

106-78 - Department of Agriculture Appropriations, FY 2000

[As Amended Through P.L. 113–4, Effective March 7, 2013]

TABLE OF CONTENTS ^{1–1}

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

TITLE VII—GENERAL PROVISIONS

Sec. 709. Individual hardship cases.

TITLE VIII—EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

Subtitle A—Crop and Market Loss Assistance

Sec. 801. Crop loss assistance.
Sec. 802. Market loss assistance.
Sec. 803. Specialty crops.
Sec. 804. Oilseeds.
Sec. 805. Livestock and dairy.

Subtitle B—Other Assistance

Sec. 813. Limitation on marketing loan gains and loan deficiency payments.
Sec. 814. Assistance for purchase of additional crop insurance coverage.
Sec. 815. Forgiveness of certain water and waste disposal loans.
Sec. 817. Fisheries.
Sec. 818. Sense of the Congress regarding fast-track authority and future world trade organization negotiations.

Subtitle C—Administration

Sec. 821. Commodity Credit Corporation.
Sec. 822. Administrative costs.
Sec. 823. Emergency requirement.
Sec. 824. Regulations.
Sec. 825. Livestock and dairy assistance.

TITLE VII—GENERAL PROVISIONS

* * * * *

INDIVIDUAL HARDSHIP CASES

SEC. 709. **[7 U.S.C. 612c note]** Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

* * * * *

**TITLE VIII—EMERGENCY AND DIS-
ASTER ASSISTANCE FOR PRO-
DUCERS** ⁸⁰¹⁻¹

**Subtitle A—Crop and Market Loss
Assistance**

SEC. 801. [7 U.S.C. 1421 note] CROP LOSS ASSISTANCE.

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use \$1,200,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred losses in a 1999 crop due to a disaster, as determined by the Secretary.

(b) **ADMINISTRATION.**—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 as were used in administering that section.

(c) **QUALIFYING LOSSES.**—Assistance under this section may be made for losses associated with crops that are, as determined by the Secretary—

- (1) quantity losses;
- (2) quality losses; or
- (3) severe economic losses due to damaging weather or related condition.

(d) **CROPS COVERED.**—Assistance under this section shall be applicable to losses for all crops (including losses of trees from which a crop is harvested, livestock, and fisheries), as determined by the Secretary, due to disasters.

(e) **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.).

(f) **RICE LOAN DEFICIENCY PAYMENTS.**—In the case of producers of the 1999 crop of rice that harvested such rice on or before August 4, 1999, the Secretary may use funds made available under this section to—

- (1) make loan deficiency payments to producers that received, or that were eligible to receive, such payments under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) in a manner that results in the same total payment that would have been made if the payment had been requested by the producers on August 5, 1999; and
 - (2) recalculate any repayment made for a marketing assistance loan for the 1999 crop of rice on or before August 4, 1999, as if the repayment had been made on August 5, 1999.
- (g) **HONEY RECOURSE LOANS.**—

⁸⁰¹⁻¹ Title VIII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106–78).

(1) IN GENERAL.—Notwithstanding any other provision of law, in order to assist producers of honey to market their honey in an orderly manner during a period of disastrously low prices, the Secretary may use funds made available under this section to make available recourse loans to producers of the 1999 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) LOAN RATE.—The loan rate of the loans shall be 85 percent of the average price of honey during the 5-crop year period preceding the 1999 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(h) RECOURSE LOANS FOR MOHAIR.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, during fiscal year 2000, the Secretary may use funds made available under this section to make recourse loans available in accordance with section 137(c) of the Agricultural Market Transition Act (7 U.S.C. 7237(c)) to producers of mohair produced during or before that fiscal year.

(2) INTEREST.—Section 137(c)(4) of that Act shall not apply to a loan made under paragraph (1).

SEC. 802. [7 U.S.C. 1421 note] MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary shall use not more than \$5,544,453,000 of funds of the Commodity Credit Corporation to provide assistance to owners and producers on a farm that are eligible for final payments for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the contract payment received by the owners and producers for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(c) PROTECTION OF TENANTS AND SHARECROPPERS; SHARING OF PAYMENTS.—Sections 111(c) and 114(g) of the Agricultural Market Transition Act (7 U.S.C. 7211(c), 7214(g)) shall apply to the payments made under subsection (a).

SEC. 803. [7 U.S.C. 1421 note] SPECIALTY CROPS.

(a) PEANUTS.—

(1) IN GENERAL.—The Secretary shall use such amounts as are necessary of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 1999 crop year.

(2) AMOUNT.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) an amount equal to 5 percent of the loan rate established for quota peanuts or additional peanuts, respectively, under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271).

