

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2207

Making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2007

Mr. OBEY introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Agricultural Disaster  
5 Assistance and Western States Emergency Unfinished  
6 Business Appropriations Act, 2007”.

7       **SEC. 2. TABLE OF CONTENTS.**

8       The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

**1 SEC. 3. STATEMENT OF APPROPRIATIONS.**

2 The following sums in this Act are appropriated, out  
3 of any money in the Treasury not otherwise appropriated,  
4 for the fiscal year ending September 30, 2007.

**5 TITLE I—AGRICULTURAL  
6 ASSISTANCE****7 SEC. 1001. CROP DISASTER ASSISTANCE.**

8 (a) ASSISTANCE AVAILABLE.—There are hereby ap-  
9 propriated to the Secretary of Agriculture such sums as  
10 are necessary, to remain available until expended, to make  
11 emergency financial assistance available to producers on  
12 a farm that incurred qualifying quantity or quality losses  
13 for the 2005 or 2006 crop, or that part of the 2007 crop  
14 year before February 28, 2007, due to damaging weather  
15 or any related condition (including losses due to crop dis-  
16 eases, insects, and delayed planting), as determined by the  
17 Secretary. However, to be eligible for assistance, the crop  
18 subject to the loss must have been planted before Feb-  
19 ruary 28, 2007 or, in the case of prevented planting or  
20 other total loss, would have been planted before February  
21 28, 2007 in the absence of the damaging weather or any  
22 related condition.

23 (b) ELECTION OF CROP YEAR.—If a producer in-  
24 curred qualifying crop losses in more than one of the

1 2005, 2006, or 2007 crop years, the producer shall elect  
2 to receive assistance under this section for losses incurred  
3 in only one of such crop years. The producer may not re-  
4 ceive assistance under this section for more than one crop  
5 year.

6 (c) ADMINISTRATION.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary of Agriculture shall make  
9 assistance available under this section in the same  
10 manner as provided under section 815 of the Agri-  
11 culture, Rural Development, Food and Drug Admin-  
12 istration and Related Agencies Appropriations Act,  
13 2001 (Public Law 106–387; 114 Stat. 1549A–55),  
14 including using the same loss thresholds for quantity  
15 and economic losses as were used in administering  
16 that section, except that the payment rate shall be  
17 50 percent of the established price, instead of 65  
18 percent.

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

24 (d) QUALITY LOSSES.—

1           (1) IN GENERAL.—Subject to paragraph (3),  
2           the amount of a payment made to producers on a  
3           farm for a quality loss for a crop under subsection  
4           (a) shall be equal to the amount obtained by multi-  
5           plying—

6                   (A) 65 percent of the payment quantity de-  
7                   termined under paragraph (2); by

8                   (B) 50 percent of the payment rate deter-  
9                   mined under paragraph (3).

10           (2) PAYMENT QUANTITY.—For the purpose of  
11           paragraph (1)(A), the payment quantity for quality  
12           losses for a crop of a commodity on a farm shall  
13           equal the lesser of—

14                   (A) the actual production of the crop af-  
15                   fected by a quality loss of the commodity on the  
16                   farm; or

17                   (B) the quantity of expected production of  
18                   the crop affected by a quality loss of the com-  
19                   modity on the farm, using the formula used by  
20                   the Secretary of Agriculture to determine quan-  
21                   tity losses for the crop of the commodity under  
22                   subsection (a).

23           (3) PAYMENT RATE.—For the purpose of para-  
24           graph (1)(B) and in accordance with paragraphs (5)  
25           and (6), the payment rate for quality losses for a

1 crop of a commodity on a farm shall be equal to the  
2 difference between—

3 (A) the per unit market value that the  
4 units of the crop affected by the quality loss  
5 would have had if the crop had not suffered a  
6 quality loss; and

7 (B) the per unit market value of the units  
8 of the crop affected by the quality loss.

9 (4) ELIGIBILITY.—For producers on a farm to  
10 be eligible to obtain a payment for a quality loss for  
11 a crop under subsection (a), the amount obtained by  
12 multiplying the per unit loss determined under para-  
13 graph (1) by the number of units affected by the  
14 quality loss shall be at least 25 percent of the value  
15 that all affected production of the crop would have  
16 had if the crop had not suffered a quality loss.

