

109TH CONGRESS
2D SESSION

S. 3991

To provide emergency agricultural disaster assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2006

Mr. CONRAD (for himself, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. DORGAN, Mr. SALAZAR, Mr. COLEMAN, Mr. BAUCUS, Mr. JOHNSON, Mr. BURNS, Mr. HARKIN, Ms. CANTWELL, Mrs. CLINTON, Mr. SCHUMER, Mr. INOUE, Mr. THUNE, Mr. DURBIN, Mr. OBAMA, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide emergency agricultural disaster assistance, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Emergency Farm Relief Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

- Sec. 101. Crop disaster assistance.
- Sec. 102. Livestock assistance.
- Sec. 103. Flooded crop and grazing land.
- Sec. 104. Sugar beet disaster assistance.
- Sec. 105. Bovine tuberculosis herd indemnification.
- Sec. 106. Reduction in payments.

TITLE II—SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM

- Sec. 201. Small business economic loss grant program.

TITLE III—CONSERVATION

- Sec. 301. Emergency conservation program.
- Sec. 302. Emergency watershed protection program.
- Sec. 303. Environmental quality incentives program.

TITLE IV—FARM SERVICE AGENCY

- Sec. 401. Funding for additional personnel.

TITLE V—MISCELLANEOUS

- Sec. 501. Funding.
- Sec. 502. Regulations.

TITLE VI—EMERGENCY DESIGNATION

- Sec. 601. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADDITIONAL COVERAGE.**—The term “addi-
 4 tional coverage” has the meaning given the term in
 5 section 502(b)(1) of the Federal Crop Insurance Act
 6 (7 U.S.C. 1502(b)(1)).

7 (2) **DISASTER COUNTY.**—The term “disaster
 8 county” means—

9 (A) a county included in the geographic
 10 area covered by a natural disaster declaration;
 11 and

12 (B) each county contiguous to a county de-
 13 scribed in subparagraph (A).

1 (3) HURRICANE-AFFECTED COUNTY.—The term
2 “hurricane-affected county” means—

3 (A) a county included in the geographic
4 area covered by a natural disaster declaration
5 related to Hurricane Katrina, Hurricane Rita,
6 Hurricane Wilma, or a related condition; and

7 (B) each county contiguous to a county de-
8 scribed in subparagraph (A).

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

15 (5) LIVESTOCK.—The term “livestock” in-
16 cludes—

17 (A) cattle (including dairy cattle);

18 (B) bison;

19 (C) sheep;

20 (D) swine; and

21 (E) other livestock, as determined by the
22 Secretary.

23 (6) NATURAL DISASTER DECLARATION.—The
24 term “natural disaster declaration” means a natural
25 disaster declared by the Secretary during calendar

1 year 2005 or 2006 under section 321(a) of the Con-
 2 solidated Farm and Rural Development Act (7
 3 U.S.C. 1961(a)).

4 (7) NONINSURABLE COMMODITY.—The term
 5 “noninsurable commodity” means a crop for which
 6 the producers on a farm are eligible to obtain assist-
 7 ance under section 196 of the Federal Agriculture
 8 Improvement and Reform Act of 1996 (7 U.S.C.
 9 7333).

10 (8) SECRETARY.—The term “Secretary” means
 11 the Secretary of Agriculture.

12 **TITLE I—AGRICULTURAL** 13 **PRODUCTION LOSSES**

14 **SEC. 101. CROP DISASTER ASSISTANCE.**

15 (a) IN GENERAL.—The Secretary shall use such
 16 sums as are necessary of funds of the Commodity Credit
 17 Corporation to make emergency financial assistance au-
 18 thorized under this section available to producers on a
 19 farm that have incurred qualifying losses described in sub-
 20 section (c).

21 (b) ADMINISTRATION.—

22 (1) IN GENERAL.—Except as provided in para-
 23 graph (2), the Secretary shall make assistance avail-
 24 able under this section in the same manner as pro-
 25 vided under section 815 of the Agriculture, Rural

1 Development, Food and Drug Administration and
2 Related Agencies Appropriations Act, 2001 (Public
3 Law 106–387; 114 Stat. 1549A–55), including
4 using the same loss thresholds for quantity and eco-
5 nomic losses as were used in administering that sec-
6 tion, except that the payment rate shall be 50 per-
7 cent of the established price, instead of 65 percent.

