

## GENERAL PROVISIONS

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

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

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed [182]327 passenger motor vehicles, of which [142]315 shall be for replacement only, and for the hire of such vehicles.

**SECTION 702:** Provides that certain funds are to remain available until expended.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, [avian influenza programs,] grasshopper, *and Mormon cricket* program, up to [\$9,750,000] \$24,144,000 in animal health monitoring and surveillance for the animal identification system, up to \$1,500,000 in the scrapie program for indemnities, up to [\$3,000,000] \$8,166,000 [in the emergency management systems program] for the [vaccine bank] *National Veterinary Stockpile*, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, [Public Health Data Communication Infrastructure System] *field automation and information management project*; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), [funds for the Research, Education, and Economics Information System,] and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

*The first change* removes avian influenza programs from this section.

*The second change* makes funds for the Mormon cricket program available until expended.

*The third change* makes funding for the National Veterinary Stockpile available until expended.

*The fourth change* makes funding for the Food Safety and Inspection Service field automation and information management project available until expended and removes the no year funding provision for the Public Health Data Communication Infrastructure System from this section.

*The fifth change* removes funds for the Research, Education, and Economics Information System from this section.

**SECTION 703:** Provides authority for the Secretary of Agriculture to transfer available unobligated discretionary funds appropriated by this Act or other unobligated discretionary balances to the Working Capital Fund for the purpose of acquiring plant and capital equipment necessary for the delivery of financial, administrative, and information technology services with the notification of the Agency Administrator and notification to the Appropriations Committees of both Houses of Congress.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of

Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the [financial management modernization initiative and the delivery of] *delivery of* financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior [approval] *notification* of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior [approval] *notification* of 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 approval of the Committees on Appropriations of both Houses of Congress as required by section 713 of this Act].

*The first change* removes the financial management modernization initiative from this section.

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

*The fourth change* is requested in order to permit the Secretary the flexibility needed to carry out changes in the National Finance Center in the most efficient and effective manner.

**SECTION 704:** Provides that no part of any appropriation in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. 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 705:** 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. 705. 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 706:** Places a prohibition on the use of funds to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education and Extension Service that exceed a specified level of direct costs.

[SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).]

*This change deletes* the entire section 706. This change is requested in order to eliminate the current limitations on indirect costs and to put USDA competitive grants on an even level with other Federal agencies in attracting grant proposals.

**SECTION 707:** Provides that subsidy authority for certain loan programs remain available until expended to cover obligations.

SEC. [707] 706. 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 708:** Provides a \$1,800,000 limitation on the amount of funds that the Department is allowed to spend on advisory committees, panels, commissions, and task forces.

[SEC. 708. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.]

*This change deletes* the entire section 708. This change is requested in order to permit the Secretary the flexibility needed to carry out the efficient operation of USDA programs.

**SECTION 709:** Prohibits the use of funds to establish a Safe Meat and Poultry Inspection Panel.

SEC. [709] 707. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

This section should be retained. The new HACCP inspection system is being successfully implemented. A new advisory panel is not needed to oversee inspection programs.

**SECTION 710:** Provides that USDA employees cannot be detailed for more than 30 days unless the individual's employing agency or office is reimbursed for the period of assignment.

[SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.]

*This change deletes* the entire section 710. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.

**SECTION 711:** Prohibits the use of USDA funds to transmit or otherwise make available to any non-USDA employee questions or responses to questions requested for the appropriations hearing process.

[SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.]

*This change deletes* the entire section 711. This change is requested in order to permit the Executive Branch the oversight needed in order to carry out programs in the most efficient manner.

**SECTION 712:** 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. [712] 708. 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 the] *unless* prior [approval of] *notification has been transmitted* to the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

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

**SECTION 713:** Prohibits the use of funds, through a reprogramming of funds, which would create new programs; eliminate programs, projects, or activities; increase funds or personnel for which funds have been denied or restricted; relocate an office or employee; reorganize offices; or contract out or privatize any function presently performed by Federal Employees unless both Houses of Congress are notified 15 days in advance of such reprogramming.

[SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

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

*This change deletes* the entire section 713. The Department will continue its policy of informing the Congress in sufficient time of any reprogramming plans.

**SECTION 714:** Prohibits the use of funds to pay the salaries and expenses of personnel who prepare or submit appropriations language to Congress that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to budget submission.

[SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2009 appropriations Act.]

*This change deletes* the entire section 714. The fiscal year 2009 budget includes requests for funds under current law that will be sent to the Appropriations Committees.

