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AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA- TIONS BILL, 2013

APRIL 26, 2012.—Ordered to be printed

Mr. KOHL, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 2375]

The Committee on Appropriations reports the bill (S. 2375) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes, reports favorably thereon and recommends that the bill do pass.

New obligatory authority

Total of bill as reported to the Senate	\$142,182,337,000
Amount of 2012 appropriations	136,840,373,000
Amount of 2013 budget estimate	144,233,282,000
Bill as recommended to Senate compared to—	
2012 appropriations	+ 5,341,964,000
2013 budget estimate	– 2,050,945,000

maintaining and constructing facilities to meet ARS' research priorities. The Committee has yet to receive a capital asset plan from ARS and again directs the agency to provide one by July 1, 2012.

The Committee notes that, even though it has been directed to do so, the Department did not adequately budget for the proposed closure of six research labs included in the fiscal year 2013 budget. The Committee included this directive in the fiscal year 2012 bill because closing locations often costs money and does not necessarily provide real savings in the short term. The Department's refusal to adequately provide these estimates in its budget requests results in the unnecessary reduction of valuable research programs. Therefore, the Committee does not concur with the proposal to close six research labs in fiscal year 2013, and further directs the agency to adequately budget for any proposed closures in future budget requests. The Department is directed to specifically identify costs associated with closing a location and relocating employees.

Shellfish Research.—The Committee directs the Agricultural Research Service to continue to partner with research institutions on research to improve shellfish survival and growth rates and to classify and preserve natural genetic variation.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

Section 7511(f)(2) of the Food, Conservation, and Energy Act of 2008 amends the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) by establishing an agency to be known as the National Institute of Food and Agriculture [NIFA]. The Secretary transferred to the Director of NIFA, effective October 1, 2009, all authorities administered by the Administrator of the Cooperative State, Research, Education and Extension Service. The mission is to work with university partners and customers to advance research, extension, and higher education in the food and agricultural sciences and related environmental and human sciences to benefit people, communities, and the Nation.

RESEARCH AND EDUCATION ACTIVITIES

Appropriations, 2012	\$705,599,000
Budget estimate, 2013	732,730,000
Committee recommendation	738,638,000

Research and Education programs administered by NIFA are USDA's principal entrée to the university system of the United States for the purpose of conducting agricultural research and education programs as authorized by the Hatch Act of 1887, as amended (7 U.S.C. 361a–361i); the McIntire-Stennis Cooperative Forestry Act of 1962, as amended (16 U.S.C. 582a et seq.); the Competitive, Special, and Facilities Research Grant Act, as amended (7 U.S.C. 450i); the National Agricultural, Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 et seq.); the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note); the Agricultural Research, Extension and Education Reform Act of 1998 (Public Law 105–185), as amended; the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101–624); the Farm Security and Rural Investment Act of 2002 (Public Law 107–171); and the Food, Conservation and Energy Act of 2008

(Public Law 110–246). Through these authorities, USDA participates with State and other cooperators to encourage and assist the State institutions in the conduct of agricultural research and education through the State Agricultural Experiment Stations of the 50 States and the territories; by approved Schools of Forestry; the 1890 Land-Grant Institutions and Tuskegee University and West Virginia State University; 1994 Land-Grant Institutions; by Colleges of Veterinary Medicine; and other eligible institutions. The appropriated funds provide Federal support for research and education programs at these institutions.

The research and education programs participate in a nationwide system of agricultural research program planning and coordination among the State institutions, U.S. Department of Agriculture, and the agricultural industry of America.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$738,638,000 for research and education activities of the National Institute of Food and Agriculture.

The following table summarizes the Committee's recommendations for research and education activities:

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE—RESEARCH AND EDUCATION ACTIVITIES

[Dollars in thousands]

