

112TH CONGRESS  
2D SESSION

# H. R. 4948

To amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs through fiscal year 2017, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2012

Mrs. NOEM introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs through fiscal year 2017, and for other purposes.

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 “Livestock Disaster  
5       Protection Act”.

1 **SEC. 2. EXTENSION OF CERTAIN SUPPLEMENTAL AGRICUL-**  
 2 **TURAL DISASTER ASSISTANCE PROGRAMS**  
 3 **WITH NEW FUNDING MECHANISM.**

4 Section 531 of the Federal Crop Insurance Act (7  
 5 U.S.C. 1531) is amended to read as follows:

6 **“SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER AS-**  
 7 **SISTANCE.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE PRODUCER ON A FARM.—

10 “(A) IN GENERAL.—The term ‘eligible pro-  
 11 ducer on a farm’ means an individual or entity  
 12 described in subparagraph (B) that, as deter-  
 13 mined by the Secretary, assumes the production  
 14 and market risks associated with the agricul-  
 15 tural production of crops or livestock.

16 “(B) DESCRIPTION.—An individual or en-  
 17 tity referred to in subparagraph (A) is—

18 “(i) a citizen of the United States;

19 “(ii) a resident alien;

20 “(iii) a partnership of citizens of the  
 21 United States; or

22 “(iv) a corporation, limited liability  
 23 corporation, or other farm organizational  
 24 structure organized under State law.

25 “(2) FARM.—

1           “(A) IN GENERAL.—The term ‘farm’  
2           means, in relation to an eligible producer on a  
3           farm, the crop acreage in all counties that is  
4           planted or intended to be planted for harvest  
5           for sale or on-farm livestock feeding (including  
6           native grassland intended for haying) by the eli-  
7           gible producer.

8           “(B) AQUACULTURE.—In the case of  
9           aquaculture, the term ‘farm’ means, in relation  
10          to an eligible producer on a farm, all fish being  
11          produced in all counties that are intended to be  
12          harvested for sale by the eligible producer.

13          “(C) HONEY.—In the case of honey, the  
14          term ‘farm’ means, in relation to an eligible  
15          producer on a farm, all bees and beehives in all  
16          counties that are intended to be harvested for  
17          a honey crop for sale by the eligible producer.

18          “(3) FARM-RAISED FISH.—The term ‘farm-  
19          raised fish’ means any aquatic species that is propa-  
20          gated and reared in a controlled environment.

21          “(4) LIVESTOCK.—The term ‘livestock’ in-  
22          cludes—

23                 “(A) cattle (including dairy cattle);

24                 “(B) bison;

25                 “(C) poultry;

1                   “(D) sheep;  
2                   “(E) swine;  
3                   “(F) horses; and  
4                   “(G) other livestock, as determined by the  
5           Secretary.

6           “(b) LIVESTOCK INDEMNITY PAYMENTS.—

7                   “(1) PAYMENTS.—For each of the fiscal years  
8           2012 through 2017, the Secretary shall use such  
9           sums as are necessary of the funds of the Com-  
10          modity Credit Corporation to make livestock indem-  
11          nity payments to eligible producers on farms that  
12          have incurred livestock death losses in excess of the  
13          normal mortality, as determined by the Secretary,  
14          due to—

15                   “(A) attacks by animals reintroduced into  
16          the wild by the Federal Government or pro-  
17          tected by Federal law, including wolves and  
18          avian predators; or

19                   “(B) adverse weather, as determined by  
20          the Secretary, during the calendar year, includ-  
21          ing losses due to hurricanes, floods, blizzards,  
22          disease, wildfires, extreme heat, and extreme  
23          cold.

24                   “(2) PAYMENT RATES.—Indemnity payments to  
25          an eligible producer on a farm under paragraph (1)

1 shall be made at a rate of 75 percent of the market  
2 value of the applicable livestock on the day before  
3 the date of death of the livestock, as determined by  
4 the Secretary.

5 “(3) SPECIAL RULE FOR PAYMENTS MADE DUE  
6 TO DISEASE.—The Secretary shall ensure that pay-  
7 ments made to an eligible producer under paragraph  
8 (1) are not made for the same livestock losses for  
9 which compensation is provided pursuant to section  
10 10407(d) of the Animal Health Protection Act (7  
11 U.S.C. 8306(d)).