17 (5) MARKETING CONTRACTS.—In the case of  
18 any production of a commodity that is sold pursuant  
19 to one or more marketing contracts (regardless of  
20 whether the contract is entered into by the pro-  
21 ducers on the farm before or after harvest) and for  
22 which appropriate documentation exists, the quan-  
23 tity designated in the contracts shall be eligible for  
24 quality loss assistance based on the one or more  
25 prices specified in the contracts.

1           (6) OTHER PRODUCTION.—For any additional  
2 production of a commodity for which a marketing  
3 contract does not exist or for which production con-  
4 tinues to be owned by the producer, quality losses  
5 shall be based on the average local market discounts  
6 for reduced quality, as determined by the appro-  
7 priate State committee of the Farm Service Agency.

8           (7) QUALITY ADJUSTMENTS AND DISCOUNTS.—  
9 The appropriate State committee of the Farm Serv-  
10 ice Agency shall identify the appropriate quality ad-  
11 justment and discount factors to be considered in  
12 carrying out this subsection, including—

13                   (A) the average local discounts actually ap-  
14 plied to a crop; and

15                   (B) the discount schedules applied to loans  
16 made by the Farm Service Agency or crop in-  
17 surance coverage under the Federal Crop Insur-  
18 ance Act (7 U.S.C. 1501 et seq.).

19           (8) ELIGIBLE PRODUCTION.—The Secretary of  
20 Agriculture shall carry out this subsection in a fair  
21 and equitable manner for all eligible production, in-  
22 cluding the production of fruits and vegetables,  
23 other specialty crops, and field crops.

24           (e) PAYMENT LIMITATIONS.—

1           (1) LIMIT ON AMOUNT OF ASSISTANCE.—As-  
2           sistance provided under this section to a producer  
3           for losses to a crop, together with the amounts speci-  
4           fied in paragraph (2) applicable to the same crop,  
5           may not exceed 95 percent of what the value of the  
6           crop would have been in the absence of the losses,  
7           as estimated by the Secretary of Agriculture.

8           (2) OTHER PAYMENTS.—In applying the limita-  
9           tion in paragraph (1), the Secretary shall include the  
10          following:

11           (A) Any crop insurance payment made  
12          under the Federal Crop Insurance Act (7  
13          U.S.C. 1501 et seq.) or payment under section  
14          196 of the Federal Agricultural Improvement  
15          and Reform Act of 1996 (7 U.S.C. 7333) that  
16          the producer receives for losses to the same  
17          crop.

18           (B) The value of the crop that was not lost  
19          (if any), as estimated by the Secretary.

20          (f) ELIGIBILITY REQUIREMENTS AND LIMITA-  
21          TIONS.—The producers on a farm shall not be eligible for  
22          assistance under this section with respect to losses to an  
23          insurable commodity or noninsurable commodity if the  
24          producers on the farm—

1           (1) in the case of an insurable commodity, did  
2 not obtain a policy or plan of insurance for the in-  
3 surable commodity under the Federal Crop Insur-  
4 ance Act (7 U.S.C. 1501 et seq.) for the crop incur-  
5 ring the losses;

6           (2) in the case of a noninsurable commodity,  
7 did not file the required paperwork, and pay the ad-  
8 ministrative fee by the applicable State filing dead-  
9 line, for the noninsurable commodity under section  
10 196 of the Federal Agriculture Improvement and  
11 Reform Act of 1996 (7 U.S.C. 7333) for the crop  
12 incurring the losses; or

13           (3) were not in compliance with highly erodible  
14 land conservation and wetland conservation provi-  
15 sions.

16 (g) TIMING.—

17           (1) IN GENERAL.—Subject to paragraph (2),  
18 the Secretary of Agriculture shall make payments to  
19 producers on a farm for a crop under this section  
20 not later than 60 days after the date the producers  
21 on the farm submit to the Secretary a completed ap-  
22 plication for the payments.

23           (2) INTEREST.—If the Secretary does not make  
24 payments to the producers on a farm by the date de-  
25 scribed in paragraph (1), the Secretary shall pay to



1 the producers on a farm interest on the payments at  
2 a rate equal to the current (as of the sign-up dead-  
3 line established by the Secretary) market yield on  
4 outstanding, marketable obligations of the United  
5 States with maturities of 30 years.

