

**§ 8787. Hard white wheat development program****(a) Definitions**

In this section:

**(1) Eligible hard white wheat seed**

The term “eligible hard white wheat seed” means hard white wheat seed that, as determined by the Secretary, is—

- (A) certified;
- (B) of a variety that is suitable for the State in which the seed will be planted;
- (C) rated at least superior with respect to quality; and
- (D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

**(2) Program**

The term “program” means the hard white wheat development program established under subsection (b)(1).

**(3) Secretary**

The term “Secretary” means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

**(b) Establishment****(1) In general**

Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

**(2) Payments****(A) In general**

Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary shall make available incentive payments to producers of those crops.

**(B) Acreage limitation**

The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

**(C) Payment limitations**

Payments to producers on a farm described in subparagraph (A) shall be—

- (i) in an amount that is not less than \$0.20 per bushel; and
- (ii) in an amount that is not less than \$2.00 per acre for planting eligible hard white wheat seed.

**(c) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$35,000,000 for the period of fiscal years 2009 through 2012.

(Pub. L. 110-234, title I, §1612, May 22, 2008, 122 Stat. 1019; Pub. L. 110-246, §4(a), title I, §1612, June 18, 2008, 122 Stat. 1664, 1747.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**§ 8788. Durum wheat quality program****(a) In general**

Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

**(b) Insufficient funds**

If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 110-234, title I, §1613, May 22, 2008, 122 Stat. 1019; Pub. L. 110-246, §4(a), title I, §1613, June 18, 2008, 122 Stat. 1664, 1748.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**§ 8789. Storage facility loans****(a) In general**

As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

**(b) Eligible producers**

A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

- (1) has a satisfactory credit history;
- (2) has a need for increased storage capacity; and
- (3) demonstrates an ability to repay the loan.

**(c) Term of loans**

A storage facility loan under this section shall have a maximum term of 12 years.