

GENERAL PROVISIONS

The estimates include General Provisions language as follows (new language underscored; deleted matter enclosed in brackets):

SECTION 701: Provides authority for the purchase, replacement, and hire of passenger motor vehicles.

Sec. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed [204] 124 passenger motor vehicles of which [170] 124 shall be for replacement only, and for the hire of such vehicles[: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety].

The first and second changes reflect agency plans for purchase of passenger motor vehicles, including replacements, totaling 124.

The third change removes language restricting the purchase of new passenger vehicles.

SECTION 702: Authorizes the transfer of discretionary, unobligated funds appropriated by this Act or other available unobligated discretionary balances to the Working Capital Fund for the purpose of acquiring plant and capital equipment necessary for the delivery of financial, administrative, and information technology services with notification to the Agency Administrator and the Appropriations Committees of both Houses of Congress. In addition, language allows up to 4 percent of income for the National Finance Center (NFC) to be reserved for capital equipment or to pay any unforeseen, extraordinary costs of the NFC. Except for emergencies, the amounts reserved are not available for obligation without notification to the Appropriations Committees.

Sec. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior [approval of] notification to the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without [written notification to and] the prior [approval of] notification to the Committees on Appropriations of both Houses of Congress: [*Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act:] *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits [written] notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

The first and second changes requires that notification be provided to the agency administrator and to the Committees on Appropriations of both Houses of Congress, rather than requiring approval of the agency administrator and the Committees on Appropriations of both Houses of Congress, before the Secretary transfers unobligated discretionary balances to the Working Capital Fund.

SECTION 703: Provides that no part of any appropriation in this Act shall remain available for obligation beyond the current fiscal year unless otherwise specified.

Sec. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SECTION 704: Limits the negotiated indirect cost rates on cooperative agreements between the Department and nonprofit institutions to 10 percent of the value of the agreement.

Sec. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SECTION 705: Provides that subsidy authority for certain loan programs remain available until expended to cover obligations.

Sec. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SECTION 706: Prohibits the use of funds to establish a Safe Meat and Poultry Inspection Panel.

Sec. 706. [Hereafter, none] None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

This change removes the word hereafter.

SECTION 707: Prohibits the use of funds to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer (OCIO), without approval of the Chief Information Officer and the concurrence of the Executive Technology Investment Review Board and Committees on Appropriations of both Houses of Congress.

Sec. 707. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer [without written] unless notification has been transmitted to [and the prior approval of] the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

This change requires that notification be transmitted to the Committees on Appropriations of both Houses of Congress, rather than requiring approval, prior to any transfer of funds to the Office of the Chief Information Officer.

SECTION 708: Provides that fiscal year funds made available for certain conservation programs and for Agricultural Management Assistance shall remain available until expended to cover obligations made in the same fiscal years but are not available for new obligations.

Sec. 708. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SECTION 709: On a yearly basis, expands eligibility under the Rural Economic Development Grants program to entities that are not current RUS borrowers.

Sec. 709. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SECTION 710: Modifies matching requirements of in-kind support from non-Federal sources for certain research grants.

Sec. 710. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) of such Act in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SECTION 711: Allows unobligated balances from the Farm Service Agency and Rural Development Salaries and Expenses accounts, to remain available through September 30, 2014, for information technology expenses.

Sec. 711. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, [2013] 2014, for information technology expenses.

This change allows unobligated balances from the Farm Service Agency and Rural Development Salaries and Expenses accounts, to remain available through September 30, 2014, for information technology expenses.

SECTION 712: Allows the Secretary to exceed the maximum amount of infant formula in regulation (by not more than a specified number of ounces) to allow all major manufacturers' products to remain eligible under the WIC Program.

Sec. 712. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 CFR 246.10 when issuing liquid infant formula to participants.

SECTION 713: Prohibits the use of funds for first-class travel that does not comply with Federal regulations on temporary duty travel allowances.

