

## **GENERAL PROVISIONS**

The estimates include General Provisions language as follows (new language underscored):

### **SECTION 701**

Authorizes the transfer of discretionary, unobligated funds appropriated by this Act or other available unobligated discretionary balances to the Working Capital Fund to acquire plant and capital equipment, including non-capital equipment and services, necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, with approval of the Agency Administrator. Amounts transferred under this authority would not be available for obligation until the Committees on Appropriations of Congress are notified. In addition, language allows up to 4 percent of income for the Working Capital Fund to be reserved for capital equipment or to pay any unforeseen, extraordinary costs of the National Finance Center. Except for emergencies, the amounts reserved are not available for obligation without notification to the Appropriations Committees.

Sec. 701. Notwithstanding sections 1535(b) or 1535(d) of Title 31, United States Code, work performed by the Working Capital Fund for other Federal entities on an advance or reimbursable basis shall be charged at rates which will return in full all expenses of operation of the Fund, including accrued leave, amortization of Fund plant and equipment, amortization of information technology (IT) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided, That notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available to the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment, non-capital equipment, and the services to carry out these functions necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, and such transferred funds shall remain available until expended: Provided further, 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 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 the prior notification to the Committees on Appropriations of both Houses of Congress: Provided further, That an amount not to exceed four percent of the total annual income to the Working Capital Fund for fiscal year 2020 may be retained in the Fund for fiscal year 2020, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, IT, and other support systems 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 notification of the obligation to the Committees on Appropriations of both Houses of Congress: 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 provide flexibility to use the Working Capital Fund for modern IT investments.

### **SECTION 702**

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

Sec. 702. 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 703**

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. 703. 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 704**

Provides that subsidy authority for Rural Electrification and Telecommunication Loans program account remain available until expended to cover obligations.

Sec. 704. 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 Rural Electrification and Telecommunication Loans program account.

#### **SECTION 705**

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. 705. 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 unless notification has been transmitted to the Committees on Appropriations of both Houses of Congress: Provided further, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: Provided further, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements.

#### **SECTION 706**

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

Sec. 706. 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 707**

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. 707. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that 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 708**

Provides a limitation on the amount of funds that the Federal Advisory Committee Act (FACA) committees of the Department are allowed to spend.

Sec. 708. Of the funds made available by this Act, not more than \$2,900,000 shall be used to cover necessary expenses of activities related to all Federal Advisory Committee Act committees of the Department of Agriculture.

This change clarifies the limitation on the spending cap for only FACA committees.

### **SECTION 709**

Allows the Secretary to increase the program level by not more than 25 percent for loans and loan guarantees that do not require budget authority. Prior to implementing the increase, the Secretary is required to provide written notification at least 15 days in advance.

Sec. 709. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: Provided, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

### **SECTION 710**

Restricts funding for the Food and Drug Administration from conducting research on a human embryo that is intentionally created or modified to include a heritable genetic modification.

Sec. 710. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

### **SECTION 711**

Prohibits partially hydrogenated oils as defined by the Food and Drug Administration as being deemed unsafe or adulterated until the compliance date is specified in the order published by the Food and Drug Administration.

Sec. 711. No partially hydrogenated oils as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.) shall be deemed unsafe within the meaning of section 409(a) and no food that is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or 402(a)(2)(C)(i) by virtue of bearing or containing a partially hydrogenated oil until the compliance date as specified in such order (June 18, 2018).

**SECTION 712**

Prohibits any funds from being used to prohibit the transportation, processing, sale, or use in industrial hemp research as authorized by Section 7606 of the 2014 Farm Bill.

Sec. 712. None of the funds made available by this Act or any other Act may be used—(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or (2) to prohibit the transportation, processing, sale, or use of industrial hemp that is grown or cultivated in accordance with subsection section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

**SECTION 713**

Allows unobligated balances from the Farm Service Agency and Rural Development Salaries and Expenses accounts, to remain available through September 30, 2021, for information technology expenses.