Program/Activity	Authorization	Committee recommendation
Hatch Act	7 U.S.C. 361a–i	\$236,334
McIntire-Stennis Cooperative Forestry Act	16 U.S.C. 582a through a–7	32,934
Research at 1890 Institutions (Evans-Allen Program)	7 U.S.C. 3222	50,898
Payments to the 1994 Institutions	534(a)(1) of Public Law 103–382 ..	3,335
Education Grants for 1890 Institutions	7 U.S.C. 3152(b)	19,336
Education Grants for Hispanic-Serving Institutions	7 U.S.C. 3241	9,219
Education Grants for Alaska Native and Native Hawaiian-Serving Institutions.	7 U.S.C. 3156	3,194
Research Grants for 1994 Institutions	7 U.S.C. 301 note	1,801
Capacity Building for Non Land-Grant Colleges of Agriculture	7 U.S.C. 3319i	4,500
Resident Instruction and Distance Education Grants for Insular Areas.	7 U.S.C. 3363 and 3362	1,650
Agriculture and Food Research Initiative	7 U.S.C. 450i(b)	297,956
Veterinary Medicine Loan Repayment	7 U.S.C. 3151a	4,790
Continuing Animal Health and Disease Research Program	7 U.S.C. 3195	4,000
Supplemental and Alternative Crops	7 U.S.C. 3319d	825
Critical Agricultural Materials Act	7 U.S.C. 178 et seq.	1,081
Multicultural Scholars, Graduate Fellowship and Institution Challenge Grants.	7 U.S.C. 3152(b)	9,000
Secondary and 2-year Post-Secondary Education	7 U.S.C. 3152(j)	900
Aquaculture Centers	7 U.S.C. 3322	4,000
Sustainable Agriculture Research and Education	7 U.S.C. 5811	14,471
Farm Business Management	7 U.S.C. 5925f	1,450
Sun Grant Program	7 U.S.C. 8114	2,500
Improved Pest Control:		
Expert IPM Decision Support System	7 U.S.C. 450i(c)	153
Integrated Pest Management	7 U.S.C. 450i(c)	2,362
Minor Crop Pest Management [IR–4]	7 U.S.C. 450i(c)	11,913
Pest Management Alternatives	7 U.S.C. 450i(c)	1,402
Total, Improved Pest Control		15,830
Special Research Grants:		
Global Change/UV Monitoring	7 U.S.C. 450i(c)	1,405

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE—RESEARCH AND EDUCATION ACTIVITIES—
Continued
[Dollars in thousands]

Program/Activity	Authorization	Committee recommendation
Potato Research	7 U.S.C. 450i(c)	1,350
Forest Products Research	7 U.S.C. 450i(c)	1,650
Total, Special Research Grants .....	.....	4,405
Necessary Expenses of Research and Education Activities:		
Grants Management Systems .....	.....	7,830
Other, Necessary Expenses .....	.....	6,399
Total, Necessary Expenses .....	.....	14,229
Total, Research and Education Activities .....	.....	738,638

Agriculture and Food Research Initiative.—The Committee recommendation includes \$297,956,000 for the Agriculture and Food Research Initiative [AFRI].

Section 7406 of the Food, Conservation, and Energy Act of 2008 specifies priority areas within the Agriculture and Food Research Initiative [AFRI], including an emphasis on conventional (classical) plant and animal breeding. The Committee strongly concurs with the intent of this section, and requests a report from the agency as to its plans for implementing this important conventional/classical plant and animal breeding requirement. The Committee also encourages the agency to specifically focus on the development of public cultivars and breeds as part of the general classical breeding research program.

Agricultural Research Enhancement Awards.—The Committee remains determined to see that quality research and enhanced human resources development in the agricultural and related sciences be a nationwide commitment. Therefore, the Committee continues its direction that not less than 10 percent of the competitive research grant funds be used for USDA's agricultural research enhancement awards program (including USDA-EPSCoR), in accordance with 7 U.S.C. 450i.

Alfalfa and Forage Research.—The Committee notes that research into alfalfa and forage holds the potential to increase alfalfa and forage yields, increase milk production, and improve forage genetics to increase biomass for the production of cellulosic ethanol. The Committee supports research into the improvement of yields, creation of new uses of alfalfa and forages for bioenergy, and the development of new storage and harvest systems.

Aquaculture Disease Research.—The Committee encourages USDA to support aquaculture disease and vaccine research, including research on coldwater aquaculture vaccines. There is currently no national facility for pathogen testing. Research into finfish vaccines and pathogens has the potential to accelerate the growth of sustainable U.S. aquaculture, reduce the trade deficit attributable to imported seafood, and reduce the pressure on overfished species.

Canola Research.—The Committee recognizes the importance of nationally coordinated, regionally managed canola research and education programs. The Committee supports research designed to

increase canola production through research on insect, disease and weed control, best management practices, genetics and breeding, and other areas that may increase canola yield and acreage.

