levels provided in this Act shall be consid-
25 ered estimates, not limitations.

1 SEC. 712. Appropriations to the Department of Agri-
2 culture for the cost of direct and guaranteed loans made
3 available in fiscal year 2001 shall remain available until
4 expended to cover obligations made in fiscal year 2001 for
5 the following accounts: the rural development loan fund
6 program account; the Rural Telephone Bank program ac-
7 count; the rural electrification and telecommunications
8 loans program account; the Rural Housing Insurance
9 Fund Program Account; and the rural economic develop-
10 ment loans program account.

11 SEC. 713. Notwithstanding chapter 63 of title 31,
12 United States Code, marketing services of the Agricultural
13 Marketing Service; the Grain Inspection, Packers and
14 Stockyards Administration; the Animal and Plant Health
15 Inspection Service; and the food safety activities of the
16 Food Safety and Inspection Service may use cooperative
17 agreements to reflect a relationship between the Agricul-
18 tural Marketing Service; the Grain Inspection, Packers
19 and Stockyards Administration; the Animal and Plant
20 Health Inspection Service; or the Food Safety and Inspec-
21 tion Service and a state or cooperator to carry out agricul-
22 tural marketing programs, to carry out programs to pro-
23 tect the nation's animal and plant resources, or to carry
24 out educational programs or special studies to improve the
25 safety of the nation's food supply.

1 SEC. 714. Notwithstanding any other provision of law
2 (including provisions of law requiring competition), the
3 Secretary of Agriculture may hereafter enter into coopera-
4 tive agreements (which may provide for the acquisition of
5 goods or services, including personal services) with a
6 State, political subdivision, or agency thereof, a public or
7 private agency, organization, or any other person, if the
8 Secretary determines that the objectives of the agreement
9 will: (1) serve a mutual interest of the parties to the agree-
10 ment in carrying out the programs administered by the
11 Natural Resources Conservation Service; and (2) all par-
12 ties will contribute resources to the accomplishment of
13 these objectives: *Provided*, That Commodity Credit Cor-
14 poration funds obligated for such purposes shall not ex-
15 ceed the level obligated by the Commodity Credit Corpora-
16 tion for such purposes in fiscal year 1998.

17 SEC. 715. None of the funds in this Act may be used
18 to retire more than 5 percent of the Class A stock of the
19 Rural Telephone Bank or to maintain any account or sub-
20 account within the accounting records of the Rural Tele-
21 phone Bank the creation of which has not specifically been
22 authorized by statute: *Provided*, That notwithstanding any
23 other provision of law, none of the funds appropriated or
24 otherwise made available in this Act may be used to trans-
25 fer to the Treasury or to the Federal Financing Bank any

1 unobligated balance of the Rural Telephone Bank tele-
2 phone liquidating account which is in excess of current
3 requirements and such balance shall receive interest as set
4 forth for financial accounts in section 505(c) of the Fed-
5 eral Credit Reform Act of 1990.

6 SEC. 716. Of the funds made available by this Act,
7 not more than \$1,800,000 shall be used to cover necessary
8 expenses of activities related to all advisory committees,
9 panels, commissions, and task forces of the Department
10 of Agriculture, except for panels used to comply with nego-
11 tiated rule makings and panels used to evaluate competi-
12 tively awarded grants.

13 SEC. 717. None of the funds appropriated by this Act
14 may be used to carry out section 410 of the Federal Meat
15 Inspection Act (21 U.S.C. 679a) or section 30 of the Poul-
16 try Products Inspection Act (21 U.S.C. 471).

17 SEC. 718. No employee of the Department of Agri-
18 culture may be detailed or assigned from an agency or
19 office funded by this Act to any other agency or office
20 of the Department for more than 30 days unless the indi-
21 vidual's employing agency or office is fully reimbursed by
22 the receiving agency or office for the salary and expenses
23 of the employee for the period of assignment.

24 SEC. 719. None of the funds appropriated or other-
25 wise made available to the Department of Agriculture

1 shall be used to transmit or otherwise make available to
2 any non-Department of Agriculture employee questions or
3 responses to questions that are a result of information re-
4 quested for the appropriations hearing process.

5 SEC. 720. None of the funds made available to the
6 Department of Agriculture by this Act may be used to ac-
7 quire new information technology systems or significant
8 upgrades, as determined by the Office of the Chief Infor-
9 mation Officer, without the approval of the Chief Informa-
10 tion Officer and the concurrence of the Executive Informa-
11 tion Technology Investment Review Board: *Provided*, That
12 notwithstanding any other provision of law, none of the
13 funds appropriated or otherwise made available by this
14 Act may be transferred to the Office of the Chief Informa-
15 tion Officer without the prior approval of the Committees
16 on Appropriations of both Houses of Congress.

17 SEC. 721. (a) None of the funds provided by this Act,
18 or provided by previous Appropriations Acts to the agen-
19 cies funded by this Act that remain available for obligation
20 or expenditure in fiscal year 2001, or provided from any
21 accounts in the Treasury of the United States derived by
22 the collection of fees available to the agencies funded by
23 this Act, shall be available for obligation or expenditure
24 through a reprogramming of funds which: (1) creates new
25 programs; (2) eliminates a program, project, or activity;

1 (3) increases funds or personnel by any means for any
2 project or activity for which funds have been denied or
3 restricted; (4) relocates an office or employees; (5) reorga-
4 nizes offices, programs, or activities; or (6) contracts out
5 or privatizes any functions or activities presently per-
6 formed by Federal employees; unless the Committees on
7 Appropriations of both Houses of Congress are notified
8 15 days in advance of such reprogramming of funds.

9 (b) None of the funds provided by this Act, or pro-
10 vided by previous Appropriations Acts to the agencies
11 funded by this Act that remain available for obligation or
12 expenditure in fiscal year 2001, or provided from any ac-
13 counts in the Treasury of the United States derived by
14 the collection of fees available to the agencies funded by
15 this Act, shall be available for obligation or expenditure
16 for activities, programs, or projects through a reprogram-
17 ming of funds in excess of \$500,000 or 10 percent, which-
18 ever is less, that: (1) augments existing programs,
19 projects, or activities; (2) reduces by 10 percent funding
20 for any existing program, project, or activity, or numbers
21 of personnel by 10 percent as approved by Congress; or
22 (3) results from any general savings from a reduction in
23 personnel which would result in a change in existing pro-
24 grams, activities, or projects as approved by Congress; un-
25 less the Committees on Appropriations of both Houses of

1 Congress are notified 15 days in advance of such re-
2 programming of funds.

3 (c) The Secretary of Agriculture shall notify the Com-
4 mittees on Appropriations of both Houses of Congress be-
5 fore implementing a program or activity not carried out
6 during the previous fiscal year unless the program or ac-
7 tivity is funded by this Act or specifically funded by any
8 other Act.

9 SEC. 722. (a) Of the funds made available to the Sec-
10 retary of Agriculture pursuant to section 793(b)(1) of
11 Public Law 104–127 (7 U.S.C. 2204f) for the 2000 fiscal
12 year—

13 (1) \$30,000,000 shall be available to be obli-
14 gated for any purpose authorized under section 793
15 of that Act during the 2001 fiscal year; and

16 (2) \$30,000,000 shall be available to be obli-
17 gated for any purpose authorized under section 793
18 of that Act during the 2002 fiscal year.

19 (b) None of the funds appropriated or otherwise
20 made available by this Act or any other Act may be used
21 to pay the salaries and expenses of personnel to carry out
22 the transfer or obligation of fiscal year 2001 funds under
23 section 793 of Public Law 104–127 (7 U.S.C. 2204f).

24 SEC. 723. None of the funds appropriated or other-
25 wise made available by this Act shall be used to pay the

1 salaries and expenses of personnel who carry out an envi-
2 ronmental quality incentives program authorized by chap-
3 ter 4 of subtitle D of title XII of the Food Security Act
4 of 1985 (16 U.S.C. 3839aa et seq.) in excess of
5 \$174,000,000.

6 SEC. 724. None of the funds appropriated or other-
7 wise made available by this or any other Act shall be used
8 to pay the salaries and expenses of personnel to carry out
9 the transfer or obligation of fiscal year 2001 funds under
10 the provisions of section 401 of Public Law 105–185, the
11 Initiative for Future Agriculture and Food Systems (7
12 U.S.C. 7621): *Provided*, That notwithstanding section
13 401(d) of Public Law 105–185, any appropriation or
14 funds available to the Secretary of Agriculture to make
15 grants under section 401 of Public Law 105–185 shall be
16 used only to make grants to Hispanic-serving institutions
17 (as defined in 20 U.S.C. 1101a(5)); West Virginia State
18 College in Institute; and the 1862 institutions, 1890 insti-
19 tutions, and 1994 institutions, as defined in section 2 of
20 Public Law 105–185 (7 U.S.C. 7601), or research founda-
21 tions maintained by such institutions.

22 SEC. 725. Hereafter, none of the funds made avail-
23 able to the Department of Agriculture shall be used to
24 carry out any commodity purchase program that would

1 prohibit eligibility or participation by farmer-owned co-
2 operatives.

3 SEC. 726. None of the funds appropriated or other-
4 wise made available by this Act shall be used to pay the
5 salaries and expenses of personnel to carry out a conserva-
6 tion farm option program, as authorized by section 1240M
7 of the Food Security Act of 1985 (16 U.S.C. 3839bb).

8 SEC. 727. None of the funds made available to the
9 Food and Drug Administration by this Act shall be used
10 to close or relocate, or to plan to close or relocate, the
11 Food and Drug Administration Division of Drug Analysis
12 (recently renamed the Division of Pharmaceutical Anal-
13 ysis) in St. Louis, Missouri, except that funds could be
14 used to plan a possible relocation of this Division within
15 the city limits of St. Louis, Missouri.

16 SEC. 728. None of the funds made available to the
17 Food and Drug Administration by this Act shall be used
18 to reduce the Detroit, Michigan, Food and Drug Adminis-
19 tration District Office below the operating and full-time
20 equivalent staffing level of July 31, 1999; or to change
21 the Detroit District Office to a station, residence post or
22 similarly modified office; or to reassign residence posts as-
23 signed to the Detroit District Office: *Provided*, That this
24 section shall not apply to Food and Drug Administration
25 field laboratory facilities or operations currently located

1 in Detroit, Michigan, except that field laboratory per-
2 sonnel shall be assigned to locations in the general vicinity
3 of Detroit, Michigan, pursuant to cooperative agreements
4 between the Food and Drug Administration and other lab-
5 oratory facilities associated with the State of Michigan.

6 SEC. 729. Hereafter, none of the funds appropriated
7 by this Act or any other Act may be used to:

8 (1) carry out the proviso under 7 U.S.C.
9 1622(f); or

10 (2) carry out 7 U.S.C. 1622(h) unless the Sec-
11 retary of Agriculture inspects and certifies agricul-
12 tural processing equipment, and imposes a fee for
13 the inspection and certification, in a manner that is
14 similar to the inspection and certification of agricul-
15 tural products under that section, as determined by
16 the Secretary: *Provided*, That this provision shall
17 not affect the authority of the Secretary to carry out
18 the Federal Meat Inspection Act (21 U.S.C. 601 et
19 seq.), the Poultry Products Inspection Act (21
20 U.S.C. 451 et seq.), or the Egg Products Inspection
21 Act (21 U.S.C. 1031 et seq.).

22 SEC. 730. None of the funds appropriated by this Act
23 or any other Act shall be used to pay the salaries and
24 expenses of personnel who prepare or submit appropria-
25 tions language as part of the President's Budget submis-

1 sion to the Congress of the United States for programs
2 under the jurisdiction of the Appropriations Subcommit-
3 tees on Agriculture, Rural Development, and Related
4 Agencies that assumes revenues or reflects a reduction
5 from the previous year due to user fees proposals that
6 have not been enacted into law prior to the submission
7 of the Budget unless such Budget submission identifies
8 which additional spending reductions should occur in the
9 event the user fees proposals are not enacted prior to the
10 date of the convening of a committee of conference for
11 the fiscal year 2002 appropriations Act.

12 SEC. 731. None of the funds appropriated or other-
13 wise made available by this Act shall be used to establish
14 an Office of Community Food Security or any similar of-
15 fice within the United States Department of Agriculture
16 without the prior approval of the Committees on Appro-
17 priations of both Houses of Congress.

18 SEC. 732. None of the funds appropriated or other-
19 wise made available by this or any other Act may be used
20 to carry out provision of section 612 of Public Law 105-
21 185.

22 SEC. 733. None of the funds appropriated by this Act
23 shall be used to propose or issue rules, regulations, de-
24 crees, or orders for the purpose of implementation, or in
25 preparation for implementation, of the Kyoto Protocol

1 which was adopted on December 11, 1997, in Kyoto,
2 Japan.

3 SEC. 734. None of the funds appropriated or other-
4 wise made available by this Act may be used to declare
5 excess or surplus all or part of the lands and facilities
6 owned by the Federal Government and administered by
7 the Secretary of Agriculture at Fort Reno, Oklahoma, or
8 to transfer or convey such lands or facilities prior to July
9 1, 2001, without the specific authorization of Congress.

10 SEC. 735. None of the funds appropriated or other-
11 wise made available by this Act or any other Act shall
12 be used for the implementation of a Support Services Bu-
13 reau or similar organization.

14 SEC. 736. Notwithstanding any other provision of
15 law, for any fiscal year, in the case of a high cost, isolated
16 rural area of the State of Alaska that is not connected
17 to a road system—

18 (1) in the case of assistance provided by the
19 Rural Housing Service for single family housing
20 under title V of the Housing Act of 1949 (7 U.S.C.
21 1471 et seq.), the maximum income level for the as-
22 sistance shall be 150 percent of the average income
23 level in metropolitan areas of the State;

24 (2) in the case of community facility loans and
25 grants provided under paragraphs (1) and (19), re-

1 spectively, of section 306(a) of the Consolidated
2 Farm and Rural Development Act (7 U.S.C.
3 1926(a)) and assistance provided under programs
4 carried out by the Rural Utilities Service, the max-
5 imum income level for the loans, grants, and assist-
6 ance shall be 150 percent of the average income level
7 in nonmetropolitan areas of the State;

8 (3) in the case of a business and industry guar-
9 anteed loan made under section 310B(a)(1) of the
10 Consolidated Farm and Rural Development Act (7
11 U.S.C. 1932(a)(1)), to the extent permitted under
12 that Act, the Secretary of Agriculture shall—

13 (A) guarantee the repayment of 90 percent
14 of the principal and interest due on the loan;
15 and

16 (B) charge a loan origination and servicing
17 fee in an amount not to exceed 1 percent of the
18 amount of the loan; and

19 (4) in the case of assistance provided under the
20 Rural Community Development Initiative for fiscal
21 year 2001 carried out under the rural community
22 advancement program established under subtitle E
23 of the Consolidated Farm and Rural Development
24 Act (7 U.S.C. 2009 et seq.), the median household
25 income level, and the not employed rate, with respect

1 to applicants for assistance under the Initiative shall
2 be scored on a community-by-community basis.

3 SEC. 737. Notwithstanding any other provision of
4 law, the Town of Lloyd, New York, and the Town of
5 Thompson, New York, shall be eligible for loans and
6 grants provided through the Rural Community Advance-
7 ment Program.

8 SEC. 738. Hereafter, notwithstanding any other pro-
9 vision of law, no housing or residence in a foreign country
10 purchased by an agent or instrumentality of the United
11 States, for the purpose of housing the agricultural attache,
12 shall be sold or disposed of without the approval of the
13 Foreign Agricultural Service of the United States Depart-
14 ment of Agriculture, including property purchased using
15 foreign currencies generated under the Agricultural Trade
16 Development and Assistance Act of 1954 (Public Law
17 480) and used or occupied by agricultural attaches of the
18 Foreign Agricultural Service: *Provided*, That the Depart-
19 ment of State/Office of Foreign Buildings may sell such
20 properties with the concurrence of the Foreign Agricul-
21 tural Service if the proceeds are used to acquire suitable
22 properties of appropriate size for Foreign Agricultural
23 Service agricultural attaches: *Provided further*, That the
24 Foreign Agricultural Service shall have the right to occupy

1 such residences in perpetuity with costs limited to appro-
2 priate maintenance expenses.

3 SEC. 739. Hereafter, notwithstanding section
4 502(h)(7) of the Housing Act of 1949 (42 U.S.C.
5 1472(h)(7)), the fee collected by the Secretary of Agri-
6 culture with respect to a guaranteed loan under such sec-
7 tion 502(h) at the time of the issuance of such guarantee
8 may be in an amount equal to not more than 2 percent
9 of the principal obligation of the loan.

10 SEC. 740. Hereafter, funds appropriated to the De-
11 partment of Agriculture may be used to employ individuals
12 by contract for services outside the United States as deter-
13 mined by the agencies to be necessary or appropriate for
14 carrying out programs and activities abroad; and such
15 contracts are authorized to be negotiated, the terms of the
16 contract to be prescribed, and the work to be performed,
17 where necessary, without regard to such statutory provi-
18 sions as relate to the negotiation, making and performance
19 of contracts and performance of work in the United
20 States. Individuals employed by contract to perform such
21 services outside the United States shall not by virtue of
22 such employment be considered to be employees of the
23 United States Government for purposes of any law admin-
24 istered by the Office of Personnel Management. Such indi-
25 viduals may be considered employees within the meaning

1 of the Federal Employee Compensation Act, 5 U.S.C.
2 8101 et seq. Further, that Government service credit shall
3 be accrued for the time employed under a Personal Service
4 Agreement (PSA) should the individual later be hired into
5 a permanent United States Government position within
6 FAS or another United States Government agency if the
7 authorities of the hiring agency so permit.

8 SEC. 741. None of the funds made available by this
9 Act or any other Act may be used to close or relocate a
10 state Rural Development office unless or until cost effec-
11 tiveness and enhancement of program delivery have been
12 determined.

13 SEC. 742. (a) IN GENERAL.—Section 141 of the Ag-
14 ricultural Market Transition Act (7 U.S.C. 7251) is
15 amended—

16 (1) in subsection (b)(4), by striking “and
17 2000”; and inserting “through 2001”; and

18 (2) in subsection (h), by striking “2000” each
19 place it appears and inserting “2001”.

20 (b) CONFORMING AMENDMENT.—Section 142(e) of
21 the Agricultural Market Transition Act (7 U.S.C.
22 7252(e)) is amended by striking “2001” and inserting
23 “2002”.

24 SEC. 743. Of any shipments of commodities made
25 pursuant to section 416(b) of the Agricultural Act of 1949

1 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to
2 the extent practicable, direct that tonnage equal in value
3 to not more than \$25,000,000 shall be made available to
4 foreign countries to assist in mitigating the effects of the
5 Human Immunodeficiency Virus and Acquired Immune
6 Deficiency Syndrome on communities, including the provi-
7 sion of—

8 (1) agricultural commodities to—

9 (A) individuals with Human Immuno-
10 deficiency Virus or Acquired Immune Defi-
11 ciency Syndrome in the communities, and

12 (B) households in the communities, par-
13 ticularly individuals caring for orphaned chil-
14 dren; and

15 (2) agricultural commodities monetized to pro-
16 vide other assistance (including assistance under
17 microcredit and microenterprise programs) to create
18 or restore sustainable livelihoods among individuals
19 in the communities, particularly individuals caring
20 for orphaned children.

21 SEC. 744. In addition to amounts otherwise appro-
22 priated or made available by this Act, \$2,000,000 is ap-
23 propriated for the purpose of providing Bill Emerson and
24 Mickey Leland Hunger Fellowships through the Congres-
25 sional Hunger Center.

1 SEC. 745. (a) SHORT TITLE.—This section may be
2 cited as the “Medicine Equity and Drug Safety Act of
3 2000”.

4 (b) FINDINGS.—The Congress makes the following
5 findings:

6 (1) The cost of prescription drugs for Ameri-
7 cans continues to rise at an alarming rate.

8 (2) Millions of Americans, including medicare
9 beneficiaries on fixed incomes, face a daily choice be-
10 tween purchasing life-sustaining prescription drugs,
11 or paying for other necessities, such as food and
12 housing.

13 (3) Many life-saving prescription drugs are
14 available in countries other than the United States
15 at substantially lower prices, even though such drugs
16 were developed and are approved for use by patients
17 in the United States.

18 (4) Many Americans travel to other countries to
19 purchase prescription drugs because the medicines
20 that they need are unaffordable in the United
21 States.

22 (5) Americans should be able to purchase medi-
23 cines at prices that are comparable to prices for
24 such medicines in other countries, but efforts to en-
25 able such purchases should not endanger the gold

1 standard for safety and effectiveness that has been
2 established and maintained in the United States.

3 (c) AMENDMENT.—Chapter VIII of the Federal
4 Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.)
5 is amended—

6 (1) in section 801(d)(1), by inserting “and sec-
7 tion 804” after “paragraph (2)”; and

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

9 “IMPORTATION OF COVERED PRODUCTS
10 “SEC. 804. (a) REGULATIONS.—The Secretary, after
11 consultation with the United States Trade Representative
12 and the Commissioner of Customs, shall promulgate regu-
13 lations permitting pharmacists and wholesalers to import
14 into the United States covered products.

15 “(b) LIMITATION.—Regulations under subsection (a)
16 shall—

17 “(1) require that safeguards be in place to en-
18 sure that each covered product imported pursuant to
19 such subsection complies with section 505 (including
20 with respect to being safe and effective for its in-
21 tended use), with sections 501 and 502, and with
22 other applicable requirements of this Act;

23 “(2) require that an importer of a covered prod-
24 uct pursuant to subsection (a) comply with the ap-
25 plicable provisions of this section, including sub-
26 section (d); and

1 “(3) contain any additional provisions deter-
2 mined by the Secretary to be appropriate as a safe-
3 guard to protect the public health or as a means to
4 facilitate the importation of such products.

5 “(c) RECORDS.—Regulations under subsection (a)
6 shall require that records regarding the importation of
7 covered products pursuant to such subsection be provided
8 to and maintained by the Secretary for a period of time
9 determined to be necessary by the Secretary.

10 “(d) IMPORTATION.—Regulations under subsection
11 (a) shall require an importer of a covered product pursu-
12 ant to such subsection to provide to the Secretary the fol-
13 lowing information and records:

14 “(1) The name and amount of the active ingre-
15 dient of such product and description of the dosage
16 form.

17 “(2) The date that the product is shipped and
18 the quantity of the product that is shipped, points
19 of origin and destination for the product, the price
20 paid for the product by the importer, and (once the
21 product is distributed) the price for which such
22 product is sold by the importer.

23 “(3) Documentation from the foreign seller
24 specifying the original source of the product and the
25 amount of each lot of the product originally received.

1 “(4) The manufacturer’s lot or control number
2 of the product imported.

3 “(5) The name, address, and telephone number
4 of the importer, including the professional license
5 number of the importer, if any.

6 “(6) For a product that is coming directly from
7 the first foreign recipient of the product from the
8 manufacturer:

9 “(A) Documentation demonstrating that
10 such product came from such recipient and was
11 received by the recipient from such manufac-
12 turer.

13 “(B) Documentation of the amount of each
14 lot of the product received by such recipient to
15 demonstrate that the amount being imported
16 into the United States is not more than the
17 amount that was received by the recipient.

18 “(C) In the case of the initial imported
19 shipment, documentation demonstrating that
20 each batch of such shipment was statistically
21 sampled and tested for authenticity and deg-
22 radation.

23 “(D) In the case of all subsequent ship-
24 ments from such recipient, documentation dem-
25 onstrating that a statistically valid sample of

1 such shipments was tested for authenticity and
2 degradation.

3 “(E) Certification from the importer or
4 manufacturer of such product that the product
5 is approved for marketing in the United States
6 and meets all labeling requirements under this
7 Act.

8 “(7) For a product that is not coming directly
9 from the first foreign recipient of the product from
10 the manufacturer:

11 “(A) Documentation demonstrating that
12 each batch in all shipments offered for importa-
13 tion into the United States was statistically
14 sampled and tested for authenticity and deg-
15 radation.

16 “(B) Certification from the importer or
17 manufacturer of such product that the product
18 is approved for marketing in the United States
19 and meets all labeling requirements under this
20 Act.

21 “(8) Laboratory records, including complete
22 data derived from all tests necessary to assure that
23 the product is in compliance with established speci-
24 fications and standards.

1 “(9) Documentation demonstrating that the
2 testing required by paragraphs (6) through (8) was
3 performed at a qualifying laboratory (as defined in
4 subsection (k)).

5 “(10) Any other information that the Secretary
6 determines is necessary to ensure the protection of
7 the public health.

