

MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PRO-
GRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND FOR
OTHER PURPOSES

NOVEMBER 9, 2001.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany H.R. 2330]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) “making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,992,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation

expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,704,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,869,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,041,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,029,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, \$59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,384,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$647,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$187,647,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., \$15,665,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster manage-

ment of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,243,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,718,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$32,627,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$573,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,200,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627, Public Law 105-113, and other laws, \$113,786,000, of which up to \$25,350,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$979,464,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation

and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$118,987,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$542,062,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a-i), \$180,148,000; for grants for cooperative for-

estry research (16 U.S.C. 582a–a7), \$21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), \$34,604,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$97,008,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$15,206,000; for competitive research grants (7 U.S.C. 450i(b)), \$120,452,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$924,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), \$720,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), \$998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$3,492,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), \$1,000,000; for aquaculture grants (7 U.S.C. 3322), \$3,996,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, \$9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109, \$21,676,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$439,473,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c)

of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$275,940,000, of which \$3,600,000 may be used to carry out Public Law 107-19; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,566,000; payments for the pest management program under section 3(d) of the Act, \$10,759,000; payments for the farm safety program under section 3(d) of the Act, \$5,250,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$953,000; payments for youth-at-risk programs under section 3(d) of the Act, \$8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$4,093,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,750,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), \$2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University, \$31,181,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$17,610,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$42,853,000, as follows: payments for the water quality program, \$12,971,000; payments for the food safety program, \$14,967,000; payments for the national agriculture pesticide impact assessment program, \$4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$4,889,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,497,000; payments for the methyl bromide transi-

tion program, \$2,498,000; and payments for the organic transition program, \$1,500,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND
REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$654,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329-1331) (7 U.S.C. 426-426c); and to protect the environment, as authorized by law, \$620,490,000, of which \$4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$77,355,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one

building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, \$84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$7,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

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

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,995,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$33,117,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed

\$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$715,642,000, of which no less than \$608,730,000 shall be available for Federal food inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

*OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN
AGRICULTURAL SERVICES*

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$606,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$939,030,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,493,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,146,996,000, of which \$1,000,000,000 shall be for guaranteed loans and \$146,996,000 shall be for direct loans; operating loans, \$2,616,729,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans, \$505,531,000 shall be for subsidized guaranteed loans and \$611,198,000 shall be for direct loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$8,366,000, of which \$4,500,000 shall be for guaranteed loans; operating loans, \$175,780,000, of which \$52,650,000 shall be for unsubsidized guaranteed loans and \$68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$118,400; and for emergency insured loans, \$3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$280,595,000, of which \$272,595,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$74,752,000: Provided, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out

the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

*OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE
MANAGEMENT*

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

*OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND
ENVIRONMENT*

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$730,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and oper-

ation and maintenance of aircraft, \$779,000,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$8,515,000 is for snow survey and water forecasting, and not less than \$9,849,000 is for operation and establishment of the plant materials centers, and of which not less than \$21,500,000 shall be for the grazing lands conservation initiative: *Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).*

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1009), \$10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$106,590,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed \$45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed \$1,000,000 of this appropria-

tion is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106-472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$48,048,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act, \$806,557,000, to remain available until expended, of which \$83,545,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which

\$646,512,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$76,500,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed \$24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses"; not to exceed \$17,465,000, shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which \$5,250,000 shall be for Rural Community Assistance Programs; and not to exceed \$11,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,163,000 shall be for the rural community programs described in

section 381E(d)(1) of such Act, of which \$27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed \$25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (P.L. 106-387), with five percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated \$30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants" account: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$133,722,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,217,816,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,079,848,000 shall be for direct loans, and of which \$3,137,968,000 shall be for unsubsidized guaranteed loans; \$32,324,000 for section 504 housing repair loans; \$114,068,000 for section 515 rental housing; \$99,770,000 for section 538 guaranteed multi-family housing loans; \$5,090,000 for section 524 site loans; \$11,778,000 for credit sales of acquired property, of

which up to \$1,778,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$182,274,000 of which \$142,108,000 shall be for direct loans, and of which \$40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,386,000; section 515 rental housing, \$48,274,000; section 538 multi-family housing guaranteed loans, \$3,921,000; section 524 site loans, \$28,000; multi-family credit sales of acquired property, \$750,000; and section 523 self-help housing land development loans, \$254,000: Provided, That of the total amount appropriated in this paragraph, \$11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$422,241,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Of the amounts made available under this heading in chapter 1 of title II of Public Law 106-246 (114 Stat. 540) for gross obligations for principal amount of direct loans authorized by title V of the Housing Act of 1949 for section 515 rental housing, the Secretary of Agriculture may use up to \$5,986,197 for rental assistance agreements described in the item relating to "Rental Assistance Program" in such chapter: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Control Act of 1985, as amended.

In making available for occupancy dwelling units in housing that is provided with funds made available under the heading referred to in the preceding paragraph, the Secretary of Agriculture may give preference to prospective tenants who are residing in temporary housing provided by the Federal Emergency Management Agency as a result of an emergency.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$701,004,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$38,914,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$31,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$38,171,000.

For the cost of direct loans, \$16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be for Federally Recognized Native American Tribes and of which \$3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,733,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of pro-

moting rural economic development and job creation projects, \$14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,616,000 shall not be obligated and \$3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$7,750,000, of which \$2,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, \$14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,107,000; municipal rate rural electric loans, \$500,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,700,000,000; Treasury rate direct electric loans, \$750,000,000; 5 percent rural telecommunications loans, \$74,827,000; cost of money rural telecommunications loans, \$300,000,000; and loans made pursuant to section 306 of that Act, rural telecommunications loans, \$120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$3,689,000, and the cost of telecommunication loans, \$2,036,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$36,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,082,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, \$300,000,000; and for the principal amount of broadband telecommunication loans, \$80,000,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$49,441,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That \$22,500,000 may be available for the continuation of a pilot project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of "rural area" used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106-553 for the purpose of facilitating access to signals of local television stations for households located in nonserved areas and underserved areas, \$258,065,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$20,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$2,000,000, which shall be trans-

ferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

TITLE IV

DOMESTIC FOOD PROGRAMS

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

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$10,087,246,000, to remain available through September 30, 2003, of which \$4,914,788,000 is hereby appropriated and \$5,172,458,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, \$500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to \$4,507,000 shall be available for independent verification of school food service claims.

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,348,000,000, to remain available through September 30, 2003: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and up to an additional \$15,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, \$10,000,000 shall be available for the purposes specified in section 17(h)(10)(B), and up to an additional \$4,000,000 shall be available for the purposes specified in section 17(h)(10)(B) upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds

provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$22,991,986,000, of which \$2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$3,000,000 shall be used to purchase bison meat for the FDPIR from producer-owned cooperative organizations: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than \$145,000,000 made available in previous years may be obligated in fiscal year 2002: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$152,813,000, to remain available through September 30, 2003: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That of the total amount available, the Secretary shall provide \$10,000,000 for senior farmers' market activities: Provided further, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note), \$20,820,000 of this amount shall be available for administrative expenses of the commodity supplemental food program: Provided further, That \$3,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985; and section 311 of the Older Americans Act of 1965, \$150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$127,546,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$121,813,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That none of the funds appropriated in this account may be used to pay the salaries and expenses of personnel to disburse funds to any rice trade association under the market access program or the foreign market development program at any time when the applicable international activity agreement for such program is not in effect.

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

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$126,409,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$2,005,000, of which \$1,033,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$972,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$20,277,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,224,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$790,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG
ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,345,386,000, of which not to exceed \$161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$312,049,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$352,647,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$13,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) \$155,875,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$82,967,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$179,521,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$37,082,000 shall be for the National Center for Toxicological Research; (7) \$29,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which \$4,000,000 for costs related to occupancy of new facilities at White Oak, Maryland, shall remain available until September 30, 2003; (8) \$105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) \$90,331,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified

activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$70,700,000, including not to exceed \$2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, emerging plant pests, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to \$2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

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

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the Rural Development Loan Fund program account; the Rural Telephone Bank program account; the Rural Electrification and Telecommunications Loans program account; the Local Television Loan Guarantee program; the Rural Housing Insurance Fund program account; and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of

both Houses of Congress are notified 15 days in advance of such re-programming of funds.

(c) *The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.*

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104-127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 725. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 726. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 727. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and micro-enterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 728. In addition to amounts otherwise appropriated or made available by this Act, \$2,496,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 729. Hereafter, refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Department's Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 730. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 731. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "\$25,000,000" and inserting "\$26,000,000".

SEC. 732. None of the funds appropriated or made available by this Act shall be used to issue a proposed rule for which the comment period would close prior to September 30, 2002, final, or interim final rule pursuant to notice and comment rulemaking in relation to any change or modification of the definition of "animal" in existing regulations pursuant to the Animal Welfare Act.

SEC. 733. Notwithstanding any other provision of law, the City of Cabot, Arkansas, the City of Berlin, New Hampshire, and the City of Coachella, California, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 734. Notwithstanding any other provision of law, the Secretary shall consider the City of Casa Grande, Arizona, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 735. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary

may use up to \$5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 736. Notwithstanding any other provision of law, the Secretary may transfer up to \$13,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended.

SEC. 737. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

SEC. 738. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Hollister, California, as meeting the requirements of a rural area for the purposes of housing programs in the rural development mission areas of the Department of Agriculture.

SEC. 739. None of the funds appropriated or otherwise made available by this Act may be used to maintain, modify, or implement any assessment against agricultural producers as part of a commodity promotion, research, and consumer information order, known as a check-off program, that has not been approved by the affected producers in accordance with the statutory requirements applicable to the order.

SEC. 740. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 741. MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS. (a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture shall use \$75,000,000 of funds of the Commodity Credit Corporation to make payments as soon as possible after the date of the enactment of this Act to apple producers to provide relief for the loss of markets for their 2000 crop.

(b) PAYMENT BASIS.—The amount of the payment to a producer under subsection (a) shall be made on a per pound basis equal to each qualifying producer's 2000 production of apples, except that the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 20,000,000 pounds.

(c) DUPLICATIVE PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market loss for apples to the extent of that amount that the producer received as compensation or assistance for the same loss under any other Federal program, other than under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) OTHER TERMS AND CONDITIONS.—The Secretary shall not establish any terms or conditions for producer eligibility, such as

limits based upon gross income, other than those specified in this section.

(e) *APPLICABILITY.*—This section applies only with respect to the 2000 crop of apples and producers of that crop.

SEC. 742. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

SEC. 743. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking “2001” and inserting “2002”.

SEC. 744. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of \$150,000 to the Mallard Pointe project in Madison County, Mississippi.

SEC. 745. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in cooperation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: Provided, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: Provided further, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

SEC. 746. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide \$250,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

SEC. 747. Notwithstanding any other provision of law, \$3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project.

SEC. 748. Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 749. Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SEC. 750. Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed \$400,000 for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project.

SEC. 751. (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the fiscal year 2001 payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible State or eligible county in the Forest Service document entitled “P.L. 106–393, Secure Rural Schools and Community Self-Determination Act” and dated July 31, 2001, subject to the adjustment required by section 101(b) of such Act.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties for fiscal years 2002 through 2006, as required by section 101(a)(1) of such Act, the Secretary of Agriculture shall revise the table referred to in subsection (a) to accurately reflect, to the maximum extent practicable, each eligible State’s and eligible county’s historic share of the 25-percent payments and safety net payments made for the fiscal years of the eligibility period.

(c) REPORTING REQUIREMENT.—Not later than March 1, 2002, the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture of the House of Representatives a report containing the revisions made to the table referred to in subsection (a), as required by subsection (b).

(d) ADDITIONAL ELIGIBLE COUNTY ELECTION.—Notwithstanding section 102(b)(2) of such Act, if the revision pursuant to subsection (b) of the table referred to in subsection (a) results in a reduced full payment amount for an eligible county that elected under section 102(b) of such Act to receive the full payment amount, the eligible county shall have a 90-day period, beginning on the date the revised table is first available to the public, during which to reconsider and change its election. The eligible county shall notify the Secretary of Agriculture of any change in its election before the end of such period. If an eligible county elects under this subsection to receive the 25-percent payment in place of the full payment amount, the election shall be effective for one year.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—(1) An eligible county that elects under section 102(b) of such Act to receive its share of an eligible State’s full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading “FOREST SERVICE.” in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).

(2) Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence the following new sentence: “The preceding sentence shall also apply to any payment to a State derived from a lease for mineral resources

issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE.' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520)."

(f) *DEFINITIONS.*—In this section, the terms "eligible State", "eligible county", "eligibility period", "full payment amount", "25-percent payment", and "safety net payments" have the meanings given such terms in section 3 of such Act, and the term "such Act" means the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

SEC. 752. ALASKA PERMANENT FUND.—Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking "(5)" and inserting "(5)(A)"; and

(2) by adding at the end the following:

"(B) For purposes of this title, for fiscal years 2002 and 2003, the term 'income' does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend."

SEC. 753. Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: Provided, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SEC. 754. Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance relating to the Tanana River bordering the Big Delta State Historical Park.

SEC. 755. None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as "catfish" unless the products are taxonomically from the family Ictaluridae.

SEC. 756. The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to \$499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SEC. 757. The Secretary of Agriculture may use not more than \$5,000,000 of funds of the Commodity Credit Corporation to pay claims of crop damage, upon consultation with the Secretary of the Interior, that resulted from the Bureau of Land Management's use of herbicides during the 2001 calendar year in the State of Idaho: Provided, That if the amount provided in this section is not sufficient to pay all approved claims the Secretary of Agriculture shall reduce all approved claims on a pro rata basis related to the degree of loss in production: Provided further, That nothing in this section shall be construed to constitute an admission of liability by the United States arising from the use by the Bureau of Land Management of the herbicide Oust: Provided further, That the issuance of

regulations promulgated pursuant to this section shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided further, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 758. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE. (a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting "(which may include emerging vegetation in water)" after "vegetative cover".

SEC. 759. SPECIALITY CROPS. (a) GRADING OF TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") shall conduct referenda among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether such producers favor the mandatory grading of that kind of tobacco by the Secretary.

(2) MANDATORY GRADING.—

(A) IN GENERAL.—If the Secretary determines that mandatory grading is favored by a majority of the producers of a kind of tobacco voting in the referendum, the Secretary is authorized and directed to ensure that the kind of tobacco is graded at the time of sale effective for the 2002 and subsequent marketing years.