8 (2) NONINSURED PRODUCERS.—For producers
9 on a farm that were eligible to acquire crop insur-
10 ance for the applicable production loss and failed to
11 do so or failed to submit an application for the non-
12 insured assistance program for the loss, the Sec-
13 retary shall make assistance in accordance with
14 paragraph (1), except that the payment rate shall be
15 35 percent of the established price, instead of 50
16 percent.

17 (c) QUALIFYING LOSSES.—Assistance under this sec-
18 tion shall be made available to producers on farms, other
19 than producers of sugar beets, that incurred qualifying
20 quantity or quality losses for the 2005 or 2006 crop due
21 to damaging weather or any related condition (including
22 losses due to crop diseases, insects, and delayed harvest),
23 as determined by the Secretary.

24 (d) QUALITY LOSSES.—

1 (1) IN GENERAL.—In addition to any payment
2 received under subsection (b), the Secretary shall
3 use such sums as are necessary of funds of the Com-
4 modity Credit Corporation to make payments to pro-
5 ducers on a farm described in subsection (a) that in-
6 curred a quality loss for the 2005 or 2006 crop, or
7 both, of a commodity in an amount equal to the
8 product obtained by multiplying—

9 (A) the payment quantity determined
10 under paragraph (2);

11 (B)(i) in the case of an insurable com-
12 modity, the coverage level elected by the insured
13 under the policy or plan of insurance under the
14 Federal Crop Insurance Act (7 U.S.C. 1501 et
15 seq.); or

16 (ii) in the case of a noninsurable com-
17 modity, the applicable coverage level for the
18 payment quantity determined under paragraph
19 (2); by

20 (C) 50 percent of the payment rate deter-
21 mined under paragraph (3).

22 (2) PAYMENT QUANTITY.—For the purpose of
23 paragraph (1)(A), the payment quantity for quality
24 losses for a crop of a commodity on a farm shall
25 equal the lesser of—

1 (A) the actual production of the crop af-
2 fected by a quality loss of the commodity on the
3 farm; or

4 (B)(i) in the case of an insurable com-
5 modity, the actual production history for the
6 commodity by the producers on the farm under
7 the Federal Crop Insurance Act (7 U.S.C. 1501
8 et seq.); or

9 (ii) in the case of a noninsurable com-
10 modity, the established yield for the crop for
11 the producers on the farm under section 196 of
12 the Federal Agriculture Improvement and Re-
13 form Act of 1996 (7 U.S.C. 7333).

14 (3) PAYMENT RATE.—

15 (A) IN GENERAL.—For the purpose of
16 paragraph (1)(B), the payment rate for quality
17 losses for a crop of a commodity on a farm
18 shall be equal to the difference between (as de-
19 termined by the applicable State committee of
20 the Farm Service Agency)—

21 (i) the per unit market value that the
22 units of the crop affected by the quality
23 loss would have had if the crop had not
24 suffered a quality loss; and

1 (ii) the per unit market value of the
2 units of the crop affected by the quality
3 loss.

4 (B) FACTORS.—In determining the pay-
5 ment rate for quality losses for a crop of a com-
6 modity on a farm, the applicable State com-
7 mittee of the Farm Service Agency shall take
8 into account—

9 (i) the average local market quality
10 discounts that purchasers applied to the
11 commodity during the first 2 months fol-
12 lowing the normal harvest period for the
13 commodity;

14 (ii) the loan rate and repayment rate
15 established for the commodity under the
16 marketing loan program established for the
17 commodity under subtitle B of title I of
18 the Farm Security and Rural Investment
19 Act of 2002 (7 U.S.C. 7931 et seq.);

20 (iii) the market value of the com-
21 modity if sold into a secondary market;
22 and

23 (iv) other factors determined appro-
24 priate by the committee.

25 (4) ELIGIBILITY.—

1 (A) IN GENERAL.—For producers on a
2 farm to be eligible to obtain a payment for a
3 quality loss for a crop under this subsection—

4 (i) the amount obtained by multi-
5 plying the per unit loss determined under
6 paragraph (1) by the number of units af-
7 fected by the quality loss shall be reduced
8 by the amount of any indemnification re-
9 ceived by the producers on the farm for
10 quality loss adjustment for the commodity
11 under a policy or plan of insurance under
12 the Federal Crop Insurance Act (7 U.S.C.
13 1501 et seq.); and

14 (ii) the remainder shall be at least 25
15 percent of the value that all affected pro-
16 duction of the crop would have had if the
17 crop had not suffered a quality loss.