8 “(e) TESTING.—Regulations under subsection (a)—

9 “(1) shall require that testing referred to in
10 paragraphs (6) through (8) of subsection (d) be con-
11 ducted by the importer of the covered product pur-
12 suant to subsection (a), or the manufacturer of the
13 product;

14 “(2) shall require that if such tests are con-
15 ducted by the importer, information needed to au-
16 thenticate the product being tested, and to confirm
17 that the labeling of such product complies with label-
18 ing requirements under this Act, be supplied by the
19 manufacturer of such product to the pharmacist or
20 wholesaler, and shall require that such information
21 be kept in strict confidence and used only for pur-
22 poses of testing under this Act; and

23 “(3) may include such additional provisions as
24 the Secretary determines to be appropriate to pro-
25 vide for the protection of trade secrets and commer-

1 cial or financial information that is privileged or
2 confidential.

3 “(f) COUNTRY LIMITATION.—Regulations under sub-
4 section (a) shall provide that covered products may be im-
5 ported pursuant to such subsection only from a country,
6 union, or economic area that is listed in subparagraph (A)
7 of section 802(b)(1) or designated by the Secretary, sub-
8 ject to such limitations as the Secretary determines to be
9 appropriate to protect the public health.

10 “(g) SUSPENSION OF IMPORTATIONS.—The Sec-
11 retary shall require that importations of specific covered
12 products or importations by specific importers pursuant
13 to subsection (a) be immediately suspended upon discovery
14 of a pattern of importation of such products or by such
15 importers that is counterfeit or in violation of any require-
16 ment pursuant to this section, until an investigation is
17 completed and the Secretary determines that the public
18 is adequately protected from counterfeit and violative cov-
19 ered products being imported pursuant to subsection (a).

20 “(h) PROHIBITED AGREEMENTS.—No manufacturer
21 of a covered product may enter into a contract or agree-
22 ment that includes a provision to prevent the sale or dis-
23 tribution of covered products imported pursuant to sub-
24 section (a).

25 “(i) STUDIES; REPORTS.—

1 “(1) STUDY BY SECRETARY.—

2 “(A) IN GENERAL.—The Secretary shall
3 conduct, or contract with an entity to conduct,
4 a study on the imports permitted pursuant to
5 subsection (a), including consideration of the
6 information received under subsection (d). In
7 conducting such study, the Secretary or entity
8 shall—

9 “(i) evaluate the compliance of im-
10 porters with regulations under subsection
11 (a), and the number of shipments pursuant
12 to such subsection, if any, that have been
13 determined to be counterfeit, misbranded,
14 or adulterated, and determine how such
15 compliance contrasts with the number of
16 shipments of prescription drugs trans-
17 ported within the United States that have
18 been determined to be counterfeit, mis-
19 branded, or adulterated; and

20 “(ii) consult with the United States
21 Trade Representative and the Commis-
22 sioner of Patents and Trademarks to
23 evaluate the effect of importations pursu-
24 ant to subsection (a) on trade and patent
25 rights under Federal law.

1 “(B) REPORT.—Not later than two years
2 after the effective date of final regulations
3 under subsection (a), the Secretary shall pre-
4 pare and submit to the Congress a report de-
5 scribing the findings of the study under sub-
6 paragraph (A).

7 “(2) STUDY BY GENERAL ACCOUNTING OF-
8 FICE.—The Comptroller General of the United
9 States shall conduct a study to determine the effect
10 of this section on the price of covered products sold
11 to consumers at retail. Not later than 18 months
12 after the effective date of final regulations under
13 subsection (a), the Comptroller General shall pre-
14 pare and submit to the Congress a report describing
15 the findings of such study.

16 “(j) CONSTRUCTION.—Nothing in this section shall
17 be construed to limit the statutory, regulatory, or enforce-
18 ment authority of the Secretary relating to the importa-
19 tion of covered products, other than with respect to section
20 801(d)(1) as provided in this section.

21 “(k) DEFINITIONS.—

22 “(1) COVERED PRODUCT.—

23 “(A) IN GENERAL.—For purposes of this
24 section, the term ‘covered product’ means a pre-
25 scription drug, except that such term does not

1 include a controlled substance in schedule I, II,
2 or III under section 202(c) of the Controlled
3 Substances Act or a biological product as de-
4 fined in section 351 of the Public Health Serv-
5 ice Act.

6 “(B) CHARITABLE CONTRIBUTIONS; PAR-
7 ENTERAL DRUGS.—Notwithstanding any other
8 provision of this section, section 801(d)(1)—

9 “(i) continues to apply to a covered
10 product donated or otherwise supplied for
11 free by the manufacturer of the drug to a
12 charitable or humanitarian organization,
13 including the United Nations and affili-
14 ates, or to a government of a foreign coun-
15 try; and

16 “(ii) continues to apply to a covered
17 product that is a parenteral drug the im-
18 portation of which pursuant to subsection
19 (a) is determined by the Secretary to pose
20 a threat to the public health.

21 “(2) OTHER TERMS.—For purposes of this sec-
22 tion:

23 “(A) The term ‘importer’ means a phar-
24 macist or wholesaler.

1 “(B) The term ‘pharmacist’ means a per-
2 son licensed by a State to practice pharmacy,
3 including the dispensing and selling of prescrip-
4 tion drugs.

5 “(C) The term ‘prescription drug’ means a
6 drug subject to section 503(b).

7 “(D) The term ‘qualifying laboratory’
8 means a laboratory in the United States that
9 has been approved by the Secretary for pur-
10 poses of this section.

11 “(E) The term ‘wholesaler’ means a person
12 licensed as a wholesaler or distributor of pre-
13 scription drugs in the United States pursuant
14 to section 503(e)(2)(A). Such term does not in-
15 clude a person authorized to import drugs
16 under section 801(d)(1).

17 “(1) CONDITIONS.—This section shall become effec-
18 tive only if the Secretary demonstrates to the Congress
19 that the implementation of this section will—

20 “(1) pose no additional risk to the public’s
21 health and safety; and

22 “(2) result in a significant reduction in the cost
23 of covered products to the American consumer.

24 “(m) SUNSET.—Effective upon the expiration of the
25 five-year period beginning on the effective date of final

1 regulations under subsection (a), this section ceases to
2 have any legal effect.”.

3 (d) PROHIBITED ACT.—

4 (1) IN GENERAL.—Section 301 of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is
6 amended by adding at the end the following:

7 “(aa) The importation of a covered product in viola-
8 tion of section 804, the falsification of any record required
9 to be maintained or provided to the Secretary under such
10 section, or any other violation of regulations under such
11 section.”.

12 (2) ENHANCED PENALTIES.—Section 303(b) of
13 the Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. 333(b)) is amended by adding at the end the
15 following:

16 “(6) Notwithstanding subsection (a), any person who
17 is a manufacturer or importer of a covered product pursu-
18 ant to section 804(a) and knowingly fails to comply with
19 a requirement of section 804(e) that is applicable to such
20 manufacturer or importer, respectively, shall be impris-
21 oned for not more than 10 years or fined not more than
22 \$250,000, or both.”.

23 (e) For an additional amount for “Salaries and ex-
24 penses”, Food and Drug Administration, \$23,000,000,
25 solely to carry out the “Medicine Equity and Drug Safety

1 Act of 2000”, to be available only upon submission of an
2 official budget request and justification for such amount
3 by the President to the Congress.

4 SEC. 746. (a) SHORT TITLE.—This section may be
5 cited as the “Prescription Drug Import Fairness Act of
6 2000”.

7 (b) FINDINGS.—The Congress finds as follows:

8 (1) Patients and their families sometimes have
9 reason to import into the United States drugs that
10 have been approved by the Food and Drug Adminis-
11 tration (“FDA”).

12 (2) There have been circumstances in which—

13 (A) an individual seeking to import such a
14 drug has received a notice from FDA that im-
15 porting the drug violates or may violate the
16 Federal Food, Drug, and Cosmetic Act; and

17 (B) the notice failed to inform the indi-
18 vidual of the reasons underlying the decision to
19 send the notice.

20 (3) FDA should not send a warning notice re-
21 garding the importation of a drug without providing
22 to the individual involved a statement of the under-
23 lying reasons for the notice.

24 (c) CLARIFICATION OF CERTAIN RESPONSIBILITIES
25 OF FOOD AND DRUG ADMINISTRATION WITH RESPECT

1 TO IMPORTATION OF PRESCRIPTION DRUGS INTO UNITED
2 STATES.—Section 801 of the Federal Food, Drug, and
3 Cosmetic Act (21 U.S.C. 381) is amended by adding at
4 the end the following subsection:

5 “(g)(1) With respect to a prescription drug being im-
6 ported or offered for import into the United States, the
7 Secretary, in the case of an individual who is not in the
8 business of such importations, may not send a warning
9 notice to the individual unless the following conditions are
10 met:

11 “(A) The notice specifies, as applicable to the
12 importation of the drug, that the Secretary has
13 made a determination that—

14 “(i) importation is in violation of section
15 801(a) because the drug is or appears to be
16 adulterated, misbranded, or in violation of sec-
17 tion 505;

18 “(ii) importation is in violation of section
19 801(a) because the drug is or appears to be for-
20 bidden or restricted in sale in the country in
21 which it was produced or from which it was ex-
22 ported;

23 “(iii) importation is or appears to be in
24 violation of section 801(d)(1); or

1 “(iv) importation otherwise is or appears
2 to be in violation of Federal law.

3 “(B) The notice does not specify any provision
4 described in subparagraph (A) that is not applicable
5 to the importation of the drug.

6 “(C) The notice states the reasons underlying
7 such determination by the Secretary, including a
8 brief application to the principal facts involved of the
9 provision of law described in subparagraph (A) that
10 is the basis of the determination by the Secretary.

11 “(2) For purposes of this section, the term ‘warning
12 notice’, with respect to the importation of a drug, means
13 a communication from the Secretary (written or other-
14 wise) notifying a person, or clearly suggesting to the per-
15 son, that importing the drug for personal use is, or ap-
16 pears to be, a violation of this Act.”.

17 SEC. 747. Notwithstanding any other provision of
18 law, the Secretary of Agriculture may not deny a loan ap-
19 plication made pursuant to the Consolidated Farm and
20 Rural Development Act (7 U.S.C. 1921 et seq.) in Arkan-
21 sas solely on the basis that—

22 (a) the proceeds of the loan will be used to con-
23 duct activities in a flood plain; or

24 (b) the loan is secured by land that is in a flood
25 plain.

1 SEC. 748. Section 2111(a)(3) of the Organic Foods
2 Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended
3 by adding after “sulfites,” “except in the production of
4 wine,”.

5 SEC. 749. Notwithstanding any other provision of law
6 or regulation, hereafter, Friends of the National Arbo-
7 retum, an organization described in section 501(c)(3) of
8 the Internal Revenue Code of 1986 and exempt from tax-
9 ation under section 501(a) of such Code incorporated in
10 the District of Columbia, shall not be considered a prohib-
11 ited source with respect to gifts to the United States Na-
12 tional Arboretum so long as Friends of the National Arbo-
13 retum remains an organization described under section
14 501(c)(3) of such Code and continues to conduct its oper-
15 ations exclusively for the benefit of the United States Na-
16 tional Arboretum. The Secretary of Agriculture shall,
17 within 90 days of enactment of this Act, provide the Ap-
18 propriations Committees of both Houses of Congress with
19 either a copy of a Memorandum of Understanding detail-
20 ing the nature of its partnership with the Friends of the
21 National Arboretum, or with a written explanation of why
22 such a Memorandum of Understanding could not be
23 achieved.

24 SEC. 750. None of the funds made available by this
25 Act may be used to require an office of the Farm Service

1 Agency that is using FINPACK on May 17, 1999, for fi-
2 nancial planning and credit analysis, to discontinue use
3 of FINPACK for six months from the date of enactment
4 of this Act.

5 SEC. 751. Hereafter, the Secretary of Agriculture
6 shall consider any borrower whose income does not exceed
7 115 percent of the median family income of the United
8 States as meeting the eligibility requirements for a bor-
9 rower contained in section 502(h)(2) of the Housing Act
10 of 1949 (42 U.S.C. 1472(h)(2)).

11 SEC. 752. Effective 180 days after the date of the
12 enactment of this Act and continuing for the remainder
13 of fiscal year 2001 and each subsequent fiscal year, estab-
14 lishments in the United States that slaughter or process
15 birds of the order Ratitae, such as ostriches, emus and
16 rheas, and squab, for distribution in commerce as human
17 food shall be subject to the ante mortem and post mortem
18 inspection, reinspection, and sanitation requirements of
19 the Poultry Products Inspection Act (21 U.S.C. 451 et
20 seq.) rather than the voluntary poultry inspection program
21 of the Department of Agriculture under section 203 of the
22 Agricultural Marketing Act of 1946 (7 U.S.C. 1622).

23 SEC. 753. In developing a rule concerning on-farm
24 standards for prevention of *Salmonella Enteritidis* in shell
25 eggs pursuant to any plan to eliminate *Salmonella*

1 *Enteritidis* illnesses due to eggs, the Food and Drug Ad-
2 ministration shall—

3 (a) consider one environmental test per laying
4 cycle for each layer house for verification of the pro-
5 ducer’s *Salmonella Enteritidis* reduction plan;

6 (b) consider when it is appropriate to require
7 diversion of shell eggs to treatment, such as pasteur-
8 ization, and base any requirement for testing that
9 would necessitate diversion, which may include the
10 receipt of a positive egg test result, on sound
11 science;

12 (c) conduct or support research to develop cost-
13 effective and improved tests for determination of
14 *Salmonella Enteritidis*; and

15 (d) solicit comments on appropriate options for
16 implementing a *Salmonella Enteritidis* reduction
17 plan in shell eggs, including comments on con-
18 ducting and funding testing, through state and fed-
19 eral programs.

20 SEC. 754. Public Law 105–277, division A, title XI,
21 section 1121 (112 Stat. 2681–44, 2681–45) is amended
22 by—

23 (1) striking “not later than January 1, 2000”
24 and inserting “not later than January 1, 2001”; and

1 (2) adding the following new subsection at the
2 end thereof—

3 “(d) ADDITIONAL DISBURSEMENT.—

4 “(1) COTTON STORED IN GEORGIA.—The State
5 of Georgia may use funds remaining in the indem-
6 nity fund established in accordance with this section
7 to compensate cotton producers in other States who
8 stored cotton in the State of Georgia and incurred
9 losses in 1998 or 1999 as the result of the events
10 described in subsection (a).

11 “(2) GINNERS AND OTHERS.—The State of
12 Georgia may also use funds remaining in the indem-
13 nity fund established in accordance with this section
14 to compensate cotton ginner and others in the busi-
15 ness of producing, ginning, warehousing, buying, or
16 selling cotton for losses they incurred in 1998 or
17 1999 as the result of the events described in sub-
18 section (a), if—

19 “(A) as of March 1, 2000, the indemnity
20 fund has not been exhausted,

21 “(B) the State of Georgia provides cotton
22 producers an additional time period prior to
23 May 1, 2000, in which to establish eligibility for
24 compensation under this section;

1 “(C) the State of Georgia determines dur-
2 ing calendar year 2000 that all cotton pro-
3 ducers in that State and cotton producers in
4 other States as described in paragraph (d)(1)
5 have been appropriately compensated for losses
6 incurred in 1998 or 1999 as described in sub-
7 section (a); and

8 “(D) such additional compensation is not
9 made available until May 1, 2000.”.

10 SEC. 755. The Food Security Act of 1985 is amended
11 by inserting after section 1230 (16 U.S.C. 3830) the fol-
12 lowing:

13 **“SEC. 1230A. GOOD FAITH RELIANCE.**

14 “(a) IN GENERAL.—Except as provided in subsection
15 (d) and notwithstanding any other provision of this chap-
16 ter, the Secretary shall provide equitable relief to an owner
17 or operator that has entered into a contract under this
18 chapter, and that is subsequently determined to be in vio-
19 lation of the contract, if the owner or operator in attempt-
20 ing to comply with the terms of the contract and enroll-
21 ment requirements took actions in good faith reliance on
22 the action or advice of an authorized representative of the
23 Secretary.

24 “(b) TYPES OF RELIEF.—The Secretary shall—

1 “(1) to the extent the Secretary determines that
2 an owner or operator has been injured by good faith
3 reliance described in subsection (a), allow the owner
4 or operator to do any one or more of the following—

5 “(A) to retain payments received under the
6 contract;

7 “(B) to continue to receive payments
8 under the contract;

9 “(C) to keep all or part of the land covered
10 by the contract enrolled in the applicable pro-
11 gram under this chapter;

12 “(D) to reenroll all or part of the land cov-
13 ered by the contract in the applicable program
14 under this chapter; or

15 “(E) or any other equitable relief the Sec-
16 retary deems appropriate; and

17 “(2) require the owner or operator to take such
18 actions as are necessary to remedy any failure to
19 comply with the contract.

20 “(c) RELATION TO OTHER LAW.—The authority to
21 provide relief under this section shall be in addition to any
22 other authority provided in this or any other Act.

23 “(d) EXCEPTION.—This section shall not apply to a
24 pattern of conduct in which an authorized representative
25 of the Secretary takes actions or provides advice with re-

1 spect to an owner or operator that the representative and
2 the owner or operator know are inconsistent with applica-
3 ble law (including regulations).

4 “(e) APPLICABILITY OF RELIEF.—Relief under this
5 section shall be available for contracts in effect on January
6 1, 2000 and for all subsequent contracts.”.

7 SEC. 756. Section 375(e)(6)(B) of the Consolidated
8 Farm and Rural Development Act (7 U.S.C.
9 2008j(e)(6)(B)) is amended by striking “\$20,000,000”
10 and inserting “\$25,000,000”.

11 SEC. 757. Refunds or rebates received on an on-going
12 basis from a credit card services provider under the De-
13 partment of Agriculture’s charge card programs may be
14 deposited to and retained without fiscal year limitation in
15 the Departmental Working Capital Fund established
16 under 7 U.S.C. 2235 and used to fund management initia-
17 tives of general benefit to the Department of Agriculture
18 bureaus and offices as determined by the Secretary of Ag-
19 riculture or the Secretary’s designee.

20 SEC. 758. The Act of August 19, 1958 (7 U.S.C.
21 1431 note) is amended—

22 (1) by striking “clause (3) or (4) of” the first
23 place it appears and inserting “the Food for
24 Progress Act of 1985,”;

1 (2) by striking “clause (3) or (4) of such” and
2 inserting “the Food for Progress Act of 1985,
3 such”; and

4 (3) by striking “to the President”.

5 SEC. 759. Notwithstanding any other provision of
6 law, the Sea Island Health Clinic located on Johns Island,
7 South Carolina, shall remain eligible for assistance and
8 funding from the Rural Development community facilities
9 programs administered by the Department of Agriculture
10 until such time new population data is available from the
11 2000 Census.

12 SEC. 760. Notwithstanding any other provision of
13 law, the area bounded by West 197th Avenue, North S.W.
14 232nd Street, East U.S. Highway 1 and S.W. 360th
15 Street in Dade County, Florida, shall continue to be eligi-
16 ble to receive business and industry guaranteed loans
17 under section 310B of the Consolidated Farm and Rural
18 Development Act (7 U.S.C. 1932) until such time that
19 population data is available from the 2000 decennial Cen-
20 sus.

21 SEC. 761. Hereafter, the Secretary of Agriculture
22 shall consider the City of Kewanee and the City of Jack-
23 sonville, Illinois, as meeting the requirements of a rural
24 area contained in section 520 of the Housing Act of 1949
25 (42 U.S.C. 1490).

1 SEC. 762. Notwithstanding any other provision of
2 law, the Chief of the Natural Resources Conservation
3 Service shall provide funds, within discretionary amounts
4 available, to pay the balance of the amount due pursuant
5 to the settlement of claims associated with the
6 Chuquatonchee Watershed Project in Mississippi to close
7 out this project.

8 SEC. 763. Notwithstanding any other provision of
9 law, the Konocti Water District, California, shall be eligi-
10 ble for grants and loans administered by the Rural Utili-
11 ties Service.

12 SEC. 764. Notwithstanding any other provision of
13 law, Jefferson County, Kentucky, shall be considered to
14 be a rural area for the purposes of the business and indus-
15 try direct and guaranteed loan program authorized by the
16 Consolidated Farm and Rural Development Act (7 U.S.C.
17 1921 et seq.).

18 SEC. 765. The Secretary of Agriculture may convey,
19 under such terms and conditions as the Secretary con-
20 siders appropriate, all right, title, and interest of the
21 United States in and to a parcel of real property con-
22 sisting of approximately one acre located within the Sun-
23 nyside Subdivision in Prince George's County, Maryland,
24 for the purpose of resolving land title claims and encroach-
25 ments at the Beltsville Agricultural Research Center and

1 for promoting public access on Sunnyside Avenue. Any
2 funds received by the Secretary as a result of the convey-
3 ance shall be credited to and merged with the appropria-
4 tions available to operate the Beltsville Agricultural Re-
5 search Center and shall be available, without further ap-
6 propriation, for the same purposes and for the same time
7 period as such appropriations.

8 SEC. 766. Of the funds provided to carry out section
9 211(a) of the Agricultural Risk Protection Act of 2000
10 (16 U.S.C. 2820 note; Public Law 106–224), up to
11 \$500,000 shall be used solely for the State of California.

12 SEC. 767. The first section of the Act of March 2,
13 1931 (7 U.S.C. 426) is amended to read as follows:

14 **“SECTION 1. PREDATORY AND OTHER WILD ANIMALS.**

15 “The Secretary of Agriculture may conduct a pro-
16 gram of wildlife services with respect to injurious animal
17 species and take any action the Secretary considers nec-
18 essary in conducting the program. The Secretary shall ad-
19 minister the program in a manner consistent with all of
20 the wildlife services authorities in effect on the day before
21 the date of the enactment of the Agriculture, Rural Devel-
22 opment, Food and Drug Administration, and Related
23 Agencies Appropriations Act, 2001.”.

24 SEC. 768. Section 412(d) of the Agricultural Trade
25 Development and Assistance Act of 1954 (7 U.S.C.

1 1736f(d)) is amended by striking “title I of the Agricul-
2 tural Act of 1949 (7 U.S.C. 1421 et seq.)” and inserting
3 “dairy price support operations”.

4 SEC. 769. Notwithstanding any other provision of
5 law, the City of Coachella, California, shall be eligible for
6 grants and loans administered by the rural development
7 mission areas of the Department of Agriculture.

8 SEC. 770. Notwithstanding any other provision of
9 law, the Secretary of Agriculture shall consider the City
10 of Vicksburg, Mississippi, as meeting the requirements of
11 a rural area in section 520 of the Housing Act of 1949
12 (42 U.S.C. 1490).

13 SEC. 771. Notwithstanding any other provision of
14 law, the Administrator of the Rural Utilities Service shall
15 use the authorities provided in the Rural Electrification
16 Act of 1936 to finance the acquisition of existing genera-
17 tion, transmission and distribution systems and facilities
18 serving high cost, predominantly rural areas by entities
19 capable of and dedicated to providing or improving service
20 in such areas in an efficient and cost effective manner.

21 SEC. 772. None of the funds appropriated or other-
22 wise made available by this Act shall be used to issue a
23 notice of proposed rulemaking, to promulgate a proposed
24 rule, or to otherwise change or modify the definition of

1 “animal” in existing regulations pursuant to the Animal
2 Welfare Act.

3 SEC. 773. Section 306(a)(19)(A) of the Consolidated
4 Farmers Home Administration Act of 1961 is amended
5 by inserting after “nonprofit corporations” the following
6 new phrase: “, Indian tribes (as such term is defined
7 under section 4(e) of Public Law 93–638, as amended),”.

8 SEC. 774. Section 2101 of the Emergency Supple-
9 mental Act, 2000 (Public Law 106–246; 114 Stat. 541)
10 is amended—

11 (1) by inserting “or prior” after “such out-
12 standing”; and

13 (2) by inserting “and subsequently repaid”
14 after “placed under loan”.

15 SEC. 775. For purposes of administering Title IX of
16 this Act, the term “agricultural commodity” shall also in-
17 clude fertilizer and organic fertilizer, except to the extent
18 provided pursuant to Section 904 of that title.

