

TITLE X—MISCELLANEOUS

Subtitle A—Crop Insurance

SEC. 10001. EQUAL CROP INSURANCE TREATMENT OF POTATOES AND SWEET POTATOES.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended in the first sentence by striking “and potatoes” and inserting “, potatoes, and sweet potatoes”.

SEC. 10002. CONTINUOUS COVERAGE.

Section 508(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(4)) is amended—

(1) in the paragraph heading, by striking “TEMPORARY PROHIBITION” and inserting “PROHIBITION”; and

(2) by striking “through 2005” and inserting “and subsequent”.

SEC. 10003. QUALITY LOSS ADJUSTMENT PROCEDURES.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended—

(1) in paragraph (3)—

(A) by striking “The Corporation” and inserting the following:

“(A) REVIEW.—The Corporation”; and

(B) by striking “Based on” and inserting the following:

“(B) PROCEDURES.—Effective beginning not later than the 2004 reinsurance year, based on”; and

(2) by adding at the end the following:

“(4) QUALITY OF AGRICULTURAL COMMODITIES DELIVERED TO WAREHOUSE OPERATORS.—In administering this title, the Secretary shall accept, in the same manner and under the same terms and conditions, evidence of the quality of agricultural commodities delivered to—

“(A) warehouse operators that are licensed under the United States Warehouse Act (7 U.S.C. 241 et seq.);

“(B) warehouse operators that—

“(i) are licensed under State law; and

“(ii) have entered into a storage agreement with the Commodity Credit Corporation; and

“(C) warehouse operators that—

“(i) are not licensed under State law but are in compliance with State law regarding warehouses; and

“(ii) have entered into a commodity storage agreement with the Commodity Credit Corporation.”.

SEC. 10004. ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

“(e) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—

“(1) IN GENERAL.—The Corporation shall carry out, through at least the 2004 reinsurance year, the adjusted gross revenue insurance pilot program in effect for the 2002 reinsurance year.

“(2) ADDITIONAL COUNTIES.—

“(A) *IN GENERAL.*—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for the 2003 reinsurance year at least 8 counties in the State of California and at least 8 counties in the State of Pennsylvania.

“(B) *SELECTION CRITERIA.*—In carrying out subparagraph (A), the Corporation shall work with the respective State Departments of Agriculture to establish criteria to determine which counties to include in the pilot program.”.

SEC. 10005. SENSE OF CONGRESS ON EXPANSION OF CROP INSURANCE COVERAGE.

It is the sense of Congress that the Federal Crop Insurance Corporation should address needs of producers through the expansion of pilot programs and coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), including—

- (1) *crop revenue insurance for the producers of pecans in the State of Georgia; and*
- (2) *coverage for continuous crops of wheat produced in the State of Kansas.*

SEC. 10006. REPORT ON SPECIALTY CROP INSURANCE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

- (1) *the progress made by the Federal Crop Insurance Corporation in research and development of innovative risk management products to include cost of production insurance that provides coverage for specialty crops, paying special attention to apples, asparagus, blueberries (wild and domestic), cabbage, canola, carrots, cherries, Christmas trees, citrus fruits, cucumbers, dry beans, eggplants, floriculture, grapes, greenhouse and nursery agricultural commodities, green peas, green peppers, hay, lettuce, maple, mushrooms, pears, potatoes, pumpkins, snap beans, spinach, squash, strawberries, sugar beets, and tomatoes; and*
- (2) *the progress made by the Corporation in increasing the use of risk management products offered through the Corporation by producers of specialty crops, by small- and moderate-sized farms, and in areas that are underserved, as determined by the Secretary.*

Subtitle B—Disaster Assistance

SEC. 10101. REFERENCE TO SEA GRASS AND SEA OATS AS CROPS COVERED BY NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by inserting “sea grass and sea oats,” after “fish).”.

SEC. 10102. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

Section 2281(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a(a)) is amended by striking “, not to exceed \$20,000,000 annually.”.

SEC. 10103. EMERGENCY LOANS FOR SEED PRODUCERS.

Section 253(b)(5)(B) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 423) is amended by striking “18 months” and inserting “36 months”.

SEC. 10104. ASSISTANCE FOR LIVESTOCK PRODUCERS.

(a) **AVAILABILITY OF ASSISTANCE.**—In such amounts as are provided in advance in appropriation Acts, the Secretary of Agriculture may provide assistance to dairy and other livestock producers to cover economic losses incurred by such producers in connection with the production of livestock.

(b) **TYPES OF ASSISTANCE.**—The assistance provided to livestock producers may be in the following forms:

(1) Indemnity payments to livestock producers who incur livestock mortality losses.

(2) Livestock feed assistance to livestock producers affected by shortages of feed.

(3) Compensation for sudden increases in production costs.

(4) Such other assistance, and for such other economic losses, as the Secretary considers appropriate.

(c) **LIMITATIONS.**—The Secretary may not use the funds of the Commodity Credit Corporation to provide assistance under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 10105. MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS.

(a) **IN GENERAL.**—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use \$94,000,000 for fiscal year 2002 to make payments, as soon as practicable after the date of enactment of this Act, to apple producers for the loss of markets during the 2000 crop year.

(b) **PAYMENT QUANTITY.**—The payment quantity of apples for which the producers on a farm are eligible for payments under this section shall be equal to the lesser of—

(1) the quantity of the 2000 crop of apples produced by the producers on the farm; or

(2) 5,000,000 pounds of apples produced on the farm.

(c) **LIMITATIONS.**—Subject to subsection (b)(2), the Secretary shall not establish a payment limitation, or income eligibility limitation, with respect to payments made under this section.

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary shall promulgate such regulations as are necessary to implement this section.

(2) **PROCEDURE.**—The promulgation of the regulations and administration of this section shall be made without regard to—

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

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

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

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

SEC. 10106. MARKET LOSS ASSISTANCE FOR ONION PRODUCERS.

The Secretary of Agriculture shall use \$10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of New York to be used to support onion producers in Orange County, New York, that have suffered losses to onion crops during 1 or more of the 1996 through 2000 crop years.

SEC. 10107. COMMERCIAL FISHERIES FAILURE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of Commerce, shall provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(b) PROGRAM REQUIREMENTS.—Amounts made available to carry out this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that—

(1) is certified by the Secretary of Commerce to be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)); and

(2) permanently revokes multispecies limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

(c) APPLICATION OF REGULATIONS.—The program shall be carried out in accordance with the regulations codified at part 648 of title 50, Code of Federal Regulations, and any corresponding rule issued in accordance with the regulations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(e) TERMINATION OF AUTHORITY.—The authority provided under this section terminates on the date that is 1 year after the date of enactment of this Act.

SEC. 10108. STUDY OF FEASIBILITY OF PRODUCER INDEMNIFICATION FROM GOVERNMENT-CAUSED DISASTERS.

(a) FINDINGS.—Congress finds that the implementation of Federal disaster assistance programs fails to adequately address situations in which disaster conditions are caused primarily by Federal action.

(b) AUTHORITY.—The Secretary of Agriculture shall conduct a study of the feasibility of expanding eligibility for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), and noninsured crop assistance under section 196 of the Federal Agri-

culture Improvement and Reform Act of 1996 (7 U.S.C. 7333), to agricultural producers experiencing disaster conditions caused primarily by Federal agency action restricting access to irrigation water, including any lack of access to an adequate supply of water caused by failure by the Secretary of the Interior to fulfill a contract in accordance with the Central Valley Project Improvement Act (106 Stat. 4706).

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

Subtitle C—Tree Assistance Program

SEC. 10201. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ORCHARDIST.—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(2) NATURAL DISASTER.—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) TREE.—The term “tree” includes a tree, bush, and vine.

SEC. 10202. ELIGIBILITY.

(a) LOSS.—Subject to subsection (b), the Secretary shall provide assistance under section 10203 to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

(b) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (a) only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

SEC. 10203. ASSISTANCE.

Subject to section 10204, the assistance provided by the Secretary to eligible orchardists for losses described in section 10202 shall consist of—

(1) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(2) at the option of the Secretary, sufficient seedlings to re-establish a stand.

SEC. 10204. LIMITATIONS ON ASSISTANCE.

(a) AMOUNT.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed \$75,000, or an equivalent value in tree seedlings.

(b) *ACRES.*—The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this subtitle may not exceed 500 acres.

(c) *REGULATIONS.*—The Secretary shall promulgate regulations—

(1) defining the term “person” for the purposes of this subtitle, which shall conform, to the maximum extent practicable, to the regulations defining the term “person” promulgated under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and

(2) promulgating such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

SEC. 10205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Animal Welfare

SEC. 10301. DEFINITION OF ANIMAL UNDER THE ANIMAL WELFARE ACT.

Section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)) is amended in the first sentence by striking “excludes horses not used for research purposes and” and inserting the following: “excludes (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (2) horses not used for research purposes, and (3)”.

SEC. 10302. PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) *IN GENERAL.*—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) *SPONSORING OR EXHIBITING AN ANIMAL IN AN ANIMAL FIGHTING VENTURE.*—

“(1) *IN GENERAL.*—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture, if any animal in the venture was moved in interstate or foreign commerce.

“(2) *SPECIAL RULE FOR CERTAIN STATES.*—With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.”;

(2) in subsection (b), by striking “or deliver to another person or receive from another person” and inserting “deliver, or receive”; and

(3) in subsection (d), by striking “subsections (a), (b), or (c) of this section” and inserting “subsection (c)”.

(b) *EFFECTIVE DATE.*—The amendments made by this section take effect 1 year after the date of enactment of this Act.

SEC. 10303. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

(a) *IN GENERAL.*—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

- (1) *in subsection (e)*—
- (A) *by inserting “PENALTIES.—” after “(e)”;* and
 - (B) *by striking “\$5,000” and inserting “\$15,000”;* and
- (2) *in subsection (g)(2)(B), by inserting before the semicolon at the end the following: “or from any State into any foreign country”.*

(b) *EFFECTIVE DATE.*—*The amendment made by this section takes effect 1 year after the date of enactment of this Act.*

SEC. 10304. REPORT ON RATS, MICE, AND BIRDS.

