



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 143

WASHINGTON, THURSDAY, JULY 24, 1997

No. 106

## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence and blessings to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

Make us maximum by Your spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, *God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth, Your salvation among the nations.*—Psalm 67:1-2. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COCHRAN of Mississippi, is recognized.

### SCHEDULE

Mr. COCHRAN. Mr. President, this morning the Senate will resume consideration of S. 1033, the agriculture appropriations bill.

By previous consent, there will be 10 minutes of debate equally divided between Senator COCHRAN and Senator WELLSTONE on the Wellstone amendment regarding school breakfast outreach.

Also, by consent, at 10 a.m., the Senate will proceed to a series of rollcall votes on the remaining amendments to the agriculture appropriations bill, including final passage.

Following disposition of the agriculture appropriations bill, it is the intention of the majority leader to proceed to consideration of the transportation appropriations bill.

Therefore, Members can anticipate additional rollcall votes throughout today's session of the Senate.

### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, 1998

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now resume consideration of S. 1033, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1033) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Wellstone amendment No. 972, to provide funds for outreach and startup of the school breakfast program.

### AMENDMENT NO. 972

The PRESIDING OFFICER. By previous order, we have 10 minutes on the Wellstone amendment: 5 minutes controlled by the Senator from Minnesota and 5 minutes controlled by the floor manager of the bill.

Who seeks time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

### PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Greg

Renden, an intern in my office, be allowed to be on the floor for the duration of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I offered this amendment last night. We had a fairly thorough discussion. I don't think this is an adversarial relationship with my colleague from Mississippi.

Let me just briefly summarize.

This amendment revives what is called the Outreach and Start Up Grant Program for school breakfasts. Let me point out to my colleagues what this is about.

This is a Children's Defense Fund poster. "Remember these hungry kids in China? Now they are in Omaha." They could be in any of our States.

We have 5.5 million American children who do not regularly get enough to eat. There was a \$5 million outreach program that we eliminated last year in the welfare bill. I don't think colleagues knew what they were voting on. They did when it came to the overall welfare bill. But this was one tiny provision.

The argument that was made about this outreach program was that it was too successful. That is to say, we have 8 million children who could qualify for the School Breakfast Program but don't receive it because many school districts and States aren't yet able to set it up.

This \$5 million outreach program made a huge difference. It was very successful, and, indeed, the School Breakfast Program is credited as being one of the most successful nutritional programs in our country.

I fear that too many of my colleagues do not understand that there are children in our country who go to school hungry, and we are not doing very much about it. When children go to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S7987

school hungry, they don't do well in school, and when they don't do well in school they can't learn, and when they are adults later on they can't earn.

It is very shortsighted that we eliminated this program. We should not have done so.

Mr. President, there are 8 million children spread across 27,000 schools who go to school hungry or are malnourished or without enough to eat. The distinctions aren't that important. We can do better.

For \$5 million we can have an outreach program that will enable more of our States and more of our school districts to provide a school breakfast, a nutritious meal, to children before they start school.

Mr. President, again this is an extremely effective program. Study after study has really pointed out that the School Breakfast Program makes an enormous difference. It makes an enormous difference in terms of overall test scores. It makes an enormous difference in terms of whether students drop out of school or not, whether they arrive at school on time, and how well they do.

Clearly this amendment speaks to priorities. Surely we can find \$5 million.

Mr. President, the offset is from funds allocated to the crop insurance companies for which right now the total amount is \$202 million. In the Senate we have \$24 million more than the House appropriated. We have \$52 million more than the President appropriated.

The GAO in a very critical report of this insurance program pointed out that there is \$81 million more than the companies' expenses for selling and servicing crop insurance.

I am very careful to maintain the integrity of this program—a mere \$5 million transfer, \$5 million out of \$24 million more than the House allocated, \$5 million out of \$52 million we have more than the President asked for, which could go to an outreach program for school breakfast.

I make this appeal to colleagues. There are too many children in our country who are malnourished. There are too many children who cannot learn. There are too many children who have rotting teeth because they don't get the decent meals that they deserve and the adequate meal that they deserve and the nutrition that they deserve. There are too many children who aren't able to concentrate in school. There are too many children who suffer from health care problems because they don't have an adequate diet.

We never should have done that. We never should have done this. We eliminated the most successful outreach program—total cost for the whole Nation, \$5 million.

Surely it is not asking too much of my colleagues to allocate a transfer of this small amount of money to make sure that we provide children with an adequate breakfast, with a decent

meal, so that they can start school on the right foot and do well.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume to remind Senators that this is an issue that came up during the welfare reform debate. The President proposed repeal of these startup grants during last year's welfare reform debate.

In addition, the Democratic substitute welfare reform bill and the Republican welfare reform bill contained a provision to repeal these grants. Funds were taken from the grant program to expand the school breakfast and summer food service programs.

Additionally, the Senate voted on a similar proposal to the Wellstone amendment on the Department of Defense authorization bill on July 9 and defeated it by a vote of 65 to 33.

The question is not whether we need to do more in terms of acquainting students and school districts and parents with the availability of these important nutrition programs. The question is: Do we need Federal dollars that could otherwise go to the feeding programs themselves to be diverted for that purpose, or do we need to divert, as the Senator suggests, funds from other parts of this appropriations bill which are needed for other matters?

Our suggestion is that we try to do a better job of working with local school districts, with parent groups, with the schools themselves, to make sure that all students are aware of the availability of these programs.

We have increased funding for all of the food nutrition programs as a whole. The WIC program, for example, has over \$200 million increased funding in this bill to guarantee that the current participation rate will not be compromised as a result of our effort to reduce spending and balance the budget.

We are protecting those who are vulnerable. We are protecting those who need assistance to meet their nutrition needs in this budget.

This is a sensitive bill on this subject, and I urge all Senators to vote against this amendment.

Mr. President, I yield the remainder of my time.

I move to table the Wellstone amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, the vote on the amendments under the order will commence at 10 a.m. We have not yet reached that hour.

Let me, for the information of Senators, remind them that we have other amendments that were stated in the order as subject to votes beginning at 10 o'clock this morning with 2 minutes

for debate between each amendment, which will be stacked with time equally divided.

Those amendments under the order are the Wellstone amendment; the managers' package, which was adopted last night; the Bingaman amendment on CRP, which we are advised will not be offered; the Robb amendment on farmers' civil rights, which we hope will be resolved on a voice vote. We have proposed an alternative to the Robb amendment which is under consideration now, we are told, and a Johnson amendment on livestock packers' issues. We are advised that that will not be offered.

So, with the vote on the motion to table the Wellstone amendment, and if we do not need a vote on the Robb amendment, then we will move to final passage immediately after the vote on the motion to table the Wellstone amendment.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

#### PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel, a legislative fellow in my office, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### FARMERS' CIVIL RIGHTS

Mr. ROBB. Mr. President, I have an amendment that we have been working very hard to work out. I commend and appreciate the cooperation of the chairman and the ranking member of the Agriculture Committee.

It is an amendment that has been requested specifically by the Secretary of Agriculture to address a very serious problem. We have had documented discrimination by the U.S. Department of Agriculture against minority and impoverished farmers over an extended period of time. A report that he requested that took 90 days to compile again documented the same problem. We have reports going back to 1995 to document the problem.

To the best of my knowledge, no Senator who has worked with me or worked on this particular problem has suggested in any way, shape, or form that the problem does not exist and that we do not have an obligation to solve it. The only difficulty that we have run into is identifying the precise offset. The offset that the Secretary of the Department of Agriculture recommended is one in terms of a very small reduction in the crop insurance Program, taking it down from 28 to 27.9, I believe it is.

I hope that by the time the vote will actually be required we will have resolved this particular question. If we do not, I say and I pledge to those involved on both sides of the aisle that

we will do everything we can between now and conference to ensure that we have an offset that is consistent with the programs that the various Members are interested in protecting but, most importantly, addresses this situation.