**SECTION 715:** Directs the Natural Resources Conservation Service to provide financial and technical assistance for certain projects in Rhode Island, Missouri, and Illinois.

[SEC. 715. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

- (1) from funds available for the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;
- (2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;
- (3) through the Watershed Flood Prevention Operations program to carry out the Little Otter Creek Watershed project. The sponsoring local organization may obtain land rights by perpetual easements; and
- (4) through the Watershed and Flood Prevention Operations program to the McDowell Grove Dam Flood Plain/Wetlands Restoration Project in DuPage County, Illinois.]

*This change deletes* the entire section 715. To operate programs according to statutory requirements, the projects named in section 715 are ineligible for financial and technical assistance in fiscal year 2009.

**SECTION 716:** Prohibits the use of funds to close or relocate a state rural development office until/unless cost effectiveness and enhanced program delivery has been determined.

[SEC. 716. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 60 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.]

*This change deletes* the entire section 716. This change is requested in order to permit the Secretary the flexibility needed to carry out programs in the most efficient and effective manner.

**SECTION 717:** Prohibits the use of funds available to the Food and Drug Administration (FDA) to close, relocate, or to plan to close or relocate the FDA Division of Drug Analysis in St. Louis, Missouri except within the city limits of St. Louis, Missouri.

[SEC. 717. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.]

*This change deletes* the entire section 717. This change is requested in order to permit the Secretary the flexibility needed to carry out programs in the most efficient and effective manner.

**SECTION 718:** Allows up to 30 percent of funds for competitive research grants to be used to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC.[718] 709. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to [26] 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

*This change proposes* to make up to 30 percent of the amount provided for the National Research Initiative (NRI) available for competitive programs under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998.

**SECTION 719:** Places limitations on the amount of funds available to carry out certain mandatory programs that receive funding from the Commodity Credit Corporation (CCC).

SEC. [719] 710. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out *the following*:

- (a) an [environmental quality incentives program] *Environmental Quality Incentives Program* authorized by [chapter 4 of subtitle D of title XII of the Food Security Act of 1985(] 16 U.S.C. 3839aa, et seq.)], in excess of [\$1,000,000,000] *\$1,050,000,000*. *Funds exceeding this amount for fiscal year 2009 are hereby permanently cancelled;*
- (b) *a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of \$360,000,000. Funds exceeding this amount for fiscal year 2009 are hereby permanently cancelled. In addition, notwithstanding any other provision of law, section 1241(a)(3)(B) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)(B)) is amended by striking "\$5,650,000,000" and inserting the following: "\$5,570,000,000";*
- (c) *an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act (7 USC 1524). \$10,000,000 of the funds available for this program for fiscal year 2009 are hereby permanently cancelled.*

*This change would place limitations on available funding for a number of lower priority and duplicative mandatory programs that receive funding from CCC.*

**SECTION 720:** Prohibits funds in excess of \$20 million that have been appropriated in fiscal year 2006 or prior years, as authorized under the Agricultural Trade Development and Assistance Act of 1954, to be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under the Bill Emerson Humanitarian Trust (BEHT) Act.

[SEC. 720. None of the funds made available in fiscal year 2008 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.]

*This change deletes* the entire section 720. This provision limits the amount of P.L. 480 funds from current or prior years that can be used to reimburse the BEHT. When commodities are released from the BEHT, it is an emergency situation that cannot be addressed with available P.L. 480 resources. During periods when P.L. 480 resources are available, it is important to retain the flexibility to reimburse the BEHT as soon as practicable, to ensure the viability of the BEHT for future emergency situations.

**SECTION 721:** Prohibits the use of funds for financial and technical assistance for a Dam Rehabilitation Program under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

[SEC. 721. No funds shall be used to pay the salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).]

*This change deletes* the entire section 721. No funding is requested in fiscal year 2009.

**SECTION 722:** Allows the Secretary to structure the schedule for payment of the annual fee for guarantees of notes, up to an average of 30 basis points per year, to ensure that sufficient funds are available to pay the subsidy costs.

[SEC. 722. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.]

*This change deletes* the entire section 722. No funding is requested in fiscal year 2009.

**SECTION 723:** Prohibits the use of funds to promulgate a cost-sharing rule for the animal and plant health emergency programs.

[SEC. 723. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).]

*This change deletes* the entire section 723. This change is requested in order to permit the Secretary to issue a final rulemaking and implement actions that would allow him the flexibility needed to carry out programs in the most efficient and effective manner.