Sec. 713. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SECTION 714: Allows the use of Commodity Credit Corporation (CCC) funds for salaries and related administrative expenses used to implement certain Farm Bill authorized programs that are funded by CCC.

Sec. 714. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), other than by title I or subtitle A of title III of such Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation--(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SECTION 715: Allows the U.S. Agency for International Development (USAID) Administrator to reduce the safe box minimum for non-emergency food assistance below the authorized level.

Sec. 715. Notwithstanding any other provision of law, [the requirements pursuant to] the amounts set forth in section 412(e)(1) of the Food for Peace Act (7 U.S.C. 1736f(e)(1)), may be [waived for] reduced by any [amounts higher than those specified under this authority for fiscal year 2010] amount the Administrator determines necessary to meet emergency food needs.

The first and second change specifies the authorization in this general provision.

The third and fourth change allows the USAID Administrator the flexibility needed to carry out the program in the most efficient and effective manner.

SECTION 716: Extends the Agricultural Management Assistant Program authorization through 2014 and extends the Conservation Stewardship Program, the Environmental Quality Incentives Program, the Farmland Protection Program, and the Wildlife Habitat Incentives Program authorizations through 2014.

[Sec. 716. (a) Clause (ii) of section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended--(1) in the heading, by striking “fiscal years 2008 through 2012” and inserting “certain fiscal years”; and (2) in the text, by striking “2012” and inserting “2014”.
 (b) Section 1238E(a) of the Food Security Act of 1985 (16 U.S.C. 3838e(a)) is amended by striking “2012” and inserting “2014”.
 (c) Section 1240B(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)) is amended by striking “2012” and inserting “2014”.
 (d) Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.
 (e) Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended--(1) in the matter preceding paragraph (1), by striking “2012,” and inserting “2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7)),”; and (2) in paragraph (4)(E), by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2014”.
 (f) Section 1241(a)(7)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(7)(D)) is amended by striking “2012” and inserting “2014”.]

This change deletes the entire section 716. This 2012 provision amends existing law and does not need to be repeated in 2013.

SECTION 717: Provides that subsidy authority for Broadband Loans programs, made available in 2005, 2006, and 2007, remain available until expended to cover valid obligations.

Sec. [717]716. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations.

SECTION 718: Prohibits funds in excess of \$20 million that have been appropriated in 2012 or prior, as authorized in the Food for Peace Act, to be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under the Bill Emerson Humanitarian Trust (BEHT) Act.

[Sec. 718. None of the funds made available in fiscal year 2012 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.]

This change deletes the entire section 718. This provision limits the amount of P.L. 480 funds from prior years that can be used to reimburse the BEHT. When commodities are released from the BEHT, it is an emergency situation that cannot be addressed with available P.L. 480 resources. During periods when P.L. 480 resources are available, it is important to retain the flexibility to reimburse the BEHT as soon as practicable, to ensure the viability of the BEHT for future emergency situations.

SECTION 719: Provides a \$2,900,000 limitation on the amount of funds that the Department is allowed to spend on advisory committees, panels, commissions, and task forces.

Sec. [719]717. Of the funds made available by this Act, not more than [\$1,800,000] \$2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

This change is requested to increase the authorized amount to \$2,900,000 to permit the Secretary the flexibility needed to carry out the efficient operation of USDA programs. The agency funding is used to support both mandated advisory committees and discretionary committees and other group activities. These groups are needed to assist with the development of advice, program reviews, and identification of options for consideration by the Secretary.

SECTION 720: Raises the cap from 22 to 30 percent for indirect costs associated with any agricultural research, education, or extension grant awarded by the National Institute of Food and Agriculture.

Sec. [720]718. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SECTION 721: Places conditions on the use of funds to write, prepare, or publish a final or interim rule to further or implement regulations related to the Packers and Stockyards Act unless the annual cost to the economy does not exceed \$100 million.

