

GENERAL PROVISIONS

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

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

SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased in fiscal year [2022]2023 does not exceed the number of vehicles owned or leased in fiscal year 2018: *Provided*, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: *Provided further*, That the Secretary may not increase the Department of Agriculture's fleet until the Secretary has provided prior notification to the Committees on Appropriations of both Houses of Congress .

Section 702: Authorizes the transfer of discretionary, unobligated funds appropriated by this Act or other available unobligated discretionary balances to the Working Capital Fund (WCF) for the purpose of acquiring plant and capital equipment, and for the improvement and implementation of Department financial management, information technology, and other support systems necessary for the delivery of financial, administrative, and information technology services with approval of the Agency Administrator. Amounts transferred under this authority would not be available for obligation until the Committees on Appropriations of Congress are notified. In addition, language allows up to 4 percent of total annual income to the WCF for fiscal year 2023 may be retained in the Fund for fiscal year 2023, to remain available until expended, to be used for the acquisition of plant and capital equipment, and for the improvement and implementation of Department financial management, information technology, and other support systems or to pay any unforeseen, extraordinary cost of the National Finance Center, the amounts reserved are not available for obligation without notification to the Appropriations Committees. Funds available for investment from among the equity accounts of the Department's WCF may be allocated among the activities the WCF supports for any purpose relating to information technology modernization.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of property, plant, and equipment and for the improvement, delivery, and implementation of Department financial, administrative, and information technology services, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without prior notification to the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior notification to the Committees on Appropriations of both Houses of Congress[as required by section 716 of this Act]: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, personnel, or functions of the offices of the Chief Financial Officer and the Chief Information Officer, co-located with or from the National Finance Center prior to written notification to [and prior approval of] the Committee on Appropriations of both Houses of Congress[and in accordance with the requirements of section 716 of this Act]: *Provided further*, That the National Finance Center Information Technology Services Division personnel and data center management responsibilities, and control of any functions, missions, and systems for current and future human resources management and integrated personnel and payroll systems (PPS) and functions provided by the Chief Financial Officer and the Chief Information Officer shall remain in the

National Finance Center and under the management responsibility and administrative control of the National Finance Center: *Provided further*, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: *Provided further*, That an amount not to exceed 4 percent of the total annual income to Working Capital Fund Activity Centers may be retained in the Working Capital Fund, to remain available until expended, for the acquisition of property, plant, and equipment and for the improvement, delivery, and implementation of Department financial, administrative, and information technology services, including cloud adoption and migration, or to pay any unforeseen, extraordinary costs of the Working Capital Fund Activity Centers of primary benefit to the agencies of the Department of Agriculture: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

The first and third change (lines 15 and 21) removes language referencing a former general provision. The second change (line 20) modifies language regarding the Committees on Appropriations of Congress being notified in advance of obligations of funds transferred to the WCF under this authority.

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

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

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

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

Section 705: Provides that subsidy authority for Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account and the Rural Housing Insurance Fund program account remain available until expended to cover obligations.

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

Section 706: Prohibits the use of funds to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer (OCIO), without approval of the Chief Information Officer and the concurrence of the Executive Technology Investment Review Board and Committees on Appropriations of both Houses of Congress.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to[and the prior approval of] the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements .

This change (line 6) provides that the Committees on Appropriations of Congress only be notified in advance of funds being transferred to the Office of the Chief Information Officer.

Section 707: Allows funds made available in a fiscal year for the Agricultural Management Assistance Program to remain available until expended to cover obligations made in the same fiscal year but are not available for new obligations.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

Section 708: Continues language to expand eligibility for loans and grants under the Rural Economic Development (RED) Grants program to former RUS borrowers and entities.

SEC. 708. Notwithstanding any other provision of law, any former Rural Utilities Service borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

Section 709: Prohibits the use of funds for first-class travel that does not comply with Federal regulations on temporary duty travel allowances.

SEC. 709. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

Section 710: Continues language providing the authority to use Commodity Credit Corporation funds provided for certain Farm Bill programs for technical assistance and administrative expenses related to those programs and excludes programs for which indefinite amounts are provided, with regard to the limitations contained in section 11 of the Commodity Credit Corporation Charter Act.

SEC. 710. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

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

Section 711: Provides a spending limit of \$2.9 million for activities related to all Federal Advisory Committee Act committees of the Department funded by this Act.

SEC. 711. Of the funds made available by this Act, not more than \$2,900,000 shall be used to cover necessary expenses of activities related to all Federal Advisory Committee Act committees of the Department of Agriculture.