The bottom line is that the investigative unit in the Department of Agriculture, unbeknownst to the farmers who were affected by the discrimination, was abolished 13 years ago, and they were relying on that. The Department of Agriculture says they need this particular remedy to solve the problem.

We will work with the committee and work with the conferees, if necessary, if we can't come up with the right offset. But I hope that this can be accepted, and if it is not, I hope that we get a vote on it—a very positive vote on it. We will certainly work hard to make sure that we have the appropriate offset at the appropriate time.

Thank you, Mr. President.

Mr. COCHRAN. Mr. President, I am happy to hear the remarks of the distinguished Senator from Virginia, and I am encouraged by his attitude to try to work this out so that we will not have to prolong the time of Senators this morning on a rollcall vote if it is not necessary. We think that this is a matter of importance as well, and we hope that adequate funds can be made available so that there can be in the office of civil rights in the Department of Agriculture funds needed to carry on this important work.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 972, AS MODIFIED

Mr. WELLSTONE. I have just been conferring with my colleagues from Kansas and Arkansas. I ask unanimous consent that I be able to modify my amendment that the offset be from travel and administrative costs within the Department of Agriculture.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. I have no objection.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator send the modification to the desk.

The amendment is so modified.

The amendment (No. 972), as modified, is as follows:

On page 47, line 6, strike "\$7,769,066,000" and insert "\$7,774,066,000".

On page 47, line 13, insert after "claims" the following: "Provided further, That not less than \$5,000,000 shall be available for outreach and startup in accordance with section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f))."

On page 66, between lines 12 and 13, insert the following:

**SEC. 728. OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.**

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(f) OUTREACH AND STARTUP.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

"(i) attended by children, a significant percentage of whom are members of low-income families;

"(ii) (I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

"(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

"(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

"(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(2) PAYMENTS.—The Secretary shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

"(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year,

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a school breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

"(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection."

At the end of the bill, insert the following new section:

SEC. . The Secretary shall reduce funding for travel and office expenses within the Department of Agriculture sufficient to reduce spending in terms of budget authority and budget outlays by an amount sufficient to fully cover the costs of the outreach and startup grants for the School Breakfast Program.

The PRESIDING OFFICER. The question now is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—54

Abraham	Bond	Coats
Allard	Brownback	Cochran
Ashcroft	Burns	Collins
Bennett	Campbell	Coverdell
Biden	Chafee	Craig

Domenici	Hutchinson	Roberts
Enzi	Hutchison	Roth
Faircloth	Inhofe	Santorum
Frist	Johnson	Sessions
Glenn	Kempthorne	Shelby
Gorton	Kyl	Smith (NH)
Gramm	Lott	Smith (OR)
Grams	Lugar	Snowe
Grassley	Mack	Stevens
Gregg	McCain	Thomas
Hagel	McConnell	Thompson
Hatch	Murkowski	Thurmond
Helms	Nickles	Warner

## NAYS—45

Akaka	Durbin	Levin
Baucus	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Robb
Conrad	Kerrey	Rockefeller
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Specter
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

## NOT VOTING—1

Kennedy

The motion to lay on the table the amendment (No. 972) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi will be recognized. Prior to the Senator speaking, however, the Senate will come to order.

Mr. STEVENS. Mr. President, we do not have order.

The PRESIDING OFFICER. The Senator from Alaska is correct.

The Senator from Mississippi is recognized.

## AMENDMENT NO. 977

(Purpose: To provide additional funding for the Outreach Program for Socially Disadvantaged Farmers and earmark funds for the civil rights investigative unit)

Mr. COCHRAN. Mr. President, under the order, there is an opportunity for the offering of a Robb amendment on farmers civil rights. We have now worked out an alternative to the amendment that was first presented. I will yield the floor to the Senator from Virginia to describe his amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 977.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 3, strike "\$24,948,000" and insert in lieu thereof "\$26,948,000".

On page 7, line 16, before the period, insert the following: "Provided further, That of the total amount appropriated, not less than \$13,774,000 shall be made available for civil rights enforcement, of which up to \$3,000,000 shall be provided to establish an investigative unit within the Office of Civil Rights".

On page 34, line 6, strike "\$47,700,000" and insert in lieu thereof "\$44,700,000".

On page 35, line 1, strike "\$3,000,000" and insert in lieu thereof "\$4,000,000".

Mr. ROBB. Mr. President, I rise today to offer an amendment to the Agriculture appropriations bill that will provide USDA with the resources to reestablish the Department's investigative unit and to improve outreach efforts, ensuring equal access for all farmers in USDA programs. This amendment will allow the Department of Agriculture to resolve the backlog of complaints made by farmers who have suffered racial discrimination at the hands of USDA, and will provide the Department with the resources necessary to eradicate discrimination and improve small and minority farmers' participation in agricultural programs.

Mr. President, discrimination of any kind is offensive. But it is even more repugnant when it is practiced by people within the Federal Government—the very body that is supposed to come to the aid of the disadvantaged and the dispossessed. Sadly, Mr. President, the Department of Agriculture has had a long history of discrimination against minority and disadvantaged farmers, as well as minority and women employees.

Mr. President, for too long serving the needs of small and disadvantaged farmers has clearly not been a priority for USDA, and until recently the Department had not supported any coordinated effort to address this problem. In fact, despite decades of documented discrimination in program delivery and employment, USDA acknowledges today they have a backlog of nearly 800 racial discrimination complaints by farmers, some of which have been pending for over 7 years. Even Agriculture Secretary Dan Glickman admits that for "far too long USDA has turned a blind eye to serious, pervasive problems with [the] civil rights system." Fortunately, Secretary Glickman is committed to fixing this long-standing problem, but he needs the tools to accomplish the task.

Mr. President, I have discovered that although studies, reports, and task forces from 1965 to 1997 have all documented discrimination and mistreatment of minority and socially disadvantaged customers, as well as agency employees, many do not know the extent of these long-standing problems plaguing the Department.

The reality is black farmers in the United States are dwindling at three times the rate of farmers nationwide—nearly to the point of extinction.

In December 1996, after a group of black farmers demonstrated outside the White House calling for fair treatment in agricultural lending programs, Secretary Glickman promptly called

for a national forum, and appointed a Civil Rights Action Team to conduct a thorough audit of USDA civil rights issues inside and outside the department.

Within 90 days, the Civil Rights Action Team published a 121-page report confirming not only that small and minority farmers had often not been served at all, but in many cases the service provided by USDA appeared to be detrimental to their survival. Minority farmers have lost significant amounts of land and potential farm income as a result of discrimination by USDA agencies.

Secretary Glickman came to the Capitol just last week and addressed the House Agriculture Committee on racial discrimination. The Secretary admitted that his Department has "a long history of both discrimination and perceptions of unfairness that go back literally to the middle of the 19th century." The Secretary acknowledged that USDA does not fully practice what they preach, and during field hearings he had spoken to people who had lost their farms and lost their family land, as he said, "not because of a bad crop, not because of a flood, but because of the color of their skin." The Secretary went on to state his desire to close this chapter of USDA's history and stated his goal is "to get USDA out from under the past and have it emerge in the 21st century as the Federal civil rights leader."

I commend the Secretary for his leadership in candidly and openly addressing an issue that for too long has plagued the U.S. Department of Agriculture. I am convinced that his commitment to eradicating discrimination at USDA is genuine, but before we can solve the problem prospectively, we have to focus on the problem at hand, the nearly 800 pending complaints.

I initially intended to offer an amendment to the Agricultural appropriations bill that would give USDA the necessary authority and resources to eliminate any legal impediments and expedite the settlement of the nearly 800 pending discrimination complaints by farmers against the Department of Agriculture.

