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104TH CONGRESS; 2ND SESSION
IN THE 104TH CONGRESS
AS ENROLLED

H. R. 3603

1996 H.R. 3603; 104 H.R. 3603

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SYNOPSIS:

An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

DATE OF INTRODUCTION: JUNE 7, 1996

DATE OF VERSION: AUGUST 4, 1996 -- VERSION: 7

SPONSOR(S):

Sponsor not included in this printed version.

TEXT:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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, 1997, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS
PRODUCTION, PROCESSING, AND MARKETING
OFFICE OF THE SECRETARY
(INCLUDING TRANSFERS OF FUNDS)

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](#), \$2,836,000: Provided, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided, 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, 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](#), \$4,231,000.

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](#), \$11,718,000.

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](#), \$5,986,000.

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](#), \$4,283,000: Provided, That the Chief Financial Officer shall actively market 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 in this Act, \$613,000.

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 the operation, maintenance, and repair of Agriculture buildings, \$120,548,000: Provided, That in the event an agency within the Department should require modification of space needs, 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, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, \$23,505,000, to remain available until expended; making a total appropriation of \$144,053,000.

HAZARDOUS WASTE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, [42 U.S.C. 9607\(g\)](#), and section 6001 of the Resource Conservation and Recovery Act, as

amended, [42 U.S.C. 6961](#), \$15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Waste 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, \$30,529,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management 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.

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 in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,668,000: Provided, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than \$2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on 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, \$8,138,000, 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
(INCLUDING TRANSFERS OF FUNDS)

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, as amended, \$63,028,000, 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, as amended, including a sum not to exceed \$50,000 for employment under [5 U.S.C. 3109](#); and including a sum not to exceed \$95,000 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: Provided, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury

Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$27,749,000.

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, \$540,000.

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, \$53,109,000: 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 notwithstanding [13 U.S.C. 142](#)(a-b), as authorized by the Agricultural Marketing Act of 1946 ([7 U.S.C. 1621](#)-1627) and other laws, \$100,221,000, of which up to \$17,500,000 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

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, \$716,826,000: 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 \$250,000, except for headhouses or greenhouses which shall each be limited to \$1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed \$500,000 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 \$250,000, 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 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: Provided further, That all rights and title of the United States in the property known as the National Agricultural Water Quality Laboratory of the United States Department of Agriculture, consisting of approximately 9.161 acres in the city of Durant, Oklahoma, including facilities and fixed equipment, shall be conveyed to Southeastern Oklahoma State University.

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.

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, \$69,100,000, 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, including \$168,734,000 to carry into effect the provisions of the Hatch Act ([7 U.S.C. 361a-361i](#)); \$20,497,000 for grants for cooperative forestry research ([16 U.S.C. 582a-582-a7](#)); \$27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University ([7 U.S.C. 3222](#)); \$49,767,000 for special grants for agricultural research ([7 U.S.C. 450i\(c\)](#)); \$11,769,000 for special grants for agricultural research on improved pest control ([7 U.S.C. 450i\(c\)](#)); \$94,203,000 for competitive research grants ([7 U.S.C. 450i\(b\)](#)); \$4,775,000 for the support of animal health and disease programs ([7 U.S.C. 3195](#)); \$650,000 for supplemental and alternative crops and products ([7 U.S.C. 3319d](#)); \$500,000 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, as amended ([7 U.S.C. 3318](#)), to remain available until expended; \$475,000 for rangeland research grants ([7 U.S.C. 3331-3336](#)); \$3,000,000 for higher education graduate fellowships grants ([7 U.S.C. 3152\(b\)\(6\)](#)), to remain available until expended ([7 U.S.C. 2209b](#)); \$4,000,000 for higher education challenge grants ([7 U.S.C. 3152\(b\)\(1\)](#)); \$1,000,000 for a higher education minority scholars program ([7 U.S.C. 3152\(b\)\(5\)](#)), to remain available until expended ([7 U.S.C. 2209b](#)); \$1,500,000 for an education grants program for Hispanic-serving Institutions ([7 U.S.C. 3241](#)); \$4,000,000 for aquaculture grants ([7 U.S.C. 3322](#)); \$8,000,000 for sustainable agriculture research and education ([7 U.S.C. 5811](#));

\$9,200,000 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, to remain available until expended ([7 U.S.C. 2209b](#)); \$1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382; and \$10,249,000 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](#); in all, \$421,504,000.

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.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130-382 ([7 U.S.C. 301](#) note), \$4,600,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, \$61,591,000, to remain available until expended ([7 U.S.C. 2209b](#)).

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, 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, \$268,493,000; \$2,000,000 for extension work at the 1994 Institutions under the Smith-Lever Act ([7 U.S.C. 343\(b\)\(3\)](#)); payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$3,214,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95-113, as amended ([7 U.S.C. 3222b](#)), \$7,549,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for a groundwater quality program under section 3(d) of the Act, \$10,733,000; payments for the agricultural telecommunications program, as authorized by Public Law 101-624 ([7 U.S.C. 5926](#)), \$1,167,000; payments for youth-at-risk programs under section 3(d) of the Act, \$9,554,000; payments for a food safety program under section 3(d) of the Act, \$2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law

101-624 ([7 U.S.C. 2661](#) note, 2662), \$2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act ([7 U.S.C. 321-326, 328](#)) and Tuskegee University, \$24,337,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 ([7 U.S.C. 341-349](#)), as amended, 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, \$12,066,000; in all, \$425,520,000: 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, as amended, 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.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, \$618,000.