[Sec. 721. None of the funds made available by this or any other Act may be used to write, prepare, or publish a final rule or an interim final rule in furtherance of, or otherwise to implement, "Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act" (75 Fed. Reg. 35338 (June 22, 2010)) unless the combined annual cost to the

economy of such rules do not exceed \$100,000,000: *Provided*, That no funds be made available by this or any other Act to publish a final or interim final rule in furtherance of, or otherwise implement, proposed sections 201.2(l), 201.2(t), 201.2(u), 201.3(c), 201.210, 201.211, 201.213, or 201.214 of “Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Conduct in Violation of the Act” (75 Fed. Reg. 35338 (June 22, 2010)); *Provided further*, That such rules must be published in the Federal Register no later than December 9, 2011: *Provided further*, That none of the funds made available by this or any other Act may be used to implement such rules until 60 days from the publication date of such rules, and only unless such rules are otherwise in compliance with this section.]

This change deletes the entire section 721. This change is requested in order to permit the Executive Branch to carry out programs in the most efficient manner.

SECTION 722: Rescinds unobligated balances from the following accounts: CSREES Buildings and Facilities, Forestry Incentives Program, Great Plains Conservation Program, Office of Advocacy and Outreach, Ocean Freight, P.L. 480 Title I, Foreign Currency Program, and Export Credit.

[Sec. 722. Any unobligated funds included under Treasury symbol codes 12X3336, 12X2268, 12X0132, 12X2271, 12X2277, 12X1404, 12X1501, and 12X1336 are hereby rescinded.]

This change deletes the entire section 722. These were one-time rescissions in 2012.

SECTION 723: Rescinds funds from unobligated balances provided under the SNAP education and training funds.

[Sec. 723. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 are hereby rescinded.]

This change deletes the entire section 723. This was a one-time rescission in 2012.

SECTION 724: Provides funds for direct reimbursement payments to geographically disadvantaged farmers and ranchers to transport an agricultural commodity or inputs used to produce an agricultural commodity as authorized in Section 1621 of the 2008 Farm Bill.

[Sec. 724. There is hereby appropriated \$1,996,000 to carry out section 1621 of Public Law 110-246.]

This change deletes the entire section 724. This provision provided one-time funding in 2012.

SECTION 725: Reserves 5 percent of funding for programs listed that are engaged in strategic regional development planning through April 1, 2013.

Sec. [725]719. [Subject to authorization by the Congress, the]The Secretary may reserve, through April 1, [2012] 2013, up to 5 percent of the funding available for the following items for projects in areas that are engaged in strategic regional development planning as defined by the Secretary: business and industry guaranteed loans; rural development loan fund; rural business enterprise grants; rural business opportunity grants; rural economic development program; rural microenterprise program; biorefinery assistance program; rural energy for America program; value-added producer grants; broadband program; water and waste program; and rural community facilities program.

The first change is requested in order to permit the Department to carry out programs in the most efficient and effective manner.

The second change allows up to 5 percent of funding for programs listed that are engaged in strategic regional development planning through April 1, 2013.

SECTION 726: Places limitations on the amount of funds available to carry out certain mandatory programs.