(a) *IN GENERAL.*—*Not later than 1 year after the date of enactment of this Act, the National Research Council shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the implications of including rats, mice, and birds within the definition of animal under the regulations promulgated under the Animal Welfare Act (7 U.S.C. 2131 et seq.)*

(b) *REQUIREMENTS.*—*The report under subsection (a) shall—*

- (1) *be completed with input, consultation, and recommendations from—*
- (A) *the Secretary of Agriculture;*
 - (B) *the Secretary of Health and Human Services; and*
 - (C) *the Institute for Animal Laboratory Research within the National Academy of Sciences;*
- (2) *contain an estimate of—*
- (A) *the number and types of entities that use rats, mice, and birds for research purposes; and*
 - (B) *which of the entities—*
 - (i) *are subject to regulations of the Department of Agriculture;*
 - (ii) *are subject to regulations or guidelines of the Department of Health and Human Services; or*
 - (iii) *voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;*
- (3) *contain an estimate of the numbers of rats, mice, and birds used in research facilities, with an indication of which of the facilities—*
- (A) *are subject to regulations of the Department of Agriculture;*
 - (B) *are subject to regulations or guidelines of the Department of Health and Human Services; or*
 - (C) *voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;*
- (4) *contain an estimate of the additional costs likely to be incurred by breeders and research facilities resulting from the additional regulatory requirements needed in order to afford the same level of protection to rats, mice, and birds as is provided for species regulated by the Department of Agriculture,*

detailing the costs associated with individual regulatory requirements;

(5) contain recommendations for minimizing such costs, including—

(A) an estimate of the cost savings that would result from providing a different level of protection to rats, mice, and birds than is provided for species regulated by the Department of Agriculture; and

(B) an estimate of the cost savings that would result if new regulatory requirements were substantially equivalent to, and harmonized with, guidelines of the National Institutes of Health;

(6) contain an estimate of the additional funding that the Animal and Plant Health Inspection Service would require to be able to ensure that the level of compliance with respect to other regulated animals is not diminished by the increase in the number of facilities that would require inspections if a rule extending the regulatory definition of animal to rats, mice, and birds were to become effective; and

(7) contain recommendations for—

(A) minimizing the regulatory burden on facilities subject to—

(i) regulations of the Department of Agriculture;

(ii) regulations or guidelines of the Department of Health and Human Services; or

(iii) accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care; and

(B) preventing any duplication of regulatory requirements.

SEC. 10305. ENFORCEMENT OF HUMANE METHODS OF SLAUGHTER ACT OF 1958.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should—

(1) continue tracking the number of violations of Public Law 85-765 (7 U.S.C. 1901 et seq.; commonly known as the “Humane Methods of Slaughter Act of 1958”) and report the results and relevant trends annually to Congress; and

(2) fully enforce Public Law 85-765 by ensuring that humane methods in the slaughter of livestock—

(A) prevent needless suffering;

(B) result in safer and better working conditions for persons engaged in slaughtering operations;

(C) bring about improvement of products and economies in slaughtering operations; and

(D) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

(b) UNITED STATES POLICY.—It is the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85-765.

Subtitle E—Animal Health Protection

SEC. 10401. SHORT TITLE.

This subtitle may be cited as the “Animal Health Protection Act”.

SEC. 10402. FINDINGS.

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this subtitle;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this subtitle are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

SEC. 10403. DEFINITIONS.

In this subtitle:

(1) ANIMAL.—The term “animal” means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term “disease” has the meaning given the term by the Secretary.

(4) ENTER.—The term “enter” means to move into the commerce of the United States.

(5) EXPORT.—The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term “facility” means any structure.

(7) *IMPORT.*—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) *INDIAN TRIBE.*—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) *INTERSTATE COMMERCE.*—The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) *LIVESTOCK.*—The term “livestock” means all farm-raised animals.

(11) *MEANS OF CONVEYANCE.*—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) *MOVE.*—The term “move” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) *PEST.*—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

(15) *STATE.*—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) *THIS SUBTITLE.*—Except when used in this section, the term “this subtitle” includes any regulation or order issued by the Secretary under the authority of this subtitle.

(17) *UNITED STATES.*—The term “United States” means all of the States.

SEC. 10404. RESTRICTION ON IMPORTATION OR ENTRY.

(a) *IN GENERAL.*—With notice to the Secretary of the Treasury and public notice as soon as practicable, the Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) *REGULATIONS.*—

(1) *RESTRICTIONS ON IMPORT AND ENTRY.*—The Secretary may issue such orders and promulgate such regulations as are necessary to carry out subsection (a).

(2) *POST IMPORTATION QUARANTINE.*—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) *DESTRUCTION OR REMOVAL.*—

(1) *IN GENERAL.*—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this subtitle; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) *REQUIREMENTS OF OWNERS.*—

(A) *ORDERS TO DISINFECT.*—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and
 (iii) any article used in the importation of an animal.

(B) *FAILURE TO COMPLY WITH ORDERS.*—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 10405. EXPORTATION.

(a) *IN GENERAL.*—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) *REQUIREMENTS OF OWNERS.*—

(1) *ORDERS TO DISINFECT.*—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) *FAILURE TO COMPLY WITH ORDERS.*—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) *CERTIFICATION.*—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

SEC. 10406. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

SEC. 10407. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this subtitle;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this subtitle;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this subtitle.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) *IN GENERAL.*—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

“(i) the Governor or an appropriate animal health official of the State; or

“(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) *NOTICE.*—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) *NOTICE AFTER ACTION.*—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) *QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.*—

(1) *IN GENERAL.*—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) *FAILURE TO COMPLY WITH ORDERS.*—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) *COMPENSATION.*—

(1) *IN GENERAL.*—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) *AMOUNT.*—

(A) *IN GENERAL.*—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market

value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) *LIMITATION.*—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) *REVIEWABILITY.*—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review or review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

(3) *EXCEPTIONS.*—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this subtitle;

(C) any animal, article, or means of conveyance that is refused entry under this subtitle; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this subtitle by the owner.

SEC. 10408. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) *GUIDELINES.*—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) *WARRANTLESS INSPECTIONS.*—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this subtitle;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this subtitle; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 10407(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 10407(b).

(c) *INSPECTIONS WITH WARRANTS.*—

(1) *IN GENERAL.*—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this subtitle.

(2) *APPLICATION AND ISSUANCE OF WARRANTS.*—

(A) *IN GENERAL.*—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this subtitle, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this subtitle.

(B) *EXECUTION.*—The warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 10409. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) *IN GENERAL.*—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) *COMPENSATION.*—

(1) *IN GENERAL.*—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this subtitle.

(2) *REVIEWABILITY.*—The action of the Secretary in carrying out paragraph (1) shall not be subject to review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

SEC. 10410. VETERINARY ACCREDITATION PROGRAM.

(a) *IN GENERAL.*—The Secretary may establish a veterinary accreditation program that is consistent with this subtitle, including the establishment of standards of conduct for accredited veterinarians.

(b) *CONSULTATION.*—The Secretary shall consult with State animal health officials and veterinary professionals regarding the establishment of the veterinary accreditation program.

(c) *SUSPENSION OR REVOCATION OF ACCREDITATION.*—

(1) *IN GENERAL.*—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this title who violates this subtitle.

(2) *FINAL ORDER.*—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) *SUMMARY SUSPENSION.*—

(A) *IN GENERAL.*—The Secretary may summarily suspend the accreditation of a veterinarian whom the Secretary has reason to believe knowingly violated this subtitle.

(B) *HEARINGS.*—The Secretary shall provide the veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) *APPLICATION OF PENALTY PROVISIONS.*—The criminal and civil penalties described in section 10414 shall not apply to a viola-

tion of this section that is not a violation of any other provision of this subtitle.

SEC. 10411. COOPERATION.

(a) *IN GENERAL.*—To carry out this subtitle, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) *RESPONSIBILITY.*—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) *SCREWWORMS.*—

(1) *IN GENERAL.*—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) *PROCEEDS.*—

(A) *INDEPENDENT PRODUCTION AND SALE.*—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) *COOPERATIVE PRODUCTION AND SALE.*—

(i) *IN GENERAL.*—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) *ACCOUNT.*—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) *COOPERATION IN PROGRAM ADMINISTRATION.*—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION AND COORDINATION WITH OTHER FEDERAL AGENCIES.—

(1) *IN GENERAL.*—The Secretary shall consult and coordinate with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) *LEAD AGENCY.*—Subject to the consultation and coordination requirement in paragraph (1), the Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 10412. REIMBURSABLE AGREEMENTS.

(a) *AUTHORITY TO ENTER INTO AGREEMENTS.*—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) *FUNDS COLLECTED FOR PRECLEARANCE.*—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) *PAYMENT OF EMPLOYEES.*—

(1) *IN GENERAL.*—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this subtitle relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) *REIMBURSEMENT.*—

(A) *IN GENERAL.*—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) *USE OF FUNDS.*—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) *LATE PAYMENT PENALTIES.*—

(1) *COLLECTION.*—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) *USE OF FUNDS.*—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

SEC. 10413. ADMINISTRATION AND CLAIMS.

(a) *ADMINISTRATION.*—To carry out this subtitle, the Secretary may—

(1) acquire and maintain real or personal property;

(2) *employ a person;*
 (3) *make a grant; and*
 (4) *notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.*

(b) **TORT CLAIMS.**—

(1) **IN GENERAL.**—*Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this subtitle.*

(2) **REQUIREMENTS.**—*A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.*

SEC. 10414. PENALTIES.

