

110TH CONGRESS
2D 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.

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

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 between 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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