(B) FEES.—To the maximum extent practicable, the Secretary shall establish, collect, and use fees for the grading of tobacco required under this subsection in the same manner as user fees for the grading of tobacco sold at auction authorized under the Tobacco Inspection Act (7 U.S.C. 511 et seq.).

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)"; and

(D) in subsection (c) (as so redesignated), by striking "subsection (c)" and inserting "subsection (b)".

(2) *CONFORMING AMENDMENT.*—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking “section 1236(d)” and inserting “section 1236(c)”.

(3) *APPLICATION.*—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) *HORSE BREEDER LOANS.*—

(1) *DEFINITION OF HORSE BREEDER.*—In this subsection, the term “horse breeder” means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) *LOAN AUTHORIZATION.*—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) *ELIGIBILITY.*—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) *AMOUNT.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) *MAXIMUM AMOUNT.*—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) *TERM.*—

(A) *IN GENERAL.*—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) *MAXIMUM TERM.*—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) *INTEREST RATE.*—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) *SECURITY.*—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) *APPLICATION.*—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) *FUNDING.*—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) *TERMINATION.*—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SEC. 760. During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term “and potatoes” read as follows: “, potatoes, and sweet potatoes”.

SEC. 761. CITRUS CANCER ERADICATION. (a) *IN GENERAL.*—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a) by striking “The” and inserting “Subject to subsection (e), the”; and

(2) in subsection (c), by striking “2001” and inserting “2002”.

(b) *EFFECTIVE DATE.*—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SEC. 762. Section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

“(E) *RURAL BROADBAND.*—Notwithstanding subparagraph (C), the Secretary may make grants to state agencies for use by regulatory commissions in states with rural communities without local dial-up Internet access or broadband service to establish a competitively, technologically neutral grant program to telecommunications carriers or cable operators that establish common carrier facilities and services which, in the commission’s determination, will result in the long-term availability to such communities of affordable broadband services which are used for the provision of high speed Internet access.”.

SEC. 763. In accordance with the Farmland Protection Program, a total of \$720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor Counties, Kentucky: Provided, That \$490,000 of this amount shall be from funds made available

to the Conservation Reserve Enhancement Program for the State of Kentucky.

SEC. 764. Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 765. Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

“The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.”

SEC. 766. Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by—

(1) in paragraph (1)(E), by striking “2001” and inserting “2003”; and

(2) in paragraph (2)—

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

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

“(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

“(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.”; and

(B) in subparagraph (B), by striking “report” and inserting “reports”.

SEC. 767. Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 768. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to DuPage County, Illinois, from funds available for the Watershed and Flood Prevention Operations program, not to exceed \$1,400,000.

SEC. 769. Notwithstanding any other provision of law, from funds previously appropriated for Watershed and Flood Prevention Operations of the Natural Resource and Conservation Service, the Secretary of Agriculture shall provide technical and financial assistance, but not to exceed \$1,000,000, in connection with a lake level stabilization project carried out as part of local efforts to restore and repair watersheds damaged by the 2001 tornado and storms in Burnett and Washburn Counties, Wisconsin: Provided, That the Sec-

retary shall waive the cost share requirement of the local sponsors of such efforts in Burnett and Washburn Counties, Wisconsin.

SEC. 770. Notwithstanding any other provision of law, from the funds appropriated to the Rural Utilities Service by this Act, any current Rural Utilities Service borrower within 100 miles of New York City shall be eligible for additional financing, refinancing, collateral flexibility, and deferrals on an expedited basis without regard to population limitations for any financially feasible telecommunications, energy or water project that assists endeavors related to the rehabilitation, prevention, relocation, site preparation, or relief efforts resulting from the terrorist events of September 11, 2001.

SEC. 771. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

- (1) by striking “six” and inserting “seven”;
- (2) by striking “four” and inserting “five”; and
- (3) by inserting “Illinois,” after the first instance of “States shall be”.

SEC. 772. (a) EXTENSION.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

- (1) in subsection (b), by adding at the end the following new paragraph:

“(5) During the period beginning on January 1, 2002, and ending on May 31, 2002, \$9.90.”; and

- (2) in subsection (h), by striking “December 31, 2001” both places it appears and inserting “May 31, 2002”.

(b) CONFORMING AMENDMENT.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is repealed.

SEC. 773. The Secretary shall transfer to the Southern Minnesota Beet Sugar Co-op, refined sugar, acquired by the Commodity Credit Corporation, in the amount of 10,000 tons to compensate sugar producers in Minnesota for losses incurred beyond those that may be compensated under existing programs administered by the Secretary: Provided, That this amount of sugar shall be provided in installments starting on the day that is 30 days after the date of enactment of this Act and on the first day of each of the following 7 months after that day.

SEC. 774. (a) DEFINITIONS.—In this section:

- (1) The term “eligible person” means a person that—
 - (A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2001 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);
 - (B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or
 - (C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2001 crop year, taking into account temporary transfers.
- (2) The term “eligible tobacco” means each of the following kinds of tobacco:
 - (A) Fire-cured tobacco, comprising types 22 and 23.

(B) *Dark air-cured tobacco, comprising types 35 and 36.*

(C) *Virginia sun-cured tobacco, comprising type 37.*

(b) *PAYMENTS.*—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) *POUNDAGE PAYMENT QUANTITIES.*—For the purposes of this section, in the case of each kind of eligible tobacco, individual tobacco quotas and allotments shall be converted to poundage payment quantities by multiplying—

(1) *the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2001 crop year; by*

(2)(A) *in the case of fire-cured tobacco (types 22 and 23), 2,601 pounds per acre;*

(B) *in the case of dark air-cured tobacco (types 35 and 36), 2,337 pounds per acre; and*

(C) *in the case of Virginia sun-cured tobacco (type 37), 1,512 pounds per acre.*

(d) *AVAILABLE PAYMENT AMOUNTS.*—In the case of each kind of eligible tobacco, the available payment amount for pounds of a payment quantity under subsection (c) shall be equal to 10 cents per pound.

(e) *DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.*—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this subsection. In the case of payments made available in a State under this section for each kind of eligible tobacco, the Secretary shall distribute (as determined by the Secretary)—

(1) *33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);*

(2) *33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and*

(3) *33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).*

(f) *STANDARDS.*—In carrying out this section, the Secretary shall use, to the maximum extent practicable, the same standards for payments that were used for making payments under section 204(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) *JUDICIAL REVIEW.*—A determination by the Secretary under this section shall not be subject to judicial review.

(h) *REGULATIONS.*—As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this section. The promulgation of the regulations and administration of this section shall be made without regard to—

(1) *the notice and comment provisions of section 553 of title 5, United States Code;*

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(i) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out subsection (h), the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 775. The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended:

(1) in subsection (b)(3) by adding at the end the following:

"(G) Grants may be awarded to improve research capabilities in States (as defined in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended) in which institutions have been less successful in receiving funding under this subsection, based on a three-year rolling average of funding levels."; and

(2) in subsections (b)(10)(C) by striking "and (F) of paragraph (3) for awarding grants in" and inserting ", (F), and (G) of paragraph (3) for".

SEC. 776. None of the funds made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who carry out the programs authorized by section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524) in excess of a total of \$4,000,000 for all such programs for fiscal year 2002.

SEC. 777. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in the section heading, by inserting "JOHN OGONOWSKI" before "FARMER-TO-FARMER PROGRAM"; and

(2) by adding at the end the following new subsection:

"(d) DESIGNATION OF PROGRAM.—The program of farmer-to-farmer assistance authorized by this section shall be known and designated as the 'John Ogonowski Farmer-to-Farmer Program'."

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002".

And the Senate agree to the same.

HENRY BONILLA,
JAMES T. WALSH,
JACK KINGSTON,
TOM LATHAM,
JO ANN EMERSON,
VIRGIL H. GOODE, Jr.,
RAY LAHOOD,
C.W. BILL YOUNG,
MARCY KAPTUR,
ROSA L. DELAURO,
MAURICE D. HINCHEY,
SAM FARR,
ALLEN BOYD,
DAVID R. OBEY,

Managers on the Part of the House.

HERB KOHL,
TOM HARKIN,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
RICHARD J. DURBIN,
TIM JOHNSON,
ROBERT C. BYRD,
THAD COCHRAN,
ARLEN SPECTER,
CHRISTOPHER S. BOND,
MITCH McCONNELL,
CONRAD BURNS,
LARRY CRAIG,
TED STEVENS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees encourage the consideration of grant and loan applications for various entities. The conferees expect the Department only to approve those applications judged meritorious when subjected to the established review process.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides \$2,992,000 for the Office of the Secretary as proposed by the Senate instead of \$3,015,000 as proposed by the House.

The conferees strongly support the extension of the Global Food for Education Initiative program for fiscal year 2002. While both the House and Senate Committee reports demonstrated strong support for the program, the Department has still not announced its intentions for fiscal year 2002. The conferees urge the Secretary in the strongest possible terms to use available authorities to continue the Global Food for Education Initiative for fiscal year 2002.

The Secretary shall report to the Committees on Appropriations no later than March 1, 2002 on USDA's plans for the National Finance Center.

The conferees have recommended \$40,000,000 under "Agricultural Research Service, Buildings and Facilities" to incrementally fund a long-term project for consolidation and replacement of laboratory facilities in Ames, IA. In addition, the President has proposed \$14,081,000 for the Animal and Plant Health Inspection Service for relocation of facilities in Ames, IA, and this proposal will be considered in subsequent appropriations action related to emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States. The conferees are concerned about the management of this very substantial effort involving two agencies of the Department and, therefore, direct the Office of the Secretary to submit a report to the Committees on Appropriations by March 1, 2002, that will include current estimates of full costs and the proposed construction schedule for this project as well as the Department's management plan for coordinating the efforts of ARS and APHIS in the performance of this long range construction program.

The conferees are seriously concerned that domestic lamb prices have fallen by 50 percent or more since June 2001, causing sheep producers to incur unprecedented losses which are unexplained by historic pricing patterns. The conferees direct the Secretary to conduct a study of lamb prices in the U.S. including comparison of live lamb prices to carcass and boxed lamb prices for 2001, determination of the spreads between these categories, and documentation of what market factors are affecting and establishing live lamb and carcass prices since January. A report on this study shall be submitted to the Committees on Appropriations and Agriculture by February 1, 2002, and this report should also include the degree and influence, if any, that imports, concentration, and mandatory price reporting have had on the lamb market this year as compared to the past five years.

The conferees strongly encourage the Secretary, in direct consultation with the wheat industry, to review the need for regulating Karnal bunt as a pest. The conferees are also concerned with the financial impacts incurred by producers and handlers as a result of Karnal bunt and direct the Secretary to continue compensation activities with all affected entities.

The conferees are concerned with the severe drought conditions along the U.S./Mexico border in the area of the Rio Grande watershed and Mexico's continuing failure to meet its water obligations to the area as delineated in the 1944 water treaty. The conferees are concerned with Mexico's lack of progress in implementing a repayment plan for its water deficit under this treaty, and the resulting negative effect on U.S. agricultural production. The conferees

direct the Secretary to provide a report to the Committees on Appropriations of the House and Senate by March 1, 2002, detailing the value of the annual loss of U.S. agricultural production resulting from this deficit and the Department's authorities and plans to assist agricultural interests in the Rio Grande watershed with the financial ramifications of Mexico's water debt.

Ohio School Food Service Authorities continue to work with other State agencies and the Department to develop an inspection system that ensures safety while maximizing the number of eligible children receiving the benefit of the program. The conferees direct the Department to continue to work towards developing a pilot project for school food safety inspections in Ohio, and to keep the Committees advised of any action on this matter.

The conferees are aware that certain states have meat and poultry inspection standards that are as stringent as Federal standards, and that those states would like to be able to ship state-inspected meat interstate. The conferees encourage the Department to consider developing a limited pilot project that would allow for such shipment, involving the state of Ohio. The conferees direct the Department to provide a report to the Committees on Appropriations before the fiscal year 2003 appropriations hearings regarding the feasibility of such a pilot project, including the legal requirements and a proposed design.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

The conference agreement provides \$7,704,000 for the Chief Economist as proposed by the House instead of \$7,648,000 as proposed by the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides \$12,869,000 for the National Appeals Division as proposed by the House instead of \$12,766,000 as proposed by the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides \$7,041,000 for the Office of Budget and Program Analysis as proposed by the House instead of \$6,978,000 as proposed by the Senate.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conference agreement provides \$10,029,000 for the Office of the Chief Information Officer instead of \$10,325,000 as proposed by the House and \$10,261,000 as proposed by the Senate.

COMMON COMPUTING ENVIRONMENT

The conferees do not agree that within the amount appropriated for common computing environment, \$4,500,000 is for data storage infrastructure hardware and software, and of which \$1,500,000 is for the same data storage technology for the combined administrative management system (CAMS) as proposed by the House. The conferees do not direct the use of a specific amount

within the \$4,500,000 available for data storage infrastructure, but note that it should be used for coordination with CAMS as proposed by the Senate.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conference agreement provides \$5,384,000 for the Office of the Chief Financial Officer as proposed by the House instead of \$5,335,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The conference agreement provides \$647,000 for the Office of the Assistant Secretary for Administration as proposed by the Senate instead of \$652,000 as proposed by the House.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

The conference agreement provides \$187,647,000 for agriculture buildings and facilities and rental payments instead of \$177,647,000 as proposed by the House and \$187,581,000 as proposed by the Senate.

The conferees expect that in the event an agency within the Department should require modification of space needs, any transfers of funds for such modification should occur only between the agency requiring the modification and this account. The conferees also note that such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

The conference agreement provides \$31,438,000 for buildings operations as proposed by the House, and \$25,943,000 for the Strategic Space Plan as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$37,079,000 for Departmental Administration as proposed by the Senate instead of \$37,398,000 as proposed by the House.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The conference agreement provides \$3,243,000 for Outreach for Socially Disadvantaged Farmers instead of \$2,993,000 as proposed by the House and \$3,493,000 as proposed by the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides \$3,718,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of \$3,684,000 as proposed by the Senate.

The conference agreement allows funds to be transferred to the agencies, but does not prescribe the amount of funds to be transferred. The conferees direct the Department, within 30 days of enactment, to notify the Committees on the allocation of these funds, including an explanation for any agency-by-agency distribution of these funds.

