

113TH CONGRESS
1ST SESSION

S. 141

To make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, 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. SUPPLEMENTAL AGRICULTURAL DISASTER AS-**
4 **SISTANCE PROGRAMS.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE PRODUCER ON A FARM.—

7 (A) IN GENERAL.—The term “eligible pro-
8 ducer on a farm” means an individual or entity
9 described in subparagraph (B) that, as deter-

1 mined by the Secretary, assumes the production
 2 and market risks associated with the agricul-
 3 tural production of crops or livestock.

4 (B) DESCRIPTION.—An individual or enti-
 5 ty referred to in subparagraph (A) is—

6 (i) a citizen of the United States;

7 (ii) a resident alien;

8 (iii) a partnership of citizens of the
 9 United States; or

10 (iv) a corporation, limited liability cor-
 11 poration, or other farm organizational
 12 structure organized under State law.

13 (2) FARM.—

14 (A) IN GENERAL.—The term “farm”
 15 means, in relation to an eligible producer on a
 16 farm, the total of all crop acreage in all coun-
 17 ties that is planted or intended to be planted
 18 for harvest, for sale, or on-farm livestock feed-
 19 ing (including native grassland intended for
 20 hay) by the eligible producer.

21 (B) AQUACULTURE.—In the case of aqua-
 22 culture, the term “farm” means, in relation to
 23 an eligible producer on a farm, all fish being
 24 produced in all counties that are intended to be
 25 harvested for sale by the eligible producer.

1 (C) HONEY.—In the case of honey, the
2 term “farm” means, in relation to an eligible
3 producer on a farm, all bees and beehives in all
4 counties that are intended to be harvested for
5 a honey crop for sale by the eligible producer.

6 (3) FARM-RAISED FISH.—The term “farm-
7 raised fish” means any aquatic species that is propa-
8 gated and reared in a controlled environment.

9 (4) LIVESTOCK.—The term “livestock” in-
10 cludes—

11 (A) cattle (including dairy cattle);

12 (B) bison;

13 (C) poultry;

14 (D) sheep;

15 (E) swine;

16 (F) horses; and

17 (G) other livestock, as determined by the
18 Secretary.

19 (b) LIVESTOCK INDEMNITY PAYMENTS.—

20 (1) PAYMENTS.—For each of fiscal years 2012
21 and 2013, the Secretary shall use such sums as are
22 necessary of the funds of the Commodity Credit Cor-
23 poration to make livestock indemnity payments to el-
24 igible producers on farms that have incurred live-

1 stock death losses in excess of the normal mortality,
2 as determined by the Secretary, due to—

3 (A) attacks by animals reintroduced into
4 the wild by the Federal Government or pro-
5 tected by Federal law, including wolves; or

6 (B) adverse weather, as determined by the
7 Secretary, during the calendar year, including
8 losses due to hurricanes, floods, blizzards, dis-
9 ease, wildfires, extreme heat, and extreme cold.

10 (2) PAYMENT RATES.—Indemnity payments to
11 an eligible producer on a farm under paragraph (1)
12 shall be made at a rate of 65 percent of the market
13 value of the applicable livestock on the day before
14 the date of death of the livestock, as determined by
15 the Secretary.

16 (3) SPECIAL RULE FOR PAYMENTS MADE DUE
17 TO DISEASE.—The Secretary shall ensure that pay-
18 ments made to an eligible producer under paragraph
19 (1) are not made for the same livestock losses for
20 which compensation is provided pursuant to section
21 10407(d) of the Animal Health Protection Act (7
22 U.S.C. 8306(d)).

23 (c) LIVESTOCK FORAGE DISASTER PROGRAM.—

24 (1) ESTABLISHMENT.—There is established a
25 livestock forage disaster program to provide 1 source

1 for livestock forage disaster assistance for weather-
2 related forage losses, as determined by the Sec-
3 retary, by combining—

4 (A) the livestock forage assistance func-
5 tions of—

6 (i) the noninsured crop disaster assist-
7 ance program established by section 196 of
8 the Federal Agriculture Improvement and
9 Reform Act of 1996 (7 U.S.C. 7333); and

10 (ii) the emergency assistance for live-
11 stock, honey bees, and farm-raised fish
12 program under section 531(e) of the Fed-
13 eral Crop Insurance Act (7 U.S.C.
14 1531(e)) (as in existence on the day before
15 the date of enactment of this Act); and

16 (B) the livestock forage disaster program
17 under section 531(d) of the Federal Crop In-
18 surance Act (7 U.S.C. 1531(d)) (as in existence
19 on the day before the date of enactment of this
20 Act).