**SECTION 724:** Provides \$437,000 to the Denali Commission to address deficiencies in solid waste disposal sites.

[SEC. 724. There is hereby appropriated \$437,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.]

*This change deletes the entire section 724. This was a one-time appropriation in fiscal year 2008.*

**SECTION 725:** Provides that fiscal year funds made available for certain conservation programs shall remain available until expended to cover obligations made in the same fiscal years but are not available for new obligations.

SEC. [725.] 711. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year. [Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, 2007, and 2008 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, 2007, and 2008, respectively, and except for fiscal year 2008 funds, are not available for new obligations.]

*This change deletes the reference to the Agricultural Management Assistance Program which is no longer needed. No funding is requested in fiscal year 2009.*

**SECTION 712:** Cancels available unobligated balances in the Buildings and Facilities Account of the Agricultural Research Service.

*SEC. 712. Of the unobligated balances available under the Buildings and Facilities Account of the Agricultural Research Service, \$67,179,658 are hereby permanently cancelled.*

**SECTION 713:** Cancels available unobligated balances in Section 32.

*SEC. 713. Of the unobligated balances available under section 32 of the Act of August 24, 1935, \$293,000,000 are hereby permanently cancelled.*

**SECTION 726:** Prohibits the use of funds to require the recertification of rural status for each electric and telecommunications borrower for certain RUS loan programs.

[SEC. 726. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.]

*This change deletes the entire 726. This change is requested in order to permit the Secretary the flexibility needed to carry out programs in the most efficient and effective manner.*

**SECTION 727:** Prohibits the use of funds to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio that indicates that the prepackaged story was prepared or funded by the Department of Agriculture.

[SEC. 727. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or

distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.]

*This change deletes the entire section 727. This change is requested in order to permit the Secretary the flexibility needed to carry out programs in the most efficient and effective manner.*

**SECTION 728:** Provides that certain borrowers shall be considered eligible for certain rural development programs.

[SEC. 728. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.]

*This change deletes the entire section 728. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.*

**SECTION 729:** Authorizes the Secretary to make funding and other assistance available through the Emergency Watershed Protection Program for damage to non-Federal lands due to fires initiated by the Federal Government, and waives cost-sharing requirements.

[SEC. 729. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.]

*This change deletes the entire section 729 which is not expected to be needed in fiscal year 2009.*

**SECTION 730:** Prohibits the use of funds "...to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to the rural development or farm loan programs."

[SEC. 730. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.]

*This change deletes the entire section 730. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.*

**SECTION 731:** Rescinds funds under Section 32.

[SEC. 731. Of the amount available for Estimated Future Needs under section 32 of the Act of August 24, 1935, \$184,000,000 are hereby rescinded: *Provided*, That in addition, of the unobligated balances under section 32 of the Act of August 24, 1935, \$500,000,000 are hereby rescinded.]

*This change deletes the entire section 731. This was a one-time rescission in fiscal year 2008.*

**SECTION 732:** Ensures that each institution eligible under section 3(d)(2) of the Smith-Lever Act receives a payment of no less than \$100,000.

SEC. [732] 714. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than \$100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than \$100,000.

**SECTION 733:** Prohibits the use of funds to establish/allow the import of poultry products from China.

[SEC. 733. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.]

*This change deletes the entire section 733. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.*

**SECTION 734:** Provides grant funding for the National Center for Natural Products Research.

[SEC. 734. There is hereby appropriated \$3,750,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.]

*This change deletes the entire section 734. This provision provided one-time grant funding in fiscal year 2008.*

**SECTION 735:** Provides funding for a pest facility in Hawaii.

[SEC. 735. There is hereby appropriated \$150,000, to remain available until expended, for the planning and design of construction of an agriculture pest facility in the State of Hawaii.]

*This change deletes the entire section 735. This provision provided one-time funding in fiscal year 2008.*

**SECTION 736:** Prohibits funding to implement the risk-based inspection program in certain locations.

[SEC. 736. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.]

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

**SECTION 737:** Allows the Secretary to continue the Water and Waste System Direct Loan Program under certain conditions.

[SEC. 737. The Secretary of Agriculture shall continue the Water and Waste Systems Direct Loan Program under the authority and conditions (including the fees, borrower interest rate, and the President's economic assumptions for the 2008 Fiscal Year, as of June 1, 2007) provided by the "Continuing Appropriations Resolution, 2007".]