OFFICE OF COMMUNICATIONS

The conference agreement provides \$8,894,000 for the Office of Communications as proposed by the Senate instead of \$8,975,000 as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$70,839,000 for the Office of the Inspector General as proposed by the Senate instead of \$71,429,000 as proposed by the House.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides \$32,627,000 for the Office of the General Counsel as proposed by the Senate instead of \$32,937,000 as proposed by the House.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides \$573,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the Senate instead of \$578,000 as proposed by the House.

ECONOMIC RESEARCH SERVICE

The conference agreement provides \$67,200,000 for the Economic Research Service as proposed by the Senate instead of \$67,620,000 as proposed by the House.

The conferees provide \$9,195,000 for food program studies and evaluations under ERS, as proposed by the House, instead of \$9,168,000 as proposed by the Senate.

The conferees direct that funding provided for food program studies and evaluations work must be used in accordance with the statutes governing Federal nutrition assistance programs. These statutes, Section 17 of the Food Stamp Act of 1977, Section 6 of the Richard B. Russell National School Lunch Act, and Section 17 of the Child Nutrition Act of 1966, authorize the use of funds to evaluate and improve the effectiveness of Federal nutrition assistance programs.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides \$113,786,000 for the National Agricultural Statistics Service as proposed by the Senate instead of \$114,546,000 as proposed by the House. Within that amount, the conferees make available \$25,350,000 for the Census of Agriculture as proposed by the Senate instead of \$25,456,000 as proposed by the House.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$979,464,000 for Agricultural Research Service, Salaries and Expenses, instead of

\$971,365,000 as proposed by the House and \$999,438,000 as proposed by the Senate.

The conference agreement continues the fiscal year 2001 level of funding for all research projects proposed to be terminated in the President's budget and for salaries and administrative expenses of the Agricultural Research Service. With respect to additional funding for various research activities, as specified in either the House or Senate reports accompanying the fiscal year 2002 appropriations bill, the conference agreement provides eighty percent of the increase provided. Where increased funding is provided by both the House and Senate for the same research activity, the conference agreement provides funding at eighty percent of the higher level.

The conferees expect that research objectives related to woody genomics and breeding for the Southeast will be coordinated with the priorities of the Floriculture and Nursery Research Initiative as well as associated industry input. Further, the conferees expect that close cooperation will be established and maintained among the nursery and floral industry, the Agricultural Research Service, the University of Tennessee, and the Tennessee State University/ARS Nursery Crop Research Station in McMinnville to avoid duplication of effort.

Increased funding provided by the conference agreement for residue management in sugarcane is to be carried out at the Houma, LA, worksite.

Funding provided by the conference agreement for biobased products and bioenergy in New Orleans, LA, may be used for Nicholls State University to develop methods of using agricultural byproducts to decrease electricity costs.

Increased funding provided by the conference agreement for Formosan subterranean termite research is available to expand the test area to a larger portion of the French Quarter of New Orleans, LA, and for detection and eradication research using directed energy technologies.

The conference agreement includes an increase above the fiscal year 2001 level for Tropical and Subtropical Agricultural Research at the U.S. Pacific Basin Agricultural Research Center in Hawaii. The conferees direct the ARS to redirect existing funds allocated to the University of Hawaii related to Non-Toxic Control of Tephritid and Other Insects and Environmental Effects of Tephritid Fruit Fly Control and Eradication in order to make additional funds available in conjunction with the Center and the University of Hawaii at Hilo and the University of Hawaii at Manoa.

The conferees direct the Agricultural Research Service to submit a feasibility study to the Committees on Appropriations by March 1, 2002, on facility needs at the Woodward, OK, location, including the need for a conference center, and its plans to meet those requirements.

BUILDINGS AND FACILITIES

The conference agreement provides \$118,987,000 for the Agricultural Research Service, Buildings and Facilities, instead of \$78,862,000 as proposed by the House and \$99,625,000 as proposed by the Senate.

The following table reflects the conference agreement:

Arizona, Maricopa: U.S. Arid Land Agricultural Research Center ...	\$8,400,000
California:	
Western Human Nutrition Research Center, Davis	5,000,000
Western Regional Research Center, Albany	3,800,000
District of Columbia: U.S. National Arboretum	4,600,000
Hawaii, Hilo: Pacific Basin Agriculture Research Center	3,000,000
Idaho, Aberdeen: Advanced Genetics Laboratory	500,000
Illinois, Peoria: National Center for Agricultural Utilization Research	6,500,000
Iowa, Ames: National Animal Disease Center	40,000,000
Kansas, Manhattan: Grain Marketing and Production Research Center	3,000,000
Maine, Orono/Franklin: Northeast Marine Cold Water Marine Aquaculture Center	3,000,000
Maryland:	
National Agricultural Library	1,800,000
Beltsville Agricultural Research Center	3,000,000
Minnesota, St. Paul: Cereal Disease Laboratory	300,000
Mississippi:	
Horticultural Laboratory for the Gulf Coast, Poplarville	800,000
National Biological Control Laboratory, Stoneville	8,400,000
New Mexico, Las Cruces: Jornada Experimental Range Management Research Laboratory	475,000
New York: Plum Island Animal Disease Center	3,762,000
Oklahoma, Woodward: Southern Plains Range Research Station	1,500,000
Pennsylvania, Philadelphia: Eastern Regional Research Center	5,000,000
South Carolina, Charleston: U.S. Vegetable Laboratory	4,500,000
South Dakota, Brookings: Northern Grain Insects Research Laboratory	850,000
Utah, Logan: Poisonous Plant Research Laboratory	5,600,000
West Virginia, Leetown: National Center for Cool and Cold Water Aquaculture	2,200,000
Wisconsin, Madison: Cereal Crops Research Laboratory	3,000,000
Total	118,987,000

The conference agreement includes a direction to the ARS to conduct and provide to the Committees a feasibility study by March 1, 2002, on the establishment of a Center for Renewable Resources at Morgantown, West Virginia, instead of Jackson's Mill, West Virginia, as proposed by the Senate.

The conferees are aware of facility needs associated with the Human Nutrition Center in Grand Forks, North Dakota, and that an opportunity now exists for the acquisition of realty in the vicinity of the Center. The conferees direct the agency to proceed with acquisition of this property from within available funds of the Center.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides \$542,062,000 for research and education activities instead of \$507,452,000 as proposed by the House and \$542,842,000 as proposed by the Senate.

The following table reflects the conference agreement:

Research and education activities

[In thousands of dollars]

Research Activities:	
Payments under the Hatch Act	\$180,148

*Conference
agreement*

	<i>Conference agreement</i>
Cooperative Forestry Research (McIntire-Stennis)	21,884
Payments to 1890 Colleges and Tuskegee University	34,604
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Special Research Grants (P.L. 89-106):	
Advanced genetic technologies (KY)	600
Advanced spatial technologies (MS)	978
Aegilops cylindricum (jointed goatgrass) (WA)	367
Agricultural diversification (HI)	128
Agricultural diversity/Red River Corridor (MN, ND)	400
Agriculture-based industrial lubricants (IA)	0
Agriculture water usage (GA)	293
Agroecology (MD)	400
Air quality (TX)	640
Alliance for food protection (GA, NE)	293
Alternative crops for arid lands (TX)	100
Alternative nutrient management (VT)	186
Alternative salmon products (AK)	631
Alternative uses for tobacco (MD)	360
Animal science food safety consortium (AR, IA, KS)	1,598
Apple fire blight (MI, NY)	489
Aquaculture (AR)	232
Aquaculture (FL)	490
Aquaculture (ID, WA)	600
Aquaculture (LA)	322
Aquaculture (MS)	579
Aquaculture (NC)	293
Aquaculture (VA)	100
Aquaculture product and marketing development (WV)	733
Armillaria root rot (MI)	160
Asparagus technology and production (WA)	260
Babcock Institute (WI)	588
Beef technology transfer (MO)	294
Biomass-based energy research (OK, MS)	960
Biotechnology (NC)	306
Blocking anhydrous methamphetamine production (IA)	242
Bovine tuberculosis (MI)	318
Brucellosis vaccine (MT)	485
Center for rural studies (VT)	240
Chesapeake Bay agroecology (MD)	280
Citrus canker (FL)	490
Citrus tristeza	725
Competitiveness of agriculture products (WA)	665
Cool season legume research (ID, WA)	321
Cotton fiber quality (GA)	400
Cranberry/blueberry (MA)	172
Cranberry/blueberry disease and breeding (NJ)	216
Crop diversification (MO, ND)	800
Crop genomics (MS)	640
Crop integration and production (SD)	200
Dairy and meat goat research (TX)	63
Dairy farm profitability (PA)	294
Delta rural revitalization (MS)	201
Designing foods for health (TX)	690
Diaprepes/root weevil (FL)	400
Drought mitigation (NE)	196
Ecosystems (AL)	489
Efficient irrigation (NM, TX)	1,176
Environmental biotechnology (RI)	400
Environmental horticulture (FL)	400
Environmental research (NY)	391
Environmental risk factors/cancer (NY)	222
Environmentally-safe products (VT)	240
Exotic pest diseases (CA)	1,600
Expanded wheat pasture (OK)	286
Farm injuries and illnesses (NC)	278
Feed barley for rangeland cattle (MT)	833

	<i>Conference agreement</i>
Feedstock conversion (SD)	560
Fish and shellfish technologies (VA)	465
Floriculture (HI)	400
Food and Agriculture Policy Research Institute (IA, MO)	1,000
Food irradiation (IA)	245
Food Marketing Policy Center (CT)	484
Food processing center (NE)	42
Food quality (AK)	342
Food safety (AL)	608
Food safety (OK)	400
Food safety research consortium (NY)	800
Food safety risk assessment (ND)	800
Food security (WA)	400
Food Systems Research Group (WI)	490
Forages for advancing livestock production (KY)	367
Forestry (AR)	512
Generic commodity promotions, research and evaluation (NY)	194
Global change/ultraviolet radiation	1,402
Grain sorghum (KS)	104
Grass seed cropping systems for sustainable agriculture (ID, OR, WA)	414
Hoop barns (IA)	200
Human nutrition (IA)	463
Human nutrition (LA)	800
Human nutrition (NY)	609
Hydroponic tomato production (OH)	100
Illinois-Missouri Alliance for Biotechnology	1,214
Improved dairy management practices (PA)	389
Improved early detection of crop diseases (NC)	194
Improved fruit practices (MI)	239
Increasing shelf life of agricultural commodities (ID)	640
Infectious disease research (CO)	640
Institute for Food Science & Engineering (AR)	1,222
Integrated production systems (OK)	176
Intelligent quality sensor for food safety (ND)	360
International arid lands consortium	484
Iowa Biotechnology Consortium	1,530
Livestock and Dairy Policy (NY, TX)	558
Livestock genome sequencing (IL)	400
Lowbush blueberry research (ME)	254
Maple research (VT)	120
Meadowfoam (OR)	293
Michigan biotechnology consortium	481
Midwest Advanced Food Manufacturing Alliance	452
Midwest agricultural products (IA)	632
Midwest poultry consortium (IA)	400
Milk safety (PA)	600
Minor use animal drugs (IR-4)	588
Molluscan shellfish (OR)	391
Montana Sheep Institute	400
Multi-commodity research (OR)	356
Multi-cropping strategies for aquaculture (HI)	124
National beef cattle genetic evaluation consortium (NY)	343
National biological impact assessment program	248
Nematode resistance genetic engineering (NM)	147
Nevada arid rangelands initiative (NV)	400
New crop opportunities (AK)	485
New crop opportunities (KY)	735
Non-food uses of agricultural products (NE)	64
Nursery, greenhouse, turf specialties (AL)	320
Oil resources from desert plants (NM)	196
Organic waste utilization (NM)	100
Oyster post harvest treatment (FL)	400
Ozone air quality (CA)	400
Pasture and forage research (UT)	244
Peach tree short life (SC)	175

	<i>Conference agreement</i>
Pest control alternatives (SC)	280
Phytophthora root rot (NM)	135
Phytoremediation plant research (OH)	280
Pierce's disease (CA)	1,960
Plant, drought, and disease resistance gene cataloging (NM)	244
Potato research	1,568
Precision agriculture (KY)	733
Preharvest food safety (KS)	208
Preservation and processing research (OK)	221
Protein utilization (IA)	186
Rangeland ecosystems (NM)	320
Red snapper research (AL)	960
Regional barley gene mapping project	760
Regionalized implications of farm programs (MO, TX)	287
Ruminant nutrition consortium (MT, ND, SD, WY)	400
Rural Development Centers (PA, IA, ND, MS, OR, LA)	560
Rural Policies Research Institute (NE, IA, MO)	1,040
Russian wheat aphid (CO)	320
Satsuma orange research (AL)	800
Seafood and aquaculture harvesting, processing, and marketing (MS)	298
Seafood harvesting, processing, and marketing (AK)	1,142
Seafood safety (MA)	400
Small fruit research (OR, WA, ID)	392
Soil and environmental quality (DE)	120
Southwest consortium for plant genetics and water resources	392
Soybean cyst nematode (MO)	686
Soybean research (IL)	800
STEEP—water quality in the Pacific Northwest	588
Sustainable agriculture (CA)	400
Sustainable agriculture (MI)	435
Sustainable agriculture and natural resources (PA)	123
Sustainable agriculture systems (NE)	59
Sustainable beef supply (MT)	1,000
Sustainable engineered materials from renewable resources (VA)	400
Sustainable pest management for dryland wheat (MT)	452
Swine and other animal waste management (NC)	489
Synthetic gene technology (OH)	168
Technological development of renewable resources (MO)	294
Tillage, silviculture, waste management (LA)	400
Tomato wilt virus (GA)	244
Tri-state joint peanut research (AL)	600
Tropical aquaculture (FL)	194
Tropical and subtropical research/T STAR	8,000
Value-added product development from agricultural resources (MT)	324
Value-added products (IL)	120
Viticulture consortium (NY, CA, PA)	1,600
Water conservation (KS)	79
Water use efficiency and water quality enhancements (GA)	480
Weed control (ND)	426
Wetland plants (LA)	587
Wheat genetic research (KS)	255
Wheat sawfly research (MT)	505
Wood utilization (AK, ID, ME, MI, MN, MS, NC, OR, TN)	5,670
Wool research (TX, MT, WY)	294
 Subtotal, Special Grants	 97,008
Improved pest control:	
Emerging pests/critical issues	200
Expert IPM decision support system	177
Integrated pest management	2,725
IR-4 minor crop pest management	10,485

