

Calendar No. 464111TH CONGRESS
2^D SESSION**S. 3606****[Report No. 111-221]**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2010

Mr. KOHL, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for Ag-
5 riculture, Rural Development, Food and Drug Administra-
6 tion, and Related Agencies programs for the fiscal year

1 ending September 30, 2011, and for other purposes,
2 namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 PRODUCTION, PROCESSING AND MARKETING

6 OFFICE OF THE SECRETARY

7 For necessary expenses of the Office of the Secretary
8 of Agriculture, \$5,338,000: *Provided*, That not to exceed
9 \$11,000 of this amount shall be available for official recep-
10 tion and representation expenses, not otherwise provided
11 for, as determined by the Secretary.

12 OFFICE OF TRIBAL RELATIONS

13 For necessary expenses of the Office of Tribal Rela-
14 tions, \$1,010,000, to support communication and con-
15 sultation activities with Federally Recognized Tribes, as
16 well as other requirements established by law.

17 HEALTHY FOOD FINANCING INITIATIVE

18 For necessary expenses of the Secretary to carry out
19 demonstration projects to increase access to healthy foods
20 through retail outlets in predominantly rural areas,
21 \$15,000,000, to remain available until September 30,
22 2012, which the Secretary may use for the cost of grants
23 (including for technical assistance), loans, and loan guar-
24 antees; and may use, not to exceed \$400,000, for the Fed-
25 eral administrative costs of carrying out and evaluating

1 such demonstration projects: *Provided*, That in addition,
2 to further enable the Secretary to carry out such dem-
3 onstration projects, the Secretary may also reserve a total,
4 in aggregate, of up to \$15,000,000 of the funds made
5 available in this or any other Act for programs currently
6 administered by the Secretary and described in section
7 379E and paragraphs (1) and (3) of section 381E(d)(1) of
8 the Consolidated Farm and Rural Development Act (7
9 U.S.C. 2008s and 2009d(d)(1) and (3)); 7 U.S.C. 1932
10 note; and section 6 of the Farmer-to-Consumer Direct
11 Marketing Act of 1976 (7 U.S.C. 3005): *Provided further*,
12 That the Secretary, under the prior proviso, may reserve
13 not more than 10 percent of the funding available for a
14 specific program activity for the programs specified there-
15 in: *Provided further*, That the Secretary, to carry out such
16 demonstration projects, may use one or more consolidated
17 solicitation and application processes: *Provided further*,
18 That any funds provided for under this heading for such
19 demonstration projects shall be in addition to any other
20 funds that the Secretary may use for carrying out such
21 projects: *Provided further*, That no funds made available
22 under this heading shall be derived from amounts that
23 were designated by the Congress as an emergency require-
24 ment pursuant to the Concurrent Resolution on the Budg-

1 et or the Balanced Budget and Emergency Deficit Control
2 Act of 1985, as amended.

3 EXECUTIVE OPERATIONS

4 OFFICE OF THE CHIEF ECONOMIST

5 For necessary expenses of the Office of the Chief
6 Economist, \$13,100,000.

7 NATIONAL APPEALS DIVISION

8 For necessary expenses of the National Appeals Divi-
9 sion, \$15,424,000.

10 OFFICE OF BUDGET AND PROGRAM ANALYSIS

11 For necessary expenses of the Office of Budget and
12 Program Analysis, \$9,547,000.

13 OFFICE OF HOMELAND SECURITY

14 For necessary expenses of the Office of Homeland Se-
15 curity, \$1,876,000.

16 OFFICE OF ADVOCACY AND OUTREACH

17 For necessary expenses of the Office of Advocacy and
18 Outreach, \$1,709,000.

19 OFFICE OF THE CHIEF INFORMATION OFFICER

20 For necessary expenses of the Office of the Chief In-
21 formation Officer, \$63,719,000.

22 OFFICE OF THE CHIEF FINANCIAL OFFICER

23 For necessary expenses of the Office of the Chief Fi-
24 nancial Officer, \$6,632,000: *Provided*, That no funds
25 made available by this appropriation may be obligated for

1 FAIR Act or Circular A-76 activities until the Secretary
2 has submitted to the Committees on Appropriations of
3 both Houses of Congress and the Committee on Oversight
4 and Government Reform of the House of Representatives
5 a report on the Department's contracting out policies, in-
6 cluding agency budgets for contracting out.

7 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL
8 RIGHTS

9 For necessary expenses of the Office of the Assistant
10 Secretary for Civil Rights, \$907,000.

11 OFFICE OF CIVIL RIGHTS

12 For necessary expenses of the Office of Civil Rights,
13 \$24,133,000.

14 OFFICE OF THE ASSISTANT SECRETARY FOR
15 ADMINISTRATION

16 For necessary expenses of the Office of the Assistant
17 Secretary for Administration, \$814,000.

18 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
19 PAYMENTS

20 (INCLUDING TRANSFERS OF FUNDS)

21 For payment of space rental and related costs pursu-
22 ant to Public Law 92-313, including authorities pursuant
23 to the 1984 delegation of authority from the Adminis-
24 trator of General Services to the Department of Agri-
25 culture under 40 U.S.C. 486, for programs and activities

1 of the Department which are included in this Act, and for
2 alterations and other actions needed for the Department
3 and its agencies to consolidate unneeded space into con-
4 figurations suitable for release to the Administrator of
5 General Services, and for the operation, maintenance, im-
6 provement, and repair of Agriculture buildings and facili-
7 ties, and for related costs, \$269,191,000, to remain avail-
8 able until expended, of which \$178,470,000 shall be avail-
9 able for payments to the General Services Administration
10 for rent; of which \$13,800,000 for payment to the Depart-
11 ment of Homeland Security for building security activities;
12 and of which \$76,921,000 for buildings operations and
13 maintenance expenses: *Provided*, That the Secretary is au-
14 thorized to transfer funds from a Departmental agency
15 to this account to recover the full cost of the space and
16 security expenses of that agency that are funded by this
17 account when the actual costs exceed the agency estimate
18 which will be available for the activities and payments de-
19 scribed herein.

20 HAZARDOUS MATERIALS MANAGEMENT

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Department of Agri-
23 culture, to comply with the Comprehensive Environmental
24 Response, Compensation, and Liability Act (42 U.S.C.
25 9601 et seq.) and the Resource Conservation and Recovery

1 Act (42 U.S.C. 6901 et seq.), \$5,139,000, to remain avail-
2 able until expended: *Provided*, That appropriations and
3 funds available herein to the Department for Hazardous
4 Materials Management may be transferred to any agency
5 of the Department for its use in meeting all requirements
6 pursuant to the above Acts on Federal and non-Federal
7 lands.

8 DEPARTMENTAL ADMINISTRATION

9 (INCLUDING TRANSFERS OF FUNDS)

10 For Departmental Administration, \$28,706,000, to
11 provide for necessary expenses for management support
12 services to offices of the Department and for general ad-
13 ministration, security, repairs and alterations, and other
14 miscellaneous supplies and expenses not otherwise pro-
15 vided for and necessary for the practical and efficient work
16 of the Department: *Provided*, That this appropriation shall
17 be reimbursed from applicable appropriations in this Act
18 for travel expenses incident to the holding of hearings as
19 required by 5 U.S.C. 551–558.

20 OFFICE OF THE ASSISTANT SECRETARY FOR

21 CONGRESSIONAL RELATIONS

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Office of the Assistant
24 Secretary for Congressional Relations to carry out the pro-
25 grams funded by this Act, including programs involving

1 intergovernmental affairs and liaison within the executive
2 branch, \$4,008,000: *Provided*, That these funds may be
3 transferred to agencies of the Department of Agriculture
4 funded by this Act to maintain personnel at the agency
5 level: *Provided further*, That no funds made available by
6 this appropriation may be obligated after 30 days from
7 the date of enactment of this Act, unless the Secretary
8 has notified the Committees on Appropriations of both
9 Houses of Congress on the allocation of these funds by
10 USDA agency: *Provided further*, That no other funds ap-
11 propriated to the Department by this Act shall be available
12 to the Department for support of activities of congres-
13 sional relations.

14 OFFICE OF COMMUNICATIONS

15 For necessary expenses of the Office of Communica-
16 tions, \$9,839,000.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General, including employment pursuant to the Inspector
20 General Act of 1978, \$89,744,000, including such sums
21 as may be necessary for contracting and other arrange-
22 ments with public agencies and private persons pursuant
23 to section 6(a)(9) of the Inspector General Act of 1978,
24 and including not to exceed \$125,000 for certain confiden-
25 tial operational expenses, including the payment of inform-

1 ants, to be expended under the direction of the Inspector
2 General pursuant to Public Law 95-452 and section 1337
3 of Public Law 97-98.

4 OFFICE OF THE GENERAL COUNSEL

5 For necessary expenses of the Office of the General
6 Counsel, \$44,104,000.

7 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,
8 EDUCATION AND ECONOMICS

9 For necessary expenses of the Office of the Under
10 Secretary for Research, Education and Economics,
11 \$904,000.

12 ECONOMIC RESEARCH SERVICE

13 For necessary expenses of the Economic Research
14 Service, \$83,671,000.

15 NATIONAL AGRICULTURAL STATISTICS SERVICE

16 For necessary expenses of the National Agricultural
17 Statistics Service, \$163,721,000, of which up to
18 \$33,494,000 shall be available until expended for the Cen-
19 sus of Agriculture.

20 AGRICULTURAL RESEARCH SERVICE

21 SALARIES AND EXPENSES

22 For necessary expenses of the Agricultural Research
23 Service and for acquisition of lands by donation, exchange,
24 or purchase at a nominal cost not to exceed \$100, and
25 for land exchanges where the lands exchanged shall be of

1 equal value or shall be equalized by a payment of money
2 to the grantor which shall not exceed 25 percent of the
3 total value of the land or interests transferred out of Fed-
4 eral ownership, \$1,216,825,000: *Provided*, That appro-
5 priations hereunder shall be available for the operation
6 and maintenance of aircraft and the purchase of not to
7 exceed one for replacement only: *Provided further*, That
8 appropriations hereunder shall be available pursuant to 7
9 U.S.C. 2250 for the construction, alteration, and repair
10 of buildings and improvements, but unless otherwise pro-
11 vided, the cost of constructing any one building shall not
12 exceed \$375,000, except for headhouses or greenhouses
13 which shall each be limited to \$1,200,000, and except for
14 10 buildings to be constructed or improved at a cost not
15 to exceed \$750,000 each, and the cost of altering any one
16 building during the fiscal year shall not exceed 10 percent
17 of the current replacement value of the building or
18 \$375,000, whichever is greater: *Provided further*, That the
19 limitations on alterations contained in this Act shall not
20 apply to modernization or replacement of existing facilities
21 at Beltsville, Maryland: *Provided further*, That the fore-
22 going limitations shall not apply to the purchase of land
23 from the Maine Farmland Trust, Unity, Maine; for the
24 purpose of establishing an organic agricultural research
25 program: *Provided further*, That appropriations hereunder

1 shall be available for granting easements at the Beltsville
2 Agricultural Research Center: *Provided further*, That the
3 foregoing limitations shall not apply to replacement of
4 buildings needed to carry out the Act of April 24, 1948
5 (21 U.S.C. 113a): *Provided further*, That funds may be
6 received from any State, other political subdivision, orga-
7 nization, or individual for the purpose of establishing or
8 operating any research facility or research project of the
9 Agricultural Research Service, as authorized by law.

10 BUILDINGS AND FACILITIES

11 For acquisition of land, construction, repair, improve-
12 ment, extension, alteration, and purchase of fixed equip-
13 ment or facilities as necessary to carry out the agricultural
14 research programs of the Department of Agriculture,
15 where not otherwise provided, \$44,000,000, to remain
16 available until expended.

17 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

18 RESEARCH AND EDUCATION ACTIVITIES

19 For payments to agricultural experiment stations, for
20 cooperative forestry and other research, for facilities, and
21 for other expenses, \$780,720,000, as follows: to carry out
22 the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-
23 i), \$215,000,000; for grants for cooperative forestry re-
24 search (16 U.S.C. 582a through a-7), \$29,000,000; for
25 payments to eligible institutions (7 U.S.C. 3222),

1 \$48,500,000, provided that each institution receives no
2 less than \$1,000,000; for special grants (7 U.S.C.
3 450i(c)), \$49,686,000; for competitive grants on improved
4 pest control (7 U.S.C. 450i(c)), \$16,185,000; for competi-
5 tive grants (7 U.S.C. 450(i)(b)), \$310,074,000, to remain
6 available until expended; for the support of animal health
7 and disease programs (7 U.S.C. 3195), \$2,950,000; for
8 supplemental and alternative crops and products (7
9 U.S.C. 3319d), \$835,000; for grants for research pursu-
10 ant to the Critical Agricultural Materials Act (7 U.S.C.
11 178 et seq.), \$1,083,000, to remain available until ex-
12 pended; for the 1994 research grants program for 1994
13 institutions pursuant to section 536 of Public Law 103-
14 382 (7 U.S.C. 301 note), \$1,805,000, to remain available
15 until expended; for rangeland research grants (7 U.S.C.
16 3333), \$983,000; for higher education graduate fellowship
17 grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain
18 available until expended (7 U.S.C. 2209b); for a program
19 pursuant to section 1415A of the National Agricultural
20 Research, Extension, and Teaching Policy Act of 1977 (7
21 U.S.C. 3151a), \$5,000,000, to remain available until ex-
22 pended; for higher education challenge grants (7 U.S.C.
23 3152(b)(1)), \$5,654,000; for a higher education multicul-
24 tural scholars program (7 U.S.C. 3152(b)(5)),
25 \$1,241,000, to remain available until expended (7 U.S.C.