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

**SECTION 738:** Amends the Richard B. Russell National School Lunch Act.

[SEC. 738. (a) Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended— (1) in paragraph (1)—  
 (A) by striking subparagraph (A);  
 (B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;  
 (C) in subparagraph (A) (as redesignated by subparagraph (B)), striking "(B)" and all that follows through "shall not exceed" and inserting the following:

"(A)IN GENERAL.--Subject to subparagraph (B) and in addition to amounts made available under paragraph (3), payments to service institutions shall be";  
 (D) in subparagraph (B) (as redesignated by subparagraph (B)), by striking "subparagraph (B)" and inserting "subparagraph (A)"; and  
 (E) in subparagraph (C) (as redesignated by subparagraph (B)), by striking "(A), (B), and (C)" and inserting "(A) and (B)"; and (2) in the second sentence of paragraph (3), by striking "full amount of State approved" and all that follows through "maximum allowable".

(b) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—  
 (1) by striking subsection (f); and  
 (2) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.  
 (c) EFFECTIVE DATE.--The amendments made by this section take effect on January 1 of the first full calendar year following the date of enactment of this Act.]

*This change deletes the entire section 738. This provision changed the permanent authorizing statute and is no longer needed.*

**SECTION 739:** Continues funding for the Fresh Fruit and Vegetable Pilot Program.

[SEC. 739. There is hereby appropriated \$9,900,000, to remain available until September 30, 2009, which, in conjunction with all unobligated balances available to the Secretary under section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) shall be used to continue the Fresh Fruit and Vegetable Program (42 U.S.C. 1769(g)) in all currently participating States and expand the program to all the contiguous States and, Alaska, Hawaii and the District of Columbia not currently served by the authorized program: Provided, That of funds available under this section, not to exceed 5 percent may be available for Federal administrative costs, as determined by the Secretary of Agriculture: Provided further, That for the purposes of this section, "currently participating States" shall be defined as those authorized to participate under section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)) as well as those authorized to participate under section 779 of Public Law 109-97: Provided further, That implementation of the program in new States shall begin with school year 2008/2009.]

*This change deletes the entire section 739. Funds are not requested in fiscal year 2009.*

**SECTION 740:** Allows the Secretary to use Salaries and Expenses funds to purchase newspapers for program utilization.

[SEC. 740. Section 704 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2258) is amended by striking the first proviso.]

*This change deletes* the entire section 740. This provision amends permanent law.

**SECTION 741:** Prohibits the use of appropriated funds to inspect horses under the Federal Meat Inspection Act or the Federal Agriculture Improvement and Reform Act of 1996.

[SEC. 741. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to— (1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603); (2) 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) implement or enforce section 352.19 of title 9, Code of Federal Regulations.]

*This change deletes* the entire section 741. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.

**SECTION 742:** Provides \$800,000 to the Farm Service Agency for a pilot program to increase re-forested hardwood trees damaged by Hurricane Katrina.

[SEC. 742. There is hereby appropriated \$800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.]

*This change deletes* the entire section 742. This provision provided one-time funding in 2008.

**SECTION 743:** Extends the eligibility period for assistance for crop losses due to Hurricane Katrina and provides \$20,000,000 in funding to the Farm Service Agency disaster assistance.

[SEC. 743. (a) Sections 9001(a) and 9002 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 211, 214) are amended by striking "February 28, 2007" each place it occurs and inserting "December 31, 2007". (b) There is hereby appropriated \$20,000,000 for the "Farm Service Agency, Salaries and Expenses". (c) Each amount provided by this section is designated as described in section 5 (in the matter preceding division A of this consolidated Act).]

*This change deletes* the entire section 743. This provision was made permanent law and provided one-time funding in 2008.

**SECTION 744:** Makes West Virginia eligible to receive reimbursement for meals served to at-risk school children.

[SEC. 744. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—  
(1) by striking "seven" and inserting "eight";

- (2) by striking "five" and inserting "six"; and
- (3) by inserting "West Virginia," after the first instance of "States shall be".]

*This change deletes the entire section 744. This provision changed the permanent authorizing statute and is no longer needed.*

**SECTION 745:** Allows the use of emergency funds to support normal program operations for certain programs.

[SEC. 745. Hereafter, notwithstanding any other provision of law, of the funds made available for the Commodity Assistance Program under division B of Public Law 109-148, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006, all unexpended funds shall be made available to support normal program operations of the Commodity Supplemental Food Program under the Agriculture and Consumer Protection Act of 1973 and of the Emergency Food Assistance Program under the Emergency Food Assistance Act of 1983: Provided, That any commodities purchased with funds made available under Public Law 109-148 and remaining undistributed shall be used to support normal program operations under the authorities cited in this section.]