19 **SEC. 776. SENSE OF THE CONGRESS; HAMILTON GRANGE,**
20 **NEW YORK.**

21 (a) Congress finds that—

22 (1) Alexander Hamilton, assisted by James
23 Madison and George Washington, was the principal
24 drafter of the Constitution of the United States;

1 (2) Hamilton was General Washington’s aide-
2 de-camp during the Revolutionary War, and, given
3 command by Washington of the New York and Con-
4 necticut light infantry battalion, led the successful
5 assault on British redoubt number 10 at Yorktown;

6 (3) after serving as Secretary of the Treasury,
7 Hamilton founded the Bank of New York and the
8 New York Post;

9 (4) the only home Hamilton ever owned, com-
10 monly known as “the Grange”, is a fine example of
11 Federal period architecture designed by New York
12 architect John McComb, Jr., and was built in upper
13 Manhattan in 1803;

14 (5) the New York State Assembly enacted a law
15 in 1908 authorizing New York City to acquire the
16 Grange and move it to nearby St. Nicholas Park,
17 part of the original Hamilton estate, but no action
18 was taken;

19 (6) in 1962, the National Park Service took
20 over management of the Grange, by then wedged on
21 Convent Avenue within inches between an apartment
22 house on the north side and a church on the south
23 side;

24 (7) the 1962 designation of the Grange as a na-
25 tional memorial was contingent on the acquisition by

1 the National Park Service of a site to which the
2 building could be relocated;

3 (8) the New York State legislature enacted a
4 law in 1998 that granted approval for New York
5 City to transfer land in St. Nicholas Park to the Na-
6 tional Park Service, causing renovations to the
7 Grange to be postponed; and

8 (9) no obelisk, monument, or classical temple
9 along the national mall has been constructed to
10 honor the man who more than any other designed
11 the Government of the United States, Hamilton
12 should at least be remembered by restoring his home
13 in a sylvan setting.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) Alexander Hamilton made an immense con-
17 tribution to the United States by serving as a prin-
18 cipal drafter of the Constitution; and

19 (2) the National Park Service should
20 expeditiously—

21 (A) proceed to relocate the Grange to St.
22 Nicholas Park; and

23 (B) restore the Grange to a state befitting
24 the memory of Alexander Hamilton.

1 **SEC. 777. FINANCIAL ASSISTANCE FOR LAND ACQUISITION**
2 **FOR FALLEN TIMBERS BATTLEFIELD AND**
3 **FORT MIAMIS NATIONAL HISTORIC SITE.**

4 (a) IN GENERAL.—Section 4 of the Fallen Timbers
5 Battlefield and Fort Miamis National Historic Site Act
6 of 1999 (Public Law 106–164; 16 U.S.C. 461 note) is
7 amended by adding at the end the following:

8 “(d) LAND ACQUISITION ASSISTANCE.—

9 “(1) IN GENERAL.—The Secretary may provide
10 financial assistance to the management entity for ac-
11 quiring lands or interests in lands within the bound-
12 aries of the historic site under subsection (b).

13 “(2) COST SHARING.—Financial assistance
14 under this subsection may not be used to pay more
15 than 50 percent of the cost of any acquisition made
16 with the assistance.

17 “(3) CONDITION.—The Secretary shall require,
18 as a condition of any assistance under this sub-
19 section, that any interest in land acquired with as-
20 sistance under this subsection shall be included in
21 and managed as part of the historic site.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
23 6 of such Act is amended by inserting “(a) IN GEN-
24 ERAL.—” before “There is authorized”, and by adding at
25 the end the following:

1 “(b) LAND ACQUISITION ASSISTANCE.—There is au-
2 thorized to be appropriated \$2,500,000 to carry out sec-
3 tion 4(d).”.

4 TITLE VIII

5 NATURAL DISASTER ASSISTANCE AND OTHER

6 EMERGENCY APPROPRIATIONS

7 DEPARTMENT OF AGRICULTURE

8 OFFICE OF THE CHIEF INFORMATION OFFICER

9 COMMON COMPUTING ENVIRONMENT

10 For an additional amount for “Common Computing
11 Environment,” \$19,500,000, to remain available until ex-
12 pended: *Provided*, That the entire amount shall be avail-
13 able only to the extent that an official budget request for
14 \$19,500,000, that includes designation of the entire
15 amount of the request as an emergency requirement as
16 defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress: *Provided further*, That the en-
19 tire amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of
21 such Act.

22 DEPARTMENTAL ADMINISTRATION

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for Departmental Adminis-
25 tration, \$200,000: *Provided*, That this amount shall be

1 transferred to the Small Business Administration to sup-
2 port two advocacy staffers to review rules and regulations
3 relating to disasters to determine the impact of their im-
4 plementation on small business entities: *Provided further,*
5 That the entire amount shall be available only to the ex-
6 tent an official budget request for \$200,000, that includes
7 designation of the entire amount of the request as an
8 emergency requirement as defined in the Balanced Budget
9 and Emergency Deficit Control Act of 1985, as amended,
10 is transmitted by the President to the Congress: *Provided*
11 *further,* That the entire amount is designated by the Con-
12 gress as an emergency requirement pursuant to section
13 251(b)(2)(A) of such Act.

14 FARM SERVICE AGENCY

15 SALARIES AND EXPENSES

16 For an additional amount for “Salaries and Ex-
17 penses”, \$50,000,000, to remain available until expended:
18 *Provided,* That the entire amount shall be available only
19 to the extent that an official budget request for
20 \$50,000,000, that includes designation of the entire
21 amount of the request as an emergency requirement as
22 defined in the Balanced Budget and Emergency Deficit
23 Control Act of 1985, as amended, is transmitted by the
24 President to the Congress: *Provided further,* That the en-
25 tire amount is designated by the Congress as an emer-

1 gency requirement pursuant to section 251(b)(2)(A) of
2 such Act.

3 EMERGENCY CONSERVATION PROGRAM

4 For an additional amount for “Emergency Conserva-
5 tion Program,” for expenses resulting from natural disas-
6 ters, \$80,000,000, to remain available until expended:
7 *Provided*, That the entire amount shall be available only
8 to the extent an official budget request for \$80,000,000,
9 that includes designation of the entire amount of the re-
10 quest as an emergency requirement as defined in the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985,
12 as amended, is transmitted by the President to the Con-
13 gress: *Provided further*, That the entire amount is des-
14 ignated by the Congress as an emergency requirement
15 pursuant to section 251(b)(2)(A) of such Act.

16 FEDERAL CROP INSURANCE CORPORATION FUND

17 For an additional amount for the Federal Crop In-
18 surance Corporation Fund, up to \$13,000,000, to provide
19 premium discounts to purchasers of crop insurance rein-
20 sured by the Corporation (except for catastrophic risk pro-
21 tection coverage), as authorized under section 1102(g)(2)
22 of the Agriculture, Rural Development, Food and Drug
23 Administration and Related Agencies Appropriations Act,
24 1999 (Public Law 105–277): *Provided*, That the entire
25 amount is designated by the Congress as an emergency
26 requirement pursuant to section 251(b)(2)(A) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended.

3 NATURAL RESOURCES CONSERVATION SERVICE

4 WATERSHED AND FLOOD PREVENTION OPERATIONS

5 For an additional amount for “Watershed and Flood
6 Prevention Operations”, to repair damages to the water-
7 ways and watersheds, including the purchase of floodplain
8 easements, resulting from natural disasters,
9 \$110,000,000, to remain available until expended: *Pro-*
10 *vided*, That of the amount made available in this section,
11 the Secretary may use up to \$2,000,000 to replace, repair
12 and improve snow telemetry equipment impacted by fire,
13 winds, and fire fighting efforts in order to protect water-
14 sheds: *Provided further*, That the entire amount shall be
15 available only to the extent an official budget request for
16 \$110,000,000, that includes designation of the entire
17 amount of the request as an emergency requirement as
18 defined in the Balanced Budget and Emergency Deficit
19 Control Act of 1985, as amended, is transmitted by the
20 President to the Congress: *Provided further*, That the en-
21 tire amount is designated by the Congress as an emer-
22 gency requirement pursuant to section 251(b)(2)(A) of
23 such Act.

1 RURAL COMMUNITY ADVANCEMENT PROGRAM

2 For an additional amount for the Rural Community
3 Advancement Program, \$200,000,000, to remain available
4 until expended: *Provided*, That of the additional amount
5 appropriated, \$50,000,000 shall be to provide grants for
6 facilities in rural communities with extreme unemployment
7 and severe economic depression: *Provided further*, That of
8 the additional amount appropriated, \$30,000,000 shall be
9 to provide grants in rural communities with extremely
10 high energy costs: *Provided further*, That of the additional
11 amount appropriated, \$50,000,000 shall be for rural com-
12 munity programs described in section 381E(d)(1) of the
13 Consolidated Farm and Rural Development Act (7 U.S.C.
14 2009d), of which \$25,000,000 shall be to provide assist-
15 ance to areas in the State of North Carolina subject to
16 a declaration of a major disaster as a result of Hurricane
17 Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*
18 *further*, That of the additional amount appropriated,
19 \$70,000,000 shall be for the cost of direct loans and
20 grants of the rural utilities programs described in section
21 381E(d)(2) of the Consolidated Farm and Rural Develop-
22 ment Act (7 U.S.C. 2009d) for distribution through the
23 national reserve, of which \$30,000,000 may be used in
24 counties which have received an emergency designation by
25 the President or the Secretary after January 1, 2001, for

1 applications responding to water shortages resulting from
2 the designated emergency: *Provided further*, That the en-
3 tire amount necessary to carry out this section shall be
4 available only to the extent that an official budget request
5 for \$200,000,000, that includes designation of the entire
6 amount of the request as an emergency requirement as
7 defined in the Balanced Budget and Emergency Deficit
8 Control Act of 1985, as amended, is transmitted by the
9 President to the Congress: *Provided further*, That the en-
10 tire amount is designated by the Congress as an emer-
11 gency requirement pursuant to section 251(b)(2)(A) of
12 such Act.

13 GENERAL PROVISIONS—THIS TITLE

14 SEC. 801. Notwithstanding section 11 of the Com-
15 modity Credit Corporation Charter Act (15 U.S.C. 714i),
16 an additional \$35,000,000, to remain available until ex-
17 pended, shall be provided through the Commodity Credit
18 Corporation for technical assistance activities performed
19 by any agency of the Department of Agriculture in car-
20 rying out the Conservation Reserve Program and the Wet-
21 lands Reserve Program funded by the Commodity Credit
22 Corporation: *Provided*, That the entire amount shall be
23 available only to the extent an official budget request for
24 \$35,000,000, that includes designation of the entire
25 amount of the request as an emergency requirement as

1 defined in the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended, is transmitted by the
3 President to the Congress: *Provided further*, That the en-
4 tire amount is designated by the Congress as an emer-
5 gency requirement pursuant to section 251(b)(2)(A) of
6 such Act.

7 SEC. 802. The paragraph under the heading “Live-
8 stock Assistance” in chapter 1, title I of H.R. 3425 of
9 the 106th Congress, enacted by section 1000(a)(5) of Pub-
10 lic Law 106–113 (113 Stat. 1536) is amended by striking
11 “during 1999” and inserting “from January 1, 1999,
12 through February 7, 2000”: *Provided*, That the entire
13 amount necessary to carry out this section shall be avail-
14 able only to the extent that an official budget request for
15 the entire amount, that includes designation of the entire
16 amount of the request as an emergency requirement as
17 defined in the Balanced Budget and Emergency Deficit
18 Control Act of 1985, as amended, is transmitted by the
19 President to the Congress: *Provided further*, That the en-
20 tire amount is designated by the Congress as an emer-
21 gency requirement pursuant to section 251(b)(2)(A) of
22 such Act.

23 SEC. 803. Hereafter, for the purposes of the Live-
24 stock Indemnity Program authorized in Public Law 105–
25 18, the term “livestock” shall have the same meaning as

1 the term “livestock” under section 104 of Public Law
2 106–31.

3 SEC. 804. Notwithstanding any other provision of
4 law, the Secretary of Agriculture may use the funds, facili-
5 ties and authorities of the Commodity Credit Corporation
6 to administer and make payments for losses not otherwise
7 compensated to: (a) compensate growers whose crops
8 could not be sold due to Mexican fruit fly quarantines in
9 San Diego and San Bernardino/Riverside counties in Cali-
10 fornia since their imposition on November 16, 1999, and
11 September 10, 1999, respectively; (b) compensate growers
12 in relation to the Secretary’s “Declaration of Extraor-
13 dinary Emergency” on March 2, 2000, regarding the plum
14 pox virus; (c) compensate growers for losses due to
15 Pierce’s disease; (d) compensate growers for losses due to
16 watermelon sudden wilt disease; and (e) compensate grow-
17 ers for losses incurred due to infestations of grasshoppers
18 and Mormon crickets: *Provided*, That the entire amount
19 necessary to carry out this section shall be available only
20 to the extent that an official budget request for the entire
21 amount, that includes designation of the entire amount of
22 the request as an emergency requirement as defined in
23 the Balanced Budget and Emergency Deficit Control Act
24 of 1985, as amended, is transmitted by the President to
25 the Congress: *Provided further*, That the entire amount

1 is designated by the Congress as an emergency require-
2 ment pursuant to section 251(b)(2)(A) of such Act.

3 SEC. 805. The Secretary shall use the funds, facilities
4 and authorities of the Commodity Credit Corporation to
5 make and administer supplemental payments to dairy pro-
6 ducers who received a payment under section 805 of Pub-
7 lic Law 106–78 and to new dairy producers. Such pay-
8 ment, per unit of production used in such prior payments,
9 shall be in an amount equal to 35 percent of the reduction
10 in market value per unit of milk production in 2000, as
11 determined by the Secretary, based, to the extent prac-
12 ticable, on price estimates as of the date of enactment of
13 this Act, from the previous 5-year average and on the base
14 production of the producer used to make a payment under
15 section 805 of Public Law 106–78: *Provided*, That these
16 funds shall be available until September 30, 2001: *Pro-*
17 *vided further*, That the Secretary shall make payments to
18 producers under this section in a manner consistent with
19 and subject to the same limitations on payments and eligi-
20 ble production which were applicable to the payments that
21 were made to dairy producers under section 805 of Public
22 Law 106–78, except that a producer may be paid for pro-
23 duction up to 39,000 cwt: *Provided further*, That the Sec-
24 retary shall also make payments to new dairy producers
25 at the same per unit rate: *Provided further*, That for any

1 dairy producers, including new dairy producers, whose
2 base production was less than twelve months for purposes
3 of section 805 of Public Law 106–78, the producer’s base
4 production for the purposes of payments under this sec-
5 tion may be, at the producer’s option, the production of
6 that producer in the twelve months preceding the enact-
7 ment of this section or the producer’s base production
8 under the program carried out under section 805 of Public
9 Law 106–78 subject to such limitations which are applica-
10 ble to other producers: *Provided further*, That the entire
11 amount necessary to carry out this section shall be avail-
12 able only to the extent that an official budget request for
13 the entire amount, that includes designation of the entire
14 amount of the request as an emergency requirement as
15 defined in the Balanced Budget and Emergency Deficit
16 Control Act of 1985, as amended, is transmitted by the
17 President to the Congress: *Provided further*, That the en-
18 tire amount is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A) of
20 such Act.

21 SEC. 806. The Secretary shall use the funds, facilities
22 and authorities of the Commodity Credit Corporation in
23 an amount equal to \$490,000,000 to make and administer
24 payments for livestock losses using the criteria established
25 to carry out the 1999 Livestock Assistance Program (ex-

1 cept for application of the national percentage reduction
2 factor) to producers for 2000 losses in a county which has
3 received an emergency designation by the President or the
4 Secretary after January 1, 2000, and shall be available
5 until September 30, 2001: *Provided*, That the Secretary
6 shall give consideration to the effect of recurring droughts
7 in establishing the level of payments to producers under
8 this section: *Provided further*, That of the funds made
9 available by this section, up to \$40,000,000 may be used
10 to carry out the Pasture Recovery Program: *Provided fur-*
11 *ther*, That the payments to a producer made available
12 through the Pasture Recovery Program shall be no less
13 than 65 percent of the average cost of reseeded: *Provided*
14 *further*, That of the funds made available, the Secretary
15 shall use not more than \$12,000,000 to carry out the
16 American Indian Livestock Feed Program: *Provided fur-*
17 *ther*, That the entire amount necessary to carry out this
18 section shall be available only to the extent that an official
19 budget request for \$490,000,000, that includes designa-
20 tion of the entire amount of the request as an emergency
21 requirement as defined in the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended, is trans-
23 mitted by the President to the Congress: *Provided further*,
24 That the entire amount is designated by the Congress as

1 an emergency requirement pursuant to section
2 251(b)(2)(A) of such Act.

3 SEC. 807. In using amounts made available under
4 section 801(a) of the Agriculture, Rural Development,
5 Food and Drug Administration, and Related Agencies Ap-
6 propriations Act, 2000 (7 U.S.C. 1421 note; Public Law
7 106–78), or under the matter under the heading “CROP
8 LOSS ASSISTANCE” under the heading “COMMODITY
9 CREDIT CORPORATION FUND” of H.R. 3425 of the 106th
10 Congress, as enacted by section 1001(a)(5) of Public Law
11 106–113 (113 Stat. 1536, 1501A–289), to provide emer-
12 gency financial assistance to producers on a farm that
13 have incurred losses in a 1999 crop due to a disaster, the
14 Secretary of Agriculture shall consider nursery stock
15 losses caused by Hurricane Irene on October 16 and 17,
16 1999, to be losses to the 1999 crop of nursery stock: *Pro-*
17 *vided*, That such sums shall also be available to provide
18 additional compensation to eligible agriculture producers
19 of 1999 crop year citrus fruit for losses incurred due to
20 the December 1998 freeze in California: *Provided further*,
21 That such additional compensation, together with com-
22 pensation previously provided by the Secretary of Agri-
23 culture for such losses does not exceed the level of com-
24 pensation such producers would have received if such
25 losses had occurred during the 1998 crop year: *Provided*

1 *further*, That the entire amount necessary to carry out this
2 section shall be available only to the extent that an official
3 budget request for the entire amount, that includes des-
4 ignation of the entire amount of the request as an emer-
5 gency requirement under the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985, as amended, is trans-
7 mitted by the President to the Congress: *Provided further*,
8 That the entire amount necessary to carry out this section
9 is designated by the Congress as an emergency require-
10 ment pursuant to section 251(b)(2)(A) of such Act.

11 SEC. 808. Notwithstanding section 1237(b)(1) of the
12 Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the
13 Secretary of Agriculture may permit the enrollment of not
14 to exceed 1,075,000 acres in the Wetlands Reserve Pro-
15 gram: *Provided*, That notwithstanding section 11 of the
16 Commodity Credit Corporation Charter Act (15 U.S.C.
17 714i), such sums as may be necessary, to remain available
18 until expended, shall be provided through the Commodity
19 Credit Corporation for technical assistance activities per-
20 formed by any agency of the Department of Agriculture
21 in carrying out this section: *Provided further*, That the en-
22 tire amount necessary to carry out this section shall be
23 available only to the extent that an official budget request
24 for the entire amount, that includes designation of the en-
25 tire amount of the request as an emergency requirement

1 as defined in the Balanced Budget and Emergency Deficit
2 Control Act of 1985, as amended, is transmitted by the
3 President to the Congress: *Provided further*, That the en-
4 tire amount is designated by the Congress as an emer-
5 gency requirement pursuant to section 251(b)(2)(A) of
6 such Act.

7 SEC. 809. In addition to other compensation paid by
8 the Secretary of Agriculture, the Secretary shall com-
9 pensate, for economic losses not otherwise compensated,
10 or otherwise seek to make whole, from funds of the Com-
11 modity Credit Corporation, not to exceed \$2,400,000, the
12 owners of all sheep destroyed from flocks within the period
13 ending 20 days after the date of enactment of this Act
14 under the Secretary's declarations of July 14, 2000, for
15 lost income, or other business interruption losses, due to
16 actions of the Secretary with respect to such sheep: *Pro-*
17 *vided*, That the entire amount necessary to carry out this
18 section shall be available only to the extent that an official
19 budget request for the entire amount, that includes des-
20 ignation of the entire amount of the request as an emer-
21 gency requirement as defined in the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended, is
23 transmitted by the President to the Congress: *Provided*,
24 That the entire amount is designated by the Congress as

1 an emergency requirement pursuant to section
2 251(b)(2)(A) of such Act.

3 SEC. 810. (a) The Secretary of Agriculture shall pay
4 Florida commercial citrus and lime growers \$26 for each
5 commercial citrus or lime tree removed to control citrus
6 canker in order to allow for tree replacement and associ-
7 ated business costs. Payments under this subsection shall
8 be capped in accordance with the following trees per acre
9 limitations:

10 (1) in the case of grapefruit, 104 trees per acre;

11 (2) in the case of valencias, 123 trees per acre;

12 (3) in the case of navels, 118 trees per acre;

13 (4) in the case of tangelos, 114 trees per acre;

14 (5) in the case of limes, 154 trees per acre; and

15 (6) in the case of other or mixed citrus, 104

16 trees per acre.

17 (b) The Secretary of Agriculture shall compensate
18 Florida commercial citrus and lime growers for lost pro-
19 duction, as determined by the Secretary of Agriculture,
20 with respect to trees removed to control citrus canker.

21 (c) To receive assistance under this section, a tree
22 referred to in subsection (a) or (b) must have been re-
23 moved after January 1, 1986, and before September 30,
24 2001.

1 (d) In the case of a removed tree that was covered
2 by a crop insurance tree policy, compensation for lost pro-
3 duction under subsection (b) with respect to such a tree
4 shall be reduced by the indemnity received with respect
5 to such a tree. In the case of a removed tree that was
6 not covered by a crop insurance tree policy, although such
7 insurance was available for the tree, compensation for lost
8 production under subsection (b) with respect to such a
9 tree shall be reduced by 5 percent.

10 (e) The Secretary of Agriculture shall use
11 \$58,000,000 of the funds of the Commodity Credit Cor-
12 poration to carry out this section, to remain available until
13 expended.

14 (f) The entire amount necessary to carry out this sec-
15 tion shall be available only to the extent that an official
16 budget request for the entire amount, that includes des-
17 ignation of the entire amount of the request as an emer-
18 gency requirement under the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985, as amended, is trans-
20 mitted by the President to the Congress: *Provided*, That
21 the entire amount is designated by the Congress as an
22 emergency requirement pursuant to section 251(b)(2)(A)
23 of such Act.

24 SEC. 811. Notwithstanding any other provision of
25 law, the Secretary of Agriculture shall use \$100,000,000

1 of Commodity Credit Corporation funds, to remain avail-
2 able until expended, to make payments to apple producers
3 to provide relief for the loss of markets: *Provided*, That
4 the amount of payment to each producer shall be made
5 on a per pound basis equal to each qualifying producer's
6 1998 and 1999 production of apples: *Provided further*,
7 That the grower shall establish eligibility for the amount
8 of market loss payment upon either of the two crop years
9 or an average of the two years: *Provided further*, That the
10 Secretary shall not make payments for that amount of a
11 particular farm's apple production that is in excess of 1.6
12 million pounds: *Provided further*, That in addition to the
13 assistance provided under this section, the Secretary of
14 Agriculture shall use \$38,000,000 of Commodity Credit
15 Corporation funds, to remain available until expended, to
16 make payments to apple and potato producers to com-
17 pensate them for quality losses to either or both their
18 1999 and 2000 crops due to fireblight or weather-related
19 disaster, including but not limited to a hurricane or hail:
20 *Provided further*, That these payments shall be made re-
21 gardless of whether a crop was harvested and without
22 limit: *Provided further*, That the producer shall be ineli-
23 gible for payments under this section with respect to a
24 market loss for apples or a quality loss for apples or pota-
25 toes to the extent of that amount that the producer re-

1 ceived as compensation or assistance for the loss under
2 any other Federal program, other than the Federal Crop
3 Insurance Program established under the Federal Crop
4 Insurance Act (7 U.S.C. 1501 et seq.): *Provided further,*
5 That the Secretary shall not establish any terms or condi-
6 tions for grower eligibility, such as limits based upon gross
7 income, other than those in this section: *Provided further,*
8 That the assistance made available under this section for
9 an eligible producer shall be made as soon as practicable
10 after the enactment of this Act: *Provided further,* That the
11 entire amount necessary to carry out this section shall be
12 available only to the extent that an official budget request
13 for the entire amount, that includes designation of the en-
14 tire amount of the request as an emergency requirement
15 as defined in the Balanced Budget and Emergency Deficit
16 Control Act of 1985, as amended, is transmitted by the
17 President to the Congress: *Provided further,* That the en-
18 tire amount is designated by the Congress as an emer-
19 gency requirement pursuant to section 251(b)(2)(A) of
20 such Act.

21 SEC. 812. (a) NONRECOURSE MARKETING ASSIST-
22 ANCE LOANS.—

23 (1) The Secretary shall use funds of the Com-
24 modity Credit Corporation to make nonrecourse

1 marketing assistance loans available to producers of
2 the 2000 crop of honey.

3 (2) The loan rate for a marketing assistance
4 loan under paragraph (1) for honey shall be 65
5 cents per pound.

6 (3) The Secretary shall permit producers to
7 repay a marketing assistance nonrecourse loan
8 under paragraph (1) at a rate that is the lesser of—

9 (A) the loan rate for honey, plus interest
10 (as determined by the Secretary); or

11 (B) the prevailing domestic market price
12 for honey, as determined by the Secretary.