After speaking to Secretary Glickman on Monday, the Secretary indicated that he intends to settle claims out of the Judgment Fund and that he does not view the identification of a funding source as an impediment to entering into appropriate settlements. Because he is persuaded that existing mechanisms can be used to provide appropriate remedies to those aggrieved, my original amendment, at this time, will not be necessary.

The Secretary did alert me to two areas where he urgently needs additional funds, however. These two areas are directly related to resolving the current backlog of racial discrimination complaints by farmers, and my current amendment addresses this need.

In 1983, the civil rights investigative unit at USDA was simply abolished.

For 14 years, farmers were led to believe their cases were being investigated when in truth they were not. As a result, determinations were being made on some cases based on preliminary findings often compiled by the person accused of discrimination and the backlog of cases has grown to 798 complaints.

Without investigation, virtually none of the complaints can now be settled. That's why the Secretary needs to reestablish the investigative unit to finally resolve the longstanding problem plaguing the Department of Agriculture. The Secretary's goal is to establish a 34-person investigative unit to address the backlog by July 1998 and to ensure timely resolution of all future complaints, and my current amendment provides the Secretary with \$2 million for that purpose.

Mr. President, the process for resolving complaints has failed our Nation's farmers. Today, we have to give the Secretary the necessary resources so that he may back up his sympathetic words with action. We have to begin investigating these complaints so the farmers' cases, some over 7 years old, can finally be settled.

Mr. President, the Secretary has also indicated that the funding level currently in the Agriculture appropriations bill for the Outreach for Socially Disadvantaged Farmers and Ranchers Program is insufficient. My new amendment provides USDA with an additional \$1 million to improve USDA outreach efforts. The Department acknowledges that poor outreach efforts are central to the USDA's failure to meet the needs of minority farmers. Increased funding, as well as improved targeting, will improve minority participation in USDA programs and will demonstrate the Department's commitment to serving their needs.

Virginia farmers have told me the importance of this outreach effort and I agree, equal program access for all farmers is crucial.

Before President Clinton can lead this country in a discussion about race relations, we must first confront the discrimination within our Federal Government. We must resolve the underlying civil rights problems at USDA to make the system work for both customers and employees. Congress can help those individuals at the U.S. Department of Agriculture actually interested in improving USDA's ability to serve agriculture and our Nation with the necessary resources to provide appropriate remedies for those aggrieved. For it is only after USDA makes amends for its past injustices that they can face the bigger challenge of eradicating discrimination at all levels within the Department of Agriculture.

Mr. President, if reluctance to resolve these longstanding issues continues much longer, then the problem may well sadly resolve itself. Without immediate action we could lose all of our minority farmers and an important part of our heritage forever. I would

certainly hope that no Member of Congress would want to see that happen.

Mr. President, very briefly, I thank the chairman and the ranking member of the Agriculture Committee. A number of Members in agricultural States presented difficulties with the original proposed solution, none more important than the current Presiding Officer who apprised this Senator of concerns about one of the original offsets. We have now worked it out, where there is agreement on both sides. It is supported by the administration.

Basically, this reestablishes the investigative unit for the Department of Agriculture.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from West Virginia is precisely correct.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. As I say, this amendment will reestablish the investigative unit for the Office of Civil Rights. It will provide the additional money necessary for the outreach for minority and socially disadvantaged farmers. This is precisely what the Secretary of Agriculture said is necessary to solve a vexing problem that has been with the department for decades. Literally it has been documented time and time again.

I thank all Senators who worked on finding the appropriate offsets so we could provide the funding that the department has requested. I believe it has been cleared and approved on both sides.

With that information, I urge adoption of the amendment at this time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 977) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### PEANUT PROGRAM

Mr. SHELBY. Mr. President, I rise today to express my continued support for the peanut program.

Mr. President, just last year the Senate completed a comprehensive review of all federally sponsored farm programs. This review prompted extensive debate in this chamber—debate in which divergent positions were articulated and competing interests were expounded. Ultimately, after much hard work, consideration and compromise, the Senate produced the landmark 1996 farm bill.

The farm bill sets Federal farm policy through the year 2002 and contains fundamental changes which have impacted every facet of Federal involvement in farm programs—from crop subsidies, conservation practices and rural

subsidies to credit, research and trade policies. Included in this legislation were provisions that specifically covered the peanut program, provisions which made considerable changes to the program.

This year, despite the significant work that went into putting the farm bill together, despite the fact that the farm bill reforms of the peanut program have only been on the books for little over a year and have only affected one crop, and despite the fact that thousands of farmers have made significant financial and farming commitments through the year 2002 in reliance upon the provisions of the farm bill, some Members have discussed undoing the work of the sponsors of the farm bill and dismantling the peanut program.

Mr. President, I feel any attempt to change the peanut program is unnecessary, misguided, and would ultimately destroy American peanut farming and American peanut farmers.

Mr. President, the peanut program helps support more than 16,000 family farmers, many of whom live in some of the poorest, most agriculturally dependent areas in the United States. Mr. President, the peanut program provides American consumers with a steady and large supply of safe and cheap peanuts and peanut products.

Mr. President, the peanut program works for American peanut farmers and American consumers. It has been significantly revised in recent years and these revisions will only serve to enhance the program if allowed to stand. We must allow farmers who have relied on the farm bill an opportunity to work within the new peanut program.

Mr. BYRD. Mr. President, I congratulate Senator COCHRAN, the chairman of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Subcommittee, and Senator BUMPERS, the ranking member, for bringing to the Senate Floor the Fiscal Year 1998 Appropriations Bill. This bill will provide funding for all activities of the Department of Agriculture, except those of the Forest Service, and the functions of the Food and Drug Administration, the Farm Credit Administration, and the Commodity Futures Trading Commission.

This bill, as reported by the Appropriations Committee, provides \$50.7 billion in total obligational authority for the coming year. That is nearly \$1.1 billion more than the bill reported by the House Appropriations Committee, and \$1.6 billion below the President's request. It is within the subcommittee's 602(b) allocation.

This bill is \$3.2 billion below last year's level, due largely to reductions in mandatory accounts. The subcommittee's discretionary allocation in budget authority was increased from \$13.1 billion in fiscal year 1997 to \$13.8 billion in this bill.

This bill provides funding for programs vitally important to all Americans. These include agricultural research necessary to keep our farmers competitive in the global marketplace, conservation programs to protect the environment and productivity of the land, rural development programs to serve the millions of Americans who live outside our cities, and programs to promote U.S. agricultural products throughout the world. Funding in this bill for the Food Safety Inspection Service and the Food and Drug Administration ensures we will have safe food and blood supplies and that pharmaceuticals and medical devices will be safe and effective.

I would like to specifically remark on the inclusion of funding for the second year of the Potomac Headwaters Land Treatment Watershed Project, a program to protect the Potomac River and its headwater feeder streams from a possible harmful accumulation of agricultural pollution. I am aware that some Members of Congress have expressed concern about the June 1, 1997, Washington Post article and an American Rivers' report that, in part, attributed pollution in the Potomac to West Virginia poultry production. These reports raised concerns but were one-sided in that they did not address the responsible actions already underway to mitigate possible problems that can be associated with poultry waste. Funding in this bill will continue the exemplary efforts by public officials and West Virginia small family farmers to balance economic interest with environmental goals by providing Federal money for technical assistance and loans to help family farmers design and institute the type of measures necessary to prevent pollution in rivers and streams. The program achieves benefits for a broad base of interests, extending from my beautiful state to the Chesapeake Bay, and is an example of government at its best. I thank the members of the committee for recognizing the widespread concerns held by the millions of people who draw their drinking water from the Potomac, and for taking action to alleviate these concerns.