6 (h) DEFINITIONS.—In this section:

7 (1) INSURABLE COMMODITY.—The term “insur-  
8 able commodity” means an agricultural commodity  
9 (excluding livestock) for which the producers on a  
10 farm are eligible to obtain a policy or plan of insur-  
11 ance under the Federal Crop Insurance Act (7  
12 U.S.C. 1501 et seq.).

13 (2) NONINSURABLE COMMODITY.—The term  
14 “noninsurable commodity” means a crop for which  
15 the producers on a farm are eligible to obtain assist-  
16 ance under section 196 of the Federal Agriculture  
17 Improvement and Reform Act of 1996 (7 U.S.C.  
18 7333).

19 **SEC. 1002. LIVESTOCK ASSISTANCE.**

20 (a) LIVESTOCK COMPENSATION PROGRAM.—

21 (1) AVAILABILITY OF ASSISTANCE.—There are  
22 hereby appropriated to the Secretary of Agriculture  
23 such sums as are necessary, to remain available  
24 until expended, to carry out the livestock compensa-  
25 tion program established under subpart B of part

1 1416 of title 7, Code of Federal Regulations, as an-  
2 nounced by the Secretary on February 12, 2007 (72  
3 Fed. Reg. 6443), to provide compensation for live-  
4 stock losses between January 1, 2005 and February  
5 28, 2007, due to a disaster, as determined by the  
6 Secretary (including losses due to blizzards that  
7 started in 2006 and continued into January 2007).  
8 However, the payment rate for compensation under  
9 this subsection shall be 70 percent of the payment  
10 rate otherwise applicable under such program. In  
11 addition, section 1416.102(b)(2)(ii) of title 7, Code  
12 of Federal Regulations (72 Fed. Reg. 6444) shall  
13 not apply.

14 (2) ELIGIBLE APPLICANTS.—In carrying out  
15 the program described in paragraph (1), the Sec-  
16 retary shall provide assistance to any applicant  
17 that—

18 (A) conducts a livestock operation that is  
19 located in a disaster county with eligible live-  
20 stock specified in paragraph (1) of section  
21 1416.102(a) of title 7, Code of Federal Regula-  
22 tions (72 Fed. Reg. 6444), an animal described  
23 in section 10806(a)(1) of the Farm Security  
24 and Rural Investment Act of 2002 (21 U.S.C.  
25 321d(a)(1)), or other animals designated by the

1 Secretary as livestock for purposes of this sub-  
2 section; and

3 (B) meets the requirements of paragraphs  
4 (3) and (4) of section 1416.102(a) of title 7,  
5 Code of Federal Regulations, and all other eligi-  
6 bility requirements established by the Secretary  
7 for the program.

8 (3) ELECTION OF LOSSES.—

9 (A) If a producer incurred eligible livestock  
10 losses in more than one of the 2005, 2006, or  
11 2007 calendar years, the producer shall elect to  
12 receive payments under this subsection for  
13 losses incurred in only one of such calendar  
14 years, and such losses must have been incurred  
15 in a county declared or designated as a disaster  
16 county in that same calendar year.

17 (B) Producers may elect to receive com-  
18 pensation for losses in the calendar year 2007  
19 grazing season that are attributable to wildfires  
20 occurring during the applicable period, as deter-  
21 mined by the Secretary.

22 (4) MITIGATION.—In determining the eligibility  
23 for or amount of payments for which a producer is  
24 eligible under the livestock compensation program,  
25 the Secretary shall not penalize a producer that

1 takes actions (recognizing disaster conditions) that  
2 reduce the average number of livestock the producer  
3 owned for grazing during the production year for  
4 which assistance is being provided.

5 (5) DEFINITIONS.—In this subsection:

6 (A) DISASTER COUNTY.—The term “dis-  
7 aster county” means—

8 (i) a county included in the geo-  
9 graphic area covered by a natural disaster  
10 declaration; and

11 (ii) each county contiguous to a coun-  
12 ty described in clause (i).

13 (B) NATURAL DISASTER DECLARATION.—  
14 The term “natural disaster declaration”  
15 means—

16 (i) a natural disaster declared by the  
17 Secretary between January 1, 2005 and  
18 February 28, 2007, under section 321(a)  
19 of the Consolidated Farm and Rural De-  
20 velopment Act (7 U.S.C. 1961(a));

21 (ii) a major disaster or emergency  
22 designated by the President between Janu-  
23 ary 1, 2005 and February 28, 2007, under  
24 the Robert T. Stafford Disaster Relief and

1           Emergency Assistance Act (42 U.S.C.  
2           5121 et seq.); or

3                   (iii) a determination of a Farm Serv-  
4           ice Agency Administrator's Physical Loss  
5           Notice if such notice applies to a county  
6           included under (ii).

