

112TH CONGRESS
2D SESSION

H. R. 6228

To provide a one-year extension of the Food, Conservation, and Energy Act of 2008, with certain modifications and exceptions, to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2012

Mr. LUCAS introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide a one-year extension of the Food, Conservation, and Energy Act of 2008, with certain modifications and exceptions, to make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, 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. ONE-YEAR EXTENSION OF AGRICULTURAL PRO-**
4 **GRAMS.**

5 (a) EXTENSION.—Except as otherwise provided in
6 this section and amendments made by this section and
7 notwithstanding any other provision of law, the authorities

1 provided by each provision of the Food, Conservation, and
2 Energy Act of 2008 (Public Law 110–246; 122 Stat.
3 1651) and each amendment made by that Act (and for
4 mandatory programs at such funding levels), as in effect
5 on September 30, 2012, shall continue, and the Secretary
6 of Agriculture shall carry out the authorities, until the
7 later of—

8 (1) September 30, 2013; and

9 (2) the date specified in the provision of such
10 Act or amendment made by such Act.

11 (b) COMMODITY PROGRAMS.—

12 (1) IN GENERAL.—The terms and conditions
13 applicable to a covered commodity or loan com-
14 modity (as those terms are defined in section 1001
15 of the Food, Conservation, and Energy Act of 2008
16 (7 U.S.C. 8702)) or to peanuts, sugarcane, or sugar
17 beets for the 2012 crop year pursuant to title I of
18 such Act and each amendment made by that title
19 shall be applicable to the 2013 crop year for that
20 covered commodity, loan commodity, peanuts, sugar-
21 cane, or sugar beets.

22 (2) UPLAND COTTON.—

23 (A) ADJUSTMENT OF PREVAILING WORLD
24 MARKET PRICE.—The adjustment authority
25 provided by section 1204(e)(2)(B) of the Food,

1 Conservation, and Energy Act of 2008 (7
2 U.S.C. 8734(e)(2)(B)) shall be available to the
3 Secretary of Agriculture through July 31, 2014.

4 (B) IMPORT QUOTA PROGRAM.—The dura-
5 tion of the import quota program required by
6 section 1207(a) of the Food, Conservation, and
7 Energy Act of 2008 (7 U.S.C. 8737(a)) shall
8 extend through July 31, 2014.

9 (3) SPECIAL COMPETITIVE PROVISIONS FOR
10 EXTRA LONG STAPLE COTTON.—The duration of the
11 special competitive provisions for extra long staple
12 cotton authorized by section 1208 of the Food, Con-
13 servation, and Energy Act of 2008 (7 U.S.C. 8738)
14 shall extend through July 31, 2014.

15 (4) MILK.—Notwithstanding subsection (a), the
16 Secretary of Agriculture shall carry out the dairy
17 product price support program under section 1501
18 of the Food, Conservation, and Energy Act of 2008
19 (7 U.S.C. 8771) through December 31, 2013.

20 (5) SUSPENSION OF PERMANENT PRICE SUP-
21 PORT AUTHORITIES.—The provisions of law specified
22 in subsections (a) through (c) of section 1602 of the
23 Food, Conservation, and Energy Act of 2008 (7
24 U.S.C. 8782) shall be suspended—

1 (A) for the 2013 crop or production year
 2 of a covered commodity (as that term is defined
 3 in section 1001 of such Act (7 U.S.C. 8702)),
 4 peanuts, and sugar, as appropriate; and

5 (B) in the case of milk, through December
 6 31, 2013.

7 (6) REDUCTION IN PERCENTAGE OF BASE
 8 ACRES USED TO DETERMINE PAYMENT ACRES FOR
 9 DIRECT PAYMENTS.—For purposes of applying sec-
 10 tions 1103 and 1303 of the Food, Conservation, and
 11 Energy Act of 2008 (7 U.S.C. 8713, 8753) for the
 12 2013 crop year of a covered commodity (as that
 13 term is defined in section 1001 of such Act (7
 14 U.S.C. 8702)) or peanuts, as required by subsection
 15 (a), the term “payment acres” means 84.5 percent
 16 of the base acres of a covered commodity and of pea-
 17 nuts on a farm on which direct payments are made.

18 (c) CONSERVATION PROGRAMS.—

19 (1) CONSERVATION STEWARDSHIP PROGRAM.—
 20 Section 1238G(d)(1) of the Food Security Act of
 21 1985 (16 U.S.C. 3838g(d)(1)) is amended by insert-
 22 ing “(except that for fiscal year 2013, the Secretary
 23 shall, to the maximum extent practicable, enroll in
 24 the program an additional 11,000,000 acres)” before
 25 the semicolon.

1 (2) FARMLAND PROTECTION PROGRAM.—Sec-
2 tion 1241(a)(4) of the Food Security Act of 1985
3 (16 U.S.C. 3841(a)(4)) is amended—

4 (A) in subparagraph (D), by striking “;
5 and” and inserting a semicolon; and

6 (B) by striking subparagraph (E) and in-
7 serting the following:

8 “(E) \$200,000,000 in fiscal year 2012;

9 “(F) \$150,000,000 in fiscal year 2013;

10 and

11 “(G) \$200,000,000 in fiscal year 2014.”.

12 (3) ENVIRONMENTAL QUALITY INCENTIVES
13 PROGRAM.—Section 1241(a)(6) of the Food Security
14 Act of 1985 (16 U.S.C. 3841(a)(6)) is amended—

15 (A) in subparagraph (D), by striking “;
16 and” and inserting a semicolon; and

17 (B) by striking subparagraph (E) and in-
18 serting the following:

19 “(E) \$1,750,000,000 in fiscal year 2012;

20 “(F) \$1,400,000,000 in fiscal year 2013;

21 and

22 “(G) \$1,750,000,000 in fiscal year 2014.”.

23 (4) WILDLIFE HABITAT INCENTIVES PRO-
24 GRAM.—Section 1241(a)(7) of the Food Security Act
25 of 1985 (16 U.S.C. 3841(a)(7)) is amended—

1 (A) in subparagraph (C), by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (D), by striking
4 “2014.” and inserting “2012;”; and

5 (C) by adding at the end the following:

6 “(E) \$45,000,000 in fiscal year 2013; and

7 “(F) \$85,000,000 in fiscal year 2014.”.

