

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 [327]204 passenger motor vehicles, of which [315]170 shall be for replacement only, and for the hire of such vehicles.

This change reflects agency plans for purchase of passenger motor vehicles, including replacements, totaling 204.

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: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; 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.

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 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 712 of this Act].

The first change removes the financial management modernization initiative from this section. This language is redundant because the initiative is covered under the general IT services language included in the provision.

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

SEC. 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 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 707: 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. 707. 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 707. This change is requested in order to permit the Secretary the flexibility needed to carry out the efficient operation of USDA programs. This limitation places unnecessary caps on agency funding used to support both mandated advisory committees and discretionary committees and other group activities. These groups are needed to assist with the development of advice, program reviews, and identification of options for consideration by the Secretary.

SECTION 708: Prohibits the use of funds to establish a Safe Meat and Poultry Inspection Panel.

SEC. [708]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).

SECTION 709: 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. 709. 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 709. 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 710: 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. 710. 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 710. 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 711: 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. [711]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 712: 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. 712. (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 or the Secretary of Health and Human Services 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 712. The Department will continue its policy of informing the Congress of plans to reprogram funds.

SECTION 713: 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. 713. 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 2010 appropriations Act.]

This change deletes the entire section 713. The fiscal year 2010 budget includes appropriations requests for funds under current law. Legislative proposals for user fees that will be sent to the Appropriations Committees will not impact 2010 budget requests.

SECTION 714: 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 and 120 days notification with justification for such closures/relocations have been provided to the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located.

[SEC. 714. 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 120 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 714. 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 715: 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. 715. 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 715. 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 716: Provides \$434,000 to the Denali Commission to address deficiencies in solid waste disposal sites.

[SEC. 716. There is hereby appropriated \$434,000, 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 716. This was a one-time appropriation in fiscal year 2009.

SECTION 717: Places limitations on the amount of mandatory funds available to carry out an environmental quality incentives program that receives funding from the Commodity Credit Corporation (CCC).

[SEC. 717. 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 an 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 \$1,067,000,000.]

This change deletes the entire section 717. This provision was moved and consolidated with other mandatory programs to the new Sec. 715.

SECTION 718: Prohibits funds in excess of \$20 million that have been appropriated in fiscal year 2009 or prior fiscal years, as authorized under the Food for Peace Act, to be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under the Bill Emerson Humanitarian Trust (BEHT) Act.

[SEC. 718. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (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 718. This provision limits the amount of P.L. 480 funds from 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 719: 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. 719. No funds shall be used to pay 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 719. This provision was moved and updated in the new Sec. 716.

SECTION 720: 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. [720]709. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and 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 721: 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. 721. 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 721. 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 722: On a yearly basis, expands eligibility under the Rural Economic Development Grants program to entities that are not current RUS borrowers.

SEC. [722]710. 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.

SECTION 723: Limits the amount provided under Section 32 for domestic food assistance programs and delays \$49 million of the funding made available for the Fresh Fruit and Vegetable Program until October 1, 2009 (savings of \$101.5 million). Also rescinds \$293.5 million of unobligated Section 32 balances.

SEC. [723]711. [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 subsection (b)(2)(A)(i) of section 14222 of Public Law 110–246 in excess of \$1,071,530,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(B) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of \$16,000,000 until October 1, 2009: *Provided further*,] *Of the unobligated balances under section 32 of the Act of August 24, 1935, [\$293,530,000] \$43,000,000 are hereby [rescinded] permanently cancelled.*

The first change deletes the limitation on funding provided under Section 32 for domestic food assistance programs and the Fresh Fruit and Vegetable Program.

The second change permanently cancels \$43 million of the unobligated balances under Section 32.

SECTION 724: 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. 724. 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 724 which is not expected to be needed in fiscal year 2010.

SECTION 725: Provides grant funding for the National Center for Natural Products Research.

[SEC. 725. There is hereby appropriated \$3,497,000, 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 725. This provision provided one-time grant funding in fiscal year 2009.

SECTION 726: Provides funding for a pest facility in Hawaii.

[SEC. 726. There is hereby appropriated \$469,000, 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 726. This provision provided one-time funding in fiscal year 2009.

SECTION 727: Prohibits the use of funds to establish/allow the import of poultry products from China.

