

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require the Secretary of Agriculture to provide emergency disaster assistance to certain agricultural producers that suffered losses during the 2009 calendar year.

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IN THE SENATE OF THE UNITED STATES

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Mr. COCHRAN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require the Secretary of Agriculture to provide emergency disaster assistance to certain agricultural producers that suffered losses during the 2009 calendar year.

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. EMERGENCY DISASTER ASSISTANCE.**

4 (a) DEFINITIONS.—In this section:

5 (1) DISASTER COUNTY.—

6 (A) IN GENERAL.—The term “disaster  
7 county” means a county included in the geo-  
8 graphic area covered by a qualifying natural  
9 disaster declaration for calendar year 2009 for

1           which the request for such declaration was ap-  
2           proved by the Secretary as of November 17,  
3           2009.

4           (B) EXCLUSION.—The term “disaster  
5           county” does not include a contiguous county.

6           (2) ELIGIBLE PRODUCER.—The term “eligible  
7           producer” means an agricultural producer in a dis-  
8           aster county.

9           (3) ELIGIBLE SPECIALTY CROP PRODUCER.—  
10          The term “eligible specialty crop producer” means  
11          an agricultural producer that, during the 2009 cal-  
12          endar year, as determined by the Secretary—

13               (A) produced, or were prevented from  
14               planting, a specialty crop in 1 or more disaster  
15               counties; and

16               (B) experienced crop losses associated with  
17               drought or excessive rainfall.

18           (4) QUALIFYING NATURAL DISASTER DECLARA-  
19          TION.—The term “qualifying natural disaster dec-  
20          laration” means a natural disaster declared by the  
21          Secretary for production losses under section 321(a)  
22          of the Consolidated Farm and Rural Development  
23          Act (7 U.S.C. 1961(a)).

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

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

5           (b) SUPPLEMENTAL DIRECT PAYMENT.—Of the  
6 funds of the Commodity Credit Corporation, the Secretary  
7 shall use such sums as are necessary to make a supple-  
8 mental payment under section 1103 of the Food, Con-  
9 servation, and Energy Act of 2008 (7 U.S.C. 8713) to  
10 eligible producers that previously received a payment  
11 under that section.

12           (c) SPECIALTY CROP ASSISTANCE.—

13           (1) IN GENERAL.—Of the funds of the Com-  
14 modity Credit Corporation, the Secretary shall use  
15 not more than \$650,000,000, to remain available  
16 until September 30, 2011, to carry out a program  
17 of grants to States to assist eligible specialty crop  
18 producers for losses associated with drought or ex-  
19 cessive rainfall during the 2009 calendar year.

20           (2) NOTIFICATION.—Not later than 60 days  
21 after the date of enactment of this Act, the Sec-  
22 retary shall notify the State department of agri-  
23 culture (or similar entity) in each State of the avail-  
24 ability of funds to assist eligible specialty crop pro-  
25 ducers, including such terms as are determined by

1 the Secretary to be necessary for the equitable treat-  
2 ment of eligible specialty crop producers.

3 (3) PROVISION OF GRANTS.—

4 (A) IN GENERAL.—The Secretary shall  
5 make grants to States under this subsection on  
6 a pro rata basis based on the value of specialty  
7 crop production during the 2008 calendar year,  
8 as determined by the Secretary.

9 (B) TIMING.—Not later than 120 days  
10 after the date of enactment of this Act, the Sec-  
11 retary shall make grants to States to provide  
12 assistance under this subsection.

13 (C) MAXIMUM GRANT.—The maximum  
14 amount of a grant made to a State under this  
15 subsection may not exceed \$40,000,000.