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, as amended ([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 Act of March 2, 1931 (46 Stat. 1468; [7 U.S.C. 426-426b](#)); and to protect the environment, as authorized by law, \$434,909,000, of which \$4,500,000 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: 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 he may deem 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, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next 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 1997 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 1997, \$98,000,000 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](#), \$3,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses to carry on 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 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](#), \$38,507,000, 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 \$59,012,000 (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 Appropriations Committees.

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 \$10,576,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, 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\(b\)](#)), \$1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, 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, as amended, including field employment pursuant to 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](#), \$23,128,000: 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.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed \$43,207,000 (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 Appropriations Committees.

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, \$446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, \$574,000,000, 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 not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act ([21 U.S.C. 1034\(d\)](#)): Provided further, That this appropriation shall be available for field employment pursuant to 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, Foreign Agricultural Service, and the Commodity Credit Corporation, \$572,000.

**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, \$746,440,000: 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, as amended ([7 U.S.C. 5101](#)-5106), \$2,000,000.

**DAIRY INDEMNITY PROGRAM
(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended ([7 U.S.C. 450j](#)), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$100,000, to remain available until expended ([7 U.S.C. 2209b](#)): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

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](#)), \$1,000,000, to remain available until expended.

**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, \$600,000,000, of which \$550,000,000 shall be for guaranteed loans;

operating loans, \$2,345,071,000, of which \$1,700,000,000 shall be for unsubsidized guaranteed loans and \$200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by [25 U.S.C. 488](#), \$1,000,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by [7 U.S.C. 1989](#), \$34,653,000; and for credit sales of acquired property, \$25,000,000.

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, \$27,975,000, of which \$22,055,000 shall be for guaranteed loans; operating loans, \$96,840,000, of which \$19,210,000 shall be for unsubsidized guaranteed loans and \$18,480,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by [25 U.S.C. 488](#), \$54,000; for emergency insured loans, \$6,365,000 to meet the needs resulting from natural disasters for boll weevil eradication program loans as authorized by [7 U.S.C. 1989](#), \$499,000; and for credit sales of acquired property, \$2,530,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$221,046,000, of which \$208,446,000 shall be transferred to and merged with the "Farm Service Agency, Salaries and Expenses" account.

OFFICE OF RISK MANAGEMENT

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 ([7 U.S.C. 6933](#)), \$64,000,000: Provided, That not to exceed \$700 shall be available for official reception and representation expenses, as authroized 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 amended, 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, as amended, 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 1997, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$1,500,000,000 in the President's fiscal year 1997 Budget Request (H. Doc. 104-162)), but not to exceed \$1,500,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended ([15 U.S.C. 713a-11](#)).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1997, the Commodity Credit Corporation shall not expend more than \$5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, [42 U.S.C. 9607\(g\)](#), and section 6001 of the Resource Conservation and Recovery Act, as amended, [42 U.S.C. 6961](#):

Provided, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

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, \$693,000.

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](#)-590f) 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 operation and maintenance of aircraft, \$619,742,000, to remain available until expended ([7 U.S.C. 2209b](#)), of which not less than \$5,835,000 is for snow survey and water forecasting and not less than \$8,825,000 is for operation and establishment of the plant materials centers: 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, as amended ([43 U.S.C. 1592](#)(c)): Provided further, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 ([16 U.S.C. 590a](#)-590f) in demonstration projects: 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, as amended ([16 U.S.C. 1001](#)-1009), \$12,381,000: 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, as amended ([16 U.S.C. 1001-1005](#), 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, \$101,036,000, 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](#), [16 U.S.C. 1006a](#)), as amended and supplemented: 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 \$200,000 shall be available for employment under [5 U.S.C. 3109](#): Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, 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.

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, as amended ([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](#)), \$29,377,000, 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 in the Cooperative Forestry Assistance Act of 1978 ([16 U.S.C. 2101](#)), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL ECONOMIC AND COMMUNITY 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, Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$588,000.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFERS 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, as amended, to

be available from funds in the rural housing insurance fund, as follows: \$3,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$2,300,000,000 shall be for unsubsidized guaranteed loans; \$35,000,000 for section 504 housing repair loans; \$15,000,000 for section 514 farm labor housing; \$58,654,000 for section 515 rental housing; \$600,000 for section 524 site loans; \$50,000,000 for credit sales of acquired property; and \$600,000 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, \$89,210,000, of which \$6,210,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$11,081,000; section 514 farm labor housing, \$6,885,000; section 515 rental housing, \$28,987,000; credit sales of acquired property, \$4,050,000; and section 523 self-help housing land development loans, \$17,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$366,205,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

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, as amended, \$493,870,000; 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 1997 shall be funded for a five-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](#)), \$26,000,000, to remain available until expended ([7 U.S.C. 2209b](#)).

RURAL HOUSING ASSISTANCE PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, agreements, and grants, as authorized by [7 U.S.C. 1926](#), [42 U.S.C. 1472](#), 1474, 1479, 1486, and 1490(a), except for sections 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$130,433,000, to remain available until expended, for direct loans and loan guarantees for community facilities, community facilities grant program, rental assistance associated with and direct loans for new construction of section 515 rental housing, rural housing for domestic farm labor grants, supervisory and technical assistance grants, very low-income housing repair grants, rural community fire protection grants, rural housing preservation grants, and

compensation for construction defects of the Rural Housing Service: Provided, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: Provided further, That of the funds made available in this paragraph not more than \$1,200,000 shall be available for the multi-family rural housing loan guarantee program as authorized by section 5 of Public Law 104-120: Provided further, That if such funds are not obligated for multi-family rural housing loan guarantees by June 30, 1997, they remain available for other authorized purposes under this head: Provided further, That of the total amount appropriated, not to exceed \$1,200,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities as authorized by Public Law 103-66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, \$60,743,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$520,000 may be used for employment under [5 U.S.C. 3109](#).