[Sec. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

- (1) The Conservation Stewardship Program authorized by sections 1238D-1238G of the Food Security Act of 1985 (16 U.S.C. 3838d-3838g) in excess of \$768,484,000;
- (2) The Watershed Rehabilitation program authorized by section 14(h) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h));
- (3) The Environmental Quality Incentives Program as authorized by sections 1240-1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa-3839aa-8) in excess of \$1,400,000,000;
- (4) The Farmland Protection Program as authorized by section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) in excess of \$150,000,000;
- (5) The Grassland Reserve Program as authorized by sections 1238O-1238Q of the Food Security Act of 1985 (16 U.S.C. 3838o-3838q) in excess of 209,000 acres in fiscal year 2012;
- (6) The Wetlands Reserve Program authorized by sections 1237-1237F of the Food Security Act of 1985 (16 U.S.C. 3837-3837f) to enroll in excess of 185,800 acres in fiscal year 2012;
- (7) The Wildlife Habitat Incentives Act authorized by section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1)) in excess of \$50,000,000;
- (8) The Voluntary Public Access and Habitat Incentives Program authorized by section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5);
- (9) The Bioenergy Program for Advanced Biofuels authorized by section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105) in excess of \$65,000,000;
- (10) The Rural Energy for America Program authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) in excess of \$22,000,000;
- (11) The Rural Microentrepreneur Assistance Program authorized by section 6022 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2008s);
- (12) Section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) to provide a performance-based premium discount in the crop insurance program;
- (13) Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of \$2,500,000 for the Natural Resources Conservation Service;
- (14) The Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of \$17,000,000 in new obligational authority; and
- (15) A program under subsection (b)(2)(A)(iv) of section 14222 of Public Law 110-246 in excess of \$948,000,000, as follows: Child Nutrition Programs Entitlement Commodities--\$465,000,000; State Option Contracts--\$5,000,000; Removal of Defective Commodities--\$2,500,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$20,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110-246, until October 1, 2012: *Provided further*, That \$133,000,000 made available on October 1, 2012, to carry out section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 shall be excluded from the limitation described in subsection (b)(2)(A)(v) of section 14222 of Public Law 110-246: *Provided further*, That none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause 3 of section 32 of the Agricultural Adjustment Act of 1935 (Public Law 74-320, 7 U.S.C. 612c, as amended), or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act: *Provided further*, That of the available unobligated balances under (b)(2)(A)(iv) of section 14222 of Public Law 110-246, \$150,000,000 are hereby rescinded.]

This change deletes the entire section 726. Limitations and rescissions for 2013 are included in new sections 723 and 726.

SECTION 727: Provides funds to FSA for a pilot program to demonstrate new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forest lands, enrolling lands on the coast of the Gulf of Mexico that were damage by Hurricane Katrina.

[Sec. 727. There is hereby appropriated \$600,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private nonindustrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.]

This change deletes the entire section 727. This provision provided one-time funding in 2012.

SECTION 728: Prohibits the use of funds to pay the salaries and expenses of personnel who prepare or submit appropriations language to Congress that assumes revenues or reflects a reduction from the previous year due to user fee proposals that have not been enacted into law prior to budget submission.

[Sec. 728. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2013 appropriations Act.]

This change deletes the entire section 728. The 2013 budget includes appropriations requests for funds under current law. Legislative proposals for user fees that will be sent to Congress will not impact 2013 budget requests.

SECTION 729: Rescinds the funds made available in P.L. 111-344 through February 12, 2012 for Trade Adjustment Assistance for Farmers.

[Sec. 729. The funds made available in Public Law 111-344 through February 12, 2012 for trade adjustment for farmers are hereby rescinded.]

This change deletes the entire section 729. This was a one-time rescission in 2012.

SECTION 730: Prohibits the use of funds, through a reprogramming of funds, which would create new programs; eliminate programs, projects, or activities; increase funds or personnel for which funds have been denied or restricted; relocate an office or employee; reorganize offices, programs, or activities; or contract out or privatize any function presently performed by Federal Employees unless both Houses of Congress are notified 30 days in advance of the reprogramming.

[Sec. 730. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that--(1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify in writing the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.]

This change deletes the entire section 730. The Department will continue its policy of informing the Congress in sufficient time of any reprogramming plans.

SECTION 731: Proposes to increase the one-time fee on business and industry guaranteed loans from a maximum of 2 percent to 3 percent. With this fee, the Department will be able to maintain approximately the same program level as authorized in 2012.

Sec. [731]720. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SECTION 732: Allows the closure of up to 10 Agricultural Research Service facilities. The Secretary may convey the facility to land-grant colleges and universities, 1994 institutions, or Hispanic-serving agricultural colleges and universities.