(a) **CRIMINAL PENALTIES.**—

(1) **OFFENSES.**—

(A) **IN GENERAL.**—*A person that knowingly violates this subtitle, or knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this subtitle shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.*

(B) **DISTRIBUTION OR SALE.**—*A person that knowingly imports, enters, exports, or moves any animal or article, for distribution or sale, in violation of this subtitle, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.*

(2) **MULTIPLE VIOLATIONS.**—*On the second and any subsequent conviction of a person of a violation of this subtitle under paragraph (1), the person shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.*

(b) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—*Except as provided in section 10410(d), any person that violates this subtitle, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—*

(A)(i) *\$50,000 in the case of any individual, except that the civil penalty may not exceed \$1,000 in the case of an initial violation of this subtitle by an individual moving regulated articles not for monetary gain;*

(ii) *\$250,000 in the case of any other person for each violation; and*

(iii) *\$500,000 for all violations adjudicated in a single proceeding; or*

(B) *twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this subtitle that results in the per-*

son's deriving pecuniary gain or causing pecuniary loss to another person.

(2) **FACTORS IN DETERMINING CIVIL PENALTY.**—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

- (A) the ability to pay;
- (B) the effect on ability to continue to do business;
- (C) any history of prior violations;
- (D) the degree of culpability; and
- (E) such other factors as the Secretary considers to be appropriate.

(3) **SETTLEMENT OF CIVIL PENALTIES.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) **FINALITY OF ORDERS.**—

(A) **FINAL ORDER.**—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) **REVIEW.**—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) **INTEREST.**—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) **LIABILITY FOR ACTS OF AGENTS.**—In the construction and enforcement of this subtitle, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(d) **GUIDELINES FOR CIVIL PENALTIES.**—Subject to the approval of the Attorney General, the Secretary shall establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this subtitle.

SEC. 10415. ENFORCEMENT.

(a) **COLLECTION OF INFORMATION.**—

(1) **IN GENERAL.**—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this subtitle.

(2) **SUBPOENAS.**—

(A) **IN GENERAL.**—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this subtitle or any matter under investigation in connection with this subtitle.

(B) **LOCATION OF PRODUCTION.**—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this subtitle shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this subtitle that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this subtitle, or to enjoin any interference by any person with the Secretary in carrying out this subtitle, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this subtitle or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) *bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this subtitle.*

(c) *COURT JURISDICTION.—*

(1) *IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this subtitle.*

(2) *VENUE.—Any action arising under this subtitle may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.*

(3) *EXCEPTION.—Paragraphs (1) and (2) do not apply to sections 10410(c) and 10414(b).*

SEC. 10416. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this subtitle.

SEC. 10417. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.*

(b) *TRANSFER OF FUNDS.—*

(1) *IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.*

(2) *AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.*

(3) *REVIEWABILITY.—The action of any officer, employee, or agent of the Secretary in carrying out this section (including determining the amount of and making any payment authorized to be made under this subtitle) shall not be subject to review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.*

(c) *USE OF FUNDS.—In carrying out this subtitle, the Secretary may use funds made available to carry out this subtitle for—*

(1) *the employment of civilian nationals in foreign countries; and*

(2) *the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.*

SEC. 10418. REPEALS AND CONFORMING AMENDMENTS.

(a) *REPEALS.*—The following provisions of law are repealed:

- (1) *Public Law 97–46 (7 U.S.C. 147b).*
- (2) *Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).*
- (3) *The Act of August 28, 1950 (7 U.S.C. 2260).*
- (4) *Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).*
- (5) *Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).*
- (6) *Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).*
- (7) *The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).*
- (8) *Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a–1, 115 through 120, 130).*
- (9) *The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d–1).*
- (10) *The Act of June 16, 1948 (21 U.S.C. 114e, 114f).*
- (11) *Public Law 87–209 (21 U.S.C. 114g, 114h).*
- (12) *The third and fourth provisos of the fourth paragraph under the heading “BUREAU OF ANIMAL INDUSTRY” of the Act of May 31, 1920 (21 U.S.C. 116).*
- (13) *The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).*
- (14) *The first proviso under the heading “GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY” under the heading “BUREAU OF ANIMAL INDUSTRY” of the Act of June 30, 1914 (21 U.S.C. 128).*
- (15) *The fourth proviso under the heading “SALARIES AND EXPENSES” under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).*
- (16) *The third paragraph under the heading “MISCELLANEOUS” of the Act of May 26, 1910 (21 U.S.C. 131).*
- (17) *The first section and sections 2 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134 through 134h).*
- (18) *Public Law 91–239 (21 U.S.C. 135 through 135b).*
- (19) *Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).*
- (20) *Chapter 39 of title 46, United States Code.*

(b) *CONFORMING AMENDMENTS.*—

- (1) *Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—*
 - (A) *in paragraph (1), by striking “, or the owner’s agent,”; and*
 - (B) *in paragraph (2), by striking “or agent of the owner” each place it appears.*
- (2) *Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—*
 - (A) *by striking subsection (b) and inserting the following:*

“(b) *LOCATION OF PRODUCTION.*—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.”;

(B) in the third sentence of subsection (e), by inserting “to an agency other than the Office of Administrative Law Judges” after “is delegated”; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking “animal quarantine laws (21 U.S.C. 101–105, 111–135b, and 612–614)” and inserting “animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))”.

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “as herein described” and inserting “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines”.

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

“(2) *VETERINARY DIAGNOSTICS.*—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics.”; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

“(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

“(C) the Animal Health Protection Act; or

“(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.”.

(c) *EFFECT ON REGULATIONS.*—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 10404(b) or 10416 that supersedes the earlier regulation.

Subtitle F—Livestock

SEC. 10501. TRANSPORTATION OF POULTRY AND OTHER ANIMALS.

Section 5402(d)(2) of title 39, United States Code, is amended—

(1) in subparagraph (A), by inserting “, honeybees,” after “poultry”; and

(2) by striking subparagraph (C).

SEC. 10502. SWINE CONTRACTORS.

(a) *DEFINITIONS.*—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

“(12) *SWINE CONTRACTOR.*—The term ‘swine contractor’ means any person engaged in the business of obtaining swine under a swine production contract for the purpose of slaughtering the swine or selling the swine for slaughter, if—

“(A) the swine is obtained by the person in commerce;

or

“(B) the swine (including products from the swine) obtained by the person is sold or shipped in commerce.

“(13) SWINE PRODUCTION CONTRACT.—The term ‘swine production contract’ means any growout contract or other arrangement under which a swine production contract grower raises and cares for the swine in accordance with the instructions of another person.

“(14) SWINE PRODUCTION CONTRACT GROWER.—The term ‘swine production contract grower’ means any person engaged in the business of raising and caring for swine in accordance with the instructions of another person.”

(b) SWINE CONTRACTORS.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended by striking “packer” each place it appears in sections 202, 203, 204, and 205 (7 U.S.C. 192, 193, 194, 195) (other than section 202(c)) and inserting “packer or swine contractor”.

(2) CONFORMING AMENDMENTS.—

(A) Section 202(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(c)), is amended by inserting “, swine contractor,” after “other packer” each place it appears.

(B) Section 308(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 209(a)), is amended by inserting “or swine production contract” after “poultry growing arrangement”.

(C) Sections 401 and 403 of the Packers and Stockyards Act, 1921 (7 U.S.C. 221, 223), are amended by inserting “any swine contractor, and” after “packer,” each place it appears.

SEC. 10503. RIGHT TO DISCUSS TERMS OF CONTRACT.

(a) DEFINITIONS.—In this section:

(1) PRODUCER.—The term “producer” means any person engaged in the raising and caring for livestock or poultry for slaughter.

(2) PROCESSOR.—The term “processor” means any person engaged in the business of obtaining livestock or poultry for the purpose of slaughtering the livestock or poultry.

(b) NO PROHIBITION OF DISCUSSION.—Notwithstanding a provision in any contract between a producer and a processor for the production of livestock or poultry, or in any marketing agreement between a producer and a processor for the sale of livestock or poultry for a term of 1 year or more, that provides that information contained in the contract is confidential, a party to the contract shall not be prohibited from discussing any terms or details of the contract with—

(1) a Federal or State agency;

(2) a legal adviser to the party;

(3) a lender to the party;

(4) an accountant hired by the party;

(5) an executive or manager of the party;

(6) a landlord of the party; or

(7) a member of the immediate family of the party.

(c) EFFECT ON STATE LAWS.—Subsection (b) does not—

(1) preempt any State law that addresses confidentiality provisions in contracts for the sale or production of livestock or poultry, except any provision of State law that makes lawful a contract provision that prohibits a party from, or limits a party in, engaging in discussion that subsection (b) requires to be permitted; or

(2) deprive any State court of jurisdiction under any such State law.

(d) **APPLICABILITY.**—This section applies to each contract described in subsection (b) that is entered into, amended, renewed, or extended after the date of enactment of this Act.

SEC. 10504. VETERINARY TRAINING.

The Secretary of Agriculture may develop a program to maintain in all regions of the United States a sufficient number of Federal and State veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

SEC. 10505. PSEUDORABIES ERADICATION PROGRAM.

Section 2506(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i(d)) is amended by striking “2002” and inserting “2007”.

Subtitle G—Specialty Crops

SEC. 10601. MARKETING ORDERS FOR CANEBERRIES.

(a) **IN GENERAL.**—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)(A), by inserting “caneberries (including raspberries, blackberries, and loganberries),” after “other than pears, olives, grapefruit, cherries,”; and

(2) in subsection (6)(I), by striking “tomatoes,” and inserting “tomatoes, caneberries (including raspberries, blackberries, and loganberries),”.

(b) **CONFORMING AMENDMENT.**—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “or apples” and inserting “apples, or caneberries (including raspberries, blackberries, and loganberries)”.

SEC. 10602. AVAILABILITY OF SECTION 32 FUNDS.

The second undesignated paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended by striking “\$300,000,000” and inserting “\$500,000,000”.

SEC. 10603. PURCHASE OF SPECIALTY CROPS.