13 (b) LOAN DEFICIENCY PAYMENTS.—

14 (1) The Secretary may make loan deficiency
15 payments available to any producer of honey that,
16 although eligible to obtain a marketing assistance
17 loan under subsection (a), agrees to forgo obtaining
18 the loan in return for a payment under this sub-
19 section.

20 (2) A loan deficiency payment under this sub-
21 section shall be determined by multiplying—

22 (A) the loan payment rate determined
23 under paragraph (3); by

24 (B) the quantity of honey that the pro-
25 ducer is eligible to place under loan, but for

1 which the producer forgoes obtaining the loan
2 in return for a payment under this subsection.

3 (3) For the purposes of this subsection, the
4 loan payment rate shall be the amount by which—

5 (A) the loan rate established under sub-
6 section (a)(2); exceeds

7 (B) the rate at which a loan may be repaid
8 under subsection (a)(3).

9 (c) In order to provide an orderly transition to the
10 loans and payments provided under this section, the Sec-
11 retary shall convert recourse loans for the 2000 crop of
12 honey outstanding on the date of enactment of this Act
13 to nonrecourse marketing assistance loans under sub-
14 section (a).

15 (d) LIMITATIONS.—

16 (1) The marketing assistance loan gains and
17 loan deficiency payments that a person may receive
18 for the 2000 crop of honey under this section shall
19 be subject to the same limitations that apply to mar-
20 keting assistance loans and loan deficiency payments
21 received by producers of the same crop of other agri-
22 cultural commodities.

23 (2) The Secretary shall carry out this section in
24 such a manner as to minimize forfeitures of honey
25 marketing assistance loans.

1 (e) The Secretary shall make loans and loan defi-
2 ciency payments under this section available to producers
3 beginning not later than 30 days after the date of enact-
4 ment of this Act.

5 (f) In the case of a producer that marketed or re-
6 deemed, before, on, or within 30 days after the date of
7 the enactment of this Act, a quantity of an eligible 2000
8 crop for which the producer has not received a loan defi-
9 ciency payment or marketing loan gain under this section,
10 the producer shall be eligible to receive a payment from
11 the Secretary of Agriculture under this section in an
12 amount equal to the payment or gain that the producer
13 would have received for that quantity of eligible production
14 as of the date on which the producer lost beneficial inter-
15 est in the quantity or redeemed the quantity, as deter-
16 mined by the Secretary.

17 (g) The entire amount necessary to carry out this sec-
18 tion shall be available only to the extent that an official
19 budget request for the entire amount, that includes des-
20 ignation of the entire amount of the request as an emer-
21 gency requirement as defined in the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended, is
23 transmitted by the President to the Congress: *Provided*,
24 That the entire amount is designated by the Congress as

1 an emergency requirement pursuant to section
2 251(b)(2)(A) of such Act.

3 SEC. 813. The Secretary shall use up to \$10,000,000
4 of the funds of the Commodity Credit Corporation to make
5 livestock indemnity payment to producers on a farm that
6 have incurred livestock losses during calendar year 2000
7 due to a disaster, as determined by the Secretary, includ-
8 ing losses due to fires and anthrax: *Provided*, That the
9 entire amount shall be available only to the extent that
10 an official budget request for the entire amount, that in-
11 cludes designation of the entire amount of the request as
12 an emergency requirement as defined in the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended, is transmitted by the President to the Congress:
15 *Provided further*, That the entire amount is designated by
16 the Congress as an emergency requirement pursuant to
17 section 251(b)(2)(A) of such Act.

18 SEC. 814. The Secretary shall use the funds, facilities
19 and authorities of the Commodity Credit Corporation, not
20 to exceed \$20,000,000, to make payments directly to pro-
21 ducers of wool, and producers of mohair, for the 2000
22 marketing year: *Provided*, That the payment rate for pro-
23 ducers of wool and mohair shall be equal to \$0.40 per
24 pound: *Provided further*, That the entire amount necessary
25 to carry out this section shall be available only to the ex-

1 tent that an official budget request for the entire amount,
2 that includes designation of the entire amount of the re-
3 quest as an emergency requirement as defined in the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985,
5 as amended, is transmitted by the President to the Con-
6 gress: *Provided further*, That the entire amount is des-
7 ignated by the the Congress as an emergency requirement
8 pursuant to section 251(b)(2)(A) of such Act.

9 SEC. 815. (a) IN GENERAL.—The Secretary of Agri-
10 culture (referred to in this section as the “Secretary”)
11 shall use such sums as are necessary of funds of the Com-
12 modity Credit Corporation to make emergency financial
13 assistance authorized under this section available to pro-
14 ducers on a farm that have incurred qualifying losses de-
15 scribed in subsection (c).

16 (b) ADMINISTRATION.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Secretary shall make assistance avail-
19 able under this section in the same manner as pro-
20 vided under section 1102 of the Agriculture, Rural
21 Development, Food and Drug Administration, and
22 Related Agencies Appropriations Act, 1999 (7
23 U.S.C. 1421 note; Public Law 105–277), including
24 using the same loss thresholds for quantity and eco-

1 nomic losses as were used in administering that sec-
2 tion.

3 (2) LOSS THRESHOLDS FOR QUALITY
4 LOSSES.—In the case of a payment for quality loss
5 for a crop under subsection (c)(2), the loss thresh-
6 olds for quality loss for the crop shall be determined
7 under subsection (d).

8 (c) QUALIFYING LOSSES.—Assistance under this sec-
9 tion may be made available for losses due to damaging
10 weather or related condition (including losses due to crop
11 diseases and insects) associated with crops that are, as
12 determined by the Secretary—

- 13 (1) quantity losses for the 2000 crop;
14 (2) quality losses for the 2000 crop; or
15 (3) severe economic losses for the 2000 crop.

16 (d) QUALITY LOSSES.—

17 (1) AMOUNT OF QUALITY LOSS.—The amount
18 of a quality loss for a crop of producers on a farm
19 under subsection (c)(2) shall be equal to the dif-
20 ference between—

- 21 (A) the per unit market value of the units
22 of the crop affected by the quality loss would
23 have had if the crop had not suffered a quality
24 loss; and

1 (B) the per unit market value of the units
2 of the crop affected by the quality loss.

3 (2) AMOUNT OF QUALITY LOSS PAYMENT.—

4 Subject to paragraph (3), the amount of a payment
5 made to producers on a farm for a quality loss for
6 a crop under subsection (c)(2) shall be equal to the
7 amount obtained by multiplying—

8 (A) 65 percent of the quantity of the crop
9 affected by the quality loss that was produced
10 on the farm; by

11 (B) 65 percent of the per unit quality loss
12 for the crop determined under paragraph (1).

13 (3) ELIGIBILITY.—For producers on a farm to
14 be eligible to obtain a payment for a quality loss for
15 a crop under subsection (c)(2), the amount obtained
16 by multiplying the per unit loss determined under
17 paragraph (1) by the number of units affected by
18 the quality loss shall be at least 20 percent of the
19 value that all production of the crop would have had
20 if the crop had not suffered a quality loss.

21 (e) CROPS COVERED.—Assistance under this section
22 shall be applicable to losses for all crops, as determined
23 by the Secretary, due to disasters, including—

24 (1) irrigated crops that, due to lack of water or
25 contamination by saltwater intrusion of an irrigation

1 supply resulting from drought conditions, were
2 planted and suffered a loss or were prevented from
3 being planted;

4 (2) pecans; and

5 (3) nursery losses in the State of Florida that
6 occur, because of disaster, during the period begin-
7 ning on October 1, 2000, and ending on December
8 31, 2000. Calculations of the amount of such losses
9 shall be made independently of other losses of the
10 producer, and such losses shall be subject to a sepa-
11 rate limit on payment amounts as may otherwise
12 apply. Any payment under this section for such
13 losses shall for all purposes, present and future, be
14 considered to be a 2000 crop payment, and such
15 compensated losses shall be ineligible for any assist-
16 ance that may become available for 2001 crop losses.

17 (f) CROP INSURANCE.—In carrying out this section,
18 the Secretary shall not discriminate against or penalize
19 producers on a farm that have purchased crop insurance
20 under the Federal Crop Insurance Act (7 U.S.C. 1501 et
21 seq.).

22 (g) LIMITATION ON PAYMENTS FOR MULTIPLE
23 LOSSES ON SAME ACREAGE.—Notwithstanding subsection
24 (d), a producer may not receive assistance under this sec-
25 tion for losses to more than one 2000 crop on the same

1 acreage unless there is an established practice of planting
2 two or more crops for harvest on such acreage in the same
3 crop year, as determined by the Secretary. The Secretary
4 shall give a producer that is not covered by the exception
5 in the previous sentence an opportunity to designate the
6 2000 crop for which the producer requests assistance
7 under this section.

8 (h) The entire amount necessary to carry out this sec-
9 tion shall be available only to the extent that an official
10 budget request for the entire amount, that includes des-
11 ignation of the entire amount of the request as an emer-
12 gency requirement as defined in the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended, is
14 transmitted by the President to the Congress: *Provided*,
15 That the entire amount is designated by the Congress as
16 an emergency requirement pursuant to section
17 251(b)(2)(A) of such Act.

18 SEC. 816. Of the amounts made available to the Sec-
19 retary for the purchase of specialty crops under sections
20 203(d) and 261(a)(2) of the Agricultural Risk Protection
21 Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224),
22 the Secretary shall use not less than \$30,000,000 to pur-
23 chase cranberry juice concentrate and frozen cranberry
24 fruit: *Provided*, That section 203(d)(1) of the Agricultural
25 Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public

1 Law 106–224) is amended by inserting “or cranberry
2 products (including cranberry juice concentrate and frozen
3 cranberry fruit)” after “cranberries”: *Provided further*,
4 That in this section, the term “farm unit” means a sepa-
5 rate and distinct farming operation that reports inde-
6 pendent production information to the Cranberry Mar-
7 keting Committee: *Provided further*, That to provide as-
8 sistance for loss of markets for cranberries, the Secretary
9 shall use \$20,000,000 of funds of the Commodity Credit
10 Corporation to make payments to cranberry producers:
11 *Provided further*, That subject to this section and such
12 other terms and conditions as are determined by the Sec-
13 retary, a payment under this section shall be made on the
14 basis of the quantity of the 1999 crop of cranberries that
15 was produced on each farm unit: *Provided further*, That
16 the maximum quantity of the 1999 crop of cranberries for
17 which producers are eligible for a payment for a farm unit
18 under this section shall be 1,600,000 pounds: *Provided*
19 *further*, That subject to this section, the Secretary shall
20 take such actions as are necessary to ensure that pay-
21 ments made under this section do not duplicate payments
22 provided under other Federal programs for the same loss:
23 *Provided further*, That this shall not apply to an indemnity
24 provided under a policy or plan of insurance offered under
25 the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.):

1 *Provided further*, That the entire amount necessary to
2 carry out this section shall be available only to the extent
3 that an official budget request for the entire amount, that
4 includes designation of the entire amount of the request
5 as an emergency requirement as defined in the Balanced
6 Budget and Emergency Deficit Control Act of 1985, as
7 amended, is transmitted by the President to the Congress:
8 *Provided further*, That the entire amount is designated by
9 the Congress as an emergency requirement pursuant to
10 section 251(b)(2)(A) of such Act.

11 SEC. 817. Section 1232(a)(4) of the Food Security
12 Act of 1985 (16 U.S.C. 3832(a)(4)) is amended—

13 (1) by striking “except that such” and inserting
14 “except that—

15 “(A) such”;

16 (2) by inserting “and” after the semicolon at
17 the end; and

18 (3) by adding at the end the following:

19 “(B) the Secretary shall not terminate the
20 contract for failure to establish approved vege-
21 tative or water cover on the land if—

22 “(i) the failure to plant such cover
23 was due to excessive rainfall or flooding;

1 “(ii) the land subject to the contract
2 that could practicably be planted to such
3 cover is planted to such cover; and

4 “(iii) the land on which the owner or
5 operator was unable to plant such cover is
6 planted to such cover after the wet condi-
7 tions that prevented the planting sub-
8 sides;”.

9 SEC. 818. (a) Section 353(e) of the Consolidated
10 Farm and Rural Development Act (7 U.S.C. 2001(e)) is
11 amended by adding at the end the following:

12 “(7) FINANCING OF RECAPTURE PAYMENT.—

13 “(A) IN GENERAL.—The Secretary may
14 amortize a recapture payment owed to the Sec-
15 retary under this subsection.

16 “(B) TERM.—The term of an amortization
17 under this paragraph may not exceed 25 years.

18 “(C) INTEREST RATE.—

19 “(i) IN GENERAL.—The interest rate
20 applicable to an amortization under this
21 paragraph may not exceed the rate appli-
22 cable to a loan to reacquire homestead
23 property less 100 basis points.

24 “(ii) EXISTING AMORTIZATIONS AND
25 LOANS.—The interest rate applicable to an

1 amortization or loan made by the Sec-
2 retary before the date of enactment of this
3 paragraph to finance a recapture payment
4 owed to the Secretary under this sub-
5 section may not exceed the rate applicable
6 to a loan to reacquire homestead property
7 less 100 basis points.”.

8 (b) The entire amount necessary to carry out this sec-
9 tion shall be available only to the extent that an official
10 budget request for the entire amount, that includes des-
11 ignation of the entire amount of the request as an emer-
12 gency requirement as defined in the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended, is
14 transmitted by the President to the Congress: *Provided*,
15 That the entire amount is designated by the Congress as
16 an emergency requirement pursuant to section
17 251(b)(2)(A) of such Act.

18 SEC. 819. The Secretary of Agriculture shall use up
19 to \$2,500,000 of the funds of the Commodity Credit Cor-
20 poration to provide financial assistance to the State of
21 South Carolina to capitalize the South Carolina Grain
22 Dealers Guaranty Fund: *Provided*, That these funds shall
23 only be available if the State of South Carolina provides
24 an equal amount in the form of a grant to the South Caro-
25 lina Grain Dealers Guaranty Fund: *Provided further*, That

1 the entire amount necessary to carry out this section shall
2 be available only to the extent that an official budget re-
3 quest for the entire amount, that includes designation of
4 the entire amount of the request as an emergency require-
5 ment as defined in the Balanced Budget and Emergency
6 Deficit Control Act of 1985, as amended, is transmitted
7 by the President to the Congress: *Provided further*, That
8 the entire amount is designated by the Congress as an
9 emergency requirement pursuant to section 251(b)(2)(A)
10 of such Act.

11 SEC. 820. (a) The Secretary of Agriculture may use
12 funds made available under sections 211(a) and 211(b),
13 and 133(b) of the Agricultural Risk Protection Act of
14 2000 to provide technical assistance to farmers and ranch-
15 ers for the purposes described in sections 211(a) and
16 211(b), and 133(b) of that Act; and

17 (b) The Secretary of Agriculture may use funds made
18 available under section 211(b) of the Agricultural Risk
19 Protection Act of 2000 (16 U.S.C. 3830 note; Public Law
20 106–224) to provide additional funding for the Wildlife
21 Habitat Incentive Program established under section 387
22 of the Federal Agriculture Improvement and Reform Act
23 of 1996 in such sums as the Secretary considers necessary
24 to carry out that program.

1 (c) The entire amount necessary to carry out this sec-
2 tion shall be available only to the extent that an official
3 budget request for the entire amount, that includes des-
4 ignation of the entire amount of the request as an emer-
5 gency requirement as defined in the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended, is
7 transmitted by the President to the Congress: *Provided*,
8 That the entire amount is designated by the Congress as
9 an emergency requirement pursuant to section
10 251(b)(2)(A) of such Act.

11 SEC. 821. Section 19(a)(1)(A) of the Food Stamp
12 Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by
13 striking “Puerto Rico” and all that follows through
14 “2002, to finance” and inserting “Puerto Rico—

15 “(i) for fiscal year 2000, \$1,268,000,000;

16 “(ii) for fiscal year 2001, the amount required
17 to be paid under clause (i) for fiscal year 2000, as
18 adjusted by the change in the Food at Home series
19 of the Consumer Price Index for All Urban Con-
20 sumers, published by the Bureau of Labor Statistics
21 of the Department of Labor, for the most recent 12-
22 month period ending in June; and

23 “(iii) for fiscal year 2002, the amount required
24 to be paid under clause (ii) for fiscal year 2001, as
25 adjusted by the percentage by which the thrifty food

1 plan is adjusted for fiscal year 2002 under section
2 3(o)(4);
3 to finance”.

4 SEC. 822. Notwithstanding any other provision of
5 law, the Secretary of Agriculture shall make a payment
6 in the amount \$7,200,000 to the State of Hawaii from
7 the Commodity Credit Corporation for assistance to an ag-
8 ricultural transportation cooperative in Hawaii, the mem-
9 bers of which are eligible to participate in the Farm Serv-
10 ice Agency administered Commodity Loan Program and
11 have suffered extraordinary market losses due to unprece-
12 dented low prices: *Provided*, That the entire amount shall
13 be available only to the extent an official budget request
14 for \$7,200,000, that includes designation of the entire
15 amount of the request as an emergency requirement as
16 defined in the Balanced Budget and Emergency Deficit
17 Control Act of 1985, as amended, is transmitted by the
18 President to the Congress: *Provided further*, That the en-
19 tire amount is designated by the Congress as an emer-
20 gency requirement pursuant to section 251(b)(2)(A) of
21 such Act.

22 SEC. 823. Notwithstanding any other provision of
23 law, the Natural Resources Conservation Service shall pro-
24 vide financial and technical assistance to the Long Park

1 Dam in Utah from funds available for the Emergency Wa-
2 tershed Program, not to exceed \$4,500,000.

3 SEC. 824. Notwithstanding any other provision of
4 law, the Natural Resources Conservation Service shall pro-
5 vide financial and technical assistance to the Kuhn Bayou
6 (Point Remove) Project in Arkansas from funds available
7 for the Emergency Watershed Program, not to exceed
8 \$3,300,000.

9 SEC. 825. Notwithstanding any other provision of
10 law, the Natural Resources Conservation Service shall pro-
11 vide financial and technical assistance to the Snake River
12 Watershed project in Minnesota from funds available for
13 the Emergency Watershed Program, not to exceed
14 \$4,000,000.

15 SEC. 826. Of the funds made available for the Emer-
16 gency Watershed Protection Program activities in the
17 State of North Carolina, \$1,000,000 shall be available to
18 the Secretary of Agriculture, acting through the Natural
19 Resources Conservation Service, to provide technical and
20 financial assistance for implementation of the project
21 known as the “Flood Water Mitigation and Stream Res-
22 toration Project”, Princeville, North Carolina.

23 SEC. 827. Notwithstanding any other provision of
24 law, funds paid to oyster producers in the State of Con-
25 necticut under section 1102 of the Agriculture, Rural De-

1 velopment, Food and Drug Administration, and Related
2 Agencies Appropriations Act, 1999, as contained in the
3 Omnibus Consolidated and Emergency Supplemental Ap-
4 propriations Act, 1999 (Public Law 105–277) shall be re-
5 tained by such producers.

6 SEC. 828. Notwithstanding any other provision of
7 law, the Natural Resources Conservation Service shall pro-
8 vide financial and technical assistance to DuPage County,
9 Illinois, from funds available for the Emergency Water-
10 shed Program, not to exceed \$1,100,000.

11 SEC. 829. Subtitle G, Section 262 of Public Law
12 106–224 is amended as follows: After “obligate”, strike
13 “and expend”.

14 SEC. 830. Any funds appropriated by Cerro Grande
15 Fire Supplemental as contained in Public Law 106–246
16 for the Emergency Conservation Program not required to
17 meet the purposes of rehabilitating farmland damaged
18 from fires which resulted from prescribed burnings con-
19 ducted by the Federal Government may be used by the
20 Secretary of Agriculture for activities mandated under the
21 Emergency Conservation Program authorized under sec-
22 tion 401 of the Agricultural Credit Act of 1978 (16 U.S.C.
23 2201) consistent with the cost-share requirements of that
24 program: *Provided*, That the entire amount shall be avail-
25 able only to the extent that an official budget request for

1 the entire amount, that includes designation of the entire
2 amount of the request as an emergency requirement as
3 defined in the Balanced Budget and Emergency Deficit
4 Control Act of 1985, as amended, is transmitted by the
5 President to the Congress: *Provided further*, That the en-
6 tire amount is designated by the Congress as an emer-
7 gency requirement pursuant to section 251(b)(2)(A) of
8 such Act.

9 SEC. 831. Notwithstanding any other provision of
10 law, for technical and financial assistance up to \$120,000
11 shall be made available from the Emergency Watershed
12 Program for the Camp Lejeune Project on the Camp
13 Lejeune Marine Base, North Carolina.

14 SEC. 832. Funds appropriated by this Act and Public
15 Law 106–113 to the Agricultural Credit Insurance Pro-
16 gram Account for farm ownership and operating direct
17 loans and guaranteed loans and emergency loans may be
18 transferred among these programs with the prior approval
19 of the Committees on Appropriations of both Houses of
20 Congress: *Provided*, That the entire amount shall be avail-
21 able only to the extent that an official budget request for
22 the entire amount, that includes designation of the entire
23 amount of the request as an emergency requirement as
24 defined in the Balanced Budget and Emergency Deficit
25 Control Act of 1985, as amended, is transmitted by the

1 President to the Congress: *Provided further*, That the en-
2 tire amount is designated by the Congress as an emer-
3 gency requirement pursuant to section 251(b)(2)(A) of
4 such Act.

5 SEC. 833. Section 321(b) of the Consolidated Farm
6 and Rural Development Act (7 U.S.C. 1961(b)) is amend-
7 ed by adding at the end the following:

8 “(3) LOANS TO POULTRY FARMERS.—

9 “(A) INABILITY TO OBTAIN INSURANCE.—

10 “(i) IN GENERAL.—Notwithstanding
11 any other provision of this subtitle, the
12 Secretary may make a loan to a poultry
13 farmer under this subtitle to cover the loss
14 of a chicken house for which the farmer
15 did not have hazard insurance at the time
16 of the loss, if the farmer—

17 “(I) applied for, but was unable,
18 to obtain hazard insurance for the
19 chicken house;

20 “(II) uses the loan to rebuild the
21 chicken house in accordance with in-
22 dustry standards in effect on the date
23 the farmer submits an application for
24 the loan (referred to in this paragraph
25 as ‘current industry standards’);

1 “(III) obtains, for the term of
2 the loan, hazard insurance for the full
3 market value of the chicken house;
4 and

5 “(IV) meets the other require-
6 ments for the loan under this subtitle.

7 “(ii) AMOUNT.—Subject to the limita-
8 tion contained in section 324(a)(2), the
9 amount of a loan made to a poultry farmer
10 under clause (i) shall be an amount that
11 will allow the farmer to rebuild the chicken
12 house in accordance with current industry
13 standards.

14 “(B) LOANS TO COMPLY WITH CURRENT
15 INDUSTRY STANDARDS.—

16 “(i) IN GENERAL.—Notwithstanding
17 any other provision of this subtitle, the
18 Secretary may make a loan to a poultry
19 farmer under this subtitle to cover the loss
20 of a chicken house for which the farmer
21 had hazard insurance at the time of the
22 loss, if—

23 “(I) the amount of the hazard in-
24 surance is less than the cost of re-

1 building the chicken house in accord-
2 ance with current industry standards;

3 “(II) the farmer uses the loan to
4 rebuild the chicken house in accord-
5 ance with current industry standards;

6 “(III) the farmer obtains, for the
7 term of the loan, hazard insurance for
8 the full market value of the chicken
9 house; and

10 “(IV) the farmer meets the other
11 requirements for the loan under this
12 subtitle.

13 “(ii) AMOUNT.—Subject to the limita-
14 tion contained in section 324(a)(2), the
15 amount of a loan made to a poultry farmer
16 under clause (i) shall be the difference
17 between—

18 “(I) the amount of the hazard in-
19 surance obtained by the farmer; and

20 “(II) the cost of rebuilding the
21 chicken house in accordance with cur-
22 rent industry standards.”.

23 SEC. 834. For an additional amount for grants under
24 sections 231(a) and 261(a)(2) of the Agricultural Risk
25 Protection Act of 2000, \$10,000,000: *Provided*, That the

1 entire amount shall be available only to the extent an offi-
2 cial budget request for \$10,000,000, that includes des-
3 ignation of the entire amount of the request as an emer-
4 gency requirement as defined in the Balanced Budget and
5 Emergency Deficit Control Act of 1985, as amended, is
6 transmitted by the President to the Congress: *Provided*
7 *further*, That the entire amount is designated by the Con-
8 gress as an emergency requirement pursuant to section
9 251(b)(2)(A) of such Act.