[Sec. 732. (a) CLOSURE AND CONVEYANCE OF AGRICULTURAL RESEARCH SERVICE FACILITIES- The Secretary of Agriculture may close up to 10 facilities of the Agricultural Research Service, as proposed in the budget of the President for fiscal year 2012 submitted to Congress pursuant to section 1105 of title 31, United States Code.

(b) CONVEYANCE AUTHORITY- With respect to an Agricultural Research Service facility to be closed pursuant to subsection (a), the Secretary of Agriculture may convey, with or without consideration, all right, title, and interest of the United States in and to any real property, including improvements and equipment thereon, of the facility to an eligible entity specified in subsection (c). If the Agricultural Research Service facility consists of more than one parcel of real property, the Secretary may convey each parcel separately and to different eligible entities.

(c) ENTITIES- The following entities are eligible to receive real property under subsection (b):

(1) Land-grant colleges and universities (as defined in section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)).

(2) 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

(3) Hispanic-serving agricultural colleges and universities (as defined in section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(10)).

(d) CONDITIONS ON RECEIPT- As a condition of the conveyance of real property under subsection (b),

the recipient of the property must-- (1) be located in the same State or territory of the United States in which the property is located; and (2) agree to accept and use the property for agricultural and natural resources research for a minimum of 25 years.]

This change deletes the entire section 732. The authority for closure and conveyance of properties was provided in 2012 and does not need to be repeated.

SECTION 733: Prohibits the use of USDA funds to transmit or otherwise make available to any non-USDA employee questions or responses to questions requested for the appropriations hearing process.

[Sec. 733. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.]

This change deletes the entire section 733. This change is requested in order to permit the Executive Branch to carry out programs in the most efficient manner.

SECTION 734: Authorizes a Food Donation Program where schools participating in the School Lunch Program may donate food to eligible local food banks or charitable organizations.

[Sec. 734. Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(1) Food Donation Program-

“(1) IN GENERAL- Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

“(2) GUIDANCE-

“(A) IN GENERAL- Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

“(B) UPDATES- The Secretary shall update such guidance as necessary.

“(3) LIABILITY- Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

“(4) DEFINITION- In this subsection, the term ‘eligible local food banks or charitable organizations’ means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).”]

This change deletes the entire section 734. This provision amends existing law and is no longer needed.

SECTION 735: Provides emergency funding for the Emergency Conservation Program, for the Emergency Forest Restoration Program, and for the Emergency Watershed Protection Program for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

[Sec. 735. There is hereby appropriated for the “Emergency Conservation Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$122,700,000, to remain available until expended: *Provided*, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That there is hereby appropriated for the “Emergency Forest Restoration Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$28,400,000, to remain available until expended: *Provided further*, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section

251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That there is hereby appropriated for the “Emergency Watershed Protection Program”, for necessary expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$215,900,000, to remain available until expended: *Provided further*, That the preceding amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.]

This change deletes the entire section 735. This provision provided one-time emergency funding in 2012.

SECTION 736: Prohibits the use of funds to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio that indicates the prepackaged story was prepared or funded by the Department of Agriculture.

[Sec. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.]

This change deletes the entire section 736. This change is requested in order to provide the Secretary the flexibility needed to carry out programs in the most efficient and effective manner.

SECTION 737: Provides that USDA employees cannot be detailed for more than 30 days unless the individual’s employing agency or office is reimbursed for the period of the assignment.

[Sec. 737. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.]

This change deletes the entire section 737. This change is requested in order to provide the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.

SECTION 738: Prohibits funding to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that the agency was aware of having been convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months.

Sec. [738]~~721~~. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SECTION 739: Prohibits funding used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that the agency was aware of having any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

Sec. [739]~~722~~. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all

judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SECTION 740: Allows unobligated balances in the Emergency Watershed Protection Program provided for previous disasters to be available for disasters occurring in 2011.

