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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

T	<p style="text-align: center;">AMENDMENT N^o 0082</p> <p>By <u>Perdue</u></p> <p>To: _____</p> <p style="text-align: center;">S. 1</p> <p style="text-align: center;">8</p> <p style="text-align: center;">Page(s)</p> <p style="font-size: small; text-align: right;">GPO: 2018 33-682 (mac)</p>	<p>y assist- ation of s-Jordan e whole- ner pur- and</p>
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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.