In all this is a very good bill, and I am happy to support its passage. Again, I congratulate Senator COCHRAN and Senator BUMPERS for their hard work. I also commend the work of the subcommittee staff: Galen Fountain and Carole Geagley, for the minority, and Rebecca Davies, Martha Scott Poindexter, and Rachelle Graves, for the majority.

Mr. GRAHAM. Mr. President, before we complete action on the Agriculture and Related Agencies appropriations bill, I wanted to compliment the chairman, Senator COCHRAN, and the ranking member, Senator BUMPERS, for their very hard work and very able leadership.

All the Members know of the many demands placed on the subcommittee to fund many worthwhile projects. We

also know that the discretionary spending available to the Agriculture Subcommittee has been reduced substantially over the last several years. This very limited funding makes it difficult to fund all the many excellent proposals that have come to the subcommittee for consideration.

Mr. President, while I understand the limitations of the subcommittee to fund all good projects, I would be less than frank if I did not mention my disappointment with a number of items that were left out of this bill. One of those projects not funded by this bill is an Extension Service training project to help bring behavioral and mental health services to rural areas.

As the Members know, the Extension Service is a long and well established institution that exists across the country in almost every county in America. In the minds of most people, the Extension Service and the Extension agents are focused on agricultural and farm issues. While this impression is true the facts also reveal that the Extension Service is called on more and more to help meet family, health, and social service needs of our rural residents. The array of services offered by the Extension Service is established at the State level by State priorities. In my State, and I am sure in other States, as well, the Extension Service is doing a great job in meeting rural needs for a broad array of services.

In Florida, for example, following Hurricane Andrew, our Extension agents were trained to provide threshold counseling services to rural residents who were under severe emotional stress following the storm. The agents were trained to identify problems, provide initial counseling and to refer severe cases to appropriate professionals. This training was provided by the University of Florida and the program received a USDA award. The University of Florida was recently invited to North Dakota to train Extension agents following the floods. Initial reports from the Director of the Extension Service in North Dakota is that the program "exceeded expectations".

Mr. President, for a very small amount of money this bill could have created a small program or center to be a national resource for the Extension Service. This center would train the agents from the various States to be better able to provide the counseling services that they are more and more being called on to provide. The demand for these services is due in large part to the lack of service providers in rural areas.

Mr. President, it is my hope and expectation that the Department will look at this proposal very carefully and reprogram some funds or include it in the Department's next budget request. It is a program that has been proven to work. It is a program that meets a very large need in our rural areas. In the process of this review I would also expect that the Department meet with the appropriate officials at the Univer-

sity of Florida who have a track record in this area.

#### FOOD AND DRUG ADMINISTRATION PROVISIONS

Mr. HATCH. Mr. President, there is growing awareness of the huge potential savings to consumers and taxpayers from the prompt approval of generic drugs, a fact which was one of the reasons that Congress passed the Drug Price Competition and Patent Term Restoration Act of 1984. That statute created a legal structure that benefits both consumers and the generic industry while providing strong incentives for continued investment by the brand companies in research and development.

Unfortunately, the success of the act has been limited by the inability of the Food and Drug Administration to comply with its statutory mandate to approve generic drug applications within 180 days. In fact, generic drug approvals now are taking an average of approximately 23 months, nearly four times the statutory requirement, and the number of personnel at the agency responsible for this mission has been significantly reduced. This latter fact is especially troubling since the personnel levels in several administrative areas have grown significantly.

The Appropriations Committee has taken action to address this failure. Last year, the committee directed the FDA to expend sufficient resources to ensure compliance with its statutory mandates. This year, the committee has further directed the agency to provide the relevant congressional committees 90 days after the beginning of the fiscal year with a plan that explains how the agency will meet the statutory review time for generic drug applications.

The House Appropriations Committee, apparently losing patience with the FDA, included an extra million dollars in the fiscal 1998 bill for the express purpose of increasing the speed of generic drug reviews. The committee report noted that health care costs have increased to extraordinary levels and that the timely approval of generic drugs could save billions of dollars. The committee also reports that FDA costs related to administrative functions were excessive, pointing out that expenditures for the Office of the Commissioner in fiscal year 1997 far exceeded total expenditures for the offices of the Secretary and all the Under and Assistant Secretaries at the Department of Agriculture.

It is my strong desire that the conference will give serious consideration to the House Committee's direction of funds for generic drug approvals. It is obvious that if the FDA complies with its statutory mandates, patients will be the winners, especially in terms of the tremendous savings that consumers could reap if generic competitors are sent to market more quickly. Mr. President, this seemingly small and perhaps even insignificant corner of the Federal budget has the potential to help every family in our country by reducing the cost that we all must pay



for life-saving pharmaceutical products, and I hope the conferees will give it serious weight.

In closing, I want to commend you, Chairman COCHRAN, for the splendid job you have done in crafting this legislation, and pay particular commendation to Rebecca Davies of your staff, who is indeed such an asset to the committee.

#### NORTHEAST DAIRY COMPACT

Mr. LEAHY. Mr. President, I want to again focus as I did yesterday on the study of the Northeast dairy compact that will be contained in the appropriations bill as it winds its way through conference with the House and then comes back to the Senate.

Under the Senate proposal, the Director of OMB will do a study on dairy, retail store, wholesale, and processor pricing in New England.

As I mentioned yesterday, many Senators are very concerned that when the price that farmers get for their milk drops that the retail price—the consumer price—often does not drop. Study after study shows this result.

Wholesale or retail stores appear to be simply making more profits at the expense of farmers. This is one of the issues OMB should examine.

But it is very important that OMB not just give us numbers. It will not be helpful to Congress, and will be misleading, if OMB just says, for example, that the average price of milk in stores during the first 6 months of the compact was a certain amount higher than some earlier amount.

It will not assist decision makers at all if OMB then simply multiplies that difference by the number of gallons bought by persons on Food Stamps and concludes that the product of the multiplication is the "harm" to the food stamp program.

It is important for OMB to put the information in context or they shouldn't even do the study. I do not want information that I cannot use in deciding on legislative options.

To continue with the food stamp example, if the cuts in the welfare reform bill enacted last year are 10 times, or 20 times, or 30 times more—not 30 percent more, but 30 times more—than any impact of the compact then perhaps the best legislative solution is to reduce the welfare reform cuts by one-thirtieth rather than dealing with the compact since the compact has positive benefits.

It will be extremely important, from a policy perspective, to make these types of comparisons. Also note, I do not think that any increase that shows up in retail stores is justifiable under the compact after such a huge decrease in farm prices. But, if OMB assumes some we should know if the national system of milk marketing orders, or if store profits, dwarfs the impact of the compact. This will help us with policy decisions.

A 1991 study by GAO showed a huge variation in regional pricing of milk in retail stores. Just those variations

may far exceed any impact of the compact. We need OMB to look at these issues.

Without this more detailed analysis we will only be able to announce numbers on the Senate floor to support positions, but we will not be able to use the OMB study to come to good policy conclusions.

In addition, the purchase of fluid milk represents only a small fraction of total food expenditures. One study showed that fluid milk represents 3 percent of total food expenditures of the typical family. If use of discount coupons for a variety of foods, or the purchase of store brands, or shopping at less expensive stores dwarf the impacts of the compact, that should also be analyzed.

It makes a big difference if the impact of the compact is equivalent to one-fourth of 1 percent of a family's food purchasing power versus, let's say, 5 percent of the family's food purchasing power.

I also want OMB to look at the drop in food purchasing power, adjusted for inflation, that will be caused by full implementation of the welfare reform bill for our lower income households. Food stamp families live below the poverty level and these comparisons will be helpful for possible legislative solutions.

You should also look at whether some stores price dairy products to increase their profits when they already have a reasonable return on milk. Are the profit margins on dairy products higher, or lower, than for other items? Do the profit margins far exceed any potential impact of the compact? Or are they less?