Cereal Crop Research.—Research on cereal crops has historically been conducted by USDA and public universities, and the Committee recognizes the importance of continuing investment in cereal crop research. The Committee strongly encourages USDA to provide funding for cereal crop research in the areas of genetic and genomic research, plant pest research, and improved production systems.

Cranberry and Blueberry Research.—The Committee encourages the NIFA to continue working with research institutions to develop resilient cranberry and blueberry breeds and establish effective and environmentally sound pest management technologies.

Forest Products.—The Committee recognizes the important role of the forests products sector to the U.S. economy. The need to create new and improved value-added products and renewable energy from our Nation’s wood supply is critical to the sustainability of the national economy. The Committee directs NIFA to support research, education and outreach for the forest products sector.

Seafood.—The Committee encourages USDA, in partnership with universities with established domestic shrimp farming programs, to support the development of a domestic industry that will help ensure the safety and quality of the Nation’s seafood supply, promote environmentally sustainable aquaculture, create new opportunities for U.S. agriculture, and forge new markets for U.S. grain and oil-seed products and technology services.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES
ENDOWMENT FUND

Appropriations, 2012	
Budget estimate, 2013	\$10,000,000
Committee recommendation	10,000,000

Section 7129 of the Food, Conservation, and Energy Act of 2008, provides for the establishment of an endowment fund for the Hispanic-Serving Agricultural Colleges and Universities [HSACU]. The Hispanic/Latino community is the fastest-growing sector of the American population. This investment in the Hispanic-Serving Agricultural Colleges and Universities is needed to ensure institutions can effectively compete for NIFA competitive grants.

On the termination of each fiscal year, the Secretary shall withdraw the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows: 60 percent of the adjusted income shall be distributed among the Hispanic-Serving Agricultural Colleges and Universities on a pro rata basis based on the Hispanic enrollment count of each institution; and 40 percent shall be distributed in equal shares to the Hispanic-Serving Agricultural Colleges and Universities.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$10,000,000 for the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

Appropriations, 2012	\$11,880,000
Budget estimate, 2013	11,880,000
Committee recommendation	11,880,000

The Native American Institutions Endowment Fund authorized by Public Law 103-382, the Equity in Educational Land-Grant Status Act, provides an endowment for the 1994 land-grant institutions (34 tribally controlled colleges). This program will enhance educational opportunity for Native Americans by building educational capacity at these institutions in the areas of student recruitment and retention, curricula development, faculty preparation, instruction delivery systems, and scientific instrumentation for teaching. Income funds are also available for facility renovation, repair, construction, and maintenance. On the termination of each fiscal year, the Secretary shall withdraw the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows: 60 percent of the adjusted income from these funds shall be distributed among the 1994 land-grant institutions on a pro rata basis, the proportionate share being based on the Indian student count; and 40 percent of the adjusted income shall be distributed in equal shares to the 1994 land-grant institutions.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$11,880,000 for the Native American Institutions Endowment Fund.

EXTENSION ACTIVITIES

Appropriations, 2012	\$475,183,000
Budget estimate, 2013	462,473,000
Committee recommendation	475,125,000

Cooperative extension work was established by the Smith-Lever Act of May 8, 1914, as amended. The Department of Agriculture is authorized to provide, through the land-grant colleges, cooperative extension work that consists of the development of practical applications of research knowledge and the giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture and related subjects, and to encourage the application of such information by demonstrations, publications, through 4-H clubs, and other means to persons not in attendance or resident at the colleges.

To fulfill the requirements of the Smith-Lever Act, State and county extension offices in each State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas, and Micronesia conduct educational programs to improve American agriculture and strengthen the Nation's families and communities.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$475,125,000 for extension activities of the National Institute of Food and Agriculture.