[Sec. 740. Unobligated balances not to exceed \$31,000,000 for the “Emergency Watershed Protection Program” provided in Public Law 108-199, Public Law 109-234, and Public Law 110-28 shall be available for the purposes of such program for disasters occurring in 2011, and shall remain available until expended: *Provided*, That the amounts made available by this section are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.]

This change deletes the entire section 740. This provision provided one-time emergency authorization in 2012.

SECTION 741: Requires that PL 480 Title II funds may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

[Sec. 741. Funds made available by this Act under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator of the U.S. Agency for International Development, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.]

This change deletes the entire section 741. This provision is unduly restrictive in the administration of P.L. 480 Title II emergency assistance. Frequently, such assistance must be provided in uncertain and extremely difficult situations, where it can be problematic to monitor the delivery of the assistance. The Administrator of USAID must have maximum flexibility in the administering of this program in such circumstances.

SECTION 742: Prohibits using appropriated funds for making nonrecourse marketing assistance loans for mohair.

[Sec. 742. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel who provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).]

This change deletes the entire section 742. Nonrecourse marketing assistance loans for mohair are covered under section 1201 of the Food, Conservation, and Energy Act of 2008, and the status of this program for 2013 should be determined in Congressional action on a new Farm Bill.

SECTION 743: Prohibits implementation of any interim final or final rule that requires crediting of tomato paste and puree based on volume, implements certain sodium target, and establishes any whole grain requirement without defining whole grain.

[Sec. 743. None of the funds made available by this Act may be used to implement an interim final or final rule regarding nutrition programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that--(1) requires crediting of tomato paste and puree based on volume; (2) implements a sodium reduction target beyond Target I, the 2-year target, specified in Notice of Proposed Rulemaking, “Nutrition Standards in the National School Lunch and School Breakfast Programs” (FNS-2007-0038, RIN 0584-AD59) until the Secretary certifies that the Department has reviewed and evaluated relevant scientific studies and data relevant to the relationship of

sodium reductions to human health; and (3) establishes any whole grain requirement without defining “whole grain.”]

This change deletes the entire section 743. Action has been taken to implement an interim final/final rule that is consistent with the requirements of the provision.

SECTION 744: Allows Rural Development to make Community Facility loans in wetland areas subject to Army Corps of Engineers approval process.

[Sec. 744. For fiscal year 2012, section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) shall not apply to any project funded under the community facilities programs authorized under such Act if such project is also subject to approval of a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).]

This change deletes the entire section 744. This provision provided a one-time authorization in 2012 and is no longer needed.

SECTION 745: Prohibits direct payments to individuals or entities with an average adjusted gross income in excess of \$1 million.

[Sec. 745. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.]

This change deletes the entire section 745. Average adjusted gross income limitations are covered under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008, and the status of these limitations for 2013 should be determined in Congressional action on a new Farm Bill.

SECTION 746: Prohibits any interim final or final rule that sets maximum limits on the servings of vegetables in school meal programs or that is inconsistent with Dietary Guidelines for Americans for vegetables.

[Sec. 746. None of the funds made available by this Act may be used to implement an interim final or final rule that--(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or (2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.]

This change deletes the entire section 746. Action has been taken to implement an interim final/final rule that is consistent with the requirements of the provision.

SECTION 747: Allows certain balances in old Rural Development programs to be transferred to the current programs.

[Sec. 747. For 2012 and subsequent fiscal years--(1) Any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 and a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the “Rural Housing Service, Multi-family Housing Revitalization Program Account”; (2) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with the “Rural Community Facilities Program Account” and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; (3) Any prior balances in the Rural Development, Rural Community Advancement Program account for programs

authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with the “Rural Business Program Account” and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer; and (4) Any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with the “Rural Water and Waste Disposal Program Account” and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines are appropriate to transfer.]