7           (b) LIVESTOCK INDEMNITY PAYMENTS.—

8                   (1) AVAILABILITY OF ASSISTANCE.—There are  
9           hereby appropriated to the Secretary of Agriculture  
10          such sums as are necessary, to remain available  
11          until expended, to make livestock indemnity pay-  
12          ments to producers on farms that have incurred live-  
13          stock losses between January 1, 2005 and February  
14          28, 2007, due to a disaster, as determined by the  
15          Secretary (including losses due to blizzards that  
16          started in 2006 and continued into January 2007)  
17          in a disaster county. To be eligible for assistance,  
18          applicants must meet all eligibility requirements es-  
19          tablished by the Secretary for the program.

20                   (2) ELECTION OF LOSSES.—If a producer in-  
21          curred eligible livestock losses in more than one of  
22          the 2005, 2006, or 2007 calendar years, the pro-  
23          ducer shall elect to receive payments under this sub-  
24          section for losses incurred in only one of such cal-  
25          endar years. The producer may not receive payments

1 under this subsection for more than one calendar  
2 year.

3 (3) PAYMENT RATES.—Indemnity payments to  
4 a producer on a farm under paragraph (1) shall be  
5 made at a rate of not less than 30 percent of the  
6 market value of the applicable livestock on the day  
7 before the date of death of the livestock, as deter-  
8 mined by the Secretary.

9 (4) LIVESTOCK DEFINED.—In this subsection,  
10 the term “livestock” means an animal that—

11 (A) is specified in clause (i) of section  
12 1416.203(a)(2) of title 7, Code of Federal Reg-  
13 ulations (72 Fed. Reg. 6445), or is designated  
14 by the Secretary as livestock for purposes of  
15 this subsection; and

16 (B) meets the requirements of clauses (iii)  
17 and (iv) of such section.

18 (5) DEFINITIONS.—In this subsection:

19 (A) DISASTER COUNTY.—The term “dis-  
20 aster county” means—

21 (i) a county included in the geo-  
22 graphic area covered by a natural disaster  
23 declaration; and

24 (ii) each county contiguous to a coun-  
25 ty described in clause (i).

1 (B) NATURAL DISASTER DECLARATION.—

2 The term “natural disaster declaration”  
3 means—

4 (i) a natural disaster declared by the  
5 Secretary between January 1, 2005 and  
6 February 28, 2007 under section 321(a) of  
7 the Consolidated Farm and Rural Develop-  
8 ment Act (7 U.S.C. 1961(a));

9 (ii) a major disaster or emergency  
10 designated by the President between Janu-  
11 ary 1, 2005 and February 28, 2007 under  
12 the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C.  
14 5121 et seq.); or

15 (iii) a determination of a Farm Serv-  
16 ice Agency Administrator’s Physical Loss  
17 Notice if such notice applies to a county  
18 included under (ii).

19 **SEC. 1003. EMERGENCY CONSERVATION PROGRAM.**

20 There is hereby appropriated to the Secretary of Ag-  
21 riculture \$20,000,000, to remain available until expended,  
22 to provide assistance under the Emergency Conservation  
23 Program under title IV of the Agriculture Credit Act of  
24 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restora-  
25 tion of farm and agricultural production lands.

1 **SEC. 1004. PAYMENT LIMITATIONS.**

2 (a) REDUCTION IN PAYMENTS TO REFLECT PAY-  
3 MENTS FOR SAME OR SIMILAR LOSSES.—The amount of  
4 any payment for which a producer is eligible under sec-  
5 tions 5101 and 5102 shall be reduced by any amount re-  
6 ceived by the producer for the same loss or any similar  
7 loss under—

8 (1) the Department of Defense, Emergency  
9 Supplemental Appropriations to Address Hurricanes  
10 in the Gulf of Mexico, and Pandemic Influenza Act,  
11 2006 (Public Law 109–148; 119 Stat. 2680);

12 (2) an agricultural disaster assistance provision  
13 contained in the announcement of the Secretary on  
14 January 26, 2006, or August 29, 2006; or

15 (3) the Emergency Supplemental Appropria-  
16 tions Act for Defense, the Global War on Terror,  
17 and Hurricane Recovery, 2006 (Public Law 109–  
18 234; 120 Stat. 418).