(a) **GENERAL PURCHASE AUTHORITY.**—Of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for fiscal year 2002 and each subsequent fiscal year, the Secretary of Agriculture shall use not less than \$200,000,000 each fiscal year to purchase fruits, vegetables, and other specialty food crops.

(b) **PURCHASE AUTHORITY.**—

(1) **PURCHASE.**—Of the amount specified in subsection (a), the Secretary of Agriculture shall use not less than \$50,000,000

each fiscal year for the purchase of fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)).

(2) *SERVICING AGENCY.*—The Secretary of Agriculture shall provide for the Secretary of Defense to serve as the servicing agency for the procurement of the fresh fruits and vegetables under this subsection on the same terms and conditions as provided in the memorandum of agreement entered into between the Agricultural Marketing Service, the Food and Consumer Service, and the Defense Personnel Support Center during August 1995 (or any successor memorandum of agreement).

(c) *DEFINITIONS.*—In this section, the terms “fruits”, “vegetables”, and “other specialty food crops” shall have the meaning given the terms by the Secretary of Agriculture.

SEC. 10604. PROTECTION FOR PURCHASERS OF FARM PRODUCTS.

(a) *DEFINITION OF EFFECTIVE FINANCING STATEMENT.*—Section 1324(c)(4) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(4)) is amended—

(1) in subparagraph (B), by striking “signed” and inserting “signed, authorized, or otherwise authenticated by the debtor,”;

(2) by striking subparagraph (C);

(3) in subparagraph (D)—

(A) in clause (iii), by adding “and” after the semicolon at the end; and

(B) in clause (iv), by striking “applicable;” and all that follows and inserting “applicable, and the name of each county or parish in which the farm products are produced or located;”;

(4) in subparagraph (E), by striking “signed” and inserting “signed, authorized, or otherwise authenticated by the debtor”;

(5) in subparagraph (G), by striking “notice signed” and inserting “notice signed, authorized, or otherwise authenticated”; and

(6) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively.

(b) *PURCHASES SUBJECT TO SECURITY INTERESTS.*—Section 1324(e) of the Food Security Act of 1985 (7 U.S.C. 1631(e)) is amended—

(1) in paragraph (1)(A)(ii)—

(A) in subclause (III), by adding “and” after the semicolon at the end; and

(B) in subclause (IV), by striking “crop year,” and all that follows and inserting “crop year, and the name of each county or parish in which the farm products are produced or located;”;

(2) in paragraph (1)(A)(iii), by striking “similarly signed” and inserting “similarly signed, authorized, or otherwise authenticated”;

(3) in paragraph (1)(A)(iv), by striking “notice signed” and inserting “notice signed, authorized, or otherwise authenticated”;

(4) in paragraph (1)(A)(v), by inserting “contains” before “any payment”; and

(5) in paragraph (3)—

(A) in subparagraph (A), by striking “subparagraph” and inserting “subsection”; and

(B) in subparagraph (B), by striking “; and” and inserting a period.

(c) **CERTAIN SALES SUBJECT TO SECURITY INTEREST.**—Section 1324(g)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1631(g)(2)(A)) is amended—

(1) in clause (ii)—

(A) in subclause (III), by adding “and” after the semicolon at the end; and

(B) in subclause (IV), by striking “crop year,” and all that follows and inserting “crop year, and the name of each county or parish in which the farm products are produced or located.”;

(2) in clause (iii), by striking “similarly signed” and inserting “similarly signed, authorized, or otherwise authenticated”;

(3) in clause (iv), by striking “notice signed” and inserting “notice signed, authorized, or otherwise authenticated”; and

(4) in clause (v), by inserting “contains” before “any payment”.

SEC. 10605. FARMERS’ MARKET PROMOTION PROGRAM.

(a) **IN GENERAL.**—The Farmer-to-Consumer Direct Marketing Act of 1976 is amended by inserting after section 5 (7 U.S.C. 3004) the following:

“SEC. 6. FARMERS’ MARKET PROMOTION PROGRAM.

“(a) **ESTABLISHMENT.**—The Secretary shall carry out a program, to be known as the ‘Farmers’ Market Promotion Program’ (referred to in this section as the ‘Program’), to make grants to eligible entities for projects to establish, expand, and promote farmers’ markets.

“(b) **PROGRAM PURPOSES.**—

“(1) **IN GENERAL.**—The purposes of the Program are—

“(A) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers’ markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer market opportunities; and

“(B) to develop, or aid in the development of, new farmers’ markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure.

“(2) **LIMITATIONS.**—An eligible entity may not use a grant or other assistance provided under the Program for the purchase, construction, or rehabilitation of a building or structure.

“(c) **ELIGIBLE ENTITIES.**—An entity shall be eligible to receive a grant under the Program if the entity is—

“(1) an agricultural cooperative;

“(2) a local government;

“(3) a nonprofit corporation;

“(4) a public benefit corporation;

“(5) an economic development corporation;

- “(6) a regional farmers’ market authority; or
“(7) such other entity as the Secretary may designate.
“(d) **CRITERIA AND GUIDELINES.**—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.
“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2007.”.
- (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
- (1) **SURVEY.**—Section 4 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3003) is amended—
- (A) in the first sentence, by striking “a continuing” and inserting “an annual”; and
(B) by striking the second sentence.
- (2) **DIRECT MARKETING ASSISTANCE.**—Section 5 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004) is amended—
- (A) in subsection (a)—
- (i) in the first sentence, by striking “Extension Service of the United States Department of Agriculture” and inserting “Secretary”; and
(ii) in the second sentence—
- (I) by striking “Extension Service” and inserting “Secretary”; and
(II) by striking “and on the basis of which of these two agencies, or combination thereof, can best perform these activities” and inserting “, as determined by the Secretary”;
- (B) by redesignating subsection (b) as subsection (c);
and
(C) by inserting after subsection (a) the following:
- “(b) **DEVELOPMENT OF FARMERS’ MARKETS.**—The Secretary shall—
- “(1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers’ markets;
“(2) develop opportunities to share information among managers of farmers’ markets;
“(3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and
“(4) work with producers to develop farmers’ markets.”.

SEC. 10606. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

(a) **IN GENERAL.**—Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$5,000,000 for fiscal year 2002, to remain available until expended, to establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) **FEDERAL SHARE.**—

(1) *IN GENERAL.*—Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

(2) *MAXIMUM AMOUNT.*—The maximum amount of a payment made to a producer or handler under this section shall be \$500.

SEC. 10607. EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM ASSESSMENTS.

(a) *IN GENERAL.*—Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401) is amended by adding at the end the following:

“(e) *EXEMPTION OF CERTIFIED ORGANIC PRODUCTS FROM ASSESSMENTS.*—

“(1) *IN GENERAL.*—Notwithstanding any provision of a commodity promotion law, a person that produces and markets solely 100 percent organic products, and that does not produce any conventional or nonorganic products, shall be exempt from the payment of an assessment under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)).

“(2) *REGULATIONS.*—Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate regulations concerning eligibility and compliance for an exemption under paragraph (1).”.

(b) *TECHNICAL AMENDMENTS.*—Section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a)) is amended—

(1) in paragraph (17), by striking “or”;

(2) in paragraph (18), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(19) any other provision of law enacted after April 4, 1996, that provides for the establishment and operation of a promotion program described in the first sentence.”.

SEC. 10608. CRANBERRY ACREAGE RESERVE PROGRAM.

(a) *DEFINITIONS.*—In this section:

(1) *ELIGIBLE AREA.*—The term “eligible area” means a wetland or buffer strip adjacent to a wetland that, as determined by the Secretary—

(A)(i) is used, and has a history of being used, for the cultivation of cranberries; or

(ii) is an integral component of a cranberry-growing operation;

(B) is located in an environmentally sensitive area.

(2) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.

(b) *PROGRAM.*—The Secretary shall establish a program to purchase permanent easements in eligible areas from willing sellers.

(c) *PURCHASE PRICE.*—The Secretary shall ensure, to the maximum extent practicable, that each easement purchased under this

section is for an amount that appropriately reflects the range of values for agricultural and nonagricultural land in the region in which the eligible area subject to the easement is located (including whether that land is located in 1 or more environmentally sensitive areas, as determined by the Secretary).

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$10,000,000.

Subtitle H—Administration

SEC. 10701. INITIAL RATE OF BASIC PAY FOR EMPLOYEES OF COUNTY COMMITTEES.

Section 5334 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may, on appointment to a position subject to this subchapter, have the initial rate of basic pay of the employee fixed at—

“(1) the lowest rate of the higher grade that exceeds the rate of basic pay of the employee with the county committee by not less than 2 step-increases of the grade from which the employee was promoted, if the Federal Civil Service position under this subchapter is at a higher grade than the last grade the employee had while an employee of the county committee;

“(2) the same step of the grade as the employee last held during service with the county committee, if the Federal Civil Service position under this subchapter is at the same grade as the last grade the employee had while an employee of the county committee; or

“(3) the lowest step of the Federal grade for which the rate of basic pay is equal to or greater than the highest previous rate of pay of the employee, if the Federal Civil Service position under this subchapter is at a lower grade than the last grade the employee had while an employee of the county committee.”.

SEC. 10702. COMMODITY FUTURES TRADING COMMISSION PAY COMPARABILITY.

(a) *APPOINTMENT AND COMPENSATION OF EMPLOYEES OF THE COMMISSION.*—Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended—

(1) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) *APPOINTMENT AND COMPENSATION.*—

“(A) *IN GENERAL.*—The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out the functions of the Commission under this Act.

“(B) *RATES OF PAY.*—Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

“(C) COMPARABILITY.—

“(i) IN GENERAL.—The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are provided by any agency referred to in section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b(a)) or could be provided by such an agency under applicable provisions of law (including rules and regulations).

“(ii) CONSULTATION.—In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to in section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b(a)).”