8 (5) VOLUNTARY PUBLIC ACCESS.—Subsection
9 (f) of section 1240R(f) of the Food Security Act of
10 1985 (16 U.S.C. 3839bb–5(f)) is amended to read
11 as follows:

12 “(f) FUNDING.—

13 “(1) FISCAL YEARS 2009 THROUGH 2012.—Of
14 the funds of the Commodity Credit Corporation, the
15 Secretary shall use, to the maximum extent prac-
16 ticable, \$50,000,000 for the period of fiscal years
17 2009 through 2012.

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this section \$50,000,000 for fiscal year 2013.”.

21 (6) DESERT TERMINAL LAKES.—Section 2507
22 of the Farm Security and Rural Investment Act of
23 2002 (43 U.S.C. 2211 note; Public Law 107–171)
24 is repealed.

1 (d) EMPLOYMENT AND TRAINING PROGRAMS UNDER
2 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—
3 For purposes of fiscal year 2013, the reference to
4 \$90,000,000 in section 16(h)(1)(A) of the Food and Nu-
5 trition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) shall be
6 deemed to be a reference to \$79,000,000.

7 (e) RESEARCH PROGRAMS.—

8 (1) ORGANIC AGRICULTURE RESEARCH AND EX-
9 TENSION INITIATIVE.—Section 1672B(f) of the
10 Food, Agriculture, Conservation, and Trade Act of
11 1990 (7 U.S.C. 5925b(f)) is amended—

12 (A) in the heading of paragraph (1), by
13 striking “IN GENERAL” and inserting “MANDA-
14 TORY FUNDING FOR FISCAL YEARS 2009
15 THROUGH 2012”;

16 (B) in the heading of paragraph (2), by
17 striking “ADDITIONAL FUNDING” and inserting
18 “DISCRETIONARY FUNDING FOR FISCAL YEARS
19 2009 THROUGH 2012”; and

20 (C) by adding at the end the following new
21 paragraph:

22 “(3) FISCAL YEAR 2013.—There are authorized
23 to be appropriated to carry out this section
24 \$25,000,000 for fiscal year 2013.”.

1 (2) SPECIALTY CROP RESEARCH INITIATIVE.—
2 Section 412(h) of the Agricultural Research, Extension,
3 and Education Reform Act of 1998 (7 U.S.C.
4 7632(h)) is amended—

5 (A) in the heading of paragraph (1), by
6 striking “IN GENERAL” and inserting “MANDA-
7 TORY FUNDING FOR FISCAL YEARS 2008
8 THROUGH 2012”;

9 (B) in the heading of paragraph (2), by in-
10 serting “FOR FISCAL YEARS 2008 THROUGH
11 2012” after “APPROPRIATIONS”;

12 (C) by redesignating paragraphs (3) and
13 (4) as paragraphs (4) and (5), respectively; and

14 (D) by inserting after paragraph (2) the
15 following new paragraph:

16 “(3) FISCAL YEAR 2013.—There are authorized
17 to be appropriated to carry out this section
18 \$100,000,000 for fiscal year 2013.”.

19 (3) BEGINNING FARMER AND RANCHER DEVELOPMENT
20 PROGRAM.—Section 7405(h) of the Farm
21 Security and Rural Investment Act of 2002 (7
22 U.S.C. 3319f(h)) is amended—

23 (A) in the heading of paragraph (1), by
24 striking “IN GENERAL” and inserting “MANDA-

1 TORY FUNDING FOR FISCAL YEARS 2009
2 THROUGH 2012”;

3 (B) in the heading of paragraph (2), by in-
4 serting “FOR FISCAL YEARS 2008 THROUGH
5 2012” after “APPROPRIATIONS”; and

6 (C) by adding at the end the following new
7 paragraph:

8 “(3) FISCAL YEAR 2013.—There are authorized
9 to be appropriated to carry out this section
10 \$30,000,000 for fiscal year 2013.”.

11 (f) ENERGY PROGRAMS.—

12 (1) BIOBASED MARKETS PROGRAM.—Section
13 9002(h) of the Farm Security and Rural Investment
14 Act of 2002 (7 U.S.C. 8102(h)) is amended—

15 (A) in the heading of paragraph (1), by in-
16 serting “FOR FISCAL YEARS 2008 THROUGH
17 2012” after “FUNDING”;

18 (B) in the heading of paragraph (2), by in-
19 serting “FOR FISCAL YEARS 2009 THROUGH
20 2012” after “FUNDING”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) FISCAL YEAR 2013.—There are authorized
24 to be appropriated to carry out this section
25 \$2,000,000 for fiscal year 2013.”.

1 (2) BIOREFINERY ASSISTANCE.—Section
2 9003(h) of the Farm Security and Rural Investment
3 Act of 2002 (7 U.S.C. 8103(h)) is amended—

4 (A) in the heading of paragraph (1), by in-
5 serting “FOR FISCAL YEARS 2009 AND 2010”
6 after “FUNDING”;

7 (B) in the heading of paragraph (2), by in-
8 serting “FOR FISCAL YEARS 2009 THROUGH
9 2012” after “FUNDING”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(3) FISCAL YEAR 2013.—There are authorized
13 to be appropriated to carry out this section
14 \$75,000,000 for fiscal year 2013.”.

15 (3) REPOWERING ASSISTANCE.—Section
16 9004(d) of the Farm Security and Rural Investment
17 Act of 2002 (7 U.S.C. 8104(d)) is amended—

18 (A) in the heading of paragraph (1), by in-
19 serting “FOR FISCAL YEAR 2009” after “FUND-
20 ING”;

21 (B) in the heading of paragraph (2), by in-
22 serting “FOR FISCAL YEARS 2009 THROUGH
23 2012” after “FUNDING”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(3) FISCAL YEAR 2013.—There are authorized
2 to be appropriated to carry out this section
3 \$10,000,000 for fiscal year 2013.”.

4 (4) BIOENERGY PROGRAM FOR ADVANCED
5 BIOFUELS.—Section 9005(g) of the Farm Security
6 and Rural Investment Act of 2002 (7 U.S.C.
7 8105(g)) is amended—

8 (A) in the heading of paragraph (1), by in-
9 serting “FOR FISCAL YEARS 2009 THROUGH
10 2012” after “FUNDING”;

11 (B) in the heading of paragraph (2), by in-
12 serting “FOR FISCAL YEARS 2009 THROUGH
13 2012” after “FUNDING”;

14 (C) by redesignating paragraph (3) as
15 paragraph (4); and

16 (D) by inserting after paragraph (2) the
17 following new paragraph:

18 “(3) FISCAL YEAR 2013.—There are authorized
19 to be appropriated to carry out this section
20 \$50,000,000 for fiscal year 2013.”.