21 (2) DEFINITIONS.—In this subsection:

22 (A) COVERED LIVESTOCK.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), the term “covered livestock”
25 means livestock of an eligible livestock pro-

1 ducer that, during the 60 days prior to the
2 beginning date of an eligible forage loss, as
3 determined by the Secretary, the eligible
4 livestock producer—

5 (I) owned;

6 (II) leased;

7 (III) purchased;

8 (IV) entered into a contract to
9 purchase;

10 (V) was a contract grower; or

11 (VI) sold or otherwise disposed of
12 due to an eligible forage loss during—

13 (aa) the current production
14 year; or

15 (bb) subject to paragraph
16 (4)(B)(ii), 1 or both of the 2 pro-
17 duction years immediately pre-
18 ceding the current production
19 year.

20 (ii) EXCLUSION.—The term “covered
21 livestock” does not include livestock that
22 were or would have been in a feedlot, on
23 the beginning date of the eligible forage
24 loss, as a part of the normal business oper-

1 ation of the eligible livestock producer, as
2 determined by the Secretary.

3 (B) DROUGHT MONITOR.—The term
4 “drought monitor” means a system for
5 classifying drought severity according to a
6 range of abnormally dry to exceptional drought,
7 as defined by the Secretary.

8 (C) ELIGIBLE FORAGE LOSS.—The term
9 “eligible forage loss” means 1 or more forage
10 losses that occur due to weather-related condi-
11 tions, including drought, flood, blizzard, hail,
12 excessive moisture, hurricane, and fire, occur-
13 ring during the normal grazing period, as deter-
14 mined by the Secretary, if the forage—

15 (i) is grown on land that is native or
16 improved pastureland with permanent veg-
17 etative cover; or

18 (ii) is a crop planted specifically for
19 the purpose of providing grazing for cov-
20 ered livestock of an eligible livestock pro-
21 ducer.

22 (D) ELIGIBLE LIVESTOCK PRODUCER.—

23 (i) IN GENERAL.—The term “eligible
24 livestock producer” means an eligible pro-
25 ducer on a farm that—

1 (I) is an owner, cash or share
2 lessee, or contract grower of covered
3 livestock that provides the pastureland
4 or grazing land, including cash-leased
5 pastureland or grazing land, for the
6 covered livestock;

7 (II) provides the pastureland or
8 grazing land for covered livestock, in-
9 cluding cash-leased pastureland or
10 grazing land that is physically located
11 in a county affected by an eligible for-
12 age loss;

13 (III) certifies the eligible forage
14 loss; and

15 (IV) meets all other eligibility re-
16 quirements established under this sub-
17 section.

18 (ii) EXCLUSION.—The term “eligible
19 livestock producer” does not include an
20 owner, cash or share lessee, or contract
21 grower of livestock that rents or leases
22 pastureland or grazing land owned by an-
23 other person on a rate-of-gain basis.

24 (E) NORMAL CARRYING CAPACITY.—The
25 term “normal carrying capacity”, with respect

1 to each type of grazing land or pastureland in
2 a county, means the normal carrying capacity,
3 as determined under paragraph (4)(D)(i), that
4 would be expected from the grazing land or
5 pastureland for livestock during the normal
6 grazing period, in the absence of an eligible for-
7 age loss that diminishes the production of the
8 grazing land or pastureland.

9 (F) NORMAL GRAZING PERIOD.—The term
10 “normal grazing period”, with respect to a
11 county, means the normal grazing period during
12 the calendar year for the county, as determined
13 under paragraph (4)(D)(i).

14 (3) PROGRAM.—For each of fiscal years 2012
15 and 2013, the Secretary shall use such sums as are
16 necessary of the funds of the Commodity Credit Cor-
17 poration to provide compensation under paragraphs
18 (4) through (6), as determined by the Secretary for
19 eligible forage losses affecting covered livestock of el-
20 igible livestock producers.

