To provide supplemental emergency disaster assistance to agricultural producers for certain crop losses during the 2011 crop year, to eliminate limitations on certain waivers for borrowers eligible for direct farm operating loans, and to suspend the limitation on the period for which borrowers are eligible for guaranteed farm operating loans, for farming or ranching operations in counties subject to a disaster declaration issued in 2011.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2011

Mr. Butterfield (for himself, Mr. McIntyre, Mr. Shuler, Mr. Kissell, Mr. Miller of North Carolina, Mr. Price of North Carolina, and Mr. Watt) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide supplemental emergency disaster assistance to agricultural producers for certain crop losses during the 2011 crop year, to eliminate limitations on certain waivers for borrowers eligible for direct farm operating loans, and to suspend the limitation on the period for which borrowers are eligible for guaranteed farm operating loans, for farming or ranching operations in counties subject to a disaster declaration issued in 2011.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Farmers Disaster Assistance Act of 2011”.

SEC. 2. SUPPLEMENTAL EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) DISASTER COUNTY.—The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2011 crop year.

(2) ELIGIBLE PRODUCER.—The term “eligible producer” means an agricultural producer in a disaster county.

(3) ELIGIBLE SPECIALTY CROP PRODUCER.—The term “eligible specialty crop producer” means an agricultural producer that, for the 2011 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(4) QUALIFYING NATURAL DISASTER DECLARATION.—The term “qualifying natural disaster declaration” means a natural disaster declared by the Secretary for production losses under section 321(a)
of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(6) SPECIALTY CROP.—The term “specialty crop” has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2011 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C.
8715) for the 2011 crop year and that otherwise
meet the requirements of paragraph (1) shall be eli-
gible to receive supplemental payments under that
paragraph in an amount equal to 90 percent of the
reduced direct payment the eligible producers re-
ceived for the 2011 crop year under section 1103 or
1303 of the Food, Conservation, and Energy Act of

(3) INSURANCE REQUIREMENT.—As a condition
of receiving assistance under this subsection, eligible
producers on a farm that—

(A) in the case of an insurable commodity,
did not obtain a policy or plan of insurance for
the insurable commodity under the Federal
Crop Insurance Act (7 U.S.C. 1501 et seq.)
(other than for a crop insurance pilot program
under that Act) for each crop of economic sig-
nificance (other than crops intended for graz-
ing), shall obtain such a policy or plan for those
crops for the next available crop year, as deter-
mined by the Secretary; or

(B) in the case of a noninsurable com-
modity, did not file the required paperwork, and
pay the administrative fee by the applicable
State filing deadline, for the noninsurable com-
modity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2011 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as necessary, which shall remain available until September 30, 2012, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2011 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agric-
culture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) Provision of grants.—

(A) In general.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2011 calendar year, as determined by the Secretary.

(B) Timing.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) Maximum grant.—The maximum amount of a grant made to a State under this subsection may not exceed $40,000,000.

(4) Requirements.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;
(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) Relation to other law.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2011 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).
SEC. 3. ELIMINATION OF LIMITATIONS ON CERTAIN WAIVERS FOR BORROWERS ELIGIBLE FOR DIRECT FARM OPERATING LOANS FOR FARMING OR RANCHING OPERATIONS IN COUNTIES SUBJECT TO A DISASTER DECLARATION ISSUED IN 2011.

The numerical and durational limitations on waivers which may be granted under section 311(c)(4)(B) of the Consolidated Farm and Rural Development Act shall not apply with respect to an operating loan for a farming or ranching operation located in a county which is found by the Secretary of Agriculture to have been substantially affected by a natural disaster in the United States or a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that occurred in calendar year 2011.

SEC. 4. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED FARM OPERATING LOANS FOR FARMING OR RANCHING OPERATIONS IN COUNTIES SUBJECT TO A DISASTER DECLARATION ISSUED IN 2011.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended—
(1) in the section heading by inserting “FOR FARMING OR RANCHING OPERATIONS IN COUNTIES SUBJECT TO A DISASTER DECLARATION ISSUED IN 2011” after “ASSISTANCE”; (2) by striking “2010” and inserting “2013”; and (3) by inserting “in the case of a guaranteed operating loan for a farming or ranching operation located in a county which is found by the Secretary of Agriculture to have been substantially affected by a natural disaster in the United States or a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that occurred in calendar year 2011” before the period.