12 “(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

13 “(1) DEFINITIONS.—In this subsection:

14 “(A) COVERED LIVESTOCK.—

15 “(i) IN GENERAL.—Except as pro-  
16 vided in clause (ii), the term ‘covered live-  
17 stock’ means livestock of an eligible live-  
18 stock producer that, during the 60 days  
19 prior to the beginning date of a qualifying  
20 drought or fire condition, as determined by  
21 the Secretary, the eligible livestock pro-  
22 ducer—

23 “(I) owned;

24 “(II) leased;

25 “(III) purchased;

1 “(IV) entered into a contract to  
2 purchase;

3 “(V) is a contract grower; or

4 “(VI) sold or otherwise disposed  
5 of due to qualifying drought condi-  
6 tions during—

7 “(aa) the current production  
8 year; or

9 “(bb) subject to paragraph  
10 (3)(B)(ii), 1 or both of the 2 pro-  
11 duction years immediately pre-  
12 ceding the current production  
13 year.

14 “(ii) EXCLUSION.—The term ‘covered  
15 livestock’ does not include livestock that  
16 were or would have been in a feedlot, on  
17 the beginning date of the qualifying  
18 drought or fire condition, as a part of the  
19 normal business operation of the eligible  
20 livestock producer, as determined by the  
21 Secretary.

22 “(B) DROUGHT MONITOR.—The term  
23 ‘drought monitor’ means a system for  
24 classifying drought severity according to a

1 range of abnormally dry to exceptional drought,  
2 as defined by the Secretary.

3 “(C) ELIGIBLE LIVESTOCK PRODUCER.—

4 “(i) IN GENERAL.—The term ‘eligible  
5 livestock producer’ means an eligible pro-  
6 ducer on a farm that—

7 “(I) is an owner, cash or share  
8 lessee, or contract grower of covered  
9 livestock that provides the pastureland  
10 or grazing land, including cash-leased  
11 pastureland or grazing land, for the  
12 livestock;

13 “(II) provides the pastureland or  
14 grazing land for covered livestock, in-  
15 cluding cash-leased pastureland or  
16 grazing land that is physically located  
17 in a county affected by drought;

18 “(III) certifies grazing loss; and

19 “(IV) meets all other eligibility  
20 requirements established under this  
21 subsection.

22 “(ii) EXCLUSION.—The term ‘eligible  
23 livestock producer’ does not include an  
24 owner, cash or share lessee, or contract  
25 grower of livestock that rents or leases

pastureland or grazing land owned by another person on a rate-of-gain basis.

“(D) NORMAL CARRYING CAPACITY.—The term ‘normal carrying capacity’, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

“(E) NORMAL GRAZING PERIOD.—The term ‘normal grazing period’, with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

“(2) PROGRAM.—For each of the fiscal years 2012 through 2017, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

“(A) a drought condition, as described in paragraph (3); or



1 “(B) fire, as described in paragraph (4).

2 “(3) ASSISTANCE FOR LOSSES DUE TO  
3 DROUGHT CONDITIONS.—

4 “(A) ELIGIBLE LOSSES.—

5 “(i) IN GENERAL.—An eligible live-  
6 stock producer may receive assistance  
7 under this subsection only for grazing  
8 losses for covered livestock that occur on  
9 land that—

10 “(I) is native or improved  
11 pastureland with permanent vegeta-  
12 tive cover; or

13 “(II) is planted to a crop planted  
14 specifically for the purpose of pro-  
15 viding grazing for covered livestock.

16 “(ii) EXCLUSIONS.—An eligible live-  
17 stock producer may not receive assistance  
18 under this subsection for grazing losses  
19 that occur on land used for haying or graz-  
20 ing under the conservation reserve pro-  
21 gram established under subchapter B of  
22 chapter 1 of subtitle D of title XII of the  
23 Food Security Act of 1985 (16 U.S.C.  
24 3831 et seq.).

25 “(B) MONTHLY PAYMENT RATE.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), the payment rate for  
3           assistance under this paragraph for 1  
4           month shall, in the case of drought, be  
5           equal to 60 percent of the lesser of—

6                   “(I) the monthly feed cost for all  
7                   covered livestock owned or leased by  
8                   the eligible livestock producer, as de-  
9                   termined under subparagraph (C); or

10                   “(II) the monthly feed cost cal-  
11                   culated by using the normal carrying  
12                   capacity of the eligible grazing land of  
13                   the eligible livestock producer.