[SEC. 727. 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 727. 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 728: Provides funds to the Farm Service Agency for a pilot program to increase re-forested hardwood trees damaged by Hurricane Katrina.

[SEC. 728. There is hereby appropriated \$794,000 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 728. This provision provided one-time funding in 2009.

SECTION 729: Prohibits the use of appropriated funds to implement risk-based meat inspections in 30 prototype locations until the Office of Inspector General (OIG) provides system development and design findings to FSIS and the Appropriations Committees and until OIG issues are addressed and resolved.

[SEC. 729. 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 729. 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 730: Provides that certain locations shall be considered eligible for certain rural development programs.

[SEC. 730. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

- (1) the City of Palmview, Texas; the City of Pharr, Texas; the City of Hidalgo, Texas; the City of Alton, Texas; the City of La Joya, Texas; the City of Penitas, Texas; the City of Schertz, Texas; the City of Converse, Texas; the City of Cibolo, Texas; and the Township of Bern, Pennsylvania (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Business Program account;
- (2) the County of Nueces, Texas (including individuals and entities with projects within the county), eligible under the Business and Industry Loan Guarantee Program for the purposes of financing a beef processing facility;
- (3) the City of Asheboro, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;
- (4) the City of Healdsburg, California; the City of Imperial, California; the City of Havelock, North Carolina; and the City of Newton, North Carolina (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and
- (5) the City of Aptos, California (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.]

This change deletes the entire section 730. To operate programs according to statutory requirements, the localities named in section 730 must meet the same eligibility requirements as the other applicants in fiscal year 2010, for certain rural development programs within the Rural Development mission area through existing regulatory procedures.

SECTION 731: Provides funds for the Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows programs through the Congressional Hunger Center.

[SEC. 731. There is hereby appropriated \$2,347,000 for section 4404 of Public Law 107–171.]

This change deletes the entire section 731. This provision provided one-time funding in 2009.

SECTION 732: Provides grants to the Wisconsin Department of Agriculture and the Vermont Agency of Agriculture for an agriculture innovation center demonstration program and provides other grant funds to the State of New York and the Wisconsin Department of Agriculture.

[SEC. 732. Notwithstanding any other provision of law, there is hereby appropriated:

- (1) \$1,877,000 of which \$1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and \$469,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);
- (2) \$338,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection; and
- (3) \$94,000 for a grant to the Graham Avenue Business Improvement District in the State of New York.]

This change deletes the entire section 732. This provision provided one-time funding in 2009.

SECTION 733: Repeals the annual audit by USDA’s Office of Inspector General of the activities, transactions, and records of the Delta Regional Authority.

[SEC. 733. Section 382K(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–10(c)) is repealed.]

This change deletes the entire section 733. This provision is no longer needed in fiscal year 2010.

SECTION 734: Directs the Natural Resources Conservation Service to provide financial and technical assistance for certain projects in California, Illinois, Mississippi, Missouri, New York, Pennsylvania, Rhode Island, and West Virginia.

[SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

- (1) through 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 and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;
- (4) through the Watershed and Flood Prevention Operations program to carry out the Churchill Woods Dam Removal project in DuPage County, Illinois;
- (5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;
- (6) through the Watershed and Flood Prevention Operations program to carry out the Alameda Creek Watershed Project in Alameda County, California;
- (7) through the Watershed and Flood Prevention Operations program to carry out the Colgan Creek Restoration project in Sonoma County, California;
- (8) through the Watershed and Flood Prevention Operations program to carry out the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;
- (9) through the Watershed and Flood Prevention Operations program to carry out the Lake George Watershed Protection project in Warren County, New York; and
- (10) through the Watershed and Flood Prevention Operations program to carry out the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania.]

This change deletes the entire section 734. No funding is requested in the 2010 budget for the Watershed and Flood Prevention Operations Program.

SECTION 735: Amends the Richard B. Russell National School Lunch Act to add Maryland and Vermont to the list of participating States that provide meal reimbursements to institutions for meals served under the “Program for At-Risk Children”.

[SEC. 735. 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 “eight” and inserting “ten”;
- (2) by striking “six” and inserting “eight”; and
- (3) by inserting “Vermont, Maryland,” after the first instance of “States shall be”.]