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$17,270,000, as authorized by the Rural Development Loan Fund ([42 U.S.C. 9812\(a\)](#)): 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 these funds are available to subsidize gross obligations for the principal amount of direct loans of \$37,544,000: Provided further, That through June 30, 1997, of the total amount appropriated \$3,345,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, \$7,246,000.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$2,830,000. In addition, for administrative expenses necessary to carry out the direct loan program, \$654,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 ([7 U.S.C. 5901-5908](#)),

\$7,000,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

**RURAL BUSINESS-COOPERATIVE ASSISTANCE PROGRAM
(INCLUDING TRANSFERS OF FUNDS)**

For the cost of direct loans, loan guarantees, and grants, as authorized by [7 U.S.C. 1926](#), 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$51,400,000, to remain available until expended, for direct loans and loan guarantees for business and industry assistance, rural business grants, rural cooperative development grants, and rural business opportunity grants of the Rural Business-Cooperative Service: Provided, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That \$500,000 shall be available for grants to qualified nonprofit organizations as authorized under section 310B(c)(2) of the Consolidated Farm and Rural Development Act ([7 U.S.C. 1932](#)): Provided further, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: Provided further, That, of the total amount appropriated, not to exceed \$3,000,000 shall be available for cooperative development: Provided further, That, of the total amount appropriated, not to exceed \$148,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for business and industry loans for empowerment zones and enterprise communities as authorized by Public Law 103-66 and rural development loans for empowerment zones and enterprise communities as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; \$25,680,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$260,000 may be used for employment under [5 U.S.C. 3109](#).

RURAL UTILITIES SERVICE

**RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)**

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended ([7 U.S.C. 935](#)), shall be made as follows: 5 percent rural electrification loans, \$125,000,000, 5 percent rural telecommunications loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$525,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$300,000,000, and rural telecommunications, \$120,000,000, to remain available until expended.

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, as amended ([7 U.S.C. 935](#)), as follows: cost of direct loans, \$4,818,000; cost of municipal rate loans, \$28,245,000; cost of money rural telecommunications loans, \$60,000; cost of loans guaranteed pursuant to section 306, \$2,790,000: 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, \$29,982,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

RURAL TELEPHONE BANK PROGRAM ACCOUNT

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 amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1997 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended ([7 U.S.C. 935](#)), \$2,328,000.

In addition, for administrative expenses necessary to carry out the loan programs, \$3,500,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by [7 U.S.C. 950aaa](#) et seq., as amended, \$9,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES ASSISTANCE PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by [7 U.S.C. 1926](#), 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, \$566,935,000, to remain available until expended, for direct loans and loan guarantees and grants for rural water and waste disposal, and solid waste management grants of the Rural Utilities Service: Provided, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: Provided further, That, through June 30, 1997, of the total amount appropriated, \$18,700,000 shall be available for the costs of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities, as authorized by Public Law 103-66: Provided further, That, of the total amount appropriated, not to exceed \$18,700,000 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 the Consolidated Farm and Rural Development Act, as amended: Provided further, That, of the total amount appropriated, not to exceed \$5,200,000

shall be available for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That an amount not less than that available in fiscal year 1996 be set aside and made available for ongoing technical assistance under sections 306(a)(14) ([7 U.S.C. 1926](#)) and 310(B)(b) of the Consolidated Farm and Rural Development Act ([7 U.S.C. 1932](#)): Provided further, That of the total amount appropriated, not to exceed \$8,750,000 shall be for water and waste disposal systems pursuant to section 757 of Public Law 104-127: Provided further, That notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act ([7 U.S.C. 1926](#)(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program.

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, and cooperative agreements, \$33,195,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed \$105,000 may be used for employment under [5 U.S.C. 3109](#).

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 Consumer Service, \$454,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act ([42 U.S.C. 1751](#)-1769b), except section 21, and the Child Nutrition Act of 1966 ([42 U.S.C. 1772](#)-1785, and 1789); except sections 17 and 19; \$8,653,297,000, to remain available through September 30, 1998, of which \$3,219,544,000 is hereby appropriated and \$5,433,753,000 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 not to exceed \$1,000,000 of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to \$4,031,000 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](#)), \$3,729,807,000, to remain available through September 30, 1998: Provided, That none of the funds made available under this heading may be used to begin more than two studies and evaluations: Provided further, That up to \$6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That once the amount for fiscal year 1996 carryover funds has been determined by the Secretary, any funds in excess of \$100,000,000 may be transferred by the Secretary of Agriculture to the Rural Utilities Assistance Program and/or to the Rural Housing Insurance Fund for the cost of direct section 502 loans, including the cost of modifying loans, as defined in section 502 of the

Congressional Budget Act of 1974: 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 the Child Nutrition Act of 1966 ([42 U.S.C. 1786](#)): Provided further, That State agencies required to procure infant formula using a competitive bidding system may use funds appropriated by this Act to purchase infant formula under a cost containment contract entered into after September 30, 1996 only if the contract was awarded to the bidder offering the lowest net price, as defined by section 17(b)(20) of the Child Nutrition Act of 1966, unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act ([7 U.S.C. 2011](#) et seq.), \$27,618,029,000: Provided, That funds provided herein shall remain available through September 30, 1997, in accordance with section 18(a) of the Food Stamp Act: Provided further, That \$100,000,000 of the foregoing amount 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 further, That not to exceed \$3,000,000 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 \$1,174,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by [7 U.S.C. 2028](#).