1 2209b); for an education grants program for Hispanic-
2 serving Institutions (7 U.S.C. 3241), \$9,237,000; for com-
3 petitive grants for the purpose of carrying out all provi-
4 sions of 7 U.S.C. 3156 to individual eligible institutions
5 or consortia of eligible institutions in Alaska and in Ha-
6 waii, with funds awarded equally to each of the States of
7 Alaska and Hawaii, \$3,200,000; for a secondary agri-
8 culture education program and 2-year post-secondary edu-
9 cation, (7 U.S.C. 3152(j)), \$983,000; for aquaculture
10 grants (7 U.S.C. 3322), \$3,928,000; for sustainable agri-
11 culture research and education (7 U.S.C. 5811),
12 \$15,000,000; for a program of capacity building grants
13 (7 U.S.C. 3152(b)(4)) to institutions eligible to receive
14 funds under 7 U.S.C. 3221 and 3222, \$18,250,000, to
15 remain available until expended (7 U.S.C. 2209b); for pay-
16 ments to the 1994 Institutions pursuant to section
17 534(a)(1) of Public Law 103–382, \$3,342,000; for resi-
18 dent instruction grants for insular areas under section
19 1491 of the National Agricultural Research, Extension,
20 and Teaching Policy Act of 1977 (7 U.S.C. 3363),
21 \$900,000; for distance education grants for insular areas
22 under section 1490 of the National Agricultural Research,
23 Extension, and Teaching Policy Act of 1977 (7 U.S.C.
24 3362), \$750,000; for a new era rural technology program
25 pursuant to section 1473E of the National Agricultural

1 Research, Extension, and Teaching Policy Act of 1977 (7
 2 U.S.C. 3319e), \$875,000; for a competitive grants pro-
 3 gram for farm business management and benchmarking
 4 (7 U.S.C. 5925f), \$1,500,000; for a competitive grants
 5 program regarding biobased energy (7 U.S.C. 8114),
 6 \$2,250,000; and for necessary expenses of Research and
 7 Education Activities, \$28,650,000, of which \$2,704,000
 8 for the Research, Education, and Economics Information
 9 System and \$2,136,000 for the Electronic Grants Infor-
 10 mation System, are to remain available until expended.

11 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

12 For the Native American Institutions Endowment
 13 Fund authorized by Public Law 103–382 (7 U.S.C. 301
 14 note), \$11,880,000, to remain available until expended.

15 HISPANIC-SERVING AGRICULTURAL COLLEGES AND
 16 UNIVERSITIES ENDOWMENT FUND

17 For the Hispanic-Serving Agricultural Colleges and
 18 Universities Endowment Fund under section 1456 (7
 19 U.S.C. 3243) of the National Agricultural Research, Ex-
 20 tension, and Teaching Policy Act of 1977, \$10,000,000, to
 21 remain available until expended.

22 EXTENSION ACTIVITIES

23 For payments to States, the District of Columbia,
 24 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
 25 Northern Marianas, and American Samoa, \$491,231,000,

1 as follows: payments for cooperative extension work under
2 the Smith-Lever Act, to be distributed under sections 3(b)
3 and 3(c) of said Act, and under section 208(c) of Public
4 Law 93–471, for retirement and employees’ compensation
5 costs for extension agents, \$297,500,000; payments for
6 extension work at the 1994 Institutions under the Smith-
7 Lever Act (7 U.S.C. 343(b)(3)), \$5,321,000; payments for
8 the nutrition and family education program for low-income
9 areas under section 3(d) of the Act, \$68,070,000; pay-
10 ments for the pest management program under section
11 3(d) of the Act, \$9,938,000; payments for the farm safety
12 program under section 3(d) of the Act, \$4,863,000; pay-
13 ments for New Technologies for Ag Extension under sec-
14 tion 3(d) of the Act, \$1,750,000; payments to upgrade re-
15 search, extension, and teaching facilities at institutions eli-
16 gible to receive funds under 7 U.S.C. 3221 and 3222,
17 \$19,770,000, to remain available until expended; pay-
18 ments for youth-at-risk programs under section 3(d) of the
19 Smith-Lever Act, \$8,412,000; for youth farm safety edu-
20 cation and certification extension grants, to be awarded
21 competitively under section 3(d) of the Act, \$486,000;
22 payments for carrying out the provisions of the Renewable
23 Resources Extension Act of 1978 (16 U.S.C. 1671 et
24 seq.), \$4,068,000; payments for the federally recognized
25 Tribes Extension Program under section 3(d) of the

1 Smith-Lever Act, \$3,500,000; payments for sustainable
2 agriculture programs under section 3(d) of the Act,
3 \$5,000,000; payments for rural health and safety edu-
4 cation as authorized by section 502(i) of Public Law 92-
5 419 (7 U.S.C. 2662(i)), \$1,738,000; payments for cooper-
6 ative extension work by eligible institutions (7 U.S.C.
7 3221), \$42,677,000, provided that each institution re-
8 ceives no less than \$1,000,000; for grants to youth organi-
9 zations pursuant to 7 U.S.C. 7630, \$1,000,000; payments
10 to carry out the food animal residue avoidance database
11 program as authorized by 7 U.S.C. 7642, \$1,000,000;
12 payments to carry out section 1672(e)(49) of the Food,
13 Agriculture, Conservation, and Trade Act of 1990 (7
14 U.S.C. 5925), as amended, \$400,000; and for necessary
15 expenses of Extension Activities, \$15,738,000.

16 INTEGRATED ACTIVITIES

17 For the integrated research, education, and extension
18 grants programs, including necessary administrative ex-
19 penses, \$38,577,000, as follows: for competitive grants
20 programs authorized under section 406 of the Agricultural
21 Research, Extension, and Education Reform Act of 1998
22 (7 U.S.C. 7626), \$20,703,000, including \$12,649,000 for
23 the water quality program, \$3,054,000 for the methyl bro-
24 mide transition program, and \$5,000,000 for the organic
25 transition program; for a competitive international science

1 and education grants program authorized under section
2 1459A of the National Agricultural Research, Extension,
3 and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to
4 remain available until expended, \$3,000,000; for grants
5 programs authorized under section 2(c)(1)(B) of Public
6 Law 89–106, as amended, \$732,000, to remain available
7 until September 30, 2012, for the critical issues program;
8 \$1,312,000 for the regional rural development centers pro-
9 gram; for grants authorized under section 1624 (7 U.S.C.
10 5813), \$3,000,000; and \$9,830,000 for the Food and Agri-
11 culture Defense Initiative authorized under section 1484
12 of the National Agricultural Research, Extension, and
13 Teaching Policy Act of 1977, to remain available until
14 September 30, 2012.

15 OFFICE OF THE UNDER SECRETARY FOR MARKETING
16 AND REGULATORY PROGRAMS

17 For necessary expenses of the Office of the Under
18 Secretary for Marketing and Regulatory Programs,
19 \$904,000.

20 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFERS OF FUNDS)

23 For necessary expenses of the Animal and Plant
24 Health Inspection Service, including up to \$30,000 for
25 representation allowances and for expenses pursuant to

1 the Foreign Service Act of 1980 (22 U.S.C. 4085),
2 \$926,609,000, of which \$22,254,000 shall be used for the
3 cotton pests program for cost share purposes or for debt
4 retirement for active eradication zones; of which \$900,000
5 shall be for activities under the authority of the Horse
6 Protection Act of 1970, as amended (15 U.S.C. 1831);
7 of which \$47,219,000 shall be used to prevent and control
8 avian influenza and shall remain available until expended:
9 *Provided*, That \$2,085,000 for the control of outbreaks
10 of insects, plant diseases, animal diseases and for control
11 of pest animals and birds (“contingency fund”) to the ex-
12 tent necessary to meet emergency conditions, \$4,474,000
13 for information technology infrastructure, \$63,568,000
14 for the fruit fly program, \$164,949,000 for emerging plant
15 pests, cotton pests program, \$5,637,000 for the grass-
16 hopper and mormon cricket program, \$2,215,000 for the
17 plum pox program, \$3,771,000 for the National Veterinary
18 Stockpile, \$1,500,000 in the scrapie program for indem-
19 nities, \$1,000,000 for wildlife services methods develop-
20 ment, \$1,500,000 of the wildlife services operations pro-
21 gram for aviation safety, and \$5,060,750 of the
22 screwworm program shall remain available until expended:
23 *Provided further*, That no funds shall be used to formulate
24 or administer a brucellosis eradication program for the
25 current fiscal year that does not require minimum match-

1 ing by the States of at least 40 percent: *Provided further,*
2 That this appropriation shall be available for the operation
3 and maintenance of aircraft and the purchase of not to
4 exceed four, of which two shall be for replacement only:
5 *Provided further,* That, in addition, in emergencies which
6 threaten any segment of the agricultural production indus-
7 try of this country, the Secretary may transfer from other
8 appropriations or funds available to the agencies or cor-
9 porations of the Department such sums as may be deemed
10 necessary, to be available only in such emergencies for the
11 arrest and eradication of contagious or infectious disease
12 or pests of animals, poultry, or plants, and for expenses
13 in accordance with sections 10411 and 10417 of the Ani-
14 mal Health Protection Act (7 U.S.C. 8310 and 8316) and
15 sections 431 and 442 of the Plant Protection Act (7
16 U.S.C. 7751 and 7772), and any unexpended balances of
17 funds transferred for such emergency purposes in the pre-
18 ceding fiscal year shall be merged with such transferred
19 amounts: *Provided further,* That appropriations hereunder
20 shall be available pursuant to law (7 U.S.C. 2250) for the
21 repair and alteration of leased buildings and improve-
22 ments, but unless otherwise provided the cost of altering
23 any one building during the fiscal year shall not exceed
24 10 percent of the current replacement value of the build-
25 ing.

1 In fiscal year 2011, the agency is authorized to collect
2 fees to cover the total costs of providing technical assist-
3 ance, goods, or services requested by States, other political
4 subdivisions, domestic and international organizations,
5 foreign governments, or individuals, provided that such
6 fees are structured such that any entity's liability for such
7 fees is reasonably based on the technical assistance, goods,
8 or services provided to the entity by the agency, and such
9 fees shall be reimbursed to this account, to remain avail-
10 able until expended, without further appropriation, for
11 providing such assistance, goods, or services.

12 BUILDINGS AND FACILITIES

13 For plans, construction, repair, preventive mainte-
14 nance, environmental support, improvement, extension, al-
15 teration, and purchase of fixed equipment or facilities, as
16 authorized by 7 U.S.C. 2250, and acquisition of land as
17 authorized by 7 U.S.C. 428a, \$4,712,000, to remain avail-
18 able until expended.

19 AGRICULTURAL MARKETING SERVICE

20 MARKETING SERVICES

21 For necessary expenses of the Agricultural Marketing
22 Service, \$96,955,000: *Provided*, That this appropriation
23 shall be available pursuant to law (7 U.S.C. 2250) for the
24 alteration and repair of buildings and improvements, but
25 the cost of altering any one building during the fiscal year

1 shall not exceed 10 percent of the current replacement
2 value of the building.

3 Fees may be collected for the cost of standardization
4 activities, as established by regulation pursuant to law (31
5 U.S.C. 9701).

6 LIMITATION ON ADMINISTRATIVE EXPENSES

7 Not to exceed \$60,947,000 (from fees collected) shall
8 be obligated during the current fiscal year for administra-
9 tive expenses: *Provided*, That if crop size is understated
10 and/or other uncontrollable events occur, the agency may
11 exceed this limitation by up to 10 percent with notification
12 to the Committees on Appropriations of both Houses of
13 Congress.

14 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND

15 SUPPLY (SECTION 32)

16 (INCLUDING TRANSFERS OF FUNDS)

17 Funds available under section 32 of the Act of Au-
18 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
19 modity program expenses as authorized therein, and other
20 related operating expenses, except for: (1) transfers to the
21 Department of Commerce as authorized by the Fish and
22 Wildlife Act of August 8, 1956; (2) transfers otherwise
23 provided in this Act; and (3) not more than \$20,283,000
24 for formulation and administration of marketing agree-

1 ments and orders pursuant to the Agricultural Marketing
2 Agreement Act of 1937 and the Agricultural Act of 1961.

3 PAYMENTS TO STATES AND POSSESSIONS

4 For payments to departments of agriculture, bureaus
5 and departments of markets, and similar agencies for
6 marketing activities under section 204(b) of the Agricul-
7 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
8 \$2,484,000.

9 GRAIN INSPECTION, PACKERS AND STOCKYARDS

10 ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Grain Inspection,
13 Packers and Stockyards Administration, \$44,192,000:
14 *Provided*, That this appropriation shall be available pursu-
15 ant to law (7 U.S.C. 2250) for the alteration and repair
16 of buildings and improvements, but the cost of altering
17 any one building during the fiscal year shall not exceed
18 10 percent of the current replacement value of the build-
19 ing.

20 LIMITATION ON INSPECTION AND WEIGHING SERVICES

21 EXPENSES

22 Not to exceed \$50,000,000 (from fees collected) shall
23 be obligated during the current fiscal year for inspection
24 and weighing services: *Provided*, That if grain export ac-
25 tivities require additional supervision and oversight, or

1 other uncontrollable factors occur, this limitation may be
2 exceeded by up to 10 percent with notification to the Com-
3 mittees on Appropriations of both Houses of Congress.

4 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

5 For necessary expenses of the Office of the Under
6 Secretary for Food Safety, \$821,000.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For necessary expenses to carry out services author-
9 ized by the Federal Meat Inspection Act, the Poultry
10 Products Inspection Act, and the Egg Products Inspection
11 Act, including not to exceed \$50,000 for representation
12 allowances and for expenses pursuant to section 8 of the
13 Act approved August 3, 1956 (7 U.S.C. 1766),
14 \$1,047,200,000; and in addition, \$1,000,000 may be cred-
15 ited to this account from fees collected for the cost of lab-
16 oratory accreditation as authorized by section 1327 of the
17 Food, Agriculture, Conservation and Trade Act of 1990
18 (7 U.S.C. 138f): *Provided*, That funds provided for the
19 Public Health Data Communication Infrastructure system
20 and implementation of section 11016 of Public Law 110-
21 246 shall remain available until expended: *Provided fur-*
22 *ther*, That no fewer than 148 full-time equivalent positions
23 shall be employed during fiscal year 2011 for purposes
24 dedicated solely to inspections and enforcement related to
25 the Humane Methods of Slaughter Act: *Provided further*,

1 That of the amount available under this heading,
2 \$3,000,000 shall be obligated to maintain the Humane
3 Animal Tracking System as part of the Public Health
4 Data Communication Infrastructure System: *Provided*
5 *further*, That this appropriation shall be available pursu-
6 ant to law (7 U.S.C. 2250) for the alteration and repair
7 of buildings and improvements, but the cost of altering
8 any one building during the fiscal year shall not exceed
9 10 percent of the current replacement value of the build-
10 ing.

