

aging 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 L. 110-234 was repealed by section 4(a) of Pub.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.

(d) Loan amount

The maximum principal amount of a storage facility loan under this section shall be \$500,000.

(e) Loan disbursements

The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) Loan security

Approval of a storage facility loan under this section shall—

- (1) require the borrower to provide loan security to the Secretary, in the form of—
 - (A) a lien on the real estate parcel on which the storage facility is located; or
 - (B) such other security as is acceptable to the Secretary;
- (2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—
 - (A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or
 - (B) provides other security acceptable to the Secretary; and
- (3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—
 - (A) of adequate size and value to adequately secure the loan; and
 - (B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.