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AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for additional supplemental appropriations for disaster relief.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1

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AMENDMENT N<sup>o</sup> 0082

By Perdue

To: \_\_\_\_\_

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AMENDMENT intended to be proposed by Mr. PERDUE

FOR HIMSELF AND MR. ISAKSON

Viz:

- 1 At the end, add the following:
- 2 **TITLE V—ADDITIONAL SUPPLE-**
- 3 **MENTAL APPROPRIATIONS**
- 4 **FOR DISASTER RELIEF, 2019**

5 The following sums in this title are appropriated, out  
 6 of any money in the Treasury not otherwise appropriated,  
 7 for the fiscal year ending September 30, 2019, and for  
 8 other purposes, namely:

1           DEPARTMENT OF AGRICULTURE  
2           AGRICULTURAL PROGRAMS  
3           PROCESSING, RESEARCH AND MARKETING  
4           OFFICE OF THE SECRETARY

5           For an additional amount for the "Office of the Sec-  
6 retary", \$3,005,442,000, which shall remain available  
7 until December 31, 2020, for necessary expenses related  
8 to losses of crops (including milk and harvested adulter-  
9 ated wine grapes), trees, bushes, and vines, as a con-  
10 sequence of Hurricanes Michael or Florence, other hurri-  
11 canes, typhoons, volcanic activity, or wildfires occurring  
12 in calendar year 2018 under such terms and conditions  
13 as determined by the Secretary of Agriculture (referred  
14 to in this title as the "Secretary"): *Provided*, That the  
15 Secretary may provide assistance for such losses in the  
16 form of block grants to eligible states and territories and  
17 such assistance may include compensation to producers,  
18 as determined by the Secretary, for past or future crop  
19 insurance premiums, forest restoration, and poultry and  
20 livestock losses: *Provided further*, That of the amounts  
21 provided under this heading, tree assistance payments  
22 may be made under section 1501(e) of the Agricultural  
23 Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or  
24 nursery tree growers (as defined in such section) of pecan  
25 trees with a tree mortality rate that exceeds 7.5 percent

1 (adjusted for normal mortality) and is less than 15 per-  
2 cent (adjusted for normal mortality), to be available until  
3 expended, for losses incurred during the period beginning  
4 January 1, 2018, and ending December 31, 2018: *Pro-*  
5 *vided further*, That in the case of producers impacted by  
6 volcanic activity that resulted in the loss of crop land, or  
7 access to crop land, the Secretary shall consider all meas-  
8 ures available, as appropriate, to bring replacement land  
9 into production: *Provided further*, That the total amount  
10 of payments received under this heading and applicable  
11 policies of crop insurance under the Federal Crop Insur-  
12 ance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop  
13 Disaster Assistance Program (NAP) under section 196 of  
14 the Federal Agriculture Improvement and Reform Act of  
15 1996 (7 U.S.C. 7333) shall not exceed 90 percent of the  
16 loss as determined by the Secretary: *Provided further*,  
17 That the total amount of payments received under this  
18 heading for producers who did not obtain a policy or plan  
19 of insurance for an insurable commodity for the applicable  
20 crop year under the Federal Crop Insurance Act (7 U.S.C.  
21 1501 et seq.) for the crop incurring the losses or did not  
22 file the required paperwork and pay the service fee by the  
23 applicable State filing deadline for a noninsurable com-  
24 modity for the applicable crop year under NAP for the  
25 crop incurring the losses shall not exceed 70 percent of

1 the loss as determined by the Secretary: *Provided further,*  
2 That producers receiving payments under this heading, as  
3 determined by the Secretary, shall be required to purchase  
4 crop insurance where crop insurance is available for the  
5 next two available crop years, excluding tree insurance  
6 policies, and producers receiving payments under this  
7 heading shall be required to purchase coverage under NAP  
8 where crop insurance is not available in the next two avail-  
9 able crop years, as determined by the Secretary: *Provided*  
10 *further,* That, not later than 120 days after the end of  
11 fiscal year 2019, the Secretary shall submit a report to  
12 the Congress specifying the type, amount, and method of  
13 such assistance by state and territory: *Provided further,*  
14 That such amount is designated by the Congress as being  
15 for an emergency requirement pursuant to section  
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

18

## FARM SERVICE AGENCY

19

## EMERGENCY FOREST RESTORATION PROGRAM

20 For an additional amount for the “Emergency Forest  
21 Restoration Program”, for necessary expenses related to  
22 the consequences of Hurricanes Michael and Florence and  
23 wildfires occurring in calendar year 2018, and other nat-  
24 ural disasters, \$480,000,000, to remain available until ex-  
25 pended: *Provided,* That such amount is designated by the

1 Congress as being for an emergency requirement pursuant  
2 to section 251(b)(2)(A)(i) of the Balanced Budget and  
3 Emergency Deficit Control Act of 1985.