11 OFFICE OF THE UNDER SECRETARY FOR FARM AND
12 FOREIGN AGRICULTURAL SERVICES

13 For necessary expenses of the Office of the Under
14 Secretary for Farm and Foreign Agricultural Services,
15 \$904,000.

16 FARM SERVICE AGENCY
17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Farm Service Agency,
20 \$1,343,350,000: *Provided*, That the Secretary is author-
21 ized to use the services, facilities, and authorities (but not
22 the funds) of the Commodity Credit Corporation to make
23 program payments for all programs administered by the
24 Agency: *Provided further*, That other funds made available
25 to the Agency for authorized activities may be advanced

1 to and merged with this account: *Provided further*, That
2 funds made available to county committees shall remain
3 available until expended.

4 STATE MEDIATION GRANTS

5 For grants pursuant to section 502(b) of the Agricul-
6 tural Credit Act of 1987, as amended (7 U.S.C. 5101-
7 5106), \$4,369,000.

8 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

9 For necessary expenses to carry out wellhead or
10 groundwater protection activities under section 12400 of
11 the Food Security Act of 1985 (16 U.S.C. 3839bb-2),
12 \$6,000,000, to remain available until expended.

13 DAIRY INDEMNITY PROGRAM

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses involved in making indemnity
16 payments to dairy farmers and manufacturers of dairy
17 products under a dairy indemnity program, such sums as
18 may be necessary, to remain available until expended: *Pro-*
19 *vided*, That such program is carried out by the Secretary
20 in the same manner as the dairy indemnity program de-
21 scribed in the Agriculture, Rural Development, Food and
22 Drug Administration, and Related Agencies Appropria-
23 tions Act, 2001 (Public Law 106-387, 114 Stat. 1549A-
24 12).

1 to be a boll weevil for the purpose of boll weevil eradication
2 program loans.

3 For the cost of direct and guaranteed loans, including
4 the cost of modifying loans as defined in section 502 of
5 the Congressional Budget Act of 1974, as follows: farm
6 ownership loans, \$50,680,000, of which \$5,700,000 shall
7 be for unsubsidized guaranteed loans, and \$44,980,000
8 shall be for direct loans; operating loans, \$134,061,000,
9 of which \$38,450,000 shall be for unsubsidized guaran-
10 teed loans, \$23,511,000 shall be for subsidized guaranteed
11 loans, and \$72,100,000 shall be for direct loans; conserva-
12 tion loans, \$2,528,000, of which \$285,000 shall be for
13 guaranteed loans, and \$2,243,000 shall be for direct
14 loans; and Indian highly fractionated land loans,
15 \$214,000.

16 In addition, for administrative expenses necessary to
17 carry out the direct and guaranteed loan programs,
18 \$321,093,000, of which \$313,173,000 shall be transferred
19 to and merged with the appropriation for “Farm Service
20 Agency, Salaries and Expenses”.

21 Funds appropriated by this Act to the Agricultural
22 Credit Insurance Fund Program Account for farm owner-
23 ship, operating and conservation direct loans and guaran-
24 teed loans may be transferred among these programs: *Pro-*
25 *vided*, That the Committees on Appropriations of both

1 Houses of Congress are notified at least 15 days in ad-
2 vance of any transfer.

3 RISK MANAGEMENT AGENCY

4 For necessary expenses of the Risk Management
5 Agency, \$83,064,000: *Provided*, That the funds made
6 available under section 522(e) of the Federal Crop Insur-
7 ance Act (7 U.S.C. 1522(e)) may be used for the Common
8 Information Management System: *Provided further*, That
9 not to exceed \$1,000 shall be available for official recep-
10 tion and representation expenses, as authorized by 7
11 U.S.C. 1506(i).

12 CORPORATIONS

13 The following corporations and agencies are hereby
14 authorized to make expenditures, within the limits of
15 funds and borrowing authority available to each such cor-
16 poration or agency and in accord with law, and to make
17 contracts and commitments without regard to fiscal year
18 limitations as provided by section 104 of the Government
19 Corporation Control Act as may be necessary in carrying
20 out the programs set forth in the budget for the current
21 fiscal year for such corporation or agency, except as here-
22 inafter provided.

1 FEDERAL CROP INSURANCE CORPORATION FUND

2 For payments as authorized by section 516 of the
3 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
4 as may be necessary, to remain available until expended.

5 COMMODITY CREDIT CORPORATION FUND

6 REIMBURSEMENT FOR NET REALIZED LOSSES

7 (INCLUDING TRANSFERS OF FUNDS)

8 For the current fiscal year, such sums as may be nec-
9 essary to reimburse the Commodity Credit Corporation for
10 net realized losses sustained, but not previously reim-
11 bursed, pursuant to section 2 of the Act of August 17,
12 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds
13 available to the Commodity Credit Corporation under sec-
14 tion 11 of the Commodity Credit Corporation Charter Act
15 (15 U.S.C. 714i) for the conduct of its business with the
16 Foreign Agricultural Service, up to \$5,000,000 may be
17 transferred to and used by the Foreign Agricultural Serv-
18 ice for information resource management activities of the
19 Foreign Agricultural Service that are not related to Com-
20 modity Credit Corporation business.

21 HAZARDOUS WASTE MANAGEMENT

22 (LIMITATION ON EXPENSES)

23 For the current fiscal year, the Commodity Credit
24 Corporation shall not expend more than \$5,000,000 for
25 site investigation and cleanup expenses, and operations

1 and maintenance expenses to comply with the requirement
2 of section 107(g) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act (42 U.S.C.
4 9607(g)), and section 6001 of the Resource Conservation
5 and Recovery Act (42 U.S.C. 6961).

6

TITLE II

7

CONSERVATION PROGRAMS

8

OFFICE OF THE UNDER SECRETARY FOR NATURAL

9

RESOURCES AND ENVIRONMENT

10 For necessary expenses of the Office of the Under
11 Secretary for Natural Resources and Environment,
12 \$904,000.

13

NATURAL RESOURCES CONSERVATION SERVICE

14

CONSERVATION OPERATIONS

15 For necessary expenses for carrying out the provi-
16 sions of the Act of April 27, 1935 (16 U.S.C. 590a-f),
17 including preparation of conservation plans and establish-
18 ment of measures to conserve soil and water (including
19 farm irrigation and land drainage and such special meas-
20 ures for soil and water management as may be necessary
21 to prevent floods and the siltation of reservoirs and to con-
22 trol agricultural related pollutants); operation of conserva-
23 tion plant materials centers; classification and mapping of
24 soil; dissemination of information; acquisition of lands,
25 water, and interests therein for use in the plant materials

1 program by donation, exchange, or purchase at a nominal
2 cost not to exceed \$100 pursuant to the Act of August
3 3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
4 ation or improvement of permanent and temporary build-
5 ings; and operation and maintenance of aircraft,
6 \$928,979,000, to remain available until September 30,
7 2012: *Provided*, That appropriations hereunder shall be
8 available pursuant to 7 U.S.C. 2250 for construction and
9 improvement of buildings and public improvements at
10 plant materials centers, except that the cost of alterations
11 and improvements to other buildings and other public im-
12 provements shall not exceed \$250,000: *Provided further*,
13 That when buildings or other structures are erected on
14 non-Federal land, that the right to use such land is ob-
15 tained as provided in 7 U.S.C. 2250a.

16 WATERSHED AND FLOOD PREVENTION OPERATIONS

17 For necessary expenses to carry out preventive meas-
18 ures, including but not limited to research, engineering op-
19 erations, methods of cultivation, the growing of vegetation,
20 rehabilitation of existing works and changes in use of land,
21 in accordance with the Watershed Protection and Flood
22 Prevention Act (16 U.S.C. 1001–1005 and 1007–1009),
23 the provisions of the Act of April 27, 1935 (16 U.S.C.
24 590a–f), and in accordance with the provisions of laws re-
25 lating to the activities of the Department, \$24,394,000,

1 to remain available until expended: *Provided*, That not to
2 exceed \$12,000,000 of this appropriation shall be available
3 for technical assistance.

4 WATERSHED REHABILITATION PROGRAM

5 For necessary expenses to carry out rehabilitation of
6 structural measures, in accordance with section 14 of the
7 Watershed Protection and Flood Prevention Act (16
8 U.S.C. 1012), and in accordance with the provisions of
9 laws relating to the activities of the Department,
10 \$40,497,000, to remain available until expended.

11 RESOURCE CONSERVATION AND DEVELOPMENT

12 For necessary expenses in planning and carrying out
13 projects for resource conservation and development and
14 for sound land use pursuant to the provisions of sections
15 31 and 32 of the Bankhead-Jones Farm Tenant Act (7
16 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27,
17 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of
18 the Agriculture and Food Act of 1981 (16 U.S.C. 3451–
19 3461), \$50,730,000: *Provided*, That not to exceed
20 \$3,073,000 shall be available for national headquarters ac-
21 tivities.

1 TITLE III
2 RURAL DEVELOPMENT PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR RURAL
4 DEVELOPMENT

5 For necessary expenses of the Office of the Under
6 Secretary for Rural Development, \$904,000.

7 RURAL DEVELOPMENT SALARIES AND EXPENSES
8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses for carrying out the adminis-
10 tration and implementation of programs in the Rural De-
11 velopment mission area, including activities with institu-
12 tions concerning the development and operation of agricul-
13 tural cooperatives; and for cooperative agreements;
14 \$237,507,000: *Provided*, That notwithstanding any other
15 provision of law, funds appropriated under this section
16 may be used for advertising and promotional activities
17 that support the Rural Development mission area: *Pro-*
18 *vided further*, That not more than \$10,000 may be ex-
19 pended to provide modest nonmonetary awards to non-
20 USDA employees: *Provided further*, That any balances
21 available from prior years for the Rural Utilities Service,
22 Rural Housing Service, and the Rural Business—Cooper-
23 ative Service salaries and expenses accounts shall be trans-
24 ferred to and merged with this appropriation.

1 RURAL HOUSING SERVICE

2 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

3 (INCLUDING TRANSFERS OF FUNDS)

4 For gross obligations for the principal amount of di-
5 rect and guaranteed loans as authorized by title V of the
6 Housing Act of 1949, to be available from funds in the
7 rural housing insurance fund, as follows: \$25,200,000,000
8 for loans to section 502 borrowers, of which
9 \$1,200,000,000 shall be for direct loans, and of which
10 \$24,000,000,000 shall be for unsubsidized guaranteed
11 loans; \$34,004,000 for section 504 housing repair loans;
12 \$69,512,000 for section 515 rental housing; \$129,133,000
13 for section 538 guaranteed multi-family housing loans;
14 \$5,052,000 for section 524 site loans; \$11,449,000 for
15 credit sales of acquired property, of which up to
16 \$1,449,000 may be for multi-family credit sales; and
17 \$4,966,000 for section 523 self-help housing land develop-
18 ment loans.

19 For the cost of direct and guaranteed loans, including
20 the cost of modifying loans, as defined in section 502 of
21 the Congressional Budget Act of 1974, as follows: section
22 502 loans, \$75,120,000 shall be for direct loans; section
23 504 housing repair loans, \$6,437,000; repair, rehabilita-
24 tion, and new construction of section 515 rental housing,
25 \$23,446,000; section 538 multi-family housing guaranteed

1 loans, \$12,513,000; section 524 site development loans,
2 \$294,000; credit sales of acquired property, \$556,000;
3 and section 523 self-help land development housing loans,
4 \$288,000: *Provided*, That of the total amount appro-
5 priated in this paragraph, the amount equal to the amount
6 of Rural Housing Insurance Fund Program Account funds
7 allocated by the Secretary for Rural Economic Area Part-
8 nership Zones for the fiscal year 2010, shall be available
9 through June 30, 2011, for communities designated by the
10 Secretary of Agriculture as Rural Economic Area Partner-
11 ship Zones: *Provided further*, That section 538 multi-fam-
12 ily housing guaranteed loans funded pursuant to this
13 paragraph shall not be subject to a guarantee fee and the
14 interest on such loans may not be subsidized: *Provided fur-*
15 *ther*, That any balances for a demonstration program for
16 the preservation and revitalization of the section 515
17 multi-family rental housing properties as authorized by
18 Public Law 109–97, Public Law 110–5, and Public Law
19 111–80 shall be transferred to and merged with the
20 “Rural Housing Service, Multi-family Housing Revitaliza-
21 tion Program Account”.

22 In addition, for administrative expenses necessary to
23 carry out the direct and guaranteed loan programs,
24 \$454,383,000 shall be transferred to and merged with the

1 appropriation for “Rural Development, Salaries and Ex-
2 penses”.