19 (b) ADJUSTED GROSS INCOME LIMITATION.—Section  
20 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–  
21 3a) shall apply with respect to assistance provided under  
22 sections 5101, 5102, and 5103.

23 **SEC. 1005. ADMINISTRATION.**

24 (a) REGULATIONS.—The Secretary of Agriculture  
25 may promulgate such regulations as are necessary to im-  
26 plement sections 5101 and 5102.



1 (b) PROCEDURE.—The promulgation of the imple-  
2 menting regulations and the administration of sections  
3 5101 and 5102 shall be made without regard to—

4 (1) the notice and comment provisions of sec-  
5 tion 553 of title 5, United States Code;

6 (2) the Statement of Policy of the Secretary of  
7 Agriculture effective July 24, 1971 (36 Fed. Reg.  
8 13804), relating to notices of proposed rulemaking  
9 and public participation in rulemaking; and

10 (3) chapter 35 of title 44, United States Code  
11 (commonly known as the “Paperwork Reduction  
12 Act”).

13 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
14 MAKING.—In carrying out this section, the Secretary of  
15 Agriculture shall use the authority provided under section  
16 808 of title 5, United States Code.

17 (d) USE OF COMMODITY CREDIT CORPORATION;  
18 LIMITATION.—In implementing sections 5101 and 5102,  
19 the Secretary of Agriculture may use the facilities, serv-  
20 ices, and authorities of the Commodity Credit Corpora-  
21 tion. The Corporation shall not make any expenditures to  
22 carry out sections 5101 and 5102 unless funds have been  
23 specifically appropriated for such purpose.

1 **SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.**

2 Section 1502(c)(3) of the Farm Security and Rural  
3 Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amend-  
4 ed—

5 (1) in subparagraph (A), by adding “and” at  
6 the end;

7 (2) in subparagraph (B), by striking “August”  
8 and all that follows through the end and inserting  
9 “September 30, 2007, 34 percent.”; and

10 (3) by striking subparagraph (C).

11 **SEC. 1007. DAIRY ASSISTANCE.**

12 There is hereby appropriated \$20,000,000 to make  
13 payments to dairy producers for dairy production losses  
14 in disaster counties, as defined in section 1002 of this  
15 title, to remain available until expended.

16 **SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.**

17 For states in which there is a shortage of claims ad-  
18 justors, as determined by the Secretary, the Secretary  
19 shall permit the use of one claims adjustor certified by  
20 the Secretary in carrying out 7 CFR 1437.401.

21 **SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME**  
22 **MIGRANT AND SEASONAL FARMWORKERS.**

23 There is hereby appropriated \$21,000,000 to carry  
24 out section 2281 of the Food, Agriculture, Conservation  
25 and Trade Act of 1990 (42 U.S.C. 5177a), to remain  
26 available until expended.

1 **SEC. 1010. CONSERVATION SECURITY PROGRAM.**

2 Section 20115 of Public Law 110–5 is amended by  
3 striking “section 726” and inserting in lieu thereof “sec-  
4 tion 726; section 741”.

5 **SEC. 1011. ADMINISTRATIVE EXPENSES.**

6 There is hereby appropriated \$30,000,000 for the  
7 “Farm Service Agency, Salaries and Expenses”, to remain  
8 available until September 30, 2008.

9 **SEC. 1012. CONTRACT WAIVER.**

10 In carrying out crop disaster and livestock assistance  
11 in this title, the Secretary shall require forage producers  
12 to have participated in a crop insurance pilot program or  
13 the Non-Insured Crop Disaster Assistance Program dur-  
14 ing the crop year for which compensation is received.

15 **SEC. 1013. EMERGENCY DESIGNATION.**

16 Amounts in this title are designated as emergency re-  
17 quirements pursuant to section 402 of H. Con. Res. 95  
18 (109th Congress), and pursuant to section 501 of H. Con.  
19 Res. 376 (109th Congress) as made applicable to the  
20 House of Representatives by section 511(a)(4) of H. Res.  
21 6 (110th Congress).