Section 712: Allows the Agricultural Marketing Service to retain unobligated balances until expended for Section 32 purposes, with up to \$350 million of balances allowed for direct payments to reestablish farmers' purchasing powers. The total Section 32 spending cap for 2023 is \$1.48 billion. Commodity Purchase Services, administrative funds, is to be funded at \$37.178 million.

SEC. 712. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of [~~\$1,391,211,000~~]\$1,483,309,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities— \$485,000,000; State Option Contracts— \$5,000,000; Removal of Defective Commodities— \$2,500,000; Administration of Section 32 Commodity Purchases— [~~\$38,810,000~~]\$37,178,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, [~~2022~~]2023, such unobligated balances shall carryover into fiscal year [~~2023~~]2024 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed \$350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

Section 713: Allows the Secretary to assess a one-time fee for any guaranteed business and industry loan of up to 3 percent of the guaranteed principal portion of the loan.

SEC. 713. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

Section 714: Allows the Secretary to increase the program level by not more than 25 percent for loans and loan guarantees that do not require budget authority. Prior to implementing the increase, the Secretary is required to provide written notification at least 15 days in advance.

SEC. 714. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

Section 715: Limits the use of refunds or rebates from credit card purchases to the acquisition of plant and capital equipment, and for the improvement and implementation of Department financial management, information technology, and other support systems and requires advanced congressional notification.

SEC. 715. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without prior notification to the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of property, plant and equipment, including equipment for the improvement, delivery, and implementation of Departmental financial management, information technology, and other support systems necessary for the delivery of financial, administrative, and information technology services, including cloud adoption and migration, of primary benefit to the agencies of the Department of Agriculture, and such transferred funds shall remain available until expended.

Section 716: Includes language providing priority to the definition of rural areas as defined in the Consolidated Farm and Rural Development Act for Water and Waste Disposal facilities.

SEC. 716. None of the funds made available by this Act may be used to implement section 3.7(f) of the Farm Credit Act of 1971 in a manner inconsistent with section 343(a)(13) of the Consolidated Farm and Rural Development Act.

Section 717: Restricts funding for the Food and Drug Administration from enforcing the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

SEC. 717. None of the funds made available by this or any other Act may be used to enforce the final rule promulgated by the Food and Drug Administration entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,” and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

Section 718: Prohibits any limits on using vegetables to substitute for fruits under the school breakfast program.

[SEC. 718. For school year 2022–2023, none of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).]

Section 719: Prohibits any funds from being used to prohibit the transportation, processing, sale, or use in industrial hemp research as authorized by Section 7606 of the 2018 Farm Bill.

SEC. [719]718. None of the funds made available by this Act or any other Act may be used—

- (1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940), subtitle G of the Agricultural Marketing Act of 1946, or section 10114 of the Agriculture Improvement Act of 2018; or
- (2) to prohibit the transportation, processing, sale, or use of hemp, or seeds of such plant, that is grown or cultivated in accordance with section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) within or outside the State in which the industrial hemp is grown or cultivated.

Section 720: Allows the Secretary to waive the matching funds requirement for the National Institute of Food and Agriculture programs under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998.

SEC. [720]719. The Secretary of Agriculture may waive the matching funds requirement under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

Section 721: Allows the Emergency Community Water Assistance Grant program to provide potable water to eligible communities for an additional 120 days beyond Program requirements to protect public health during a natural disaster.

SEC. [721]720. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

Section 722: Inspection of Agricultural Research Service facilities will be inspected by Animal and Plant Health Inspection Service for compliance with the Animal Welfare Act.

SEC. [722]721. Notwithstanding any other provision of law, ARS facilities as described in the "Memorandum of Understanding Between the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) and the U.S. Department of Agriculture Agricultural Research Service (ARS) Concerning Laboratory Animal Welfare" (16–6100–0103-MU Revision 16–1) shall be inspected by APHIS for compliance with the Animal Welfare Act and its regulations and standards.

Section 723: Continues language stating that for School Year 2023–2024, only a school food authority (SFA) that had a negative balance in the nonprofit school food service account as of December 31, 2022, is required to comply with paid lunch equity requirements, which ensure the SFA has sufficient funds for meals served to students not eligible for free or reduced-price meals.

SEC. [723]722. For school year [2022–2023]2023–2024, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, [2021]2022, shall be required to establish a price for paid lunches in accordance with section 12(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(p)).

Section 724: Clarifies USDA's authority to set aside funds for the Biotechnology Risk Assessment Research Grants Program.

SEC. [724]723. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: *Provided*, That the Secretary may transfer such funds among appropriations of the Department of Agriculture for purposes of making such grants.

Section 725: Provides funding for the ReConnect program, split between direct appropriation and Cushion of Credit.

