

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2001 - TITLE VIII (AGRICUL-
TURAL DISASTER ASSISTANCE)**

[Public Law 106-387]

[As Amended Through P.L. 110-246, Effective May 22, 2008]

【Currency: This publication is a compilation of the text of Public Law 106-387. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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¹ This table of contents is not part of the Act but is included for user convenience.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional \$35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 802. [Omitted-Amendment]

SEC. 803. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105-18, the term “livestock” shall have the same meaning as the term “livestock” under section 104 of Public Law 106-31.

SEC. 804. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities of the Commodity Credit Corporation to administer and make payments for losses not otherwise compensated to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernardino/Riverside counties in California since their imposition on November 16, 1999, and September 10, 1999, respectively; (b) compensate growers in relation to the Secretary’s “Declaration of Extraordinary Emergency” on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce’s disease; (d) compensate growers for losses due to watermelon sudden wilt disease; and (e) compensate growers for losses incurred due to infestations of grasshoppers and Mormon crickets: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 805. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 and to new dairy producers. Such payment, per unit of production used in such prior payments, shall be in an amount equal to 35 percent of the reduction in market value per unit of milk production in 2000, as determined by the Secretary, based, to the extent practicable, on price estimates as of the date of enactment of this Act, from the previous

5-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106-78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production which were applicable to the payments that were made to dairy producers under section 805 of Public Law 106-78, except that a producer may be paid for production up to 39,000 cwt: *Provided further*, That the Secretary shall also make payments to new dairy producers at the same per unit rate: *Provided further*, That for any dairy producers, including new dairy producers, whose base production was less than 12 months for purposes of section 805 of Public Law 106-78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the 12 months preceding the enactment of this section or the producer's base production under the program carried out under section 805 of Public Law 106-78 subject to such limitations which are applicable to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 806. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to \$490,000,000 to make and administer payments for livestock losses (including losses to elk, reindeer, bison, horses, and deer) using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: *Provided*, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: *Provided further*, That of the funds made available by this section, up to \$40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding: *Provided further*, That of the funds made available, the Secretary shall use not more than \$12,000,000 to carry out the American Indian Livestock Feed Program: *Provided further*, That of the funds made available by this section, the Secretary shall transfer \$5,000,000 to the State of Alabama to be used in conjunction with the program administered by the Alabama Department of Agriculture and Industries: *Provided further*, That of the funds made available by this section, the Secretary shall transfer not more than \$300,000 to the State of Montana for transportation needs associated with emergency haying and feeding: *Pro-*

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vided further, That of the funds made available by this section, the Secretary shall use not more than \$2,000,000 to carry out a program for income losses sustained before April 30, 2001, by individuals who raise poultry owned by other individuals as a result of Poult Enteritis Mortality Syndrome control programs, as determined by the Secretary: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for \$490,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 807. In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106-78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106-113 (113 Stat. 1536, 1501A-289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That such sums shall also be available to provide additional compensation to eligible agriculture producers of 1999 crop year citrus fruit for losses incurred due to the December 1998 freeze in California: *Provided further*, That such additional compensation, together with compensation previously provided by the Secretary of Agriculture for such losses does not exceed the level of compensation such producers would have received if such losses had occurred during the 1998 crop year: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 808. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the Wetlands Reserve Program: *Provided*, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of

the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 809. In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate, for economic losses not otherwise compensated, or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed \$2,400,000, the owners of all sheep destroyed from flocks within the period ending 20 days after the date of enactment of this Act under the Secretary's declarations of July 14, 2000, for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 810. (a) Subject to subsection (e), the Secretary of Agriculture shall pay Florida commercial citrus and lime growers \$26 for each commercial citrus or lime tree removed to control citrus canker in order to allow for tree replacement and associated business costs. Payments under this subsection shall be capped in accordance with the following trees per acre limitations:

- (1) in the case of grapefruit, 104 trees per acre;
- (2) in the case of valencias, 123 trees per acre;
- (3) in the case of navels, 118 trees per acre;
- (4) in the case of tangelos, 114 trees per acre;
- (5) in the case of limes, 154 trees per acre; and
- (6) in the case of other or mixed citrus, 104 trees per acre.

(b) The Secretary of Agriculture shall compensate Florida commercial citrus and lime growers for lost production, as determined by the Secretary of Agriculture, with respect to trees removed to control citrus canker.

(c) To receive assistance under this section, a tree referred to in subsection (a) or (b) must have been removed after January 1, 1986, and before September 30, 2002.