COMMODITY ASSISTANCE PROGRAM

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)), the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, \$166,000,000, to remain available through September 30, 1998: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 ([7 U.S.C. 612c](#) (note)), and section 311 of the Older Americans Act of 1965, as amended ([42 U.S.C. 3030a](#)), \$141,250,000, to remain available through September 30, 1998.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$106,128,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: 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 AND GENERAL SALES MANAGER (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended ([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 \$128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 ([7 U.S.C. 1766](#)), \$135,561,000, of which \$3,231,000 may be transferred from the Export Loan Program account in this Act, and \$1,035,000 may be transferred from the Public Law 480 program account in this Act: 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. 1736](#)) and the foreign assistance programs of the International Development Cooperation Administration ([22 U.S.C. 2392](#)).

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 PROGRAM AND GRANT ACCOUNTS (INCLUDING TRANSFERS OF FUNDS)

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, as amended ([7 U.S.C. 1691](#), 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows:

(1) \$226,900,000 for Public Law 480 title I credit, including Food for Progress programs; (2) \$13,905,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) \$837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) \$29,500,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: Provided, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: Provided further, That such sums shall remain available until expended ([7 U.S.C. 2209b](#)).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, \$185,589,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, \$1,780,000.

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, \$3,820,000; 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 not to exceed \$3,231,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed \$589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202 (a) and (b) of the Agricultural Trade Act of 1978 ([7 U.S.C. 5641](#)).

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 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; \$907,499,000, of which not to exceed \$87,528,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 1997 shall be subject to the fiscal year 1997 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](#).

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

GENERAL PROVISIONS

SEC. 601. EFFECTIVE MEDICATION GUIDES.-

(a) IN GENERAL.-Not later than 30 days after the date of enactment of this Act, the Secretary of the Department of Health and Human Services shall request that national organizations representing health care professionals, consumer organizations, voluntary health agencies, the pharmaceutical industry, drug wholesalers, patient drug information database companies, and other relevant parties collaborate to develop a long-range comprehensive action plan to achieve goals consistent with the goals of the proposed rule of the Food and Drug Administration on "Prescription Drug Product Labeling: Medication Guide Requirements" (60 Fed. Reg. 44182; relating to the provision of oral and written prescription information to consumers).

(b) GOALS.-GOALS CONSISTENT WITH THE PROPOSED RULE DESCRIBED IN SUBSECTION (A) ARE THE DISTRIBUTION OF USEFUL WRITTEN INFORMATION TO 75 PERCENT OF INDIVIDUALS RECEIVING NEW PRECRIPTIONS BY THE YEAR 2000 AND TO 95 PERCENT BY THE YEAR 2006.

(C) PLAN.-The plan described in subsection (a) shall-

- (1) identify the plan goals;
- (2) assess the effectiveness of the current private-sector approaches used to provide oral and written prescription information to consumers;
- (3) develop guidelines for providing effective oral and written prescription information consistent with the findings of any such assessment;
- (4) contain elements necessary to ensure the transmittal of useful information to the consuming public, including being scientifically accurate, non-promotional in tone and content, sufficiently specific and comprehensive as to adequately inform consumers about the use of the product, and in an understandable, legible format that is readily comprehensible and not confusing to consumers expected to use the product.
- (5) develop a mechanism to assess periodically the quality of the oral and written prescription information and the frequency with which the information is provided to consumers; and
- (6) provide for compliance with relevant State board regulations.

(d) LIMITATION ON THE AUTHORITY OF THE SECRETARY.-The Secretary of the Department of Health and Human Services shall have no authority to implement the proposed rule described in subsection (a), or to develop any similar regulation, policy statement, or other guideline specifying a uniform content or format for written information voluntarily provided to consumers about prescription drugs if, (1) not later than 120 days after the date of enactment of this Act, the national organizations described in subsection (a) develop and submit to the Secretary for Health and Human Services a comprehensive, long-range action plan (as described in subsection (a)) which shall be acceptable to the Secretary of Health and Human Services; (2) the aforementioned plan is submitted to the Secretary of Health and Human Services for review and acceptance: Provided, That the Secretary shall give due consideration to the submitted plan and that any such acceptance shall not be arbitrarily withheld; and (3) the implementation of (a) a plan accepted by the Secretary commences within 30 days of the Secretary's acceptance of such plan, or (b) the plan submitted to the Secretary commences within 60 days of the submission of such plan if the Secretary fails to take any action on the plan within 30 days of the submission of the plan. The Secretary shall accept, reject or suggest modifications to the plan submitted within 30 days of its submission. The Secretary may confer with and assist private parties in the development of the plan described in subsections (a) and (b).

(e) SECRETARY REVIEW.-Not later than January 1, 2001, the Secretary of the Department of Health and Human Services shall review the status of private-sector initiatives designed to achieve the goals of the plan described in subsection (a), and if such goals are not achieved, the limitation in subsection (d) shall not apply, and the Secretary shall seek public comment on other initiatives that may be carried out to meet such goals.

SEC. 602. Section 3 of the Saccharin Study and Labeling Act (21 U.S.C 348 note) is amended by striking out "May 1, 1997" and inserting in lieu thereof "May 1, 2002".