3 RENTAL ASSISTANCE PROGRAM

4 For rental assistance agreements entered into or re-
5 newed pursuant to the authority under section 521(a)(2)
6 or agreements entered into in lieu of debt forgiveness or
7 payments for eligible households as authorized by section
8 502(c)(5)(D) of the Housing Act of 1949, \$971,593,000;
9 and, in addition, such sums as may be necessary, as au-
10 thorized by section 521(c) of the Act, to liquidate debt
11 incurred prior to fiscal year 1992 to carry out the rental
12 assistance program under section 521(a)(2) of the Act:
13 *Provided*, That of this amount, up to \$5,958,000 shall be
14 available for debt forgiveness or payments for eligible
15 households as authorized by section 502(c)(5)(D) of the
16 Act, and not to exceed \$50,000 per project for advances
17 to nonprofit organizations or public agencies to cover di-
18 rect costs (other than purchase price) incurred in pur-
19 chasing projects pursuant to section 502(c)(5)(C) of the
20 Act: *Provided further*, That of this amount not less than
21 \$3,000,000 is available for newly constructed units fi-
22 nanced by section 515 of the Housing Act of 1949, and
23 not less than \$3,000,000 is for newly constructed units
24 financed under sections 514 and 516 of the Housing Act
25 of 1949: *Provided further*, That rental assistance agree-

1 ments entered into or renewed during the current fiscal
 2 year shall be funded for a one-year period: *Provided fur-*
 3 *ther*, That any unexpended balances remaining at the end
 4 of such one-year agreements may be transferred and used
 5 for the purposes of any debt reduction; maintenance, re-
 6 pair, or rehabilitation of any existing projects; preserva-
 7 tion; and rental assistance activities authorized under title
 8 V of the Act: *Provided further*, That rental assistance pro-
 9 vided under agreements entered into prior to fiscal year
 10 2011 for a farm labor multi-family housing project fi-
 11 nanced under section 514 or 516 of the Act may not be
 12 recaptured for use in another project until such assistance
 13 has remained unused for a period of 12 consecutive
 14 months, if such project has a waiting list of tenants seek-
 15 ing such assistance or the project has rental assistance
 16 eligible tenants who are not receiving such assistance: *Pro-*
 17 *vided further*, That such recaptured rental assistance shall,
 18 to the extent practicable, be applied to another farm labor
 19 multifamily housing project financed under section 514 or
 20 516 of the Act.

21 MULTI-FAMILY HOUSING REVITALIZATION PROGRAM

22 ACCOUNT

23 For the rural housing voucher program as authorized
 24 under section 542 of the Housing Act of 1949, but not-
 25 withstanding subsection (b) of such section, for the cost

1 to conduct a housing demonstration program to provide
2 revolving loans for the preservation of low-income multi-
3 family housing projects, and for additional costs to con-
4 duct a demonstration program for the preservation and
5 revitalization of multi-family rental housing properties de-
6 scribed in this paragraph, \$44,055,000, to remain avail-
7 able until expended: *Provided*, That of the funds made
8 available under this heading, \$16,400,000, shall be avail-
9 able for rural housing vouchers to any low-income house-
10 hold (including those not receiving rental assistance) re-
11 siding in a property financed with a section 515 loan
12 which has been prepaid after September 30, 2005: *Pro-*
13 *vided further*, That the amount of such voucher shall be
14 the difference between comparable market rent for the sec-
15 tion 515 unit and the tenant paid rent for such unit: *Pro-*
16 *vided further*, That funds made available for such vouchers
17 shall be subject to the availability of annual appropria-
18 tions: *Provided further*, That the Secretary shall, to the
19 maximum extent practicable, administer such vouchers
20 with current regulations and administrative guidance ap-
21 plicable to section 8 housing vouchers administered by the
22 Secretary of the Department of Housing and Urban De-
23 velopment: *Provided further*, That if the Secretary deter-
24 mines that the amount made available for vouchers in this
25 or any other Act is not needed for vouchers, the Secretary

1 may use such funds for the demonstration programs for
2 the preservation and revitalization of multi-family rental
3 housing properties described in this paragraph: *Provided*
4 *further*, That of the funds made available under this head-
5 ing, \$2,655,000 shall be available for the cost of loans to
6 private nonprofit organizations, or such nonprofit organi-
7 zations' affiliate loan funds and State and local housing
8 finance agencies, to carry out a housing demonstration
9 program to provide revolving loans for the preservation of
10 low-income multi-family housing projects: *Provided fur-*
11 *ther*, That loans under such demonstration program shall
12 have an interest rate of not more than 1 percent direct
13 loan to the recipient: *Provided further*, That the Secretary
14 may defer the interest and principal payment to the Rural
15 Housing Service for up to 3 years and the term of such
16 loans shall not exceed 30 years: *Provided further*, That of
17 the funds made available under this heading, \$25,000,000
18 shall be available for a demonstration program for the
19 preservation and revitalization of the sections 514, 515,
20 and 516 multi-family rental housing properties to restruc-
21 ture existing USDA multi-family housing loans, as the
22 Secretary deems appropriate, expressly for the purposes
23 of ensuring the project has sufficient resources to preserve
24 the project for the purpose of providing safe and afford-
25 able housing for low-income residents and farm laborers

1 including reducing or eliminating interest; deferring loan
2 payments, subordinating, reducing or reamortizing loan
3 debt; and other financial assistance including advances,
4 payments and incentives (including the ability of owners
5 to obtain reasonable returns on investment) required by
6 the Secretary: *Provided further*, That the Secretary shall
7 as part of the preservation and revitalization agreement
8 obtain a restrictive use agreement consistent with the
9 terms of the restructuring: *Provided further*, That if the
10 Secretary determines that additional funds for vouchers
11 described in this paragraph are needed, funds for the pres-
12 ervation and revitalization demonstration program may be
13 used for such vouchers: *Provided further*, That if Congress
14 enacts legislation to permanently authorize a multi-family
15 rental housing loan restructuring program similar to the
16 demonstration program described herein, the Secretary
17 may use funds made available for the demonstration pro-
18 gram under this heading to carry out such legislation with
19 the prior approval of the Committees on Appropriations
20 of both Houses of Congress: *Provided further*, That in ad-
21 dition to any other available funds, the Secretary may ex-
22 pend not more than \$1,000,000 total, from the program
23 funds made available under this heading, for administra-
24 tive expenses for activities funded under this heading.

1 MUTUAL AND SELF-HELP HOUSING GRANTS

2 For grants and contracts pursuant to section
3 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
4 1490c), \$41,864,000, to remain available until expended:
5 *Provided*, That of the total amount appropriated under
6 this heading, the amount equal to the amount of Mutual
7 and Self- Help Housing Grants allocated by the Secretary
8 for Rural Economic Area Partnership Zones for the fiscal
9 year 2010, shall be available through June 30, 2011, for
10 communities designated by the Secretary of Agriculture
11 as Rural Economic Area Partnership Zones.

12 RURAL HOUSING ASSISTANCE GRANTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For grants and contracts for very low-income housing
15 repair, supervisory and technical assistance, compensation
16 for construction defects, and rural housing preservation
17 made by the Rural Housing Service, as authorized by 42
18 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,500,000,
19 to remain available until expended: *Provided*, That of the
20 total amount appropriated under this heading, the amount
21 equal to the amount of Rural Housing Assistance Grants
22 allocated by the Secretary for Rural Economic Area Part-
23 nership Zones for the fiscal year 2010, shall be available
24 through June 30, 2011, for communities designated by the
25 Secretary of Agriculture as Rural Economic Area Partner-

1 ship Zones: *Provided further*, That any balances to carry
2 out a housing demonstration program to provide revolving
3 loans for the preservation of low-income multi-family
4 housing projects as authorized in Public Law 108–447
5 and Public Law 109–97 shall be transferred to and
6 merged with the “Rural Housing Service, Multi-family
7 Housing Revitalization Program Account”.

8 FARM LABOR PROGRAM ACCOUNT

9 For the cost of direct loans, grants, and contracts,
10 as authorized by 42 U.S.C. 1484 and 1486, \$20,346,000,
11 to remain available until expended, for direct farm labor
12 housing loans and domestic farm labor housing grants and
13 contracts.

14 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

15 (INCLUDING TRANSFERS OF FUNDS)

16 For the cost of direct loans, loan guarantees, and
17 grants for rural community facilities programs as author-
18 ized by section 306 and described in section 381E(d)(1)
19 of the Consolidated Farm and Rural Development Act,
20 \$56,580,000, to remain available until expended: *Pro-*
21 *vided*, That \$6,256,000 of the amount appropriated under
22 this heading shall be available for a Rural Community De-
23 velopment Initiative: *Provided further*, That such funds
24 shall be used solely to develop the capacity and ability of
25 private, nonprofit community-based housing and commu-

1 nity development organizations, low-income rural commu-
2 nities, and Federally Recognized Native American Tribes
3 to undertake projects to improve housing, community fa-
4 cilities, community and economic development projects in
5 rural areas: *Provided further*, That such funds shall be
6 made available to qualified private, nonprofit and public
7 intermediary organizations proposing to carry out a pro-
8 gram of financial and technical assistance: *Provided fur-*
9 *ther*, That such intermediary organizations shall provide
10 matching funds from other sources, including Federal
11 funds for related activities, in an amount not less than
12 funds provided: *Provided further*, That \$13,902,000 of the
13 amount appropriated under this heading shall be to pro-
14 vide grants for facilities in rural communities with extreme
15 unemployment and severe economic depression (Public
16 Law 106–387), with up to 5 percent for administration
17 and capacity building in the State rural development of-
18 fices: *Provided further*, That \$3,972,000 of the amount ap-
19 propriated under this heading shall be available for com-
20 munity facilities grants to tribal colleges, as authorized by
21 section 306(a)(19) of such Act: *Provided further*, That of
22 the amount appropriated under this heading, the amount
23 equal to the amount of Rural Community Facilities Pro-
24 gram Account funds allocated by the Secretary for Rural
25 Economic Area Partnership Zones for the fiscal year

1 2010, shall be available through June 30, 2011, for com-
 2 munities designated by the Secretary of Agriculture as
 3 Rural Economic Area Partnership Zones for the rural
 4 community programs described in section 381E(d)(1) of
 5 the Consolidated Farm and Rural Development Act: *Pro-*
 6 *vided further*, That sections 381E–H and 381N of the
 7 Consolidated Farm and Rural Development Act are not
 8 applicable to the funds made available under this heading:
 9 *Provided further*, That any prior balances in the Rural De-
 10 velopment, Rural Community Advancement Program ac-
 11 count for programs authorized by section 306 and de-
 12 scribed in section 381E(d)(1) of such Act be transferred
 13 and merged with this account and any other prior balances
 14 from the Rural Development, Rural Community Advance-
 15 ment Program account that the Secretary determines is
 16 appropriate to transfer.

17 RURAL BUSINESS—COOPERATIVE SERVICE

18 RURAL BUSINESS PROGRAM ACCOUNT

19 (INCLUDING TRANSFERS OF FUNDS)

20 For the cost of loan guarantees and grants, for the
 21 rural business development programs authorized by sec-
 22 tions 306 and 310B and described in sections 310B(f) and
 23 381E(d)(3) of the Consolidated Farm and Rural Develop-
 24 ment Act, \$86,689,000, to remain available until ex-
 25 pended: *Provided*, That of the amount appropriated under

1 this heading, not to exceed \$500,000 shall be made avail-
2 able for a grant to a qualified national organization to pro-
3 vide technical assistance for rural transportation in order
4 to promote economic development and \$2,979,000 shall be
5 for grants to the Delta Regional Authority (7 U.S.C.
6 2009aa et seq.) for any Rural Community Advancement
7 Program purpose as described in section 381E(d) of the
8 Consolidated Farm and Rural Development Act, of which
9 not more than 5 percent may be used for administrative
10 expenses: *Provided further*, That \$4,000,000 of the
11 amount appropriated under this heading shall be for busi-
12 ness grants to benefit Federally Recognized Native Amer-
13 ican Tribes, including \$250,000 for a grant to a qualified
14 national organization to provide technical assistance for
15 rural transportation in order to promote economic develop-
16 ment: *Provided further*, That of the amount appropriated
17 under this heading, the amount equal to the amount of
18 Rural Business Program Account funds allocated by the
19 Secretary for Rural Economic Area Partnership Zones for
20 the fiscal year 2010, shall be available through June 30,
21 2011, for communities designated by the Secretary of Ag-
22 riculture as Rural Economic Area Partnership Zones for
23 the rural business and cooperative development programs
24 described in section 381E(d)(3) of the Consolidated Farm
25 and Rural Development Act: *Provided further*, That sec-

1 tions 381E–H and 381N of the Consolidated Farm and
2 Rural Development Act are not applicable to funds made
3 available under this heading: *Provided further*, That any
4 prior balances in the Rural Development, Rural Commu-
5 nity Advancement Program account for programs author-
6 ized by sections 306 and 310B and described in sections
7 310B(f) and 381E(d)(3) of such Act be transferred and
8 merged with this account and any other prior balances
9 from the Rural Development, Rural Community Advance-
10 ment Program account that the Secretary determines is
11 appropriate to transfer.

12 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 For the principal amount of direct loans, as author-
15 ized by the Rural Development Loan Fund (42 U.S.C.
16 9812(a)), \$33,533,000. For the cost of direct loans,
17 \$12,937,000, as authorized by the Rural Development
18 Loan Fund (42 U.S.C. 9812(a)), of which \$1,582,000
19 shall be available through June 30, 2011, for Federally
20 Recognized Native American Tribes and of which
21 \$3,164,000 shall be available through June 30, 2011, for
22 Mississippi Delta Region counties (as determined in ac-
23 cordance with Public Law 100–460): *Provided*, That such
24 costs, including the cost of modifying such loans, shall be
25 as defined in section 502 of the Congressional Budget Act

1 of 1974: *Provided further*, That of the total amount appro-
2 priated under this heading, the amount equal to the
3 amount of Rural Development Loan Fund Program Ac-
4 count funds allocated by the Secretary for Rural Economic
5 Area Partnership Zones for the fiscal year 2010, shall be
6 available through June 30, 2011, for communities des-
7 ignated by the Secretary of Agriculture as Rural Economic
8 Area Partnership Zones.

9 In addition, for administrative expenses to carry out
10 the direct loan programs, \$5,046,000 shall be transferred
11 to and merged with the appropriation for “Rural Develop-
12 ment, Salaries and Expenses”.

13 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

14 ACCOUNT

15 (INCLUDING RESCISSION OF FUNDS)

16 For the principal amount of direct loans, as author-
17 ized under section 313 of the Rural Electrification Act,
18 for the purpose of promoting rural economic development
19 and job creation projects, \$33,077,000.

