

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

# S. 3644

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 17), 2008

Ms. LANDRIEU (for herself, Mrs. HUTCHISON, Mrs. LINCOLN, Mr. PRYOR, Mr. WICKER, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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”.

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

2 Section 9001 of the U.S. Troop Readiness, Veterans'  
3 Care, Katrina Recovery, and Iraq Accountability Appro-  
4 priations Act, 2007 (Public Law 110–28; 121 Stat. 211)  
5 is amended—

6 (1) in subsection (a)—

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

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

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

11 “(2) 2008 CROP DISASTER ASSISTANCE.—

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

21 “(B) SUGAR AND SUGARCANE DISASTER  
22 ASSISTANCE.—

23 “(i) FLORIDA.—There are hereby ap-  
24 propriated to the Secretary such sums as  
25 are necessary, to remain available until ex-  
26 pended, to make payments to processors in

1 Florida that are eligible to obtain a loan  
2 under section 156(a) of the Federal Agri-  
3 culture Improvement and Reform Act of  
4 1996 (7 U.S.C. 7272(a)) to compensate  
5 first processors and producers for crop and  
6 other losses due a natural disaster or any  
7 related condition, as determined by the  
8 Secretary, in Florida during calendar year  
9 2008, by an agreement on the same terms  
10 and conditions, to the maximum extent  
11 practicable, as the payments made under  
12 section 102 of the Emergency Supple-  
13 mental Appropriations for Hurricane Dis-  
14 asters Assistance Act of 2005 (Public Law  
15 108–324; 118 Stat. 1235), including that  
16 the 2008 base production of each har-  
17 vesting unit shall be determined using the  
18 same base year crop production history  
19 that was used pursuant to the agreement  
20 under that section.

21 “(ii) LOUISIANA.—

22 “(I) COMPENSATION FOR  
23 LOSSES.—There are hereby appro-  
24 priated to the Secretary such sums as  
25 are necessary, to remain available

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

19                   “(II) ADMINISTRATION.—Assist-  
20                   ance under this clause shall be—

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

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

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

21                 “(III) FORM OF ASSISTANCE.—

22                 In carrying out this clause, the Sec-  
23                 retary shall—

24                         “(aa) convey to the first  
25                         processor commodities in the in-

1                   ventory of the Commodity Credit  
2                   Corporation derived from car-  
3                   rying out section 156(a) of the  
4                   Federal Agriculture Improvement  
5                   and Reform Act of 1996 (7  
6                   U.S.C. 7272(a));

7                   “(bb) make monetary pay-  
8                   ments to the first processor; or

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

13                 “(IV) LOSS DETERMINATION.—

14                 In carrying out this clause, the Sec-  
15                 retary shall use the same base year to  
16                 determine crop loss that was elected  
17                 by a producer to determine crop loss  
18                 in carrying out the hurricane assist-  
19                 ance program under section 207 of  
20                 the Agricultural Assistance Act of  
21                 2003 (Public Law 108–7; 117 Stat.  
22                 543).

23                 “(iii) TEXAS.—There are hereby ap-  
24                 propriated to the Secretary such sums as  
25                 are necessary, to remain available until ex-

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

8           “(C) RELATION TO SUPPLEMENTAL AGRI-  
 9           CULTURAL DISASTER ASSISTANCE PROGRAM.—

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

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

20       **SEC. 3. AQUACULTURE GRANTS.**

21          (a) DEFINITION OF ELIGIBLE APPLICANT.—In this  
 22          section, the term “eligible applicant” means a producer  
 23          of animals described in section 10806(a)(1) of the Farm  
 24          Security and Rural Investment Act of 2002 (21 U.S.C.  
 25          321d(a)(1)) during the 2008 calendar year.

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

12           (c) DUTY OF SECRETARY.—The Secretary shall en-  
13 sure that—

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

17                 (2) assistance is made available based only on  
18                 documented feed use.

19           (d) REGULATIONS.—

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

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

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

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

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

11 (3) CONGRESSIONAL REVIEW OF AGENCY RULE-  
12 MAKING.—In carrying out this subsection, the Sec-  
13 retary shall use the authority provided under section  
14 808 of title 5, United States Code.

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