(b) REPORTING OF INFORMATION BY THE COMMISSION.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended—

(1) by striking “The Federal” and inserting the following:

“(a) IN GENERAL.—The Federal”; and

(2) by adding at the end the following:

“(b) COMMODITY FUTURES TRADING COMMISSION.—In establishing and adjusting schedules of compensation and benefits for employees of the Commodity Futures Trading Commission under applicable provisions of law, the Commission shall—

“(1) inform the heads of the agencies referred to in subsection (a) and Congress of such compensation and benefits; and

“(2) seek to maintain comparability with those agencies regarding compensation and benefits.”

(c) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by adding “or” at the end;

and

(C) by adding at the end the following:

“(E) the Commodity Futures Trading Commission;”

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking “General Counsel, Commodity Futures Trading Commission.”; and

(B) by striking “Executive Director, Commodity Futures Trading Commission.”

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)).”

SEC. 10703. OVERTIME AND HOLIDAY PAY.

(a) *IN GENERAL.*—*The Secretary of Agriculture may—*

(1) *pay employees of the Department of Agriculture employed in an establishment subject to 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.) for all overtime and holiday work performed at the establishment at rates determined by the Secretary, subject to applicable law relating to minimum wages and maximum hours; and*

(2) *accept from the establishment reimbursement for any sums paid by the Secretary for the overtime and holiday work, at rates determined under paragraph (1).*

(b) *AVAILABILITY.*—*Sums received by the Secretary under this section shall remain available until expended without further appropriation and without fiscal year limitation, to carry out subsection (a).*

(c) *CONFORMING AMENDMENTS.*—

(1) *Section 25 of the Poultry Products Inspection Act (21 U.S.C. 468) is amended by striking “except that the cost” and all that follows and inserting “except the cost of overtime and holiday pay paid pursuant to the section 10703 of the Farm Security and Rural Investment Act of 2002.”*

(2) *The Act of June 5, 1948 (21 U.S.C. 695), is amended by striking “overtime” and all that follows and inserting “overtime and holiday pay paid pursuant to section 10703 of the Farm Security and Rural Investment Act of 2002.”*

(3) *The matter under the heading “BUREAU OF ANIMAL INDUSTRY” of the Act of July 24, 1919, is amended by striking the next to the last paragraph (7 U.S.C. 394).*

(4) *Section 5549 of title 5, United States Code is amended by striking paragraph (1) and inserting the following:*

“(1) *section 10703 of the Farm Security and Rural Investment Act of 2002;*”.

SEC. 10704. ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.

(a) *IN GENERAL.*—*Section 218 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918) is amended—*

(1) *in subsection (a)—*

(A) *in paragraph (1), by striking “and” at the end;*

(B) *in paragraph (2), by striking the period at the end and inserting “; and”; and*

(C) *by adding at the end the following:*

“(3) *Assistant Secretary of Agriculture for Civil Rights.*”;
and

(2) *by striking subsections (d) and (e) and inserting the following:*

“(d) **DUTIES OF ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.**—*The Secretary may delegate to the Assistant Secretary for Civil Rights responsibility for—*

“(1) *ensuring compliance with all civil rights and related laws by all agencies and under all programs of the Department;*

“(2) *coordinating administration of civil rights laws (including regulations) within the Department for employees of, and participants in, programs of the Department; and*

“(3) ensuring that necessary and appropriate civil rights components are properly incorporated into all strategic planning initiatives of the Department and agencies of the Department.”.

(b) **COMPENSATION.**—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Agriculture (2)” and inserting “Assistant Secretaries of Agriculture (3)”.

(c) **CONFORMING AMENDMENTS.**—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

- (1) in paragraph (3), by striking “or” at the end;
- (2) in paragraph (4), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights, and delegate duties to the Assistant Secretary, under section 218.”.

SEC. 10705. OPERATION OF GRADUATE SCHOOL OF DEPARTMENT OF AGRICULTURE.

(a) **AUDITS OF RECORDS.**—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended by adding at the end the following:

“(k) **AUDITS OF RECORDS.**—The financial records of the Graduate School (including records relating to contracts or agreements entered into under subsection (c)) shall be made available to the Comptroller General for purposes of conducting an audit.”.

(b) **CONFORMING REPEAL.**—Section 1669 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922) is repealed.

(c) **EFFECTIVE DATE.**—The amendments made by this section take effect on October 1, 2002.

SEC. 10706. IMPLEMENTATION FUNDING AND INFORMATION MANAGEMENT.

(a) **ADDITIONAL FUNDS FOR ADMINISTRATIVE COSTS.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, acting through the Farm Service Agency, may use not more than \$55,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of title I and the amendments made by that title.

(2) **AVAILABILITY.**—The funds referred to in paragraph (1) shall remain available to the Secretary until expended.

(3) **SET-ASIDE.**—Of the amount specified in paragraph (1), the Secretary shall use not less than \$5,000,000, but not more than \$8,000,000, to carry out subsection (b).

(b) **INFORMATION MANAGEMENT.**—

(1) **DEVELOPMENT OF SYSTEM.**—The Secretary of Agriculture shall develop a comprehensive information management system, using appropriate technologies, to be used in implementing the programs administered by the Federal Crop Insurance Corporation and the Farm Service Agency.

(2) **ELEMENTS.**—The information management system developed under this subsection shall be designed to—

(A) improve access by agricultural producers to programs described in paragraph (1);

(B) improve and protect the integrity of the information collected;

(C) meet the needs of the agencies that require the data in the administration of their programs;

(D) improve the timeliness of the collection of the information;

(E) contribute to the elimination of duplication of information collection;

(F) lower the overall cost to the Department of Agriculture for information collection; and

(G) achieve such other goals as the Secretary considers appropriate.

(3) *RECONCILIATION OF CURRENT INFORMATION MANAGEMENT.*—The Secretary shall ensure that all current information of the Federal Crop Insurance Corporation and the Farm Service Agency is combined, reconciled, redefined, and reformatted in such a manner so that the agencies can use the common information management system developed under this subsection.

(4) *ASSISTANCE FOR DEVELOPMENT OF SYSTEM.*—The Secretary shall enter into an agreement or contract with a non-Federal entity to assist the Secretary in the development of the information management system. The Secretary shall give preference in entering into an agreement or contract to entities that have—

(A) prior experience with the information and management systems of the Federal Crop Insurance Corporation; and

(B) collaborated with the Corporation in the development of the identification procedures required by section 515(f) of the Federal Crop Insurance Act (7 U.S.C. 1515(f)).

(5) *USE.*—The information collected using the information management system developed under this subsection may be made available to—

(A) any Federal agency that requires the information to carry out the functions of the agency; and

(B) any approved insurance provider, as defined in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)), with respect to producers insured by the approved insurance provider.

(6) *RELATION TO OTHER ACTIVITIES.*—This subsection shall not interfere with, or delay, existing agreements or requests for proposals of the Federal Crop Insurance Corporation or the Farm Service Agency regarding the information management activities known as data mining or data warehousing.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—In addition to amounts made available under subsection (a)(3), there are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2003 through 2008.

SEC. 10707. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) **DEFINITIONS.**—Section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)) is amended by adding at the end the following:

“(4) **DEPARTMENT.**—The term ‘Department’ means the Department of Agriculture.

“(5) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means any of the following:

“(A) Any community-based organization, network, or coalition of community-based organizations that—

“(i) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers;

“(ii) has provided to the Secretary documentary evidence of work with socially disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance under subsection (a); and

“(iii) does not engage in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986.

“(B) An 1890 institution or 1994 institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), including West Virginia State College.

“(C) An Indian tribal community college or an Alaska Native cooperative college.

“(D) An Hispanic-serving institution (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

“(E) Any other institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged farmers and ranchers in a region.

“(F) An Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or a national tribal organization that has demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged farmers and ranchers in a region.

“(G) An organization or institution that received funding under subsection (a) before January 1, 1996, but only with respect to projects that the Secretary considers are similar to projects previously carried out by the organization or institution under such subsection.

“(6) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Agriculture.”

(b) **OUTREACH AND ASSISTANCE.**—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by striking subsection (a) and inserting the following:

“(a) **OUTREACH AND ASSISTANCE.**—

“(1) PROGRAM.—The Secretary of Agriculture shall carry out an outreach and technical assistance program to encourage and assist socially disadvantaged farmers and ranchers—

“(A) in owning and operating farms and ranches; and

“(B) in participating equitably in the full range of agricultural programs offered by the Department.

“(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall—

“(A) enhance coordination of the outreach, technical assistance, and education efforts authorized under various agriculture programs; and

“(B) include information on, and assistance with—

“(i) commodity, conservation, credit, rural, and business development programs;

“(ii) application and bidding procedures;

“(iii) farm and risk management;

“(iv) marketing; and

“(v) other activities essential to participation in agricultural and other programs of the Department.

“(3) GRANTS AND CONTRACTS.—

“(A) IN GENERAL.—The Secretary may make grants to, and enter into contracts and other agreements with, an eligible entity to provide information and technical assistance under this subsection.

“(B) RELATIONSHIP TO OTHER LAW.—The authority to carry out this section shall be in addition to any other authority provided in this or any other Act.

“(C) OTHER PROJECTS.—Notwithstanding paragraph (1), the Secretary may make grants to, and enter into contracts and other agreements with, an organization or institution that received funding under this section before January 1, 1996, to carry out a project that is similar to a project for which the organization or institution received such funding.

“(4) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal years 2002 through 2007.

“(B) INTERAGENCY FUNDING.—In addition to funds authorized to be appropriated under subparagraph (A), any agency of the Department may participate in any grant, contract, or agreement entered into under this subsection by contributing funds, if the agency determined that the objectives of the grant, contract, or agreement will further the authorized programs of the contributing agency.”.

(c) CONFORMING AMENDMENTS.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended—

(1) in subsection (d)(1), by striking “of Agriculture” after “Department”; and

(2) in subsection (g)(1), by striking “of Agriculture” after “Department”.

SEC. 10708. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS; PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.