20 Of the funds derived from interest on the cushion of
21 credit payments, as authorized by section 313 of the Rural
22 Electrification Act of 1936, \$103,000,000 shall not be ob-
23 ligated and \$103,000,000 are rescinded.

1 RURAL COOPERATIVE DEVELOPMENT GRANTS

2 For rural cooperative development grants authorized
3 under section 310B(e) of the Consolidated Farm and
4 Rural Development Act (7 U.S.C. 1932), \$35,560,000, of
5 which \$2,800,000 shall be for cooperative agreements for
6 the appropriate technology transfer for rural areas pro-
7 gram: *Provided*, That not to exceed \$3,463,000 shall be
8 for grants for cooperative development centers, individual
9 cooperatives, or groups of cooperatives that serve socially
10 disadvantaged groups and a majority of the boards of di-
11 rectors or governing boards of which are comprised of in-
12 dividuals who are members of socially disadvantaged
13 groups; and of which \$20,373,000, to remain available
14 until expended, shall be for value-added agricultural prod-
15 uct market development grants, as authorized by section
16 231 of the Agricultural Risk Protection Act of 2000 (7
17 U.S.C. 1621 note).

18 RURAL MICROENTERPRISE INVESTMENT PROGRAM

19 ACCOUNT

20 For the cost of loans and grants, \$4,350,000 as au-
21 thorized by section 379E of the Consolidated Farm and
22 Rural Development Act (7 U.S.C. 1981 et seq.): *Provided*,
23 That such costs of loans, including the cost of modifying
24 such loans, shall be as defined in section 502 of the Con-
25 gressional Budget Act of 1974.

1 RURAL ENERGY FOR AMERICA PROGRAM

2 For the cost of a program of loan guarantees and
3 grants, under the same terms and conditions as authorized
4 by section 9007 of the Farm Security and Rural Invest-
5 ment Act of 2002 (7 U.S.C. 8107), \$39,340,000: *Pro-*
6 *vided*, That the cost of loan guarantees, including the cost
7 of modifying such loans, shall be as defined in section 502
8 of the Congressional Budget Act of 1974.

9 RURAL UTILITIES SERVICE

10 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For the cost of direct loans, loan guarantees, and
13 grants for the rural water, waste water, waste disposal,
14 and solid waste management programs authorized by sec-
15 tions 306, 306A, 306C, 306D, 306E, and 310B and de-
16 scribed in sections 306C(a)(2), 306D, 306E, and
17 381E(d)(2) of the Consolidated Farm and Rural Develop-
18 ment Act, \$582,851,000, to remain available until ex-
19 pended, of which not to exceed \$497,000 shall be available
20 for the rural utilities program described in section
21 306(a)(2)(B) of such Act, and of which not to exceed
22 \$993,000 shall be available for the rural utilities program
23 described in section 306E of such Act: *Provided*, That
24 \$3,432,000 of the amounts appropriated under this head-
25 ing shall be for loans authorized under 16 U.S.C. 1006a,

1 for projects whose features include agricultural water sup-
2 ply benefits, groundwater protection, environmental en-
3 hancement and flood control, except for the limitations
4 contained in the last sentence of such authority and such
5 loans shall be made by the Rural Utilities Service: *Pro-*
6 *vided further,* That \$70,000,000 of the amount appro-
7 priated under this heading shall be for loans and grants
8 including water and waste disposal systems grants author-
9 ized by 306C(a)(2)(B) and 306D of the Consolidated
10 Farm and Rural Development Act, Federally recognized
11 Native American Tribes authorized by 306C(a)(1), and
12 the Department of Hawaiian Home Lands (of the State
13 of Hawaii): *Provided further,* That funding provided for
14 section 306D of the Consolidated Farm and Rural Devel-
15 opment Act may be provided to a consortium formed pur-
16 suant to section 325 of Public Law 105–83: *Provided fur-*
17 *ther,* That not more than 2 percent of the funding pro-
18 vided for section 306D of the Consolidated Farm and
19 Rural Development Act may be used by the State of Alas-
20 ka for training and technical assistance programs and not
21 more than 2 percent of the funding provided for section
22 306D of the Consolidated Farm and Rural Development
23 Act may be used by a consortium formed pursuant to sec-
24 tion 325 of Public Law 105–83 for training and technical
25 assistance programs: *Provided further,* That not to exceed

1 \$19,500,000 of the amount appropriated under this head-
2 ing shall be for technical assistance grants for rural water
3 and waste systems pursuant to section 306(a)(14) of such
4 Act, unless the Secretary makes a determination of ex-
5 treme need, of which \$6,000,000 shall be made available
6 for a grant to a qualified non-profit multi-state regional
7 technical assistance organization, with experience in work-
8 ing with small communities on water and waste water
9 problems, the principal purpose of such grant shall be to
10 assist rural communities with populations of 3,300 or less,
11 in improving the planning, financing, development, oper-
12 ation, and management of water and waste water systems,
13 and of which not less than \$800,000 shall be for a quali-
14 fied national Native American organization to provide
15 technical assistance for rural water systems for tribal com-
16 munities: *Provided further,* That not to exceed
17 \$15,000,000 of the amount appropriated under this head-
18 ing shall be for contracting with qualified national organi-
19 zations for a circuit rider program to provide technical as-
20 sistance for rural water systems: *Provided further,* That
21 of the amount appropriated under this heading, the
22 amount equal to the amount of Rural Water and Waste
23 Disposal Program Account funds allocated by the Sec-
24 retary for Rural Economic Area Partnership Zones for the
25 fiscal year 2010, shall be available through June 30, 2011,

1 for communities designated by the Secretary of Agri-
2 culture as Rural Economic Area Partnership Zones for the
3 rural utilities programs described in section 381E(d)(2)
4 of the Consolidated Farm and Rural Development Act:
5 *Provided further*, That \$17,500,000 of the amount appro-
6 priated under this heading shall be transferred to, and
7 merged with, the Rural Utilities Service, High Energy
8 Cost Grants Account to provide grants authorized under
9 section 19 of the Rural Electrification Act of 1936 (7
10 U.S.C. 918a): *Provided further*, That any prior year bal-
11 ances for high cost energy grants authorized by section
12 19 of the Rural Electrification Act of 1936 (7 U.S.C.
13 918a) shall be transferred to and merged with the Rural
14 Utilities Service, High Energy Costs Grants Account: *Pro-*
15 *vided further*, That sections 381E–H and 381N of the
16 Consolidated Farm and Rural Development Act are not
17 applicable to the funds made available under this heading:
18 *Provided further*, That any prior balances in the Rural De-
19 velopment, Rural Community Advancement Program ac-
20 count programs authorized by sections 306, 306A, 306C,
21 306D, 306E, and 310B and described in sections
22 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be
23 transferred to and merged with this account and any other
24 prior balances from the Rural Development, Rural Com-

1 munity Advancement Program account that the Secretary
2 determines is appropriate to transfer.

3 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

4 LOANS PROGRAM ACCOUNT

5 (INCLUDING TRANSFER OF FUNDS)

6 The principal amount of direct and guaranteed loans
7 as authorized by sections 305 and 306 of the Rural Elec-
8 trification Act of 1936 (7 U.S.C. 935 and 936) shall be
9 made as follows: 5 percent rural electrification loans,
10 \$100,000,000; loans made pursuant to section 306 of that
11 Act, rural electric, \$6,500,000,000; guaranteed under-
12 writing loans pursuant to section 313A, \$500,000,000; 5
13 percent rural telecommunications loans, \$145,000,000;
14 cost of money rural telecommunications loans,
15 \$250,000,000; and for loans made pursuant to section 306
16 of that Act, rural telecommunications loans,
17 \$295,000,000.

18 In addition, for administrative expenses necessary to
19 carry out the direct and guaranteed loan programs,
20 \$38,374,000, which shall be transferred to and merged
21 with the appropriation for “Rural Development, Salaries
22 and Expenses”.

1 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
2 PROGRAM

3 For the principal amount of broadband telecommuni-
4 cation loans, \$400,000,000.

5 For grants for telemedicine and distance learning
6 services in rural areas, as authorized by 7 U.S.C. 950aaa
7 et seq., \$37,755,000, to remain available until expended:
8 *Provided*, That \$3,000,000 shall be made available for
9 grants authorized by 379G of the Consolidated Farm and
10 Rural Development Act: *Provided further*, That
11 \$4,500,000 shall be made available to those noncommer-
12 cial educational television broadcast stations that serve
13 rural areas and are qualified for Community Service
14 Grants by the Corporation for Public Broadcasting under
15 section 396(k) of the Communications Act of 1934, includ-
16 ing associated translators and repeaters, regardless of the
17 location of their main transmitter, studio-to-transmitter
18 links, and equipment to allow local control over digital con-
19 tent and programming through the use of high definition
20 broadcast, multi-casting and datacasting technologies.

21 For the cost of broadband loans, as authorized by
22 section 601 of the Rural Electrification Act, \$22,320,000,
23 to remain available until expended: *Provided*, That the
24 cost of direct loans shall be as defined in section 502 of
25 the Congressional Budget Act of 1974.

1 In addition, \$17,976,000, to remain available until
2 expended, for a grant program to finance broadband
3 transmission in rural areas eligible for Distance Learning
4 and Telemedicine Program benefits authorized by 7
5 U.S.C. 950aaa.

6 TITLE IV

7 DOMESTIC FOOD PROGRAMS

8 OFFICE OF THE UNDER SECRETARY FOR FOOD,
9 NUTRITION AND CONSUMER SERVICES

10 For necessary expenses of the Office of the Under
11 Secretary for Food, Nutrition and Consumer Services,
12 \$821,000.

13 FOOD AND NUTRITION SERVICE

14 CHILD NUTRITION PROGRAMS

15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses to carry out the Richard B.
17 Russell National School Lunch Act (42 U.S.C. 1751 et
18 seq.), except section 21, and the Child Nutrition Act of
19 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
20 21; \$18,161,143,000, to remain available through Sep-
21 tember 30, 2012, of which such sums as are made avail-
22 able under section 14222(b)(1) of the Food, Conservation,
23 and Energy Act of 2008 (Public Law 110–246), as
24 amended by this Act, shall be merged with and available
25 for the same time period and purposes as provided herein:

1 *Provided*, That of the total amount available, \$5,000,000
2 shall be available to be awarded as competitive grants to
3 implement section 4405 of the Food, Conservation, and
4 Energy Act of 2008 (Public Law 110–246), and may be
5 awarded notwithstanding the limitations imposed by sec-
6 tions 4405(b)(1)(A) and 4405(c)(1)(A): *Provided further*,
7 That section 14222(b)(1) of the Food, Conservation, and
8 Energy Act of 2008 is amended by adding at the end be-
9 fore the period, “except section 21, and the Child Nutri-
10 tion Act of 1966 (42 U.S.C. 1771 et seq.), except sections
11 17 and 21”.

12 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
13 WOMEN, INFANTS, AND CHILDREN (WIC)

14 For necessary expenses to carry out the special sup-
15 plemental nutrition program as authorized by section 17
16 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
17 \$7,252,000,000, to remain available through September
18 30, 2012: *Provided*, That notwithstanding section
19 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C.
20 1786(g)(5)), not more than \$15,000,000 of funds pro-
21 vided in this Act may be used for the purpose of evaluating
22 program performance in the Special Supplemental Nutri-
23 tion Program for Women, Infants and Children: *Provided*
24 *further*, That of the amounts made available under this
25 heading, not less than \$14,000,000 shall be used for infra-

1 structure, not less than \$60,000,000 shall be used for
2 management information systems, and not less than
3 \$80,000,000 shall be used for breast-feeding peer coun-
4 selors and other related activities: *Provided further*, That
5 none of the funds provided in this account shall be avail-
6 able for the purchase of infant formula except in accord-
7 ance with the cost containment and competitive bidding
8 requirements specified in section 17 of such Act: *Provided*
9 *further*, That none of the funds provided shall be available
10 for activities that are not fully reimbursed by other Fed-
11 eral Government departments or agencies unless author-
12 ized by section 17 of such Act.

13 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

14 For necessary expenses to carry out the Food and
15 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
16 \$68,209,540,000, of which \$5,000,000,000, to remain
17 available through September 30, 2012, shall be placed in
18 reserve for use only in such amounts and at such times
19 as may become necessary to carry out program operations:
20 *Provided*, That funds provided herein shall be expended
21 in accordance with section 16 of the Food and Nutrition
22 Act of 2008: *Provided further*, That this appropriation
23 shall be subject to any work registration or workfare re-
24 quirements as may be required by law: *Provided further*,
25 That funds made available for Employment and Training

1 under this heading shall remain available until expended,
2 notwithstanding section 16(h)(1) of the Food and Nutri-
3 tion Act of 2008: *Provided further*, That funds made avail-
4 able under this heading may be used to enter into con-
5 tracts and employ staff to conduct studies, evaluations, or
6 to conduct activities related to program integrity provided
7 that such activities are authorized by the Food and Nutri-
8 tion Act of 2008.

9 COMMODITY ASSISTANCE PROGRAM

10 For necessary expenses to carry out disaster assist-
11 ance and the Commodity Supplemental Food Program as
12 authorized by section 4(a) of the Agriculture and Con-
13 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
14 Emergency Food Assistance Act of 1983; special assist-
15 ance for the nuclear affected islands, as authorized by sec-
16 tion 103(f)(2) of the Compact of Free Association Amend-
17 ments Act of 2003 (Public Law 108–188); and the Farm-
18 ers’ Market Nutrition Program, as authorized by section
19 17(m) of the Child Nutrition Act of 1966, \$261,619,000,
20 to remain available through September 30, 2012, of which
21 \$6,000,000 shall be for emergency food program infra-
22 structure grants authorized by section 209 of the Emer-
23 gency Food Assistance Act of 1983: *Provided*, That none
24 of these funds shall be available to reimburse the Com-
25 modity Credit Corporation for commodities donated to the

1 program: *Provided further*, That notwithstanding any
2 other provision of law, effective with funds made available
3 in fiscal year 2011 to support the Seniors Farmers' Mar-
4 ket Nutrition Program, as authorized by section 4402 of
5 the Farm Security and Rural Investment Act of 2002,
6 such funds shall remain available through September 30,
7 2012: *Provided further*, That of the funds made available
8 under section 27(a) of the Food and Nutrition Act of 2008
9 (7 U.S.C. 2036(a)), the Secretary may use up to 10 per-
10 cent for costs associated with the distribution of commod-
11 ities.