	<i>Conference agreement</i>
Pest management alternatives	1,619
Subtotal, Improved pest control	15,206
National Research Initiative (NRI) competitive grants	120,452
Animal health and disease (sec. 1433)	5,098
Alternative crops:	
Canola	693
Hesperaloe and other natural products from desert plants	231
Critical Agricultural Materials Act	720
1994 Institutions research program	998
Institution challenge grants	4,340
Graduate fellowships grants	2,993
Multicultural scholars program	998
Hispanic education partnership grants	3,492
Capacity building grants (1890 institutions)	9,479
Payments to the 1994 Institutions	1,549
Alaska Native-serving and Native Hawaiian-serving Institutions edu- cation grants	2,997
Secondary agriculture education	1,000
Sustainable agriculture research and education/SARE	12,500
Aquaculture centers (sec. 1475)	3,996
Federal Administration:	
Agriculture-based industrial lubricants (IA)	360
Agriculture development in the American Pacific	552
Agriculture waste utilization (WV)	600
Agriculture water policy (GA)	600
Alternative fuels characterization laboratory (ND)	294
Animal waste management (OK)	320
Aquaculture (OH)	400
Biotechnology (MS)	680
Botanical research (UT)	640
Center for Agricultural and Rural Development (IA)	600
Center for Innovative Food Technology (OH)	765
Center for North America Studies (TX)	200
Cotton research (TX)	880
Data Information System	2,078
Feed efficiency (WV)	160
Fruit and vegetable market analysis (AZ, MO)	340
Geographic information system	1,199
Germplasm development in forage grasses (OH)	100
Livestock marketing information center (CO)	196
Mariculture (NC)	360
Mississippi Valley State University	633
National Center for Peanut Competitiveness (GA)	391
Office of Extramural Programs	439
Pay costs and FERS	1,386
Peer Panels	342
PM-10 air quality study (WA)	426
Precision agriculture/Tennessee valley research and extension center (AL)	480
Produce pricing (AZ)	76
Salmon quality standards (AK)	120
Shrimp aquaculture (AZ, HI, LA, MA, MS, SC, TX)	4,214
Sustainable agriculture development (OH)	490
Urban silviculture (NY)	232
Water pollutants (WV)	206
Water quality (IL)	341
Water quality (ND)	417
Wetland plants (WV)	160
Subtotal, Federal Administration	21,676
Total, Research and Education Activities	542,062

The conference agreement does not include bill language which provides funds for payments to land-grant colleges of which \$998,000 shall be made available to West Virginia State College in Institute, West Virginia, as proposed by the House.

The conference agreement includes bill language which provides funds for payments to land-grant colleges of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000 as proposed by the Senate.

The conference agreement does not include bill language regarding a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors as proposed by the Senate.

The conference agreement does not include bill language regarding the Environmental Biotechnology initiative at the University of Rhode Island as proposed by the Senate.

The conference agreement does not include bill language regarding grants for authorized competitive research programs related to enhancement of the nitrogen-fixing ability and efficiency of plants as proposed by the House.

The conference agreement includes bill language which provides \$2,997,000 to individual eligible institutions or consortia of institutions in Alaska and Hawaii instead of \$2,993,000 for such purposes as proposed by the House and \$3,000,000 as proposed by the Senate.

It is the intent of the conferees that the funds provided for wood utilization research be distributed to existing centers on a basis proportionate to each center's share of the fiscal year 2001 total program funding.

The conference agreement includes \$1,199,000 for the Geographic Information System Program. The conferees expect that the amount provided shall be made available for program activities of entities in the same areas as the fiscal year 2001 level on a proportional basis and that program management costs will be kept at a minimum and any remaining funds will be distributed to the sites.

EXTENSION ACTIVITIES

The conference agreement provides \$439,473,000 for extension activities instead of \$436,029,000 as proposed by the House and \$433,546,000 as proposed by the Senate.

The following table reflects the conference agreement:

<i>Extension activities</i>	
[In thousands of dollars]	
	<i>Conference agreement</i>
Smith-Lever sections 3(b) and 3(c)	\$275,940
Smith-Lever section 3(d):	
Farm safety	5,250
Food and nutrition education	58,566
Indian reservation agents	1,996
Pest management	10,759
Rural development centers	953
Sustainable agriculture	4,750
Youth at risk	8,481
Youth farm safety education and certification	499

	<i>Conference agreement</i>
Renewable Resources Extension Act	4,093
1890 Colleges and Tuskegee University	31,181
1890 facilities grants	13,500
Rural health and safety education	2,622
Extension services at the 1994 institutions	3,273
Subtotal	421,863
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Federal Administration:	
Ag in the classroom	600
Agricultural telecommunications (NY)	339
Avian conservation (PA)	320
Beef producers improvement (AR)	193
Botanical garden initiative (IL)	232
Conservation technology transfer (WI)	490
Dairy education (IA)	232
Delta Teachers Academy	0
Diabetes detection, prevention (WA)	906
Efficient irrigation (NM, TX)	1,960
Extension specialist (MS)	100
Family farm beef industry network (OH)	1,372
Food Animal Residue Avoidance Database/FARAD	800
Food product development (AK)	280
Health education leadership (KY)	800
Income enhancement demonstration (OH)	241
Integrated cow/calf management (IA)	294
Iowa vitality center	280
National Center for Agriculture Safety (IA)	196
Pilot technology transfer (WI)	160
Pilot technology transfer (OK, MS)	319
Potato pest management (WI)	396
Range improvement (NM)	240
Rural development (AK)	637
Rural development (NM)	363
Rural rehabilitation (GA)	240
Urban horticulture (WI)	200
Wood biomass as an alternative farm product (NY)	193
General administration and pay	5,227
Total, Federal Administration	17,610
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Total, Extension Activities	439,473

The conference agreement includes language which permits \$3,600,000 of the amount available under Smith-Lever 3(b) and 3(c) to provide funding for the National 4-H Program Centennial Initiative as proposed by the Senate.

The conference agreement does not include bill language which provides funds for payments to land-grant colleges of which \$998,000 shall be made available to West Virginia State College in Institute, West Virginia, as proposed by the House.

The conference agreement includes bill language which provides funds for payments to land-grant colleges of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000 as proposed by the Senate.

The conference agreement provides \$5,250,000 for farm safety, of which \$4,050,000 is for the AgrAbility project.

INTEGRATED ACTIVITIES

The conference agreement provides \$42,853,000 for integrated activities instead of \$43,355,000 as proposed by the House and \$42,350,000 as proposed by the Senate.

The following table reflects the conference agreement:

Integrated activities

[In thousands of dollars]

	<i>Conference agreement</i>
Integrated Research, Education and Extension Competitive Grants Program:	
Water Quality	\$12,971
Food Safety	14,967
Pesticide Impact Assessment	4,531
Crops at Risk from FQPA Implementation	1,497
FQPA Risk Mitigation Program for Major Food Crop Systems	4,889
Methyl Bromide Transition Program	2,498
Organic Transition Program	1,500
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Total, Integrated Activities	42,853

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND
REGULATORY PROGRAMS

The conference agreement provides \$654,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the Senate instead of \$660,000 as proposed by the House.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$620,490,000, of which \$84,813,000 is derived from agricultural quarantine inspection user fees, for the Animal and Plant Health Inspection Service (APHIS) instead of \$587,386,000 as proposed by the House and \$602,754,000 as proposed by the Senate.

The following table reflects the conference agreement:

Animal and Plant Health Inspection Service

[In thousands of dollars]

	<i>Conference agreement</i>
Pest and Disease Exclusion:	
Agricultural quarantine inspection	\$47,254
User fees	84,813
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Subtotal, AQI	132,067
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Cattle ticks	6,232
Foot-and-mouth disease	3,839
Fruit fly exclusion and detection	36,818
Import-export	8,132
Screwworm	30,557
Trade issues resolution management	11,367

	<i>Conference agreement</i>
Tropical bont tick	415
Total, Pest and Disease Exclusion	229,427
Plant and Animal Health Monitoring:	
Animal health monitoring and surveillance	70,931
Animal and plant health regulatory enforcement	8,101
Emergency management system	4,044
Pest detection	6,844
Total, Plant and Animal Health Monitoring	89,920
Pest and Disease Management:	
Aquaculture	1,130
Biological control	8,759
Boll Weevil	77,355
Brucellosis	9,800
Chronic wasting disease	
Emerg. plant pests	43,130
Golden nematode	810
Gypsy moth	4,559
Imported fire ant	2,868
Johne's disease	3,000
Noxious weeds	1,255
Pink bollworm	1,866
Pseudorabies	4,151
Scrapie	3,119
Tuberculosis	8,694
Wildlife services operations	49,071
Witchweed	1,520
Total, Pest and Disease Management	221,087
Animal Care:	
Animal welfare	15,167
Horse protection	415
Total, Animal Care	15,582
Scientific and Technical Services:	
Biotechnology and environmental protection	10,516
Integrated systems acquisition project	1,748
Plant methods	5,118
Veterinary biologics	11,763
Veterinary diagnostics	18,278
Wildlife services methods development	12,955
Total, Scientific and Technical Services	60,378
Contingency fund	4,096
Pay parity	
Total, Salaries and Expenses	620,490

Fruit fly exclusion and detection.—The conference agreement includes funds to address the inequity in the distribution of funds for fruit fly trapping in California and Florida by increasing the California program by \$4,000,000 as proposed by the Senate instead of \$2,000,000 as proposed by the House.

Animal health monitoring and surveillance.—The conference agreement provides an increase of \$2,429,000 for the animal health monitoring and surveillance (AHM&S) program instead of \$1,229,000 as proposed by the Senate.

The conference agreement includes an additional \$300,000 for the National Poultry Improvement Plan instead of \$750,000 as proposed by the House and the fiscal year 2001 level of funding as proposed by the Senate.

The conference agreement includes a \$750,000 increase for a cooperative agreement with the Wisconsin Livestock Identification Consortium for a pilot project instead of \$1,000,000 as proposed by the House and \$500,000 as proposed by the Senate.

The conference agreement includes \$100,000 to develop a biosecurity demonstration and outreach program in cooperation with the Vermont Department of Agriculture and the University of Vermont College of Agriculture instead of \$200,000 as proposed by the Senate.

The conference agreement includes an increase of \$750,000 to implement a program for chronic wasting disease under the AHM&S line item instead of \$1,000,000 for a new line item as proposed by the Senate.

Animal and plant health regulatory and enforcement.—The conference agreement includes an increase of \$1,852,000 for the animal and plant health regulatory and enforcement program as proposed by the Senate instead of \$1,000,000 as proposed by the House.

The conferees direct the agency to include animal welfare violations and related enforcement responses in the agency's annual report to Congress.

Emergency Management System.—The conference agreement provides an increase of \$1,000,000 for the Emergency Management System instead of \$2,000,000 as proposed by the House.

Boll weevil.—The conference agreement provides \$77,355,000 for boll weevil instead of \$33,931,000 as proposed by the House and \$79,157,000 as proposed by the Senate.

Brucellosis.—The conference agreement includes the fiscal year 2001 level of funding for the Greater Yellowstone Interagency Brucellosis Committee as proposed by the Senate instead of \$600,000 as proposed by the House.

Emerging plant pests.—The conference agreement includes \$43,130,000 for the emerging plant pests program instead of \$48,515,000 as proposed by the House and \$28,557,000 as proposed by the Senate. Within this total, the conferees expect that \$3,618,000 be provided for the base program. In addition to funds made available from the Commodity Credit Corporation, the conferees direct that of this appropriation, no less than \$8,500,000 be provided for activities regarding the glassy-winged sharpshooter; and no less than \$31,030,000 be provided to combat emergency outbreaks of citrus canker in Florida, the Asian long-horned beetle in New York and Illinois (of which no less than \$1,500,000 shall be for activities in the area of Chicago, Illinois), plum pox virus, and Mormon crickets and grasshoppers, of which \$500,000 shall be for Utah.

The conferees direct the Secretary of Agriculture to continue to use the authority provided in this bill to transfer funds from the Commodity Credit Corporation for the arrest and eradication of animal and plant pests and diseases that threaten American agriculture.

Golden nematode.—The conference agreement provides an increase of \$200,000 for golden nematode instead of \$400,000 as proposed by the House.

Imported fire ant.—The conference agreement includes \$2,868,000, of which \$45,000 is for New Mexico, for imported fire ants instead of \$2,118,000 as proposed by the House and \$3,618,000 as proposed by the Senate.

Noxious weeds.—The conference agreement includes an increase of \$125,000 in association with the Nez-Perce Bio-Control Center instead of \$250,000 as proposed by the Senate.

Pink bollworm.—The conference agreement provides an increase of \$250,000 over fiscal year 2001 for pink bollworm activities instead of \$455,000 as proposed by the Senate.

Tuberculosis.—The conference agreement provides an increase of \$3,231,000 for tuberculosis eradication activities instead of \$6,463,000 as proposed by the Senate.

Wildlife services operations.—The conference agreement provides an increase of \$300,000 for predator control activities in Montana, Wyoming, and Idaho instead of \$500,000 proposed by the House and Senate.

The conference agreement provides \$300,000 above the fiscal year 2001 funding level for the South Dakota Department of Game and Fish instead of \$500,000 as proposed by the Senate.

The conference agreement provides \$125,000 for a cost sharing beaver control program in Louisiana instead of \$250,000 as proposed by the Senate.

The conference agreement provides \$8,250,000 for a rabies control program instead of \$16,500,000 as proposed by the House and \$4,600,000 as proposed by the Senate. The conferees expect the agency to direct funds to Texas, West Virginia, Ohio, New York, Vermont, Wyoming, and other states.

The conference agreement continues support for blackbird control activities in North Dakota, South Dakota, and Louisiana and, in addition, provides an increase of \$240,000 for completion of an environmental impact statement necessary for a baiting program scheduled to begin in March of 2002.

Animal welfare.—The conference agreement includes an increase of \$2,400,000 for animal welfare as proposed by the House instead of \$1,627,000 as proposed by the Senate, and directs APHIS to hire an additional 14 inspectors and support staff so that the overall number of inspections can increase, and those facilities that are in non-compliance may be re-inspected more frequently. The conferees encourage the Secretary to use any additional funds made available during fiscal year 2001 for these activities to increase program effectiveness as quickly as possible, and remind the Secretary of Agriculture of the request for information on this subject in Senate Report 107–33.