4       NATURAL RESOURCES CONSERVATION SERVICE  
5       WATERSHED AND FLOOD PREVENTION OPERATIONS

6       For an additional amount for “Watershed and Flood  
7 Prevention Operations”, for necessary expenses for the  
8 Emergency Watershed Protection Program related to the  
9 consequences of Hurricanes Michael and Florence and  
10 wildfires occurring in calendar year 2018, and other nat-  
11 ural disasters, \$125,000,000, to remain available until ex-  
12 pended: *Provided*, That such amount is designated by the  
13 Congress as being for an emergency requirement pursuant  
14 to section 251(b)(2)(A)(i) of the Balanced Budget and  
15 Emergency Deficit Control Act of 1985.

16                       RURAL DEVELOPMENT

17       RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

18       For an additional amount for the cost of grants for  
19 rural community facilities programs as authorized by sec-  
20 tion 306 and described in section 381E(d)(1) of the Con-  
21 solidated Farm and Rural Development Act, for necessary  
22 expenses related to the consequences of Hurricanes Mi-  
23 chael and Florence and wildfires occurring in calendar  
24 year 2018, and other natural disasters, \$150,000,000, to  
25 remain available until expended: *Provided*, That sections

1 381E-H and 381N of the Consolidated Farm and Rural  
2 Development Act are not applicable to the funds made  
3 available under this heading: *Provided further*, That such  
4 amount is designated by the Congress as being for an  
5 emergency requirement pursuant to section  
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
7 Deficit Control Act of 1985.

8           GENERAL PROVISIONS—THIS TITLE

9           SEC. 501. In addition to amounts otherwise made  
10 available, out of the funds made available under section  
11 18 of Food and Nutrition Act of 2008, \$25,200,000 shall  
12 be available for the Secretary to provide a grant to the  
13 Commonwealth of the Northern Mariana Islands for dis-  
14 aster nutrition assistance in response to the Presidentially  
15 declared major disasters and emergencies: *Provided*, That  
16 funds made available to the Commonwealth of the North-  
17 ern Mariana Islands under this section shall remain avail-  
18 able for obligation by the Commonwealth until September  
19 30, 2020: *Provided further*, That such amount is des-  
20 ignated by the Congress as being for an emergency re-  
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
22 anced Budget and Emergency Deficit Control Act of 1985.

23           SEC. 502. For purposes of administering title I of  
24 subdivision 1 of division B of the Bipartisan Budget Act  
25 of 2018 (Public Law 115–123), losses to agricultural pro-

1 ducers resulting from hurricanes shall also include losses  
2 incurred from Tropical Storm Cindy and losses of peach  
3 and blueberry crops in calendar year 2017 due to extreme  
4 cold: *Provided*, That the amounts provided by this section  
5 are designated by the Congress as being for an emergency  
6 requirement pursuant to section 251(b)(2)(A)(i) of the  
7 Balanced Budget and Emergency Deficit Control Act of  
8 1985: *Provided further*, That amounts repurposed under  
9 this heading that were previously designated by the Con-  
10 gress as an emergency requirement pursuant to the Bal-  
11 anced Budget and Emergency Deficit Control Act of 1985  
12 are designated by the Congress as an emergency require-  
13 ment pursuant to section 251(b)(2)(A)(i) of the Balanced  
14 Budget and Emergency Deficit Control Act of 1985.

15       SEC. 503. (a)(1) Except as provided in paragraph  
16 (2), a person or legal entity is not eligible to receive a  
17 payment under the Market Facilitation Program estab-  
18 lished pursuant to the Commodity Credit Corporation  
19 Charter Act (15 U.S.C. 714 et seq.) if the average ad-  
20 justed gross income of such person or legal entity is great-  
21 er than \$900,000.

22       (2) Paragraph (1) shall not apply to a person or legal  
23 entity if at least 75 percent of the adjusted gross income  
24 of such person or legal entity is derived from farming,  
25 ranching, or forestry related activities.

1       (b) A person or legal entity may not receive a pay-  
2 ment under the Market Facilitation Program described in  
3 subsection (a)(1), directly or indirectly, of more than  
4 \$125,000.

5       (c) In this section, the term “average adjusted gross  
6 income” has the meaning given the term defined in section  
7 760.1502 of title 7 Code of Federal Regulations (as in  
8 effect July 18, 2018).

9       (d) The amount provided by this section is designated  
10 by the Congress as being for an emergency requirement  
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
12 et and Emergency Deficit Control Act of 1985.