21 (5) BIODIESEL FUEL EDUCATION PROGRAM.—
22 Section 9006(d) of the Farm Security and Rural In-
23 vestment Act of 2002 (7 U.S.C. 8106(d)) is amend-
24 ed—

1 (A) by striking “(d) FUNDING.—Of the
2 funds” and inserting “(d) FUNDING.—

3 “(1) FISCAL YEARS 2008 THROUGH 2012.—Of
4 the funds”; and

5 (B) adding at the end the following new
6 paragraph:

7 “(2) FISCAL YEAR 2013.—There are authorized
8 to be appropriated to carry out this section
9 \$2,000,000 for fiscal year 2013.”.

10 (6) RURAL ENERGY FOR AMERICA PROGRAM.—
11 Section 9007(g) of the Farm Security and Rural In-
12 vestment Act of 2002 (7 U.S.C. 8107(g)) is amend-
13 ed—

14 (A) in the heading of paragraph (1), by in-
15 serting “FOR FISCAL YEARS 2009 THROUGH
16 2012” after “FUNDING”;

17 (B) in the heading of paragraph (2), by in-
18 serting “FOR FISCAL YEARS 2009 THROUGH
19 2012” after “FUNDING”;

20 (C) in the heading of paragraph (3), by in-
21 serting “FOR FISCAL YEARS 2009 THROUGH
22 2012” after “FUNDING”; and

23 (D) by adding at the end the following new
24 paragraph:

1 “(4) FISCAL YEAR 2013.—There are authorized
2 to be appropriated to carry out this section
3 \$45,000,000 for fiscal year 2013.”.

4 (7) BIOMASS RESEARCH AND DEVELOPMENT.—
5 Section 9008(h) of the Farm Security and Rural In-
6 vestment Act of 2002 (7 U.S.C. 8108(h)) is amend-
7 ed—

8 (A) in the heading of paragraph (1), by in-
9 serting “FOR FISCAL YEARS 2009 THROUGH
10 2012” after “FUNDING”;

11 (B) in the heading of paragraph (2), by in-
12 serting “FOR FISCAL YEARS 2009 THROUGH
13 2012” after “FUNDING”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(3) FISCAL YEAR 2013.—There are authorized
17 to be appropriated to carry out this section
18 \$20,000,000 for fiscal year 2013.”.

19 (8) FEEDSTOCK FLEXIBILITY PROGRAM FOR
20 BIOENERGY PRODUCERS.—Section 9010 of the
21 Farm Security and Rural Investment Act of 2002 (7
22 U.S.C. 8110) applies to the 2013 crop of an eligible
23 commodity (as that term is defined in subsection (a)
24 of such section).

1 (9) BIOMASS CROP ASSISTANCE PROGRAM.—
2 Section 9011(f) of the Farm Security and Rural In-
3 vestment Act of 2002 (7 U.S.C. 8111(f)) is amend-
4 ed—

5 (A) by striking “(f) FUNDING.—Of the
6 funds” and inserting “(f) FUNDING.—

7 “(1) FISCAL YEARS 2008 THROUGH 2012.—Of
8 the funds”; and

9 (B) adding at the end the following new
10 paragraph:

11 “(2) FISCAL YEAR 2013.—

12 “(A) IN GENERAL.—There are authorized
13 to be appropriated to carry out this section
14 \$75,000,000 for fiscal year 2013.

15 “(B) MULTIYEAR CONTRACTS.—For each
16 multiyear contract entered into by the Secretary
17 during a fiscal year under this paragraph, the
18 Secretary shall ensure that sufficient funds are
19 obligated from the amounts appropriated for
20 that fiscal year to fully cover all payments re-
21 quired by the contract for all years of the con-
22 tract.”.

23 (g) HORTICULTURE AND ORGANIC AGRICULTURE
24 PROGRAMS.—

1 (1) FARMERS MARKET PROMOTION PROGRAM.—

2 Section 6(e) of the Farmer-to-Consumer Direct Mar-
3 keting Act of 1976 (7 U.S.C. 3005(e)) is amended—

4 (A) in the heading of paragraph (1), by
5 striking “IN GENERAL” and inserting “FISCAL
6 YEARS 2008 THROUGH 2012”;

7 (B) by redesignating paragraphs (2), (3),
8 and (4) as paragraphs (3), (4), and (5), respec-
9 tively;

10 (C) by inserting after paragraph (1) the
11 following new paragraph:

12 “(2) FISCAL YEAR 2013.—There are authorized
13 to be appropriated to carry out this section
14 \$10,000,000 for fiscal year 2013.”;

15 (D) in paragraph (3) (as so redesignated),
16 by striking “paragraph (1)” and inserting
17 “paragraph (1) or (2)”; and

18 (E) in paragraph (5) (as so redesignated),
19 by striking “paragraph (2)” and inserting
20 “paragraph (3)”.

21 (2) NATIONAL CLEAN PLANT NETWORK.—Sec-
22 tion 10202(e) of the Food, Conservation, and En-
23 ergy Act of 2008 (7 U.S.C. 7761(e)) is amended—

1 (A) by striking “Of the funds” and insert-
2 ing “(1) FISCAL YEARS 2009 THROUGH 2012.—
3 Of the funds”; and

4 (B) adding at the end the following new
5 paragraph:

6 “(2) FISCAL YEAR 2013.—There are authorized
7 to be appropriated to carry out this section
8 \$5,000,000 for fiscal year 2013.”.

9 (3) NATIONAL ORGANIC CERTIFICATION COST-
10 SHARE PROGRAM.—Section 10606 of the Farm Se-
11 curity and Rural Investment Act of 2002 (7 U.S.C.
12 6523) is amended—

13 (A) in subsection (a), by striking “Of
14 funds of the Commodity Credit Corporation, the
15 Secretary of Agriculture (acting through the
16 Agricultural Marketing Service) shall use
17 \$22,000,000 for fiscal year 2008, to remain
18 available until expended, to” and inserting
19 “The Secretary of Agriculture (acting through
20 the Agricultural Marketing Service) shall”; and

21 (B) by adding at the end the following new
22 subsection:

23 “(d) FUNDING.—

24 “(1) MANDATORY FUNDING FOR FISCAL YEARS
25 2008 THROUGH 2012.—Of the funds of the Com-

1 modity Credit Corporation, the Secretary shall make
 2 available to carry out this section \$22,000,000 for
 3 the period of fiscal years 2008 through 2012.