It will be interesting and very helpful to see how milk prices change during the entire duration of the compact. There are news reports that some retailers are taking unfair advantage of the compact. If this is accurate, these effects should be temporary as the normal competitive forces take over. It is important to note that economists who have analyzed the compact determined that over time it could lower consumer prices by stabilizing the price that stores pay for milk.

Many reports show that stores build in an extra margin to protect against increases in milk costs since it is costly to routinely change prices. If no extra margins are required it is very likely that competitive forces would lead stores to reduce those extra margins.

Researchers such as Henry Kinnucan, Olan Forker, Andrew Novakovic, Brandon Hansen, William Hahn and others have looked at how price volatility at the wholesale level can result in increases in consumer prices for milk higher than would have occurred had wholesale prices been stable. In the New England area I am told some stores sell gallons of milk for \$1.99 and some sell them for \$3.29—that is a large difference and none of the difference goes to farmers.

OMB should look at that difference to help us with our policy decisions. That could, indeed, be a major contribution to better understanding the impact of the compact, or milk marketing orders, or retail store pricing—how can such a difference exist?

It is my view that the compact over time can reduce that need for extra margins since stores will not have to build in that cushion to protect against feared higher prices. And many economic studies support that point. My view is that no increase should have occurred especially after the major drop in milk prices to farmers starting late last year. I want to touch on one more issue. The statutory language talks of the direct and indirect effects of the compact.

I am a strong supporter of the compact and believe it has very positive indirect effects in addition to stabilizing the price of milk. The Secretary of Agriculture has also addressed these positive indirect effects.

I have detailed these effects in correspondence to the Secretary of Agriculture and will provide these to OMB at a later date.

I want to mention again a point I raised yesterday. The prices farmers get for their milk dropped substantially last November nationwide. They dropped quickly, and have stayed low for months.

It amounted to a 35-cent to 40-cent drop on a per gallon basis. Yet retail stores did not lower their prices to consumers except by a few pennies. This pricing practice for milk is well documented in the research and in the press.

Does this failure to drop prices by 35 cents, or even just 25 cents, a gallon have a major impact on consumers?

Will it be more than any hypothetical impact on consumers of the compact? In many areas of the country there is now a \$1.40/gallon difference between the raw milk price—which farmers get—and the retail price of milk. Is that justified?

OMB should look at what that difference represents in terms of profits for transporters, stores, and wholesalers.

The Wall Street Journal pointed out that the value of milk for farmers plunged by 22 percent since October 1996—but that no comparative decline occurred in the price of milk. Another point I made yesterday was that the Wall Street Journal and the New York Times have exposed retail store overcharging for milk. This should be examined.

Farmers got one-fifth less for their milk, and someone, I presume, made a bundle. Some studies show that the dairy case is now the most profitable part of a supermarket. This should be carefully examined since most families consider milk a necessity.

Also, the time period that OMB examines may completely determine their conclusions. Something this important should not be determined by the luck of the draw.

In this regard, under the compact, farmers in New England are getting less for their milk than the average price they got for their milk last year.

It will be important for OMB to look at all the factors which affect the price of fluid milk including farm prices, labor, transportation, milk marketing orders, retail profits, co-op returns, marketing strategies, feed costs, farm expenses, and wholesaler profits.

I want to also quote from a letter that I sent to the Secretary regarding the compact relating to the indirect benefits of the compact.

You should note that a lack of farm income resulting from low dairy prices is cited as the major reason dairy farmers leave farming in New England. Production costs in New England are much higher than in other areas of the Nation while the value of the land for nonfarm purposes is often greater than its value as farmland.

This is very different as compared to vast areas of the Midwest and Upper Midwest where land is sometimes worth little except for its value as farmland. As the Vermont Economy Newsletter reported in July 1994:

In the all important dairy industry, the decrease in farm income has come from a continuation of the long term trends the industry has been facing. Should these trends persist, and there is every expectation they will, Vermont will continue to see dairy farms disappearing from its landscape during the 1990's.

One of the consequences of the exit of dairy farmers in New England is that land is released from agriculture. Given the close proximity to population centers and recreational areas in New England, good land is in high demand, and as a result there is often a strong incentive to develop the land.

What are the consequences of land being converted from farm to nonfarm uses?

One consequence is that the rural heritage and aesthetic qualities of the working landscape are lost forever. The impact of this loss would be devastating to Vermont and to much of New England. The tourists from some of America's largest urban centers are drawn to rural New England because of its beauty, its farms and valleys, and picturesque roads.

Strip malls and condominiums do not have the same appeal to vacationers.

The Vermont Partnership for Economic Progress, noted in its 1993 report, "Plan for a Decade of Progress: Actions for Vermont's Economy,"

There are many issues that will influence the [tourism] industry's future in Vermont . . . including our state's ability to preserve its landscape.

The report went on to list among its primary goals: Maintain the existing amount of land in agriculture and related uses; and preserve the family farm as part of our economic base and as an integral factor in Vermont's quality of life. This is taken from "A Plan for a Decade of Progress."

The priority of these goals show that preserving farmland and a viable agri-

culture industry are important for the overall economic health of the region from Maine, to rural parts of Connecticut, Rhode Island, and Massachusetts, to Vermont and New Hampshire.

Other consequences of farm losses are equally destructive. The American Farmland Trust has completed cost of community services studies in four New England towns, one in Connecticut and three in Massachusetts.

These studies show the cost of providing community services for farmland and developed land. It is true that developed land brings in more tax revenues than farmland, especially when farmland is assessed at its agricultural value, as it is in most New England States. Developed land, however, requires far more in the way of services than the tax revenues it returns to the treasuries of municipalities.

For example, residential land in these four New England towns required \$1.11 in services for every \$1 in tax revenue generated while the farmland required only \$0.34 of services for every \$1 of revenue it generated. This demonstrates the major impact that losing dairy farmland has on rural New England.

National Geographic recently detailed the risk of economic death by strip malling otherwise tourist-drawing farmland. New England should be allowed to try to reverse this trend—especially in ways that help neighboring States such as under the compact.

The American Farmland Trust Study pointed out that agricultural land actually enhanced the value of surrounding lands in addition to sustaining important economic uses.

Farming is a cost effective, private way to protect open space and the quality of life. It also supports a profusion of other interests, including: hunting, fishing, recreation, tourism, historic preservation, floodplain, and wetland protection. "Does Farmland Protection Pay?" is the name of that study.

Keeping land in agriculture and protecting it from development is vitally important for all of New England which is one reason all six New England States have funded or authorized purchase of agricultural conservation easement programs to help protect farmland permanently. Unlike much of the Midwest, for example, once farms go out of business, the land is converted and is lost forever for agricultural purposes.

Other economic uses, from condominiums and second homes for retired or professional people from New York, Boston, or Philadelphia to shopping malls to serve them, are waiting in the wings. The pressure to develop in New England is voracious.

A 1993 report from the American Farmland Trust called "Farming on the Edge" showed that only 14 of the more than 67 counties in New England, were not significantly influenced by urban areas.

In fact, eight New England counties were considered to be farming areas in the greatest danger of being lost to development because of their high productivity and close proximity to urban areas. The Champlain and Hudson River Valleys were considered to be among the top 12 threatened agricultural areas in the entire country according to this study. "Farming on the Edge" is the name of that study.

As we go to Conference I will further explore the goals and intent behind this language.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, other amendments that were going to be offered will not be offered. The managers' package was adopted last night. The Senator from Arkansas is going to send an amendment to the desk on behalf of the Senator from New Mexico.

#### AMENDMENT NO. 978

(Purpose: Providing support to a Tribal College through appropriations for the Department of Agriculture for the fiscal year ending September 30, 1998, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the managers.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. BINGAMAN, for himself and Mr. CAMPBELL, proposes an amendment numbered 978.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 20, strike "\$13,619,000" and insert "\$13,469,000".