10 SEC. 835. For an additional amount for the cost (as
11 defined in section 502 of the Congressional Budget Act
12 of 1974) of guaranteed loans under section 310B(a)(1)
13 of the Consolidated Farm and Rural Development Act,
14 \$10,000,000: *Provided*, That the entire amount shall be
15 available only to the extent an official budget request for
16 \$10,000,000, that includes designation of the entire
17 amount of the request as an emergency requirement as
18 defined in the Balanced Budget and Emergency Deficit
19 Control Act of 1985, as amended, is transmitted by the
20 President to the Congress: *Provided further*, That the en-
21 tire amount is designated by the Congress as an emer-
22 gency requirement pursuant to section 251(b)(2)(A) of
23 such Act.

1 SEC. 836. Section 156(e) of the Federal Agriculture
2 Improvement and Reform Act of 1996 (7 U.S.C. 7272(e))
3 is amended—

4 (1) in paragraph (1)—

5 (A) by striking “recourse” each place that
6 it appears and inserting “nonrecourse”; and

7 (B) by striking “Subject to paragraph (2),
8 the” and inserting “The”;

9 (2) by striking paragraph (2);

10 (3) by re-designating paragraph (3) as
11 paragraph (2); and

12 (4) in paragraph (2) as so re-designated,
13 by striking “If” through “shall” in the first
14 sentence and inserting “The Secretary shall”.

15 SEC. 837. Notwithstanding section 1001(2) of the
16 Food Security Act of 1985 (7 U.S.C. 1308 (1)), the total
17 amount of the payments specified in section 1001(3) of
18 that Act or section 812 of this Act that a person shall
19 be entitled to receive under the Agricultural Market Tran-
20 sition Act (7 U.S.C. 7201 et seq.) for one or more contract
21 commodities, oilseeds and for honey under section 812 of
22 this Act produced during the 2000 crop year may not ex-
23 ceed \$150,000: *Provided*, That in carrying out this sec-
24 tion, the Secretary shall allow a producer that has mar-
25 keted or redeemed a quantity of an eligible 2000 crop for

1 which the producer has not received a loan deficiency pay-
2 ment or marketing loan gain under section 134 or 135
3 of the Agricultural Market Transition Act (7 U.S.C. 7234,
4 7235) or section 812 of this Act to receive such payment
5 or gain as of the date on which the quantity was marketed
6 or redeemed, as determined by the Secretary.

7 SEC. 838. Notwithstanding any other provision of
8 law, the Secretary shall extend until the date that is 60
9 days after the date of enactment of this Act the final eligi-
10 bility date for marketing assistance loans and loan defi-
11 ciency payments under subtitle C of the Agricultural Mar-
12 ket Transition Act (7 U.S.C. 7231 et seq.) for rice of spe-
13 cial grade designations, as determined by the Secretary,
14 that was made eligible for the loans by the Secretary dur-
15 ing December 1999; and for which producers were not no-
16 tified of the eligibility period for the loans: *Provided*, That
17 producers on a farm that lost a beneficial interest in rice
18 after the date on which the rice was made ineligible for
19 loans and loan deficiency payments by the Secretary shall
20 be eligible to obtain loan deficiency payments based on the
21 payment rate that was in effect on the last date of eligi-
22 bility for the loans before the date of enactment of this
23 Act: *Provided further*, That the entire amount necessary
24 to carry out this section shall be available only to the ex-
25 tent that an official budget request for the entire amount,

1 that includes designation of the entire amount of the re-
2 quest as an emergency requirement as defined in the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985,
4 as amended, is transmitted by the President to the Con-
5 gress: *Provided further*, That the entire amount is des-
6 ignated by the Congress as an emergency requirement
7 pursuant to section 251(b)(2)(A) of such Act.

8 SEC. 839. Notwithstanding any other provision of
9 law, the Secretary of Agriculture may enter into contracts
10 with livestock producers for the purpose of controlling the
11 buildup of grasses, forbs and other natural fuels that con-
12 tribute to the threat of wildfire on rangelands adminis-
13 tered by the Secretary: *Provided*, That such contracts are
14 provided from within discretionary funds.

15 SEC. 840. As soon as practicable after the date of
16 enactment of this Act, the Secretary and the Commodity
17 Credit Corporation, as appropriate, shall issue such regu-
18 lations as are necessary to implement sections 804, 805,
19 806, 809, 810, 811, 812, 814, 815, 816, 836, 837, 838,
20 839, 841, 843, 844, and 845 of this title: *Provided*, That
21 the issuance of the regulations shall be made without re-
22 gard to: (1) the notice and comment provisions of section
23 553 of title 5, United States Code; (2) the Statement of
24 Policy of the Secretary of Agriculture effective July 24,
25 1971 (36 Fed. Reg. 13804), relating to notices of pro-

1 posed rulemaking and public participation in rulemaking;
2 and (3) chapter 35 of title 44, United States Code (com-
3 monly known as the “Paperwork Reduction Act”): *Pro-*
4 *vided further*, That in carrying out this section, the Sec-
5 retary shall use the authority provided under section 808
6 of title 5, United States Code.

7 SEC. 841. The Secretary of Agriculture shall use
8 funds of the Commodity Credit Corporation to make a
9 payment to each eligible person described in section
10 204(b)(1)(A) of the Agricultural Risk Protection Act of
11 2000 (7 U.S.C. 1421 note; Public Law 106–224) without
12 regard to section 204(b)(1)(A)(ii) of that Act: *Provided*,
13 That the Secretary shall make a payment to an eligible
14 person described in this section in the same amount as
15 is payable to an eligible person under section 204 of that
16 Act: *Provided further*, That the entire amount necessary
17 to carry out this section shall be available only to the ex-
18 tent an official budget request that includes designation
19 of the entire amount of the request as an emergency re-
20 quirement as defined in the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985, as amended, is trans-
22 mitted by the President to the Congress: *Provided further*,
23 That the entire amount is designated by the Congress as
24 an emergency requirement pursuant to section
25 251(b)(2)(A) of such Act.

1 SEC. 842. Payments made from amounts appro-
2 priated pursuant to this title shall not be subject to admin-
3 istrative offset, including administrative offset under
4 chapter 37 of title 31, United States Code.

5 SEC. 843. The Secretary of Agriculture shall use not
6 more than \$20,000,000 of funds of the Commodity Credit
7 Corporation to make payments to producers of tomatoes,
8 pears, peaches, and apricots that were unable to market
9 the crops of the producers because of the insolvency of
10 an agriculture cooperative in the State of California: *Pro-*
11 *vided*, That the amount of a payment made to a producer
12 under this subsection shall not exceed 50 percent of the
13 contract value of the unmarketed crop referred to in this
14 section: *Provided further*, That the entire amount nec-
15 essary to carry out this section shall be available only to
16 the extent an official budget request that includes designa-
17 tion of the entire amount of the request as an emergency
18 requirement as defined in the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985, as amended, is trans-
20 mitted by the President to the Congress: *Provided further*,
21 That the entire amount is designated by the Congress as
22 an emergency requirement pursuant to section
23 251(b)(2)(A) of such Act.

1 **SEC. 844. LOAN FORFEITURES OF BURLEY TOBACCO.**

2 (a) IN GENERAL.—Notwithstanding sections 106
3 through 106B of the Agricultural Act of 1949 (7 U.S.C.
4 1445 through 1445-2)—

5 (1) a producer-owned cooperative marketing as-
6 sociation may fully settle a loan made for the 1999
7 crop of Burley tobacco by forfeiting to the Com-
8 modity Credit Corporation the Burley tobacco cov-
9 ered by the loan regardless of the condition of the
10 tobacco;

11 (2) any losses to the Commodity Credit Cor-
12 poration as a result of paragraph (1)—

13 (A) shall not be charged to the No Net
14 Cost Tobacco Account; and

15 (B) shall not affect the amount of any as-
16 sessment imposed against Burley or any other
17 kind of tobacco under sections 106 through
18 106B of the Agricultural Act of 1949 (7 U.S.C.
19 1445 through 1445-2); and

20 (3) any tobacco forfeited pursuant to this sec-
21 tion shall not be—

22 (A) counted for the purpose of determining
23 the Burley tobacco quota for any year pursuant
24 to section 319 of the Agricultural Adjustment
25 Act of 1938 (7 U.S.C. 1314e); or

26 (B) sold for use in the United States.

1 (b) EMERGENCY REQUIREMENT.—

2 (1) The entire amount necessary to carry out
3 this section shall be available only to the extent that
4 an official budget request for the entire amount,
5 that includes designation of the entire amount of the
6 request as an emergency requirement under as de-
7 fined in the Balanced Budget and Emergency Def-
8 icit Control Act of 1985, as amended is transmitted
9 by the President to the Congress.

10 (2) The entire amount is designated by the
11 Congress as an emergency requirement pursuant to
12 section 251(b)(2)(A) of such Act.

13 **SEC. 845. COMMODITY ELIGIBILITY ASSISTANCE.**

14 (a) IN GENERAL.—Section 3720B(a) of title 31,
15 United States Code, is amended in the first sentence by
16 inserting “or a marketing assistance loan or loan defi-
17 ciency payment under subtitle C of the Agricultural Mar-
18 ket Transition Act (7 U.S.C. 7231 et seq.)” after “dis-
19 aster loan”.

20 (b) PAYMENTS.—Any payment made by the Com-
21 modity Credit Corporation to a producer as a result of
22 the amendment made by section (a) shall be credited to-
23 ward any delinquent debt owed by the producer to the
24 Farm Service Agency.

25 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendment made by
2 subsection (a) takes effect on the date of enactment
3 of this Act.

4 (2) TRANSITION LOAN DEFICIENCY PAY-
5 MENTS.—If the producers on a farm lost beneficial
6 interest in a crop during the period beginning March
7 21, 2000, and ending on the day before the date of
8 enactment of this Act and were ineligible for a mar-
9 keting assistance loan under subtitle C of the Agri-
10 cultural Market Transition Act (7 U.S.C. 7231 et
11 seq.) because of section 3720B(a) of title 31, United
12 States Code, as in effect before the amendment
13 made by subsection (a), the producers shall be eligi-
14 ble for any loan deficiency payment under subtitle C
15 of that Act that was available on the date on which
16 the producers lost beneficial interest in the crop.

17 (d)(1) The entire amount necessary to carry out this
18 section shall be available only to the extent an official
19 budget request for the entire amount, that includes des-
20 ignation of the entire amount of the request as an emer-
21 gency requirement as defined in the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended, is
23 transmitted by the President to the Congress.

1 (2) The entire amount is designated by the Congress
2 as an emergency requirement pursuant to section
3 251(b)(2)(A) of such Act.

4 **SEC. 846. MAXIMUM AMOUNT OF EXCESS SHELTER EX-**
5 **PENSE DEDUCTION.**

6 (a) AMENDMENT.—Section 5(e)(7)(B) of the Food
7 Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(B)) is amended
8 by striking clauses (iii) and (iv) and inserting the fol-
9 lowing:

10 “(iii) for fiscal year 1999, \$275,
11 \$478, \$393, \$334, and \$203 per month,
12 respectively;

13 “(iv) for fiscal year 2000, \$280, \$483,
14 \$398, \$339, and \$208 per month, respec-
15 tively;

16 “(v) for fiscal year 2001, \$340, \$543,
17 \$458, \$399, and \$268 per month, respec-
18 tively; and

19 “(vi) for fiscal year 2002 and each
20 subsequent fiscal year, the applicable
21 amount during the preceding fiscal year, as
22 adjusted to reflect changes for the 12-
23 month period ending the preceding Novem-
24 ber 30 in the Consumer Price Index for All
25 Urban Consumers published by the Bureau

1 of Labor Statistics of the Department of
2 Labor.”.

3 (b) EFFECTIVE DATE; APPLICATION OF AMEND-
4 MENT.—(1) Except as provided in paragraph (2), the
5 amendment made by this section shall take effect on
6 March 1, 2001.

7 (2) The amendment made by this section shall not
8 apply with respect to certification periods beginning before
9 March 1, 2001.

10 (c)(1) The entire amount necessary to carry out this
11 section shall be available only to the extent an official
12 budget request for the entire amount, that includes des-
13 ignation of the entire amount of the request as an emer-
14 gency requirement under as defined in the Balanced
15 Budget and Emergency Deficit Control Act of 1985, as
16 amended, is transmitted by the President to the Congress.

17 (2) The entire amount is designated by the Congress
18 as an emergency requirement pursuant to section
19 251(b)(2)(A) of such Act.

20 **SEC. 847. VEHICLE ALLOWANCE.**

21 (a) IN GENERAL.—Section 5(g)(2) of the Food
22 Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended—

23 (1) in subparagraph (B)(iv)—

24 (A) by striking “subparagraph (C)” and
25 inserting “subparagraphs (C) and (D)”; and

1 (B) by striking “to the extent that” and all
2 that follows through the end of the clause and
3 inserting “to the extent that the fair market
4 value of the vehicle exceeds \$4,650; and”; and
5 (2) by adding at the end the following:

6 “(D) ALTERNATIVE VEHICLE ALLOW-
7 ANCE.—If the vehicle allowance standards that
8 a State agency uses to determine eligibility for
9 assistance under the State program funded
10 under part A of title IV of the Social Security
11 Act (42 U.S.C. 601 et seq.) would result in a
12 lower attribution of resources to certain house-
13 holds than under subparagraph (B)(iv), in lieu
14 of applying subparagraph (B)(iv), the State
15 agency may elect to apply the State vehicle al-
16 lowance standards to all households that would
17 incur a lower attribution of resources under the
18 State vehicle allowance standards.”.

19 (b) EFFECTIVE DATE; APPLICATION OF AMEND-
20 MENTS.—(1) Except as provided in paragraph (2), the
21 amendments made by this section shall take effect on July
22 1, 2001.

23 (2) The amendments made by this section shall not
24 apply with respect to certification periods beginning before
25 July 1, 2001.

1 (c)(1) The entire amount necessary to carry out this
2 section shall be available only to the extent an official
3 budget request for the entire amount, that includes des-
4 ignation of the entire amount of the request as an emer-
5 gency requirement as defined in the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended, is
7 transmitted by the President to the Congress.

8 (2) The entire amount is designated by the Congress
9 as an emergency requirement pursuant to section
10 251(b)(2)(A) of such Act.

11 **TITLE IX—TRADE SANCTIONS REFORM AND**
12 **EXPORT ENHANCEMENT**

13 **SEC. 901. SHORT TITLE.**

14 This title may be cited as the “Trade Sanctions Re-
15 form and Export Enhancement Act of 2000”.

16 **SEC. 902. DEFINITIONS.**

17 In this title:

18 (1) **AGRICULTURAL COMMODITY.**—The term
19 “agricultural commodity” has the meaning given the
20 term in section 102 of the Agricultural Trade Act of
21 1978 (7 U.S.C. 5602).

22 (2) **AGRICULTURAL PROGRAM.**—The term “ag-
23 ricultural program” means—

1 (A) any program administered under the
2 Agricultural Trade Development and Assistance
3 Act of 1954 (7 U.S.C. 1691 et seq.);

4 (B) any program administered under sec-
5 tion 416 of the Agricultural Act of 1949 (7
6 U.S.C. 1431);

7 (C) any program administered under the
8 Agricultural Trade Act of 1978 (7 U.S.C. 5601
9 et seq.);

10 (D) the dairy export incentive program ad-
11 ministered under section 153 of the Food Secu-
12 rity Act of 1985 (15 U.S.C. 713a–14);

13 (E) any commercial export sale of agricul-
14 tural commodities; or

15 (F) any export financing (including credits
16 or credit guarantees) provided by the United
17 States Government for agricultural commod-
18 ities.

19 (3) JOINT RESOLUTION.—The term “joint reso-
20 lution” means—

21 (A) in the case of section 903(a)(1), only
22 a joint resolution introduced within 10 session
23 days of Congress after the date on which the
24 report of the President under section 903(a)(1)
25 is received by Congress, the matter after the re-

1 solving clause of which is as follows: “That
2 Congress approves the report of the President
3 pursuant to section 903(a)(1) of the Trade
4 Sanctions Reform and Export Enhancement
5 Act of 2000, transmitted on .”,
6 with the blank completed with the appropriate
7 date; and

8 (B) in the case of section 906(1), only a
9 joint resolution introduced within 10 session
10 days of Congress after the date on which the
11 report of the President under section 906(2) is
12 received by Congress, the matter after the re-
13 solving clause of which is as follows: “That
14 Congress approves the report of the President
15 pursuant to section 906(1) of the Trade Sanc-
16 tions Reform and Export Enhancement Act of
17 2000, transmitted on .”, with
18 the blank completed with the appropriate date.

19 (4) MEDICAL DEVICE.—The term “medical de-
20 vice” has the meaning given the term “device” in
21 section 201 of the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 321).

23 (5) MEDICINE.—The term “medicine” has the
24 meaning given the term “drug” in section 201 of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 321).

3 (6) UNILATERAL AGRICULTURAL SANCTION.—

4 The term “unilateral agricultural sanction” means
5 any prohibition, restriction, or condition on carrying
6 out an agricultural program with respect to a for-
7 eign country or foreign entity that is imposed by the
8 United States for reasons of foreign policy or na-
9 tional security, except in a case in which the United
10 States imposes the measure pursuant to—

11 (A) a multilateral regime and the other
12 member countries of that regime have agreed to
13 impose substantially equivalent measures; or

14 (B) a mandatory decision of the United
15 Nations Security Council.

16 (7) UNILATERAL MEDICAL SANCTION.—The
17 term “unilateral medical sanction” means any prohi-
18 bition, restriction, or condition on exports of, or the
19 provision of assistance consisting of, medicine or a
20 medical device with respect to a foreign country or
21 foreign entity that is imposed by the United States
22 for reasons of foreign policy or national security, ex-
23 cept in a case in which the United States imposes
24 the measure pursuant to—

1 (A) a multilateral regime and the other
2 member countries of that regime have agreed to
3 impose substantially equivalent measures; or

4 (B) a mandatory decision of the United
5 Nations Security Council.

6 **SEC. 903. RESTRICTION.**

7 (a) **NEW SANCTIONS.**—Except as provided in sections
8 904 and 905 and notwithstanding any other provision of
9 law, the President may not impose a unilateral agricul-
10 tural sanction or unilateral medical sanction against a for-
11 eign country or foreign entity, unless—

12 (1) not later than 60 days before the sanction
13 is proposed to be imposed, the President submits a
14 report to Congress that—

15 (A) describes the activity proposed to be
16 prohibited, restricted, or conditioned; and

17 (B) describes the actions by the foreign
18 country or foreign entity that justify the sanc-
19 tion; and

20 (2) there is enacted into law a joint resolution
21 stating the approval of Congress for the report sub-
22 mitted under paragraph (1).

23 (b) **EXISTING SANCTIONS.**—The President shall ter-
24 minate any unilateral agricultural sanction or unilateral

1 medical sanction that is in effect as of the date of enact-
2 ment of this Act.

3 **SEC. 904. EXCEPTIONS.**

4 Section 903 shall not affect any authority or require-
5 ment to impose (or continue to impose) a sanction referred
6 to in section 903—

7 (1) against a foreign country or foreign
8 entity—

9 (A) pursuant to a declaration of war
10 against the country or entity;

11 (B) pursuant to specific statutory author-
12 ization for the use of the Armed Forces of the
13 United States against the country or entity;

14 (C) against which the Armed Forces of the
15 United States are involved in hostilities; or

16 (D) where imminent involvement by the
17 Armed Forces of the United States in hostilities
18 against the country or entity is clearly indicated
19 by the circumstances; or

20 (2) to the extent that the sanction would pro-
21 hibit, restrict, or condition the provision or use of
22 any agricultural commodity, medicine, or medical de-
23 vice that is—

1 (A) controlled on the United States Muni-
2 tions List established under section 38 of the
3 Arms Export Control Act (22 U.S.C. 2778);

4 (B) controlled on any control list estab-
5 lished under the Export Administration Act of
6 1979 or any successor statute (50 U.S.C. App.
7 2401 et seq.); or

8 (C) used to facilitate the development or
9 production of a chemical or biological weapon or
10 weapon of mass destruction.

11 **SEC. 905. TERMINATION OF SANCTIONS.**

12 Any unilateral agricultural sanction or unilateral
13 medical sanction that is imposed pursuant to the proce-
14 dures described in section 903(a) shall terminate not later
15 than 2 years after the date on which the sanction became
16 effective unless—

17 (1) not later than 60 days before the date of
18 termination of the sanction, the President submits to
19 Congress a report containing—

20 (A) the recommendation of the President
21 for the continuation of the sanction for an addi-
22 tional period of not to exceed 2 years; and

23 (B) the request of the President for ap-
24 proval by Congress of the recommendation; and

1 (2) there is enacted into law a joint resolution
2 stating the approval of Congress for the report sub-
3 mitted under paragraph (1).

4 **SEC. 906. STATE SPONSORS OF INTERNATIONAL TER-**
5 **RORISM.**

6 (a) REQUIREMENT.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of this title (other than section 904), the
9 export of agricultural commodities, medicine, or
10 medical devices to Cuba or to the government of a
11 country that has been determined by the Secretary
12 of State to have repeatedly provided support for acts
13 of international terrorism under section 620A of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2371),
15 section 6(j)(1) of the Export Administration Act of
16 1979 (50 U.S.C. app. 2405(j)(1)), or section 40(d)
17 of the Arms Export Control Act (22 U.S.C.
18 2780(d)), or to any other entity in such a country,
19 shall only be made pursuant to one-year licenses
20 issued by the United States Government for con-
21 tracts entered into during the one-year period of the
22 license and shipped within the 12-month period be-
23 ginning on the date of the signing of the contract,
24 except that the requirements of such one-year li-
25 censes shall be no more restrictive than license ex-

1 ceptions administered by the Department of Com-
2 merce or general licenses administered by the De-
3 partment of the Treasury, except that procedures
4 shall be in place to deny licenses for exports to any
5 entity within such country promoting international
6 terrorism.

7 (2) EXCEPTION.—Paragraph (1) shall not
8 apply with respect to the export of agricultural com-
9 modities, medicine, or medical devices to the Govern-
10 ment of Syria or to the Government of North Korea.

11 (b) QUARTERLY REPORTS.—The applicable depart-
12 ment or agency of the Federal Government shall submit
13 to the appropriate congressional committees on a quar-
14 terly basis a report on any activities undertaken under
15 subsection (a)(1) during the preceding calendar quarter.

16 (c) BIENNIAL REPORTS.—Not later than two years
17 after the date of enactment of this Act, and every two
18 years thereafter, the applicable department or agency of
19 the Federal Government shall submit a report to the ap-
20 propriate congressional committees on the operation of the
21 licensing system under this section for the preceding two-
22 year period, including—

23 (1) the number and types of licenses applied
24 for;

25 (2) the number and types of licenses approved;

1 (3) the average amount of time elapsed from
2 the date of filing of a license application until the
3 date of its approval;

4 (4) the extent to which the licensing procedures
5 were effectively implemented; and

6 (5) a description of comments received from in-
7 terested parties about the extent to which the licens-
8 ing procedures were effective, after the applicable
9 department or agency holds a public 30-day com-
10 ment period.

11 **SEC. 907. CONGRESSIONAL PROCEDURES.**

12 (a) REFERRAL OF REPORT.—A report described in
13 section 903(a)(1) or 905(1) shall be referred to the appro-
14 priate committee or committees of the House of Rep-
15 resentatives and to the appropriate committee or commit-
16 tees of the Senate.

17 (b) REFERRAL OF JOINT RESOLUTION.—

18 (1) IN GENERAL.—A joint resolution introduced
19 in the Senate shall be referred to the Committee on
20 Foreign Relations, and a joint resolution introduced
21 in the House of Representatives shall be referred to
22 the Committee on International Relations.

23 (2) REPORTING DATE.—A joint resolution re-
24 ferred to in paragraph (1) may not be reported be-

1 fore the eighth session day of Congress after the in-
2 troduction of the joint resolution.

3 **SEC. 908. PROHIBITION ON UNITED STATES ASSISTANCE**
4 **AND FINANCING.**

5 (a) PROHIBITION ON UNITED STATES ASSIST-
6 ANCE.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of law, no United States Government as-
9 sistance, including United States foreign assistance,
10 United States export assistance, and any United
11 States credit or guarantees shall be available for ex-
12 ports to Cuba or for commercial exports to Iran,
13 Libya, North Korea, or Sudan.

14 (2) RULE OF CONSTRUCTION.—Nothing in
15 paragraph (1) shall be construed to alter, modify, or
16 otherwise affect the provisions of section 109 of the
17 Cuban Liberty and Democratic Solidarity
18 (LIBERTAD) Act of 1996 (22 U.S.C. 6039) or any
19 other provision of law relating to Cuba in effect on
20 the day before the date of the enactment of this Act.