1 **TITLE II—EMERGENCY APPRO-**  
2 **PRIATIONS FOR WESTERN**  
3 **STATES**

4 **CHAPTER 1—FISHERIES DISASTER**  
5 **ASSISTANCE**

6 DEPARTMENT OF COMMERCE  
7 NATIONAL OCEANIC AND ATMOSPHERIC  
8 ADMINISTRATION  
9 OPERATIONS, RESEARCH, AND FACILITIES

10 For an additional amount for “Operations, Research,  
11 and Facilities”, \$60,400,000, to remain available until  
12 September 30, 2008: *Provided*, That the National Marine  
13 Fisheries Service shall cause such amounts to be distrib-  
14 uted among eligible recipients of assistance for the com-  
15 mercial fishery failure designated under section 312(a) of  
16 the Magnuson-Stevens Fishery Conservation and Manage-  
17 ment Act (16 U.S.C. 1861a(a)) and declared by the Sec-  
18 retary of Commerce on August 10, 2006.

1     **CHAPTER 2—WILDLAND FIREFIGHTING**  
2                     **AND RURAL SCHOOLS**

3                     DEPARTMENT OF THE INTERIOR

4                     BUREAU OF LAND MANAGEMENT

5                     WILDLAND FIRE MANAGEMENT

6                     (INCLUDING TRANSFER OF FUNDS)

7             For an additional amount for “Wildland Fire Man-  
8 agement”, \$100,000,000, to remain available until ex-  
9 pended, for urgent wildland fire suppression activities:  
10 *Provided*, That such funds shall only become available if  
11 funds previously provided for wildland fire suppression will  
12 be exhausted imminently and the Secretary of the Interior  
13 notifies the House and Senate Committees on Appropria-  
14 tions in writing of the need for these additional funds: *Pro-*  
15 *vided further*, That such funds are also available for repay-  
16 ment to other appropriations accounts from which funds  
17 were transferred for wildfire suppression.

18                     DEPARTMENT OF AGRICULTURE

19                     FOREST SERVICE

20                     WILDLAND FIRE MANAGEMENT

21                     (INCLUDING TRANSFER OF FUNDS)

22             For an additional amount for “Wildland Fire Man-  
23 agement”, \$400,000,000, to remain available until ex-  
24 pended, for urgent wildland fire suppression activities:  
25 *Provided*, That such funds shall only become available if

1 funds provided previously for wildland fire suppression will  
2 be exhausted imminently and the Secretary of Agriculture  
3 notifies the House and Senate Committees on Appropria-  
4 tions in writing of the need for these additional funds: *Pro-*  
5 *vided further*, That such funds are also available for repay-  
6 ment to other appropriation accounts from which funds  
7 were transferred for wildfire suppression.

8           GENERAL PROVISION, THIS CHAPTER

9 **SEC. 2201. SECURE RURAL SCHOOLS.**

10           (a) For fiscal year 2007, payments shall be made  
11 from any revenues, fees, penalties, or miscellaneous re-  
12 ceipts described in sections 102(b)(3) and 103(b)(2) of the  
13 Secure Rural Schools and Community Self-Determination  
14 Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note),  
15 not to exceed \$100,000,000, and the payments shall be  
16 made, to the maximum extent practicable, in the same  
17 amounts, for the same purposes, and in the same manner  
18 as were made to States and counties in 2006 under that  
19 Act.

20           (b) There is appropriated \$425,000,000, to remain  
21 available until December 31, 2007, to be used to cover  
22 any shortfall for payments made under this section from  
23 funds not otherwise appropriated.

24           (c) Titles II and III of Public Law 106–393 are  
25 amended, effective September 30, 2006, by striking

1 “2006” and “2007” each place they appear and inserting  
2 “2007” and “2008”, respectively.

3 **CHAPTER 3—GENERAL PROVISION, THIS**  
4 **TITLE**

5 **SEC. 2301. EMERGENCY DESIGNATION.**

6 Amounts in this title are designated as emergency re-  
7 quirements pursuant to section 402 of H. Con. Res. 95  
8 (109th Congress), and pursuant to section 501 of H. Con.  
9 Res. 376 (109th Congress) as made applicable to the  
10 House of Representatives by section 511(a)(4) of H. Res.  
11 6 (110th Congress).

○