(b) **CONDITION ON PAYMENT OF SALARIES AND EXPENSES.**—None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out or enforce section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) through fiscal year 2001.

(c) **TOBACCO.**—

(1) **IN GENERAL.**—The Secretary shall use \$328,000,000 of funds of the Commodity Credit Corporation to make payments to States on behalf of persons described in paragraph (2) for the reduction in the quantity of quota allotted to certain farms under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) from the 1998 crop year to the 1999 crop year.

(2) **ELIGIBLE PERSONS.**—To be eligible to receive a payment under paragraphs (1) through (5), a person must own or operate, or produce tobacco on, a farm—

(A) for which the quantity of quota allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1998 crop year to the 1999 crop year; and

(B) that was used for the production of tobacco during the 1998 or 1999 crop year.

(3) **ALLOCATION TO STATES.**—The Secretary shall allocate funds made available under paragraph (1) to States with eligible persons described in paragraph (2) in proportion to the relative quantity of quota allotted to farms in the States that was reduced from the 1998 crop year to the 1999 crop year.

(4) **DISTRIBUTION BY STATES.**—

(A) **IN GENERAL.**—In the case of a State described in paragraph (3) that is a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in accordance with the formulas established pursuant to the Trust.

(B) **OTHER STATES.**—Subject to the approval of the Secretary, in the case of a State described in paragraph (3) that is not a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in a manner determined by the State.

(5) **ALTERNATIVE DISTRIBUTION.**—In lieu of making payments under this subsection to States, the Secretary may distribute funds directly to eligible persons using the facilities of private disbursing agents, facilities of the Farm Service Agency, or other available facilities.

(6) **FLUE-CURED TOBACCO.**—**[Omitted-Amendments]**

SEC. 804. [7 U.S.C. 1421 note] OILSEEDS.

(a) **IN GENERAL.**—The Secretary shall use \$475,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 1999 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) **COMPUTATION.**—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

- (1) a payment rate determined by the Secretary;
- (2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and
- (3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) **ACREAGE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the greater of—

(A) the number of acres planted to the oilseed by the producers on the farm during the 1997 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late); or

(B) the number of acres planted to the oilseed by the producers on the farm during the 1998 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(2) **NEW PRODUCERS.**—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) **YIELD.**—

(1) **SOYBEANS.**—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(2) **OTHER OILSEEDS.**—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 805. [7 U.S.C. 1421 note] LIVESTOCK AND DAIRY.

The Secretary shall use \$325,000,000 of funds of the Commodity Credit Corporation to provide assistance directly to livestock and dairy producers, in a manner determined appropriate by the Secretary, to compensate the producers for economic losses incurred during 1999.

SEC. 806. UPLAND COTTON.

【Omitted-Amendments】

SEC. 807. MILK.

【Omitted-Amendments】

Subtitle B—Other Assistance

SEC. 811. AUTHORITY FOR ADVANCE PAYMENT IN FULL OF REMAINING PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.

【Omitted-Amendment】

SEC. 812. COMMODITY CERTIFICATES.

【Omitted-Amendment】

SEC. 813. [7 U.S.C. 1421 note] LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.

(a) IN GENERAL.—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 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 and oilseeds produced during the 1999 crop year may not exceed \$150,000.

(b) 1999 MARKETINGS.—In carrying out subsection (a), the Secretary shall allow a producer that has marketed a quantity of an eligible 1999 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)

to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 814. [7 U.S.C. 1421 note] ASSISTANCE FOR PURCHASE OF ADDITIONAL CROP INSURANCE COVERAGE.

The Secretary shall transfer \$400,000,000 of funds of the Commodity Credit Corporation to the Federal Crop Insurance Corporation to be used to assist agricultural producers in purchasing additional coverage for the 2000 crop year (and 2001 crop year for citrus fruit, avocados in California, and macadamia nuts) under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 815. [7 U.S.C. 1421 note] FORGIVENESS OF CERTAIN WATER AND WASTE DISPOSAL LOANS.

The Secretary shall forgive the principal indebtedness and accrued interest owed by the City of Stroud, Oklahoma, to the Rural Utilities Service on water and waste disposal loans numbered 9105 and 9107.

SEC. 816. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

[Omitted-Amendments]

SEC. 817. [7 U.S.C. 1421 note] FISHERIES.

(a) NORTON SOUND FISHERIES FAILURE.—

(1) INCOME ELIGIBILITY.—

[Omitted-Amendment]

(2) EMERGENCY ASSISTANCE.—

[Omitted-Amendment]

(3) APPROPRIATION.—

(A) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until expended, to provide emergency disaster assistance to persons or entities affected by the 1999 fisheries failure in the Norton Sound region of Alaska.