21 (3) WAIVER.—The President may waive the ap-
22 plication of paragraph (1) with respect to Iran,
23 Libya, North Korea, and Sudan to the degree the
24 President determines that it is in the national secu-

1 rity interest of the United States to do so, or for hu-
2 manitarian reasons.

3 (b) PROHIBITION ON FINANCING OF AGRICULTURAL
4 SALES TO CUBA.—

5 (1) IN GENERAL.—No United States person
6 may provide payment or financing terms for sales of
7 agricultural commodities or products to Cuba or any
8 person in Cuba, except in accordance with the fol-
9 lowing terms (notwithstanding part 515 of title 31,
10 Code of Federal Regulations, or any other provision
11 of law):

12 (A) Payment of cash in advance.

13 (B) Financing by third country financial
14 institutions (excluding United States persons or
15 Government of Cuba entities), except that such
16 financing may be confirmed or advised by a
17 United States financial institution.

18 Nothing in this paragraph authorizes payment terms
19 or trade financing involving a debit or credit to an
20 account of a person located in Cuba or of the Gov-
21 ernment of Cuba maintained on the books of a
22 United States depository institution.

23 (2) PENALTIES.—Any private person or entity
24 that violates paragraph (1) shall be subject to the

1 penalties provided in the Trading With the Enemy
2 Act for violations under that Act.

3 (3) ADMINISTRATION AND ENFORCEMENT.—

4 The President shall issue such regulations as are
5 necessary to carry out this section, except that the
6 President, in lieu of issuing new regulations, may
7 apply any regulations in effect on the date of the en-
8 actment of this Act, pursuant to the Trading With
9 the Enemy Act, with respect to the conduct prohib-
10 ited in paragraph (1).

11 (4) DEFINITIONS.—In this subsection—

12 (A) the term “financing” includes any loan
13 or extension of credit;

14 (B) the term “United States depository in-
15 stitution” means any entity (including its for-
16 eign branches or subsidiaries) organized under
17 the laws of any jurisdiction within the United
18 States, or any agency, office or branch located
19 in the United States of a foreign entity, that is
20 engaged primarily in the business of banking
21 (including a bank, savings bank, savings asso-
22 ciation, credit union, trust company, or United
23 States bank holding company); and

24 (C) the term “United States person”
25 means the Federal Government, any State or

1 local government, or any private person or enti-
2 ty of the United States.

3 **SEC. 909. PROHIBITION ON ADDITIONAL IMPORTS FROM**
4 **CUBA.**

5 Nothing in this title shall be construed to alter, mod-
6 ify, or otherwise affect the provisions of section 515.204
7 of title 31, Code of Federal Regulations, relating to the
8 prohibition on the entry into the United States of mer-
9 chandise that (1) is of Cuban origin, (2) is or has been
10 located in or transported from or through Cuba, or (3)
11 is made or derived in whole or in part of any article which
12 is the growth, produce, or manufacture of Cuba.

13 **SEC. 910. REQUIREMENTS RELATING TO CERTAIN TRAVEL-**
14 **RELATED TRANSACTIONS WITH CUBA.**

15 (a) AUTHORIZATION OF TRAVEL RELATING TO COM-
16 MERCIAL SALE OF AGRICULTURAL COMMODITIES.—The
17 Secretary of the Treasury shall promulgate regulations
18 under which the travel-related transactions listed in para-
19 graph (c) of section 515.560 of title 31, Code of Federal
20 Regulations, may be authorized on a case-by-case basis by
21 a specific license for travel to, from, or within Cuba for
22 the commercial export sale of agricultural commodities
23 pursuant to the provisions of this title.

24 (b) PROHIBITION ON TRAVEL RELATING TO TOURIST
25 ACTIVITIES.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law or regulation, the Secretary of the
3 Treasury, or any other Federal official, may not au-
4 thorize the travel-related transactions listed in para-
5 graph (c) of section 515.560 of title 31, Code of
6 Federal Regulations, either by a general license or
7 on a case-by-case basis by a specific license for trav-
8 el to, from, or within Cuba for tourist activities.

9 (2) DEFINITION.—In this subsection, the term
10 “tourist activities” means any activity with respect
11 to travel to, from, or within Cuba that is not ex-
12 pressly authorized in subsection (a) of this section,
13 in any of paragraphs (1) through (12) of section
14 515.560 of title 31, Code of Federal Regulations, or
15 in any section referred to in any of such paragraphs
16 (1) through (12) (as such sections were in effect on
17 June 1, 2000).

18 **SEC. 911. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), this title shall take effect on the date of enactment
21 of this Act, and shall apply thereafter in any fiscal year.

22 (b) EXISTING SANCTIONS.—In the case of any unilat-
23 eral agricultural sanction or unilateral medical sanction
24 that is in effect as of the date of enactment of this Act,
25 this title shall take effect 120 days after the date of enact-

1 ment of this Act, and shall apply thereafter in any fiscal
2 year.

3 TITLE X—CONTINUED DUMPING AND SUBSIDY
4 OFFSET

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the “Continued Dumping
7 and Subsidy Offset Act of 2000”.

8 **SEC. 1002. FINDINGS OF CONGRESS.**

9 Congress makes the following findings:

10 (1) Consistent with the rights of the United
11 States under the World Trade Organization, inju-
12 rious dumping is to be condemned and actionable
13 subsidies which cause injury to domestic industries
14 must be effectively neutralized.

15 (2) United States unfair trade laws have as
16 their purpose the restoration of conditions of fair
17 trade so that jobs and investment that should be in
18 the United States are not lost through the false
19 market signals.

20 (3) The continued dumping or subsidization of
21 imported products after the issuance of antidumping
22 orders or findings or countervailing duty orders can
23 frustrate the remedial purpose of the laws by pre-
24 venting market prices from returning to fair levels.

1 (4) Where dumping or subsidization continues,
2 domestic producers will be reluctant to reinvest or
3 rehire and may be unable to maintain pension and
4 health care benefits that conditions of fair trade
5 would permit. Similarly, small businesses and Amer-
6 ican farmers and ranchers may be unable to pay
7 down accumulated debt, to obtain working capital,
8 or to otherwise remain viable.

9 (5) United States trade laws should be
10 strengthened to see that the remedial purpose of
11 those laws is achieved.

12 **SEC. 1003. AMENDMENTS TO THE TARIFF ACT OF 1930.**

13 (a) IN GENERAL.—Title VII of the Tariff Act of
14 1930 (19 U.S.C. 1671 et seq.) is amended by inserting
15 after section 753 following new section:

16 **“SEC. 754. CONTINUED DUMPING AND SUBSIDY OFFSET.**

17 “(a) IN GENERAL.—Duties assessed pursuant to a
18 countervailing duty order, an antidumping duty order, or
19 a finding under the Antidumping Act of 1921 shall be dis-
20 tributed on an annual basis under this section to the af-
21 fected domestic producers for qualifying expenditures.
22 Such distribution shall be known as the ‘continued dump-
23 ing and subsidy offset’.

24 “(b) DEFINITIONS.—As used in this section:

1 “(1) AFFECTED DOMESTIC PRODUCER.—The
2 term ‘affected domestic producer’ means any manu-
3 facturer, producer, farmer, rancher, or worker rep-
4 resentative (including associations of such persons)
5 that—

6 “(A) was a petitioner or interested party in
7 support of the petition with respect to which an
8 antidumping duty order, a finding under the
9 Antidumping Act of 1921, or a countervailing
10 duty order has been entered, and

11 “(B) remains in operation.

12 Companies, businesses, or persons that have ceased
13 the production of the product covered by the order
14 or finding or who have been acquired by a company
15 or business that is related to a company that op-
16 posed the investigation shall not be an affected do-
17 mestic producer.

18 “(2) COMMISSIONER.—The term ‘Commis-
19 sioner’ means the Commissioner of Customs.

20 “(3) COMMISSION.—The term ‘Commission’
21 means the United States International Trade Com-
22 mission.

23 “(4) QUALIFYING EXPENDITURE.—The term
24 ‘qualifying expenditure’ means an expenditure in-
25 curred after the issuance of the antidumping duty

1 finding or order or countervailing duty order in any
2 of the following categories:

3 “(A) Manufacturing facilities.

4 “(B) Equipment.

5 “(C) Research and development.

6 “(D) Personnel training.

7 “(E) Acquisition of technology.

8 “(F) Health care benefits to employees
9 paid for by the employer.

10 “(G) Pension benefits to employees paid
11 for by the employer.

12 “(H) Environmental equipment, training,
13 or technology.

14 “(I) Acquisition of raw materials and other
15 inputs.

16 “(J) Working capital or other funds need-
17 ed to maintain production.

18 “(5) RELATED TO.—A company, business, or
19 person shall be considered to be ‘related to’ another
20 company, business, or person if—

21 “(A) the company, business, or person di-
22 rectly or indirectly controls or is controlled by
23 the other company, business, or person,

24 “(B) a third party directly or indirectly
25 controls both companies, businesses, or persons,

1 “(C) both companies, businesses, or per-
2 sons directly or indirectly control a third party
3 and there is reason to believe that the relation-
4 ship causes the first company, business, or per-
5 sons to act differently than a nonrelated party.

6 For purposes of this paragraph, a party shall be
7 considered to directly or indirectly control another
8 party if the party is legally or operationally in a po-
9 sition to exercise restraint or direction over the other
10 party.

11 “(c) DISTRIBUTION PROCEDURES.—The Commis-
12 sioner shall prescribe procedures for distribution of the
13 continued dumping or subsidies offset required by this sec-
14 tion. Such distribution shall be made not later than 60
15 days after the first day of a fiscal year from duties as-
16 sessed during the preceding fiscal year.

17 “(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF
18 ANTIDUMPING AND COUNTERVAILING DUTIES AS-
19 SESSED.—

20 “(1) LIST OF AFFECTED DOMESTIC PRO-
21 DUCERS.—The Commission shall forward to the
22 Commissioner within 60 days after the effective date
23 of this section in the case of orders or findings in
24 effect on January 1, 1999, or thereafter, or in any
25 other case, within 60 days after the date an anti-

1 dumping or countervailing duty order or finding is
2 issued, a list of petitioners and persons with respect
3 to each order and finding and a list of persons that
4 indicate support of the petition by letter or through
5 questionnaire response. In those cases in which a de-
6 termination of injury was not required or the Com-
7 mission's records do not permit an identification of
8 those in support of a petition, the Commission shall
9 consult with the administering authority to deter-
10 mine the identity of the petitioner and those domes-
11 tic parties who have entered appearances during ad-
12 ministrative reviews conducted by the administering
13 authority under section 751.

14 “(2) PUBLICATION OF LIST; CERTIFICATION.—
15 The Commissioner shall publish in the Federal Reg-
16 ister at least 30 days before the distribution of a
17 continued dumping and subsidy offset, a notice of
18 intention to distribute the offset and the list of af-
19 fected domestic producers potentially eligible for the
20 distribution based on the list obtained from the
21 Commission under paragraph (1). The Commis-
22 sioner shall request a certification from each poten-
23 tially eligible affected domestic producer—

24 “(A) that the producer desires to receive a
25 distribution;

1 “(B) that the producer is eligible to receive
2 the distribution as an affected domestic pro-
3 ducer; and

4 “(C) the qualifying expenditures incurred
5 by the producer since the issuance of the order
6 or finding for which distribution under this sec-
7 tion has not previously been made.

8 “(3) DISTRIBUTION OF FUNDS.—The Commis-
9 sioner shall distribute all funds (including all inter-
10 est earned on the funds) from assessed duties re-
11 ceived in the preceding fiscal year to affected domes-
12 tic producers based on the certifications described in
13 paragraph (2). The distributions shall be made on a
14 pro rata basis based on new and remaining quali-
15 fying expenditures.

16 “(e) SPECIAL ACCOUNTS.—

17 “(1) ESTABLISHMENTS.—Within 14 days after
18 the effective date of this section, with respect to
19 antidumping duty orders and findings and counter-
20 vailing duty orders notified under subsection (d)(1),
21 and within 14 days after the date an antidumping
22 duty order or finding or countervailing duty order
23 issued after the effective date takes effect, the Com-
24 missioner shall establish in the Treasury of the

1 United States a special account with respect to each
2 such order or finding.

3 “(2) DEPOSITS INTO ACCOUNTS.—The Commis-
4 sioner shall deposit into the special accounts, all
5 antidumping or countervailing duties (including in-
6 terest earned on such duties) that are assessed after
7 the effective date of this section under the anti-
8 dumping order or finding or the countervailing duty
9 order with respect to which the account was estab-
10 lished.

11 “(3) TIME AND MANNER OF DISTRIBUTIONS.—
12 Consistent with the requirements of subsections (c)
13 and (d), the Commissioner shall by regulation pre-
14 scribe the time and manner in which distribution of
15 the funds in a special account shall made.

16 “(4) TERMINATION.—A special account shall
17 terminate after—

18 “(a) the order or finding with respect to
19 which the account was established has termi-
20 nated;

21 “(B) all entries relating to the order or
22 finding are liquidated and duties assessed col-
23 lected;

1 “(C) the Commissioner has provided notice
2 and a final opportunity to obtain distribution
3 pursuant to subsection (c); and

4 “(D) 90 days has elapsed from the date of
5 the notice described in subparagraph (C).

6 Amounts not claimed within 90 days of the date of
7 the notice described in subparagraph (C), shall be
8 deposited into the general fund of the Treasury.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for title VII of the Tariff Act of 1930 is amended
11 by inserting the following new item after the item relating
12 to section 753:

“Sec. 754. Continued dumping and subsidy offset.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to all antidumping
15 and countervailing duty assessments made on or after Oc-
16 tober 1, 2000.

17 TITLE XI—CONSERVATION OF FARMABLE
18 WETLAND

19 **SEC. 1101. SHORT TITLE.**

20 This title may be cited as the “Conservation of
21 Farmable Wetland Act of 2000”.

1 **SEC. 1102. PILOT PROGRAM FOR ENROLLMENT OF WET-**
2 **LAND AND BUFFER ACREAGE IN CONSERVA-**
3 **TION RESERVE.**

4 (a) IN GENERAL.—Section 1231 of the Food Security
5 Act of 1985 (16 U.S.C. 3831) is amended by adding at
6 the end the following:

7 “(h) PILOT PROGRAM FOR ENROLLMENT OF WET-
8 LAND AND BUFFER ACREAGE IN CONSERVATION RE-
9 SERVE.—

10 “(1) IN GENERAL.—During the 2001 and 2002
11 calendar years, the Secretary shall carry out a pilot
12 program in the States of Iowa, Minnesota, Montana,
13 Nebraska, North Dakota, and South Dakota under
14 which the Secretary shall include eligible acreage de-
15 scribed in paragraph (3) in the program established
16 under this subchapter.

17 “(2) PARTICIPATION AMONG STATES.—The
18 Secretary shall ensure, to the maximum extent prac-
19 ticable, that owners and operators in each of the
20 States referred to in paragraph (1) have an equi-
21 table opportunity to participate in the pilot program
22 established under this subsection.

23 “(3) ELIGIBLE ACREAGE.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graphs (B) through (D), an owner or operator

1 may enroll in the conservation reserve under
2 this subsection—

3 “(i) a wetland (including a converted
4 wetland described in section
5 1222(b)(1)(A)) that was cropped during at
6 least 3 of the immediately preceding 10
7 crop years; and

8 “(ii) buffer acreage that—

9 “(I) is contiguous to the wetland
10 described in clause (i);

11 “(II) is used to protect the wet-
12 land; and

13 “(III) is of such width as the
14 Secretary determines is necessary to
15 protect the wetland, taking into con-
16 sideration and accommodating the
17 farming practices (including the
18 straightening of boundaries to accom-
19 modate machinery) used with respect
20 to the cropland that surrounds the
21 wetland.

22 “(B) EXCLUSIONS.—An owner or operator
23 may not enroll in the conservation reserve
24 under this subsection—

1 “(i) any wetland, or land on a flood-
2 plain, that is, or is adjacent to, a perennial
3 riverine system wetland identified on the
4 final national wetland inventory map of the
5 Secretary of the Interior; or

6 “(ii) in the case of an area that is not
7 covered by the final national inventory
8 map, any wetland, or land on a floodplain,
9 that is adjacent to a perennial stream iden-
10 tified on a 1-24,000 scale map of the
11 United States Geological Survey.

12 “(C) PROGRAM LIMITATIONS.—

13 “(i) IN GENERAL.—The Secretary
14 may enroll in the conservation reserve
15 under this subsection—

16 “(I) not more than 500,000 acres
17 in all States referred to in paragraph
18 (1); and

19 “(II) not more than 150,000
20 acres in any 1 State referred to in
21 paragraph (1).

22 “(ii) RELATIONSHIP TO PROGRAM
23 MAXIMUM.—Subject to clause (iii), for the
24 purposes of subsection (d), any acreage en-
25 rolled in the conservation reserve under

1 this subsection shall be considered acres
2 maintained in the conservation reserve.

3 “(iii) RELATIONSHIP TO OTHER EN-
4 ROLLED ACREAGE.—Acreage enrolled
5 under this subsection shall not affect for
6 any fiscal year the quantity of—

7 “(I) acreage enrolled to establish
8 conservation buffers as part of the
9 program announced on March 24,
10 1998 (63 Fed. Reg. 14109); or

11 “(II) acreage enrolled into the
12 conservation reserve enhancement pro-
13 gram announced on May 27, 1998 (63
14 Fed. Reg. 28965).

15 “(D) OWNER OR OPERATOR LIMITA-
16 TIONS.—

17 “(i) WETLAND.—The maximum size
18 of any wetland described in subparagraph
19 (A)(i) of an owner or operator enrolled in
20 the conservation reserve under this sub-
21 section shall be 5 contiguous acres.

22 “(ii) BUFFER ACREAGE.—The max-
23 imum size of any buffer acreage described
24 in subparagraph (A)(ii) of an owner or op-
25 erator enrolled in the conservation reserve

1 under this subsection shall be the greater
2 of—

3 “(I) 3 times the size of any wet-
4 land described in subparagraph (A)(i)
5 to which the buffer acreage is contig-
6 uous; or

7 “(II) 150 feet on either side of
8 the wetland.

9 “(iii) TRACTS.—The maximum size of
10 any eligible acreage described in subpara-
11 graph (A) in a tract (as determined by the
12 Secretary) of an owner or operator enrolled
13 in the conservation reserve under this sub-
14 section shall be 40 acres.

15 “(4) DUTIES OF OWNERS AND OPERATORS.—
16 Under a contract entered into under this subsection,
17 during the term of the contract, an owner or oper-
18 ator of a farm or ranch must agree—

19 “(A) to restore the hydrology of the wet-
20 land within the eligible acreage to the maximum
21 extent practicable, as determined by the Sec-
22 retary;

23 “(B) to establish vegetative cover on the
24 eligible acreage, as determined by the Sec-
25 retary; and

1 “(C) to carry out other duties described in
2 section 1232.

3 “(5) DUTIES OF THE SECRETARY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraphs (B) and (C), in return for a con-
6 tract entered into by an owner or operator
7 under this subsection, the Secretary shall make
8 payments and provide assistance to the owner
9 or operator in accordance with sections 1233
10 and 1234.

11 “(B) CONTINUOUS SIGNUP.—The Sec-
12 retary shall use continuous signup under sec-
13 tion 1234(e)(2)(B) to determine the accept-
14 ability of contract offers and the amount of
15 rental payments under this subsection.

16 “(C) INCENTIVES.—The amounts payable
17 to owners and operators in the form of rental
18 payments under contracts entered into under
19 this subsection shall reflect incentives that are
20 provided to owners and operators to enroll
21 filterstrips in the conservation reserve under
22 section 1234.”.

23 **SEC. 1103. INCIDENTAL GRAZING.**

24 Section 1232(a)(7)(A) of the Food Security Act of
25 1985 (16 U.S.C. 3832(a)(7)(A)) is amended—

1 (1) by striking “occurs during” and
2 inserting “occurs—

3 “(I) in the case of land other
4 than eligible acreage enrolled under
5 section 1231(h), during”; and

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

7 “(II) in the case of eligible acre-
8 age enrolled under section 1231(h), at
9 any time other than during the period
10 beginning May 1 and ending August 1
11 of each year for a reduction in rental
12 payment commensurate with the lim-
13 ited economic value of such incidental
14 grazing; and”.

15 **SEC. 1104. STUDY OF IMPACT OF PILOT PROGRAM.**

16 (a) IN GENERAL.—The Secretary of Agriculture shall
17 conduct a study of the impact of the pilot program estab-
18 lished under section 1231(h) of the Food Security Act of
19 1985 (16 U.S.C. 3831(h)) (as added by section 1102(a))
20 on—

21 (1) enrollment of owners and operators in—

22 (A) the conservation reserve program es-
23 tablished under subchapter B of chapter 1 of
24 subtitle D of title XII of that Act (16 U.S.C.
25 3831 et seq.);

1 (B) the wetlands reserve program estab-
2 lished under subchapter C of chapter 1 of sub-
3 title D of title XII of that Act (16 U.S.C. 3837
4 et seq.); and

5 (C) other Federal and State conservation
6 programs;

7 (2) types of environmentally sensitive acreage
8 that have not been enrolled in the wetlands reserve
9 program; and

10 (3) conservation of soil, water, and related nat-
11 ural resources, including grazing land, wetland, and
12 wildlife habitat.

13 (b) REPORTS.—Not later than March 1, 2003, the
14 Secretary shall submit to the Committee on Agriculture
15 of the House of Representatives and the Committee on
16 Agriculture, Nutrition, and Forestry of the Senate a re-
17 port on the results of the study.

18 **SEC. 1105. REGULATIONS.**

19 (a) IN GENERAL.—As soon as practicable after the
20 date of enactment of this Act, the Secretary of Agriculture
21 shall promulgate such regulations as are necessary to im-
22 plement the amendments made by this Act.

23 (b) PROCEDURE.—The promulgation of the regula-
24 tions and administration of the amendments made by this
25 Act shall be made without regard to—

1 (1) the notice and comment provisions of sec-
2 tion 553 of title 5, United States Code;

3 (2) the Statement of Policy of the Secretary of
4 Agriculture effective July 24, 1971 (36 Fed. Reg.
5 13804), relating to notices of proposed rulemaking
6 and public participation in rulemaking; and

7 (3) chapter 35 of title 44, United States Code
8 (commonly known as the “Paperwork Reduction
9 Act”).

10 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
11 MAKING.—In carrying out this section, the Secretary shall
12 use the authority provided under section 808 of title 5,
13 United States Code.

14 **TITLE XII—HASS AVOCADO PROMOTION,**
15 **RESEARCH, AND INFORMATION**

16 **SEC. 1201. SHORT TITLE.**

17 This title may be cited as the “Hass Avocado Pro-
18 motion, Research, and Information Act of 2000”.

19 **SEC. 1202. FINDINGS AND DECLARATION OF POLICY.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) Hass avocados are an integral food source
22 in the United States that are a valuable and healthy
23 part of the human diet and are enjoyed by millions
24 of persons every year for a multitude of everyday
25 and special occasions.

1 (2) Hass avocados are a significant tree fruit
2 crop grown by many individual producers, but vir-
3 tually all domestically produced Hass avocados for
4 the commercial market are grown in the State of
5 California.

6 (3) Hass avocados move in interstate and for-
7 eign commerce, and Hass avocados that do not move
8 in interstate or foreign channels of commerce but
9 only in intrastate commerce directly affect interstate
10 commerce in Hass avocados.

11 (4) In recent years, large quantities of Hass av-
12 ocados have been imported into the United States
13 from other countries.

14 (5) The maintenance and expansion of markets
15 in existence on the date of enactment of this title,
16 and the development of new or improved markets or
17 uses for Hass avocados are needed to preserve and
18 strengthen the economic viability of the domestic
19 Hass avocado industry for the benefit of producers
20 and other persons associated with the producing,
21 marketing, processing, and consuming of Hass avo-
22 cados.

23 (6) An effective and coordinated program of
24 promotion, research, industry information, and con-
25 sumer information regarding Hass avocados is nec-

1 essary for the maintenance, expansion, and develop-
2 ment of domestic markets for Hass avocados.

3 (b) PURPOSE.—It is the purpose of this title to au-
4 thorize the establishment, through the exercise of the pow-
5 ers provided in this title, of an orderly procedure for the
6 development and financing (through an adequate assess-
7 ment on Hass avocados sold by producers and importers
8 in the United States) of an effective and coordinated pro-
9 gram of promotion, research, industry information, and
10 consumer information, including funds for marketing and
11 market research activities, that is designed to—

12 (1) strengthen the position of the Hass avocado
13 industry in the domestic marketplace; and

14 (2) maintain, develop, and expand markets and
15 uses for Hass avocados in the domestic marketplace.

16 (c) LIMITATION.—Nothing in this title may be con-
17 strued to provide for the control of production or otherwise
18 limit the right of any person to produce, handle, or import
19 Hass avocados.