Integrated systems acquisition project.—The conference agreement provides an increase of \$750,000 for the integrated systems acquisition project instead of \$1,000,000 as proposed by the House.

Veterinary biologics.—The conference agreement provides an increase of \$1,036,000 for the Center for Veterinary Biologics instead of \$1,186,000 as proposed by the Senate.

Wildlife services methods development.—The conference agreement provides an increase of \$1,500,000 for wildlife services methods development, of which \$1,000,000 is to address infrastructure deficiencies at NWRRC, and \$500,000 is for non-lethal predator control methods of which \$50,000 is for work at the Monell Center in Pennsylvania.

Avocados.—The conferees do not include House language directing the agency to report to the Congress prior to publishing any rules expanding the approved areas or lengthening time periods for importation of Mexican avocados. Those rules are in the process of being promulgated. The conferees direct APHIS to report to the Committees on Appropriations on the status of Mexican avocado imports, including any problems in pest surveys, and oversight by APHIS personnel, including the diversion of Mexican avocados to other than approved destinations.

The conferees have been made aware of reports regarding captive polar bears recently imported in the United States and request APHIS to report back to the Committees on Appropriations by January 1, 2002 on this matter.

The conferees are concerned about the spread of West Nile Virus in Illinois and expect APHIS to work with the State of Illinois and the University of Illinois on cooperative ways to conduct research, monitor, and respond to the outbreak, including using contingency funds for these efforts.

The conferees encourage APHIS, in order to strengthen protections of U.S. meat and poultry supply, to expedite the development of its automated database system to track imported meat and animal product shipments and its Automated Manifest System, designed to automatically target shipments for hold.

BUILDINGS AND FACILITIES

The conference agreement provides \$7,189,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House instead of \$5,189,000 as proposed by the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides \$71,430,000 for the Agricultural Marketing Service as proposed by the Senate instead of \$71,774,000 as proposed by the House. The total amount includes \$5,980,000 for the Livestock Mandatory Price Reporting Program as proposed by the Senate instead of \$5,900,000 as proposed by the House.

The conferees expect the Microbiological Data Program to produce national, consistent, and statistically reliable data that may be used for research and risk analysis purposes by federal agencies such as USDA, FDA, and CDC, state health departments, researchers, and other stakeholders. The Agricultural Marketing Service is encouraged to contract for the data collection with organizations that have demonstrated research and technical competence, and that are not barred by statute from administering a blinded microbiological survey program for fruits and vegetables. In

order to ensure that the data collected will be useful, and to avoid duplication of effort, the conferees expect AMS to hold a public meeting, within 60 days of enactment, to present a detailed data collection proposal and seek input from all interested parties.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

The conference agreement provides \$13,995,000 for Funds for Strengthening Markets, Income and Supply as proposed by the House instead of \$13,874,000 as proposed by the Senate.

GRAIN INSPECTION, PACKERS, AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides \$33,117,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the House instead of \$34,000,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides \$476,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of \$481,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides \$715,642,000 for the Food Safety and Inspection Service instead of \$720,652,000 as proposed by the House and \$715,747,000 as proposed by the Senate.

The conference agreement includes \$608,730,000 for federal food inspection.

The conference agreement provides an increase of \$100,000 over the fiscal year 2002 budget request for activities related to the Codex Alimentarius.

The conference agreement includes the following amounts, which fully fund food inspection activities at the requested level.

Food Safety and Inspection Service, funding by activity

[In thousands of dollars]

<i>FSIS activity</i>	<i>Conference agreement</i>
Federal Food Inspection	\$608,730
Import-Export Inspection	12,127
Laboratory Services	36,548
FAIM	8,005
Grants	42,517
Special Assistance to States	5,220
Codex	2,495
	<hr/>
	715,642
	<hr/>
Food Safety Inspection:	
Federal	638,513
State	47,418
International	15,344
FAIM	11,872

<i>FSIS activity</i>	<i>Conference</i>
Codex	<i>agreement</i>
	2,495
	715,642

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN
AGRICULTURAL SERVICES

The conference agreement provides \$606,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the Senate instead of \$611,000 as proposed by the House.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides \$939,030,000 for the Farm Service Agency as proposed by the Senate instead of \$945,993,000 as proposed by the House.

STATE MEDIATION GRANTS

The conference agreement provides \$3,493,000 for State Mediation Grants instead of \$2,993,000 as proposed by the House and \$3,993,000 as proposed by the Senate.

DAIRY INDEMNITY PROGRAM

The conference agreement provides \$100,000 for the Dairy Indemnity Program as proposed by both the House and the Senate, and includes bill language that provides by reference the guidelines for making indemnity payments as proposed by the House.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	(\$146,996,000)
Subsidy	3,866,000
Guaranteed	(1,000,000,000)
Subsidy	4,500,000
Farm Operating Loans:	
Direct	(611,198,000)
Subsidy	54,580,000
Unsubsidized guaranteed	(1,500,000,000)
Subsidy	52,650,000
Subsidized guaranteed	(505,531,000)
Subsidy	68,550,000
Indian Tribe Land Acquisition Loans	(2,000,000)
Subsidy	118,400
Emergency Disaster Loans	(25,000,000)
Subsidy	3,362,500
Boll Weevil Eradication Loans	(100,000,000)

The conference agreement includes bill language that breaks out the direct loan and subsidy amounts as proposed by the House.

The conference agreement provides \$280,595,000 for administrative expenses of which \$272,595,000 shall be transferred to the Farm Service Agency for this purpose as proposed by the Senate instead of \$282,769,000 for administrative expenses of which \$274,769,000 shall be transferred as proposed by the House.

The conference agreement includes bill language providing that the Committees on Appropriations are to be notified at least 15 days in advance of any transfer of funds as proposed by the House instead of language requiring prior approval as proposed by the Senate.

RISK MANAGEMENT AGENCY

The conference agreement provides \$74,752,000 for the Risk Management Agency (RMA) instead of \$75,142,000 as proposed by the House and \$73,752,000 as proposed by the Senate.

CORPORATIONS

COMMODITY CREDIT CORPORATION FUND

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The conference agreement includes the account heading “(Limitation on Expenses)” as proposed by the Senate. The House had no such heading.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The conference agreement provides \$730,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the Senate instead of \$736,000 as proposed by the House.

NATURAL RESOURCES AND CONSERVATION SERVICE

CONSERVATION OPERATIONS

The conference agreement provides \$779,000,000 for Conservation Operations instead of \$782,762,000 as proposed by the House and instead of \$807,454,000 as proposed by the Senate, of which not less than \$8,515,000 is for snow survey and water forecasting as proposed by the Senate instead of \$7,137,000 as proposed by the House; not less than \$9,849,000 is for operation and establishment of plant materials centers as proposed by the Senate instead of \$9,349,000 as proposed by the House; and, not less than \$21,500,000 for the grazing lands conservation initiative instead of \$20,000,000 as proposed by the House and \$23,000,000 as proposed by the Senate.

The conference agreement does not provide \$30,500,000 for conservation reserve program (CRP) technical assistance as proposed by the House; nor do the conferees include House language directing the Secretary to spend up to \$8,500,000 from CCC Section 11 for CRP technical assistance. The conference agreement includes a provision that allows the Secretary to transfer up to \$13,000,000 from the environmental quality incentives program for CRP technical assistance instead of \$26,000,000 as proposed by the Senate.

The conferees note that the CCC Section 11 cap was recently revised upwards from \$36,208,700 to \$56,102,700. The conferees strongly encourage the Secretary, in addition to the funds available for transfer from the environmental quality incentives program, to use CCC Section 11 funds to ensure that CRP technical assistance is fully funded in fiscal year 2002.

In addition to the items in the House and Senate reports that are not changed by the conference agreement, funding is included for the following items: \$300,000 for the Sand Mountain Water Quality Project (AL); \$150,000 for the Central Alabama/Birmingham Water Quality Initiative; \$200,000 for the Gulf Coast Water Quality/conservation initiative (AL); Juneau and Glennallen Offices (AK) \$250,000; \$500,000 to staff each Soil and Water Conservation District (AK); \$375,000 for the Little Red River Irrigation Project (AR); \$125,000 for the Walnut Bayou Irrigation Project (AR); \$150,000 for the Upper Petit Jean Watershed Project (AR); \$375,000 for agriculture enhancement/open space (CA); Manatee Agriculture Reuse System (FL) \$500,000; Georgia Agricultural Water Conservation Initiative \$500,000; Little Wood River Irrigation District Delivery System (ID) \$500,000; conversion to sprinkler irrigation (ID) \$500,000; Hungry Canyon/Loess Hills Erosion Control (IA) \$800,000; \$200,000 for CEMSA with Iowa Soybean Association; Soil erosion control/soil survey (KY) \$1,700,000; Golden Meadows PMC (LA) \$344,000; Barataria-Terrebonne National Estuary Program (LA) \$125,000; Lyon Canyon Creek Drainage Improvement-Taylorsville (MS) \$400,000; Cattle and nutrient management (MS) \$475,000; Chickasaw River-Quitman Planning and Design (MS) \$75,000; Choctaw County Feasibility Study for surface impoundment (MS) \$75,000; Mill Creek Watershed channel modification—Magee (MS) \$900,000; Jamie Whitten PMC (MS) \$275,000; Wildlife Management Institute (MS) \$5,609,000, an increase of \$900,000; Lake Tahoe Basin Soil Conservation Project (CA/NV) \$350,000; Westchester County SWCD (NY) \$325,000; \$200,000 for the refinement, integration, and implementation of computer tools to improve nutrient management planning on dairy farms (NY); \$130,000 for a cooperative agreement with Pace University (NY); Red River Flood Prevention/Environmental Research Center (ND) \$700,000; Oregon Garden, Silverton (OR) \$325,000; Advanced Wetland Plant Research-Hillsboro (OR) \$125,000; study to characterize land use change-Clemson University (SC) \$550,000; GIS based model (SC) \$600,000; field office telecommunications pilot program (TX) \$3,000,000; and Great Lakes Basin Program for Soil and Erosion Sediment \$1,250,000.

The conferees provide \$100,000 for the Weed It Now initiative in the southern Taconic Mountains of Massachusetts, New York and Connecticut.

The conferees provide \$3,000,000, the same amount as fiscal year 2001, for matching funds to the National Fish and Wildlife Foundation. This Federal financial assistance shall be advanced without regard to when expenses are incurred for projects on or benefiting the mission of the Natural Resources Conservation Service.

The conferees continue funding for the Texas plant materials centers at not less than the fiscal year 2001 funding levels.

The conference agreement provides \$250,000 as proposed by the Senate instead of \$150,000 as proposed by the House, for a cooperative agreement with the Wisconsin State Department of Agriculture to expand the Wisconsin grazing lands initiative to augment the funding that this initiative is receiving through the environmental quality incentives program.

The conference agreement provides \$5,000,000, the same as fiscal year 2001, for the continued implementation and acceleration of pilot projects for innovative technology systems resulting in a 75 percent reduction in nutrients of wastewater discharged by animal feeding operations to be managed by Farm Pilot Project Coordination, Inc. The Secretary is directed to release these funds after submitting a report to the Committees on Appropriations that a satisfactory cooperative agreement between the NRCS and Farm Pilot Project Coordination, Inc. has been consummated.

The conference agreement does not include \$1,250,000 for the Seward/Resurrection River North Forest Acres (AK) as proposed by the Senate, or \$1,500,000 for field telecommunications pilot program (NM) as proposed by the House.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides \$10,960,000 for Watershed Surveys and Planning as proposed by the Senate instead of \$11,030,000 as proposed by the House.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides \$106,590,000 for Watershed and Flood Prevention Operations instead of \$111,143,000 as proposed by the House and \$100,413,000 as proposed by the Senate. The conference agreement includes \$15,000,000 for watersheds authorized under the Flood Control Act of 1936 as proposed by the Senate instead of \$10,000,000 as proposed by the House.

The conferees provide funds for continuing work in connection with the Hickory Creek, Marthasville, West Fork of Big Creek, East Fork of Grand River, McKenzie Creek, Upper Locust Creek, Troublesome Creek, and East Yellow Creek, Missouri.

The conferees provide funds for the following projects in Mississippi: to finish the installation of the remaining channel work on Coonewah Creek, Lee County; for flood control in the Pearl River Basin, Dry Creek watershed, Marion County; for installation of grade stabilization structures in the Skuna River; to provide bank stabilization structures in the Strayhorn Creek Watershed; and for the study, planning and design of flood water retarding structures in the Pellaphalia Creek Watershed, Carthage.

WATERSHED REHABILITATION PROGRAM

The conference agreement includes a new account for the Watershed Rehabilitation Program and provides \$10,000,000 as proposed by the Senate. The House had a similar provision under Watershed Flood Prevention Operations. The conferees expect that priorities under this program be given only to those structures which pose the highest risk to life and property.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides \$48,048,000 for Resource Conservation and Development as proposed by the Senate instead of \$48,361,000 as proposed by the House.

The conference agreement includes funds to maintain funding for the eight councils that were funded out of the Fund for Rural America in fiscal year 2001. The conferees provide \$1,125,000 for pay cost as proposed by the Senate instead of \$1,438,000 as proposed by the House. The conference agreement includes \$1,000,000 to bring the per council allocation closer to the \$161,000 level recommended by USDA, and \$3,000,000 to fund the maximum number of pending applications for new councils that the \$3,000,000 will allow.

FORESTRY INCENTIVES PROGRAM

The conference agreement provides \$6,811,000 for the Forestry Incentives Program instead of \$7,811,000 as proposed by the Senate.

The conferees note authorization under the Forestry Incentives Program for removal and site preparation for replanting on private lands which may serve to reduce the potential of wildfires and directs the agency, where appropriate, to provide resources for that purpose, utilizing flexibility regarding minimum productivity requirements.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides \$623,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of \$628,000 as proposed by the House.

The conferees expect the Department to give consideration to the following requests for assistance from rural development programs: community facilities grant for the transfer of the Audubon Sugar Institute at the Louisiana State University Agricultural Center; funding for the International Agri-Center, Inc. in Tulare, California; assistance from the distance learning and telemedicine program to the Commonwealth of Kentucky for the Kentucky Telehealth Network, to expand telemedicine services in rural Kentucky; funding for a feasibility study of the Public Market project in Springfield, MA; assistance from community facilities loan and grant programs to build a Regional Health Center by the Community Medical Centers of Fresno, CA; assistance from the rural business opportunity grant program for the Appalachian Information Technology Partnership (WV); assistance for the Women in Technology Project, Hawaii and Wisconsin; assistance to deal with the deteriorating situation that exists within the Pascoag Utility District, RI, due to contamination of the District's groundwater; assistance to the City of Nanticoke, PA for a Downtown Redevelopment Initiative; assistance for the development of sewer service in Kinsman Township, OH; assistance for a wastewater treatment upgrade in Columbiana, OH; a guaranteed business and industry loan for Fayette, AL; Montana Rural Business Accelerator, MT; and assist-

ance for extension of water lines in Lake Milton and Craig Beach, OH.