18 (B) INELIGIBILITY.—If the amount of a
19 quality loss payment for a commodity for the
20 producers on a farm determined under this
21 paragraph is equal to or less than zero, the pro-
22 ducers on the farm shall be ineligible for assist-
23 ance for the commodity under this subsection.

24 (5) ELIGIBLE PRODUCTION.—The Secretary
25 shall carry out this subsection in a fair and equitable

1 manner for all eligible production, including the pro-
2 duction of fruits and vegetables, other specialty
3 crops, and field crops.

4 (e) TIMING.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 the Secretary shall make payments to producers on
7 a farm for a crop under this section not later than
8 60 days after the date the producers on the farm
9 submit to the Secretary a completed application for
10 the payments.

11 (2) INTEREST.—If the Secretary does not make
12 payments to the producers on a farm by the date de-
13 scribed in paragraph (1), the Secretary shall pay to
14 the producers on a farm interest on the payments at
15 a rate equal to the current (as of the sign-up dead-
16 line established by the Secretary) market yield on
17 outstanding, marketable obligations of the United
18 States with maturities of 30 years.

19 **SEC. 102. LIVESTOCK ASSISTANCE.**

20 (a) LIVESTOCK COMPENSATION PROGRAM.—

21 (1) USE OF COMMODITY CREDIT CORPORATION
22 FUNDS.—Effective beginning on the date of enact-
23 ment of this Act, the Secretary shall use funds of
24 the Commodity Credit Corporation to carry out the
25 2002 Livestock Compensation Program announced

1 by the Secretary on October 10, 2002 (67 Fed. Reg.
2 63070), to provide compensation for livestock losses
3 during calendar years 2005 and 2006 for losses due
4 to a disaster, as determined by the Secretary, except
5 that the payment rate shall be 75 percent of the
6 payment rate established for the 2002 Livestock
7 Compensation Program.

8 (2) ELIGIBLE APPLICANTS.—In carrying out
9 the program described in paragraph (1), the Sec-
10 retary shall provide assistance to any applicant for
11 livestock losses during calendar year 2005 or 2006,
12 or both, that—

13 (A)(i) conducts a livestock operation that
14 is located in a disaster county, including any
15 applicant conducting a livestock operation with
16 eligible livestock (within the meaning of the
17 livestock assistance program under section
18 101(b) of division B of Public Law 108–324
19 (118 Stat. 1234)); or

20 (ii) produces an animal described in sec-
21 tion 10806(a)(1) of the Farm Security and
22 Rural Investment Act of 2002 (21 U.S.C.
23 321d(a)(1));

24 (B) demonstrates to the Secretary that the
25 applicant suffered a material loss of pasture or

1 hay production, or experienced substantially in-
2 creased feed costs, due to damaging weather or
3 a related condition during the calendar year, as
4 determined by the Secretary; and

5 (C) meets all other eligibility requirements
6 established by the Secretary for the program.

7 (3) MITIGATION.—In determining the eligibility
8 for or amount of payments for which a producer is
9 eligible under the livestock compensation program,
10 the Secretary shall not penalize a producer that
11 takes actions (recognizing disaster conditions) that
12 reduce the average number of livestock the producer
13 owned for grazing during the production year for
14 which assistance is being provided.

15 (b) LIVESTOCK INDEMNITY PAYMENTS.—

16 (1) IN GENERAL.—The Secretary shall use such
17 sums as are necessary of funds of the Commodity
18 Credit Corporation to make livestock indemnity pay-
19 ments to producers on farms that have incurred live-
20 stock losses during calendar years 2005 and 2006
21 for losses that occurred prior to the date of enact-
22 ment of this Act (including wildfire disaster losses in
23 the State of Texas and other States) due to a dis-
24 aster, as determined by the Secretary, including

1 losses due to hurricanes, floods, anthrax, and
2 wildfires.

3 (2) 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 (c) EWE LAMB REPLACEMENT AND RETENTION.—

10 (1) IN GENERAL.—The Secretary shall use
11 \$13,000,000 of funds of the Commodity Credit Cor-
12 poration to make payments under the Ewe Lamb
13 Replacement and Retention Payment Program
14 under part 784 of title 7, Code of Federal Regula-
15 tions (or a successor regulation) for each qualifying
16 ewe lamb retained or purchased during the period
17 beginning on January 1, 2006, and ending on De-
18 cember 31, 2006.