On page 14, line 22, strike "\$10,991,000" and insert "\$11,141,000".

Mr. BUMPERS. This amendment would reduce the amount recommended for pesticide clearance by \$150,000 and increase the Cooperative State, Education, and Extension Service research and education Federal Administration appropriation to increase the amount recommended for the geographic information system by \$150,000 to include New Mexico and Colorado in this program.

Mr. COCHRAN. Mr. President, with the adoption of this amendment, it completes the managers' package. There are no other amendments in order to be offered. Indeed, we will have a vote on final passage after the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 978) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.



Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 201 Leg.]

#### YEAS—99

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden

#### NOT VOTING—1

Kennedy

The bill (S. 1033), as amended, was passed, as follows:

S. 1033

*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, 1998, 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 further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

#### EXECUTIVE OPERATIONS

#### CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, 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, \$5,252,000.

#### NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,360,000.

#### 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.

#### OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, 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, \$783,000.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$4,773,000.

#### 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, modification, and repair of buildings and facilities as necessary to carry out the programs of the Department, where not otherwise provided, \$123,385,000: *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, \$5,000,000, to remain available until expended; and in addition, for necessary relocation expenses of the Department's agencies, \$2,700,000, to remain available until expended; making a total appropriation of \$131,085,000.

#### 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, \$26,948,000, 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: *Provided further*, That of the total amount appropriated, not less than \$13,774,000 shall be made available for civil rights enforcement, of which up to \$3,000,000 shall be provided to establish an investigative unit within the Office of Civil Rights.

#### 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, \$63,728,000, 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 \$125,000, for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98: *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, \$29,098,000.

#### 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, \$118,048,000, of which up to \$36,327,000 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

##### (INCLUDING TRANSFERS OF FUNDS)

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 \$100,738,000,000: *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 greenhouses 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.

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-582a7); \$27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); \$47,525,000 for special grants for agricultural research (7 U.S.C. 450i(c)); \$13,469,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); \$100,000,000 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); \$550,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); \$600,000 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; \$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); \$4,350,000 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 \$11,141,000 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, \$427,526,000.

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 103-382 (7 U.S.C. 301 note), \$4,600,000.

#### 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, \$9,061,000; 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, \$25,090,000; 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, \$10,787,000; in all, \$423,322,000: *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, \$437,183,000, 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 avail-

able 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 1998 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 1998, \$100,000,000 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, \$4,200,000, 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, \$49,627,000, 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 \$59,521,000 (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 \$10,690,000 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, \$23,583,000: *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 \$43,092,000 (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, \$590,614,000, 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, the Office of Risk Management, and the Commodity Credit Corporation, \$572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$700,659,000: *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, \$550,000, 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.

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, \$460,000,000 of which \$400,000,000 shall be for guaranteed loans; operating loans, \$2,395,000,000, 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, \$21,380,000, of which \$15,440,000 shall be for guaranteed loans; operating loans, \$71,394,500, of which \$19,890,000 shall be for unsubsidized guaranteed loans and \$19,280,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$132,000; for emergency insured loans, \$6,008,000 to meet the needs resulting from natural disasters; for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$249,500; and for credit sales of acquired property, \$3,255,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$219,861,000, of which \$209,861,000 shall be transferred to and merged with the "Farm Service Agency, Salaries and Expenses" account.

RISK MANAGEMENT AGENCY

ADMINISTRATIVE AND OPERATING EXPENSES

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 authorized by 7 U.S.C. 1506(i): *Provided further*, That, of the amount made available under this sentence, \$4,000,000 shall be available for obligation only after the Administrator of the Risk Management Agency issues and begins to implement the plan to reduce administrative and operating costs of approved insurance providers required under section 508(k)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(7)). In addition, for sales commissions of agents, as authorized by section 516 (7 U.S.C. 1516), \$202,571,000.

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 subsections (a)(2), (b)(2), and (c) of 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 1998, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$783,507,000 in the President's fiscal year 1998 Budget Request (H. Doc. 105–3)), but not to exceed \$783,507,000, 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 1998, 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); administration of research, investigation, and surveys of watersheds of rivers and other waterways, for small watershed investigations and planning, and for technical assistance to carry out preventive measures, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), and the Flood Control Act (33 U.S.C. 701); 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, \$729,880,000, 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): *Provided further*, That not less than \$80,138,000 shall be available to provide technical assistance for water resources assistance (Public Law-534 and Public Law-566).

#### 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, \$40,000,000, 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 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) and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$44,700,000, to remain available until expended (7 U.S.C. 2209): *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 Assistance Act of 1978 (16 U.S.C. 2101), as amended by the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by the Act.

#### 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),

\$4,000,000, to remain available until expended.

#### 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 COMMUNITY ADVANCEMENT PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, and 1932, except for section 381G of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2009f), \$644,259,000, to remain available until expended, of which \$27,562,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, as amended; of which \$568,304,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which \$48,393,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided*, That section 381E(d)(3)(B) of such Act is amended by inserting after the phrase, "business and industry", the words, "direct and": *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$24,500,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed \$15,000,000 shall be for water systems for rural and native villages in Alaska pursuant to section 306D of such Act; not to exceed \$15,000,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$5,650,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amounts appropriated, not to exceed \$32,163,600 shall be available through June 30, 1998, for empowerment zones and enterprise communities, as authorized by Public Law 103-66, of which \$1,614,600 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$21,952,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which \$8,597,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any obligated and unobligated balances available for prior years for the "Rural Water and Waste Disposal Grants," "Rural Water and Waste Disposal Loans Program Account," "Emergency Community Water Assistance Grants," "Solid Waste Management Grants," the community facility grant program in the "Rural Housing Assistance Program" Account, "Community Facility Loans Program Account," "Rural Business Enterprise Grants," "Rural Business and Industry Loans Program Account," and "Local Technical Assistance and Planning Grants" shall be transferred to and merged with this account.

##### 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 au-

thorized 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; \$30,000,000 for section 504 housing repair loans; \$19,700,000 for section 538 guaranteed multi-family housing loans; \$15,001,000 for section 514 farm labor housing; \$128,640,000 for section 515 rental housing; \$600,000 for section 524 site loans; \$25,004,000 for credit sales of acquired property; and \$587,000 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, \$133,390,000, of which \$5,290,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,308,000; section 538 multi-family housing guaranteed loans, \$1,200,000; section 514 farm labor housing, \$7,388,000; section 515 rental housing, \$68,745,000; credit sales of acquired property, \$3,493,000; and section 523 self-help housing land development loans, \$20,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$354,785,000, 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, \$541,397,000; and in addition such sums as may be necessary, as authorized by section 521 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 1998 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 COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), \$1,285,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

##### RURAL HOUSING ASSISTANCE GRANTS

##### (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490c, 1490e, and 1490m, \$45,720,000, to remain available until expended: *Provided*, That any obligated and unobligated balances available from prior

years in "Rural Housing for Domestic Farm Labor," "Supervisory and Technical Assistance Grants," "Very Low-Income Housing Repair Grants," "Compensation for Construction Defects," and "Rural Housing Preservation Grants" shall be transferred to and merged with this account: *Provided further*, That of the total amount appropriated, \$1,200,000 shall be 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, 1998, they shall 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, \$58,804,000: *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, \$19,200,000, 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 \$40,000,000: *Provided further*, That through June 30, 1998, of the total amount appropriated \$3,618,750 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, \$7,500,000.

In addition, for administrative expenses to carry out the direct loan programs, \$3,482,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".

##### 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, as amended, 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, \$3,076,000.

##### 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), \$10,000,000 is appropriated to the alternative agricultural research and commercialization corporation revolving fund.

##### RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), \$3,000,000, of which up to \$1,500,000 may be available for cooperative agreements for appropriate technology transfer for rural areas program.

#### SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Con-

solidated 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, \$52,756,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$500,000,000; 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 and 936), as follows: cost of direct loans, \$11,393,000; cost of municipal rate loans, \$21,100,000; cost of money rural telecommunications loans, \$60,000; cost of loans guaranteed pursuant to section 306, \$2,760,000: *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 1998 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), \$3,710,000.

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

##### 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, \$12,030,000, 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.

#### 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, \$33,000,000: *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 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1772 et seq.), except sections 17 and 21; \$7,769,066,000, to remain available through September 30, 1999, of which \$2,617,675,000 is hereby appropriated and \$5,151,391,000 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 \$4,124,000 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), \$3,927,600,000, to remain available through September 30, 1999, of which up to \$12,000,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided*, That notwithstanding sections 17 (g), (h), and (i) of such Act, the Secretary shall adjust fiscal year 1998 State allocations to reflect food funds available to the State from fiscal year 1997 under section 17(i)(3)(A)(ii) and 17(i)(3)(D): *Provided further*, That the Secretary shall allocate funds recovered from fiscal year 1997 first to States to maintain stability funding levels, as defined by regulations promulgated under section 17(g), and then to give first priority for the allocation of any remaining funds to States whose funding is less than their fair share of funds, as defined by regulations promulgated under section 17(g): *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: *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.), \$26,051,479,000, of which \$1,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law.

#### 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)), and the Emergency Food Assistance Act of 1983, as amended, \$148,600,000, to remain available through September 30, 1999: *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), \$141,165,000, to remain available through September 30, 1999.

#### FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$107,719,000, 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), \$136,664,000, of which \$3,231,000 may be transferred from the Export Loan Program account in this Act, and \$1,066,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That up to \$3,000,000 shall be available in fiscal year 1999 for overseas inflation, subject to documentation by USDA of actual overseas inflation and deflation: *Provided further*, 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) \$20,630,000 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) \$30,000,000 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): *Provided further*, That, of the amount of funds made available under title II of said Act, the United States Agency for International Development should use at least the same amount of funds to carry out the orphan feeding program in Haiti during fiscal year 1998 as was used by the Agency to carry out the program during fiscal year 1997.

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, \$176,596,000.

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, \$1,881,000.

#### 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).

#### EMERGING MARKETS EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$200,000,000 in credit guarantees under its export guarantee program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging markets, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

#### 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; \$935,175,000, of which not to exceed \$91,204,000 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 1998 shall be subject to the fiscal year 1998 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.

##### 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, \$22,900,000, 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, \$7,728,000.

#### 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; \$60,101,000 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 \$34,423,000 (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 1998 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 394 passenger motor vehicles, of which 391 shall be for replacement only, and for the hire of such vehicles.

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

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by 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; 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 Ag-

riculture 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 1997 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 of 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 1998 shall remain available until expended to cover obligations made in fiscal year 1998 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 1998 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. 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 coopera-

tive 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. 717. None of the funds in this Act may be used to retire more than 5 per centum of the Class A stock of the Rural Telephone Bank or to maintain any account or sub-account 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. 718. 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. 719. 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. 720. 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. 721. 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. 722. 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 \$150,000,000.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board.

SEC. 724. Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802 (c)) is amended by inserting before the period at the end the following: “, and includes kudzu (*Pueraria lobata* DC)”.

SEC. 725. Notwithstanding section 520 of the Housing Act of 1949, (42 U.S.C. 1490) the Martin Luther King area of Pawley's Island, South Carolina, located in Georgetown County, shall be eligible for loans and grants under section 504 of the Housing Act of 1949, as amended.

SEC. 726. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate the

Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri, or to proceed with a plan to close or consolidate the Food and Drug Administration's Baltimore, Maryland, laboratory.

SEC. 727. The Secretary of Agriculture, before making any reduction in the employee level required to carry out a program or activity under the jurisdiction of the Under Secretary for Rural Development, shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a plan (including the justification and cost savings) for reducing the employee level below the level described in the budget submitted by the President for fiscal year 1998.

SEC. 728. Effective on October 1, 1998, section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1)—

(A) by striking "Subject to paragraph (4), during" and inserting "During"; and

(B) in subparagraph (B), by striking "130" and inserting "134";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 729. STUDY OF NORTHEAST INTERSTATE DAIRY COMPACT. (a) DEFINITIONS.—In this section:

(1) CHILD, SENIOR, AND LOW-INCOME NUTRITION PROGRAMS.—The term "child, senior, and low-income nutrition programs" includes—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) the summer food service program for children established under section 13 of that Act (42 U.S.C. 1761);

(D) the child and adult care food program established under section 17 of that Act (42 U.S.C. 1766);

(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

(F) the school breakfast program established under section 4 of that Act (42 U.S.C. 1773);

(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of that Act (42 U.S.C. 1786); and

(H) the nutrition programs and projects carried out under part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.).

(2) COMPACT.—The term "Compact" means the Northeast Interstate Dairy Compact.

(3) NORTHEAST INTERSTATE DAIRY COMPACT.—The term "Northeast Interstate Dairy Compact" means the Northeast Interstate Dairy Compact referred to in section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256).

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(b) EVALUATION.—Not later than December 31, 1997, the Director shall conduct, complete, and transmit to Congress a comprehensive economic evaluation of the direct and indirect effects of the Northeast Interstate Dairy Compact and other factors which affect the price of fluid milk.

(c) COMPONENTS.—In conducting the evaluation, the Director shall consider, among other factors, the effects of implementation of the rules and regulations of the Northeast Interstate Dairy Compact Commission, such as rules and regulations relating to over-order Class I pricing and pooling provisions. This evaluation shall consider such effects prior to implementation of the Compact and

that would have occurred in the absence of the implementation of the Compact. The evaluation shall include an analysis of the impacts on—

(1) child, senior, and low-income nutrition programs including impacts on schools and institutions participating in the programs, on program recipients, and other factors;

(2) the wholesale and retail cost of fluid milk;

(3) the level of milk production, the number of cows, the number of dairy farms, and milk utilization in the Compact region, including—

(A) changes in the level of milk production, the number of cows, and the number of dairy farms in the Compact region relative to trends in the level of milk production and trends in the number of cows and dairy farms prior to implementation of the Compact;

(B) changes in the disposition of bulk and packaged milk for Class I, II, or III use produced in the Compact region to areas outside the region relative to the milk disposition to areas outside the region;

(C) changes in—

(i) the share of milk production for Class I use of the total milk production in the Compact region; and

(ii) the share of milk production for Class II and Class III use of the total milk production in the Compact region;

(4) dairy farmers and dairy product manufacturers in States and regions outside the Compact region with respect to the impact of changes in milk production, and the impact of any changes in disposition of milk originating in the Compact region, on national milk supply levels and farm level milk prices nationally; and

(5) the cost of carrying out the milk price support program established under section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251).

(d) ADDITIONAL STATES AND COMPACTS.—The Secretary shall evaluate and incorporate into the evaluation required under subsection (b) an evaluation of the economic impact of adding additional States to the Compact for the purpose of increasing prices paid to milk producers.

SEC. 730. From proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970, the Secretary may use up to an additional \$23,000,000 to implement a livestock indemnity program as established in Public Law 105-18.

SEC. 731. PLANTING OF WILD RICE ON CONTRACT ACREAGE.—None of the funds appropriated in this Act may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 732. INSPECTION AND CERTIFICATION OF AGRICULTURAL PROCESSING EQUIPMENT. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary.

(b) RELATIONSHIP TO OTHER LAW.—Subsection (a) shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

SEC. 733. RURAL HOUSING PROGRAMS.—(a) 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 1997" and inserting "fiscal year 1998".

(b) HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES AND OTHER LOW-INCOME PERSONS AND FAMILIES.—

(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, 1997" and inserting "September 30, 1998".