SEC. 603. AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.-

(a) IMPORTS FOR EXPORT.-Section 801(d)(3) of the Federal Food, Drug, and Cosmetic Act is amended-

(1) by striking "accessory of a device which is ready" and inserting "accessory of a device, or other article of device requiring further processing, which is ready";

(2) in subparagraph (A), by striking "is intended to be" and inserting "is intended to be further processed by the initial owner or consignee, or"; and

(3) in subparagraph (C)-

(A) by striking "part," and inserting "part, article,"; and

(B) by striking "incorporated" and inserting "incorporated or further processed".

(b) LABELING OF EXPORTED DRUGS.-Section 801(f) of the Federal Food, Drug, and Cosmetic Act is amended-

(1) in paragraph (1), by striking "If a drug" and inserting "If a drug (other than insulin, an antibiotic drug, an animal drug, or a drug exported under section 802)"; and

(2) in paragraph (2), by adding at the end the following new sentence: "A drug exported under section 802 is exempt from this section."

(c) EXPORT OF CERTAIN UNAPPROVED DRUGS AND DEVICES.-Section 802(f)(5) of the Federal Food, Drug, and Cosmetic Act is amended by striking "if the drug or device is not labeled" and inserting "if the labeling of the drug or device is not".

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, \$21,350,000, to remain available until expended ([7 U.S.C. 2209b](#)).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

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, \$46,294,000: Provided, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized \$10,290,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended ([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](#); \$55,101,000, including not to exceed \$1,000 for official reception and representation

expenses: Provided, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding [31 U.S.C. 3302](#), said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$37,478,000 (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 the fiscal year 1997 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 667 passenger motor vehicles, of which 643 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 therefore 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 the Acts of August 14, 1946, and July 28, 1954 ([7 U.S.C. 427](#), 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended ([7 U.S.C. 2209b](#)): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants ([7 U.S.C. 450i](#)(b)), shall remain available until expended.

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 Public Law 94-449.

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. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law ([15 U.S.C. 714c](#) and [7 U.S.C. 612c](#)), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1996 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. 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. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97-219, as amended ([15 U.S.C. 638](#)), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1997 shall remain available until expended to cover obligations made in fiscal year 1997 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; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1997 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.-None of the funds made available in this Act may be expended by an entity unless the entity

agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 ([41 U.S.C. 10a](#)-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.-

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.-In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.-In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.-If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 718. None of the funds in this Act may be used to retire more than 5% 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. 719. None of the funds appropriated or otherwise made available by this Act may be used to provide food stamp benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 720. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 ([7 U.S.C. 5623](#)) that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

SEC. 721. NONE OF THE FUNDS APPROPRIATED OR OTHERWISE MADE AVAILABLE BY THIS ACT, OR MADE AVAILABLE THROUGH THE COMMODITY CREDIT CORPORATION,

SHALL BE USED TO ENROLL IN EXCESS OF 130,000 ACRES IN THE FISCAL YEAR 1997 WETLANDS RESERVE PROGRAM, AS AUTHORIZED BY SECTION 3837 OF TITLE 16, UNITED STATES CODE: Provided, That additional acreage may be enrolled in the program to the extent that non-Federal funds available to the Secretary are used to fully compensate for the cost of additional enrollments: Provided further, That the condition on enrollments provided in section 1237(b)(2)(B) of the Food Security Act of 1985, as amended ([16 U.S.C. 3837](#)(b)(2)(B)) shall be deemed met upon the enrollment of 43,333 acres through the use of temporary easements: Provided further, That the Secretary shall not enroll acres in the wetlands reserve program through the use of new permanent easements in fiscal year 1998 until the Secretary has enrolled at least 31,667 acres in the program through the use of temporary easements.

SEC. 722. Of the funds made available by this Act, not more than \$1,000,000 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. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds \$100,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a farmland protection program in excess of \$2,000,000 authorized by section 388 of Public Law 104-127.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a conservation farm option program in excess of \$2,000,000 authorized by section 335 of Public Law 104-127.

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of employees of the Department of Agriculture who make payments pursuant to a production flexibility contract entered into under section 111 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; [7 U.S.C. 7211](#)) when it is made known to the Federal official having authority to obligate or expend such funds that the land covered by that production flexibility contract is not being used for the production of an agricultural commodity or is not devoted to a conserving use, unless it is also made known to that Federal official that the lack of agricultural production or the lack of a conserving use is a consequence of drought, flood, or other natural disaster.

SEC. 727. None of the funds appropriated or otherwise made available by this Act shall be used to extend any existing or expiring contract in the Conservation Reserve Program authorized by [16 U.S.C. 3831](#)-3845.

SEC. 728. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104-127, the Federal Agriculture Improvement and Reform Act.

SEC. 729. Hereafter, funds appropriated to the Department of Agriculture may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of [7 U.S.C. 2272](#), when such volunteers are engaged in the work of the United States Department of Agriculture; and for promotional

items of nominal value relating to the United States Department of Agriculture Volunteer Programs.

SEC. 730. 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. 731. Section 747 of the Federal Agriculture Improvement and Reform Act of 1996 is amended by inserting, "effective October 1, 1996," following "The Secretary shall make grants" in section 310B(e)(2) of the Consolidated Farm and Rural Development Act: Provided, That this section shall take effect upon enactment of this Act into law.