19 (2) INELIGIBILITY FOR OTHER ASSISTANCE.—A
20 producer that receives assistance under this sub-
21 section shall not be eligible to receive assistance
22 under subsection (a).

23 **SEC. 103. FLOODED CROP AND GRAZING LAND.**

24 (a) IN GENERAL.—The Secretary shall compensate
25 eligible owners of flooded crop and grazing land in—

1 (1) the Devils Lake basin; and

2 (2) the McHugh, Lake Laretta, and Rose Lake
3 closed drainage areas of the State of North Dakota.

4 (b) ELIGIBILITY.—

5 (1) IN GENERAL.—To be eligible to receive
6 compensation under this section, an owner shall own
7 land described in subsection (a) that, during the 2
8 crop years preceding receipt of compensation, was
9 rendered incapable of use for the production of an
10 agricultural commodity or for grazing purposes (in
11 a manner consistent with the historical use of the
12 land) as the result of flooding, as determined by the
13 Secretary.

14 (2) INCLUSIONS.—Land described in paragraph
15 (1) shall include—

16 (A) land that has been flooded;

17 (B) land that has been rendered inacces-
18 sible due to flooding; and

19 (C) a reasonable buffer strip adjoining the
20 flooded land, as determined by the Secretary.

21 (3) ADMINISTRATION.—The Secretary may es-
22 tablish—

23 (A) reasonable minimum acreage levels for
24 individual parcels of land for which owners may
25 receive compensation under this section; and

1 (B) the location and area of adjoining
2 flooded land for which owners may receive com-
3 pensation under this section.

4 (c) SIGN-UP.—The Secretary shall establish a sign-
5 up program for eligible owners to apply for compensation
6 from the Secretary under this section.

7 (d) COMPENSATION PAYMENTS.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), the rate of an annual compensation pay-
10 ment under this section shall be equal to 90 percent
11 of the average annual per acre rental payment rate
12 (at the time of entry into the contract) for com-
13 parable crop or grazing land that has not been flood-
14 ed and remains in production in the county where
15 the flooded land is located, as determined by the
16 Secretary.

17 (2) REDUCTION.—An annual compensation
18 payment under this section shall be reduced by the
19 amount of any conservation program rental pay-
20 ments or Federal agricultural commodity program
21 payments received by the owner for the land during
22 any crop year for which compensation is received
23 under this section.

24 (3) EXCLUSION.—During any year in which an
25 owner receives compensation for flooded land under

1 this section, the owner shall not be eligible to par-
2 ticipate in or receive benefits for the flooded land
3 under—

4 (A) the Federal crop insurance program
5 established under the Federal Crop Insurance
6 Act (7 U.S.C. 1501 et seq.);

7 (B) the noninsured crop assistance pro-
8 gram established under section 196 of the Fed-
9 eral Agriculture Improvement and Reform Act
10 of 1996 (7 U.S.C. 7333); or

11 (C) any Federal agricultural crop disaster
12 assistance program.

13 (e) RELATIONSHIP TO AGRICULTURAL COMMODITY
14 PROGRAMS.—The Secretary, by regulation, shall provide
15 for the preservation of cropland base, allotment history,
16 and payment yields applicable to land described in sub-
17 section (a) that was rendered incapable of use for the pro-
18 duction of an agricultural commodity or for grazing pur-
19 poses as the result of flooding.

20 (f) USE OF LAND.—

21 (1) IN GENERAL.—An owner that receives com-
22 pensation under this section for flooded land shall
23 take such actions as are necessary to not degrade
24 any wildlife habitat on the land that has naturally
25 developed as a result of the flooding.

1 (2) RECREATIONAL ACTIVITIES.—To encourage
2 owners that receive compensation for flooded land to
3 allow public access to and use of the land for rec-
4 reational activities, as determined by the Secretary,
5 the Secretary may—

6 (A) offer an eligible owner additional com-
7 pensation; and

8 (B) provide compensation for additional
9 acreage under this section.

10 (g) FUNDING.—

11 (1) IN GENERAL.—The Secretary shall use
12 \$6,000,000 of funds of the Commodity Credit Cor-
13 poration to carry out this section.

14 (2) PRO-RATED PAYMENTS.—In a case in which
15 the amount made available under paragraph (1) for
16 a fiscal year is insufficient to compensate all eligible
17 owners under this section, the Secretary shall pro-
18 rate payments for that fiscal year on a per acre
19 basis.

