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115TH CONGRESS
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H. R. _____

[Report No. 115–____]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2017

Mr. ADERHOLT, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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A BILL

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2018, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2018, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $41,423,000, of which not to exceed $4,850,000 shall be available for the immediate Office of the Secretary; not to exceed $501,000 shall be available for the Office of Tribal Relations; not to exceed $800,000 shall be available for the Assistant to the Secretary for Rural Development: *Provided*, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Assistant; not to exceed $1,448,000 shall be available for the Office of Homeland Security and Emergency Coordination; not to exceed $1,171,000 shall be available for the Office of Advocacy

SEC. 749. The Secretary of Agriculture and the Secretary's designees are hereby granted the same access to information and subject to the same requirements applicable to the Secretary of Housing and Urban Development as provided in section 453(j) of the Social Security Act (42 U.S.C. 653(j)) and section 6103(1)(7)(D)(ix) of the Internal Revenue Code of 1986 (26 U.S.C. 1603(1)(7)(D)(ix)) to verify the income for individuals participating in sections 502, 504, 521, and 524 of the Housing Act of 1949 (42 U.S.C. 1972, 1474, 1490a, and 1490r).

SEC. 750. Of the unobligated balances from amounts made available to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a), $8,000,000 are rescinded.

SEC. 751. None of the funds made available to the Commodity Futures Trading Commission by this Act or any other Act in the current fiscal year or any other fiscal year may be used to pay the salaries and expenses of personnel to lower the de minimis quantity of swap dealing established under section 1a(49)(D) of the Commodity Exchange Act (7 U.S.C. 1a(49)(D)) to less than $8,000,000,000.

SEC. 752. None of the funds made available by this Act or any other Act in the current fiscal year or any other

fiscal year may be used to implement, administer, or enforce the final rule with the regulation identifier number 0910-AG38 published by the Food and Drug Administration in the Federal Register on May 10, 2016 (80 Fed. Reg. 28974) with respect to traditional large and premium cigars. For the purposes of this section, the term ''traditional large and premium cigar'' means—

(1) any roll of tobacco that is wrapped in 100 percent leaf tobacco, bunched with 100 percent tobacco filler, contains no filter, tip or non-tobacco mouthpiece, weighs at least 6 pounds per 1,000 count, and—

(A) has a 100 percent leaf tobacco binder and is hand rolled;

(B) has a 100 percent leaf tobacco binder and is made using human hands to lay the leaf tobacco wrapper or binder onto only one machine that bunches, wraps, and caps each individual cigar; or

(C) has a homogenized tobacco leaf binder and is made in the United States using human hands to lay the 100 percent leaf tobacco wrapper onto only one machine that bunches, wraps, and caps each individual cigar; and

(2) is not a cigarette or a little cigar (as such terms are defined in paragraphs (3) and (11), respectively, of section 900 of the Federal Food, Drug, and Cosmetic Act).

SEC. 753. (a) None of the funds appropriated or otherwise made available by this Act or any other Act with respect to any fiscal year may, for each tobacco product which the Secretary of Health and Human Services by regulation under section 901(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387a(b)) deems to be subject to chapter IX of such Act, be used to treat—

(1) any reference in sections 905(j) or 910(a) of such Act (21 U.S.C. 387e(j), 387j(a)) to February 15, 2007, as other than a reference to the effective date of the regulation under which the tobacco product is deemed to be subject to the requirements of such chapter pursuant to section 901(b) of such Act (21 U.S.C. 387a(b)); and

(2) any reference in such sections to 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act as other than a reference to 21 months after the effective date of such deeming regulation.

(b)(1) Notwithstanding any other provision of law, not later than 21 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a notice of proposed rulemaking to establish

a product standard for vapor products pursuant to section 907 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387g) to include but not limited to—

(A) characterizing flavors; and

(B) batteries.

(2) Notwithstanding any other provision of law, not later than 36 months after the effective date of this Act, the Secretary shall promulgate a final rule pursuant to such notice.

(c) A vapor product shall be deemed to be misbranded under section 903(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387c(a)) if the advertising with respect to the vapor product is disseminated by a manufacturer, distributor, or retailer of the product in a newspaper, magazine, periodical, or other publication (including any publication of periodic or limited distribution) other than adult publication.

(d)(1) A retailer may only sell any vapor product in a direct face-to-face exchange without the assistance of any electronic or mechanical device (such as a vending machine).

(2) This subsection shall not apply with respect to sales of vapor products conducted through—

(A) mail-order; or

(B) a vending machine or self-service display if, with respect to the facility in which such vending machine or display is located, the retailer of such products ensures that no person under 18 years of age would be present or be permitted to enter.

(3) A violation of this section is deemed to constitute a violation of the Federal Food, Drug, and Cosmetic Act relating to a tobacco product for purposes of section 303(f)(9) of such Act (21 U.S.C. 333(f)(9)).

(e)(1) Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to require that the labeling of vapor products contain—

(A) the phrase ''Keep Out of Reach of Children'';

(B) the phrase ''Underage Sale Prohibited''; and

(C) an accurate statement of the nicotine content of the vapor product.

(2) A vapor product whose label is in violation of the regulations required by paragraph (1) is deemed to be misbranded under section 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387c).

(f)(1) Every person who owns or operates an establishment in any State engaged in the retail sale of a vapor

product shall register that establishment with the Secretary of Health and Human Services within the later of 60 days after the date of enactment of this Act, or 30 days after first engaging of such retail sale.

(2) The requirements of this subsection do not apply with respect to any establishment subject to an active registration under—

(A) any State law relating to tobacco products; or

(B) section 905 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387e).

(3) The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

(g) In this section:

(1) The term ''adult publication'' means any newspaper, magazine, periodical, or other publication—

(A) whose readers younger than 18 years of age constitute 15 percent or less of the total readership as measured by competent and reliable survey evidence; and

(B) that is read by fewer than 2 million persons younger than 18 years of age as measured by competent and reliable survey evidence.

(2) The terms ''label'' and ''labeling'' have the meanings given to such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) The term ''tobacco product'' has the meaning given to such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(4) The term ''vapor product''—

(A) means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or other form;

(B) includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form; and

(C) does not include any product regulated as a drug or device by the Food and Drug Administration under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et. seq.).

SEC. 754. (a) In finalizing the proposed rule entitled ''Eligibility of the People's Republic of China (PRC) to Export to the United States Poultry Products from Birds Slaughtered in the PRC'' published in the Federal Register by the Department of Agriculture on June 16, 2017