SEC. 732. LABELING OF RAW POULTRY PRODUCTS.-

(a) IN GENERAL.-NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NONE OF THE FUNDS APPROPRIATED OR OTHERWISE MADE AVAILABLE BY THIS ACT MAY BE USED TO IMPLEMENT OR ENFORCE THE FINAL RULE RELATED TO THE LABELING OF RAW POULTRY PRODUCTS PROMULGATED BY THE FOOD SAFETY AND INSPECTION SERVICE ON AUGUST 25, 1995 ([60 FED. REG. 44395](#)), AND THE FINAL RULE SHALL NOT BE EFFECTIVE DURING FISCAL YEAR 1997.

(B) FINAL RULE.-NOT LATER THAN 90 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT, THE SECRETARY OF AGRICULTURE SHALL ISSUE A REVISED FINAL RULE RELATED TO THE LABELING OF RAW POULTRY PRODUCTS THAT-

(1) MAINTAINS THE STANDARD THAT THE TERM "FRESH" MAY BE USED ONLY FOR RAW POULTRY PRODUCTS THE INTERNAL CORE TEMPERATURE OF WHICH HAS NOT FALLEN BELOW 26 FAHRENHEIT;

(2) DELETES THE REQUIREMENT THAT POULTRY PRODUCTS THE INTERNAL CORE TEMPERATURE OF WHICH HAS EVER BEEN LESS THAN 26 FAHRENHEIT, BUT MORE THAN 0 FAHRENHEIT, BE LABELED AS "HARD CHILLED" OR "PREVIOUSLY HARD CHILLED", EXCEPT THAT-

(A) THE PRODUCTS SHALL BE PROHIBITED UNDER THE RULE FROM BEING LABELED AS "FRESH" BUT SHALL NOT BE REQUIRED TO BEAR ANY SPECIFIC ALTERNATIVE LABELING; AND

(B) NOTHING IN THIS SECTION SHALL BE INTERPRETED AS MODIFYING THE REQUIREMENTS FOR LABELING OF ALL POULTRY PRODUCTS THE INTERNAL CORE TEMPERATURE OF WHICH HAS EVER FALLEN TO 0 FAHRENHEIT AS "FROZEN";

(3) PROVIDES FOR A TOLERANCE FROM THE 26 FAHRENHEIT STANDARD ESTABLISHED BY THE RULE OF-

(A) 1 FAHRENHEIT FOR POULTRY PRODUCTS WITHIN AN OFFICIAL PROCESSING ESTABLISHMENT;

(B) 2 FAHRENHEIT FOR POULTRY PRODUCTS IN COMMERCE;

(4) EXEMPTS FROM TEMPERATURE TESTING WINGS, TENDERS, HEARTS, LIVERS, GIZZARDS, NECKS, AND PRODUCTS THAT UNDERGO SPECIAL PROCESSING, SUCH AS SLICED POULTRY PRODUCTS; AND

(5) IN ALL OTHER TERMS AND CONDITIONS (INCLUDING THE PERIOD OF TIME PERMITTED FOR IMPLEMENTATION) IS SUBSTANTIVELY IDENTICAL TO THE RULE REFERRED TO IN SUBSECTION (A).

(C) REVISED LABELING STANDARDS.-NOT LATER THAN 60 DAYS AFTER THE ISSUANCE OF A REVISED FINAL RULE UNDER SUBSECTION (B), THE SECRETARY OF AGRICULTURE, ACTING THROUGH THE ADMINISTRATOR OF THE FOOD SAFETY AND INSPECTION SERVICE, SHALL ISSUE A COMPLIANCE DIRECTIVE FOR THE ENFORCEMENT OF THE REVISED LABELING STANDARDS ESTABLISHED BY THE RULE, INCLUDING STANDARDS FOR-

(1) TEMPERATURE TESTING THAT ARE BASED ON MEASUREMENTS AT THE CENTER OF THE DEEPEST MUSCLE; AND

(2) SAMPLING METHODS THAT ENSURE THAT THE AVERAGE OF INDIVIDUAL TEMPERATURES WITHIN POULTRY PRODUCT LOTS OF EACH SPECIFIC PRODUCT TYPE (SUCH AS WHOLE BIRDS, WHOLE MUSCLE LEG PRODUCTS, AND WHOLE MUSCLE BREAST PRODUCTS) MEET THE STANDARDS.

(D) SEVERABILITY.-If any provision of this section or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this section and of the application of the provision to any other persons or circumstances shall not be affected.

SEC. 733. Hereafter, notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the "Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products" (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 ([7 U.S.C. 612c](#)) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 ([7 U.S.C. 612c](#)), meet Federal product specifications.

SEC. 734. Rural Housing Program Extensions.-

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.-

(1) AUTHORITY TO MAKE LOANS.-SECTION 515(B)(4) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1485](#)(B)(4)) IS AMENDED BY STRIKING "SEPTEMBER 30, 1996" AND INSERTING "SEPTEMBER 30, 1997".

(2) SET-ASIDE FOR NONPROFIT ENTITIES.-THE FIRST SENTENCE OF SECTION 515(W)(1) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1485](#)(W)(1)) IS AMENDED BY STRIKING "FISCAL YEAR 1996" AND INSERTING "FISCAL YEAR 1997".

(B) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.-THE FIRST SENTENCE OF SECTION 509(F)(4)(A) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1479](#)(F)(4)(A)) IS AMENDED BY STRIKING "FISCAL YEAR 1996" AND INSERTING "FISCAL YEAR 1997".