The following table summarizes the Committee's recommendations for extension activities:

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE—EXTENSION ACTIVITIES

[Dollars in thousands]

Program/Activity	Authorization	Committee recommendation
Smith-Lever Act, Section 3(b) and (c) programs and Cooperative Extension.	7 U.S.C. 343(b) and (c) and 208(c) of Public Law 93–471.	\$294,000
Extension Services at 1890 Institutions	7 U.S.C. 3221	42,592
Extension Services at 1994 Institutions	7 U.S.C. 343(b)(3)	4,312
Facility Improvements at 1890 Institutions	7 U.S.C. 3222b	19,730
Renewable Resources Extension Act	16 U.S.C. 1671 et seq.	3,700
Rural Health and Safety Education Programs	7 U.S.C. 2662(i)	1,500
Food Animal Residue Avoidance Database Program	7 U.S.C. 7642	1,000
Women and Minorities in STEM Fields	7 U.S.C. 5925	400
Smith-Lever Act, Section 3(d):		
Food and Nutrition Education	7 U.S.C. 343(d)	67,934
Pest Management	7 U.S.C. 343(d)	9,918
Farm Safety and Youth Farm Safety Education Programs	7 U.S.C. 343(d)	4,610
New Technologies for Agricultural Extension	7 U.S.C. 343(d)	1,550
Children, Youth, and Families at Risk	7 U.S.C. 343(d)	7,600
Federally Recognized Tribes Extension Program	7 U.S.C. 343(d)	3,039
Sustainable Agriculture Programs	7 U.S.C. 343(d)	4,696
Total, Section 3(d)		99,347
Necessary Expenses of Extension Activities:		
Agriculture in the K–12 Classroom		552
Federal Administration—Other Necessary Expenses for Extension Activities.		7,992
Total, Necessary Expenses		8,544
Total, Extension Activities		475,125

Potato Research.—To minimize the application of pesticides and to maximize the yield and quality of harvested potatoes, the Committee directs the Secretary to support pest management programs in potato growing States. Such programs help scientists track potential pest outbreaks and provide growers and industry professionals with current information on specific and timely treatments. Additionally, the programs help identify serious diseases, such as late blight disease, in their early stages, allowing for preventive measure to be put into place quickly to avoid crop losses.

INTEGRATED ACTIVITIES

Appropriations, 2012	\$21,482,000
Budget estimate, 2013	43,542,000
Committee recommendation	24,982,000

Section 406, as amended, of the Agricultural Research, Extension, and Education Reform Act of 1998 authorizes an integrated research, education, and extension competitive grants program.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$24,982,000 for integrated activities of the National Institute of Food and Agriculture.

The following table summarizes the Committee's recommendations for integrated activities:

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE—INTEGRATED ACTIVITIES

[Dollars in thousands]

Program/Activity	Authorization	Committee recommendation
Water Quality Program	7 U.S.C. 7626	\$4,500
Regional Pest Management Centers	7 U.S.C. 7626	4,000
Methyl Bromide Transition Program	7 U.S.C. 7626	1,996
Organic Transition Program	7 U.S.C. 7626	4,000
Regional Rural Development Centers	7 U.S.C. 450i(c)	998
Food and Agriculture Defense Initiative	7 U.S.C. 3351	5,988
Sustainable Agriculture Federal-State Matching Grant Program	7 U.S.C. 5813	3,500
Total, Integrated Activities .....	.....	24,982

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

Appropriations, 2012	\$848,000
Budget estimate, 2013	893,000
Committee recommendation	893,000

The Office of the Under Secretary for Marketing and Regulatory Programs provides direction and coordination in carrying out laws with respect to the Department's marketing, grading, and standardization activities related to grain; competitive marketing practices of livestock, marketing orders, and various programs; veterinary services; and plant protection and quarantine. The Office has oversight and management responsibilities for the Animal and Plant Health Inspection Service; Agricultural Marketing Service; and Grain Inspection, Packers and Stockyards Administration.

COMMITTEE RECOMMENDATIONS

The Committee recommends an appropriation of \$893,000 for the Office of the Under Secretary for Marketing and Regulatory Programs.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

Appropriations, 2012	\$816,534,000
Budget estimate, 2013	762,418,000
Committee recommendation	816,534,000

The Secretary of Agriculture established the Animal and Plant Health Inspection Service [APHIS] on April 2, 1972, under the authority of reorganization plan No. 2 of 1953, and other authorities. The major objectives of APHIS are to protect the animal and plant resources of the Nation from diseases and pests. These objectives are carried out under the major areas of activity, as follows:

Safeguarding and Emergency Preparedness/Response.—The agency monitors plant and animal health worldwide, and sets import polices to prevent the introduction of foreign plant and animal pests and diseases. Domestically, the agency works cooperatively to conduct plant and animal health monitoring programs, pursue