

113TH CONGRESS
1ST SESSION

H. R. 1607

To amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs to cover fiscal years 2012 through 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2013

Mrs. NOEM (for herself and Mr. TERRY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs to cover fiscal years 2012 through 2018, 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 the period specified in
8 subsection (f), the Secretary shall use such sums as
9 are necessary of the funds of the Commodity Credit
10 Corporation to make livestock indemnity payments
11 to eligible producers on farms that have incurred
12 livestock death losses in excess of the normal mor-
13 tality, as determined by the Secretary, due to—

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

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

23 “(2) PAYMENT RATES.—Indemnity payments to
24 an eligible producer on a farm under paragraph (1)
25 shall be made at a rate of 75 percent of the market

1 value of the applicable livestock on the day before
2 the date of death of the livestock, as determined by
3 the Secretary.

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

11 “(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

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

13 “(A) COVERED LIVESTOCK.—

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

22 “(I) owned;

23 “(II) leased;

24 “(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 the period specified in subsection (f), 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 fiscal year of the
4 period specified in subsection (f), the Secretary shall
5 use not more than \$20,000,000 of the funds of the
6 Commodity Credit Corporation to provide emergency
7 relief to eligible producers of livestock, honey bees,
8 and farm-raised fish to aid in the reduction of losses
9 due to disease, adverse weather, or other conditions,
10 such as blizzards and wildfires, as determined by the
11 Secretary, that are not covered under subsection (b)
12 or (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.

13 “(f) EFFECTIVE PERIOD; RETROACTIVE EFFECTIVE-
14 NESS.—This section shall take effect as of October 1,
15 2011, and apply to losses described in subsections (b), (c),
16 and (d) that are incurred during the seven-fiscal-year pe-
17 riod beginning on that date and ending on September 30,
18 2018.”.

○