21 (4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES
22 DUE TO DROUGHT CONDITIONS.—

23 (A) ELIGIBLE FORAGE LOSSES.—

24 (i) IN GENERAL.—An eligible livestock
25 producer of covered livestock may receive

1 assistance under this paragraph for eligible
2 forage losses that occur due to drought on
3 land that—

4 (I) is native or improved
5 pastureland with permanent vegeta-
6 tive cover; or

7 (II) is planted to a crop planted
8 specifically for the purpose of pro-
9 viding grazing for covered livestock.

10 (ii) EXCLUSIONS.—An eligible live-
11 stock producer may not receive assistance
12 under this paragraph for eligible forage
13 losses that occur on land used for haying
14 or grazing under the conservation reserve
15 program established under subchapter B of
16 chapter 1 of subtitle D of title XII of the
17 Food Security Act of 1985 (16 U.S.C.
18 3831 et seq.), unless the land is grassland
19 eligible for the grassland reserve program
20 established under subchapter D of chapter
21 2 of subtitle D of title XII of the Food Se-
22 curity Act of 1985 (16 U.S.C. 3838n et
23 seq.).

24 (B) MONTHLY PAYMENT RATE.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), the payment rate for assist-
3 ance for 1 month under this paragraph
4 shall, in the case of drought, be equal to
5 60 percent of the lesser of—

6 (I) the monthly feed cost for all
7 covered livestock owned or leased by
8 the eligible livestock producer, as de-
9 termined under subparagraph (C); or

10 (II) the monthly feed cost cal-
11 culated by using the normal carrying
12 capacity of the eligible grazing land of
13 the eligible livestock producer.

14 (ii) PARTIAL COMPENSATION.—In the
15 case of an eligible livestock producer that
16 sold or otherwise disposed of covered live-
17 stock due to drought conditions in 1 or
18 both of the 2 production years immediately
19 preceding the current production year, as
20 determined by the Secretary, the payment
21 rate shall be 80 percent of the payment
22 rate otherwise calculated in accordance
23 with clause (i).

24 (C) MONTHLY FEED COST.—

1 (i) IN GENERAL.—The monthly feed
2 cost shall equal the product obtained by
3 multiplying—

4 (I) 30 days;

5 (II) a payment quantity that is
6 equal to the feed grain equivalent, as
7 determined under clause (ii); and

8 (III) a payment rate that is equal
9 to the corn price per pound, as deter-
10 mined under clause (iii).

11 (ii) FEED GRAIN EQUIVALENT.—For
12 purposes of clause (i)(II), the feed grain
13 equivalent shall equal—

14 (I) in the case of an adult beef
15 cow, 15.7 pounds of corn per day; or

16 (II) in the case of any other type
17 of weight of livestock, an amount de-
18 termined by the Secretary that rep-
19 represents the average number of pounds
20 of corn per day necessary to feed the
21 livestock.

22 (iii) CORN PRICE PER POUND.—For
23 purposes of clause (i)(III), the corn price
24 per pound shall equal the quotient ob-
25 tained by dividing—

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(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) CHANGES.—No change to the normal carrying capacity or nor-

1 mal grazing period established for a
2 county under subclause (I) shall be
3 made unless the change is requested
4 by the appropriate State and county
5 Farm Service Agency committees.

6 (ii) DROUGHT INTENSITY.—

7 (I) D2.—An eligible livestock
8 producer that owns or leases grazing
9 land or pastureland that is physically
10 located in a county that is rated by
11 the U.S. Drought Monitor as having a
12 D2 (severe drought) intensity in any
13 area of the county for at least 8 con-
14 secutive weeks during the normal
15 grazing period for the county, as de-
16 termined by the Secretary, shall be el-
17 ible to receive assistance under this
18 paragraph in an amount equal to 1
19 monthly payment using the monthly
20 payment rate determined under sub-
21 paragraph (B).