12 NUTRITION PROGRAMS ADMINISTRATION

13 For necessary administrative expenses of the Food
14 and Nutrition Service for carrying out any domestic nutri-
15 tion assistance program, \$166,587,000: *Provided*,
16 That \$3,000,000 shall be used for the purposes of section
17 4404 of Public Law 107–171, as amended by section 4401
18 of Public Law 110–246.

1 TITLE V
2 FOREIGN ASSISTANCE AND RELATED
3 PROGRAMS
4 FOREIGN AGRICULTURAL SERVICE
5 SALARIES AND EXPENSES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses of the Foreign Agricultural
8 Service, including not to exceed \$158,000 for representa-
9 tion allowances and for expenses pursuant to section 8 of
10 the Act approved August 3, 1956 (7 U.S.C. 1766),
11 \$219,780,000: *Provided*, That the Service may utilize ad-
12 vances of funds, or reimburse this appropriation for ex-
13 penditures made on behalf of Federal agencies, public and
14 private organizations and institutions under agreements
15 executed pursuant to the agricultural food production as-
16 sistance programs (7 U.S.C. 1737) and the foreign assist-
17 ance programs of the United States Agency for Inter-
18 national Development: *Provided further*, That of the
19 amount appropriated under this heading \$14,600,000 is
20 for stabilization and reconstruction activities to be carried
21 out under the authority provided by title XIV of the Food
22 and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and
23 other applicable laws: *Provided further*, That of the
24 amount appropriated under this heading, \$10,000,000 is
25 for the Secretary to provide technical assistance under

1 available authorities for the establishment and growth of
2 sustainable food production and marketing systems in de-
3 veloping countries: *Provided further*, That funds made
4 available for middle-income country training programs
5 and up to \$2,000,000 of the Foreign Agricultural Service
6 appropriation solely for the purpose of offsetting fluctua-
7 tions in international currency exchange rates, subject to
8 documentation by the Foreign Agricultural Service, shall
9 remain available until expended.

10 FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD
11 FOR PROGRESS PROGRAM ACCOUNT
12 (INCLUDING TRANSFERS OF FUNDS)

13 For administrative expenses to carry out the credit
14 program of title I, Food for Peace Act (Public Law 83-
15 480) and the Food for Progress Act of 1985, \$2,846,000,
16 shall be transferred to and merged with the appropriation
17 for “Farm Service Agency, Salaries and Expenses”: *Pro-*
18 *vided*, That funds made available for the cost of agree-
19 ments under title I of the Agricultural Trade Development
20 and Assistance Act of 1954 and for title I ocean freight
21 differential may be used interchangeably between the two
22 accounts with prior notice to the Committees on Appro-
23 priations of both Houses of Congress.

1 FOOD FOR PEACE TITLE II GRANTS

2 For expenses during the current fiscal year, not oth-
3 erwise recoverable, and unrecovered prior years' costs, in-
4 cluding interest thereon, under the Food for Peace Act
5 (Public Law 83-480, as amended), for commodities sup-
6 plied in connection with dispositions abroad under title II
7 of said Act, \$1,690,000,000, to remain available until ex-
8 pended.

9 MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION
10 AND CHILD NUTRITION PROGRAM GRANTS

11 For necessary expenses to carry out the provisions
12 of section 3107 of the Farm Security and Rural Invest-
13 ment Act of 2002 (7 U.S.C. 1736o-1), \$209,500,000, to
14 remain available until expended: *Provided*, That the Com-
15 modity Credit Corporation is authorized to provide the
16 services, facilities, and authorities for the purpose of im-
17 plementing such section, subject to reimbursement from
18 amounts provided herein.

19 COMMODITY CREDIT CORPORATION EXPORT (LOANS)

20 CREDIT GUARANTEE PROGRAM ACCOUNT

21 (INCLUDING TRANSFERS OF FUNDS)

22 For administrative expenses to carry out the Com-
23 modity Credit Corporation's export guarantee program,
24 GSM 102 and GSM 103, \$6,884,000; to cover common
25 overhead expenses as permitted by section 11 of the Com-

1 modify Credit Corporation Charter Act and in conformity
2 with the Federal Credit Reform Act of 1990, of which
3 \$6,525,000 shall be transferred to and merged with the
4 appropriation for “Foreign Agricultural Service, Salaries
5 and Expenses”, and of which \$359,000 shall be trans-
6 ferred to and merged with the appropriation for “Farm
7 Service Agency, Salaries and Expenses”.

8
9 TITLE VI
10 RELATED AGENCIES AND FOOD AND DRUG
11 ADMINISTRATION
12 DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES
14 FOOD AND DRUG ADMINISTRATION
15 SALARIES AND EXPENSES

16 For necessary expenses of the Food and Drug Ad-
17 ministration, including hire and purchase of passenger
18 motor vehicles; for payment of space rental and related
19 costs pursuant to Public Law 92–313 for programs and
20 activities of the Food and Drug Administration which are
21 included in this Act; for rental of special purpose space
22 in the District of Columbia or elsewhere; for miscellaneous
23 and emergency expenses of enforcement activities, author-
24 ized and approved by the Secretary and to be accounted
25 for solely on the Secretary’s certificate, not to exceed
\$25,000; and notwithstanding section 521 of Public Law

1 107–188; \$3,707,611,000: *Provided*, That of the amount
2 provided under this heading, \$667,057,000 shall be de-
3 rived from prescription drug user fees authorized by 21
4 U.S.C. 379h shall be credited to this account and remain
5 available until expended, and shall not include any fees
6 pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for
7 fiscal year 2012 but collected in fiscal year 2011;
8 \$61,860,000 shall be derived from medical device user fees
9 authorized by 21 U.S.C. 379j, and shall be credited to this
10 account and remain available until expended; \$19,448,000
11 shall be derived from animal drug user fees authorized by
12 21 U.S.C. 379j, and shall be credited to this account and
13 remain available until expended; \$5,397,000 shall be de-
14 rived from animal generic drug user fees authorized by
15 21 U.S.C. 379f, and shall be credited to this account and
16 shall remain available until expended; and \$450,000,000
17 shall be derived from tobacco product user fees authorized
18 by 21 U.S.C. 387s and shall be credited to this account
19 and remain available until expended: *Provided further*,
20 That in addition and notwithstanding any other provision
21 under this heading, amounts collected for prescription
22 drug user fees that exceed the fiscal year 2011 limitation
23 are appropriated and shall be credited to this account and
24 remain available until expended: *Provided further*, That
25 fees derived from prescription drug, medical device, animal

1 drug, animal generic drug, and tobacco product assess-
2 ments for fiscal year 2011 received during fiscal year
3 2011, including any such fees assessed prior to fiscal year
4 2011 but credited for fiscal year 2011, shall be subject
5 to the fiscal year 2011 limitations: *Provided further*, That
6 none of these funds shall be used to develop, establish,
7 or operate any program of user fees authorized by 31
8 U.S.C. 9701: *Provided further*, That of the total amount
9 appropriated: (1) \$856,383,000 shall be for the Center for
10 Food Safety and Applied Nutrition and related field activi-
11 ties in the Office of Regulatory Affairs; (2) \$968,311,000
12 shall be for the Center for Drug Evaluation and Research
13 and related field activities in the Office of Regulatory Af-
14 fairs, of which no less than \$55,545,000 shall be available
15 for the Office of Generic Drugs; (3) \$328,234,000 shall
16 be for the Center for Biologics Evaluation and Research
17 and for related field activities in the Office of Regulatory
18 Affairs; (4) \$162,946,000 shall be for the Center for Vet-
19 erinary Medicine and for related field activities in the Of-
20 fice of Regulatory Affairs; (5) \$362,491,000 shall be for
21 the Center for Devices and Radiological Health and for
22 related field activities in the Office of Regulatory Affairs;
23 (6) \$60,975,000 shall be for the National Center for Toxi-
24 cological Research; (7) \$421,463,000 shall be for the Cen-
25 ter for Tobacco Products and for related field activities

1 in the Office of Regulatory Affairs; (8) not to exceed
2 \$141,724,000 shall be for Rent and Related activities, of
3 which \$41,951,000 is for White Oak Consolidation, other
4 than the amounts paid to the General Services Adminis-
5 tration for rent; (9) not to exceed \$185,983,000 shall be
6 for payments to the General Services Administration for
7 rent; and (10) \$219,101,000 shall be for other activities,
8 including the Office of the Commissioner; the Office of
9 Foods; the Office of the Chief Scientist; the Office of Pol-
10 icy, Planning and Budget; the Office of International Pro-
11 grams; the Office of Administration; and central services
12 for these offices: *Provided further*, That not to exceed
13 \$25,000 of this amount shall be for official reception and
14 representation expenses, not otherwise provided for, as de-
15 termined by the Commissioner: *Provided further*, That
16 funds may be transferred from one specified activity to
17 another with the prior approval of the Committees on Ap-
18 propriations of both Houses of Congress.

19 In addition, mammography user fees authorized by
20 42 U.S.C. 263b, export certification user fees authorized
21 by 21 U.S.C. 381, and priority review user fees authorized
22 by 21 U.S.C. 360n may be credited to this account, to
23 remain available until expended.

1 BUILDINGS AND FACILITIES

2 For plans, construction, repair, improvement, exten-
3 sion, alteration, and purchase of fixed equipment or facili-
4 ties of or used by the Food and Drug Administration,
5 where not otherwise provided, \$12,433,000, to remain
6 available until expended.

7 INDEPENDENT AGENCY

8 FARM CREDIT ADMINISTRATION

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 Not to exceed \$59,400,000 (from assessments col-
11 lected from farm credit institutions, including the Federal
12 Agricultural Mortgage Corporation) shall be obligated
13 during the current fiscal year for administrative expenses
14 as authorized under 12 U.S.C. 2249: *Provided*, That this
15 limitation shall not apply to expenses associated with re-
16 ceiverships.

17 TITLE VII

18 GENERAL PROVISIONS

19 (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

20 SEC. 701. Within the unit limit of cost fixed by law,
21 appropriations and authorizations made for the Depart-
22 ment of Agriculture for the current fiscal year under this
23 Act shall be available for the purchase, in addition to those
24 specifically provided for, of not to exceed 204 passenger

1 motor vehicles, of which 170 shall be for replacement only,
2 and for the hire of such vehicles.

3 SEC. 702. The Secretary of Agriculture may transfer
4 unobligated balances of discretionary funds appropriated
5 by this Act or other available unobligated discretionary
6 balances of the Department of Agriculture to the Working
7 Capital Fund for the acquisition of plant and capital
8 equipment necessary for the delivery of financial, adminis-
9 trative, and information technology services of primary
10 benefit to the agencies of the Department of Agriculture:
11 *Provided*, That none of the funds made available by this
12 Act or any other Act shall be transferred to the Working
13 Capital Fund without the prior approval of the agency ad-
14 ministrator: *Provided further*, That none of the funds
15 transferred to the Working Capital Fund pursuant to this
16 section shall be available for obligation without written no-
17 tification to and the prior approval of the Committees on
18 Appropriations of both Houses of Congress: *Provided fur-*
19 *ther*, That none of the funds appropriated by this Act or
20 made available to the Department's Working Capital
21 Fund shall be available for obligation or expenditure to
22 make any changes to the Department's National Finance
23 Center without written notification to and prior approval
24 of the Committees on Appropriations of both Houses of
25 Congress as required by section 711 of this Act: *Provided*

1 *further*, That of annual income amounts in the Working
2 Capital Fund of the Department of Agriculture allocated
3 for the National Finance Center, the Secretary may re-
4 serve not more than 4 percent for the replacement or ac-
5 quisition of capital equipment, including equipment for the
6 improvement and implementation of a financial manage-
7 ment plan, information technology, and other systems of
8 the National Finance Center or to pay any unforeseen,
9 extraordinary cost of the National Finance Center: *Pro-*
10 *vided further*, That none of the amounts reserved shall be
11 available for obligation unless the Secretary submits writ-
12 ten notification of the obligation to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate: *Provided further*, That the limitation on the obligation
15 of funds pending notification to Congressional Committees
16 shall not apply to any obligation that, as determined by
17 the Secretary, is necessary to respond to a declared state
18 of emergency that significantly impacts the operations of
19 the National Finance Center; or to evacuate employees of
20 the National Finance Center to a safe haven to continue
21 operations of the National Finance Center.

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

1 SEC. 704. No funds appropriated by this Act may be
2 used to pay negotiated indirect cost rates on cooperative
3 agreements or similar arrangements between the United
4 States Department of Agriculture and nonprofit institu-
5 tions in excess of 10 percent of the total direct cost of
6 the agreement when the purpose of such cooperative ar-
7 rangements is to carry out programs of mutual interest
8 between the two parties. This does not preclude appro-
9 priate payment of indirect costs on grants and contracts
10 with such institutions when such indirect costs are com-
11 puted on a similar basis for all agencies for which appro-
12 priations are provided in this Act.

13 SEC. 705. Appropriations to the Department of Agri-
14 culture for the cost of direct and guaranteed loans made
15 available in the current fiscal year shall remain available
16 until expended to disburse obligations made in the current
17 fiscal year for the following accounts: the Rural Develop-
18 ment Loan Fund program account, the Rural Electrifica-
19 tion and Telecommunication Loans program account, and
20 the Rural Housing Insurance Fund program account.