(B) TRANSFER.—To carry out this paragraph, the Secretary shall transfer to the Secretary of Commerce for obligation and expenditure—

(i) \$10,000,000 for fiscal year 2001 for grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149); and

(ii) \$5,000,000 for fiscal year 2001 for carrying out section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

(b) COMMERCIAL FISHERIES FAILURE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until expended, which shall be transferred to the Department of Commerce to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(2) USE.—Amounts made available under this subsection shall be used to support cooperative research and management activities administered by the National Marine Fisheries Services and based on recommendations by the New England Fishery Management Council.

SEC. 818. [7 U.S.C. 1421 note] SENSE OF THE CONGRESS REGARDING FAST-TRACK AUTHORITY AND FUTURE WORLD TRADE ORGANIZATION NEGOTIATIONS.

It is the sense of the Congress that—

(1) the President should make a formal request for appropriate fast-track authority for future United States trade negotiations;

(2) regarding future World Trade Organization negotiations—

(A) rules for trade in agricultural commodities should be strengthened and trade-distorting import and export practices should be eliminated or substantially reduced;

(B) the rules of the World Trade Organization should be strengthened regarding the practices or policies of a foreign government that unreasonably—

(i) restrict market access for products of new technologies, including products of biotechnology; or

(ii) delay or preclude implementation of a report of a dispute panel of the World Trade Organization; and

(C) negotiations within the World Trade Organization should be structured so as to provide the maximum leverage possible to ensure the successful conclusion of negotiations on agricultural products;

(3) the President should—

(A) conduct a comprehensive evaluation of all existing export and food aid programs, including—

(i) the export credit guarantee program established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622);

(ii) the market access program established under section 203 of that Act (7 U.S.C. 5623);

(iii) the export enhancement program established under section 301 of that Act (7 U.S.C. 5651);

(iv) the foreign market development cooperator program established under section 702 of that Act (7 U.S.C. 5722); and

(v) programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

(B) transmit to Congress—

(i) the results of the evaluation under subparagraph (A); and

(ii) recommendations on maximizing the effectiveness of the programs described in subparagraph (A); and

(4) the Secretary should carry out a purchase and donation or concessional sales initiative in each of fiscal years 1999 and 2000 to promote the export of additional quantities of soybeans, beef, pork, poultry, and products of such commodities

(including soybean meal, soybean oil, textured vegetable protein, and soy protein concentrates and isolates) using programs established under—

(A) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);

(B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.); and

(D) the Food for Progress Act of 1985 (7 U.S.C. 1736o).

Subtitle C—Administration

SEC. 821. [7 U.S.C. 1421 note] COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 822. [7 U.S.C. 1421 note] ADMINISTRATIVE COSTS.

(a) RESERVATION OF FUNDS.—Subject to subsections (b) and (c), the Secretary may reserve up to \$56,000,000 of the amounts made available under subtitle A to cover administrative costs incurred by the Farm Service Agency directly related to carrying out that subtitle.

(b) PROPORTIONAL RESERVATION.—The amount reserved by the Secretary from the amounts made available under each section of subtitle A (other than section 802) shall bear the same proportion to the total amount reserved under subsection (a) as the administrative costs incurred by the Farm Service Agency to carry out that section (other than section 802) bear to the total administrative costs incurred by the Farm Service Agency to carry out that subtitle (other than section 802).

(c) EXCEPTION FOR MARKET LOSS ASSISTANCE.—The Secretary may not reserve any portion of the amount made available under section 802 to pay administrative costs.

SEC. 823. [7 U.S.C. 1421 note] EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title and the amendments made by this title 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. 824. [7 U.S.C. 1421 note] REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement subtitle A and the amendments made by subtitle A. The promulgation of the regulations and administration of subtitle A shall be made without regard to—

Sec. 825 106-78 - Department of Agriculture Appropriations... 18-10

(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").

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 825. [7 U.S.C. 1421 note] LIVESTOCK AND DAIRY ASSISTANCE.

(a) LIVESTOCK ASSISTANCE.—Of the funds provided in sections 801 and 805, no less than \$200,000,000 shall be in the form of assistance to livestock producers for losses due to drought or other natural disasters.

(b) DAIRY ASSISTANCE.—Of the funds provided in section 805, no less than \$125,000,000 shall be in the form of assistance to dairy producers.

(c) FORM OF ASSISTANCE.—Assistance for livestock losses shall be in the form of grants and or other in-kind assistance, but shall not include loans.