This change deletes the entire section 735. This provision amended existing law and is no longer needed in 2010.

SECTION 736: Modifies matching requirements of in-kind support from non-Federal sources for certain research grants.

SEC. [736]712. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SECTION 737: Prohibits the use of appropriated funds for activities that would allow the importation into the U.S. of any ruminant or swine or product thereof (fresh or frozen) that is born, raised, or slaughtered in Argentina until the Secretary has reviewed the domestic animal health aspects of pending proposals allowing importation of such products and has issued a report to the Committees on the findings of the review.

[SEC. 737. None of the funds made available by this Act may be used to pay the salaries and expenses of any individual to conduct any activities that would allow the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or slaughtered in Argentina: *Provided*, That this section shall not prevent the Secretary from conducting all necessary activities to review this proposal and issue a report on the findings to the Committees on Appropriations of the House and Senate: *Provided further*, That this section shall only have effect until the Secretary of Agriculture has reviewed the domestic animal health aspects of the pending proposal to allow the importation of such products into the United States and has issued a report to the Committees on the findings of such review.]

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: Allows unobligated balances from the Farm Service Agency and Rural Development Salaries and Expenses accounts, to *remain available through September 30, 2010*, for information technology expenses.

SEC. [738]713. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, [2010] 2011, for information technology expenses.

The *first change* allows unobligated balances from the Farm Service Agency and Rural Development Salaries and Expenses accounts, to *remain available through September 30, 2011*, for information technology expenses.

SECTION 739: Prohibits the use of appropriated funds to inspect horses under the Federal Meat Inspection Act, the Federal Agriculture Improvement and Reform Act of 1996, and Title 9 of the Code of Federal Regulations for the Food Safety and Inspection Service.

SEC. [739]714. 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.

SECTION 715: *Places limitations on the amount of funds available to carry out certain mandatory conservation and plant pest and disease programs that receive funding from the Commodity Credit Corporation (CCC).*

SEC. 715. *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:*

- (1) *an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524) in excess of \$10,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (2) *a Wildlife Habitat Incentives Program as authorized by section 1240N of the Food Security Act of 1985, as amended (16 U.S.C. 3839bb-1), in excess of \$42,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (3) *a Healthy Forests Reserve Program as authorized by section 502 of the Healthy Forests Restoration Act of 2003, as amended (16 U.S.C. 6572), in excess of \$4,750,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (4) *a Wetlands Reserve Program as authorized by sections 1237-1237F of the Food Security Act of 1985, as amended (16 U.S.C. 3837), to enroll in excess of 152,636 acres in the fiscal year 2010; Provided, That such program shall be permanently reduced by 138,904 acres.*
- (5) *a Farmland Protection Program as authorized by sections 1238H-1238I of the Food Security Act of 1985, as amended (16 U.S.C. 3838(h)-3838(i)), in excess of \$120,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (6) *an Environmental Quality Incentives Program as authorized by sections 1240-1240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa-3839aa(8)), in excess of \$1,200,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (7) *a Plant Pest and Disease Management and Disaster Prevention Program as authorized by subtitle A of the Plant Protection Act (7 U.S.C. 7721 et seq.) in excess of \$15,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.*
- (8) *a National Clean Plant Network as authorized by section 10202 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761). Funds made available for fiscal year 2010 for this program are hereby permanently cancelled.*

SECTION 716: *Limits the amount of funds available 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. 716. No funds shall be used to pay 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)) in excess of \$135,000,000. Funds exceeding this amount for fiscal year 2010 are hereby permanently cancelled.

SECTION 717: *Permanently cancels \$49,884,800 of the unobligated balances available to the Agricultural Research Service, Buildings and Facilities account except for amounts designated as emergency funds.*

SEC. 717. Of the unobligated balances available under the Buildings and Facilities Account for the Agricultural Research Service, \$49,884,800 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECTION 718: *Allows the Secretary to exceed the maximum amount of infant formula in regulation (by not more than a specified number of ounces) to allow all major manufacturers' products to remain eligible under the WIC Program. No additional Budget Authority would be necessary to support this provision.*

SEC. 718. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of reconstituted liquid concentrate infant formula specified in 7 C.F.R. 246.10 when issuing liquid concentrate infant formula to participants.