

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7196

To require the Secretary of Agriculture to provide crop disaster assistance to agricultural producers that suffered qualifying quantity or quality losses for the 2008 crop year due to a natural disaster.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2008

Mr. CAZAYOUX (for himself, Mr. ALEXANDER, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To require the Secretary of Agriculture to provide crop disaster assistance to agricultural producers that suffered qualifying quantity or quality losses for the 2008 crop year due to a natural disaster.

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. SHORT TITLE.**

4       This Act may be cited as the “Farm Relief Act of  
5       2008”.

6       **SEC. 2. 2008 CROP DISASTER ASSISTANCE.**

7       Section 9001 of the U.S. Troop Readiness, Veterans’  
8       Care, Katrina Recovery, and Iraq Accountability Appro-

1 priations Act, 2007 (Public Law 110–28; 121 Stat. 211)  
2 is amended—

3 (1) in subsection (a)—

4 (A) by striking “There are hereby” and in-  
5 serting the following:

6 “(1) IN GENERAL.—There are hereby”; and

7 (B) by adding at the end the following:

8 “(2) 2008 CROP DISASTER ASSISTANCE.—

9 “(A) IN GENERAL.—There are hereby ap-  
10 propriated to the Secretary such sums as are  
11 necessary, to remain available until expended,  
12 to make emergency financial assistance under  
13 this section available to producers on a farm  
14 that incurred qualifying quantity or quality  
15 losses for the 2008 crop due a natural disaster  
16 or any related condition, as determined by the  
17 Secretary.

18 “(B) SUGAR AND SUGARCANE DISASTER  
19 ASSISTANCE.—

20 “(i) FLORIDA.—There are hereby ap-  
21 propriated to the Secretary such sums as  
22 are necessary, to remain available until ex-  
23 pended, to make payments to processors in  
24 Florida that are eligible to obtain a loan  
25 under section 156(a) of the Federal Agri-

1 culture Improvement and Reform Act of  
2 1996 (7 U.S.C. 7272(a)) to compensate  
3 first processors and producers for crop and  
4 other losses due a natural disaster or any  
5 related condition, as determined by the  
6 Secretary, in Florida during calendar year  
7 2008, by an agreement on the same terms  
8 and conditions, to the maximum extent  
9 practicable, as the payments made under  
10 section 102 of the Emergency Supple-  
11 mental Appropriations for Hurricane Dis-  
12 asters Assistance Act of 2005 (Public Law  
13 108–324; 118 Stat. 1235), including that  
14 the 2008 base production of each har-  
15 vesting unit shall be determined using the  
16 same base year crop production history  
17 that was used pursuant to the agreement  
18 under that section.

19 “(ii) LOUISIANA.—

20 “(I) COMPENSATION FOR  
21 LOSSES.—There are hereby appro-  
22 priated to the Secretary such sums as  
23 are necessary, to remain available  
24 until expended, to make assistance  
25 available to first processors of sugar-

1 cane that operate in a county affected  
2 by a natural disaster, or obtain sugar-  
3 cane from a county affected by a nat-  
4 ural disaster, in Louisiana and that  
5 are eligible to obtain a loan under sec-  
6 tion 156(a) of the Federal Agriculture  
7 Improvement and Reform Act of 1996  
8 (7 U.S.C. 7272(a)), in the form of  
9 monetary payments or commodities in  
10 the inventory of the Commodity Cred-  
11 it Corporation derived from carrying  
12 out that section, to compensate pro-  
13 ducers and first processors for crop  
14 and other losses due to the natural  
15 disaster or any related condition, as  
16 determined by the Secretary.

17 “(II) ADMINISTRATION.—Assist-  
18 ance under this clause shall be—

19 “(aa) shared by an affected  
20 first processor with affected pro-  
21 ducers that provide commodities  
22 to the processor in a manner that  
23 reflects contracts entered into be-  
24 tween the processor and the pro-  
25 ducers, except with respect to a

1 portion of the amount of total as-  
2 sistance provided under subclause  
3 (I) necessary to compensate af-  
4 fected producers for individual  
5 losses experienced by the pro-  
6 ducers, including losses due to  
7 saltwater intrusion, flooding,  
8 wind damage, or increased plant-  
9 ing, replanting, or harvesting  
10 costs, which shall be transferred  
11 by the first processor to the af-  
12 fected producers without regard  
13 to contractual share arrange-  
14 ments; and

15 “(bb) made available under  
16 such terms and conditions as the  
17 Secretary determines are nec-  
18 essary to carry out this clause.