21 SEC. 706. Of the funds made available by this Act,
22 not more than \$1,800,000 shall be used to cover necessary
23 expenses of activities related to all advisory committees,
24 panels, commissions, and task forces of the Department
25 of Agriculture, except for panels used to comply with nego-

1 tiated rule makings and panels used to evaluate competi-
2 tively awarded grants.

3 SEC. 707. Hereafter, none of the funds appropriated
4 by this Act may be used to carry out section 410 of the
5 Federal Meat Inspection Act (21 U.S.C. 679a) or section
6 30 of the Poultry Products Inspection Act (21 U.S.C.
7 471).

8 SEC. 708. No employee of the Department of Agri-
9 culture may be detailed or assigned from an agency or
10 office funded by this Act or any other Act to any other
11 agency or office of the Department for more than 30 days
12 unless the individual's employing agency or office is fully
13 reimbursed by the receiving agency or office for the salary
14 and expenses of the employee for the period of assignment.

15 SEC. 709. None of the funds appropriated or other-
16 wise made available to the Department of Agriculture or
17 the Food and Drug Administration shall be used to trans-
18 mit or otherwise make available to any non-Department
19 of Agriculture or non-Department of Health and Human
20 Services employee questions or responses to questions that
21 are a result of information requested for the appropria-
22 tions hearing process.

23 SEC. 710. None of the funds made available to the
24 Department of Agriculture by this Act may be used to ac-
25 quire new information technology systems or significant

1 upgrades, as determined by the Office of the Chief Infor-
2 mation Officer, without the approval of the Chief Informa-
3 tion Officer and the concurrence of the Executive Informa-
4 tion Technology Investment Review Board: *Provided*, That
5 notwithstanding any other provision of law, none of the
6 funds appropriated or otherwise made available by this
7 Act may be transferred to the Office of the Chief Informa-
8 tion Officer without written notification to and the prior
9 approval of the Committees on Appropriations of both
10 Houses of Congress: *Provided further*, That none of the
11 funds available to the Department of Agriculture for infor-
12 mation technology shall be obligated for projects over
13 \$25,000 prior to receipt of written approval by the Chief
14 Information Officer.

15 SEC. 711. (a) None of the funds provided by this Act,
16 or provided by previous Appropriations Acts to the agen-
17 cies funded by this Act that remain available for obligation
18 or expenditure in the current fiscal year, or provided from
19 any accounts in the Treasury of the United States derived
20 by the collection of fees available to the agencies funded
21 by this Act, shall be available for obligation or expenditure
22 through a reprogramming or transfer of funds which—

23 (1) creates new programs;

24 (2) eliminates a program, project, or activity;

1 (3) increases funds or personnel by any means
2 for any project or activity for which funds have been
3 denied or restricted;

4 (4) relocates an office or employees;

5 (5) reorganizes offices, programs, or activities;

6 or

7 (6) contracts out or privatizes any functions or
8 activities presently performed by Federal employees;
9 unless the Committees on Appropriations of both
10 Houses of Congress are notified in writing 30 days
11 in advance of such reprogramming or transfer of
12 funds.

13 (b) None of the funds provided by this Act, or pro-
14 vided by previous Appropriations Acts to the agencies
15 funded by this Act that remain available for obligation or
16 expenditure in the current fiscal year, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 for activities, programs, or projects through a reprogram-
21 ming of funds in excess of \$500,000 or 10 percent, which-
22 ever is less, that: (1) augments existing programs,
23 projects, or activities; (2) reduces by 10 percent funding
24 for any existing program, project, or activity, or numbers
25 of personnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a reduction in
2 personnel which would result in a change in existing pro-
3 grams, activities, or projects as approved by Congress; un-
4 less the Committees on Appropriations of both Houses of
5 Congress are notified in writing 30 days in advance of
6 such reprogramming of funds.

7 (c) The Secretary of Agriculture or the Secretary of
8 Health and Human Services shall notify in writing the
9 Committees on Appropriations of both Houses of Congress
10 before implementing a program or activity not carried out
11 during the previous fiscal year unless the program or ac-
12 tivity is funded by this Act or specifically funded by any
13 other Act.

14 SEC. 712. None of the funds appropriated by this or
15 any other Act shall be used to pay the salaries and ex-
16 penses of personnel who prepare or submit appropriations
17 language as part of the President's Budget submission to
18 the Congress of the United States for programs under the
19 jurisdiction of the Appropriations Subcommittees on Agri-
20 culture, Rural Development, Food and Drug Administra-
21 tion, and Related Agencies that assumes revenues or re-
22 flects a reduction from the previous year due to user fees
23 proposals that have not been enacted into law prior to the
24 submission of the Budget unless such Budget submission
25 identifies which additional spending reductions should

1 occur in the event the user fees proposals are not enacted
2 prior to the date of the convening of a committee of con-
3 ference for the fiscal year 2012 appropriations Act.

4 SEC. 713. None of the funds made available by this
5 or any other Act may be used to close or relocate a Rural
6 Development office unless or until the Secretary of Agri-
7 culture determines the cost effectiveness and/or enhance-
8 ment of program delivery: *Provided*, That not later than
9 120 days before the date of the proposed closure or reloca-
10 tion, the Secretary notifies in writing the Committees on
11 Appropriation of the House and Senate, and the members
12 of Congress from the State in which the office is located
13 of the proposed closure or relocation and provides a report
14 that describes the justifications for such closures and relo-
15 cations.

16 SEC. 714. None of the funds made available to the
17 Food and Drug Administration by this Act shall be used
18 to close or relocate, or to plan to close or relocate, the
19 Food and Drug Administration Division of Pharma-
20 ceutical Analysis in St. Louis, Missouri, outside the city
21 or county limits of St. Louis, Missouri.

22 SEC. 715. None of the funds made available in fiscal
23 year 2010 or preceding fiscal years for programs author-
24 ized under the Food for Peace Act (7 U.S.C. 1691 et seq.)
25 in excess of \$20,000,000 shall be used to reimburse the

1 Commodity Credit Corporation for the release of eligible
2 commodities under section 302(f)(2)(A) of the Bill Emer-
3 son Humanitarian Trust Act (7 U.S.C. 1736f-1): *Pro-*
4 *vided*, That any such funds made available to reimburse
5 the Commodity Credit Corporation shall only be used pur-
6 suant to section 302(b)(2)(B)(i) of the Bill Emerson Hu-
7 manitarian Trust Act.

8 SEC. 716. There is hereby appropriated \$8,000,000,
9 to remain available until expended, for a grant to the Na-
10 tional Center for Natural Products Research for construc-
11 tion or renovation to carry out the research objectives of
12 the natural products research grant issued by the Food
13 and Drug Administration.

14 SEC. 717. Funds made available under section 1240I
15 and section 1241(a) of the Food Security Act of 1985 and
16 section 524(b) of the Federal Crop Insurance Act (7
17 U.S.C. 1524(b)) in the current fiscal year shall remain
18 available until expended to disburse obligations made in
19 the current fiscal year.

20 SEC. 718. None of the funds appropriated or other-
21 wise made available by this or any other Act shall be used
22 to pay the salaries and expenses of personnel to carry out
23 in fiscal year 2011 the following:

24 (1) A Wetlands Reserve Program as authorized
25 by sections 1237-1237F of the Food Security Act of

1 1985, as amended (16 U.S.C. 3837), to enroll in ex-
2 cess of 220,000 acres.

3 (2) A Grasslands Reserve Program as author-
4 ized by subchapter D of chapter 2 of subtitle D of
5 title XII of the Food Security Act of 1985, as
6 amended (16 U.S.C. 3838n–3838q), to enroll in ex-
7 cess of 245,830 acres.

8 (3) A Farmland Protection Program as author-
9 ized by subchapter B of chapter 2 of subtitle D of
10 title XII of the Food Security Act of 1985, as
11 amended (16 U.S.C. 3838h–3838i), in excess of
12 \$160,000,000.

13 (4) An Agricultural Management Assistance
14 Program as authorized by section 524 of the Federal
15 Crop Insurance Act, as amended (7 U.S.C. 1524), in
16 excess of \$2,500,000 for the Natural Resources Con-
17 servation Service.

18 (5) An Environmental Quality Incentives Pro-
19 gram as authorized by sections 1240–1240 H of the
20 Food Security of 1985, as amended (16 U.S.C.
21 3839aa–3839aa(8)), in excess of \$1,318,000,000.

22 (6) A program authorized by section 14(h)(1) of
23 the Watershed Protection and Flood Prevention Act
24 (16 U.S.C. 1012(h)(1)).

1 (7) A program under subsection (b)(2)(A)(iii)
2 of section 14222 of Public Law 110–246 in excess
3 of \$1,052,000,000: *Provided*, That none of the funds
4 made available in this Act or any other Act shall be
5 used for salaries and expenses to carry out section
6 19(i)(1)(D) of the Richard B. Russell National
7 School Lunch Act as amended by section 4304 of
8 Public Law 110–246 in excess of \$37,000,000, in-
9 cluding the transfer of funds under subsection (c) of
10 section 14222 of Public Law 110–246, until October
11 1, 2011: *Provided further*, That \$113,000,000 made
12 available on October 1, 2011, to carry out section
13 19(i)(1)(D) of the Richard B. Russell National
14 School Lunch Act as amended by section 4304 of
15 Public Law 110–246 shall be excluded from the limi-
16 tation described in subsection (b)(2)(A)(iv) of sec-
17 tion 14222 of Public Law 110–246: *Provided fur-*
18 *ther*, That of the amounts made available under sub-
19 section (b)(2)(A)(iii) of section 14222 of Public Law
20 110–246 to carry out section 32 activities in fiscal
21 year 2011, \$50,000,000 are hereby rescinded.

22 SEC. 719. Notwithstanding any other provision of
23 law, any former RUS borrower that has repaid or prepaid
24 an insured, direct or guaranteed loan under the Rural
25 Electrification Act, or any not-for-profit utility that is eli-

1 gible to receive an insured or direct loan under such Act,
2 shall be eligible for assistance under section 313(b)(2)(B)
3 of such Act in the same manner as a borrower under such
4 Act.

5 SEC. 720. There is hereby appropriated \$2,600,000,
6 to remain available until expended, for the construction
7 and interim operations for establishment of an agricul-
8 tural pest facility in the State of Hawaii.

9 SEC. 721. Notwithstanding any other provision of
10 law, the Secretary of Agriculture shall consider—

11 (1) the town of Brattleboro, Vermont, (includ-
12 ing individuals and entities with projects within the
13 town) eligible for loans and grants funded through
14 the Rural Utilities Service water and waste disposal
15 program; and

16 (2) the cities of Greenwood, South Carolina,
17 and Paragould, Arkansas, (including individuals and
18 entities with projects within the cities) eligible for
19 loans and grants funded through the Rural Commu-
20 nity Facilities Program Account.

21 SEC. 722. Notwithstanding any other provision of
22 law, there is hereby appropriated:

23 (1) \$3,000,000 of which \$2,000,000 shall be for
24 a grant to the Wisconsin Department of Agriculture,
25 Trade, and Consumer Protection, and \$1,000,000

1 shall be for a grant to the Vermont Agency of Agri-
2 culture, Foods, and Markets, as authorized by sec-
3 tion 6402 of the Farm Security and Rural Invest-
4 ment Act of 2002 (7 U.S.C. 1621 note); and

5 (2) \$350,000 for a grant to the Wisconsin De-
6 partment of Agriculture, Trade and Consumer Pro-
7 tection.

8 SEC. 723. Notwithstanding any other provision of
9 law, the Natural Resources Conservation Service shall pro-
10 vide financial and technical assistance—

11 (1) through the Watershed and Flood Preven-
12 tion Operations program to carry out the Cooper
13 Mine Brooke Watershed project in the State of Con-
14 necticut;

15 (2) through the Watershed and Flood Preven-
16 tion Operations program to carry out the East Lo-
17 cust Creek Watershed Plan Revision in Missouri, in-
18 cluding up to 100 percent of the engineering assist-
19 ance and 75 percent cost share for construction cost
20 of site RW1;

21 (3) through the Watershed and Flood Preven-
22 tion Operations program to carry out the Little
23 Otter Creek Watershed project in Missouri. The
24 sponsoring local organization may obtain land rights
25 by perpetual easements;

1 (4) through the Watershed and Flood Preven-
2 tion Operations program to carry out the Lake
3 County Watershed in the State of Illinois;

4 (5) through the Watershed and Flood Preven-
5 tion Operations program to carry out the Dunloup
6 Creek Watershed project in Fayette and Raleigh
7 Counties, West Virginia;

8 (6) through the Watershed and Flood Preven-
9 tion Operations program to carry out the North
10 Fork of Elkhorn Creek Watershed project in the
11 State of West Virginia;

12 (7) through the Watershed and Flood Preven-
13 tion Operations program to carry out the Pocasset
14 River Floodplain Management project in the State of
15 Rhode Island; and

16 (8) through the Watershed and Flood Preven-
17 tion Operations program to carry out the Southeast
18 Quadrant Drainage and Flood Prevention project in
19 the State of Alabama.

20 SEC. 724. Notwithstanding any other provision of
21 law, for the purposes of a grant under section 412 of the
22 Agricultural Research, Extension, and Education Reform
23 Act of 1998, none of the funds in this or any other Act
24 may be used to prohibit the provision of in-kind support
25 from non-Federal sources under section 412(e)(3) in the

1 form of unrecovered indirect costs not otherwise charged
2 against the grant, consistent with the indirect rate of cost
3 approved for a recipient.

4 SEC. 725. Except as otherwise specifically provided
5 by law, unobligated balances remaining available at the
6 end of the fiscal year from appropriations made available
7 for salaries and expenses in this Act for the Farm Service
8 Agency and the Rural Development mission area, shall re-
9 main available through September 30, 2012, for informa-
10 tion technology expenses.

11 SEC. 726. There is hereby appropriated \$2,600,000
12 to carry out section 1621 of Public Law 110–246 and
13 \$3,000,000, to remain available until expended, to carry
14 out section 1613 of Public Law 110–246.