Sec. 713. Except as otherwise specifically provided by law, unobligated balances 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, 2021, for information technology expenses.

**SECTION 714**

Cancels \$1 billion in unobligated balances from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) program account.

Sec. 714. Of the unobligated balances of amounts made available in fiscal year 2019 for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$1,000,000,000 are hereby permanently cancelled.

**SECTION 715**

Increases the export certification fees for the Food and Drug Administration.

Sec. 715. INCREASE IN EXPORT CERTIFICATION FEES.— Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—(a) in subparagraph (B) by striking "but shall not exceed \$175 for each certification" and inserting "in an amount specified in subparagraph (E)"; and (b) by adding at the end the following new subparagraphs: "(E) The fee for each written export certification issued by the Secretary under this paragraph shall not exceed—(i) \$600 for fiscal year 2020; and (ii) for each subsequent fiscal year, the prior fiscal year maximum amount multiplied by the inflation adjustment under section 738(c)(2)(C), applied without regard to the limitation in clause (ii)(II) of such subparagraph. (F) The Secretary shall, for each fiscal year, publish in the Federal Register a notice of the export certification fee under this paragraph for such year, not later than 60 days before such fee takes effect."

**SECTION 716**

Rescinds unobligated balances from the Rural Water and Waste Disposal Loans Program.

Sec. 716. Of the unobligated balances identified by the Treasury Appropriation Fund Symbol 12X1980, \$100,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

### **SECTION 717**

Rescinds unobligated balances from the Rural Community Facilities Program.

Sec. 717. Of the unobligated balances identified by the Treasury Appropriation Fund Symbol 12X1951, \$4,200,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

### **SECTION 718**

Provides authority to temporarily make rural communities with populations up to 20,000 persons eligible for water and waste disposal direct loan programs.

Sec. 718. Notwithstanding section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act, for the purpose of water and waste disposal direct loans provided under paragraph (1) of section 306(a) of such Act, the terms “rural” and “rural areas” mean a city, town, or unincorporated area that has a population of no more than 20,000 inhabitants.

These changes remove references to “guaranteed” loans. The 2018 Farm Bill authorizes a population increase to 50,000 inhabitants for water and waste guaranteed loans.

### **SECTION 719**

Rescinds unobligated balances from the Borlaug and Cochran Program from the Foreign Agricultural Service Salaries and Expenses Account.

Sec. 719. Of the prior year unobligated balances identified by the Treasury Appropriation Fund Symbol 12X2900, \$8,800,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

### **SECTION 720**

Allows the Animal and Plant Health Inspection Service to collect fees for certain Agricultural Quarantine and Inspection predeparture services between Hawaii or Puerto Rico and the mainland United States.

Sec. 720. In addition to amounts otherwise made available for Agricultural Quarantine and Inspection activities, the Animal and Plant Health Inspection Service is authorized to collect fees for the Agricultural Quarantine and Inspection predeparture services for traveler baggage and means of conveyance (as defined in 7 U.S.C. 7702) between Hawaii or Puerto Rico and the mainland United States: Provided, That such fees shall be credited to the "Animal and Plant Health Inspection Service—Salaries and Expenses" account, and shall remain available until expended for the Agricultural Quarantine and Inspection predeparture services described in the matter preceding this proviso: Provided further, That funds made available to the "Animal and Plant Health Inspection Service—Salaries and Expenses" account in fiscal year 2020 shall also be available for such services.

### **SECTION 721**

Prohibits inspection of horses for slaughter.

Sec. 721. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel:

- (a) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);
- (b) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127); or
- (c) to implement or enforce section 352.19 of title 9, Code of Federal Regulations or any successor regulation.

**SECTION 722**

Provides terms and conditions for the purchase of passenger motor vehicles.

Sec. 722. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased does not exceed the number of vehicles owned or leased in fiscal year 2018: Provided, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: Provided further, That the Secretary may not increase the Department of Agriculture's fleet prior to providing written notification to the Committees on Appropriations of both Houses of Congress.