14           “(ii) PARTIAL COMPENSATION.—In  
15           the case of an eligible livestock producer  
16           that sold or otherwise disposed of covered  
17           livestock due to drought conditions in 1 or  
18           both of the 2 production years immediately  
19           preceding the current production year, as  
20           determined by the Secretary, the payment  
21           rate shall be 80 percent of the payment  
22           rate otherwise calculated in accordance  
23           with clause (i).

24           “(C) MONTHLY FEED COST.—

1 “(i) IN GENERAL.—The monthly feed  
2 cost shall equal the product obtained by  
3 multiplying—

4 “(I) 30 days;

5 “(II) a payment quantity that is  
6 equal to the feed grain equivalent, as  
7 determined under clause (ii); and

8 “(III) a payment rate that is  
9 equal to the corn price per pound, as  
10 determined under clause (iii).

11 “(ii) FEED GRAIN EQUIVALENT.—For  
12 purposes of clause (i)(II), the feed grain  
13 equivalent shall equal—

14 “(I) in the case of an adult beef  
15 cow, 15.7 pounds of corn per day; or

16 “(II) in the case of any other  
17 type of weight of livestock, an amount  
18 determined by the Secretary that rep-  
19 resents the average number of pounds  
20 of corn per day necessary to feed the  
21 livestock.

22 “(iii) CORN PRICE PER POUND.—For  
23 purposes of clause (i)(III), the corn price  
24 per pound shall equal the quotient ob-  
25 tained by dividing—

1 “(I) the higher of—

2 “(aa) the national average  
3 corn price per bushel for the 12-  
4 month period immediately pre-  
5 ceding March 1 of the year for  
6 which the disaster assistance is  
7 calculated; or

8 “(bb) the national average  
9 corn price per bushel for the 24-  
10 month period immediately pre-  
11 ceding that March 1; by

12 “(II) 56.

13 “(D) NORMAL GRAZING PERIOD AND  
14 DROUGHT MONITOR INTENSITY.—

15 “(i) FSA COUNTY COMMITTEE DE-  
16 TERMINATIONS.—

17 “(I) IN GENERAL.—The Sec-  
18 retary shall determine the normal car-  
19 rying capacity and normal grazing pe-  
20 riod for each type of grazing land or  
21 pastureland in the county served by  
22 the applicable committee.

23 “(II) CHANGES.—No change to  
24 the normal carrying capacity or nor-  
25 mal grazing period established for a

1 county under subclause (I) shall be  
2 made unless the change is requested  
3 by the appropriate State and county  
4 Farm Service Agency committees.

5 “(ii) DROUGHT INTENSITY.—

6 “(I) D2.—An eligible livestock  
7 producer that owns or leases grazing  
8 land or pastureland that is physically  
9 located in a county that is rated by  
10 the U.S. Drought Monitor as having a  
11 D2 (severe drought) intensity in any  
12 area of the county for at least 8 con-  
13 secutive weeks during the normal  
14 grazing period for the county, as de-  
15 termined by the Secretary, shall be el-  
16 igible to receive assistance under this  
17 paragraph in an amount equal to 1  
18 monthly payment using the monthly  
19 payment rate determined under sub-  
20 paragraph (B).

21 “(II) D3.—An eligible livestock  
22 producer that owns or leases grazing  
23 land or pastureland that is physically  
24 located in a county that is rated by  
25 the U.S. Drought Monitor as having

1 at least a D3 (extreme drought) in-  
2 tensity in any area of the county at  
3 any time during the normal grazing  
4 period for the county, as determined  
5 by the Secretary, shall be eligible to  
6 receive assistance under this para-  
7 graph—

8 “(aa) in an amount equal to  
9 2 monthly payments using the  
10 monthly payment rate deter-  
11 mined under subparagraph (B);  
12 or

13 “(bb) if the county is rated  
14 as having a D3 (extreme  
15 drought) intensity in any area of  
16 the county for at least 4 weeks  
17 during the normal grazing period  
18 for the county, or is rated as  
19 having a D4 (exceptional  
20 drought) intensity in any area of  
21 the county at any time during  
22 the normal grazing period, in an  
23 amount equal to 3 monthly pay-  
24 ments using the monthly pay-

1                                   ment rate determined under sub-  
2                                   paragraph (B).