4 “(2) FISCAL YEAR 2013.—There are authorized
 5 to be appropriated to carry out this section
 6 \$22,000,000 for fiscal year 2013, to remain avail-
 7 able until expended.”.

8 (4) ORGANIC PRODUCTION AND MARKET DATA
 9 INITIATIVES.—Section 7407(d) of the Farm Security
 10 and Rural Investment Act of 2002 (7 U.S.C.
 11 5925c(d)) is amended—

12 (A) in the heading of paragraph (1), by
 13 striking “IN GENERAL” and inserting “MANDA-
 14 TORY FUNDING THROUGH FISCAL YEAR 2012”;

15 (B) in the heading of paragraph (2), by
 16 striking “ADDITIONAL FUNDING” and inserting
 17 “DISCRETIONARY FUNDING FOR FISCAL YEARS
 18 2008 THROUGH 2012”; and

19 (C) by adding at the end the following new
 20 paragraph:

21 “(3) FISCAL YEAR 2013.—There are authorized
 22 to be appropriated to carry out this section
 23 \$5,000,000, to remain available until expended.”.

24 (h) OUTREACH AND TECHNICAL ASSISTANCE FOR
 25 SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—

1 Section 2501(a)(4) of the Food, Agriculture, Conserva-
2 tion, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is
3 amended—

4 (1) in the heading of subparagraph (A), by
5 striking “IN GENERAL” and inserting “FISCAL
6 YEARS 2009 THROUGH 2012”;

7 (2) by redesignating subparagraphs (B) and
8 (C) as subparagraphs (C) and (D), respectively;

9 (3) by inserting after subparagraph (A) the fol-
10 lowing new subparagraph:

11 “(B) FISCAL YEAR 2013.—There are au-
12 thorized to be appropriated to carry out this
13 section \$20,000,000 for fiscal year 2013.”;

14 (4) in subparagraph (C) (as so redesignated),
15 by striking “subparagraph (A)” and inserting “sub-
16 paragraph (A) or (B)”;

17 (5) in subparagraph (D) (as so redesignated),
18 by striking “subparagraph (A)” and inserting “sub-
19 paragraph (A) or (B)”.

20 (i) EXCEPTIONS.—Subsection (a) does not apply with
21 respect to the provisions of law specified in the following
22 paragraphs:

23 (1) CONSERVATION PROGRAMS.—

24 (A) CONSERVATION STEWARDSHIP PRO-
25 GRAM.—Subchapter B of chapter 2 of subtitle

1 D of title XII of the Food Security Act of 1985
2 (16 U.S.C. 3838d et seq.), relating to the con-
3 servation stewardship program, including fund-
4 ing made available for the program under sec-
5 tion 1241(a) of such Act (16 U.S.C. 3841(a)),
6 as amended by subsection (c).

7 (B) FARMLAND PROTECTION PROGRAM.—
8 Subchapter C of chapter 2 of subtitle D of title
9 XII of the Food Security Act of 1985 (16
10 U.S.C. 3838h et seq.), relating to the farmland
11 protection program, including funding made
12 available for the program under section 1241(a)
13 of such Act (16 U.S.C. 3841(a)), as amended
14 by subsection (c).

15 (C) GRASSLAND RESERVE PROGRAM.—
16 Subchapter D of chapter 2 of subtitle D of title
17 XII of the Food Security Act of 1985 (16
18 U.S.C. 3838n et seq.), relating to the grassland
19 reserve program, including funding made avail-
20 able for the program under section 1241(a) of
21 such Act (16 U.S.C. 3841(a)).

22 (D) ENVIRONMENTAL QUALITY INCEN-
23 TIVES PROGRAM.—Chapter 4 of subtitle D of
24 title XII of the Food Security Act of 1985 (16
25 U.S.C. 3839aa et seq.), relating to the environ-

1 mental quality incentives program, including
2 funding made available for the program under
3 section 1241(a) of such Act (16 U.S.C.
4 3841(a)), as amended by subsection (c), except
5 that subsection (a) shall apply with respect to
6 the authority provided under section 1240H(b)
7 of such Act (16 U.S.C. 3839aa–8(b)).

8 (E) WILDLIFE HABITAT INCENTIVES PRO-
9 GRAM.—Section 1240N of the Food Security
10 Act of 1985 (16 U.S.C. 3839bb–1), relating to
11 the wildlife habitat incentives program, includ-
12 ing funding made available for the program
13 under section 1241(a) of such Act (16 U.S.C.
14 3841(a)), as amended by subsection (c).

15 (F) VOLUNTARY PUBLIC ACCESS PRO-
16 GRAM.—Section 1240R(f)(1) of the Food Secu-
17 rity Act of 1985 (16 U.S.C. 3839bb–5(f)(1)),
18 relating to the use of Commodity Credit Cor-
19 poration funds for the voluntary public access
20 and habitat incentive program, as amended by
21 subsection (c).

22 (G) SMALL WATERSHED REHABILITATION
23 PROGRAM.—Section 14(h)(1) of the Watershed
24 Protection and Flood Prevention Act (16
25 U.S.C. 1012(h)(1)), relating to the use of Com-

1 modity Credit Corporation funds for the small
2 watershed rehabilitation program.

3 (2) LOCAL AND REGIONAL FOOD AID PROCURE-
4 MENT PROJECTS.—Section 3206 of the Food, Con-
5 servation, and Energy Act of 2008 (7 U.S.C.
6 1726c), relating to the use of Commodity Credit
7 Corporation funds to support local and regional food
8 aid procurement projects.

9 (3) SURVEY OF FOODS PURCHASED BY SCHOOL
10 FOOD AUTHORITIES.—Section 4307 of the Food,
11 Conservation, and Energy Act of 2008 (Public Law
12 110–246; 122 Stat. 1893), relating to the use of
13 Commodity Credit Corporation funds for a survey
14 and report regarding foods purchased by school food
15 authorities.