(d) In the case of a removed tree that was covered by a crop insurance tree policy, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by the indemnity received with respect to such a tree. In the case of a removed tree that was not covered by a crop insurance tree policy, although such insurance was available for the tree, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by 5 percent.

(e) The Secretary of Agriculture shall use \$58,000,000 of the funds of the Commodity Credit Corporation to carry out this section, to remain available until expended.

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(f) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 811. Notwithstanding any other provision of law, the Secretary of Agriculture shall use \$100,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple producers to provide relief for the loss of markets: *Provided*, That the amount of payment to each producer shall be made on a per pound basis equal to each qualifying producer's 1998 and 1999 production of apples: *Provided further*, That the grower shall establish eligibility for the amount of market loss payment upon either of the 2 crop years or an average of the 2 years: *Provided further*, That the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 1.6 million pounds: *Provided further*, That in addition to the assistance provided under this section, the Secretary of Agriculture shall use \$38,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple and potato producers to compensate them for quality losses to either or both their 1999 and 2000 crops due to fireblight or weather-related disaster, including but not limited to a hurricane or hail: *Provided further*, That these payments shall be made regardless of whether a crop was harvested and without limit: *Provided further*, That the producer shall be ineligible for payments under this section with respect to a market loss for apples or a quality loss for apples or potatoes to the extent of that amount that the producer received as compensation or assistance for the loss under any other Federal program, other than the Federal Crop Insurance Program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): *Provided further*, That the Secretary shall not establish any terms or conditions for grower eligibility, such as limits based upon gross income, other than those in this section: *Provided further*, That the assistance made available under this section for an eligible producer shall be made as soon as practicable after the enactment of this Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 812. (a) NONRE COURSE MARKETING ASSISTANCE LOANS.—

(1) The Secretary shall use funds of the Commodity Credit Corporation to make nonrecourse marketing assistance loans available to producers of the 2000 crop of honey.

(2) The loan rate for a marketing assistance loan under paragraph (1) for honey shall be 65 cents per pound.

(3) The Secretary shall permit producers to repay a marketing assistance nonrecourse loan under paragraph (1) at a rate that is the lesser of—

- (A) the loan rate for honey, plus interest (as determined by the Secretary); or
- (B) the prevailing domestic market price for honey, as determined by the Secretary.

(b) LOAN DEFICIENCY PAYMENTS.—

(1) The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) A loan deficiency payment under this subsection shall be determined by multiplying—

- (A) the loan payment rate determined under paragraph (3); by
- (B) the quantity of honey that the producer is eligible to place under loan, but for which the producer forgoes obtaining the loan in return for a payment under this subsection.

(3) For the purposes of this subsection, the loan payment rate shall be the amount by which—

- (A) the loan rate established under subsection (a)(2); exceeds
- (B) the rate at which a loan may be repaid under subsection (a)(3).

(c) In order to provide an orderly transition to the loans and payments provided under this section, the Secretary shall convert recourse loans for the 2000 crop of honey outstanding on the date of enactment of this Act to nonrecourse marketing assistance loans under subsection (a).

(d) LIMITATIONS.—

(1) The marketing assistance loan gains and loan deficiency payments that a person may receive for the 2000 crop of honey under this section shall be subject to the same limitations that apply to marketing assistance loans and loan deficiency payments received by producers of the same crop of other agricultural commodities.

(2) The Secretary shall carry out this section in such a manner as to minimize forfeitures of honey marketing assistance loans.

(e) The Secretary shall make loans and loan deficiency payments under this section available to producers beginning not later than 30 days after the date of enactment of this Act.

(f) In the case of a producer that marketed or redeemed, before, on, or within 30 days after the date of the enactment of this Act, a quantity of an eligible 2000 crop for which the producer has not received a loan deficiency payment or marketing loan gain under this section, the producer shall be eligible to receive a payment from the Secretary of Agriculture under this section in an amount equal to the payment or gain that the producer would have received for that quantity of eligible production as of the date on

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which the producer lost beneficial interest in the quantity or redeemed the quantity, as determined by the Secretary.

(g) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 813. The Secretary shall use up to \$10,000,000 of the funds of the Commodity Credit Corporation to make livestock indemnity payment to producers on a farm that have incurred livestock losses during calendar year 2000 due to a disaster, as determined by the Secretary, including losses due to fires and anthrax: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 814. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation, not to exceed \$20,000,000, to make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year: *Provided*, That the payment rate for producers of wool and mohair shall be equal to \$0.40 per pound: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 815. (a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”) shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including using the same loss thresholds for quantity and economic losses as were used in administering that section.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to crop diseases and insects) associated with crops that are, as determined by the Secretary—

- (1) quantity losses for the 2000 crop;
- (2) quality losses for the 2000 crop; or
- (3) severe economic losses for the 2000 crop.

