

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

# S. 3753

To provide emergency assistance to agricultural producers that have incurred losses during calendar year 2006 due to fires.

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## IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 26), 2006

Mr. BAUCUS 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 provide emergency assistance to agricultural producers that have incurred losses during calendar year 2006 due to fires.

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 “Agriculture Fire As-

5       sistance Act of 2006”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **ELIGIBLE PRODUCER.**—The term “eligible

9       producer” means a producer on a farm or ranch

1 that has incurred losses during calendar year 2006  
2 due to fire.

3 (2) SECRETARY.—The term “Secretary” means  
4 the Secretary of Agriculture.

5 **SEC. 3. LIVESTOCK ASSISTANCE.**

6 (a) LIVESTOCK INDEMNITY PAYMENTS.—

7 (1) IN GENERAL.—The Secretary shall use such  
8 sums as are necessary of funds of the Commodity  
9 Credit Corporation to make livestock indemnity pay-  
10 ments to eligible producers.

11 (2) PAYMENT RATES.—The payment rate for  
12 indemnity payments made to eligible producers  
13 under paragraph (1) shall be equal to—

14 (A)(i) in the case of a cow, steer, or bull  
15 that weighs 500 pounds or more on the date of  
16 death of the cow, steer, or bull, \$400 per head;  
17 and

18 (ii) in the case of a cow, steer, or bull that  
19 weighs less than 500 pounds on the date of  
20 death of the cow, steer, or bull, \$250 per head;  
21 and

22 (B) in the case of other types of livestock,  
23 a rate determined by the Secretary based on  
24 documentation provided by the eligible pro-

1           ducers, including a death certificate or other  
2           certification provided by a licensed veterinarian.

3           (b) FEED ASSISTANCE.—The Secretary shall use  
4 such sums as are necessary of funds of the Commodity  
5 Credit Corporation to make payments to eligible producers  
6 for the purchase of livestock feed.

7           (c) REQUIREMENT.—The Secretary shall provide as-  
8 sistance to eligible producers under this section not later  
9 than 90 days after the date of enactment of this Act.

10 **SEC. 4. CONSERVATION PROGRAMS.**

11           (a) EMERGENCY CONSERVATION PROGRAM.—The  
12 Secretary shall use an additional \$50,000,000 of the funds  
13 of the Commodity Credit Corporation to provide assist-  
14 ance under the emergency conservation program estab-  
15 lished under title IV of the Agricultural Credit Act of 1978  
16 (16 U.S.C. 2201 et seq.) in accordance with subsection  
17 (d).

18           (b) EMERGENCY WATERSHED PROTECTION PRO-  
19 GRAM.—The Secretary shall use an additional  
20 \$150,000,000 of the funds of the Commodity Credit Cor-  
21 poration to provide assistance under the emergency water-  
22 shed protection program established under section 403 of  
23 the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in  
24 accordance with subsection (d).

1           (c) ENVIRONMENTAL QUALITY INCENTIVES PRO-  
2 GRAM.—The Secretary shall use an additional  
3 \$100,000,000 of the funds of the Commodity Credit Cor-  
4 poration to provide assistance to eligible producers under  
5 the environmental quality incentives program established  
6 under chapter 4 of subtitle D of title XII of the Food Se-  
7 curity Act of 1985 (16 U.S.C. 3839aa et seq.) in accord-  
8 ance with subsection (d).

9           (d) REQUIREMENTS.—

10           (1) PRIORITY.—In providing assistance under  
11 subsections (a) and (b), the Secretary shall give pri-  
12 ority to eligible producers.

13           (2) TIMING.—The Secretary shall provide as-  
14 sistance under this section not later than 90 days  
15 after the date of enactment of this Act.

16 **SEC. 5. REGULATIONS.**

17           (a) IN GENERAL.—The Secretary may promulgate  
18 such regulations as are necessary to implement this Act  
19 and the amendments made by this Act.

20           (b) PROCEDURE.—The promulgation of the regula-  
21 tions and administration of this Act and the amendments  
22 made by this Act shall be made without regard to—

23           (1) the notice and comment provisions of sec-  
24 tion 553 of title 5, United States Code;

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

5           (3) chapter 35 of title 44, United States Code  
6           (commonly known as the “Paperwork Reduction  
7           Act”).

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

12          **SEC. 6. EMERGENCY DESIGNATION.**

13          The amounts made available under this Act are des-  
14          ignated as an emergency requirement pursuant to section  
15          402 of S. Con. Res. 83 (109th Congress), the concurrent  
16          resolution on the budget for fiscal year 2007, as made ap-  
17          plicable in the Senate by section 7035 of Public Law 109–  
18          234.

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