(C) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.-

(1) LIMITATION ON PROJECT TRANSFERS.-SECTION 515 OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1485](#)) IS AMENDED BY INSERTING AFTER SUBSECTION (G) THE FOLLOWING NEW SUBSECTION:

"(H) PROJECT TRANSFERS.-AFTER THE DATE OF THE ENACTMENT OF THE ACT ENTITLED 'AN ACT MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997, AND FOR OTHER PURPOSES', THE OWNERSHIP OR CONTROL OF A PROJECT FOR WHICH A LOAN IS MADE OR INSURED UNDER THIS SECTION MAY BE TRANSFERRED ONLY IF THE SECRETARY DETERMINES THAT SUCH TRANSFER WOULD FURTHER THE PROVISION OF HOUSING AND RELATED FACILITIES FOR LOW-INCOME FAMILIES OR PERSONS AND WOULD BE IN THE BEST INTERESTS OF RESIDENTS AND THE FEDERAL GOVERNMENT.".

(2) EQUITY LOANS.-SECTION 515(T) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1485](#)(T)) IS AMENDED-

(A) BY STRIKING PARAGRAPHS (4) AND (5); AND

(B) BY REDESIGNATING PARAGRAPHS (6) THROUGH (8) AS PARAGRAPHS

(4) THROUGH (6), RESPECTIVELY.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.-

(A) AUTHORITY AND LIMITATION.-SECTION 502(C)(4)(B)(IV) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1472](#)(C)(4)(B)(IV)) IS AMENDED BY INSERTING BEFORE THE PERIOD AT THE END THE FOLLOWING: "OR UNDER PARAGRAPHS (1) AND (2) OF SECTION 514(J), EXCEPT THAT AN EQUITY LOAN REFERRED TO IN THIS CLAUSE MAY NOT BE MADE AVAILABLE AFTER THE DATE OF THE ENACTMENT OF THE ACT ENTITLED 'AN ACT MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1997, AND FOR OTHER PURPOSES', UNLESS THE SECRETARY DETERMINES THAT THE OTHER INCENTIVES AVAILABLE UNDER THIS SUBPARAGRAPH ARE NOT ADEQUATE TO PROVIDE A FAIR RETURN ON THE INVESTMENT OF THE BORROWER, TO PREVENT PREPAYMENT OF THE LOAN INSURED UNDER SECTION 514 OR 515, OR TO PREVENT THE DISPLACEMENT OF TENANTS OF THE HOUSING FOR WHICH THE LOAN WAS MADE".

(B) APPROVAL OF ASSISTANCE.-SECTION 502(C)(4)(C) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1472](#)(C)(4)(C)) IS AMENDED BY STRIKING

"(C)" AND ALL THAT FOLLOWS THROUGH "PROVIDED-" AND INSERTING THE FOLLOWING:

"(C) APPROVAL OF ASSISTANCE.-THE SECRETARY MAY APPROVE ASSISTANCE UNDER SUBPARAGRAPH (B) FOR ASSISTED HOUSING ONLY IF THE RESTRICTIVE PERIOD HAS EXPIRED FOR ANY LOAN FOR THE HOUSING MADE OR INSURED UNDER SECTION 514 OR 515 PURSUANT TO A CONTRACT ENTERED INTO AFTER DECEMBER 21, 1979, BUT BEFORE THE DATE OF THE ENACTMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REFORM ACT OF 1989, AND THE SECRETARY DETERMINES THAT THE COMBINATION OF ASSISTANCE PROVIDED-".

(C) TECHNICAL CORRECTION.-SECTION 515(C)(1) OF THE HOUSING ACT OF 1949 ([42 U.S.C. 1485](#)(C)(1)) IS AMENDED BY STRIKING "DECEMBER 21, 1979" AND INSERTING "DECEMBER 15, 1989".

(D) REFORM OF SECTION 515.-Section 515 of the Housing Act of 1949 ([42 U.S.C. 1485](#)) is amended-
(1) by striking subsection (r) and inserting the following:

"(r)(1) the Secretary-

"(A) may require that the initial operating reserve under this section may be in the form of an irrevocable letter of credit; and

"(B) except as provided in paragraph (2), may require not more than a 3 percent contribution to equity, except that the Secretary shall require a 5 percent contribution in the case of a project that is allocated a low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986.

"(2) The Secretary may adjust the amount of equity contribution to ensure that assistance provided is not more than is necessary to provide affordable housing after taking account of assistance from all Federal, State, and local sources.

"(3) Not later than 60 days after the date of enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', the Secretary shall issue regulations to implement subsection (r)(2) in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code: Provided, That if the negotiated rulemaking is not completed within the designated time, the Secretary shall proceed to promulgate regulations under the rulemaking authority contained in [5 U.S.C. 557](#)."; and

(2) by striking subsection (z).

(e) EQUITY SKIMMING PENALTIES.-

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.-Section 514 of the Housing Act of 1949 ([42 U.S.C. 1484](#)) is amended by adding at the end the following new subsection:

"(j) EQUITY SKIMMING PENALTY.-Whoever, as an owner, agent, or manger, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than \$250,000 or imprisoned not more than 5 years, or both."

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.-Section 515 of the Housing Act of 1949 ([42 U.S.C. 1485](#)), as amended by subsection (d)(2) of this section, is amended by adding at the end the following new subsection:

"(z) EQUITY SKIMMING PENALTY.-Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other fund derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than \$250,000 or imprisoned not more than 5 years, or both."

(f) PRIORITIZATION OF ASSISTANCE.-Section 532 of the Housing Act of 1949 ([42 U.S.C. 1490l](#)) is amended-

(1) in subsection (a), by striking "The Secretary" and inserting "Except as otherwise provided in subsection (c), the Secretary"; and

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

"(c) PRIORITIZATION OF SECTION 515 HOUSING ASSISTANCE.-

"(1) IN GENERAL.-The Secretary shall make assistance under section 515 available pursuant to an objective procedure established by the Secretary, under which the Secretary shall identify counties and communities having the greatest need for such assistance and designate such counties and communities to receive such assistance.