22 (II) D3.—An eligible livestock
23 producer that owns or leases grazing
24 land or pastureland that is physically
25 located in a county that is rated by

1 the U.S. Drought Monitor as having
2 at least a D3 (extreme drought) in-
3 tensity in any area of the county at
4 any time during the normal grazing
5 period for the county, as determined
6 by the Secretary, shall be eligible to
7 receive assistance under this para-
8 graph—

9 (aa) in an amount equal to
10 3 monthly payments using the
11 monthly payment rate deter-
12 mined under subparagraph (B);

13 (bb) if the county is rated as
14 having a D3 (extreme drought)
15 intensity in any area of the coun-
16 ty for at least 4 weeks during the
17 normal grazing period for the
18 county, or is rated as having a
19 D4 (exceptional drought) inten-
20 sity in any area of the county at
21 any time during the normal graz-
22 ing period, in an amount equal to
23 4 monthly payments using the
24 monthly payment rate deter-

1 mined under subparagraph (B);

2 or

3 (cc) if the county is rated as
4 having a D4 (exceptional
5 drought) intensity in any area of
6 the county for at least 4 weeks
7 during the normal grazing pe-
8 riod, in an amount equal to 5
9 monthly payments using the
10 monthly rate determined under
11 subparagraph (B).

12 (iii) ANNUAL PAYMENT BASED ON
13 DROUGHT CONDITIONS DETERMINED BY
14 MEANS OTHER THAN THE U.S. DROUGHT
15 MONITOR.—

16 (I) IN GENERAL.—An eligible
17 livestock producer that owns grazing
18 land or pastureland that is physically
19 located in a county that has experi-
20 enced on average, over the preceding
21 calendar year, precipitation levels that
22 are 50 percent or more below normal
23 levels, according to sufficient docu-
24 mentation as determined by the Sec-
25 retary, may be eligible, subject to a

1 determination by the Secretary, to re-
2 ceive assistance under this paragraph
3 in an amount equal to not more than
4 1 monthly payment using the monthly
5 payment rate under subparagraph
6 (B).

7 (II) NO DUPLICATE PAYMENT.—
8 A producer may not receive a pay-
9 ment under both clause (ii) and this
10 clause.

11 (5) ASSISTANCE FOR LOSSES DUE TO FIRE ON
12 PUBLIC MANAGED LAND.—

13 (A) IN GENERAL.—An eligible livestock
14 producer may receive assistance under this
15 paragraph only if—

16 (i) the eligible forage losses occur on
17 rangeland that is managed by a Federal
18 agency; and

19 (ii) the eligible livestock producer is
20 prohibited by the Federal agency from
21 grazing the normal permitted livestock on
22 the managed rangeland due to a fire.

23 (B) PAYMENT RATE.—The payment rate
24 for assistance under this paragraph shall be
25 equal to 50 percent of the monthly feed cost for

1 the total number of livestock covered by the
 2 Federal lease of the eligible livestock producer,
 3 as determined under paragraph (4)(C).

4 (C) PAYMENT DURATION.—

5 (i) IN GENERAL.—Subject to clause
 6 (ii), an eligible livestock producer shall be
 7 eligible to receive assistance under this
 8 paragraph for the period—

9 (I) beginning on the date on
 10 which the Federal agency excludes the
 11 eligible livestock producer from using
 12 the managed rangeland for grazing;
 13 and

14 (II) ending on the last day of the
 15 Federal lease of the eligible livestock
 16 producer.

17 (ii) LIMITATION.—An eligible livestock
 18 producer may only receive assistance under
 19 this paragraph for losses that occur on not
 20 more than 180 days per year.

21 (6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES
 22 DUE TO OTHER THAN DROUGHT OR FIRE.—

23 (A) ELIGIBLE FORAGE LOSSES.—

24 (i) IN GENERAL.—Subject to subpara-
 25 graph (B), an eligible livestock producer of

1 covered livestock may receive assistance
2 under this paragraph for eligible forage
3 losses that occur due to weather-related
4 conditions other than drought or fire on
5 land that—

6 (I) is native or improved
7 pastureland with permanent vegeta-
8 tive cover; or

9 (II) is planted to a crop planted
10 specifically for the purpose of pro-
11 viding grazing for covered livestock.

12 (ii) EXCLUSIONS.—An eligible live-
13 stock producer may not receive assistance
14 under this paragraph for eligible forage
15 losses that occur on land used for haying
16 or grazing under the conservation reserve
17 program established under subchapter B of
18 chapter 1 of subtitle D of title XII of the
19 Food Security Act of 1985 (16 U.S.C.
20 3831 et seq.), unless the land is grassland
21 eligible for the grassland reserve program
22 established under subchapter D of chapter
23 2 of subtitle D of title XII of the Food Se-
24 curity Act of 1985 (16 U.S.C. 3838n et
25 seq.).