20 **SEC. 104. SUGAR BEET DISASTER ASSISTANCE.**

21 (a) IN GENERAL.—The Secretary shall use
22 \$24,000,000 of funds of the Commodity Credit Corpora-
23 tion to provide assistance to sugar beet producers that suf-
24 fered production losses (including quality losses) for the
25 2005 crop year.

1 (b) REQUIREMENT.—The Secretary shall make pay-
2 ments under subsection (a) in the same manner as pay-
3 ments were made under section 208 of the Agricultural
4 Assistance Act of 2003 (Public Law 108–7; 117 Stat.
5 544), including using the same indemnity benefits as were
6 used in carrying out that section.

7 (c) HAWAII.—The Secretary shall use \$6,000,000 of
8 funds of the Commodity Credit Corporation to assist sug-
9 arcane growers in Hawaii by making a payment in that
10 amount to an agricultural transportation cooperative in
11 Hawaii, the members of which are eligible to obtain a loan
12 under section 156(a) of the Federal Agriculture Improve-
13 ment and Reform Act of 1996 (7 U.S.C. 7272(a)).

14 **SEC. 105. BOVINE TUBERCULOSIS HERD INDEMNIFICA-**
15 **TION.**

16 The Secretary shall use \$2,000,000 of funds of the
17 Commodity Credit Corporation to indemnify producers
18 that suffered losses to herds of cattle due to bovine tuber-
19 culosis during calendar year 2005.

20 **SEC. 106. REDUCTION IN PAYMENTS.**

21 The amount of any payment for which a producer is
22 eligible under this title shall be reduced by any amount
23 received by the producer for the same loss or any similar
24 loss under—

1 (1) the Department of Defense, Emergency
2 Supplemental Appropriations to Address Hurricanes
3 in the Gulf of Mexico, and Pandemic Influenza Act,
4 2006 (Public Law 109–148; 119 Stat. 2680);

5 (2) an agricultural disaster assistance provision
6 contained in the announcement of the Secretary on
7 January 26, 2006, or August 29, 2006;

8 (3) the Emergency Supplemental Appropria-
9 tions Act for Defense, the Global War on Terror,
10 and Hurricane Recovery, 2006 (Public Law 109-
11 234; 120 Stat. 418); or

12 (4) the Livestock Assistance Grant Program
13 announced by the Secretary on August 29, 2006.

14 **TITLE II—SMALL BUSINESS ECO-**
15 **NOMIC LOSS GRANT PRO-**
16 **GRAM**

17 **SEC. 201. SMALL BUSINESS ECONOMIC LOSS GRANT PRO-**
18 **GRAM.**

19 (a) DEFINITION OF QUALIFIED STATE.—In this sec-
20 tion, the term “qualified State” means a State in which
21 at least 50 percent of the counties of the State were de-
22 clared to be primary agricultural disaster areas by the
23 Secretary in at least 2 of crop years 2004, 2005, and
24 2006.

25 (b) GRANTS TO QUALIFIED STATES.—

1 (1) IN GENERAL.—The Secretary shall use
2 \$300,000,000 of funds of the Commodity Credit
3 Corporation to make grants to State departments of
4 agriculture or comparable State agencies in qualified
5 States.

6 (2) AMOUNT.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), the Secretary shall allocate grants
9 among qualified States described in paragraph
10 (1) based on the average value of agricultural
11 sector production in the qualified State, deter-
12 mined as a percentage of the gross domestic
13 product of the qualified State.

14 (B) MINIMUM AMOUNT.—The minimum
15 amount of a grant under this subsection shall
16 be \$3,000,000.

17 (3) REQUIREMENT.—To be eligible to receive a
18 grant under this subsection, a qualified State shall
19 agree to carry out an expedited disaster assistance
20 program to provide direct payments to qualified
21 small businesses in accordance with subsection (c).

22 (c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSI-
23 NESSES.—

24 (1) IN GENERAL.—In carrying out an expedited
25 disaster assistance program described in subsection

1 (b)(3), a qualified State shall provide direct pay-
2 ments to eligible small businesses in the qualified
3 State that suffered material economic losses in at
4 least 2 of crop years 2004, 2005, and 2006 as a di-
5 rect result of weather-related agricultural losses to
6 the crop or livestock production sectors of the quali-
7 fied State, as determined by the Secretary.