(d) QUALITY LOSSES.—

(1) AMOUNT OF QUALITY LOSS.—The amount of a quality loss for a crop of producers on a farm under subsection (c)(2) shall be equal to the difference between—

- (A) the per unit market value of the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and
- (B) the per unit market value of the units of the crop affected by the quality loss.

(2) AMOUNT OF QUALITY LOSS PAYMENT.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

- (A) 65 percent of the quantity of the crop affected by the quality loss that was produced on the farm; by
- (B) 65 percent of the per unit quality loss for the crop determined under paragraph (1).

(3) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 20 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(e) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters, including—

(1) irrigated crops that, due to lack of water or contamination by saltwater intrusion of an irrigation supply resulting from drought conditions, were planted and suffered a loss or were prevented from being planted;

- (2) pecans; and

(3) nursery losses in the State of Florida that occur, because of disaster, during the period beginning on October 1, 2000, and ending on December 31, 2000. Calculations of the amount of such losses shall be made independently of other losses of the producer, and such losses shall be subject to a separate limit on payment amounts as may otherwise apply. Any payment under this section for such losses shall for all purposes, present and future, be considered to be a 2000 crop payment, and such compensated losses shall be ineligible for any assistance that may become available for 2001 crop losses.

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(f) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(g) LIMITATION ON PAYMENTS FOR MULTIPLE LOSSES ON SAME ACREAGE.—Notwithstanding subsection (d), a producer may not receive assistance under this section for losses to more than one 2000 crop on the same acreage unless there is an established practice of planting two or more crops for harvest on such acreage in the same crop year, as determined by the Secretary. The Secretary shall give a producer that is not covered by the exception in the previous sentence an opportunity to designate the 2000 crop for which the producer requests assistance under this section.

(h) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 816. Of the amounts made available to the Secretary for the purchase of specialty crops under sections 203(d) and 261(a)(2) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224), the Secretary shall use not less than \$30,000,000 to purchase cranberry juice concentrate and frozen cranberry fruit: *Provided*, That section 203(d)(1) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224) is amended by inserting “or cranberry products (including cranberry juice concentrate and frozen cranberry fruit)” after “cranberries”: *Provided further*, That in this section, the term “farm unit” means a separate and distinct farming operation that reports independent production information to the Cranberry Marketing Committee: *Provided further*, That to provide assistance for loss of markets for cranberries, the Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to make payments to cranberry producers: *Provided further*, That subject to this section and such other terms and conditions as are determined by the Secretary, a payment under this section shall be made on the basis of the quantity of the 1999 crop of cranberries that was produced on each farm unit: *Provided further*, That the maximum quantity of the 1999 crop of cranberries for which producers are eligible for a payment for a farm unit under this section shall be 1,600,000 pounds: *Provided further*, That subject to this section, the Secretary shall take such actions as are necessary to ensure that payments made under this section do not duplicate payments provided under other Federal programs for the same loss: *Provided further*, That this shall not apply to an indemnity provided under a policy or plan of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emer-

gency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 817. [Omitted-Amendment]

SEC. 818. [Omitted-Amendment]

SEC. 819. The Secretary of Agriculture shall use up to \$2,500,000 of the funds of the Commodity Credit Corporation to provide financial assistance to the State of South Carolina to capitalize the South Carolina Grain Dealers Guaranty Fund: *Provided*, That these funds shall only be available if the State of South Carolina provides an equal amount in the form of a grant to the South Carolina Grain Dealers Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 820. (a) The Secretary of Agriculture may use funds made available under sections 211(a) and 211(b), and 133(b) of the Agricultural Risk Protection Act of 2000 to provide technical assistance to farmers and ranchers for the purposes described in sections 211(a) and 211(b), and 133(b) of that Act; and

(b) The Secretary of Agriculture may use funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) to provide additional funding for the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996, and for the Farmland Protection Program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 in such sums as the Secretary considers necessary to carry out that program.