19 “(III) FORM OF ASSISTANCE.—

20 In carrying out this clause, the Sec-  
21 retary shall—

22 “(aa) convey to the first  
23 processor commodities in the in-  
24 ventory of the Commodity Credit  
25 Corporation derived from car-

1                   rying out section 156(a) of the  
2                   Federal Agriculture Improvement  
3                   and Reform Act of 1996 (7  
4                   U.S.C. 7272(a));

5                   “(bb) make monetary pay-  
6                   ments to the first processor; or

7                   “(cc) take any combination  
8                   of actions described in items (aa)  
9                   and (bb), using commodities or  
10                  monetary payments.

11                  “(IV) LOSS DETERMINATION.—

12                  In carrying out this clause, the Sec-  
13                  retary shall use the same base year to  
14                  determine crop loss that was elected  
15                  by a producer to determine crop loss  
16                  in carrying out the hurricane assist-  
17                  ance program under section 207 of  
18                  the Agricultural Assistance Act of  
19                  2003 (Public Law 108–7; 117 Stat.  
20                  543).

21                  “(iii) TEXAS.—There are hereby ap-  
22                  propriated to the Secretary such sums as  
23                  are necessary, to remain available until ex-  
24                  pended, to assist sugarcane growers in  
25                  Texas by making a payment in that

1 amount to a farmer-owned cooperative sug-  
2 arcane processor in that State, for costs of  
3 demurrage, storage, and transportation re-  
4 sulting from natural disaster or any re-  
5 lated condition during calendar year 2008.

6 “(C) RELATION TO SUPPLEMENTAL AGRI-  
7 CULTURAL DISASTER ASSISTANCE PROGRAM.—

8 A producer on a farm that accepts assistance  
9 made available under this paragraph for a crop  
10 loss is not eligible to receive supplemental agri-  
11 cultural disaster assistance for that crop loss  
12 under subtitle B of the Federal Crop Insurance  
13 Act (7 U.S.C. 1531) or title IX of the Trade  
14 Act of 1974 (19 U.S.C. 2497 et seq.).”; and

15 (2) in subsection (b), by striking “this section”  
16 each place it appears and inserting “subsection  
17 (a)(1)”.

18 **SEC. 3. AQUACULTURE GRANTS.**

19 (a) DEFINITION OF ELIGIBLE APPLICANT.—In this  
20 section, the term “eligible applicant” means a producer  
21 of animals described in section 10806(a)(1) of the Farm  
22 Security and Rural Investment Act of 2002 (21 U.S.C.  
23 321d(a)(1)) during the 2008 calendar year.

24 (b) AQUACULTURE GRANTS.—Of the funds of the  
25 Commodity Credit Corporation, the Secretary of Agri-

1 culture shall use \$50,000,000 to provide grants to appro-  
2 priate State departments of agriculture (or other appro-  
3 priate State agencies) that agree to provide assistance to  
4 eligible applicants through animal feed providers that  
5 agree to make the assistance available on a pro rata basis  
6 to eligible applicants based on documented feed use by the  
7 eligible applicants during the 2008 calendar year to help  
8 offset feed costs or economic losses caused by natural dis-  
9 asters.

10 (c) DUTY OF SECRETARY.—The Secretary shall en-  
11 sure that—

12 (1) funds made available under subsection (b)  
13 are apportioned in an equitable manner among the  
14 States that receive funds under this section; and

15 (2) assistance is made available based only on  
16 documented feed use.

17 (d) REGULATIONS.—

18 (1) IN GENERAL.—The Secretary of Agriculture  
19 may promulgate such regulations as are necessary to  
20 implement this section.

21 (2) PROCEDURE.—The promulgation of the reg-  
22 ulations and administration of this section shall be  
23 made without regard to—

24 (A) the notice and comment provisions of  
25 section 553 of title 5, United States Code;

1           (B) the Statement of Policy of the Sec-  
2           retary of Agriculture effective July 24, 1971  
3           (36 Fed. Reg. 13804), relating to notices of  
4           proposed rulemaking and public participation in  
5           rulemaking; and

6           (C) chapter 35 of title 44, United States  
7           Code (commonly known as the “Paperwork Re-  
8           duction Act”).

9           (3) CONGRESSIONAL REVIEW OF AGENCY RULE-  
10          MAKING.—In carrying out this subsection, the Sec-  
11          retary shall use the authority provided under section  
12          808 of title 5, United States Code.

○