*This change deletes the entire section 745. This provision was made permanent law in fiscal year 2008.*

**SECTION 746:** Provides that certain locations shall be considered eligible for certain rural development programs.

[SEC. 746. Notwithstanding any other provision of law, and until receipt of the decennial Census for the year 2010, the Secretary of Agriculture shall consider—

- (1) the City of Alamo, Texas; the City of Mercedes, Texas; the City of Weslaco, Texas; the City of Donna, Texas; the City of La Feria, Texas; and the City of Northampton, Massachusetts, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Business Program account;
- (2) the City of Bainbridge Island, Washington; the City of Keene, New Hampshire; and the City of Havelock, North Carolina, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Community Facilities Program account;
- (3) the City of Freeport, Illinois; Kitsap County (except the City of Bremerton), Washington; the City of Atascadero, California; and the City of Paso Robles, California, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Housing Insurance Fund Program account and the Rural Housing Assistance Grants account;
- (4) the City of Canton, Mississippi, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Water and Waste Disposal Program account;
- (5) the City of Parsons, Kansas; the Town of Boone, North Carolina; the City of Henderson, North Carolina; and the City of Lenoir, North Carolina, to be rural areas for the purposes of eligibility for loans and grants funded through the Rural Water and Waste Disposal Program account;
- (6) the City of Lansing, Kansas, a rural area for purposes of eligibility for Rural Housing Service programs, and the City of Leavenworth, Kansas, and the City of Lansing, Kansas, as separate geographic entities for purposes of Rural Development grants and loans;
- (7) the City of Binghamton, New York, for the purpose of upgrading a trunk line for waste transport to the Town of Conklin, New York, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Water and Waste Disposal Program account;
- (8) the County of Lexington, South Carolina, shall be considered to be a rural area for the purposes of financing a farmers' market under the Business and Industry Loan Guarantee Program in a local area that has rural characteristics as determined by the Secretary; and
- (9) the service areas being acquired by Mid-Kansas Electric Cooperative, except for the City of Dodge City, Kansas, shall be considered eligible for financing under the Rural Electrification Act of 1936, as amended.]

*This change deletes* the entire section 746. To operate programs according to statutory requirements, the localities named in section 746 must meet the same eligibility requirements as the other applicants in fiscal year 2009, for certain rural development programs within the Rural Development mission area through existing regulatory procedures.

**SECTION 747:** Prohibits the use of funds to terminate or consolidate 13 of the field laboratories, 20 District Offices, or any inspection or compliance functions operated by the FDA.

[SEC. 747. None of the funds made available in this Act may be used—  
(1) to terminate any of the 13 field laboratories that are operated by the Food and Drug Administration as of January 1, 2007, or 20 District Offices, or any of the inspection or compliance functions of any of the 20 District Offices, of the Food and Drug Administration functioning as of January 1, 2007; or  
(2) to consolidate any such laboratory with any other laboratory, or any such District Office, or any of the inspection or compliance functions of any District Office, with any other District Office.]

*This change deletes* the entire section 747. This change is requested in order to permit the Secretary the flexibility needed to carry out the programs of the Department in the most efficient and effective manner.

**SECTION 748:** Provides authority for the Secretary to use funds made available in the 2006 Emergency Supplemental Appropriation to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, for direct and guaranteed loans to rural areas affected by hurricanes that occurred in calendar year 2005.

[SEC. 748. Hereafter, the Secretary may use funds made available in chapter 1 of division B of Public Law 109-148 for direct and guaranteed loans under title V of the Housing Act of 1949, to make or guarantee loans, as authorized under such Act, to finance housing and repairs to housing in rural areas affected by hurricanes that occurred during the 2005 calendar year.]

*This change deletes* the entire section 748. This provision was made permanent law in fiscal year 2008.

**SECTION 749:** Rescinds \$10.5 million from unobligated balances of funds made available in the Food Stamp Act.

[SEC. 749. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food Stamp Act of 1977, \$10,500,000 is hereby rescinded.]

*This change deletes* the entire section 749. This was a one-time rescission of unobligated balances in fiscal year 2008.

**SECTION 750:** Rescinds \$3.5 million from unobligated balances in the Child and Adult Care Food Program.

[SEC. 750. Of the unobligated balances available in the Child and Adult Care Food Program for the purpose of conducting audits of participating institutions as provided for under section 796 of Public Law 109-97, \$3,500,000 is hereby rescinded.]