[SEC. 725. (a) Section 313(b) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c(b)), shall be applied for fiscal year 2021 and each fiscal year thereafter until the specified funding has been expended as if the following were inserted after the final period in subsection (b)(2): "In addition, the Secretary shall use \$425,000,000 of funds available in this subaccount in fiscal year 2019 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, shall use \$255,000,000 of funds available in this subaccount in fiscal year 2020 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, shall use \$104,000,000 of funds available in this subaccount in fiscal year 2021 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141, and shall use \$50,000,000 of funds available in this subaccount in fiscal year 2022 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by section 779 of Public Law 115–141." *Provided*, That any use of such funds shall be treated as a reprogramming of funds under section 716 of this Act.]

Section 726: Provides authorization for NRCS to provide technical assistance for the Watershed Operations and Rehabilitation and also the Emergency Watershed Protection Program.

SEC. [726]724. The Secretary, acting through the Chief of the Natural Resources Conservation Service, may use funds appropriated under this Act or any other Act for the Watershed and Flood Prevention Operations Program and the Watershed Rehabilitation Program carried out pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), and for the Emergency Watershed Protection Program carried out pursuant to section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to provide technical services for such programs pursuant to section 1252(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3851(a)(1)), notwithstanding subsection (c) of such section.

Section 727: Continues language prohibiting inspections of horses for slaughter.

SEC. [727]725. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

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

Section 728: Provides \$12 million to support grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

SEC. [728]726. In addition to any other funds made available in this Act or any other Act, there is appropriated \$12,000,000 to carry out section 18(g) of the Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1769(g)), to remain available until expended.

Section 729: Allows unobligated balances from the Farm Service Agency, the Farm Production and Conservation Business Center, and the Rural Development mission area salaries and expenses account to be used for information technology expenses through FY 2024.

SEC. [729]727. Notwithstanding any other provision of law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency, the Farm Production and Conservation Business Center, and the Rural Development mission area shall remain available through September 30, [2023]2024, for information technology expenses.

Section 730: Clarifies meat and meat food production, poultry and poultry products, and egg products inspections responsibilities and cost recovery under certain circumstances.

SEC. [730]728. The cost of inspection rendered under the requirements of laws relating to Federal inspection of meat and meat food productions, Federal Meat Inspection Act (21 U.S.C. 695); poultry and poultry products, Poultry Products Inspection Act (21 U.S.C. 468); and egg products, Egg Products Inspection Act (21 U.S.C. 1053(a)), shall be borne by the United States, except for the cost of inspection services provided outside of an establishment's approved inspection shift(s), and that provided on Federal holidays, which shall be borne by the establishment: Provided, That sums received by the Secretary shall remain available until expended without further appropriation and without fiscal year limitation.

Section 731: Transfers the National Bio and Agro-Defense Facility from the Secretary of Homeland Security to the Secretary of Agriculture.

SEC. [731]729. The National Bio and Agro-Defense Facility shall be transferred in this or any future fiscal year without reimbursement from the Secretary of Homeland Security to the Secretary of Agriculture.

This change (line 1) is language making permanent the authority to transfer the National Bio and Agro-Defense Facility (NBAF) from the Department of Homeland Security to the Department of Agriculture. This is needed given the continued delays in NBAF construction from the COVID-19 pandemic.

Section 732: Amends the Federal Food, Drug, and Cosmetic Act to allow for inflation of the maximum fees collected for the Health and Human Services Secretary’s certification on the export product being unadulterated or misbranded.

SEC. [732]730. Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended— (a) in subparagraph (B) by striking "but shall not exceed \$175 for each certification" and inserting "in an amount specified in subparagraph (E)"; and (b) by adding at the end the following new subparagraphs: "(E) The fee for each written export certification issued by the Secretary under this paragraph shall not exceed— (i) \$600 for fiscal year 2022; and (ii) for each subsequent fiscal year, the prior fiscal year maximum amount multiplied by the inflation adjustment under section 738(c)(2)(C), applied without regard to the limitation in clause (ii)(II) of such subparagraph."; and "(F) The Secretary shall, for each fiscal year, publish in the Federal Register a notice of the export certification fee under this paragraph for such year, not later than 60 days before such fee takes effect."

Section 733: Allows the availability of salaries and expenses to be available for primary and secondary schooling of eligible dependents of Health and Human Services personnel stationed in Puerto Rico, Northern Mariana Islands, and possessions of the United States.

SEC. [733]731. Funds appropriated in this or any prior Act that are available for salaries and expenses of employees of the Food and Drug Administration shall also be available for the primary and secondary schooling of eligible dependents of Department of Health and Human Services personnel stationed in the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions of the United States at costs not in excess of those paid for or reimbursed by the Department of Defense.