(a) **TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.**—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2501 (7 U.S.C. 2279) the following:

“SEC. 2501A. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

“(a) **PURPOSE.**—The purpose of this section is to ensure compilation and public disclosure of data to assess and hold the Department of Agriculture accountable for the nondiscriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

“(b) **DEFINITION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER.**—In this section, the term ‘socially disadvantaged farmer or rancher’ has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

“(c) **COMPILATION OF PROGRAM PARTICIPATION DATA.**—

“(1) **ANNUAL REQUIREMENT.**—For each county and State in the United States, the Secretary shall compute annually the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program of the Department of Agriculture established for farmers or ranchers.

“(2) **REPORTING PARTICIPATION.**—In reporting the rates of participation under paragraph (1), the Secretary shall report the participation rate of socially disadvantaged farmers and ranchers according to race, ethnicity, and gender.”.

(b) **PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.**—Section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) is amended by striking subparagraph (B) and inserting the following:

“(B) **ESTABLISHMENT AND ELECTIONS FOR COUNTY, AREA, OR LOCAL COMMITTEES.**—

“(i) **ESTABLISHMENT.**—

“(I) **IN GENERAL.**—In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

“(II) **LOCAL ADMINISTRATIVE AREAS.**—The Secretary may designate local administrative areas within a county or a larger area under the jurisdiction of a committee established under subclause (I).

“(ii) **COMPOSITION OF COUNTY, AREA, OR LOCAL COMMITTEES.**—A committee established under clause (i) shall consist of not fewer than 3 nor more than 5 members that—

“(I) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

“(II) are elected by the agricultural producers that participate or cooperate in programs adminis-

tered within the area under the jurisdiction of the county, area, or local committee.

“(iii) ELECTIONS.—

“(I) IN GENERAL.—Subject to subclauses (II) through (V), the Secretary shall establish procedures for nominations and elections to county, area, or local committees.

“(II) NONDISCRIMINATION STATEMENT.—Each solicitation of nominations for, and notice of elections of, a county, area, or local committee shall include the nondiscrimination statement used by the Secretary.

“(III) NOMINATIONS.—

“(aa) ELIGIBILITY.—To be eligible for nomination and election to the applicable county, area, or local committee, as determined by the Secretary, an agricultural producer shall be located within the area under the jurisdiction of a county, area, or local committee, and participate or cooperate in programs administered within that area.

“(bb) OUTREACH.—In addition to such nominating procedures as the Secretary may prescribe, the Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)).

“(IV) OPENING OF BALLOTS.—

“(aa) PUBLIC NOTICE.—At least 10 days before the date on which ballots are to be opened and counted, a county, area, or local committee shall announce the date, time, and place at which election ballots will be opened and counted.

“(bb) OPENING OF BALLOTS.—Election ballots shall not be opened until the date and time announced under item (aa).

“(cc) OBSERVATION.—Any person may observe the opening and counting of the election ballots.

“(V) REPORT OF ELECTION.—Not later than 20 days after the date on which an election is held, a county, area, or local committee shall file an election report with the Secretary and the State office of the Farm Service Agency that includes—

“(aa) the number of eligible voters in the area covered by the county, area, or local committee;

“(bb) the number of ballots cast in the election by eligible voters (including the percentage of eligible voters that cast ballots);

“(cc) the number of ballots disqualified in the election;

“(dd) the percentage that the number of ballots disqualified is of the number of ballots received;

“(ee) the number of nominees for each seat up for election;

“(ff) the race, ethnicity, and gender of each nominee, as provided through the voluntary self-identification of each nominee; and

“(gg) the final election results (including the number of ballots received by each nominee).

“(VI) NATIONAL REPORT.—Not later than 90 days after the date on which the first election of a county, area, or local committee that occurs after the date of enactment of the Farm Security and Rural Investment Act of 2002 is held, the Secretary shall complete a report that consolidates all the election data reported to the Secretary under subclause (V).

“(VII) ELECTION REFORM.—

“(aa) ANALYSIS.—If determined necessary by the Secretary after analyzing the data contained in the report under subclause (VI), the Secretary shall promulgate and publish in the Federal Register proposed uniform guidelines for conducting elections for members and alternate members of county, area, and local committees not later than 1 year after the date of completion of the report.

“(bb) INCLUSION.—The procedures promulgated by the Secretary under item (aa) shall ensure fair representation of socially disadvantaged groups described in subclause (III)(bb) in an area covered by the county, area, or local committee, in cases in which those groups are underrepresented on the county, area, or local committee for that area.

“(cc) METHODS OF INCLUSION.—Notwithstanding clause (ii), the Secretary may ensure inclusion of socially disadvantaged farmers and ranchers through provisions allowing for appointment of 1 additional voting member to a county, area, or local committee or through other methods.

“(iv) TERM OF OFFICE.—The term of office for a member of a county, area, or local committee shall not exceed 3 years.

“(v) PUBLIC AVAILABILITY AND REPORT TO CONGRESS.—

“(I) PUBLIC DISCLOSURE.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper

form, all data required to be collected and computed under section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 and clause (iii)(V) collected annually since the most recent Census of Agriculture.

“(II) REPORT TO CONGRESS.—After each Census of Agriculture, the Secretary shall report to Congress the rate of loss or gain in participation by each socially disadvantaged group, by race, ethnicity, and gender, since the previous Census.”.

Subtitle I—General Provisions

SEC. 10801. COTTON CLASSIFICATION SERVICES.

(a) *EXTENSION OF AUTHORITY TO PROVIDE SERVICES.*—The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”; 7 U.S.C. 473a), is amended by striking “2002” and inserting “2007”.

(b) *REPEAL OF OBSOLETE EFFECTIVE DATE PROVISIONS.*—

(1) *1984 AMENDMENT.*—The first section of Public Law 98–403 (98 Stat. 1479) is amended by striking “, effective for the period beginning October 1, 1984, and ending September 30, 1988,”.

(2) *1987 AMENDMENTS.*—Section 2 of the Uniform Cotton Classing Fees Act of 1987 (Public Law 100–108; 101 Stat. 728) is amended by striking “Effective for the period beginning on the date of enactment of this Act and ending September 30, 1992, section” and inserting “Section”.

(3) *1991 AMENDMENTS.*—Section 120 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1842) is amended by striking subsection (e).

SEC. 10802. PROGRAM OF PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

(a) *PUBLIC INFORMATION CAMPAIGN.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall develop and implement a program to communicate with the public regarding the use of biotechnology in producing food for human consumption. The information provided under the program shall include the following:

(1) Science-based evidence on the safety of foods produced with biotechnology.

(2) Scientific data on the human outcomes of the use of biotechnology to produce food for human consumption.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2007.

SEC. 10803. CHINO DAIRY PRESERVE PROJECT.

Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, may provide financial and technical assistance to the Chino Dairy Preserve Project, San Bernadino County, California.

SEC. 10804. GRAZINGLANDS RESEARCH LABORATORY.

Notwithstanding any other provision of law, before December 31, 2007, the Federal land and facilities at El Reno, Oklahoma, currently administered by the Secretary of Agriculture as the Grazinglands Research Laboratory shall not, without specific authorization by Congress—

(1) be declared to be excess or surplus under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); or

(2) be conveyed or otherwise transferred in whole or in part.

SEC. 10805. FOOD AND AGRICULTURAL POLICY RESEARCH INSTITUTE.

(a) AUTHORITY.—The Secretary of Agriculture may award grants to the Food and Agricultural Policy Research Institute for the purpose of funding prospective, independent research on the effects of alternative domestic, foreign, and trade policies, on the agricultural sector, including research on the effects of those policies on—

(1) commodity prices for—

(A) feed; and

(B) food grains, oilseeds, cotton, livestock, and products thereof;

(2) supply and demand conditions for similar products;

(3) costs to the Federal Government;

(4) farm income;

(5) food costs;

(6) the volume and value of trade in agricultural commodities; and

(7) exporter and importer supply, demand, and trade.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2003 through 2007.

SEC. 10806. MARKET NAMES FOR CATFISH AND GINSENG.

(a) CATFISH LABELING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)—

(A) the term “catfish” may only be considered to be a common or usual name (or part thereof) for fish classified within the family Ictaluridae; and

(B) only labeling or advertising for fish classified within that family may include the term “catfish”.

(2) AMENDMENT.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(t) If it purports to be or is represented as catfish, unless it is fish classified within the family Ictaluridae.”.

(b) GINSENG LABELING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)—

(A) the term “ginseng” may only be considered to be a common or usual name (or part thereof) for any herb or

herbal ingredient derived from a plant classified within the genus Panax; and

(B) only labeling or advertising for herbs or herbal ingredients classified within that genus may include the term “ginseng”.

(2) AMENDMENT.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) (as amended by subsection (a)(2)) is amended by adding at the end the following:

“(u) If it purports to be or is represented as ginseng, unless it is an herb or herbal ingredient derived from a plant classified within the genus Panax.”.

SEC. 10807. FOOD SAFETY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to be known as the “Food Safety Commission” (referred to in this section as the “Commission”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members (including a Chairperson, appointed by the President.

(B) ELIGIBILITY.—

(i) IN GENERAL.—Members of the Commission—

(I) shall have specialized training or significant experience in matters under the jurisdiction of the Commission; and

(II) shall represent, at a minimum—

(aa) consumers;

(bb) food scientists;

(cc) the food industry; and

(dd) health professionals.

(ii) FEDERAL EMPLOYEES.—Not more than 3 members of the Commission may be Federal employees.

(C) DATE OF APPOINTMENTS.—The appointment of the members of the Commission shall be made as soon as practicable after the date on which funds authorized to be appropriated under subsection (e)(1) are made available.

(D) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled—

(I) not later than 60 days after the date on which the vacancy occurs; and

(II) in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the date of appointment of the final member of the Commission.

(B) OTHER MEETINGS.—The Commission shall meet at the call of the Chairperson.

(4) QUORUM; STANDING RULES.—

(A) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business.

(B) *STANDING RULES.*—At the first meeting of the Commission, the Commission shall adopt standing rules of the Commission to guide the conduct of business and decision-making of the Commission.