1 (B) PAYMENTS FOR ELIGIBLE FORAGE
2 LOSSES.—

3 (i) IN GENERAL.—The Secretary shall
4 provide assistance under this paragraph to
5 an eligible livestock producer for eligible
6 forage losses that occur due to weather-re-
7 lated conditions other than—

8 (I) drought under paragraph (4);
9 and

10 (II) fire on public managed land
11 under paragraph (5).

12 (ii) TERMS AND CONDITIONS.—The
13 Secretary shall establish terms and condi-
14 tions for assistance under this paragraph
15 that are consistent with the terms and con-
16 ditions for assistance under this sub-
17 section.

18 (7) NO DUPLICATIVE PAYMENTS.—An eligible
19 livestock producer may elect to receive assistance for
20 eligible forage losses under either paragraph (4), (5),
21 or (6), if applicable, but may not receive assistance
22 under more than 1 of those paragraphs for the same
23 loss, as determined by the Secretary.

1 (8) DETERMINATIONS BY SECRETARY.—A de-
2 termination made by the Secretary under this sub-
3 section shall be final and conclusive.

4 (d) EMERGENCY ASSISTANCE FOR LIVESTOCK,
5 HONEY BEES, AND FARM-RAISED FISH.—

6 (1) IN GENERAL.—For each of fiscal years
7 2012 and 2013, the Secretary shall use not more
8 than \$5,000,000 of the funds of the Commodity
9 Credit Corporation to provide emergency relief to eli-
10 gible producers of livestock, honey bees, and farm-
11 raised fish to aid in the reduction of losses due to
12 disease, adverse weather, or other conditions, such
13 as blizzards and wildfires, as determined by the Sec-
14 retary, that are not covered under subsection (b) or
15 (c).

16 (2) USE OF FUNDS.—Funds made available
17 under this subsection shall be used to reduce losses
18 caused by feed or water shortages, disease, or other
19 factors as determined by the Secretary.

20 (3) AVAILABILITY OF FUNDS.—Any funds made
21 available under this subsection shall remain available
22 until expended.

23 (e) TREE ASSISTANCE PROGRAM.—

24 (1) DEFINITIONS.—In this subsection:

1 (A) ELIGIBLE ORCHARDIST.—The term
 2 “eligible orchardist” means a person that pro-
 3 duces annual crops from trees for commercial
 4 purposes.

5 (B) NATURAL DISASTER.—The term “nat-
 6 ural disaster” means plant disease, insect infes-
 7 tation, drought, fire, freeze, flood, earthquake,
 8 lightning, or other occurrence, as determined by
 9 the Secretary.

10 (C) NURSERY TREE GROWER.—The term
 11 “nursery tree grower” means a person who pro-
 12 duces nursery, ornamental, fruit, nut, or Christ-
 13 mas trees for commercial sale, as determined by
 14 the Secretary.

15 (D) TREE.—The term “tree” includes a
 16 tree, bush, and vine.

17 (2) ELIGIBILITY.—

18 (A) LOSS.—Subject to subparagraph (B),
 19 for each of fiscal years 2012 and 2013, the Sec-
 20 retary shall use such sums as are necessary of
 21 the funds of the Commodity Credit Corporation
 22 to provide assistance—

23 (i) under paragraph (3) to eligible or-
 24 chardists and nursery tree growers that
 25 planted trees for commercial purposes but

1 lost the trees as a result of a natural dis-
2 aster, as determined by the Secretary; and

3 (ii) under paragraph (3)(B) to eligible
4 orchardists and nursery tree growers that
5 have a production history for commercial
6 purposes on planted or existing trees but
7 lost the trees as a result of a natural dis-
8 aster, as determined by the Secretary.

9 (B) LIMITATION.—An eligible orchardist
10 or nursery tree grower shall qualify for assist-
11 ance under subparagraph (A) only if the tree
12 mortality of the eligible orchardist or nursery
13 tree grower, as a result of damaging weather or
14 related condition, exceeds 15 percent (adjusted
15 for normal mortality).