15 SEC. 727. There is hereby appropriated \$800,000 to
16 the Farm Service Agency to carry out a pilot program to
17 demonstrate the use of new technologies that increase the
18 rate of growth of re-forested hardwood trees on private
19 non-industrial forests lands, enrolling lands on the coast
20 of the Gulf of Mexico that were damaged by Hurricane
21 Katrina in 2005.

22 SEC. 728. The Secretary of Agriculture may author-
23 ize a State agency to use funds provided in this Act to
24 exceed the maximum amount of liquid infant formula

1 specified in 7 C.F.R. 246.10 when issuing liquid infant
2 formula to participants.

3 SEC. 729. (a) DEPARTMENT OF AGRICULTURE AS-
4 SISTANCE DURING PANDEMIC EMERGENCY.—During fis-
5 cal year 2011, in any case in which a school is closed for
6 at least 5 consecutive days during a pandemic emergency
7 designation, each household containing at least 1 member
8 who is an eligible child attending the school shall be eligi-
9 ble to receive assistance pursuant to a State agency plan
10 approved under subsection (b).

11 (b) ASSISTANCE.—To carry out this section, the Sec-
12 retary of Agriculture may approve State agency plans for
13 temporary emergency standards of eligibility and levels of
14 benefits under the Food and Nutrition Act of 2008 (7
15 U.S.C. 2011 et seq.) for households with eligible children.
16 Plans approved by the Secretary may provide for supple-
17 mental allotments to households receiving benefits under
18 such Act, and issuances to households not already receiv-
19 ing benefits. Such level of benefits shall be determined by
20 the Secretary in an amount not less than the value of
21 meals at the free rate over the course of 5 school days
22 for each eligible child in the household.

23 (c) MINIMUM CLOSURE REQUIREMENT.—The Sec-
24 retary of Agriculture shall not provide assistance under

1 this section in the case of a school that is closed for less
2 than 5 consecutive days.

3 (d) USE OF EBT SYSTEM.—A State agency may pro-
4 vide assistance under this section through the EBT card
5 system established under section 7 of the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2016).

7 (e) RELEASE OF INFORMATION.—Notwithstanding
8 any other provision of law, the Secretary of Agriculture
9 may authorize State educational agencies and school food
10 authorities administering a school lunch program under
11 the Richard B. Russell National School Lunch Act (42
12 U.S.C. 1751 et seq.) to release to appropriate officials ad-
13 ministering the supplemental nutrition assistance program
14 such information as may be necessary to carry out this
15 section.

16 (f) WAIVERS.—To facilitate implementation of this
17 section, the Secretary of Agriculture may approve waivers
18 of the limits on certification periods otherwise applicable
19 under section 3(f) of the Food and Nutrition Act of 2008
20 (7 U.S.C. 2012(f)), reporting requirements otherwise ap-
21 plicable under section 5(f) of such Act (7 U.S.C. 2014(f)),
22 and other administrative requirements otherwise applica-
23 ble to State agencies under such Act.

24 (g) FUNDING.—The Secretary of Agriculture shall
25 use funds made available under the Food and Nutrition

1 Act of 2008 (7 U.S.C. 2011 et seq.) to fund, with the
2 exception of the commodities described in subsection (h),
3 benefits provided under this section.

4 (h) AVAILABILITY OF COMMODITIES.—During fiscal
5 year 2011, the Secretary of Agriculture may utilize funds
6 appropriated under section 32 of the Act of August 24,
7 1935 (7 U.S.C. 612c) to purchase commodities for emer-
8 gency distribution in any area of the United States during
9 a pandemic emergency designation.

10 (i) DEFINITIONS.—In this section:

11 (1) The term “eligible child” means a child (as
12 defined in section 12(d) of the Richard B. Russell
13 National School Lunch Act (42 U.S.C. 1760(d))
14 who, if not for the closure of the school attended by
15 the child during a pandemic emergency designation
16 and due to concerns about an influenza pandemic,
17 would receive free or reduced price school meals
18 under the Richard B. Russell National School Lunch
19 Act (42 U.S.C. 1751 et seq.) at the school.

20 (2) The term “pandemic emergency designa-
21 tion” means the declaration—

22 (A) of a public health emergency, based on
23 pandemic influenza, by the Secretary of Health
24 and Human Services under section 319 of the
25 Public Health Service Act (42 U.S.C. 247d); or

1 (B) of a domestic emergency, based on
2 pandemic influenza, by the Secretary of Home-
3 land Security.

4 (3) The term “school” has the meaning given
5 the term in section 12(d) of the Richard B. Russell
6 National School Lunch Act (42 U.S.C. 1760(d)).

7 SEC. 730. Notwithstanding any other provision of
8 law, school food authorities which received a grant for
9 equipment assistance under the grant program carried out
10 pursuant to the heading “Food and Nutrition Service
11 Child Nutrition Programs” in title I of division A of the
12 American Recovery and Reinvestment Act of 2009 (Public
13 Law 111–5) shall be eligible to receive a grant under sec-
14 tion 749 (j) of the Agriculture, Rural Development, Food
15 and Drug Administration, and Related Agencies Appro-
16 priations Act, 2010 (Public Law 111–80).

17 SEC. 731. In the case of each program established
18 or amended by the Food, Conservation, and Energy Act
19 of 2008 (Public Law 110–246), other than by title I or
20 subtitle A of title III of such Act, or programs for which
21 indefinite amounts were provided in that Act that is au-
22 thorized or required to be carried out using funds of the
23 Commodity Credit Corporation—

24 (1) such funds shall be available for salaries
25 and related administrative expenses, including tech-

1 nical assistance, associated with the implementation
2 of the program, without regard to the limitation on
3 the total amount of allotments and fund transfers
4 contained in section 11 of the Commodity Credit
5 Corporation Charter Act (15 U.S.C. 714i); and

6 (2) the use of such funds for such purpose shall
7 not be considered to be a fund transfer or allotment
8 for purposes of applying the limitation on the total
9 amount of allotments and fund transfers contained
10 in such section.

11 SEC. 732. (a) Section 502(h)(8) of the Housing Act
12 of 1949 (42 U.S.C. 1472(h)(8)) is amended by striking
13 “1” and inserting in lieu thereof “3.5” and inserting at
14 the end thereof the following new sentence: “In addition,
15 the Secretary may collect from the lender an annual fee
16 not to exceed 0.5 percent of the outstanding principal bal-
17 ance of the loan for the life of the loan.”.

18 (b) Section 739 of the Agriculture, Rural Develop-
19 ment, Food and Drug Administration, and Related Agen-
20 cies Appropriation Act, 2001 (H.R. 5426 as enacted by
21 Public Law 106–387, 115 Stat. 1549A–34) is repealed.

22 SEC. 733. Hereafter, notwithstanding section
23 310B(g)(5) of the Consolidated Farm and Rural Develop-
24 ment Act (7 U.S.C. 1932(g)(5)), the Secretary may assess
25 a one-time fee for any guaranteed business and industry

1 loan in an amount that does not exceed 3 percent of the
2 guaranteed principal portion of the loan.

3 SEC. 734. Appropriations to the Department of Agri-
4 culture made available in fiscal years 2005, 2006, and
5 2007 to carry out section 601 of the Rural Electrification
6 Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans
7 shall remain available until expended to disburse valid ob-
8 ligations made in fiscal years 2005, 2006, 2007, and
9 2008.

10 SEC. 735. Of the unobligated balances in the Agricul-
11 tural Research Service, Buildings and Facilities account,
12 \$10,066,000 are hereby rescinded: *Provided*, That no
13 amounts may be rescinded from amounts that were des-
14 ignated by the Congress as an emergency requirement
15 pursuant to the Concurrent Resolution on the Budget or
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985, as amended: *Provided further*, That no amounts
18 may be rescinded from amounts that have received an ap-
19 propriation since 2007 unless construction of those facili-
20 ties has been completed.

21 SEC. 736. Of the unobligated balances in the Rural
22 Business Program account for the Business and Industry
23 Loan Guarantee Program, \$20,070,000, and of the unob-
24 ligated balances available for the cost of broadband loans,
25 \$15,000,000 are hereby rescinded: *Provided*, That no

1 amounts may be cancelled from amounts that were des-
2 ignated by the Congress as an emergency requirement
3 pursuant to the Concurrent Resolution on the Budget or
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985, as amended.

6 SEC. 737. For an additional amount for the “Depart-
7 mental Administration” account, \$1,000,000, to increase
8 the Department’s acquisition workforce capacity and capa-
9 bilities: *Provided*, That such funds may be transferred by
10 the Secretary to any other account in the Department to
11 carry out the purposes provided herein: *Provided further*,
12 That such transfer authority is in addition to any other
13 transfer authority provided in this Act: *Provided further*,
14 That such funds shall be available only to supplement and
15 not to supplant existing acquisition workforce activities:
16 *Provided further*, That such funds shall be available for
17 training, recruitment, and retention of additional members
18 of the acquisition workforce as defined by the Office of
19 Federal Procurement Policy Act, as amended (41 U.S.C.
20 401 et seq.): *Provided further*, That such funds shall be
21 available for information technology in support of acquisi-
22 tion workforce effectiveness or for management solutions
23 to improve acquisition management.

24 SEC. 738. The Secretary may reserve, through April
25 1, 2011, up to 5 percent of the funding available for the

1 following items for projects in areas that are engaged in
2 strategic regional development planning as defined by the
3 Secretary: business and industry guaranteed loans; rural
4 development loan fund; rural business enterprise grants;
5 rural business opportunity grants; rural economic develop-
6 ment program; rural microenterprise program; biorefinery
7 assistance program; rural energy for America program;
8 value-added producer grants; broadband program; water
9 and waste program; and rural community facilities pro-
10 gram.

11 SEC. 739. The Agricultural Research Service may
12 convey all rights and title of the United States, to a parcel
13 of land comprising .93 acres, more or less, located in SW1/
14 4 Section 26 and NW1/4 Section 35, Township 12 North,
15 Range 1 East, Salt Lake Meridian in Cache County, Utah,
16 originally conveyed by the Board of Trustees of the Utah
17 State University of Agriculture and Applied Science, and
18 described in instruments recorded in Book 45, pages 493–
19 495, of the public land records of Cache County, Utah,
20 including facilities, and fixed equipment, to the Utah State
21 University, Logan, Utah, in their “as is” condition, once
22 suitable headhouse and greenhouse facilities have been
23 provided and when the facilities are vacated by the Agri-
24 cultural Research Service.

1 SEC. 740. Under the Rural Electrification Act of
2 1936 the Secretary of Agriculture shall conduct a pilot
3 program that provides loans or loan guarantees for the
4 construction of not more than three baseload electric gen-
5 eration plants: *Provided*, That in issuing loans and loan
6 guarantees the Secretary shall not discriminate based on
7 the fuel input of such plants as long as the generation
8 facility emits into the ambient air CO₂ at a rate, in lbs
9 CO₂/MWh, not greater than the CO₂ emitted from natural
10 gas fired generation of a similar size, as determined by
11 the Secretary: *Provided further*, That the Secretary shall
12 charge an upfront fee equal to the subsidy cost of such
13 loans as calculated in accordance with section 502 of the
14 Federal Credit Reform Act of 1990: *Provided further*,
15 That the fee shall be paid from non-Federal sources: *Pro-*
16 *vided further*, That the source of such payment received
17 from borrowers is not a loan or other debt obligation that
18 is guaranteed by the Federal Government: *Provided fur-*
19 *ther*, That gross obligations for the principal amount of
20 loans authorized by this section shall not exceed
21 \$1,500,000,000.

22 SEC. 741. (a) When implementing the authority pro-
23 vided in paragraphs (2) and (3) of section 740(c) of the
24 Agriculture, Rural Development, Food and Drug Adminis-
25 tration, and Related Agencies Appropriations Act, 2010

1 (Public Law 111–80) that requires the Commissioner of
2 Food and Drugs to develop updated guidance documents
3 and review standards for the development of safe and ef-
4 fective products to treat rare diseases and neglected trop-
5 ical diseases, the Commissioner shall—

6 (1) maximize the use of accelerated approval
7 where feasible and appropriate;

8 (2) work with sponsors to facilitate expanded
9 access to investigational therapies;

10 (3) increase coordination and interaction with
11 the World Health Organization, European Medicines
12 Agency, and other international regulatory agencies;

13 (4) implement mechanisms for enhanced col-
14 laboration between the Food and Drug Administra-
15 tion and National Regulatory Authorities in devel-
16 oping countries;

17 (5) develop guidance on clinical development
18 programs for rare diseases;

19 (6) develop guidance on the use of surrogate
20 endpoints that are reasonably likely to predict clin-
21 ical benefit of drugs and biological products under
22 the regulations under subpart H of part 314 of title
23 21, Code of Federal Regulations and subpart E of
24 part 601 of title 21, Code of Federal Regulations;
25 and

1 (7) increase coordination among individual
2 drug, biological product, and device review divisions
3 across Food and Drug Administration centers to
4 support the development of safe and effective med-
5 ical products for rare and neglected diseases.

6 (b) The Commissioner of Food and Drugs shall sub-
7 mit a report to the Committee on Appropriations of the
8 Senate and the Committee on Appropriations of the House
9 of Representatives not later than 180 days after the report
10 required in section 740(c)(1) of the Agriculture, Rural De-
11 velopment, Food and Drug Administration, and Related
12 Agencies Appropriations Act, 2010 (Public Law 111–80)
13 is submitted: *Provided*, That the report submitted in re-
14 sponse to this section shall describe in detail how the Food
15 and Drug Administration is implementing subsection (a).

16 This Act may be cited as the “Agriculture, Rural De-
17 velopment, Food and Drug Administration, and Related
18 Agencies Appropriations Act, 2011”.

Calendar No. 464

111TH CONGRESS
2^D SESSION

S. 3606

[Report No. 111-221]

A BILL

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2011, and for other purposes.

JULY 15, 2010

Read twice and placed on the calendar