Section 732: Provides guidance on Single Family Housing and Multi-family Housing Programs, including Multi-family Housing Direct loans and Farm Labor Housing Direct loans and grants, to include in new construction funding for renewable energy projects that support Climate change initiative

SEC. 732. None of the funds made available under this Act to carry out sections 504, 514, 515, 516, 523 and 538 of the Housing Act of 1949 (42 U.S.C. 1474, 1484-1486, 1490c, 1490m, 1490p-2) may be used to award loans or grants for new construction or improvements projects unless such projects improve energy or water efficiency, indoor air quality, or sustainability improvements, implement low-emission technologies, materials, or processes, including zero-emission electricity generation, energy storage, building electrification, or electric car charging station installations; or address climate resilience of multifamily properties.

Section 733: Rescinds unobligated balances from the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

SEC. 733. Of the unobligated discretionary balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$250,000,000 is hereby permanently cancelled.

Section 734: Provides USDA with administrative waiver authority to allow States operating the Senior Farmers’ Market Nutrition Program to test and implement new and innovative models to modernize operations, including transitioning from paper-based processes to e-solutions.

SEC. 734. Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007, as amended) is amended by inserting after subsection (f) the following new subsection: (g) ADMINISTRATIVE WAIVER AUTHORITY FOR PROGRAM INNOVATION AND

MODERNIZATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may, upon request by a seniors farmers’ market nutrition program State agency, modify or waive any administrative requirement to allow State agencies to test and implement new and innovative models to modernize operations, including transitioning from paper-based processes to electronic solutions in accordance with a plan approved by the Secretary. Waiver authority does not extend to the minimum value of federal benefits set forth in section 249.8(b) of Title 7, Code of Federal Regulations, or the nondiscrimination requirements set forth in section 249.7 of Title 7, Code of Federal Regulations, both in effect on the date of enactment of this Act.

Section 735: Provides additional funding to the Institute for Child Nutrition.

SEC. 735. In addition to amounts otherwise provided, there is hereby appropriated \$1,000,000, to remain available until expended, to carry out activities authorized under subsections (a)(2) and (e)(2) of Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b1(a)(2) and (e)(2)).

Section 736: Provides revisions to beginning farmer reserved funds authorizing language.

SEC. 736. Section 346(b)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)) is amended—

(a) In subparagraph (A)(i)(II) by inserting “to the extent practicable” after “April 1 of the fiscal year”;

(b) In subparagraph (A)(iii) by inserting “to the extent practicable” after “September 1 of the fiscal year”;
and

(c) In subparagraph (B)(iii) by inserting “to the extent practicable” after “April 1 of the fiscal year”.

Section 737: Agricultural producers impacted by a disaster who wish to use emergency loan funding must provide a written declination from a commercial lender, and the Secretary must take into account the applicants’ assets and liabilities. Removal of this requirement will give the Secretary maximum flexibility in regards to applicant eligibility for emergency loans and so improve producer access to emergency funding.

SEC. 737. Section 322 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1962) is hereby repealed.

Section 738: The current language defines a qualifying loss from a disaster event as being at least 30 per centum loss of normal per acre or per animal production. Removal of this language ensures that the Secretary has maximum flexibility in defining loss to improve eligibility for agricultural producers seeking emergency loan funding. The intent of this action is to improve producer access to emergency funding.

SEC. 738. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended in the first sentence by striking “at least a 30 per centum” and all that follows through “in effect for the previous year”, and inserting in lieu thereof the following: “a qualifying production loss, as determined by the Secretary, as a result of the disaster.”.

Section 739: Rescission of unobligated balances in the Agricultural Credit Insurance Fund program account.

SEC. 739. Of the unobligated carryover balances available to the Farm Service Agency in 12X1140, Agricultural Credit Insurance Fund Program Account, \$94,959,000 is hereby cancelled.

Section 740: Provides funding for Farming Opportunities Training and Outreach program.

SEC. 740. There is hereby appropriated \$5,000,000 to carry out section 12301 of Public Law 115-334.

Section 101: Provides funding in the Infrastructure Investment and Jobs Act providing funding for FY 2022 and FY 2023 for a Pilot Program on the Use of Agricultural Commodities in Construction and Consumer Products.

[SEC. 101. In addition to amounts otherwise made available for such purpose, there is hereby appropriated \$10,000,000, to remain available until expended, to carry out section 70501 of division G of this Act: Provided, That \$5,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$5,000,000, to remain available until expended, shall be made available for fiscal year 2023: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.]

This change deletes the entire section 101. This is a one-time provision.