8 (2) ELIGIBILITY.—

9 (A) IN GENERAL.—To be eligible to receive
10 a direct payment under paragraph (1), a small
11 business shall—

12 (i) have less than \$5,000,000 in aver-
13 age annual gross income from all business
14 activities, at least 75 percent of which shall
15 be directly related to production agri-
16 culture or agriculture support industries,
17 as determined by the Secretary;

18 (ii) verify the amount of economic loss
19 attributable to weather-related agricultural
20 losses using such documentation as the
21 Secretary and the head of the qualified
22 State agency may require;

23 (iii) have suffered losses attributable
24 to weather-related agricultural disasters
25 that equal at least 50 percent of the total

1 economic loss of the small business for
2 each year a grant is requested; and

3 (iv) demonstrate that the grant will
4 materially improve the likelihood the busi-
5 ness will—

6 (I) recover from the disaster; and

7 (II) continue to service and sup-
8 port production agriculture.

9 (3) REQUIREMENTS.—A direct payment to
10 small business under this subsection shall—

11 (A) be limited to not more than 2 years of
12 documented losses;

13 (B) be in an amount of not more than 75
14 percent of the documented average economic
15 loss attributable to weather-related agriculture
16 disasters for each eligible year in the qualified
17 State; and

18 (C) not exceed \$80,000 per grant per year.

19 (4) INSUFFICIENT FUNDING.—If the grant
20 funds received by a qualified State agency under
21 subsection (b) are insufficient to fund the direct
22 payments of the qualified State agency under this
23 subsection, the qualified State agency may apply a
24 proportional reduction to all of the direct payments.

1 **TITLE III—CONSERVATION**

2 **SEC. 301. EMERGENCY CONSERVATION PROGRAM.**

3 The Secretary shall use an additional \$30,000,000 of
4 funds of the Commodity Credit Corporation to carry out
5 emergency measures, including wildfire recovery efforts in
6 Montana and other States, identified by the Administrator
7 of the Farm Service Agency as of the date of enactment
8 of this Act through the emergency conservation program
9 established under title IV of the Agricultural Credit Act
10 of 1978 (16 U.S.C. 2201 et seq.).

11 **SEC. 302. EMERGENCY WATERSHED PROTECTION PRO-**
12 **GRAM.**

13 The Secretary shall use an additional \$70,000,000 of
14 funds of the Commodity Credit Corporation to carry out
15 emergency measures identified by the Chief of the Natural
16 Resources Conservation Service as of the date of enact-
17 ment of this Act through the emergency watershed protec-
18 tion program established under section 403 of the Agricul-
19 tural Credit Act of 1978 (16 U.S.C. 2203).

20 **SEC. 303. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
21 **GRAM.**

22 The Secretary shall use an additional \$200,000,000
23 of funds of the Commodity Credit Corporation to carry
24 out emergency measures identified by the Secretary
25 through the environmental quality incentives program es-

1 tablished under chapter 4 of subtitle D of title XII of the
 2 Food Security Act of 1985 (16 U.S.C. 3839aa et seq.),
 3 of which not less than \$50,000,000 shall be used to carry
 4 out wildfire recovery efforts (including in Montana and
 5 other States).

6 **TITLE IV—FARM SERVICE**
 7 **AGENCY**

8 **SEC. 401. FUNDING FOR ADDITIONAL PERSONNEL.**

9 The Secretary shall use \$20,000,000 of funds of the
 10 Commodity Credit Corporation to hire additional County
 11 Farm Service Agency personnel—

12 (1) to expedite the implementation of, and de-
 13 livery under, the agricultural disaster and economic
 14 assistance programs under this Act; and

15 (2) as the Secretary determines to be necessary
 16 to carry out other agriculture and disaster assist-
 17 ance programs.

18 **TITLE V—MISCELLANEOUS**

19 **SEC. 501. FUNDING.**

20 The Secretary shall use the funds, facilities, and au-
 21 thorities of the Commodity Credit Corporation to carry
 22 out this Act, to remain available until expended.

23 **SEC. 502. REGULATIONS.**

24 (a) IN GENERAL.—The Secretary may promulgate
 25 such regulations as are necessary to implement this Act.

1 (b) PROCEDURE.—The promulgation of the regula-
2 tions and administration of this Act shall be made without
3 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 shall
15 use the authority provided under section 808 of title 5,
16 United States Code.

17 **TITLE VI—EMERGENCY**
18 **DESIGNATION**

19 **SEC. 601. EMERGENCY DESIGNATION.**

20 The amounts provided under this Act are designated
21 as an emergency requirement pursuant to section 402 of
22 H. Con. Res. 95 (109th Congress).

○