**SECTION 723**

Provides authority to use any appropriated funds for the Biotechnology Risk Assessment Research Grants Program. This change would formalize what has been in practice since 1991.

Sec. 723. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: Provided, That the Secretary may transfer such funds to appropriations of the Department of Agriculture.

**SECTION 724**

Clarifies the authorities for reprogramming requests associated with major capital investments.

Sec. 724. (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 derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, 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 Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies the Committees on Appropriations of both Houses of Congress in writing 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 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 Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services (as the case may be) notifies the Committees on Appropriations of both Houses of Congress in writing at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

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

d) 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 derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost based on the baseline established in the business cases produced in association with the annual President's Budget, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with 30 or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture, the Chairman of the Commodity Futures Trading Commission, or the Secretary of Health and Human Services 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.

## **SECTION 725**

Limits the use for credit card refunds and rebates transferred to the Working Capital Fund to capital equipment and technology services purchases for agencies of the Department of Agriculture.

Sec. 725. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a note) shall be available for obligation until the Secretary provides written notification to the Committees on Appropriations of both Houses of Congress: Provided, That such refunds or rebates shall only be available for the acquisition of plant and capital equipment, non-capital equipment, and the services to carry out these functions necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, that primarily benefit the agencies of the Department of Agriculture.

## **SECTION 726**

Authorizes the transfer of the function and personnel from the Department of Homeland Security (DHS) to the USDA to staff the National Bio and Agro-Defense Facility (NBAF), allows new hires for ARS and APHIS, and prescribes the rate of basic pay for such new hires.

Sec. 726. (a) The Secretary of Homeland Security shall transfer up to 50 full-time equivalent positions from Manhattan, Kansas and Plum Island, New York to the Secretary of Agriculture for employment at the National Bio and Agro-Defense facility in Manhattan, Kansas: Provided, That such transfer shall be completed no later than 30 days after the closure of the Plum Island Animal Disease Facility.

(b) Each fiscal year during fiscal years 2020 through 2025, the Administrators of the Agricultural Research Service and the Animal Plant Health Inspection Service may appoint up to 50 employees at such agencies to the National Bio- and Agro-Defense Facility in Manhattan, Kansas: Provided, That such appointments may be made pursuant to the authority provided by 7 U.S.C. 7657(b)(4): Provided further, That such appointments

may be made at a rate of basic pay that exceeds the rate payable for such positions under the General Schedule or other applicable schedule, as appropriate, but such rate may not be greater than the rate payable for a position at level I of the Executive Schedule unless the rate is approved by the President pursuant to 5 U.S.C. 5377(d)(2).

**SECTION 727**

Provides for the transfer of NBAF from the DHS to the Department of Agriculture.

Sec. 727. The National Bio and Agro-Defense Facility shall be transferred without reimbursement from the Secretary of Homeland Security to the Secretary of Agriculture.

**SECTION 728**

Provides for an increase in the one-time fee for the Guaranteed Business and Industry Program.

Sec. 728. 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 in accordance with section 502(7) of the Congressional Budget Act of 1974.

**SECTION 729**

Rescinds expired unobligated balances from the Rental Assistance Program that cannot be used for future obligations.

Sec. 729. All the unobligated balances currently in Treasury Appropriation Fund Symbol 12X2002 from funds provided for Rural Rental Assistance Payments for new construction in Public Laws 98–151 and 98–473 are hereby permanently cancelled: *Provided*, That any recoveries from such funds in this or subsequent fiscal years shall be permanently cancelled.

**SECTION 730**

Rescinds unobligated balances from the Rental Assistance Program

Sec. 730. Of the unobligated balances identified by the Treasury Appropriation Fund Symbol 012 2019–2020 0137, \$40,000,000 are hereby permanently cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

**SECTION 731**

Amends the Rural Electrification Act of 1936.

Sec. 731. Section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902) is amended in subsection (a) by striking "made by the Secretary" and inserting "made or guaranteed by the Secretary".