16 (4) RURAL DEVELOPMENT PROGRAMS.—

17 (A) RURAL MICROENTREPRENEUR ASSIST-
18 ANCE PROGRAM.—Section 379E(d)(1) of the
19 Consolidated Farm and Rural Development Act
20 (7 U.S.C. 2008s(d)(1)), relating to the use of
21 Commodity Credit Corporation funds for the
22 rural microentrepreneur assistance program.

23 (B) FUNDING OF PENDING RURAL DEVEL-
24 OPMENT LOAN AND GRANT APPLICATIONS.—
25 Section 6029 of the Food, Conservation, and

1 Energy Act of 2008 (Public Law 110–246; 122
2 Stat. 1955), relating to funding of pending
3 rural development loan and grant applications.

4 (C) VALUE-ADDED AGRICULTURAL MAR-
5 KET DEVELOPMENT PROGRAM GRANTS.—Sec-
6 tion 231(b)(7)(A) of the Agricultural Risk Pro-
7 tection Act of 2000 (7 U.S.C. 1621 note; Public
8 Law 106–224), relating to the use of Com-
9 modity Credit Corporation funds for value-
10 added agricultural market development program
11 grants.

12 (D) NATIONAL SHEEP INDUSTRY IMPROVE-
13 MENT CENTER.—Section 375(e)(6)(B) of the
14 Consolidated Farm and Rural Development Act
15 (7 U.S.C. 2008j(e)(6)(B)), relating to the use
16 of Commodity Credit Corporation funds for the
17 National Sheep Industry Improvement Center.

18 (5) RESEARCH PROGRAMS.—

19 (A) ORGANIC AGRICULTURE RESEARCH
20 AND EXTENSION INITIATIVE.—Section
21 1672B(f) of the Food, Agriculture Conserva-
22 tion, and Trade Act of 1990 (7 U.S.C.
23 5925b(f)), relating to the use of Commodity
24 Credit Corporation funds and discretionary
25 funds under paragraphs (1) and (2) of such

1 section, as amended by subsection (e), for the
2 Organic Agriculture Research and Extension
3 Initiative.

4 (B) SPECIALTY CROP RESEARCH AND EX-
5 TENSION INITIATIVE.—Section 412(h) of the
6 Agricultural Research, Extension, and Edu-
7 cation Reform Act of 1998 (7 U.S.C. 7632(h)),
8 relating to the use of Commodity Credit Cor-
9 poration funds and discretionary funds under
10 paragraphs (1) and (2) of such section, as
11 amended by subsection (e), for the specialty
12 crop research and extension initiative.

13 (C) BEGINNING FARMER AND RANCHER
14 DEVELOPMENT PROGRAM.—Section 7405(h) of
15 the Farm Security and Rural Investment Act of
16 2002 (7 U.S.C. 3319f(h)), relating to the use of
17 Commodity Credit Corporation funds and dis-
18 cretionary funds under paragraphs (1) and (2)
19 of such section, as amended by subsection (e),
20 for the beginning farmer and rancher develop-
21 ment program.

22 (6) HEALTHY FORESTS RESERVE PROGRAM.—
23 Section 508 of the Healthy Forests Restoration Act
24 of 2003 (16 U.S.C. 6578), relating to the use of
25 Commodity Credit Corporation funds to carry out

1 the healthy forests reserve program, except that the
2 Secretary of Agriculture may use such amount of
3 the funds appropriated for fiscal year 2013 to carry
4 out the Soil Conservation and Domestic Allotment
5 Act (16 U.S.C. 590a et seq.) as the Secretary deter-
6 mines necessary to cover the cost of technical assist-
7 ance, management, and enforcement responsibilities
8 for land enrolled in the healthy forests reserve pro-
9 gram pursuant to subsections (a) and (b) of section
10 504 of the Healthy Forests Restoration Act of 2003
11 (16 U.S.C. 6574).

12 (7) ENERGY PROGRAMS.—

13 (A) BIOBASED MARKETS PROGRAM.—Sec-
14 tion 9002(h) of the Farm Security and Rural
15 Investment Act of 2002 (7 U.S.C. 8102(h)), re-
16 lating to the use of Commodity Credit Corpora-
17 tion funds and discretionary funds under para-
18 graphs (1) and (2) of such section, as amended
19 by subsection (f), for the biobased markets pro-
20 gram.

21 (B) BIOREFINERY ASSISTANCE.—Section
22 9003(h) of the Farm Security and Rural In-
23 vestment Act of 2002 (7 U.S.C. 8103(h)), relat-
24 ing to the use of Commodity Credit Corporation
25 funds and discretionary funds under para-

1 graphs (1) and (2) of such section, as amended
2 by subsection (f), for biorefinery assistance.

3 (C) REPOWERING ASSISTANCE.—Section
4 9004(d) of the Farm Security and Rural In-
5 vestment Act of 2002 (7 U.S.C. 8104(d)), relat-
6 ing to the use of Commodity Credit Corporation
7 funds and discretionary funds under para-
8 graphs (1) and (2) of such section, as amended
9 by subsection (f), for repowering assistance for
10 biorefineries.

11 (D) BIOENERGY PROGRAM FOR ADVANCED
12 BIOFUELS.—Section 9005(g) of the Farm Secu-
13 rity and Rural Investment Act of 2002 (7
14 U.S.C. 8105(g)), relating to the use of Com-
15 modity Credit Corporation funds and discre-
16 tionary funds under paragraphs (1) and (2) of
17 such section, as amended by subsection (f), for
18 the bioenergy program for advanced biofuels.

19 (E) BIODIESEL FUEL EDUCATION PRO-
20 GRAM.—Section 9006(d) of the Farm Security
21 and Rural Investment Act of 2002 (7 U.S.C.
22 8106(d)), relating to the use of Commodity
23 Credit Corporation funds under paragraph (1)
24 of such section, as amended by subsection (f),
25 for the biodiesel fuel education program.

1 (F) RURAL ENERGY FOR AMERICA PRO-
2 GRAM.—Section 9007(g) of the Farm Security
3 and Rural Investment Act of 2002 (7 U.S.C.
4 8107(g)), relating to the use of Commodity
5 Credit Corporation funds and discretionary
6 funds under paragraphs (1) and (3) of such
7 section, as amended by subsection (f), for the
8 Rural Energy for America Program.