"(2) OBJECTIVE MEASURES.-The Secretary shall use the following objective measures to determine the need for rental housing assistance under paragraph (1):

"(A) The incidence of poverty.

"(B) The lack of affordable housing and the existence of substandard housing.

"(C) The lack of mortgage credit.

"(D) The rural characteristics of the location.

"(E) Other factors as determined by the Secretary, demonstrating the need for affordable housing.

"(3) INFORMATION.-In administering this subsection, the Secretary shall use information from the most recent decennial census of the United States, relevant comprehensive affordable housing strategies under section 105 of the Cranston-Gonzalez National Affordable

Housing Act, and other reliable sources obtained by the Secretary which demonstrate the need for affordable housing in rural areas.

"(4) DESIGNATION.-A designation under this subsection shall not be effective for a period of more than 3 years, but may be renewed by the Secretary in accordance with the procedure set forth in this subsection. The Secretary shall take such other reasonable actions as the Secretary considers to be appropriate to notify the public of such designations."

SEC. 735. DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.-

(a) DEFINITIONS.-For the purposes of this section-

(1) the term "agency" means the Department of Agriculture;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act ([16 U.S.C. 590h](#)(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include-

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal **Workforce** Restructuring Act of 1994 ([5 U.S.C. 5597](#) note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.-

(1) IN GENERAL.-The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.-The agency's plan shall include-

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.-

(1) IN GENERAL.-A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.-A voluntary separation incentive payment-

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of-

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed \$25,000 in fiscal year 1997, \$20,000 in fiscal year 1998, \$15,000 in fiscal year 1999, or \$10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.-NO AMOUNT SHALL BE PAYABLE UNDER THIS SECTION BASED ON ANY SEPARATION OCCURRING BEFORE THE DATE OF THE ENACTMENT OF THIS ACT, OR AFTER SEPTEMBER 30, 2000.

(D) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.-

(1) IN GENERAL.-In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.-For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.-An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the

date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.-

(1) IN GENERAL.-The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.-The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.-This section shall take effect October 1, 1996.

SEC. 736. Interim Moratorium on Bypass Flows.-

(a) MORATORIUM.-SECTION 389(A) OF PUBLIC LAW 104-127 IS AMENDED BY STRIKING "AN 18-MONTH" AFTER THE WORD "BE" AND INSERTING "A 20-MONTH".

(B) REPORT.-SECTION 389(D)(4) OF PUBLIC LAW 104-127 IS AMENDED BY STRIKING "1 YEAR" AFTER THE WORD "THAN" AND INSERTING "14 MONTHS".

(C) EXTENSION FOR DELAY.-SECTION 389 OF PUBLIC LAW 104-127 IS AMENDED BY ADDING AT THE END THE FOLLOWING NEW SUBSECTION-

"(E) EXTENSION FOR DELAY.-THERE SHALL BE A DAY-FOR-DAY EXTENSION TO THE 20-MONTH MORATORIUM REQUIRED BY SUBSECTION (A) AND A DAY-FOR-DAY EXTENSION TO THE REPORT REQUIRED BY SUBSECTION (D)(4)-

"(1) FOR EVERY DAY OF DELAY IN IMPLEMENTING OR ESTABLISHING THE WATER RIGHTS TASK FORCE CAUSED BY A FAILURE TO NOMINATE TASK FORCE MEMBERS BY THE ADMINISTRATION OR BY THE CONGRESS; OR

"(2) FOR EVERY DAY OF DELAY CAUSED BY A FAILURE BY THE SECRETARY OF AGRICULTURE TO IDENTIFY ADEQUATE RESOURCES AS DETERMINED BY THE SECRETARY OF AGRICULTURE TO CARRY OUT THE PURPOSES OF THE TASK FORCE.".

TITLE VIII-SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the Agricultural Credit Insurance Fund Program Account for the additional cost of emergency insured loans authorized by [7 U.S.C. 1928](#)-1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from droughts in the Western United States, Hurricane Bertha, and other natural disasters, to remain available until expended, \$32,244,000: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans of \$110,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount shall be available to the extent that the President notifies Congress of his designation of any or all of these amounts as an emergency requirement under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", to be used in connection with investigations of arson or violence against religious institutions, \$12,011,000, to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-52, \$16,500,000 are rescinded.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997".

Speaker of the House of Representatives. Vice President of the United States and President of the Senate.

SUBJECT: APPROPRIATIONS (90%); US FEDERAL GOVERNMENT (90%); RURAL DEVELOPMENT (89%); FOOD SAFETY REGULATION (89%); AGRICULTURE (79%); AGRICULTURE DEPARTMENTS (79%); SCIENCE FUNDING (59%); RESEARCH (59%); NATIVE AMERICANS (59%); FOOD INSPECTION (59%); LEGISLATIVE BODIES (59%); AGRICULTURAL MARKETING (59%); GRANTS & GIFTS (59%); TREASURY DEPARTMENTS (59%); ENDOWMENTS (59%); LEGISLATION (59%); STATISTICS (59%); INTERNATIONAL ASSISTANCE (59%); TECHNICAL SUPPORT (59%); CHICKEN EGG PRODUCTION (59%); ASSET FORFEITURE (59%); AGRICULTURAL RESEARCH (59%); CROP RESEARCH (59%); MATCHING GIFTS (59%);

LOAD-DATE: August 7, 1996