The conferees note the important work provided through the National Rural Development Partnership, and its associated State Rural Development Councils, and encourage the Department to continue support for these efforts from within available funds.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides \$806,557,000 for the Rural Community Advancement Program (RCAP) instead of \$767,465,000 as proposed by the House and \$1,004,125,000 as proposed by the Senate.

The conference agreement does not include Senate language that specifies program levels within the total made available under the RCAP for assistance to Federally Recognized Native American Tribes. The conferees are aware of housing, utility, business opportunity, and educational infrastructure needs and direct the Department to allocate program benefits in a manner that best serves the requirements of this population, but expect that up to \$4,000,000 shall be available for community facilities grants to tribal colleges.

The conference agreement adopts Senate language providing \$24,000,000 for rural and native villages in Alaska.

The conference agreement adopts Senate language providing for up to one percent of funds provided for water and waste disposal systems in Alaska for program administration and up to one percent to improve interagency coordination instead of one percent as proposed by the House.

The conference agreement provides \$17,465,000 for technical assistance grants for rural water and waste systems.

The conferees provide bill language that of the funds provided for technical assistance for rural water and waste systems, \$5,250,000 be designated for Rural Community Assistance Programs.

The conference agreement adopts language setting aside \$11,000,000 for the circuit rider program and expects that this will provide sufficient funds for a third circuit rider in approximately 15 states, including Mississippi.

The conference agreement adopts Senate language setting aside \$25,000,000 for facilities in rural communities with extreme unemployment and severe economic depression.

The conference agreement adopts Senate language setting aside \$30,000,000 for grants in rural communities with extremely high-energy costs.

The conference agreement adopts Senate language allowing funds provided for guaranteed business and industry loans to be transferred for direct business and industry loans as deemed necessary by the Secretary.

The conferees are aware that raw sewage is spilling into the Talkeetna River, Alaska, and threatens to contaminate the City of Talkeetna's drinking water supply because the sewer system has failed. Within the funds provided for water and waste disposal systems for rural and native villages in Alaska, the managers expect adequate funds to be made available to make emergency and per-

manent repairs to bring the system into compliance with applicable federal and state clean water requirements.

The following table indicates the distribution of funding for the RCAP:

Community Facilities	\$83,545,000
Business-Cooperative Development	76,500,000
Water and Waste	646,512,000
Total	806,557,000
Federally Recognized Native American Tribes	24,000,000
Rural Community Development Initiative	6,000,000
Technical Assistance for Rural Transportation	500,000
Mississippi Delta	2,000,000
Colonias	20,000,000
Alaska Villages	24,000,000
Technical Assistance	17,465,000
Circuit Rider	11,000,000
EZ/EC and REAP	37,624,000
Economic impact initiative grants	25,000,000
High energy costs grants	30,000,000

RURAL DEVELOPMENT SALARIES AND EXPENSES

The conference agreement provides \$133,722,000 for Rural Development Salaries and Expenses as proposed by the Senate instead of \$134,733,000 as proposed by the House.

The conferees have provided \$200,000, within available funds, for the Alaska State office to maintain existing field offices, to establish an Assistant State Director position and new field offices to be collocated to the maximum extent possible with the Natural Resources Conservation Service. A staffing plan for the Alaska State office should be submitted by the Rural Development Agency to the Committees on Appropriations no later than December 15, 2001.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of \$245,887,000 for activities under the Rural Housing Insurance Fund Program Account instead of \$243,887,000 as proposed by the House and \$247,887,000 as proposed by the Senate. The conference agreement provides for an estimated loan program level of \$4,485,846,000 instead of \$4,470,648,000 as proposed by the House and \$4,501,044,000 as proposed by the Senate.

The conference agreement adopts Senate language providing for a transfer of \$422,241,000 to salaries and expenses instead of \$422,910,000 as proposed by the House.

The conference agreement adopts House language that allows up to \$5,986,197 to be transferred from the section 515 rental housing program to the rental assistance program for emergency designations.

The conferees are aware of the storm damage that occurred in Oklahoma on October 9, 2001, and urge the Secretary to give high priority to section 502 loan and grant applications for housing reparations.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Housing Insurance Fund Program Account:

Loan authorizations:	
Single family (sec. 502)	(\$1,079,848,000)
Unsubsidized guaranteed	(3,137,968,000)
Rental housing (sec. 515)	(114,068,000)
Multi-family housing guarantees (sec. 538)	(99,770,000)
Housing repair (sec. 504)	(32,324,000)
Credit sales of acquired property	(11,778,000)
Site loans (sec. 524)	(5,090,000)
Self-help housing land development fund	(5,000,000)

Total, Loan authorizations	(4,485,846,000)
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Loan subsidies:

Single family (sec. 502)	142,108,000
Unsubsidized guaranteed	40,166,000
Rental housing (sec. 515)	48,274,000
Multi-family housing guarantees (sec. 538)	3,921,000
Housing repair (sec. 504)	10,386,000
Credit sales of acquired property	750,000
Site loans (sec. 524)	28,000
Self-help housing land development fund	254,000

Total, Loan subsidies	245,887,000
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RHIF administration expenses (transfer to RD)	422,241,000
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RENTAL ASSISTANCE PROGRAM

The conference agreement provides \$701,004,000 for the Rental Assistance Program instead of \$693,504,000 as proposed by the House and \$708,504,000 as proposed by the Senate.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides \$35,000,000 for Mutual and Self-Help Housing Grants as proposed by the Senate and \$33,925,000 as proposed by the House.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides \$31,431,000 for the Farm Labor Program Account as proposed by the House instead of \$28,431,000 as proposed by the Senate.

The conference agreement provides \$13,464,000 for loan subsidies and \$17,967,000 for grants, of which \$15,000,000 is for farm labor housing grants and \$2,967,000 is for grants for migrant and seasonal farmworkers.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement adopts Senate language providing for a transfer of \$3,733,000 to salaries and expenses instead of \$3,761,000 as proposed by the House.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides \$7,750,000 for Rural Cooperative Development Grants instead of \$7,500,000 as proposed by the House and \$8,000,000 as proposed by the Senate.

The conference agreement adopts House language providing \$2,500,000 for the appropriate technology transfer for rural areas program instead of \$2,000,000 as proposed by the Senate.

The conference agreement adopts Senate language providing not to exceed \$1,497,000 for cooperatives or associations of cooperatives, whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

The conference agreement adopts Senate language that makes funds available for grants authorized by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of \$2,036,000 for activities under the Rural Electrification and Telecommunications Loans Program Account. The conference agreement provides for an estimated loan program level of \$4,565,934,000 as proposed by the Senate instead of \$4,610,292,000 as proposed by the House.

The conference agreement adopts Senate language providing for a transfer of \$36,000,000 to salaries and expenses instead of \$36,322,000 as proposed by the House. Included in this amount is an increase of \$400,000 for additional administrative expenses due to the recommended loan levels in the electric treasury rate and FFB accounts.

The following table indicates loan and subsidy levels provided in the conference agreement:

Rural Electrification and Telecommunications Loans Program Account:

Loan authorizations:

Electric:

Direct, 5 percent	(\$121,107,000)
Direct, Muni	(500,000,000)
Direct, FFB	(2,600,000,000)
Direct, Treasury rate	(750,000,000)
Guaranteed	(100,000,000)
Subtotal	<u>(4,071,107,000)</u>

Telecommunications:

Direct, 5 percent	(74,827,000)
Direct, Treasury rate	(300,000,000)
Direct, FFB	(120,000,000)
Subtotal	<u>(494,827,000)</u>

Total, loan authorizations	<u>(4,565,934,000)</u>
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Loan subsidies:

Electric:

Direct, 5 percent	3,609,000
Direct, Muni	(1)
Direct, FFB	(1)

Direct, Treasury rate	(1)
Guaranteed	80,000
Subtotal	3,689,000
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Telecommunications:	
Direct, 5 percent	1,736,000
Direct, Treasury rate	300,000
Direct, FFB	(1)
Subtotal	2,036,000
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Total, loan subsidies	5,725,000
RETLP administrative expenses (transfer to RD)	36,000,000
Total, Rural Electrification and Telecommunications Loans Program Account	41,725,000

¹ Negative subsidy rates for fiscal year 2002 are calculated for these programs.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides \$3,737,000 for the Rural Telephone Bank Program Account as proposed by the Senate instead of \$2,584,000 as proposed by the House.

The conference agreement adopts Senate language providing for a transfer of \$3,082,000 to salaries and expenses instead of \$3,107,000 as proposed by the House.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

The conference agreement provides \$49,441,000 for the Distance Learning and Telemedicine Program instead of \$26,941,000 as proposed by the House and \$51,941,000 as proposed by the Senate.

The conference agreement includes language setting aside \$22,500,000 to finance broadband transmission and local dial-up service in rural areas, of which at least \$12,500,000 is to be made available for grants to carry out this program.

The conference agreement provides for an estimated loan program level of \$300,000,000 for distance learning and telemedicine loans and \$80,000,000 for broadband telecommunication loans.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

The conference agreement provides \$20,000,000 for the Local Television Loan Guarantee Program instead of \$25,000,000 as proposed by the Senate. The House bill provided no funds for this account. The conference agreement provides for an estimated loan program level of \$258,065,000 instead of \$322,580,000 as proposed by the Senate.

The conference agreement adopts Senate language providing for a transfer of \$2,000,000 to salaries and expenses.

TITLE IV—DOMESTIC FOOD PROGRAMS

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

The conference agreement provides \$587,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services as

proposed by the Senate instead of \$592,000 as proposed by the House.

The conferees direct the Department to provide \$100,000 to the State of New York for a pilot program to provide wireless equipment and services capable of supporting Food Stamp Electronic Benefit Transfer transactions in farmers' markets authorized by the Department and operating in the State of New York. The conference agreement does not include language relating to the use of WIC Electronic Benefit Transfer funds for state initiatives to implement pilot programs relating to wireless purchases at farmers' markets.

The conferees are concerned about the effect of rising food and labor costs on school meal programs, and request a report to the Committees on Appropriations on USDA plans to address this subject by June 30, 2002, instead of by January 31, 2002 as proposed by the House. The response should address all requirements as proposed by the House under this account and by the Senate as proposed in the Child Nutrition Program account.

The conference agreement includes \$10,000,000 under the Commodity Assistance Program to carry out the Senior Farmers Market Program in fiscal year 2002. While this action indicates strong support on the part of the conferees for this program, it does not replace expectations that the Secretary will consider these funds supplemental to resources of the Commodity Credit Corporation, as provided by the Department in fiscal year 2001. In addition, the conferees fully expect the Secretary to work with the appropriate authorization committees to establish this program under law.

The conferees recognize that childhood obesity and adult diseases in children, such as type II diabetes of which poor nutrition is the major contributing factor, have become a serious problem. In response, the conferees believe that nutrition education is crucial to the health and well-being of our nation's children, and the Department should have a significant nutrition education program in our schools, including through in-school educational networks and school menus. Therefore, the conferees urge the Secretary to put an increased emphasis on nutrition education and training.

The conferees are concerned about the nutritional status and obesity levels of our nation's children and are aware of recent studies that indicate a nutritionally adequate diet, which includes increased amounts of quality, fresh produce, is integral to better health and educational preparedness. In order to improve efficiencies and increase levels of fresh produce available to children, the conferees expect the Department to analyze the current levels of fresh produce in its nutrition programs, including the school lunch program, review its method of transportation and efficiency of distribution utilizing Defense facilities, and undertake outreach efforts to increase produce purchases under sections 4 and 11 of the National School Lunch Act and report back to the Committees on Appropriations no later than 120 days after enactment of this Act.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides \$10,087,246,000 for Child Nutrition Programs as proposed by the Senate instead of \$10,088,746,000 as proposed by the House.

Included in this amount is an appropriated amount of \$4,914,788,000 and a transfer from section 32 of \$5,172,458,000. The transfer amount from section 32 was changed due to updated information available from the Department. Included in the appropriated amount is \$500,000 for a school breakfast pilot project in Wisconsin, as proposed by the Senate. The House had no similar provision.

The conference agreement does not include \$2,000,000 for a National School Lunch Program integrity study as proposed by the House. This study is funded under the Food Program Administration account, as proposed by the Senate.

The conference agreement provides the following for Child Nutrition programs:

Total obligational authority

Child Nutrition Programs:	
School lunch program	\$5,759,232,000
School breakfast program	1,579,752,000
Child and adult care food program	1,878,179,000
Summer food service program	325,341,000
Special milk program	15,940,000
State administrative expenses	129,929,000
Commodity procurement and support	381,877,000
School meals initiative/Team nutrition	9,991,000
Coordinated review effort	4,507,000
Food safety education	1,998,000
School breakfast pilot project	500,000
Total	10,087,246,000

The conference agreement does not include language relating to study of the effect of rising food and labor costs on school-based child nutrition programs as proposed by the Senate under this account. The conferees request such information under the account of the Office of the Under Secretary for Food, Nutrition and Consumer Services.

The conferees recommend that the Secretary continue the pilot program with the Alisal Union School District in Salinas, California to combine the administration of the summer food service program and the school lunch program.

The conferees are encouraged that the Food and Nutrition Service has made progress on assisting schools with enforcing the Buy American provisions of the Richard B. Russell National School Lunch Act. The conferees are concerned, however, that guidance material being drafted by the agency conflicts with guidance provided on other procurement issues. Accordingly, FNS is directed to ensure that all guidance documents and other material on this topic follow the agency's current procurement principles and not distinguish between the sources of funds used to conduct a procurement.

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

The conference agreement provides \$4,348,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) instead of \$4,137,086,000 as proposed by the House and \$4,247,086,000 as proposed by the Senate.

The conference agreement provides that the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of enactment of this Act, and that the Secretary may obligate up to an additional \$15,000,000 for this program from funds not needed to meet caseload requirements.