(b) *DUTIES.*—

(1) *RECOMMENDATIONS.*—The Commission shall make specific recommendations to enhance the food safety system of the United States, including a description of how each recommendation would improve food safety.

(2) *COMPONENTS.*—Recommendations made by the Commission under paragraph (1) shall address all food available commercially in the United States.

(3) *REPORT.*—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress—

(A) the findings, conclusions, and recommendations of the Commission, including a description of how each recommendation would improve food safety;

(B) a summary of any other material used by the Commission in the preparation of the report under this paragraph; and

(C) if requested by 1 or more members of the Commission, a statement of the minority views of the Commission.

(c) *POWERS OF THE COMMISSION.*—

(1) *HEARINGS.*—The Commission may, for the purpose of carrying out this section, hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable.

(2) *INFORMATION FROM FEDERAL AGENCIES.*—

(A) *IN GENERAL.*—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) *PROVISION OF INFORMATION.*—

(i) *IN GENERAL.*—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) may furnish information requested by the Commission to the Commission.

(ii) *ADMINISTRATION.*—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) *INFORMATION TO BE KEPT CONFIDENTIAL.*—

(i) *IN GENERAL.*—For purposes of section 1905 of title 18, United States Code—

(I) the Commission shall be considered an agency of the Federal Government; and

(II) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(ii) *PROHIBITION ON DISCLOSURE.*—Information obtained by the Commission, other than information that

is available to the public, shall not be disclosed to any person in any manner except to an employee of the Commission as described in clause (i), for the purpose of receiving, reviewing, or processing the information.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) COMPENSATION.—A member of the Commission shall serve without compensation for the services of the member on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as is permitted by law.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5316 of that title.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) *IN GENERAL.*—There is authorized to be appropriated such sums as are necessary to carry out this section.

(2) *LIMITATION.*—No payment may be made under subsection (d) except to the extent provided for in advance in an appropriations Act.

(f) *TERMINATION.*—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the recommendations and report under subsection (b)(3).

SEC. 10808. PASTEURIZATION.

(a) *PASTEURIZATION OF MEAT AND POULTRY.*—

(1) *IN GENERAL.*—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall conduct an education program regarding the availability and safety of processes and treatments that eliminate or substantially reduce the level of pathogens on meat, meat food products, poultry, and poultry products.

(2) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) *PASTEURIZATION OF FOOD AS PASTEURIZED.*—Section 403(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(h)) is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following:

“(3) a food that is pasteurized unless—

“(A) such food has been subjected to a safe process or treatment that is prescribed as pasteurization for such food in a regulation promulgated under this Act; or

“(B)(i) such food has been subjected to a safe process or treatment that—

“(I) is reasonably certain to achieve destruction or elimination in the food of the most resistant microorganisms of public health significance that are likely to occur in the food;

“(II) is at least as protective of the public health as a process or treatment described in subparagraph (A);

“(III) is effective for a period that is at least as long as the shelf life of the food when stored under normal and moderate abuse conditions; and

“(IV) is the subject of a notification to the Secretary, including effectiveness data regarding the process or treatment; and

“(ii) at least 120 days have passed after the date of receipt of such notification by the Secretary without the Secretary making a determination that the process or treatment involved has not been shown to meet the requirements of subclauses (I) through (III) of clause (i).

For purposes of paragraph (3), a determination by the Secretary that a process or treatment has not been shown to meet the requirements of subclauses (I) through (III) of subparagraph (B)(i) shall constitute final agency action under such subclauses.”.

SEC. 10809. RULEMAKING ON LABELING OF IRRADIATED FOOD; CERTAIN PETITIONS.

The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall publish a proposed rule and, with due consideration to public comment, a final rule to revise, as appropriate, the current regulation governing the labeling of foods that have been treated to reduce pest infestation or pathogens by treatment by irradiation using radioactive isotope, electronic beam, or x-ray. Pending promulgation of the final rule required by this subsection, any person may petition the Secretary for approval of labeling, which is not false or misleading in any material respect, of a food which has been treated by irradiation using radioactive isotope, electronic beam, or x-ray. The Secretary shall approve or deny such a petition within 180 days of receipt of the petition, or the petition shall be deemed denied, except to the extent additional agency review is mutually agreed upon by the Secretary and the petitioner. Any denial of a petition under this subsection shall constitute final agency action subject to judicial review by the United States Court of Appeals for the District of Columbia Circuit. Any labeling approved through the foregoing petition process shall be subject to the provisions of the final rule referred to in the first sentence of the subparagraph on the effective date of such final rule.

SEC. 10810. PENALTIES FOR VIOLATIONS OF PLANT PROTECTION ACT.

Section 424 of the Plant Protection Act (7 U.S.C. 7734) is amended by striking subsection (a) and inserting the following:

"(a) CRIMINAL PENALTIES.—

"(1) OFFENSES.—

"(A) IN GENERAL.—A person that knowingly violates this title, or knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this title shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

"(B) MOVEMENT.—A person that knowingly imports, enters, exports, or moves any plant, plant product, biological control organism, plant pest, noxious weed, or article, for distribution or sale, in violation of this title, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) MULTIPLE VIOLATIONS.—On the second and any subsequent conviction of a person of a violation of this title under paragraph (1), the person shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both."

SEC. 10811. PRECLEARANCE QUARANTINE INSPECTIONS.

(a) PRECLEARANCE INSPECTIONS REQUIRED.—The Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall conduct preclearance quarantine inspections of persons, baggage, cargo, and any other articles destined for movement from the State of Hawaii to any of the following—

- (1) The continental United States.*
- (2) Guam.*
- (3) Puerto Rico.*
- (4) The United States Virgin Islands.*

(b) *INSPECTION LOCATIONS.*—The preclearance quarantine inspections required by subsection (a) shall be conducted at all direct departure and interline airports in the State of Hawaii.

(c) *LIMITATION.*—The Secretary shall not implement this section unless appropriations for necessary expenses of the Animal and Plant Health Inspection Service for inspection, quarantine, and regulatory activities are increased by an amount not less than \$3,000,000 in an Act making appropriations for fiscal year 2003.

SEC. 10812. CONNECTICUT RIVER ATLANTIC SALMON COMMISSION.

Section 3(2) of Public Law 98–138 (Public Law 98–138; 97 Stat. 870) is amended by striking “twenty” and inserting “40”.

SEC. 10813. PINE POINT SCHOOL.

Section 802(b)(2) of the No Child Left Behind Act of 2001 (Public Law 107–110) is amended by striking “2002” each place it appears and inserting “2000”.

SEC. 10814. 7-MONTH EXTENSION OF CHAPTER 12 OF TITLE 11 OF THE UNITED STATES CODE.

(a) *AMENDMENTS.*—Section 149 of title I of division C of Public Law 105–277 is amended—

(1) by striking “June 1, 2002” each place it appears and inserting “January 1, 2003”; and

(2) in subsection (a)—

(A) by striking “September 30, 2001” and inserting “May 31, 2002”; and

(B) by striking “October 1, 2001” and inserting “June 1, 2002”.

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on June 1, 2002.

SEC. 10815. PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) *REPORT.*—The Secretary of Agriculture shall investigate and submit to Congress a report on—

(1) the scope of nonambulatory livestock;

(2) the causes that render livestock nonambulatory;

(3) the humane treatment of nonambulatory livestock; and

(4) the extent to which nonambulatory livestock may present handling and disposition problems for stockyards, market agencies, and dealers.

(b) *AUTHORITY.*—Based on the findings of the report, if the Secretary determines it necessary, the Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of nonambulatory livestock by stockyards, market agencies, and dealers.

(c) *ADMINISTRATION AND ENFORCEMENT.*—For the purpose of administering and enforcing any regulations promulgated under subsection (b), the authorities provided under sections 10414 and 10415 shall apply to the regulations in a similar manner as those sections apply to the Animal Health Protection Act. Any person that violates regulations promulgated under subsection (b) shall be subject to penalties provided in section 10414.

SEC. 10816. COUNTRY OF ORIGIN LABELING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle D—Country of Origin Labeling

“SEC. 281. DEFINITIONS.

“In this subtitle:

“(1) BEEF.—The term ‘beef’ means meat produced from cattle (including veal).

“(2) COVERED COMMODITY.—

“(A) IN GENERAL.—The term ‘covered commodity’ means—

“(i) muscle cuts of beef, lamb, and pork;

“(ii) ground beef, ground lamb, and ground pork;

“(iii) farm-raised fish;

“(iv) wild fish;

“(v) a perishable agricultural commodity; and

“(vi) peanuts.

“(B) EXCLUSIONS.—The term ‘covered commodity’ does not include an item described in subparagraph (A) if the item is an ingredient in a processed food item.

“(3) FARM-RAISED FISH.—The term ‘farm-raised fish’ includes—

“(A) farm-raised shellfish; and

“(B) fillets, steaks, nuggets, and any other flesh from a farm-raised fish or shellfish.

“(4) FOOD SERVICE ESTABLISHMENT.—The term ‘food service establishment’ means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

“(5) LAMB.—The term ‘lamb’ means meat, other than mutton, produced from sheep.

“(6) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms ‘perishable agricultural commodity’ and ‘retailer’ have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(b)).

“(7) PORK.—The term ‘pork’ means meat produced from hogs.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

“(9) WILD FISH.—

“(A) IN GENERAL.—The term ‘wild fish’ means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

“(B) INCLUSIONS.—The term ‘wild fish’ includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

“(C) EXCLUSIONS.—The term ‘wild fish’ excludes net-pen aquacultural or other farm-raised fish.

“SEC. 282. NOTICE OF COUNTRY OF ORIGIN.