(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 1997" and inserting "fiscal year 1998".

(3) LOAN TERM.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(A) in subsection (a)(2), by striking "up to fifty" and inserting "up to 30"; and

(B) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

"(2) such a loan may be made for a period of up to 30 years from the making of the loan, but the Secretary may provide for periodic payments based on an amortization schedule of 50 years with a final payment of the balance due at the end of the term of the loan;"

(ii) in paragraph (5), by striking "and" at the end;

(iii) in paragraph (6), by striking the period at the end and inserting "and"; and

(iv) by adding at the end the following:

"(7) the Secretary may make a new loan to the current borrower to finance the final payment of the original loan for an additional period not to exceed twenty years, if—  
"(A) the Secretary determines—

"(i) it is more cost-efficient and serves the tenant base more effectively to maintain the current property than to build a new property in the same location; or

"(ii) the property has been maintained to such an extent that it warrants retention in the current portfolio because it can be expected to continue providing decent, safe, and affordable rental units for the balance of the loan; and

"(B) the Secretary determines—

"(i) current market studies show that a need for low-income rural rental housing still exists for that area; and

"(ii) any other criteria established by the Secretary has been met.".

(c) LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.—Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (q), by striking paragraph (2) and inserting the following:

"(2) ANNUAL LIMITATION ON AMOUNT OF LOAN GUARANTEE.—In each fiscal year, the Secretary may enter into commitments to guarantee loans under this section only to the extent that the costs of the guarantees entered into in such fiscal year do not exceed such amount as may be provided in appropriation Acts for such fiscal year.";

(2) by striking subsection (t) and inserting the following:

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1998 for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section such sums as may be necessary for such fiscal year.";

(3) in subsection (u), by striking "1996" and inserting "1998".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998".

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, let me thank all Senators for their cooperation and assistance in the passage of this bill, particularly those members of our subcommittee and the full Committee on Appropriations. Those who had amendments and helped improve the bill, we appreciate their help as well. I also want to make a special point to commend and thank the members of our staff—on our side of the aisle Rebecca Davies, who is the clerk of the subcommittee; Martha Scott Poindexter, who assisted her; Rachelle Graves-Bell; and our intern, Justin Brasell, who also was a help in the preparation of this bill. We had a lot of hearings. We did a lot of work developing this legislation. We appreciate the help that we got.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, let me echo the laudatory comments the Senator from Mississippi has just paid to the majority staff. I would like to also pay tribute to the minority staff as well as the majority staff. They worked extremely well with us. They were helpful to us as well as the chairman of the committee. On our side of the aisle, I want to especially thank Galen Fountain, who is seated at my left and who was my personal agricultural aide for many years before he joined the appropriations staff, and pay special tribute to him and Rebecca Davies, who probably know on a magnitude of about five times more about this bill than Senator COCHRAN and I do. We simply could not function here and get a bill like this through without the very able assistance of those people. But in addition to Galen, I also want to pay tribute to Carole Geagley and to my own personal staff member, Ben Noble. They have done a magnificent job.

Again, my sincere thanks to Senator COCHRAN, who is the chief architect of this bill. He did a magnificent job. If you watched here, as always when these appropriations bills are coming through, you see the Senators all gathered around here pleading with Senator COCHRAN and me to accept this amendment and that amendment. We would love to accept them all. It is always that way in appropriations. But the money constraints keep us from doing that. But we like to help other Senators.

As I said yesterday afternoon on the floor, it is not pork. Sometimes it is pure, unadulterated research from which the entire Nation benefits. But having said that, I think it is a good bill. We will do our very best to honor all the Senate's wishes in the conference committee. I think we will come back here with a good bill from conference.

Mr. CONRAD. Mr. President, the Agriculture appropriations bill just approved by the Senate includes funds for many important programs, and I deeply appreciate the work of Chairman COCHRAN and Senator BUMPERS in putting together this bill. While I appreciate their good work, I deeply regret that funds are not included to provide the final Federal matching funds for several Cooperative State Research, Education, and Extension Service buildings, including one at North Dakota State University, for which State and local matching funds have been provided.

I believe this is especially unfortunate because of unique circumstances faced by NDSU in their attempt to complete this important project. The Agriculture Appropriations Subcommittee provided an initial planning grant for this building in fiscal year 1992. After that, the subcommittee provided \$1.65 million in the fiscal year 1994 bill as a down payment on the Federal share of this \$10 million facility. Unfortunately the House Agriculture Appropriations Subcommittee indicated in its fiscal year 1996 report that the committee would no longer provide Federal funding for these buildings if the projects did not have their state and local matching funds in hand by the time Congress prepared the appropriations bills the following year for fiscal year 1997.

Mr. President, this decision created a serious problem for North Dakota because our State legislature only meets every other year. That meant North Dakota State University did not even have an opportunity to seek the State matching funds between the time the House subcommittee issued its notice in the summer of 1995 to provide no additional funding and the time the fiscal year 1997 appropriations bill was considered last summer. The first time our State legislature met following the House subcommittee's decision was January 1997, at which time the legislature provided the State match for this building. In other words, the State provided its share of funds for this building at the first opportunity they had following the announcement by the House subcommittee.

This facility is extremely important because the existing facilities at NDSU were constructed in the 1960's and do not meet USDA standards, causing animal health and production research to be curtailed. The new facility would allow expanded research into fighting anti-biotic resistant viruses, enhancing reproductive efficiency in farm animals, developing safer, more effective pharmaceuticals, improving meat animal research to improve food quality, and other important areas of research.

Mr. President, it is my strong desire that we are able to find a responsible solution to this situation. I believe terminating Federal funding for this building is premature, and I will continue to work with NDSU, USDA, and my colleagues in the House and Senate

to see that this building is completed. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I ask unanimous consent that my remarks be considered as morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Would the Senator from Utah yield for a moment?

Mr. HATCH. Yes.

### THE MIR SPACE STATION

Mr. BUMPERS. Mr. President, everybody knows that I am sort of a Johnny-one-note on the space station. I ask unanimous consent to have printed in the RECORD an article that appeared in this morning's Washington Post, the headline of which is "Russia Wonders If Manned Flight Is Worth Cost." One of the reasons I wanted to put it in the RECORD is because it echoes precisely what I said on the floor, in spades, 2 days ago.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### RUSSIA WONDERS IF MANNED FLIGHT IS WORTH COST

(By Daniel Williams)

MOSCOW, JULY 23.—With the immediate crisis on the Mir space station largely resolved for now, space officials here have turned their attention to tangled problems on Earth.

They may be as hard to fix as the ones on Mir.

Lack of money, the bane of a space enterprise that was once Moscow's pride, is the major problem. The space program also is suffering from a battered public image that makes rallying support difficult.

Debate over the future of Mir has ignited a finger-pointing spree in newspapers over who is to blame for a recent series of mishaps including a fire, a collision with a supply craft and the erroneous disconnection of a computer system that threw Mir out of position and drained much of its power.

The central issue of the controversy here is one that also surfaces from time to time in the United States: What price manned space travel, especially when compared with unmanned expeditions?

Unmanned expeditions offer more scientific benefits per dollar, except for learning about the capabilities of human beings in space. And as painful as the failure of unmanned satellite launches, space probes and robotic landings may be, a dead satellite is not the same as a dead astronaut. That element alone makes manned flights not only more dramatic, but also more expensive as systems are piled on systems for safety's sake.

Mir is the space equivalent of an old used car, but Russia appears unwilling to give up manned flight, even temporarily. To surrender a human toehold in space is to give it up permanently, officials here argue. "If we drop space, we will lag behind in this field forever," said Yuri Baturin, secretary of the Russian defense council.

One reason for sticking with Mir, even if it requires repeated tinkering under the hood, is that it makes money. The United States alone is paying Russia about \$400 million for