9 (G) BIOMASS RESEARCH AND DEVELOP-
10 MENT.—Section 9008(h) of the Farm Security
11 and Rural Investment Act of 2002 (7 U.S.C.
12 8108(h)), relating to the use of Commodity
13 Credit Corporation funds and discretionary
14 funds under paragraphs (1) and (2) of such
15 section, as amended by subsection (f), for bio-
16 mass research and development.

17 (H) BIOMASS CROP ASSISTANCE PRO-
18 GRAM.—Section 9011(f) of the Farm Security
19 and Rural Investment Act of 2002 (7 U.S.C.
20 8111(f)), relating to the use of Commodity
21 Credit Corporation funds under paragraph (1)
22 of such section, as amended by subsection (f),
23 for the Biomass Crop Assistance Program.

24 (8) HORTICULTURE AND ORGANIC AGRI-
25 CULTURE PROGRAMS.—

1 (A) FARMERS' MARKET PROMOTION PRO-
2 GRAM.—Section 6(e) of the Farmer-to-Con-
3 sumer Direct Marketing Act of 1976 (7 U.S.C.
4 3005(e)), relating to the use of Commodity
5 Credit Corporation funds under paragraph (1)
6 of such section, as amended by subsection (g),
7 for the Farmers' Market Promotion Program.

8 (B) NATIONAL CLEAN PLANT NETWORK.—
9 Section 10202(e) of the Food, Conservation,
10 and Energy Act of 2008 (7 U.S.C. 7761(e)), re-
11 lating to the use of Commodity Credit Corpora-
12 tion funds under paragraph (1) of such section,
13 as amended by subsection (g), for the National
14 Clean Plant Network.

15 (C) NATIONAL ORGANIC CERTIFICATION
16 COST-SHARE PROGRAM.—Section 10606(d) of
17 the Farm Security and Rural Investment Act of
18 2002 (7 U.S.C. 6523(d)), relating to the use of
19 Commodity Credit Corporation funds under
20 paragraph (1) of such section, as added by sub-
21 section (g), for the national organic certification
22 cost-share program.

23 (D) ORGANIC PRODUCTION AND MARKET
24 DATA INITIATIVES.—Section 7407(d) of the
25 Farm Security and Rural Investment Act of

2002 (7 U.S.C. 5925c(d)(1)), relating to the use of Commodity Credit Corporation funds and discretionary funds under paragraphs (1) and (2) of such section, as amended by subsection (g), for organic production and market data initiatives.

(E) MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.—Section 10404(d) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2112).

(9) OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)), relating to the use of Commodity Credit Corporation funds under subparagraph (A) of such section, as amended by subsection (h), to provide outreach and technical assistance for socially disadvantaged farmers or ranchers.

(10) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.—Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and title IX of the Trade Act of 1974 (19 U.S.C. 2497 et seq.), relating to the provision of supplemental agricultural disaster assistance.

1 (11) PIGFORD CLAIMS.—Section 14012 of the
 2 Food, Conservation, and Energy Act of 2008 (Public
 3 Law 110–246; 122 Stat. 2209), relating to deter-
 4 mination on the merits of Pigford claims.

5 (12) HEARTLAND, HABITAT, HARVEST, AND
 6 HORTICULTURE ACT OF 2008.—Title XV of the
 7 Food, Conservation, and Energy Act of 2008 (Public
 8 Law 110–246; 122 Stat. 2246), and amendments
 9 made that title, relating to the provision of supple-
 10 mental agricultural disaster assistance under title IX
 11 of the Trade Act of 1974 (19 U.S.C. 2497 et seq.),
 12 certain revenue and tax provisions, and certain trade
 13 benefits and other matters.

14 (j) EFFECTIVE DATE.—Except as otherwise provided
 15 in this section, this section shall take effect on the earlier
 16 of—

17 (1) the date of the enactment of this Act; and

18 (2) September 30, 2012.

19 **SEC. 2. SUPPLEMENTAL AGRICULTURAL DISASTER ASSIST-**
 20 **ANCE.**

21 (a) DEFINITIONS.—In this section:

22 (1) ELIGIBLE PRODUCER ON A FARM.—

23 (A) IN GENERAL.—The term “eligible pro-
 24 ducer on a farm” means an individual or entity
 25 described in subparagraph (B) that, as deter-

1 mined by the Secretary, assumes the production
2 and market risks associated with the agricul-
3 tural production of crops or livestock.

4 (B) DESCRIPTION.—An individual or enti-
5 ty referred to in subparagraph (A) is—

6 (i) a citizen of the United States;

7 (ii) a resident alien;

8 (iii) a partnership of citizens of the
9 United States; or

10 (iv) a corporation, limited liability cor-
11 poration, or other farm organizational
12 structure organized under State law.

13 (2) FARM-RAISED FISH.—The term “farm-
14 raised fish” means any aquatic species that is propa-
15 gated and reared in a controlled environment.

16 (3) LIVESTOCK.—The term “livestock” in-
17 cludes—

18 (A) cattle (including dairy cattle);

19 (B) bison;

20 (C) poultry;

21 (D) sheep;

22 (E) swine;

23 (F) horses; and

24 (G) other livestock, as determined by the
25 Secretary.

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

3 (b) LIVESTOCK INDEMNITY PAYMENTS.—

4 (1) PAYMENTS.—For each of the fiscal years
5 2012 and 2013, the Secretary shall use such sums
6 as are necessary of the funds of the Commodity
7 Credit Corporation to make livestock indemnity pay-
8 ments to eligible producers on farms that have in-
9 curred livestock death losses in excess of the normal
10 mortality, as determined by the Secretary, due to—

11 (A) attacks by animals reintroduced into
12 the wild by the Federal Government or pro-
13 tected by Federal law, including wolves and
14 avian predators; or

15 (B) adverse weather, as determined by the
16 Secretary, during the calendar year, including
17 losses due to hurricanes, floods, blizzards, dis-
18 ease, wildfires, extreme heat, and extreme cold.

19 (2) PAYMENT RATES.—Indemnity payments to
20 an eligible producer on a farm under paragraph (1)
21 shall be made at a rate of 75 percent of the market
22 value of the applicable livestock on the day before
23 the date of death of the livestock, as determined by
24 the Secretary.