This change deletes the entire section 747. This provision provided authority for 2012 and subsequent years and is no longer needed.

SECTION 748: Provides funding to implement the Water Bank Act. The language makes flooded agricultural lands eligible to be enrolled in the program.

[Sec. 748. In addition to amounts otherwise made available by this Act, there is appropriated to implement the Water Bank Act (16 U.S.C. 1301-1311) \$7,500,000, to remain available until expended: *Provided*, That, notwithstanding section 6 of such Act (16 U.S.C. 1305), agreements entered into with funds provided under this section shall not be renewed: *Provided further*, That, in utilizing funds provided under this section, the Secretary of Agriculture may waive the percentage limitation in the last sentence of section 11 of such Act (16 U.S.C. 1310) to ensure efficient administration of the program authorized by such Act: *Provided further*, That flooded agricultural lands, as determined by the Secretary, shall be eligible to be enrolled in the program.]

This change deletes the entire section 748. This provision provided one-time funding in 2012.

SECTION 723: Places limitations on the amount of funds available to carry out certain mandatory conservation programs that receive funding from the Commodity Credit Corporation (CCC).

SEC. 723. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(a) a Conservation Stewardship Program as authorized by Chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838d–3838i), to enroll in excess of 12,009,368 acres in the fiscal year 2013. Such program shall be permanently reduced by 759,632 acres;

(b) an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524), in excess of \$2,500,000 for the Natural Resources Conservation Service. Funds exceeding this amount for fiscal year 2013 are hereby permanently cancelled;

(c) an Environmental Quality Incentives Program as authorized by sections 1240–1240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa–3839aa(8)), in excess of \$1,403,000,000. Funds exceeding this amount for fiscal year 2013 are hereby permanently cancelled;

(d) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)). Of the funds available under such section for fiscal year 2013, \$165,000,000 are hereby permanently cancelled;

(e) a Wildlife Habitat Incentives Program established under section 1240N of the Food Security Act of 1985, as amended (16 U.S.C. 3839bb-1), in excess of \$73,000,000. Funds exceeding this amount for fiscal year 2013 are hereby permanently cancelled;

(f) a performance-based premium discount in the crop insurance program authorized by section 508(d)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)). Funds made available under such section for fiscal year 2013 are hereby permanently cancelled.

SECTION 724: Proposes funding for the Voluntary Public Access and Habitat Incentive Program from the Commodity Credit Corporation.

SEC. 724. In addition to amounts otherwise made available by this Act, there is appropriated from the Commodity Credit Corporation to implement the Voluntary Public Access and Habitat Incentive Program (16 U.S.C. 3839bb-5), \$5,000,000, to remain available until expended.

SECTION 725: Proposes \$40,000,000 for the purpose of settling written claims filed under the Equal Credit Opportunity Act from July 1, 1997, to October 31, 2009.

SEC. 725. Subject to authorization by the Congress, there is hereby appropriated \$40,000,000, to remain available until expended, for the purpose of settling written claims filed under the Equal Credit Opportunity Act from July 1, 1997, to October 31, 2009.

SECTION 726: Lowers the cap on spending for the Section 32 program by deferring \$117,000,000 until October 1, 2013, for the Fresh Fruit and Vegetable Program.

SEC. 726. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(v) of section 14222 of Public Law 110-246 in excess of \$1,131,000,000: *Provided*, That none of the funds made available in this or any other Act shall be used for salaries and expenses to carry out in this fiscal year section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, except in an amount that excludes the transfer of \$117,000,000 of the funds to be transferred under subsection (c) of section 14222 of Public Law 110-246, until October 1, 2013: *Provided further*, That \$117,000,000 made available on October 1, 2013, to carry out Section 19(i)(1)(E) of the Richard B. Russell National School Lunch Act, as amended, shall be excluded from the limitation described in subsection (b)(2)(A)(vi) of section 14222 of Public Law 110-246.