(c) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 821. [Omitted-Amendment]

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SEC. 830. Any funds appropriated by Cerro Grande Fire Supplemental as contained in Public Law 106-246 for the Emergency Conservation Program not required to meet the purposes of rehabilitating farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government may be used by the Secretary of Agriculture for activities mandated under

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the Emergency Conservation Program authorized under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) consistent with the cost-share requirements of that program: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

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SEC. 832. Funds appropriated by this Act and Public Law 106-113 to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans and emergency loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 833. [Omitted-Amendment]

SEC. 834. For an additional amount for grants under sections 231(a) and 261(a)(2) of the Agricultural Risk Protection Act of 2000, \$10,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 835. For an additional amount for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under section 310B(a)(1) of the Consolidated Farm and Rural Development Act, \$10,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 836. [Omitted-Amendment]

SEC. 837. Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308 (1)), the total amount of the payments specified in section 1001(3) of that Act or section 812 of this Act that a person shall be entitled to receive under the Agricultural

Market Transition Act (7 U.S.C. 7201 et seq.) for one or more contract commodities, oilseeds and for honey under section 812 of this Act produced during the 2000 crop year may not exceed \$150,000: *Provided*, That in carrying out this section, the Secretary shall allow a producer that has marketed or redeemed a quantity of an eligible 2000 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) or section 812 of this Act to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 838. Notwithstanding any other provision of law, the Secretary shall extend until the date that is 60 days after the date of enactment of this Act the final eligibility date for marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for rice of special grade designations, as determined by the Secretary, that was made eligible for the loans by the Secretary during December 1999; and for which producers were not notified of the eligibility period for the loans: *Provided*, That producers on a farm that lost a beneficial interest in rice after the date on which the rice was made ineligible for loans and loan deficiency payments by the Secretary shall be eligible to obtain loan deficiency payments based on the payment rate that was in effect on the last date of eligibility for the loans before the date of enactment of this Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 839. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into contracts with livestock producers for the purpose of controlling the buildup of grasses, forbs and other natural fuels that contribute to the threat of wildfire on rangelands administered by the Secretary: *Provided*, That such contracts are provided from within discretionary funds.

SEC. 840. As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement sections 804, 805, 806, 809, 810, 811, 812, 814, 815, 816, 836, 837, 838, 839, 841, 843, 844, and 845 of this title: *Provided*, That the issuance of the regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): *Provided further*, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Sec. 841 FY01 NATURAL DISASTER AND EMERGENCY ASSISTANCE**14**

SEC. 841. The Secretary of Agriculture shall use funds of the Commodity Credit Corporation to make a payment to each eligible person described in section 204(b)(1)(A) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224) without regard to section 204(b)(1)(A)(ii) of that Act: *Provided*, That the Secretary shall make a payment to an eligible person described in this section in the same amount as is payable to an eligible person under section 204 of that Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 842. Payments made from amounts appropriated pursuant to this title shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code.

SEC. 843. The Secretary of Agriculture shall use not more than \$20,000,000 of funds of the Commodity Credit Corporation to make payments to producers of tomatoes, pears, peaches, and apricots that suffered a loss because of the insolvency of an agriculture co-operative in the State of California: *Provided*, That the amount of a payment made to a producer under this section shall not exceed 50 percent of the loss referred to in this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 844. LOAN FORFEITURES OF BURLEY TOBACCO, FLUE-CURED, AND CIGAR BINDER TYPE 54-55.²

(a) IN GENERAL.—Notwithstanding sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2)—

(1) a producer-owned cooperative marketing association, without further cost to the association, may fully settle a loan made for the 1999 crop of Burley, Flue-cured, or Cigar Binder Type 54-55 tobacco by forfeiting to the Commodity Credit Corporation the Burley, Flue-cured, or Cigar Binder Type 54-55 tobacco covered by the loan regardless of the condition of the tobacco;

(2) any losses to the Commodity Credit Corporation as a result of paragraph (1)—

(A) shall not be charged to the No Net Cost Tobacco Account; and

²Effective during fiscal year 2003, sec. 214 of the Agricultural Assistance Act of 2003 (P.L. 108-7; 117 Stat. 546; Feb. 20, 2003) amended sec. 844.

(B) shall not affect the amount of any assessment imposed against Burley, Flue-cured, Cigar Binder Type 54–55, or any other kind of tobacco under sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445–2); and

(3) any tobacco forfeited pursuant to this section shall not be—

(A) counted for the purpose of determining the Burley, Flue-cured, or Cigar Binder Type 54–55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.); or

(B) sold for use in the United States.

(b) EMERGENCY REQUIREMENT.—

(1) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

* * * * *

SEC. 778. Notwithstanding section 723 of this Act or any other provision of law, there are hereby appropriated \$26,000,000, to remain available until expended, for the program authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$26,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.³

³This section was added by section 105 of the Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554; 114 Stat. 2763A–172). The amendment probably was intended to be made to title VII rather than title VIII of the the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.