The conference agreement provides that \$10,000,000 shall be available for infrastructure, and that up to an additional \$4,000,000 shall be available for this purpose from funds not needed to meet caseload requirements. The House had proposed \$10,000,000 for infrastructure and the Senate had proposed \$14,000,000. The conferees encourage the Department to continue funding for WIC Electronic Benefit Transfer at the current level of \$6,000,000 from within infrastructure funding.

The conference agreement does not include a provision relating to senior farmers market nutrition activities, as proposed by the House. The Senate had no similar provision.

The conference agreement does not include a provision that allows fiscal year 2001 WIC carryover funds in excess of \$110,000,000 to be transferred to the Rural Community Advancement Program as proposed by the Senate.

The conferees agree to the WIC infant formula study as proposed by the Senate. The conferees direct that this study be conducted by the GAO instead of the Secretary of Agriculture.

In view of the potential increase in WIC participation levels, the conferees direct the Department to notify the Committees on Appropriations on funds obligated to support the WIC farmers' market and infrastructure programs and to provide a justification for those levels of funding.

FOOD STAMP PROGRAM

The conference agreement provides \$22,991,986,000 for the food stamp program as proposed by the Senate instead of \$21,991,986,000 as proposed by the House. Included in this amount is a reserve of \$2,000,000,000 as proposed by the Senate instead of a reserve of \$1,000,000,000 as proposed by the House.

The conference agreement includes a Senate provision limiting obligations of reserved funds for Employment and Training programs made available in previous fiscal years to \$145,000,000.

The conference agreement includes a Senate provision allowing for purchase of bison meat, in an amount not to exceed \$3,000,000, for the Food Distribution Program on Indian Reservations (FDPIR).

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides \$152,813,000 for the Commodity Assistance Program, as proposed by the House, instead of \$139,991,000 as proposed by the Senate. Included in that amount

is \$50,000,000 for administration of TEFAP, and \$102,813,000 for the Commodity Supplemental Food Program.

The conference agreement provides that \$20,820,000 of this appropriation shall be available for administrative expenses of the Commodity Supplemental Food Program, instead of \$21,820,000 as proposed by the House. The Senate had no similar provision.

The conference agreement provides \$10,000,000 for funding of senior farmers' market activities. The House proposed funding for that purpose of up to \$15,000,000 from funds not needed to maintain caseload. The Senate included language that encouraged funding for this purpose through the Commodity Credit Corporation.

The conference agreement rescinds \$3,300,000 of unobligated balances available at the beginning of fiscal year 2002, instead of \$5,300,000 as proposed by the Senate. The House had no similar provision.

The conference agreement provides \$5,000,000 in additional funding to support the participation of five new states in the Commodity Supplemental Food Program (CSFP). These states, Missouri, Wisconsin, North Dakota, South Dakota, and Pennsylvania, have CSFP-approved plans and await funding. The conferees expect that funding to support the state of Washington, which joined the program in late fiscal year 2001, be continued.

FOOD DONATIONS PROGRAM

The conference agreement provides \$150,749,000 for the Food Donations Program as proposed by the Senate instead of \$160,749,000 as proposed by the House. Included in this amount is \$149,668,000 for the Elderly Feeding Program, as proposed by the House, instead of \$149,670,000 as proposed by the Senate. For the needy family program, the conference agreement provides \$1,081,000, instead of \$1,079,000 as proposed by the Senate.

FOOD PROGRAM ADMINISTRATION

The conference agreement provides \$127,546,000 for Food Program Administration as proposed by the Senate instead of \$126,656,000 as proposed by the House. Included in this amount is not less than \$6,500,000 to improve integrity in the Food Stamp Program and Child Nutrition Program as proposed by the Senate instead of not less than \$4,500,000 as proposed by the House. The House had proposed funding of \$2,000,000 for integrity studies under the Child Nutrition Program account; the conference agreement provides that funding under the FPA account.

The conference agreement includes \$3,000,000 for research, evaluation, and assessment activities and \$1,800,000 to improve FNS information technology. As deemed necessary for the proper administration of the nutrition assistance programs by the Agency, additional recurring studies, evaluations, and program information collections may be undertaken with the amount appropriated herein.

The conferees direct that food program studies and evaluations work must be done in accordance with the statutes governing Federal nutrition assistance programs. These statutes, Section 17 of the Food Stamp Act of 1977, Section 6 of the Richard B. Russell National School Lunch Act, and Section 17 of the Child Nutrition

Act of 1966, authorize the use of funds to evaluate and improve the effectiveness of Federal nutrition assistance programs.

The conferees request a report on all integrity studies underway or anticipated for start in fiscal year 2002. This report should include a description of the study purpose, duration, cost, and note whether the study is being conducted by FNS staff or by a contractor. The conferees request that this report be submitted to the Committees on Appropriations by February 1, 2002.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$121,813,000 for the Foreign Agricultural Service instead of \$122,631,000 as proposed by the House and instead of \$121,563,000 as proposed by the Senate.

The conference agreement contains a provision prohibiting the disbursal of funds to any rice trade association when the applicable international agreement for such activity is not in effect as proposed by the House.

The conferees are concerned with the current international terrorism crisis and its effect on commodity assistance programs in Southwest Asia and North Africa. Accordingly, the conferees encourage the Foreign Agricultural Service to prioritize its activities with the goal of assisting those countries, including Egypt and Jordan, and other nations that are actively engaged and assisting the U.S. Government in its efforts to combat terrorism.

The conferees are concerned with the recent discovery of BSE in Japan as Japan accounts for almost \$2 billion, approximately 50%, of U.S. beef exports. Even though U.S. beef remains BSE-free, there is rising concern that the discovery of BSE in Japan is resulting in reduced consumption of beef, and subsequently impacting sales of U.S. beef to Japan. The conferees strongly encourage the Secretary to use the Foreign Market Development program to assist the U.S. beef industry in promoting U.S. beef to Japanese consumers.

PUBLIC LAW 480 TITLE I AND TITLE II PROGRAM AND GRANT ACCOUNTS

The conference agreement provides \$126,409,000 for the Title I Program Account instead of \$122,600,000 as proposed by the House and \$130,218,000 as proposed by the Senate. This funding will provide a loan authorization level of \$154,664,000 instead of \$150,000,000 as proposed by the House and \$159,327,000 as proposed by the Senate.

The conference agreement provides \$850,000,000 for Public Law 480 title II as proposed by the Senate instead of \$835,159,000 as proposed by the House.

The conference agreement provides \$972,000 for a transfer to FSA salaries and expenses as proposed by the Senate instead of \$980,000 as proposed by the House.

The following table reflects the conference agreement for Public Law 480 program accounts:

Public Law 480

Title 1—Program account:	
Loan authorization, direct	(\$154,664,000)
Loan subsidies	126,409,000
Ocean freight differential	20,277,000
Title II—Commodities for disposition abroad:	
Program level	(850,000,000)
Appropriation	850,000,000
Salaries and expenses:	
Foreign Agricultural Service (transfer to FAS)	1,033,000
Farm Service Agency (transfer to FSA)	972,000
Subtotal	2,005,000
Total, Public Law 480:	
Program level	(1,004,664,000)
Appropriation	998,691,000

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

The conference agreement includes new bill language that provides for the use of funds to be used for the shipment of commodities under the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, and that funds may be used interchangeably between the Title I program account and ocean freight differential account with prior notice to the Committees on Appropriations.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act collections, of \$1,345,386,000 for the salaries and expenses of the Food and Drug Administration, as proposed by the Senate, instead of \$1,345,289,000 as proposed by the House, and provides specific amounts by FDA activity as reflected in the following table.

Program	Budget authority	Prescription drug user fees	Total
Foods	\$312,049,000	0	\$312,049,000
Human Drugs	246,459,000	\$106,188,000	352,647,000
Biologics	120,531,000	35,344,000	155,875,000
Animal Drugs and Feeds	82,967,000	0	82,967,000
Medical Devices	179,521,000	0	179,521,000
NCTR	37,082,000	0	37,082,000
Rent and Rent-related activities	29,798,000	0	29,798,000
Other Activities	76,387,000	13,944,000	90,331,000
Rental Payments to GSA	98,876,000	6,240,000	105,116,000
Net Appropriation	1,183,670,000	161,716,000	1,345,386,000

The conference agreement provides the full budget authority increases from the fiscal year 2001 levels requested in the President's fiscal year 2002 budget for the following activities: \$15,000,000 for BSE prevention and enforcement; \$10,000,000 for

adverse event monitoring and reporting; \$10,000,000 for human subject protection; \$9,400,000 for food safety activities; and \$10,297,000 for inspections and import monitoring.

The conference agreement provides an increase of \$45,200,000 over the fiscal year 2001 level to fund pay cost increases as proposed by the House instead of \$40,000,000 as proposed by the Senate.

For other increases requested in the President's fiscal year 2002 budget, the conferees provide: \$4,000,000 for the move of the Center for Drug Evaluation and Research to White Oak, Maryland; and \$3,100,000 for financial management system priorities. The conferees direct that the priority use of the financial management system funds will be to support streamlining and centralizing FDA's existing financial management systems, rather than beginning investment in a new financial system.

The conference agreement provides increases for the generic drugs program and generic drug education, as proposed by both the House and the Senate. The conferees direct an increase of \$2,500,000 above the fiscal year 2001 level for the generic drug program. This amount includes a \$250,000 increase for generic drug education activities, for a total of \$400,000 in fiscal year 2002 funding for that purpose.

The conference agreement provides an increase of \$3,000,000 for activities related to antibiotic drugs. The conference agreement does not include a proviso that \$5,000,000 may be for activities carried out with respect to antibiotic drugs, as proposed by the House. The Senate had no similar provision.

The conference agreement does not include a proviso that \$250,000 may be for activities carried out with regard to food labeling, as proposed by the House. The Senate had no similar provision.

In addition, the conference agreement provides increases from the fiscal year 2001 levels of \$1,500,000 for dietary supplement adverse event monitoring, instead of \$2,000,000 as proposed by the Senate; \$1,000,000 to continue work carried out by the FDA in collaboration with the National Center for Natural Products Research to identify and analyze botanical ingredients in dietary supplements, as proposed by the Senate; \$500,000 for a gene tracking system, as proposed by the Senate; \$500,000 for dietary supplement activities relating to enforcement purposes, instead of \$1,000,000 as proposed by the Senate; and \$1,000,000 for the orphan product grant program, instead of \$2,000,000 as proposed by the Senate. The \$1,000,000 increase for the orphan product grant program includes \$850,000 for orphan product grants and \$150,000 for administrative expenses. The House had no similar proposals.

The conferees continue the fiscal year 2001 level of funding for FDA to continue its contract with New Mexico State University's Physical Science Laboratory to conduct method evaluation of rapid testing methods of fresh fruits and vegetables for microbial contamination.

The conference agreement provides an increase of \$500,000 for the Office of Women's Health, instead of \$700,000 as proposed by the House. The Senate language did not provide an increase. The conferees are concerned that the FDA has paid insufficient atten-

tion to gender-based research. The conferees direct that the agency develop an agency-wide database focused on women's health activities to include demographic data on clinical trials. The conferees require a report to the Committees by June 3, 2002, which should include an update on the current pilot program and a capability assessment of the agency's ability to review clinical trial databases, coordinate data collection, and identify areas in which gaps exist.

The conference agreement does not include a provision that an additional \$2,950,000 is available for drug reimportation activities, after certain requirements are met, as proposed by the House. The Senate had no similar provision.

The conference agreement includes language relating to the credit of user fees, as proposed by the Senate. The House included similar language.

The conference agreement provides that fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation as proposed by the Senate. The House had no similar provision.

The conference agreement directs that no funds be used to develop or establish user fee programs, as proposed by the Senate. The House had no similar provision.

The conferees include program specifications and allow funds to be transferred from one specified activity to another with prior approval of the Committees on Appropriations, as proposed by the Senate. The House had no similar provision.

The conferees request a report to the Committees on Appropriations from FDA on FDA's plans to promulgate regulations to prevent cross-contamination of foods by undeclared allergens. The report is due March 1, 2002, instead of December 31, 2001, as proposed by the House.

The conferees direct the Secretary of Health and Human Services to submit a report to the Committees on Appropriations on the administration of the National Antimicrobial Resistance Monitoring System (NARMS) by May 1, 2002, instead of March 1, 2002, as proposed by the House. This report should include a breakout of all FDA funds allocated to NARMS, other funding sources, overhead costs, and the activities of the NARMS program, including inter-agency agreements and interactions with non-governmental institutions.

The conferees expect that FDA will continue its work with the Interstate Shellfish Sanitary Commission (ISSC) to promote educational and research activities related to shellfish safety in general, and *Vibrio vulnificus* in particular. The conference agreement directs the use of \$250,000 for this effort from within sums provided for food safety, the same amount proposed by the House and instead of \$200,000 as proposed by the Senate. In addition, the conferees direct that the FDA continue to devote not less than \$200,000 to its efforts in working with the ISSC on assuring the safety and quality of shellfish and development of shellfish regulations, as proposed by the House.

The conference agreement includes a requirement for a report on shellfish safety goals, due to the Committees on Appropriations by December 1, 2002, instead of by March 1, 2002 as proposed by the Senate.

The conferees direct that at least \$2,100,000 of the funds appropriated for FDA activities be used in support of Codex Alimentarius activities, as proposed by the Senate.

The conferees provide \$1,000,000, from within the funds for food safety, to analyze risks associated with biotech foods used for animal feeds, as proposed by the Senate.

The conferees are aware that a small but growing percentage of the population is allergic to latex. While many individuals sensitized to latex may never experience symptoms, severe reactions may be lethal. The FDA states in the 1999 Food Code—Annex 3 that there have been reports of individuals experiencing an allergic reaction from eating food prepared by food handlers wearing latex gloves. Given this, the conferees direct the FDA to report back within nine months of the enactment of this Act on the incidence of latex allergies related to food handling, FDA's monitoring of the situation, and agency plans to eliminate exposure to latex from food handling if data warrants such a decision. The conferees also encourage FDA to consider adding latex to its priority list of food allergens.

The conferees are aware that FDA has proposed rules that include a prohibition on pooling tissue from multiple donors, but allow a waiver under certain circumstances. According to the FDA, these rules are designed to "prevent the introduction, transmission, and spread of communicable diseases." The conferees believe that FDA should only consider granting waivers from the pooling prohibition if it can be demonstrated that the products are as safe, pure, and potent as tissue products that have been processed without pooling. The conferees urge the agency to continue to encourage medical and technological innovation, and to employ a balanced, science-based process to evaluate applications for waivers, with the ultimate goal of ensuring patient safety. The conferees direct FDA to provide the Committees on Appropriations with quarterly reports on the status of such waivers.