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

8 (c) LIVESTOCK FORAGE DISASTER PROGRAM.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) COVERED LIVESTOCK.—

11 (i) IN GENERAL.—Except as provided
 12 in clause (ii), the term “covered livestock”
 13 means livestock of an eligible livestock pro-
 14 ducer that, during the 60 days prior to the
 15 beginning date of a qualifying drought or
 16 fire condition, as determined by the Sec-
 17 retary, the eligible livestock producer—

18 (I) owned;

19 (II) leased;

20 (III) purchased;

21 (IV) entered into a contract to
 22 purchase;

23 (V) is a contract grower; or

1 (VI) sold or otherwise disposed of
2 due to qualifying drought conditions
3 during—

4 (aa) the current production
5 year; or

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

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

19 (B) DROUGHT MONITOR.—The term
20 “drought monitor” means a system for
21 classifying drought severity according to a
22 range of abnormally dry to exceptional drought,
23 as defined by the Secretary.

24 (C) ELIGIBLE LIVESTOCK PRODUCER.—

1 (i) IN GENERAL.—The term “eligible
2 livestock producer” means an eligible pro-
3 ducer on a farm that—

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

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

15 (III) certifies grazing loss; and

16 (IV) meets all other eligibility re-
17 quirements established under this sub-
18 section.

19 (ii) EXCLUSION.—The term “eligible
20 livestock producer” does not include an
21 owner, cash or share lessee, or contract
22 grower of livestock that rents or leases
23 pastureland or grazing land owned by an-
24 other person on a rate-of-gain basis.

1 (D) NORMAL CARRYING CAPACITY.—The
2 term “normal carrying capacity”, with respect
3 to each type of grazing land or pastureland in
4 a county, means the normal carrying capacity,
5 as determined under paragraph (3)(D)(i), that
6 would be expected from the grazing land or
7 pastureland for livestock during the normal
8 grazing period, in the absence of a drought or
9 fire that diminishes the production of the graz-
10 ing land or pastureland.

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

16 (2) PROGRAM.—For each of the fiscal years
17 2012 and 2013, the Secretary shall use such sums
18 as are necessary of the funds of the Commodity
19 Credit Corporation to provide compensation for
20 losses to eligible livestock producers due to grazing
21 losses for covered livestock due to—

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

24 (B) fire, as described in paragraph (4).

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

3 (A) ELIGIBLE LOSSES.—

4 (i) IN GENERAL.—An eligible livestock
5 producer may receive assistance under this
6 subsection only for grazing losses for cov-
7 ered livestock that occur on land that—

8 (I) is native or improved pasture-
9 land with permanent vegetative cover;
10 or

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

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

23 (B) MONTHLY PAYMENT RATE.—

24 (i) IN GENERAL.—Except as provided
25 in clause (ii), the payment rate for assist-

1 ance under this paragraph for 1 month
2 shall, in the case of drought, be equal to
3 60 percent of the lesser of—

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

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

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

22 (C) MONTHLY FEED COST.—

23 (i) IN GENERAL.—The monthly feed
24 cost shall equal the product obtained by
25 multiplying—

1 (I) 30 days;

2 (II) a payment quantity that is
3 equal to the feed grain equivalent, as
4 determined under clause (ii); and

5 (III) a payment rate that is equal
6 to the corn price per pound, as deter-
7 mined under clause (iii).

8 (ii) FEED GRAIN EQUIVALENT.—For
9 purposes of clause (i)(II), the feed grain
10 equivalent shall equal—

11 (I) in the case of an adult beef
12 cow, 15.7 pounds of corn per day; or

13 (II) in the case of any other type
14 of weight of livestock, an amount de-
15 termined by the Secretary that rep-
16 resents the average number of pounds
17 of corn per day necessary to feed the
18 livestock.

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

23 (I) the higher of—

24 (aa) the national average
25 corn price per bushel for the 12-

1 month period immediately pre-
2 ceding March 1 of the year for
3 which the disaster assistance is
4 calculated; or

5 (bb) the national average
6 corn price per bushel for the 24-
7 month period immediately pre-
8 ceding that March 1; by

9 (II) 56.

10 (D) NORMAL GRAZING PERIOD AND
11 DROUGHT MONITOR INTENSITY.—

12 (i) FSA COUNTY COMMITTEE DETER-
13 MINATIONS.—

14 (I) IN GENERAL.—The Secretary
15 shall determine the normal carrying
16 capacity and normal grazing period
17 for each type of grazing land or
18 pastureland in the county served by
19 the applicable committee.

20 (II) CHANGES.—No change to
21 the normal carrying capacity or nor-
22 mal grazing period established for a
23 county under subclause (I) shall be
24 made unless the change is requested

1 by the appropriate State and county
2 Farm Service Agency committees.

3 (ii) DROUGHT INTENSITY.—

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

19 (II) D3.—An eligible livestock
20 producer that owns or leases grazing
21 land or pastureland that is physically
22 located in a county that is rated by
23 the U.S. Drought Monitor as having
24 at least a D3 (extreme drought) in-
25 tensity in any area of the county at

1 any time during the normal grazing
2 period for the county, as determined
3 by the Secretary, shall be eligible to
4 receive assistance under this para-
5 graph—

6 (aa) in an amount equal to
7 2 monthly payments using the
8 monthly payment rate deter-
9 mined under subparagraph (B);
10 or

11 (bb) if the county is rated as
12 having a D3 (extreme drought)
13 intensity in any area of the coun-
14 ty for at least 4 weeks during the
15 normal grazing period for the
16 county, or is rated as having a
17 D4 (exceptional drought) inten-
18 sity in any area of the county at
19 any time during the normal graz-
20 ing period, in an amount equal to
21 3 monthly payments using the
22 monthly payment rate deter-
23 mined under subparagraph (B).

24 (4) ASSISTANCE FOR LOSSES DUE TO FIRE ON
25 PUBLIC MANAGED LAND.—

1 (A) IN GENERAL.—An eligible livestock
2 producer may receive assistance under this
3 paragraph only if—

4 (i) the grazing losses occur on range-
5 land that is managed by a Federal agency;
6 and

7 (ii) the eligible livestock producer is
8 prohibited by the Federal agency from
9 grazing the normal permitted livestock on
10 the managed rangeland due to a fire.

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

17 (C) PAYMENT DURATION.—

18 (i) IN GENERAL.—Subject to clause
19 (ii), an eligible livestock producer shall be
20 eligible to receive assistance under this
21 paragraph for the period—

22 (I) beginning on the date on
23 which the Federal agency excludes the
24 eligible livestock producer from using

1 the managed rangeland for grazing;
2 and

3 (II) ending on the last day of the
4 Federal lease of the eligible livestock
5 producer.