“(a) IN GENERAL.—

“(1) REQUIREMENT.—Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the

final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

“(2) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity—

“(A) in the case of beef, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States (including from an animal exclusively born and raised in Alaska or Hawaii and transported for a period not to exceed 60 days through Canada to the United States and slaughtered in the United States);

“(B) in the case of lamb and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States;

“(C) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States;

“(D) in the case of wild fish, is—

“(i) harvested in waters of the United States, a territory of the United States, or a State; and

“(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof; and

“(E) in the case of a perishable agricultural commodity or peanuts, is exclusively produced in the United States.

“(3) WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

“(b) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Subsection (a) shall not apply to a covered commodity if the covered commodity is—

“(1) prepared or served in a food service establishment; and

“(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

“(B) served to consumers at the food service establishment.

“(c) METHOD OF NOTIFICATION.—

“(1) IN GENERAL.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

“(2) LABELED COMMODITIES.—If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

“(d) AUDIT VERIFICATION SYSTEM.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

“(e) INFORMATION.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information

to the retailer indicating the country of origin of the covered commodity.

“(f) **CERTIFICATION OF ORIGIN.**—

“(1) **MANDATORY IDENTIFICATION.**—The Secretary shall not use a mandatory identification system to verify the country of origin of a covered commodity.

“(2) **EXISTING CERTIFICATION PROGRAMS.**—To certify the country of origin of a covered commodity, the Secretary may use as a model certification programs in existence on the date of enactment of this Act, including—

“(A) the carcass grading and certification system carried out under this Act;

“(B) the voluntary country of origin beef labeling system carried out under this Act;

“(C) voluntary programs established to certify certain premium beef cuts;

“(D) the origin verification system established to carry out the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); or

“(E) the origin verification system established to carry out the market access program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

“**SEC. 283. ENFORCEMENT.**

“(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), section 253 shall apply to a violation of this subtitle.

“(b) **WARNINGS.**—If the Secretary determines that a retailer is in violation of section 282, the Secretary shall—

“(1) notify the retailer of the determination of the Secretary; and

“(2) provide the retailer a 30-day period, beginning on the date on which the retailer receives the notice under paragraph (1) from the Secretary, during which the retailer may take necessary steps to comply with section 282.

“(c) **FINES.**—If, on completion of the 30-day period described in subsection (b)(2), the Secretary determines that the retailer has willfully violated section 282, after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer in an amount of not more than \$10,000 for each violation.

“**SEC. 284. REGULATIONS.**

“(a) **GUIDELINES.**—Not later than September 30, 2002, the Secretary shall issue guidelines for the voluntary country of origin labeling of covered commodities based on the requirements of section 282.

“(b) **REGULATIONS.**—Not later than September 30, 2004, the Secretary shall promulgate such regulations as are necessary to implement this subtitle.

“(c) **PARTNERSHIPS WITH STATES.**—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States with enforcement infrastructure to assist in the administration of this subtitle.

“SEC. 285. APPLICABILITY.

“This subtitle shall apply to the retail sale of a covered commodity beginning September 30, 2004.”.

Subtitle J—Miscellaneous Studies and Reports

SEC. 10901. REPORT ON SPECIALTY CROP PURCHASES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the quantity and type of—

- (1) fruits, vegetables, and other specialty food crops that are purchased under section 10603; and*
- (2) other commodities that are purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).*

SEC. 10902. REPORT ON POUCHED AND CANNED SALMON.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States under food and nutrition programs administered by the Secretary.

(b) COMPONENTS.—The report under subsection (a) shall include—

- (1) an analysis of pouched and canned salmon inventories in the United States that, as of the date on which the report is submitted, are available for purchase;*
- (2) an analysis of the demand for pouched and canned salmon and value-added products (such as salmon “nuggets”) by—*
 - (A) partners of the Department of Agriculture (including other appropriate Federal agencies); and*
 - (B) consumers; and*
- (3) an analysis of impediments to additional purchases of pouched and canned salmon, including—*
 - (A) any marketing issues; and*
 - (B) recommendations for methods to resolve those impediments.*

SEC. 10903. STUDY ON UPDATING YIELDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to determining how producer income would be affected by updating yield bases, including—

- (1) whether crop yields have increased over the past 20 crop years for program crops and oilseeds;*
- (2) whether program payments would be disbursed differently under title I if yield bases were updated further;*
- (3) what impact the target prices under title I would have on producer income if the yield bases of the target prices were further updated; and*

(4) *what impact lower target prices with updated yield bases would have on producer income, as compared with the impact of target prices under title I.*

(b) *REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study, findings, and recommendations required by subsection (a).*

SEC. 10904. REPORT ON EFFECT OF FARM PROGRAM PAYMENTS.

(a) *IN GENERAL.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance payments have had, and that direct payments and counter-cyclical payments are likely to have, on the economic viability of producers and the farming infrastructure, particularly in areas where climate, soil types, and other agronomic conditions severely limit the covered crops that producers can choose to successfully and profitably produce.*

(b) *CASE STUDY RELATED TO RICE PRODUCTION.—The review shall include a case study of the effects that the payments described in subsection (a), and the forecast effects of increasing these or other fixed payments, are likely to have on rice producers (including tenant rice producers), the rice milling industry, and the economies of rice farming areas in Texas, where harvested rice acreage has fallen from 320,000 acres in 1995 to only 211,000 acres in 2001.*

(c) *REPORT AND RECOMMENDATIONS.—*

(1) *REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected for the review and the case study and any findings made on the basis of the information.*

(2) *RECOMMENDATIONS.—The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on—*

(A) *producers who are tenants;*

(B) *the agricultural economies in farming areas generally;*

(C) *particular areas described in subsection (a); and*

(D) *on the area that is the subject of the case study conducted under subsection (b).*

SEC. 10905. CHILOQUIN DAM FISH PASSAGE FEASIBILITY STUDY.

(a) *IN GENERAL.—The Secretary of the Interior, in collaboration with all interested parties (including the Modoc Point Irrigation District, the Klamath Tribes, and the Oregon Department of Fish and Wildlife), shall conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon.*

(b) *SUBJECTS.—The study shall include—*

(1) *a review of all alternatives for providing passage described in subsection (a), including the removal of the dam;*

(2) *the determination of the most appropriate alternative;*

(3) *the development of recommendations for implementing that alternative; and*

(4) examination of mitigation needed for upstream and downstream water users, and for Klamath tribal nonconsumptive uses, as a result of the implementation of the alternative.

(c) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that describes the findings, conclusions, and recommendations of the study.

SEC. 10906. REPORT ON GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) *DEFINITION OF GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.*—In this section, the term “geographically disadvantaged farmer or rancher” means a farmer or rancher in—

(1) an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) (as amended by section 7502(a)); or

(2) a State other than 1 of the 48 contiguous States.

(b) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) barriers to efficient and competitive transportation of inputs and products by geographically disadvantaged farmers and ranchers; and

(2) means of encouraging and assisting geographically disadvantaged farmers and ranchers—

(A) to own and operate farms and ranches; and

(B) to participate equitably in the full range of agricultural programs offered by the Department of Agriculture.

SEC. 10907. STUDIES ON AGRICULTURAL RESEARCH AND TECHNOLOGY.

(a) *SCIENTIFIC STUDIES.*—

(1) *IN GENERAL.*—The Secretary of Agriculture may conduct scientific studies on—

(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

(2) *REPORT.*—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of any scientific studies conducted under paragraph (1).

(b) *VACCINES.*—

(1) *VACCINE STORAGE STUDY.*—The Secretary may—

(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against livestock diseases that could be introduced into the United States; and

(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

(2) *STOCKPILING OF VACCINES.*—If, after conducting the study and comparison described in paragraph (1), the Secretary

determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary may take such actions as are necessary to obtain the required additional doses of the vaccine.

SEC. 10908. REPORT ON TOBACCO SETTLEMENT AGREEMENT.

Not later than December 31, 2002, and annually thereafter through 2006, the Comptroller General shall submit to Congress a report that describes all programs and activities that States have carried out using funds received under all phases of the Master Settlement Agreement of 1997.

SEC. 10909. REPORT ON SALE AND USE OF PESTICIDES FOR AGRICULTURAL USES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the manner in which the Agency is applying regulations of the Agency governing the sale and use of pesticides for agricultural use to electronic commerce transactions.

SEC. 10910. REVIEW OF OPERATION OF AGRICULTURAL AND NATURAL RESOURCE PROGRAMS ON TRIBAL TRUST LAND.

(a) REVIEW.—The Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct a review of the operation of agricultural and natural resource programs available to farmers and ranchers operating on tribal and trust land, including—

- (1) agricultural commodity, price support, and farm income support programs (collectively referred to in this section as “agricultural commodity programs”);*
- (2) conservation programs (including financial and technical assistance);*
- (3) agricultural credit programs;*
- (4) rural development programs; and*
- (5) forestry programs.*

(b) CRITERIA FOR REVIEW.—In carrying out the review under subsection (a), the Secretary shall consider—

- (1) the extent to which agricultural commodity programs and conservation programs are consistent with tribal goals and priorities regarding the sustainable use of agricultural land;*
- (2) strategies for increasing tribal participation in agricultural commodity programs and conservation programs;*
- (3) the educational and training opportunities available to Indian tribes and members of Indian tribes in the practical, technical, and professional aspects of agriculture and land management; and*
- (4) the development and management of agricultural land under the jurisdiction of Indian tribes in accordance with integrated resource management plans that—*
 - (A) ensure proper management of the land;*
 - (B) produce increased economic returns;*
 - (C) promote employment opportunities; and*
 - (D) improve the social and economic well-being of Indian tribes and members of Indian tribes.*

(c) *CONSULTATION.*—*In carrying out this section, the Secretary shall consult with—*

- (1) the Secretary of the Interior;*
- (2) local officers and employees of the Department of Agriculture; and*
- (3) program recipients.*

(d) *REPORT.*—*Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains—*

- (1) a description of the results of the review conducted under this section;*
- (2) recommendations for program improvements; and*
- (3) a description of actions that will be taken to carry out the improvements.*

And the Senate agree to the same.

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

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: “An Act to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.”

And the Senate agree to the same.