

appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 779. There is hereby appropriated \$6,000,000 to carry out Section 120 of Public Law 108-265 in Utah, Wisconsin, New Mexico, Texas, Connecticut, and Idaho.

SEC. 780. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

SEC. 781. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

SEC. 782. The Federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the "Southern Horticultural Laboratory", shall be known and designated as the "Thad Cochran Southern Horticultural Laboratory": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the "Thad Cochran Southern Horticultural Laboratory".

SEC. 783. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture shall convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

SEC. 784. (a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses and deer within the definition of "livestock" covered by the program.

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting "horses, deer," after "bison,"; and

(B) by striking "equine animals used for food or in the production of food,".

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51) is amended by inserting "(including losses to elk, reindeer, bison, horses, and deer)" after "livestock losses".

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking "and bison" and inserting "bison, horses, and deer".

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking "and bison" and inserting "bison, horses, and deer".

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

SEC. 785. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2823) shall remain available until expended.

SEC. 786. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 787. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 788. Of the unobligated balances under section 32 of the Act of August 24, 1935, \$37,601,000 are hereby rescinded.

SEC. 789. None of the funds provided in this Act may be obligated or expended for any activity the purpose of which is to require a recipient of any grant that was funded in Public Law 102-368 and Public Law 103-50 for "Rural Housing for Domestic Farm Labor" in response to Hurricane Andrew to pay the United States any portion of any interest earned with respect to such grants: Provided, That such funds are expended by the grantee within 18 months of the date of enactment of this section for the purposes of providing farm labor housing consistent with the purpose authorized in Title V of the Housing Act of 1949, as determined by the Secretary.

SEC. 790. There is hereby appropriated \$140,000 to remain available until expended, for a grant to the University of Nevada at Reno; \$400,000 to remain available until expended for a grant to the Ohio Center for Farmland Policy Innovation at Ohio State University, Columbus, Ohio; \$200,000 to remain available until expended, for a grant to Utah State University for a farming and dairy training initiative; \$500,000, to remain available until expended, for a grant to the Nueces County, Texas Regional Fairground; and \$350,000 to provide administrative support for a world hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

SEC. 791. There is hereby appropriated \$1,000,000 to establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Indians: Provided, That the interest rate for direct loans shall be 1 percent: Provided further, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.

SEC. 792. Section 285 of the Agriculture Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking "2006" and inserting "2008".

SEC. 793. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel

who implement or administer Section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy or agency guidance issued pursuant to Section 508(e)(3) of such Act for the 2007 reinsurance year.

SEC. 794. Effective 120 days after the date of enactment of this Act, none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

SEC. 795. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a quarterly report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate on the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

SEC. 796. Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year."

SEC. 797. (a) Section 2111(a)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6510(a)(1)) is amended by inserting "not appearing on the National List" after "ingredient".

(b) Section 2118 of the Organic Foods Production Act of 1990 (7 U.S.C. 6517) is amended—

(1) in subsection (c)(1)—

(A) in the paragraph heading, by inserting "IN ORGANIC PRODUCTION AND HANDLING OPERATIONS" after "SUBSTANCES";

(B) in subparagraph (B)—

(i) in clause (i), by inserting "or" at the end; and

(ii) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by striking clause (iii); and

(2) in subsection (d), by adding at the end the following:

"(6) EXPEDITED PETITIONS FOR COMMERCIALY UNAVAILABLE ORGANIC AGRICULTURAL PRODUCTS CONSTITUTING LESS THAN 5 PERCENT OF AN ORGANIC PROCESSED PRODUCT.—The Secretary may develop emergency procedures for designating agricultural products that are commercially unavailable in organic form for placement on the National List for a period of time not to exceed 12 months."

(c) Section 2110(e)(2) of the Organic Foods Production Act of 1990 (7 U.S.C. 6509(e)(2)) is amended—

(1) by striking "A dairy" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), a dairy"; and

(2) by adding at the end the following:

"(B) TRANSITION GUIDELINE.—Crops and forage from land included in the organic system plan of a dairy farm that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products."

SEC. 798. (a) AMENABLE SPECIES.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) by striking "cattle, sheep, swine, goats, horses, mules, and other equines" each place it appears and inserting "amenable species";

(2) in section 1, by adding at the end the following new subsection:

"(w) The term 'amenable species' means—

"(1) those species subject to the provisions of the Act on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006; and

"(2) any additional species of livestock that the Secretary considers appropriate."; and

(3) in section 19—

(A) by striking "horses, mules, or other equines" and inserting "species designated by regulations in effect on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2006"; and

(B) by striking "cattle, sheep, swine, or goats" and inserting "other amenable species".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect of the day after the effective date of section 794 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

SEC. 799. Public Law 109-54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 is amended as follows:

(a) Under the heading National Park Service, Construction by:

(1) Striking "of which" after "\$301,291,000, to remain available until expended," and inserting in lieu thereof "and";

(2) In the sixth proviso, striking "hereinafter" and inserting in lieu thereof "hereafter" and, after "Annex", inserting "and the Blue Ridge Parkway Regional Destination Visitor Center"; and

(3) In the seventh proviso, striking "solicitation and contract" and inserting in lieu thereof "solicitations and contracts";

(b) Under the heading National Park Service, Land Acquisition and State Assistance by striking "\$74,824,000" and inserting in lieu thereof "\$64,909,000";

(c) Under the heading Departmental Management, Salaries and Expenses by striking "\$127,183,000" and inserting in lieu thereof "\$117,183,000";

(d) Under the heading Title II—Environmental Protection Agency, State and Tribal Assistance Grants by:

(1) Before the period at the end of the first paragraph, inserting "": Provided further, That of the funds made available under this heading in Division I of Public Law 108-447, \$300,000 is for the Haleyville, AL, North Industrial Area Water Storage Tank project: Provided further, That the referenced statement of the managers under the heading Environmental Protection Agency, State and Tribal Assistance Grants in Public Law 107-73, in reference to item 184, is deemed to be amended by striking "\$2,000,000" and inserting in lieu thereof "\$29,945" and by inserting after "improvements": " \$500,000 to the City of Sheridan for water system improvements, \$500,000 to Meagher County/Martinsdale Water and Sewer District for Martinsdale City System Improvements, and \$970,055 to the City of Bozeman for Hyalite Waterline and Intake"; and

(2) In the second paragraph, striking the word "original";

(e) Under the heading Forest Service, Land Acquisition by striking "land that are encumbered" and all that follows through "under this section," and inserting in lieu thereof "lands that are encumbered by unpatented claims acquired under this section, or with previously appropriated funds,"; and

(f) At the end of Title IV—General Provisions, insert the following:

"SEC. 440. REDESIGNATION OF WILDERNESS.

(a) REDESIGNATION.—Section 140(c)(4) of Division E of Public Law 108-447 is amended by striking "National".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Gaylord A. Nelson National Wilderness" shall be deemed to be a reference to the "Gaylord A. Nelson Wilderness".

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

HENRY BONILLA,
JACK KINGSTON,
TOM LATHAM,
JO ANN EMERSON,
VIRGIL GOODE, JR.,
RAY LAHOOD,
JOHN T. DOOLITTLE,
RODNEY ALEXANDER,
JERRY LEWIS,

Managers on the part of the House.

R.F. BENNETT,
THAD COCHRAN,
ARLEN SPECTER,
CHRIS BOND,
MITCH MCCONNELL,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
RICHARD DURBIN,
MARY LANDRIEU,
ROBERT C. BYRD,

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to bill (H.R. 2744), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006 and for other purposes, submit the following joint statement to the House and Senate in explanation

of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

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

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

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

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

TITLE I—AGRICULTURAL PROGRAMS
PRODUCTION, PROCESSING, AND MARKETING
OFFICE OF THE SECRETARY

The conference agreement provides \$5,127,000 for the Office of the Secretary as proposed by the House and the Senate.

The conference agreement provides the fiscal year 2005 funding level for cross-cutting trade negotiations and biotechnology resources in the following accounts: Office of the Secretary; Animal and Plant Health Inspection Service; Grain Inspection, Packers and Stockyards Administration; and the Foreign Agricultural Service.

The conferees appreciate receiving the detailed information provided in the Explanatory Notes prepared by the Department and rely heavily on this information when considering budget proposals. These materials have traditionally been prepared for the sole use of the Committees on Appropriations in a format consistent with the organization and operation of the programs and the structure of the Appropriations Act. At the direction of the Office of Management and Budget, the Department has changed the format and content of these materials to focus on broader goals and objectives rather than the major program structure followed in the Act, and in the actual conduct of the programs. The new organization and content does not present budget information in a format useful to the deliberations of the Committees. For fiscal year 2007 and future years, the Department is directed to present Explanatory Notes in a format consistent with the presentation used for the fiscal year 2002 Budget. Any deviations from that format are to be approved in advance by the Committees.

The conferees direct the Secretary to advise the Committees on Appropriations in writing of the status of all reports requested of the Department by the committees, at the time of submission of the fiscal year 2007 budget and quarterly thereafter.

The conferees are concerned by protocols employed by various food aid agencies related to measuring the quality of food products offered for international humanitarian assistance. The Secretary is encouraged to work with appropriate organizations to determine what actions may be proper to improve the nutritional integrity of food aid

**CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2006 -- (House of Representatives - October 26, 2005)**

SEC. 724. The Secretary of Agriculture shall--

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in *Harvey v. Veneman*, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that--

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.