6 (ii) LIMITATION.—An eligible livestock
7 producer may only receive assistance under
8 this paragraph for losses that occur on not
9 more than 180 days per year.

10 (5) NO DUPLICATIVE PAYMENTS.—An eligible
11 livestock producer may elect to receive assistance for
12 grazing or pasture feed losses due to drought condi-
13 tions under paragraph (3) or fire under paragraph
14 (4), but not both for the same loss, as determined
15 by the Secretary.

16 (d) EMERGENCY ASSISTANCE FOR LIVESTOCK,
17 HONEY BEES, AND FARM-RAISED FISH.—

18 (1) IN GENERAL.—For each of the fiscal years
19 2012 and 2013, the Secretary shall use not more
20 than \$20,000,000 of the funds of the Commodity
21 Credit Corporation to provide emergency relief to eli-
22 gible producers of livestock, honey bees, and farm-
23 raised fish to aid in the reduction of losses due to
24 disease (including cattle tick fever), adverse weather,
25 or other conditions, such as blizzards and wildfires,

1 as determined by the Secretary, that are not covered
2 under subsection (b) or (c).

3 (2) USE OF FUNDS.—Funds made available
4 under this subsection shall be used to reduce losses
5 caused by feed or water shortages, disease, or other
6 factors as determined by the Secretary.

7 (3) AVAILABILITY OF FUNDS.—Any funds made
8 available under this subsection shall remain available
9 until expended.

10 (e) TREE ASSISTANCE PROGRAM.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) ELIGIBLE ORCHARDIST.—The term
13 “eligible orchardist” means a person that pro-
14 duces annual crops from trees for commercial
15 purposes.

16 (B) NATURAL DISASTER.—The term “nat-
17 ural disaster” means plant disease, insect infes-
18 tation, drought, fire, freeze, flood, earthquake,
19 lightning, or other occurrence, as determined by
20 the Secretary.

21 (C) NURSERY TREE GROWER.—The term
22 “nursery tree grower” means a person who pro-
23 duces nursery, ornamental, fruit, nut, or Christ-
24 mas trees for commercial sale, as determined by
25 the Secretary.

1 (D) TREE.—The term “tree” includes a
2 tree, bush, and vine.

3 (2) ELIGIBILITY.—

4 (A) LOSS.—Subject to subparagraph (B),
5 for each of the fiscal years 2012 and 2013, the
6 Secretary shall use such sums as are necessary
7 of the funds of the Commodity Credit Corpora-
8 tion to provide assistance—

9 (i) under paragraph (3) to eligible or-
10 chardists and nursery tree growers that
11 planted trees for commercial purposes but
12 lost the trees as a result of a natural dis-
13 aster, as determined by the Secretary; and

14 (ii) under paragraph (3)(B) to eligible
15 orchardists and nursery tree growers that
16 have a production history for commercial
17 purposes on planted or existing trees but
18 lost the trees as a result of a natural dis-
19 aster, as determined by the Secretary.

20 (B) LIMITATION.—An eligible orchardist
21 or nursery tree grower shall qualify for assist-
22 ance under subparagraph (A) only if the tree
23 mortality of the eligible orchardist or nursery
24 tree grower, as a result of damaging weather or

1 related condition, exceeds 15 percent (adjusted
2 for normal mortality).

3 (3) ASSISTANCE.—Subject to paragraph (4),
4 the assistance provided by the Secretary to eligible
5 orchardists and nursery tree growers for losses de-
6 scribed in paragraph (2) shall consist of—

7 (A)(i) reimbursement of 70 percent of the
8 cost of replanting trees lost due to a natural
9 disaster, as determined by the Secretary, in ex-
10 cess of 15 percent mortality (adjusted for nor-
11 mal mortality); or

12 (ii) at the option of the Secretary, suffi-
13 cient seedlings to reestablish a stand; and

14 (B) reimbursement of 50 percent of the
15 cost of pruning, removal, and other costs in-
16 curred by an eligible orchardist or nursery tree
17 grower to salvage existing trees or, in the case
18 of tree mortality, to prepare the land to replant
19 trees as a result of damage or tree mortality
20 due to a natural disaster, as determined by the
21 Secretary, in excess of 15 percent damage or
22 mortality (adjusted for normal tree damage and
23 mortality).

24 (4) LIMITATIONS ON ASSISTANCE.—

1 (A) DEFINITIONS OF LEGAL ENTITY AND
2 PERSON.—In this paragraph, the terms “legal
3 entity” and “person” have the meaning given
4 those terms in section 1001(a) of the Food Se-
5 curity Act of 1985 (7 U.S.C. 1308(a)).

6 (B) AMOUNT.—The total amount of pay-
7 ments received, directly or indirectly, by a per-
8 son or legal entity (excluding a joint venture or
9 general partnership) under this subsection may
10 not exceed \$100,000 for any crop year, or an
11 equivalent value in tree seedlings.

12 (C) ACRES.—The total quantity of acres
13 planted to trees or tree seedlings for which a
14 person or legal entity shall be entitled to receive
15 payments under this subsection may not exceed
16 500 acres.

17 (f) PAYMENT LIMITATIONS.—

18 (1) DEFINITIONS OF LEGAL ENTITY AND PER-
19 SON.—In this subsection, the terms “legal entity”
20 and “person” have the meaning given those terms in
21 section 1001(a) of the Food Security Act of 1985 (7
22 U.S.C. 1308(a)).

23 (2) AMOUNT.—The total amount of disaster as-
24 sistance payments received, directly or indirectly, by
25 a person or legal entity (excluding a joint venture or

1 general partnership) under this section (excluding
2 payments received under subsection (e)) may not ex-
3 ceed \$100,000 for any crop year.

4 (3) AGI LIMITATION.—Section 1001D of the
5 Food Security Act of 1985 (7 U.S.C. 1308–3a) or
6 any successor provision shall apply with respect to
7 assistance provided under this section.

8 (4) 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.

13 (g) APPLICATION.—This section shall take effect as
14 of October 1, 2011, and apply to losses that are incurred
15 as the result of a disaster, adverse weather, or other envi-
16 ronmental condition that occurs on or before September
17 30, 2013, as determined by the Secretary.

○