The conferees are aware that FDA has never issued Current Good Manufacturing Practice (CGMP) regulations for medical oxygen and other medical gases despite the fact that the agency intended to do so in 1978. The conferees are concerned that FDA's interpretation of CGMP requirements pertaining to the validation of Air Separation Units (ASUs) would benefit from more extensive comment from, and interaction with, the regulated industry. Therefore, the conferees strongly encourage FDA to develop draft guidance on medical gas CGMPs that addresses ASU validation requirements and to report to the Committees on Appropriations regarding the status of these guidelines within six months of the enactment of this Act. The guidance development process should be fully consistent with the agency's good guidance practices and should allow for extensive industry input and interaction. In addition, FDA would be expected to address and respond to each significant comment received as it would in a rulemaking process.

The conferees note that the Food and Drug Administration has received a petition requesting the promulgation of a new standard of identity for yogurt. The conferees agree that the petition should be given full consideration and request the agency to submit a status report on this matter by June 1, 2002.

The conferees strongly encourage FDA to make the availability of safe, effective animal drugs a priority for the agency. FDA should focus on reviewing animal drug applications in a timely, efficient manner with high quality standards. The conferees urge the agency to take action to meet statutory time frames for animal drug application review and to report on its performance to the Committees on Appropriations prior to the fiscal year 2003 appropriations hearings.

Consistent with its continuing interest in the appropriate labeling of irradiated food products, the conferees direct the FDA to report to the Committees on Appropriations by February 1, 2002, on the outcome of recent focus groups regarding the labeling of irradiated food products and to report on how the results will be integrated into future rulemaking decisions.

The conferees are familiar with concerns that have been expressed regarding the impact of regulations promulgated by the Food and Drug Administration (21 CFR Sec. 203.39) on free health care clinics. The conferees encourage the agency to continue its review of the regulations' impacts and direct the agency to include a status report on this matter when it submits its budget request for the next fiscal year.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides \$70,700,000 for the Commodity Futures Trading Commission as proposed by the House instead of \$70,400,000 as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

House and Senate Section 707.—The conference agreement (Section 707) does not include the phrase “commonly known as the Agricultural Act of 1954” as proposed by the Senate.

House and Senate Section 712.—The conference agreement includes language (Section 712) that allows the Local Television Loan Guarantee program to remain available until expended to cover obligations made in fiscal year 2002 as proposed by the Senate and technical corrections as proposed by the House.

House Section 714.—The conference agreement does not include a provision allowing the Natural Resources Conservation Service to enter into cooperative agreements as proposed by the House. This provision was made permanent in P.L. 106–387.

House Section 723 and Senate Section 722.—The conference agreement includes language (Section 722) regarding limitations on the Initiative for Future Agriculture and Food Systems as proposed by the House.

House Section 725 and Senate Section 726.—The conference agreement (Section 725) includes “Food and Drug Administration” in the title of the Appropriations Subcommittee as proposed by the House.

House Section 727 and Senate Section 729.—The conference agreement (Section 728) provides \$2,496,000 for hunger fellowships

instead of \$4,000,000 as proposed by the House and \$1,996,000 as proposed by the Senate.

House Section 728 and Senate Section 730.—The conference agreement includes permanent language (Section 729) allowing the deposit of credit card refunds and rebates in the Working Capital Fund as proposed by the House.

House Section 730.—The conference agreement includes language (Section 731) regarding authorization for the National Sheep Industry Improvement Center as proposed by the House.

House Section 731.—The conference agreement includes language (Section 732) regarding limitations on issuing a proposed rule modifying the Animal Welfare Act.

House Section 732.—The conference agreement (Section 733) makes Cabot, AR, Coachella, CA, and Berlin, NH, eligible for Rural Community Advancement Program grants and loans.

House Section 733.—The conference agreement (Section 734) makes Casa Grande, AZ as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 as proposed by the House.

Senate Section 732.—The conference agreement includes language (Section 735) that provides authority for the Secretary to use up to \$5,000,000 of funds made available under section 27(a) of the Food Stamp Act for administrative costs for the distribution of commodities as proposed by the Senate.

Senate Section 733.—The conference agreement includes language (Section 736) that allows the Secretary to transfer up to \$13,000,000 for technical assistance to implement the Conservation Reserve Program instead of \$26,000,000 as proposed by the Senate.

House Section 734 and Senate Section 734.—The conference agreement (Section 737) makes the City of St. Joseph, MO, eligible for grants and loans administered by the rural development mission area as proposed by the Senate.

House Section 735.—The conference agreement (Section 738) makes Hollister, CA as meeting the requirements of a rural area for grants and loans administered by the Rural Housing Service as proposed by the House.

Senate Section 735.—The conference agreement includes language (Section 743) that extends the eligibility of private organizations to participate in the Child and Adult Care Food Program as proposed by the Senate.

House Section 736.—The conference agreement includes language (Section 739) regarding prohibition of funds for check-off program as proposed by the House.

Senate Section 736.—The conference agreement (Section 744) provides \$150,000 for the Mallard Pointe project in Madison County, MS as proposed by the Senate.

House Section 737 and Senate Section 724.—The conference agreement includes language (Section 740) that prohibits the use of funds to close or relocate certain FDA offices in St. Louis, Missouri.

Senate Section 737.—The conference agreement includes language (Section 745) directing the Secretary to develop and implement a pilot project in the Illinois basin as proposed by the Senate.

House Section 738 and Senate Section 725.—The conference agreement includes language (Section 724) prohibiting the use of funds to reduce staff levels at certain FDA offices in Detroit, Michigan, below the July 31, 1999, levels as proposed by the Senate instead of July 31, 2000, levels as proposed by the House.

Senate Section 738.—The conference agreement (Section 746) provides \$250,000 for a wetlands restoration and water conservation project.

House Section 739.—The conference agreement (Section 741) provides \$75,000,000 for market loss payments for apple producers.

Senate Section 739.—The conference agreement (Section 747) provides \$3,000,000 of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit as proposed by the Senate.

Senate Section 740.—The conference agreement provides permanent language (Section 748) instructing the Administrator of the Rural Utilities Service to use the authorities of the Rural Electrification Act of 1936 to finance the acquisition of electricity in predominantly rural areas as proposed by the Senate.

House Section 741.—The conferees do not include a House provision prohibiting the use of funds to eliminate two river navigator positions. The conference agreement, however, does include \$204,000 under the Natural Resources Conservation Service, Conservation Operations account, fully funding those positions.

Senate Section 741.—The conference agreement includes language (Section 749) regarding marketing of raw cane sugar or beet sugar as proposed by the Senate.

House Section 742.—The conference agreement does not include language that decreases by \$6,000,000 the amount that can be spent pursuant to section 524(a) of the Federal Crop Insurance Act and increases the amount for the Watershed and Flood Prevention Operations account.

Senate Section 742.—The conference agreement (Section 750) provides not to exceed \$400,000 from available Emergency Watershed Protection Program funds in Arkansas to complete the current construction phase of the Kuhn Bayou Project as proposed by the Senate.

House Section 743.—The conference agreement does not include language prohibiting the use of funds to enforce section 801(g) of the Federal Food, Drug, and Cosmetic Act.

Senate Section 743.—The conference agreement includes language (Section 751) regarding Secure Rural Schools and Community Self-Determination Act of 2000.

House Section 744.—The conference agreement includes language (Section 742) prohibiting the use of funds from being available to any person or entity that has been convicted of violating the Buy American Act as proposed by the House.

Senate Section 744.—The conference agreement includes language (Section 752) that amends the Housing Act of 1949.

House Section 745.—The conference agreement does not include language that reduces the Agriculture Buildings and Facilities and Rental Payments account and increases the Elderly Feeding Program.

Senate Section 745.—The conference agreement includes permanent language (Section 753) making West Virginia State College eligible to receive funds under the Act of August 30, 1890, as proposed by the Senate.

House Section 746.—The conference agreement does not include language that increases the salaries and expenses of the Food and Drug Administration.

Senate Section 746.—The conference agreement includes language (Section 754) making financial and technical assistance relating to the Tanana River as proposed by the Senate.

House Section 747.—The conference agreement does not include language regarding the responsibilities of the Food and Drug Administration with respect to section 505(j) of the Federal Food, Drug, and Cosmetic Act or section 314.53(b) of title 21, Code of Federal Regulations. However, the conferees are concerned that the U.S. patent law allows pharmaceutical manufacturing companies to obtain additional patents for drugs approved by the Food and Drug Administration and submitted for listing in the *Approved Drug Products with Therapeutic Equivalence Evaluations*, or Orange Book, for changes to their products that, on the merits, may not justify the resulting high pharmaceutical costs to consumers.

The conferees note that U.S. patent law is not within the Appropriations Committees' jurisdiction. In addition, the FDA has little expertise or responsibility in the field of patent determinations. The conferees also note that the Federal Trade Commission (FTC) is doing a study on pharmaceutical industry practices relating to the Hatch-Waxman Act. The conferees do believe that additional information on this subject would be helpful to those with oversight responsibilities in this area, and request the Secretary of Health and Human Services to instruct the Food and Drug Administration to work with the FTC and provide a report on this subject to the Committees on Appropriations of the House and Senate within 8 months after completion of the FTC report. The report should provide information on FDA's evaluation of the FTC findings.

In addition, the conferees direct the Secretary to report to the Committees by March 1, 2002, on the best methods to collect and disseminate information on the nature of patent extensions that have been granted on products appearing in the Orange Book, the effect those extensions would have on costs to consumers and a societal cost/benefit analysis in regard to such extensions.

Senate Section 747.—The conference agreement includes language (Section 755) prohibiting the use of funds to the Food and Drug Administration to allow the admission of fish or fish products labeled as "catfish" unless they are from the family Ictaluridae as proposed by the Senate.

Senate Section 748.—The conference agreement includes language (Section 756) that authorizes the Secretary to accept any unused funds that were transferred to the Alaska Railroad Corporation and retransfer such funds as a direct lump sum payment to the City of Valdez as proposed by the Senate.

Senate Section 749.—The conference agreement includes language (Section 757) providing not more than \$5,000,000 of funds of the Commodity Credit Corporation to pay claims of crop damage

that resulted from the Bureau of Land Management's use of herbicides during the 2001 calendar year.

Senate Section 750.—The conference agreement includes language (Section 758) regarding a pilot program for enrollment of wetland and buffer acreage in conservation reserve as proposed by the Senate.

Senate Section 751.—The conference agreement includes language (Section 759) regarding tobacco and horses.

Senate Section 752.—The conference agreement includes language (Section 760) making sweet potatoes eligible for crop insurance.

Senate Section 753.—The conference agreement does not include a provision that requires the Secretary of Agriculture to submit a reprogramming request to address tornado damage at the Beltsville Agricultural Research Center. The conferees expect the Secretary to assess the funding requirements for repair and/or replacement of damaged or destroyed facilities, and to take appropriate action to assure that facilities needs are met.

Senate Section 754.—The conference agreement includes language (Section 761) that extends the date for citrus canker eradication payments as proposed by the Senate.

Senate Section 755.—The conference agreement does not include language regarding Mare Reproductive Loss Syndrome. The conferees encourage the Secretary to use the APHIS contingency fund to combat Mare Reproductive Loss Syndrome in Kentucky.

Senate Section 756.—The conference agreement includes language (Section 762) that allows the Secretary to make grants to state agencies for use by regulatory commissions in states with rural communities without local dial-up Internet access or broadband service to establish a competitively, technologically neutral grant program.

Senate Section 757.—The conference agreement includes language (Section 763) regarding the Farmland Protection Program as proposed by the Senate.

Senate Section 758.—The conference agreement (Section 764) makes the City of Caldwell, ID, eligible for grants and loans administered by the Rural Housing Service as proposed by the Senate.

Senate Section 759.—The conference agreement includes language (Section 765) that amends the Agriculture Marketing Agreement Act of 1937 as proposed by the Senate.

Senate Section 760.—The conference agreement includes language (Section 766) that amends the Richard B. Russell National School Lunch Act as proposed by the Senate.

Senate Section 761.—The conference agreement does not include language regarding West Nile Virus. The conferees encourage the Secretary to use the APHIS contingency fund to combat West Nile Virus in Illinois.

Senate Section 762.—The conference agreement (Section 767) makes the City of Mt. Vernon, WA, eligible for grants and loans administered by the Rural Housing Service as proposed by the Senate.

Section 768.—The conference agreement provides that Watershed and Flood Prevention Operation funds shall be available for

technical and financial assistance to implement the Ferry Creek Mainstream Watershed Plan in DuPage County, Illinois.

Section 769.—The conference agreement provides that Watershed and Flood Prevention Operation funds shall be available for technical and financial assistance for a lake level stabilization project in Burnett and Washburn Counties, Wisconsin.

Section 770.—The conference agreement includes language that makes any current Rural Utilities Service borrower within 100 miles of New York City eligible for additional financing, refinancing, collateral flexibility, and deferrals for telecommunications, energy or water projects.

Section 771.—The conference agreement includes language that amends section 17(r)(5) of the Richard B. Russell National School Lunch Act.

Section 772.—The conference agreement includes language that amends section 141 of the Agricultural Market Transition Act.

Section 773.—The conference agreement includes language that authorizes the Secretary to transfer refined sugar to the Southern Minnesota Beet Sugar Co-op.

Section 774.—The conference agreement includes language regarding tobacco.

Section 775.—The conference agreement includes language that amends the Competitive, Special, and Facilities Research Grant Act.

Section 776.—The conference agreement includes language that limits the program authorized by section 524(a) of the Federal Crop Insurance Act to a total of \$4,000,000 in fiscal year 2002.

Section 777.—The conference agreement includes language that amends section 501 of the Agricultural Trade Development and Assistance Act of 1954.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee on Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2001	\$76,659,577
Budget estimates of new (obligational) authority, fiscal year 2002	73,976,108
House bill, fiscal year 2002	74,359,843
Senate bill, fiscal year 2002	75,797,465
Conference agreement, fiscal year 2002	75,794,443
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	– 865,134
Budget estimates of new (obligational) authority, fiscal year 2002	+1,818,335
House bill, fiscal year 2002	+1,434,600
Senate bill, fiscal year 2002	– 3,022

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