3                   “(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON  
4                   PUBLIC MANAGED LAND.—

5                   “(A) IN GENERAL.—An eligible livestock  
6                   producer may receive assistance under this  
7                   paragraph only if—

8                                   “(i) the grazing losses occur on range-  
9                                   land that is managed by a Federal agency;  
10                                  and

11                                 “(ii) the eligible livestock producer is  
12                                 prohibited by the Federal agency from  
13                                 grazing the normal permitted livestock on  
14                                 the managed rangeland due to a fire.

15                   “(B) PAYMENT RATE.—The payment rate  
16                   for assistance under this paragraph shall be  
17                   equal to 50 percent of the monthly feed cost for  
18                   the total number of livestock covered by the  
19                   Federal lease of the eligible livestock producer,  
20                   as determined under paragraph (3)(C).

21                   “(C) PAYMENT DURATION.—

22                                 “(i) IN GENERAL.—Subject to clause  
23                                 (ii), an eligible livestock producer shall be  
24                                 eligible to receive assistance under this  
25                                 paragraph for the period—

1                   “(I) beginning on the date on  
2                   which the Federal agency excludes the  
3                   eligible livestock producer from using  
4                   the managed rangeland for grazing;  
5                   and

6                   “(II) ending on the last day of  
7                   the Federal lease of the eligible live-  
8                   stock producer.

9                   “(ii) LIMITATION.—An eligible live-  
10                  stock producer may only receive assistance  
11                  under this paragraph for losses that occur  
12                  on not more than 180 days per year.

13               “(5) NO DUPLICATIVE PAYMENTS.—

14               “(A) IN GENERAL.—An eligible livestock  
15               producer may elect to receive assistance for  
16               grazing or pasture feed losses due to drought  
17               conditions under paragraph (3) or fire under  
18               paragraph (4), but not both for the same loss,  
19               as determined by the Secretary.

20               “(B) RELATIONSHIP TO OTHER ASSIST-  
21               ANCE.—An eligible livestock producer that re-  
22               ceives assistance under this subsection may not  
23               also receive assistance for losses to crops on the  
24               same land with the same intended use.



1       “(d) EMERGENCY ASSISTANCE FOR LIVESTOCK,  
2 HONEY BEES, AND FARM-RAISED FISH.—

3               “(1) IN GENERAL.—For each of the fiscal years  
4 2012 through 2017, the Secretary shall use not  
5 more than \$20,000,000 of the funds of the Com-  
6 modity Credit Corporation to provide emergency re-  
7 lief to eligible producers of livestock, honey bees, and  
8 farm-raised fish to aid in the reduction of losses due  
9 to disease, adverse weather, or other conditions, such  
10 as blizzards and wildfires, as determined by the Sec-  
11 retary, that are not covered under subsection (b) or  
12 (c).

13               “(2) USE OF FUNDS.—Funds made available  
14 under this subsection shall be used to reduce losses  
15 caused by feed or water shortages, disease, or other  
16 factors as determined by the Secretary.

17               “(3) AVAILABILITY OF FUNDS.—Any funds  
18 made available under this subsection shall remain  
19 available until expended.

20       “(e) PAYMENT LIMITATIONS.—

21               “(1) DEFINITIONS OF LEGAL ENTITY AND PER-  
22 SON.—In this subsection, the terms ‘legal entity’ and  
23 ‘person’ have the meaning given those terms in sec-  
24 tion 1001(a) of the Food Security Act of 1985 (7

1 U.S.C. 1308(a) (as amended by section 1603 of the  
2 Food, Conservation, and Energy Act of 2008).

3 “(2) AMOUNT.—The total amount of disaster  
4 assistance payments received, directly or indirectly,  
5 by a person or legal entity (excluding a joint venture  
6 or general partnership) under this section may not  
7 exceed \$100,000 for any crop year.

8 “(3) DIRECT ATTRIBUTION.—Subsections (e)  
9 and (f) of section 1001 of the Food Security Act of  
10 1985 (7 U.S.C. 1308) or any successor provisions  
11 relating to direct attribution shall apply with respect  
12 to assistance provided under this section.”.

○