20 **SEC. 1203. DEFINITIONS.**

21 As used in this title:

22 (1) BOARD.—The terms “Avocado Board” and
23 “Board” mean the Hass Avocado Board established
24 under section 1205.

1 (2) CONFLICT OF INTEREST.—The term “con-
2 flict of interest” means a situation in which a mem-
3 ber or employee of the Board has a direct or indirect
4 financial interest in a person that performs a service
5 for, or enters into a contract with, the Board for
6 anything of economic value.

7 (3) CONSUMER INFORMATION.—The term “con-
8 sumer information” means any action or program
9 that provides information to consumers and other
10 persons on the use, nutritional attributes, and other
11 information that will assist consumers and other
12 persons in making evaluations and decisions regard-
13 ing the purchase, preparation, and use of Hass avo-
14 cados.

15 (4) CUSTOMS.—The term “Customs” means
16 the United States Customs Service.

17 (5) DEPARTMENT.—The term “Department”
18 means the United States Department of Agriculture.

19 (6) HASS AVOCADO.—

20 (A) IN GENERAL.—The term “Hass avo-
21 cado” includes—

22 (i) the fruit of any Hass variety avo-
23 cado tree; and

24 (ii) any other type of avocado fruit
25 that the Board, with the approval of the

1 Secretary, determines is so similar to the
2 Hass variety avocado as to be indistin-
3 guishable to consumers in fresh form.

4 (B) FORM OF FRUIT.—Except as provided
5 in subparagraph (C), the term includes avocado
6 fruit described in subparagraph (A) whether in
7 fresh, frozen, or any other processed form.

8 (C) EXCEPTIONS.—In any case in which a
9 handler further processes avocados described in
10 subparagraph (A), or products of such avoca-
11 dos, for sale to a retailer, the Board, with the
12 approval of the Secretary, may determine that
13 such further processed products do not con-
14 stitute a substantial value of the product and
15 that, based on its determination, the product
16 shall not be treated as a product of Hass avoca-
17 dos subject to assessment under the order. In
18 addition, the Board, with the approval of the
19 Secretary, may exempt certain frozen avocado
20 products from assessment under the order.

21 (7) HANDLER.—

22 (A) FIRST HANDLER.—The term “first
23 handler” means a person operating in the Hass
24 avocados marketing system that sells domestic
25 or imported Hass avocados for United States

1 domestic consumption, and who is responsible
2 for remitting assessments to the Board. The
3 term includes an importer or producer who sells
4 directly to consumers Hass avocados that the
5 importer or producer has imported into the
6 United States or produced, respectively.

7 (B) EXEMPT HANDLER.—The term “ex-
8 empt handler” means a person who would oth-
9 erwise be considered a first handler, except that
10 all avocados purchased by the person have al-
11 ready been subject to the assessment under sec-
12 tion 1205(h).

13 (8) IMPORTER.—The term “importer” means
14 any person who imports Hass avocados into the
15 United States.

16 (9) INDUSTRY INFORMATION.—The term “in-
17 dustry information” means information and pro-
18 grams that are designed to increase efficiency in
19 processing, enhance the development of new markets
20 and marketing strategies, increase marketing effi-
21 ciency, and activities to enhance the image of Hass
22 avocados and the Hass avocado industry domesti-
23 cally.

1 (10) ORDER.—The term “order” means the
2 Hass avocado promotion, research, and information
3 order issued under this title.

4 (11) PERSON.—The term “person” means any
5 individual, group of individuals, firm, partnership,
6 corporation, joint stock company, association, coop-
7 erative, or other legal entity.

8 (12) PRODUCER.—The term “producer” means
9 any person who—

10 (A) is engaged in the domestic production
11 of Hass avocados for commercial use; and

12 (B) owns, or shares the ownership and risk
13 of loss, of such Hass avocados.

14 (13) PROMOTION.—The term “promotion”
15 means any action to advance the image, desirability,
16 or marketability of Hass avocados, including paid
17 advertising, sales promotion, and publicity, in order
18 to improve the competitive position and stimulate
19 sales of Hass avocados in the domestic marketplace.

20 (14) RESEARCH.—The term “research” means
21 any type of test, study, or analysis relating to mar-
22 ket research, market development, and marketing ef-
23 forts, or relating to the use, quality, or nutritional
24 value of Hass avocados, other related food science

1 research, or research designed to advance the image,
2 desirability, and marketability of Hass avocados.

3 (15) SECRETARY.—The term “Secretary”
4 means the Secretary of Agriculture.

5 (16) STATE.—The term “State” means each of
6 the several States of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico, the
8 Commonwealth of the Northern Mariana Islands,
9 the United States Virgin Islands, Guam, American
10 Samoa, the Republic of the Marshall Islands, and
11 the Federated States of Micronesia.

12 (17) UNITED STATES.—The term “United
13 States” means the United States collectively.

14 **SEC. 1204. ISSUANCE OF ORDERS.**

15 (a) IN GENERAL.—

16 (1) ISSUANCE.—To effectuate the policy of this
17 title specified in section 1202(b), the Secretary, sub-
18 ject to the procedures provided in subsection (b),
19 shall issue orders under this title applicable to pro-
20 ducers, importers, and first handlers of Hass avoca-
21 dos.

22 (2) SCOPE.—Any order shall be national in
23 scope.

24 (3) ONE ORDER.—Not more than one order
25 shall be in effect at any one time.

1 (b) PROCEDURES.—

2 (1) PROPOSAL FOR AN ORDER.—An existing or-
3 ganization of avocado producers established pursu-
4 ant to a State statute, or any other person who will
5 be affected by this title, may request the issuance of,
6 and submit a proposal for an order.

7 (2) PUBLICATION OF PROPOSAL.—The Sec-
8 retary shall publish a proposed order and give notice
9 and opportunity for public comment on the proposed
10 order not later than 60 days after receipt by the
11 Secretary of a proposal for an order from an exist-
12 ing organization of avocado producers established
13 pursuant to a State statute, as provided in para-
14 graph (1).

15 (3) ISSUANCE OF ORDER.—

16 (A) IN GENERAL.—After notice and oppor-
17 tunity for public comment are provided in ac-
18 cordance with paragraph (2), the Secretary
19 shall issue the order, taking into consideration
20 the comments received and including in the
21 order such provisions as are necessary to ensure
22 that the order is in conformity with this title.

23 (B) EFFECTIVE DATE.—The order shall be
24 issued and become effective only after an af-
25 firmative vote in a referendum as provided in

1 section 1206, but not later than 180 days after
2 publication of the proposed order.

3 (c) AMENDMENTS.—The Secretary, from time to
4 time, may amend an order. The provisions of this title ap-
5 plicable to an order shall be applicable to any amendment
6 to an order.

7 **SEC. 1205. REQUIRED TERMS IN ORDERS.**

8 (a) IN GENERAL.—An order shall contain the terms
9 and provisions specified in this section.

10 (b) HASS AVOCADO BOARD.—

11 (1) ESTABLISHMENT AND MEMBERSHIP.—

12 (A) ESTABLISHMENT.—The order shall
13 provide for the establishment of a Hass Avocado Board, consisting of 12 members, to ad-
14 minister the order.
15

16 (B) MEMBERSHIP.—

17 (i) APPOINTMENT.—The order shall
18 provide that members of the Board shall
19 be appointed by the Secretary from nomi-
20 nations submitted as provided in this sub-
21 section.

22 (ii) COMPOSITION.—The Board shall
23 consist of participating domestic producers
24 and importers.

1 (C) SPECIAL DEFINITION OF IMPORTER.—

2 In this subsection, the term “importer” means
3 a person who is involved in, as a substantial ac-
4 tivity, the importation, sale, and marketing of
5 Hass avocados in the United States (either di-
6 rectly or as an agent, broker, or consignee of
7 any person or nation that produces or handles
8 Hass avocados outside the United States for
9 sale in the United States), and who is subject
10 to assessments under the order.

11 (2) DISTRIBUTION OF APPOINTMENTS.—

12 (A) IN GENERAL.—The order shall provide
13 that the membership of the Board shall consist
14 of the following:

15 (i) Seven members who are domestic
16 producers of Hass avocados and are sub-
17 ject to assessments under the order.

18 (ii) Two members who represent im-
19 porters of Hass avocados and are subject
20 to assessments under the order.

21 (iii) Three members who are domestic
22 producers of Hass avocados and are sub-
23 ject to assessments under the order, or are
24 importers of Hass avocados and are sub-
25 ject to assessments under the order, to re-

1 flect the proportion of domestic production
2 and imports supplying the United States
3 market, which shall be based on the Sec-
4 retary's determination of the average vol-
5 ume of domestic production of Hass avoca-
6 dos proportionate to the average volume of
7 imports of Hass avocados in the United
8 States over the previous three years.

9 (B) ADJUSTMENT IN BOARD REPRESENTA-
10 TION.—Three years after the assessment of
11 Hass avocados commences pursuant to an
12 order, and at the end of each three-year period
13 thereafter, the Avocado Board shall adjust the
14 proportion of producer representatives to im-
15 porter representatives on the Board under sub-
16 paragraph (A)(iii) on the basis of the amount
17 of assessments collected from producers and im-
18 porters over the immediately preceding three-
19 year period. Any adjustment under this sub-
20 paragraph shall be subject to the review and
21 approval of the Secretary.

22 (3) NOMINATION PROCESS.—The order shall
23 provide that—

24 (A) 2 nominees shall be submitted for each
25 appointment to the Board;

1 (B) nominations for each appointment of a
2 producer or an importer shall be made by do-
3 mestic producers or importers, respectively—

4 (i) in the case of producers, through
5 an election process which utilizes existing
6 organizations of avocado producers estab-
7 lished pursuant to a State statute, with ap-
8 proval by the Secretary; and

9 (ii) in the case of importers, nomina-
10 tions are submitted by importers under
11 such procedures as the Secretary deter-
12 mines appropriate; and

13 (C) in any case in which producers or im-
14 porters fail to nominate individuals for an ap-
15 pointment to the Board, the Secretary may ap-
16 point an individual to fill the vacancy on a basis
17 provided in the order or other regulations of the
18 Secretary.

19 (4) ALTERNATES.—The order shall provide for
20 the selection of alternate members of the Board by
21 the Secretary in accordance with procedures speci-
22 fied in the order.

23 (5) TERMS.—The order shall provide that—

24 (A) each term of appointment to the Board
25 shall be for 3 years, except that, of the initial

1 appointments, 4 of the appointments shall be
2 for 2-year terms, 4 of the appointments shall be
3 for 3-year terms, and 4 of the appointments
4 shall be for 4-year terms; and

5 (B) no member of the Board may serve
6 more than 2 consecutive terms of three years,
7 except that any member serving an initial term
8 of 4 years may serve an additional term of 3
9 years.

10 (6) REPLACEMENT.—

11 (A) DISQUALIFICATION FROM BOARD
12 SERVICE.—The order shall provide that if a
13 member or alternate of the Board who was ap-
14 pointed as a domestic producer or importer
15 ceases to belong to the group for which such
16 member was appointed, such member or alter-
17 nate shall be disqualified from serving on the
18 Board.

19 (B) MANNER OF FILLING VACANCY.—A
20 vacancy arising as a result of disqualification or
21 any other reason before the expiration of the
22 term of office of an incumbent member or alter-
23 nate of the Board shall be filled in a manner
24 provided in the order.

1 (7) COMPENSATION.—The order shall provide
2 that members and alternates of the Board shall
3 serve without compensation, but shall be reimbursed
4 for the reasonable expenses incurred in performing
5 duties as members or alternates of the Board.

6 (c) GENERAL RESPONSIBILITIES OF THE AVOCADO
7 BOARD.—The order shall define the general responsibil-
8 ities of the Avocado Board, which shall include the respon-
9 sibility to—

10 (1) administer the order in accordance with the
11 terms and provisions of the order;

12 (2) meet, organize, and select from among the
13 members of the Board a chairperson, other officers,
14 and committees and subcommittees, as the Board
15 determines to be appropriate;

16 (3) recommend to the Secretary rules and regu-
17 lations to effectuate the terms and provisions of the
18 order;

19 (4) employ such persons as the Board deter-
20 mines are necessary, and set the compensation and
21 define the duties of the persons;

22 (5)(A) develop budgets for the implementation
23 of the order and submit the budgets to the Secretary
24 for approval under subsection (d); and

1 (B) propose and develop (or receive and evalu-
2 ate), approve, and submit to the Secretary for ap-
3 proval under subsection (d) plans or projects for
4 Hass avocado promotion, industry information, con-
5 sumer information, or related research;

6 (6)(A) implement plans and projects for Hass
7 avocado promotion, industry information, consumer
8 information, or related research, as provided in sub-
9 section (d); or

10 (B) contract or enter into agreements with ap-
11 propriate persons to implement the plans and
12 projects, as provided in subsection (e), and pay the
13 costs of the implementation, or contracts and agree-
14 ment, with funds received under the order;

15 (7) evaluate on-going and completed plans and
16 projects for Hass avocado promotion, industry infor-
17 mation, consumer information, or related research
18 and comply with the independent evaluation provi-
19 sions of the Commodity Promotion, Research, and
20 Information Act of 1996 (subtitle B of title V of
21 Public Law 104–127; 7 U.S.C. 7401 et seq.);

22 (8) receive, investigate, and report to the Sec-
23 retary complaints of violations of the order;

24 (9) recommend to the Secretary amendments to
25 the order;

1 (10) invest, pending disbursement under a plan
2 or project, funds collected through assessments au-
3 thorized under this title only in—

4 (A) obligations of the United States or any
5 agency of the United States;

6 (B) general obligations of any State or any
7 political subdivision of a State;

8 (C) any interest-bearing account or certifi-
9 cate of deposit of a bank that is a member of
10 the Federal Reserve System; or

11 (D) obligations fully guaranteed as to prin-
12 cipal and interest by the United States, except
13 that income from any such invested funds may
14 be used only for a purpose for which the in-
15 vested funds may be used;

16 (11) borrow funds necessary for the startup ex-
17 penses of the order; and

18 (12) provide the Secretary such information as
19 the Secretary may require.

20 (d) BUDGETS; PLANS AND PROJECTS.—

21 (1) SUBMISSION OF BUDGETS.—The order shall
22 require the Board to submit to the Secretary for ap-
23 proval budgets, on a fiscal year basis, of the antici-
24 pated expenses and disbursements of the Board in
25 the implementation of the order, including the pro-

1 jected costs of Hass avocado promotion, industry in-
2 formation, consumer information, and related re-
3 search plans and projects.

4 (2) PLANS AND PROJECTS.—

5 (A) PROMOTION AND CONSUMER INFORMA-
6 TION.—The order shall provide—

7 (i) for the establishment, implementa-
8 tion, administration, and evaluation of ap-
9 propriate plans and projects for adver-
10 tising, sales promotion, other promotion,
11 and consumer information with respect to
12 Hass avocados, and for the disbursement
13 of necessary funds for the purposes de-
14 scribed in this clause; and

15 (ii) that any plan or project referred
16 to in clause (i) shall be directed toward in-
17 creasing the general demand for Hass avo-
18 cados in the domestic marketplace.

19 (B) INDUSTRY INFORMATION.—The order
20 shall provide for the establishment, implementa-
21 tion, administration, and evaluation of appro-
22 priate plans and projects that will lead to the
23 development of new markets, maintain and ex-
24 pand existing markets, lead to the development
25 of new marketing strategies, or increase the ef-

1 efficiency of the Hass avocado industry, and ac-
2 tivities to enhance the image of the Hass avo-
3 cado industry, and for the disbursement of nec-
4 essary funds for the purposes described in this
5 subparagraph.

6 (C) RESEARCH.—The order shall provide
7 for—

8 (i) the establishment, implementation,
9 administration, and evaluation of plans
10 and projects for market development re-
11 search, research with respect to the sale,
12 distribution, marketing, use, quality, or
13 nutritional value of Hass avocados, and
14 other research with respect to Hass avo-
15 cado marketing, promotion, industry infor-
16 mation or consumer information;

17 (ii) the dissemination of the informa-
18 tion acquired through the plans and
19 projects; and

20 (iii) the disbursement of such funds as
21 are necessary to carry out this subpara-
22 graph.

23 (D) SUBMISSION TO SECRETARY.—The
24 order shall provide that the Board shall submit
25 to the Secretary for approval a proposed plan

1 or project for Hass avocados promotion, indus-
2 try information, consumer information, or re-
3 lated research, as described in subparagraphs
4 (A), (B), and (C).

5 (3) APPROVAL BY SECRETARY.—A budget,
6 plan, or project for Hass avocados promotion, indus-
7 try information, consumer information, or related re-
8 search may not be implemented prior to approval of
9 the budget, plan, or project by the Secretary. Not
10 later than 45 days after receipt of such a budget,
11 plan, or project, the Secretary shall notify the Board
12 whether the Secretary approves or disapproves the
13 budget, plan, or project. If the Secretary fails to
14 provide such notice before the end of the 45-day pe-
15 riod, the budget, plan, or project shall be deemed to
16 be approved and may be implemented by the Board.

17 (e) CONTRACTS AND AGREEMENTS.—

18 (1) PROMOTION, CONSUMER INFORMATION, IN-
19 DUSTRY INFORMATION AND RELATED RESEARCH
20 PLANS AND PROJECTS.—

21 (A) IN GENERAL.—To ensure the efficient
22 use of funds, the order shall provide that the
23 Board, with the approval of the Secretary, shall
24 enter into a contract or an agreement with an
25 avocado organization established by State stat-

1 ute in a State with the majority of Hass avo-
2 cado production in the United States, for the
3 implementation of a plan or project for pro-
4 motion, industry information, consumer infor-
5 mation, or related research with respect to
6 Hass avocados, and for the payment of the cost
7 of the contract or agreement with funds re-
8 ceived by the Board under the order.

9 (B) REQUIREMENTS.—The order shall pro-
10 vide that any contract or agreement entered
11 into under this paragraph shall provide that—

12 (i) the contracting or agreeing party
13 shall develop and submit to the Board a
14 plan or project, together with a budget
15 that includes the estimated costs to be in-
16 curred for the plan or project;

17 (ii) the plan or project shall become
18 effective on the approval of the Secretary;
19 and

20 (iii) the contracting party or agreeing
21 party shall—

22 (I) keep accurate records of all
23 transactions of the party;

24 (II) account for funds received
25 and expended;

1 (III) make periodic reports to the
2 Board of activities conducted; and
3 (IV) make such other reports as
4 the Board or the Secretary shall re-
5 quire.

6 (2) OTHER CONTRACTS AND AGREEMENTS.—

7 The order shall provide that the Board, with the ap-
8 proval of the Secretary, may enter into a contract or
9 agreement for administrative services. Any contract
10 or agreement entered into under this paragraph
11 shall include provisions comparable to the provisions
12 described in paragraph (1)(B).

13 (f) BOOKS AND RECORDS OF BOARD.—

14 (1) IN GENERAL.—The order shall require the
15 Board to—

16 (A) maintain such books and records
17 (which shall be available to the Secretary for in-
18 spection and audit) as the Secretary may re-
19 quire;

20 (B) prepare and submit to the Secretary,
21 from time to time, such reports as the Sec-
22 retary may require; and

23 (C) account for the receipt and disburse-
24 ment of all the funds entrusted to the Board,
25 including all assessment funds disbursed by the

1 Board to a State organization of avocado pro-
2 ducers established pursuant to State law.

3 (2) AUDITS.—The Board shall cause the books
4 and records of the Board to be audited by an inde-
5 pendent auditor at the end of each fiscal year. A re-
6 port of each audit shall be submitted to the Sec-
7 retary.

8 (g) CONTROL OF ADMINISTRATIVE COSTS.—

9 (1) SYSTEM OF COST CONTROLS.—The order
10 shall provide that the Board shall, as soon as prac-
11 ticable after the order becomes effective and after
12 consultation with the Secretary and other appro-
13 priate persons, implement a system of cost controls
14 based on normally accepted business practices
15 that—

16 (A) will ensure that the costs incurred by
17 the Board in administering the order in any fis-
18 cal year shall not exceed 10 percent of the pro-
19 jected level of assessments to be collected by the
20 Board for that fiscal year; and

21 (B) cover the minimum administrative ac-
22 tivities and personnel needed to properly admin-
23 ister and enforce the order, and conduct, super-
24 vise, and evaluate plans and projects under the
25 order.

1 (2) USE OF EXISTING PERSONNEL AND FACILI-
2 TIES.—The Board shall use, to the extent possible,
3 the resources, staffs, and facilities of existing organi-
4 zations, as provided in subsection (e)(1)(A).

5 (h) ASSESSMENTS.—

6 (1) AUTHORITY.—

7 (A) IN GENERAL.—The order shall provide
8 that each first handler shall remit to the Board,
9 in the manner provided in the order, an assess-
10 ment collected from the producer, except to the
11 extent that the sale is excluded from assess-
12 ments under paragraph (6). In the case of im-
13 ports, the assessment shall be levied upon im-
14 ports and remitted to the Board by Customs.

15 (B) PUBLISHED LISTS.—To facilitate the
16 payment of assessments under this paragraph,
17 the Board shall publish lists of first handlers
18 required to remit assessments under the order
19 and exempt handlers.

20 (C) MAKING DETERMINATIONS.—

21 (i) FIRST HANDLER STATUS.—The
22 order shall contain provisions regarding
23 the determination of the status of a person
24 as a first handler or exempt handler.

1 (ii) PRODUCER-HANDLERS.—For pur-
2 poses of paragraph (3), a producer-handler
3 shall be considered the first handler of
4 those Hass avocados that are produced by
5 that producer-handler and packed by that
6 producer-handler for sale at wholesale or
7 retail.

8 (iii) IMPORTERS.—The assessment on
9 imported Hass avocados shall be paid by
10 the importer to Customs at the time of
11 entry into the United States and shall be
12 remitted by Customs to the Board. Impor-
13 tation occurs when Hass avocados origi-
14 nating outside the United States are re-
15 leased from custody of Customs and intro-
16 duced into the stream of commerce within
17 the United States. Importers include per-
18 sons who hold title to foreign-produced
19 Hass avocados immediately upon release
20 by Customs, as well as any persons who
21 act on behalf of others, as agents, brokers,
22 or consignees, to secure the release of Hass
23 avocados from Customs and the introduc-
24 tion of the released Hass avocados into the
25 current of commerce.

1 (2) ASSESSMENT RATES.—With respect to as-
2 assessment rates, the order shall contain the following
3 terms:

4 (A) INITIAL RATE.—The rate of assess-
5 ment on Hass avocados shall be \$.025 per
6 pound on fresh avocados or the equivalent rate
7 for processed avocados on which an assessment
8 has not been paid.

9 (B) CHANGES IN THE RATE.—

10 (i) IN GENERAL.—Once the order in
11 is effect, the uniform assessment rate may
12 be increased or decreased not more than
13 once annually, but in no event shall the
14 rate of assessment be in excess of \$.05 per
15 pound.

16 (ii) REQUIREMENTS.—Any change in
17 the rate of assessment under this
18 subparagraph—

19 (I) may be made only if adopted
20 by the Board by an affirmative vote of
21 at least seven members of the Board
22 and approved by the Secretary as nec-
23 essary to achieve the objectives of this
24 title (after public notice and oppor-
25 tunity for comment in accordance

1 with section 553 of title 5, United
2 States Code, and without regard to
3 sections 556 and 557 of such title);

4 (II) shall be announced by the
5 Board not less than 30 days prior to
6 going into effect; and

7 (III) shall not be subject to a
8 vote in a referendum conducted under
9 section 1206.

10 (3) COLLECTION BY FIRST HANDLERS.—Except
11 as provided in paragraph (1)(C)(iii), the first han-
12 dler of Hass avocados shall be responsible for the
13 collection of assessments from the producer under
14 this subsection. As part of the collection of assess-
15 ments, the first handler shall maintain a separate
16 record of the Hass avocados of each producer whose
17 Hass avocados are so handled, including the Hass
18 avocados produced by the first handler.

19 (4) TIMING OF SUBMITTING ASSESSMENTS.—
20 The order shall provide that each person required to
21 remit assessments under this subsection shall remit
22 to the Board the assessment due from each sale of
23 Hass avocados that is subject to an assessment with-
24 in such time period after the sale (not to exceed 60

1 days after the end of the month in which the sale
2 took place) as is specified in the order.

3 (5) CLAIMING AN EXEMPTION FROM COL-
4 LECTING ASSESSMENTS.—To claim an exemption
5 under section 1203(6) as an exempt handler for a
6 particular fiscal year, a person shall submit an appli-
7 cation to the Board—

8 (A) stating the basis for such exemption;
9 and

10 (B) certifying such person will not pur-
11 chase Hass avocados in the United States on
12 which an assessment has not been paid for the
13 current fiscal year.