16 (3) ASSISTANCE.—Subject to paragraph (4),
17 the assistance provided by the Secretary to eligible
18 orchardists and nursery tree growers for losses de-
19 scribed in paragraph (2) shall consist of—

20 (A)(i) reimbursement of 65 percent of the
21 cost of replanting trees lost due to a natural
22 disaster, as determined by the Secretary, in ex-
23 cess of 15 percent mortality (adjusted for nor-
24 mal mortality); or

1 (ii) at the option of the Secretary, suffi-
2 cient seedlings to reestablish a stand; and

3 (B) reimbursement of 50 percent of the
4 cost of pruning, removal, and other costs in-
5 curred by an eligible orchardist or nursery tree
6 grower to salvage existing trees or, in the case
7 of tree mortality, to prepare the land to replant
8 trees as a result of damage or tree mortality
9 due to a natural disaster, as determined by the
10 Secretary, in excess of 15 percent damage or
11 mortality (adjusted for normal tree damage and
12 mortality).

13 (4) LIMITATIONS ON ASSISTANCE.—

14 (A) DEFINITIONS OF LEGAL ENTITY AND
15 PERSON.—In this paragraph, the terms “legal
16 entity” and “person” have the meaning given
17 those terms in section 1001(a) of the Food Se-
18 curity Act of 1985 (7 U.S.C. 1308(a)).

19 (B) AMOUNT.—The total amount of pay-
20 ments received, directly or indirectly, by a per-
21 son or legal entity (excluding a joint venture or
22 general partnership) under this subsection may
23 not exceed \$100,000 for any crop year, or an
24 equivalent value in tree seedlings.

1 (C) ACRES.—The total quantity of acres
2 planted to trees or tree seedlings for which a
3 person or legal entity shall be entitled to receive
4 payments under this subsection may not exceed
5 500 acres.

6 (f) PAYMENTS.—

7 (1) PAYMENT LIMITATIONS.—

8 (A) DEFINITIONS OF LEGAL ENTITY AND
9 PERSON.—In this subsection, the terms “legal
10 entity” and “person” have the meanings given
11 those terms in section 1001(a) of the Food Se-
12 curity Act of 1985 (7 U.S.C. 1308(a)).

13 (B) AMOUNT.—The total amount of dis-
14 aster assistance payments received, directly or
15 indirectly, by a person or legal entity (excluding
16 a joint venture or general partnership) under
17 this section (excluding payments received under
18 subsection (e)) may not exceed \$100,000 for
19 any crop year.

20 (C) DIRECT ATTRIBUTION.—Subsections
21 (d) and (e) of section 1001 of the Food Secu-
22 rity Act of 1985 (7 U.S.C. 1308) or any suc-
23 cessor provisions relating to direct attribution
24 shall apply with respect to assistance provided
25 under this section.

1 (2) PAYMENT DELIVERY.—The Secretary shall
2 make payments under this section after October 1,
3 2013, for losses incurred in the 2012 and 2013 fis-
4 cal years.

5 **SEC. 2. NONINSURED CROP ASSISTANCE PROGRAM.**

6 (a) IN GENERAL.—Section 196 of the Federal Agri-
7 culture Improvement and Reform Act of 1996 (7 U.S.C.
8 7333) is amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) IN GENERAL.—

13 “(A) COVERAGES.—In the case of an eligi-
14 ble crop described in paragraph (2), the Sec-
15 retary of Agriculture shall operate a noninsured
16 crop disaster assistance program to provide cov-
17 erages based on individual yields (other than
18 for value-loss crops) equivalent to—

19 “(i) catastrophic risk protection avail-
20 able under section 508(b) of the Federal
21 Crop Insurance Act (7 U.S.C. 1508(b)); or

22 “(ii) additional coverage available
23 under subsections (c) and (h) of section
24 508 of that Act (7 U.S.C. 1508) that does
25 not exceed 65 percent.

1 “(B) ADMINISTRATION.—The Secretary
2 shall carry out this section through the Farm
3 Service Agency (referred to in this section as
4 the ‘Agency’).”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in clause (i), by striking

8 “and” after the semicolon at the end;

9 (II) by redesignating clause (ii)

10 as clause (iii); and

11 (III) by inserting after clause (i)

12 the following:

13 “(ii) for which additional coverage

14 under subsections (c) and (h) of section

15 508 of that Act (7 U.S.C. 1508) is not

16 available; and”; and

17 (ii) in subparagraph (B), by striking

18 “(including ornamental fish)” and insert-

19 ing “(including ornamental fish, but ex-

20 cluding tropical fish)”;