*This change deletes* the entire section 750. This was a one-time rescission of unobligated balances in fiscal year 2008.

**SECTION 751:** Extends the authority of certain programs in the Natural Resources Conservation Service and Farm Service Agency through March 15, 2008.

## [SEC. 751. EXTENSION OF AGRICULTURAL PROGRAMS.

(a) EXTENSION.—Except as otherwise provided in this Act and notwithstanding any other provision of law, the authorities provided under the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 7 U.S.C. 7901 et seq.) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2007, shall continue, and the Secretary of Agriculture shall carry out the authorities, until March 15, 2008.

## (b) CONSERVATION PROGRAMS.—

(1) FARMLAND PROTECTION PROGRAM.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this subsection as the "Secretary") shall continue the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) at a funding level of \$97,000,000 per year.

(2) GROUND AND SURFACE WATER CONSERVATION.—Notwithstanding any other provision of law, the Secretary shall continue the ground and surface water conservation program established under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) at a funding level of \$60,000,000 per year.

(3) WILDLIFE HABITAT INCENTIVES PROGRAM.—Notwithstanding any other provision of law, the Secretary shall continue the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) at a funding level of \$85,000,000 per year.

## (c) EXCEPTIONS.—This section does not apply with respect to—

- (1) section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6));
- (2) section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b));
- (3) section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034);
- (4) title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.);
- (5) section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106-224);
- (6) section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102);
- (7) section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104);
- (8) section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106); and
- (9) subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.), with respect to the 2008 crops (other than the 2008 crop of a loan commodity described in paragraph (11), (12), or (13) of section 1202(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932(b))).]

*This change deletes the entire section 751. This provision amends and extends permanent law in fiscal year 2008.*

**SECTION 752:** Rescinds Department of Agriculture fiscal year 2008 budget authority by 0.7 percent with the exception of funds made available to WIC, the Food Safety and Inspection Service, and emergency program funding.

[SEC. 752. (a) Except as provided in subsection (c), there is hereby rescinded an amount equal to 0.7 percent of the budget authority provided for fiscal year 2008 for any discretionary account in division A of this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

- (1) to each discretionary account and each item of budget authority described in subsection (a); and
- (2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act, accompanying reports, or explanatory statement for the relevant fiscal year covering such account or item).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this Act in the following amounts in the following activities or accounts:

- (1) \$6,020,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A.
- (2) \$930,120,000 provided for the Food Safety and Inspection Service in the Department of Agriculture in division A.
- (3) Any amount designated as described in section 5 (in the matter preceding division A of this

consolidated Act).

(d) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that specifies the account and amount of each rescission made pursuant to this section.]

*This change deletes the entire section 752. This provision is a one-time across-the-board reduction in fiscal year 2008.*

**SECTION 715:** Allows the Secretary to transfer funds for certain plant pest or noxious weed emergencies and defines the term “emergency” for this purpose of transferring funds.

*SEC. 715. Section 442 of Public Law 106-224 is amended by adding the following new subsections at the end: “(c) PRECONDITIONS FOR A TRANSFER AVAILABILITY. —Funds may be transferred to combat emergencies.” (d) DEFINITIONS. —For purposes of this subsection, an ‘emergency’ is an unanticipated event that requires a necessary expenditure that is sudden, urgent and unforeseen.”.*

**SECTION 716:** Allows the Secretary to transfer funds for certain livestock pest or disease emergencies.

*SEC. 716. Section 10417 of Public Law 107-171 is amended by adding the following new subsections at the end: “(d) PRECONDITIONS FOR A TRANSFER AVAILABILITY. —Funds may be transferred to combat emergencies.” (e) DEFINITIONS. —For purposes of this subsection, an ‘emergency’ is an unanticipated event that requires a necessary expenditure that is sudden, urgent and unforeseen.”.*

**SECTION 717:** Reduces the instances that the assistance provided by USDA’s single family housing guarantee home loan program is redundant with other federal guarantee home loan programs by directing lenders to certify that they would not provide a loan to a particular borrower were it not for the guarantee and that the borrower could not qualify for any other federal housing loan product that it offers.

*SEC. 717. Section 502(h)(2) of the Housing Act of 1949 is amended to add the following sentence to the end of the paragraph: “In addition the lender shall certify that—“(A) the lender would not otherwise provide a loan to the borrower absent the guarantee, and “(B) the lender either—“(i) does not provide loans under any other federal housing program, or “(ii) has determined that the borrower does not qualify for any other federal housing program that the lender offers that would serve the borrowers housing needs.”.*