14 (6) EXCLUSION.—An order shall exclude from
15 assessments under the order any sale of Hass avoca-
16 dos for export from the United States.

17 (7) USE OF ASSESSMENT FUNDS.—The order
18 shall provide that assessment funds shall be used for
19 payment of costs incurred in implementing and ad-
20 ministering the order, with provision for a reason-
21 able reserve, and to cover the administrative costs
22 incurred by the Secretary in implementing and ad-
23 ministering this title, including any expenses in-
24 curred by the Secretary in conducting referenda
25 under this title, subject to subsection (i).

1 (8) ASSESSMENT FUNDS FOR STATE ASSOCIA-
2 TION.—The order shall provide that a State organi-
3 zation of avocado producers established pursuant to
4 State law shall receive an amount equal to the prod-
5 uct obtained by multiplying the aggregate amount of
6 assessments attributable to the pounds of Hass avo-
7 cados produced in such State by 85 percent. The
8 State organization shall use such funds and any pro-
9 ceeds from the investment of such funds for financ-
10 ing domestic promotion, research, consumer infor-
11 mation, and industry information plans and projects,
12 except that no such funds shall be used for the ad-
13 ministrative expenses of such State organization.

14 (9) ASSESSMENT FUNDS FOR IMPORTERS ASSO-
15 CIATIONS.—

16 (A) IN GENERAL.—The order shall provide
17 that any importers association shall receive a
18 credit described in subparagraph (B) if such as-
19 sociation is—

20 (i) established pursuant to State law
21 that requires detailed State regulation
22 comparable to that applicable to the State
23 organization of United States avocado pro-
24 ducers, as determined by the Secretary; or

1 (ii) certified by the Secretary as meet-
2 ing the requirements applicable to the
3 Board as to budgets, plans, projects, au-
4 dits, conflicts of interest, and reimburse-
5 ments for administrative costs incurred by
6 the Secretary.

7 (B) CREDIT.—An importers association
8 described in subparagraph (A) shall receive 85
9 percent of the assessments paid on Hass avoca-
10 dos imported by the members of such associa-
11 tion.

12 (C) USE OF FUNDS.—

13 (i) IN GENERAL.—Importers associa-
14 tions described in subparagraph (A) shall
15 use the funds described in subparagraph
16 (B) and proceeds from the investment of
17 such funds for financing promotion, re-
18 search, consumer information, and indus-
19 try information plans and projects in the
20 United States.

21 (ii) ADMINISTRATIVE EXPENSES.—No
22 funds described in subparagraph (C) shall
23 be used for the administrative expenses of
24 such importers association.

1 (i) REIMBURSEMENT OF SECRETARY EXPENSES.—

2 The order shall provide for reimbursing the Secretary—

3 (1) for expenses not to exceed \$25,000 incurred
4 by the Secretary in connection with any referendum
5 conducted under section 1206;

6 (2) for administrative costs incurred by the Sec-
7 retary for supervisory work of up to 2 employee
8 years annually after an order or amendment to any
9 order has been issued and made effective; and

10 (3) for costs incurred by the Secretary in imple-
11 mentation of the order issued under section 1204,
12 for enforcement of the title and the order, for subse-
13 quent referenda conducted under section 1206, and
14 in defending the Board in litigation arising out of
15 action taken by the Board.

16 (j) PROHIBITION ON BRAND ADVERTISING AND CER-
17 TAIN CLAIMS.—

18 (1) PROHIBITIONS.—Except as provided in
19 paragraph (2), a program or project conducted
20 under this title shall not—

21 (A) make any reference to private brand
22 names;

23 (B) make false, misleading, or disparaging
24 claims on behalf of Hass avocados; or

1 (C) make false, misleading, or disparaging
2 statements with respect to the attributes or use
3 of any competing products.

4 (2) EXCEPTIONS.—Paragraph (1) does not pre-
5 clude the Board from offering its programs and
6 projects for use by commercial parties, under such
7 terms and conditions as the Board may prescribe as
8 approved by the Secretary. For the purposes of this
9 subsection, a reference to State of origin does not
10 constitute a reference to a private brand name with
11 regard to any funds credited to, or disbursed by the
12 Board to, a State organization of avocado producers
13 established pursuant to State law. Furthermore, for
14 the purposes of this section, a reference to either
15 State of origin or country of origin does not con-
16 stitute a reference to a private brand name with re-
17 gard to any funds credited to, or disbursed by the
18 Board to, any importers association established or
19 certified in accordance with subsection (h)(9)(A).

20 (k) PROHIBITION ON USE OF FUNDS TO INFLUENCE
21 GOVERNMENTAL ACTION.—

22 (1) IN GENERAL.—Except as otherwise pro-
23 vided in paragraph (2), the order shall prohibit any
24 funds collected by the Board under the order from

1 being used in any manner for the purpose of influ-
2 encing legislation or government action or policy.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to the development or recommendation of
5 amendments to the order.

6 (1) PROHIBITION OF CONFLICT OF INTEREST.—The
7 Board may not engage in, and shall prohibit the employees
8 and agents of the Board from engaging in, any action that
9 would be a conflict of interest.

10 (m) BOOKS AND RECORDS; REPORTS.—

11 (1) IN GENERAL.—The order shall provide that
12 each first handler, producer, and importer subject to
13 the order shall maintain, and make available for in-
14 spection, such books and records as are required by
15 the order and file reports at the time, in the man-
16 ner, and having the content required by the order,
17 to the end that such information is made available
18 to the Secretary and the Board as is appropriate for
19 the administration or enforcement of this title, the
20 order, or any regulation issued under this title.

21 (2) CONFIDENTIALITY REQUIREMENT.—

22 (A) IN GENERAL.—Information obtained
23 from books, records, or reports under para-
24 graph (1) shall be kept confidential by all offi-
25 cers and employees of the Department of Agri-

1 culture and by the staff and agents of the
2 Board.

3 (B) SUITS AND HEARINGS.—Information
4 described in subparagraph (A) may be disclosed
5 to the public only—

6 (i) in a suit or administrative hearing
7 brought at the request of the Secretary, or
8 to which the Secretary or any officer of the
9 United States is a party, involving the
10 order; and

11 (ii) to the extent the Secretary con-
12 siders the information relevant to the suit
13 or hearing.

14 (C) GENERAL STATEMENTS AND PUBLICA-
15 TIONS.—Nothing in this paragraph may be con-
16 strued to prohibit—

17 (i) the issuance of general statements,
18 based on the reports, of the number of per-
19 sons subject to the order or statistical data
20 collected from the reports, if the state-
21 ments do not identify the information fur-
22 nished by any person; or

23 (ii) the publication, by direction of the
24 Secretary, of the name of any person who
25 violates the order, together with a state-

1 ment of the particular provisions of the
2 order violated by the person.

3 (3) LISTS OF IMPORTERS.—

4 (A) REVIEW.—The order shall provide that
5 the staff of the Board shall periodically review
6 lists of importers of Hass avocados to deter-
7 mine whether persons on the lists are subject to
8 the order.

9 (B) CUSTOMS SERVICE.—On the request of
10 the Secretary or the Board, the Commissioner
11 of the United States Customs Service shall pro-
12 vide to the Secretary or the Board lists of im-
13 porters of Hass avocados.

14 (n) CONSULTATIONS WITH INDUSTRY EXPERTS.—

15 (1) IN GENERAL.—The order shall provide that
16 the Board may seek advice from and consult with
17 experts from the production, import, wholesale, and
18 retail segments of the Hass avocado industry to as-
19 sist in the development of promotion, industry infor-
20 mation, consumer information, and related research
21 plans and projects.

22 (2) SPECIAL COMMITTEES.—

23 (A) IN GENERAL.—For the purposes de-
24 scribed in paragraph (1), the order shall au-
25 thorize the appointment of special committees

1 composed of persons other than Board mem-
2 bers.

3 (B) CONSULTATION.—A committee ap-
4 pointed under subparagraph (A) shall consult
5 directly with the Board.

6 (o) OTHER TERMS OF THE ORDER.—The order shall
7 contain such other terms and provisions, consistent with
8 this title, as are necessary to carry out this title (including
9 provision for the assessment of interest and a charge for
10 each late payment of assessments under subsection (h)).

11 **SEC. 1206. REFERENDA.**

12 (a) REQUIREMENTS FOR INITIAL REFERENDUM.—

13 (1) REFERENDUM REQUIRED.—During the 60-
14 day period immediately preceding the proposed effec-
15 tive date of an order issued under section
16 1204(b)(3), the Secretary shall conduct a ref-
17 erendum among producers and importers required to
18 pay assessments under the order, as provided in sec-
19 tion 1205(h)(1).

20 (2) APPROVAL OF ORDER NEEDED.—The order
21 shall become effective only if the Secretary deter-
22 mines that the order has been approved by a simple
23 majority of all votes cast in the referendum.

24 (b) VOTES PERMITTED.—

1 (1) IN GENERAL.—Each producer and importer
2 eligible to vote in a referendum conducted under this
3 section shall be entitled to cast 1 vote if they satisfy
4 the eligibility requirements as defined in paragraph
5 (2).

6 (2) ELIGIBILITY.—For purposes of paragraph
7 (1), producers and importers, as these terms are de-
8 fined in section 1203, shall be considered to be eligi-
9 ble to vote if they have been producers or importers
10 with sales of Hass avocados during a period of at
11 least 1 year prior to the referendum.

12 (c) MANNER OF CONDUCTING REFERENDA.—

13 (1) IN GENERAL.—Referenda conducted pursu-
14 ant to this title shall be conducted in a manner de-
15 termined by the Secretary.

16 (2) ADVANCE REGISTRATION.—A producer or
17 importer of Hass avocados who chooses to vote in
18 any referendum conducted under this title shall reg-
19 ister with the Secretary prior to the voting period,
20 after receiving notice from the Secretary concerning
21 the referendum under paragraph (4).

22 (3) VOTING.—A producer or importer of Hass
23 avocados who chooses to vote in any referendum
24 conducted under this title shall vote in accordance
25 with procedures established by the Secretary. The

1 ballots and other information or reports that reveal
2 or tend to reveal the identity or vote of voters shall
3 be strictly confidential.

4 (4) NOTICE.—The Secretary shall notify all
5 producers and importers at least 30 days prior to
6 the referendum conducted under this title. The no-
7 tice shall explain the procedure established under
8 this subsection.

9 (d) SUBSEQUENT REFERENDA.—If an order is ap-
10 proved in a referendum conducted under subsection (a),
11 effective beginning on the date that is 3 years after the
12 date of the approval, the Secretary—

13 (1) at the discretion of the Secretary, may con-
14 duct at any time a referendum of producers and im-
15 porters required to pay assessments under the order,
16 as provided in section 1205(h)(1), subject to the vot-
17 ing requirements of subsections (b) and (c), to ascer-
18 tain whether eligible producers and importers favor
19 suspension, termination, or continuance of the order;
20 or

21 (2) shall conduct a referendum of eligible pro-
22 ducers and importers if requested by the Board or
23 by a representative group comprising 30 percent or
24 more of all producers and importers required to pay
25 assessments under the order, as provided in section

1 1205(h)(1), subject to the voting requirements of
2 subsections (b) and (c), to ascertain whether pro-
3 ducers and importers favor suspension, termination,
4 or continuance of the order.

5 (e) **SUSPENSION OR TERMINATION.**—If, as a result
6 of a referendum conducted under subsection (d), the Sec-
7 retary determines that suspension or termination of the
8 order is favored by a simple majority of all votes cast in
9 the referendum, the Secretary shall—

10 (1) not later than 180 days after the ref-
11 erendum, suspend or terminate, as appropriate, col-
12 lection of assessments under the order; and

13 (2) suspend or terminate, as appropriate, activi-
14 ties under the order as soon as practicable and in
15 an orderly manner.

16 **SEC. 1207. PETITION AND REVIEW.**

17 (a) **PETITION AND HEARING.**—

18 (1) **PETITION.**—A person subject to an order
19 may file with the Secretary a petition—

20 (A) stating that the order, any provision of
21 the order, or any obligation imposed in connec-
22 tion with the order is not in accordance with
23 law; and

24 (B) requesting a modification of the order
25 or an exemption from the order.

1 (2) HEARING.—The petitioner shall be given
2 the opportunity for a hearing on a petition filed
3 under paragraph (1), in accordance with regulations
4 issued by the Secretary. Any such hearing shall be
5 conducted in accordance with section 1209(b)(2) and
6 be held within the United States judicial district in
7 which the residence or principal place of business of
8 the person is located.

9 (3) RULING.—After a hearing under paragraph
10 (2), the Secretary shall make a ruling on the peti-
11 tion, which shall be final if in accordance with law.

12 (4) LIMITATION.—Any petition filed under this
13 subsection challenging an order, any provision of the
14 order, or any obligation imposed in connection with
15 the order, shall be filed within 2 years after the ef-
16 fective date of the order, provision, or obligation
17 subject to challenge in the petition.

18 (b) REVIEW.—

19 (1) COMMENCEMENT OF ACTION.—The district
20 courts of the United States in any district in which
21 a person who is a petitioner under subsection (a) re-
22 sides or conducts business shall have jurisdiction to
23 review the ruling of the Secretary on the petition of
24 the person, if a complaint requesting the review is

1 filed no later than 20 days after the date of the
2 entry of the ruling by the Secretary.

3 (2) PROCESS.—Service of process in pro-
4 ceedings under this subsection shall be conducted in
5 accordance with the Federal Rules of Civil Proce-
6 dure.

7 (3) REMAND.—If the court in a proceeding
8 under this subsection determines that the ruling of
9 the Secretary on the petition of the person is not in
10 accordance with law, the court shall remand the
11 matter to the Secretary with directions—

12 (A) to make such ruling as the court shall
13 determine to be in accordance with law; or

14 (B) to take such further action as, in the
15 opinion the court, the law requires.

16 (c) ENFORCEMENT.—The pendency of proceedings
17 instituted under this section shall not impede, hinder, or
18 delay the Attorney General or the Secretary from obtain-
19 ing relief under section 1208.

20 **SEC. 1208. ENFORCEMENT.**

21 (a) JURISDICTION.—A district court of the United
22 States shall have jurisdiction to enforce, and to prevent
23 and restrain any person from violating, this title or an
24 order or regulation issued by the Secretary under this
25 title.

1 (b) REFERRAL TO ATTORNEY GENERAL.—A civil ac-
2 tion brought under subsection (a) shall be referred to the
3 Attorney General for appropriate action, except that the
4 Secretary is not required to refer to the Attorney General
5 a violation of this title, or an order or regulation issued
6 under this title, if the Secretary believes that the adminis-
7 tration and enforcement of this title would be adequately
8 served by administrative action under subsection (c) or
9 suitable written notice or warning to the person who com-
10 mitted or is committing the violation.

11 (c) CIVIL PENALTIES AND ORDERS.—

12 (1) CIVIL PENALTIES.—

13 (A) IN GENERAL.—A person who violates a
14 provision of this title, or an order or regulation
15 issued by the Secretary under this title, or who
16 fails or refuses to pay, collect, or remit any as-
17 sessment or fee required of the person under an
18 order or regulation issued under this title, may
19 be assessed by the Secretary—

20 (i) a civil penalty of not less than
21 \$1,000 nor more than \$10,000 for each
22 violation; and

23 (ii) in the case of a willful failure to
24 remit an assessment as required by an

1 order or regulation, an additional penalty
2 equal to the amount of the assessment.

3 (B) SEPARATE OFFENSES.—Each violation
4 shall be a separate offense.

5 (2) CEASE AND DESIST ORDERS.—In addition
6 to or in lieu of a civil penalty under paragraph (1),
7 the Secretary may issue an order requiring a person
8 to cease and desist from continuing a violation of
9 this title, or an order or regulation issued under this
10 title.

11 (3) NOTICE AND HEARING.—No penalty shall
12 be assessed, or cease and desist order issued, by the
13 Secretary under this subsection unless the Secretary
14 gives the person against whom the penalty is as-
15 sessed or the order is issued notice and opportunity
16 for a hearing before the Secretary with respect to
17 the violation. Any such hearing shall be conducted in
18 accordance with section 1209(b)(2) and shall be held
19 within the United States judicial district in which
20 the residence or principal place of business of the
21 person is located.

22 (4) FINALITY.—The penalty assessed or cease
23 and desist order issued under this subsection shall
24 be final and conclusive unless the person against
25 whom the penalty is assessed or the order is issued

1 files an appeal with the appropriate district court of
2 the United States in accordance with subsection (d).

3 (d) REVIEW BY DISTRICT COURT.—

4 (1) COMMENCEMENT OF ACTION.—

5 (A) IN GENERAL.—Any person against
6 whom a violation is found and a civil penalty is
7 assessed or a cease and desist order is issued
8 under subsection (c) may obtain review of the
9 penalty or order by, within the 30-day period
10 beginning on the date the penalty is assessed or
11 the order is issued—

12 (i) filing a notice of appeal in the dis-
13 trict court of the United States for the dis-
14 trict in which the person resides or con-
15 ducts business, or in the United States
16 District Court for the District of Colum-
17 bia; and

18 (ii) sending a copy of the notice by
19 certified mail to the Secretary.

20 (B) COPY OF RECORD.—The Secretary
21 shall promptly file in the court a certified copy
22 of the record on which the Secretary found that
23 the person had committed a violation.

24 (2) STANDARD OF REVIEW.—A finding of the
25 Secretary shall be set aside under this subsection

1 only if the finding is found to be unsupported by
2 substantial evidence.

3 (e) FAILURE TO OBEY AN ORDER.—

4 (1) IN GENERAL.—A person who fails to obey
5 a cease and desist order issued under subsection (c)
6 after the order has become final and unappealable,
7 or after the appropriate United States district court
8 had entered a final judgment in favor of the Sec-
9 retary of not more than \$10,000 for each offense,
10 after opportunity for a hearing and for judicial re-
11 view under the procedures specified in subsections
12 (c) and (d).

13 (2) SEPARATE VIOLATIONS.—Each day during
14 which the person fails to obey an order described in
15 paragraph (1) shall be considered as a separate vio-
16 lation of the order.

17 (f) FAILURE TO PAY A PENALTY.—

18 (1) IN GENERAL.—If a person fails to pay a
19 civil penalty assessed under subsection (c) or (e)
20 after the penalty has become final and unappealable,
21 or after the appropriate United States district court
22 has entered final judgment in favor of the Secretary,
23 the Secretary shall refer the matter to the Attorney
24 General for recovery of the amount assessed in any

1 United States district court in which the person re-
2 sides or conducts business.

3 (2) SCOPE OF REVIEW.—In an action by the
4 Attorney General under paragraph (1), the validity
5 and appropriateness of a civil penalty shall not be
6 subject to review.

7 (g) ADDITIONAL REMEDIES.—The remedies provided
8 in this title shall be in addition to, and not exclusive of,
9 other remedies that may be available.

10 **SEC. 1209. INVESTIGATIONS AND POWER TO SUBPOENA.**

11 (a) INVESTIGATIONS.—The Secretary may conduct
12 such investigations as the Secretary considers necessary
13 for the effective administration of this title, or to deter-
14 mine whether any person has engaged or is engaging in
15 any act that constitutes a violation of this title or any
16 order or regulation issued under this title.

17 (b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

18 (1) INVESTIGATIONS.—For the purpose of con-
19 ducting an investigation under subsection (a), the
20 Secretary may administer oaths and affirmations,
21 subpoena witnesses, compel the attendance of wit-
22 nesses, take evidence, and require the production of
23 any records that are relevant to the inquiry. The
24 production of the records may be required from any
25 place in the United States.

1 (2) ADMINISTRATIVE HEARINGS.—For the pur-
2 pose of an administrative hearing held under section
3 1207(a)(2) or 1208(c)(3), the presiding officer may
4 administer oaths and affirmations, subpoena wit-
5 nesses, compel the attendance of witnesses, take evi-
6 dence, and require the production of any records
7 that are relevant to the inquiry. The attendance of
8 witnesses and the production of the records may be
9 required from any place in the United States.

10 (c) AID OF COURTS.—

11 (1) IN GENERAL.—In the case of contumacy by,
12 or refusal to obey a subpoena issued under sub-
13 section (b) to, any person, the Secretary may invoke
14 the aid of any court of the United States within the
15 jurisdiction of which the investigation or proceeding
16 is conducted, or where the person resides or con-
17 ducts business, in order to enforce a subpoena issued
18 under subsection (b).

19 (2) ORDER.—The court may issue an order re-
20 quiring the person referred to in a paragraph (1) to
21 comply with a subpoena referred to in paragraph
22 (1).

23 (3) FAILURE TO OBEY.—Any failure to obey
24 the order of the court may be punished by the court
25 as a contempt of court.

1 (4) PROCESS.—Process in any proceeding
2 under this subsection may be served in the United
3 States judicial district in which the person being
4 proceeded against resides or conducts business, or
5 wherever the person may be found.

6 **SEC. 1210. CONFIDENTIALITY.**

7 (a) PROHIBITION.—No information regarding names
8 of voters or how a person voted in a referendum conducted
9 under this title shall be made public.

10 (b) PENALTY.—Any person who knowingly violates
11 subsection (a) or the confidentiality terms of an order, as
12 described in section 1205(m)(2), shall be subject to a fine
13 of not less than \$1,000 nor more than \$10,000 or to im-
14 prisonment for not more than 1 year, or both. If the per-
15 son is an officer or employee of the Department of Agri-
16 culture or the Board, the person shall be removed from
17 office.

18 (c) ADDITIONAL PROHIBITION.—No information ob-
19 tained under this title may be made available to any agen-
20 cy or officer of the Federal Government for any purpose
21 other than the implementation of this title or an investiga-
22 tory or enforcement action necessary for the implementa-
23 tion of this title.

1 (d) WITHHOLDING INFORMATION FROM CONGRESS
2 PROHIBITED.—Nothing in this title shall be construed to
3 authorize the withholding of information from Congress.

4 **SEC. 1211. AUTHORITY FOR SECRETARY TO SUSPEND OR**
5 **TERMINATE ORDER.**

6 (a) GROUNDS FOR SUSPENSION OR TERMINATION.—
7 If the Secretary finds that an order, or any provision of
8 the order, obstructs or does not tend to effectuate the pol-
9 icy of this title specified in section 1202(b), the Secretary
10 shall terminate or suspend the operation of the order or
11 provision under such terms as the Secretary determines
12 are appropriate.

13 (b) EFFECT OF LACK OF APPROVAL OF ORDER.—
14 If, as a result of a referendum, the Secretary determines
15 that the order is not approved, the Secretary shall, within
16 180 days after making the determination, suspend, or ter-
17minate, as appropriate, collection of assessments under
18 the order, and suspend or terminate, as appropriate, ac-
19 tivities under the order in an orderly manner as soon as
20 possible.

21 **SEC. 1212. RULES OF CONSTRUCTION.**

22 (a) TERMINATION OR SUSPENSION NOT AN
23 ORDER.—The termination or suspension of an order, or
24 a provision of an order, shall not be considered an order
25 under the meaning of this title.

1 (b) RIGHTS.—This title—

2 (1) may not be construed to provide for control
3 of production or otherwise limit the right of indi-
4 vidual Hass avocado growers, handlers and import-
5 ers to produce, handle, or import Hass avocados;
6 and

7 (2) shall be construed to treat all persons pro-
8 ducing, handling, and importing Hass avocados fair-
9 ly and to implement any order in an equitable man-
10 ner.

11 (c) OTHER PROGRAMS.—Nothing in this title may be
12 construed to preempt or supersede any other program re-
13 lating to Hass avocado promotion, research, industry in-
14 formation, and consumer information organized and oper-
15 ated under the laws of the United States or of a State.

16 **SEC. 1213. REGULATIONS.**

17 The Secretary may issue such regulations as are nec-
18 essary to carry out this title and the powers vested in the
19 Secretary by this title, including regulations relating to the
20 assessment of late payment charges and interest.

21 **SEC. 1214. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—There are authorized to be appro-
23 priated for each fiscal year such sums as are necessary
24 to carry out this title.

1 (b) ADMINISTRATIVE EXPENSES.—Funds appro-
2 priated under subsection (a) may not be used for the pay-
3 ment of the expenses or expenditures of the Board in ad-
4 ministering a provision of an order.

5 TITLE XIII—DEBT REDUCTION

6 DEPARTMENT OF THE TREASURY

7 BUREAU OF THE PUBLIC DEBT

8 GIFTS TO THE UNITED STATES FOR REDUCTION OF THE
9 PUBLIC DEBT

10 For deposit of an additional amount for fiscal year
11 2001 into the account established under section 3113(d)
12 of title 31, United States Code, to reduce the public debt,
13 \$5,000,000,000.

14 This Act may be cited as the “Agriculture, Rural De-
15 velopment, Food and Drug Administration, and Related
16 Agencies Appropriations Act, 2001”.

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