21 (2) in subsection (d), by striking “The Sec-
22 retary” and inserting “Subject to subsection (l), the
23 Secretary”;

24 (3) in subsection (k)(1)—

1 (A) in subparagraph (A), by striking
2 “\$250” and inserting “\$260”; and

3 (B) in subparagraph (B)—

4 (i) by striking “\$750” and inserting
5 “\$780”; and

6 (ii) by striking “\$1,875” and insert-
7 ing “\$1,950”; and

8 (4) by adding at the end the following:

9 “(l) PAYMENT EQUIVALENT TO ADDITIONAL COV-
10 ERAGE.—

11 “(1) IN GENERAL.—The Secretary shall make
12 available to a producer eligible for noninsured assist-
13 ance under this section a payment equivalent to an
14 indemnity for additional coverage under subsections
15 (c) and (h) of section 508 of the Federal Crop In-
16 surance Act (7 U.S.C. 1508) that does not exceed
17 65 percent, computed by multiplying—

18 “(A) the quantity that is less than 50 to
19 65 percent of the established yield for the crop,
20 as determined by the Secretary, specified in in-
21 crements of 5 percent;

22 “(B) 100 percent of the average market
23 price for the crop, as determined by the Sec-
24 retary; and

1 “(C) a payment rate for the type of crop,
2 as determined by the Secretary, that reflects—

3 “(i) in the case of a crop that is pro-
4 duced with a significant and variable har-
5 vesting expense, the decreasing cost in-
6 curred in the production cycle for the crop
7 that is, as applicable—

8 “(I) harvested;

9 “(II) planted but not harvested;

10 or

11 “(III) prevented from being
12 planted because of drought, flood, or
13 other natural disaster, as determined
14 by the Secretary; or

15 “(ii) in the case of a crop that is pro-
16 duced without a significant and variable
17 harvesting expense, such rate as shall be
18 determined by the Secretary.

19 “(2) PREMIUM.—To be eligible to receive a pay-
20 ment under this subsection, a producer shall pay—

21 “(A) the service fee required by subsection
22 (k); and

23 “(B) a premium for the applicable crop
24 year that is equal to—

1 “(i) the product obtained by multi-
2 plying—

3 “(I) the number of acres devoted
4 to the eligible crop;

5 “(II) the yield, as determined by
6 the Secretary under subsection (e);

7 “(III) the coverage level elected
8 by the producer;

9 “(IV) the average market price,
10 as determined by the Secretary; and

11 “(ii) 5.25-percent premium fee.

12 “(3) LIMITED RESOURCE, BEGINNING, AND SO-
13 CIALY DISADVANTAGED FARMERS.—The additional
14 coverage made available under this subsection shall
15 be available to limited resource, beginning, and so-
16 cially disadvantaged producers, as determined by the
17 Secretary, in exchange for a premium that is 50 per-
18 cent of the premium determined for a producer
19 under paragraph (2).

20 “(4) ADDITIONAL AVAILABILITY.—

21 “(A) IN GENERAL.—As soon as prac-
22 ticable, the Secretary shall make assistance
23 available to producers of an otherwise eligible
24 crop described in subsection (a)(2) that suffered
25 losses—

1 “(i) to a 2012 annual fruit crop
2 grown on a bush or tree; and

3 “(ii) in a county covered by a declara-
4 tion by the Secretary of a natural disaster
5 for production losses due to a freeze or
6 frost.

7 “(B) ASSISTANCE.—The Secretary shall
8 make assistance available under subparagraph
9 (A) in an amount equivalent to assistance avail-
10 able under paragraph (1), less any fees not pre-
11 viously paid under paragraph (2).”.

12 (b) TERMINATION OF AMENDMENTS.—

13 (1) IN GENERAL.—Effective October 1, 2017,
14 the amendments made by subsection (a) (other than
15 the amendment made by subsection (a)(1)(B)(ii))
16 are repealed.

17 (2) ADMINISTRATION.—Effective October 1,
18 2017, section 196 of the Federal Agriculture Im-
19 provement and Reform Act of 1996 (7 U.S.C. 7333)
20 shall be applied and administered as if the amend-
21 ments made by subsection (a) (other than the
22 amendment made by subsection (a)(1)(B)(ii)) had
23 not been enacted.

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