16 (4) REQUIREMENTS.—The Secretary shall  
17 make grants under this subsection only to States  
18 that demonstrate to the satisfaction of the Secretary  
19 that the State will—

20 (A) use grant funds to assist eligible spe-  
21 cialty crop producers;

22 (B) provide assistance to eligible specialty  
23 crop producers not later than 60 days after the  
24 date on which the State receives grant funds;  
25 and

1 (C) not later than 30 days after the date  
2 on which the State provides assistance to eligi-  
3 ble specialty crop producers, submit to the Sec-  
4 retary a report that describes—

5 (i) the manner in which the State pro-  
6 vided assistance;

7 (ii) the amounts of assistance pro-  
8 vided by type of specialty crop; and

9 (iii) the process by which the State  
10 determined the levels of assistance to eligi-  
11 ble specialty crop producers.

12 (d) COTTONSEED ASSISTANCE.—

13 (1) IN GENERAL.—Of the funds of the Com-  
14 modity Credit Corporation, the Secretary shall use  
15 not more than \$42,000,000 to provide supplemental  
16 assistance to eligible producers and first-handlers of  
17 the 2009 crop of cottonseed in disaster counties.

18 (2) GENERAL TERMS.—Except as otherwise  
19 provided in this subsection, the Secretary shall pro-  
20 vide disaster assistance under this subsection under  
21 the same terms and conditions as assistance pro-  
22 vided under section 3015 of the Emergency Agricul-  
23 tural Disaster Assistance Act of 2006 (title III of  
24 Public Law 109-234; 120 Stat. 477).

1           (3) DISTRIBUTION OF ASSISTANCE.—The Sec-  
2           retary shall distribute assistance to first handlers for  
3           the benefit of eligible producers in a disaster county  
4           in an amount equal to the product obtained by mul-  
5           tiplying—

6                   (A) the payment rate, as determined under  
7                   paragraph (4); and

8                   (B) the county-eligible production, as de-  
9                   termined under paragraph (5).

10           (4) PAYMENT RATE.—The payment rate shall  
11           be equal to the quotient obtained by dividing—

12                   (A) the sum of the county-eligible produc-  
13                   tion, as determined under paragraph (5); by

14                   (B) the total funds made available to carry  
15                   out this subsection.

16           (5) COUNTY-ELIGIBLE PRODUCTION.—The  
17           county-eligible production shall be equal to the prod-  
18           uct obtained by multiplying—

19                   (A) the number of acres planted to cotton  
20                   in the disaster county, as reported to the Sec-  
21                   retary by first-handlers;

22                   (B) the expected cotton lint yield for the  
23                   disaster county, as determined by the Secretary  
24                   based on the best available information; and

1           (C) the national average seed-to-lint ratio,  
2           as determined by the Secretary based on the  
3           best available information for the 5 crop years  
4           immediately preceding the 2009 crop, excluding  
5           the year in which the average ratio was the  
6           highest and the year in which the average ratio  
7           was the lowest in such period.

8           (e) LIVESTOCK ASSISTANCE.—

9           (1) CONTINUATION OF ASSISTANCE PRO-  
10          GRAM.—

11           (A) IN GENERAL.—Subject to paragraph  
12           (3), the Secretary shall continue to carry out  
13           the 2002 Livestock Compensation Program an-  
14           nounced by the Secretary on October 10, 2002  
15           (67 Fed. Reg. 63070) (referred to in this para-  
16           graph as the “Program”).

17           (B) ASSISTANCE.—In carrying out the  
18           Program, the Secretary shall provide assistance  
19           to any applicant that—

20           (i) conducts a livestock operation that  
21           is physically located in a disaster county  
22           and meets all other eligibility requirements  
23           established by the Secretary for the Pro-  
24           gram; or

1                   (ii) produces an animal described in  
2                   section 10806(a)(1) of the Farm Security  
3                   and Rural Investment Act of 2002 (21  
4                   U.S.C. 321d(a)(1)) and meets all other eli-  
5                   gibility requirements established by the  
6                   Secretary for the Program.

7                   (C) USE OF COMMODITY CREDIT CORPORA-  
8                   TION FUNDS.—Effective beginning on the date  
9                   of enactment of this Act, the Secretary shall  
10                  carry out the Program using funds of the Com-  
11                  modity Credit Corporation.

12                  (2) LIVESTOCK LOSS ASSISTANCE PROGRAM.—  
13                  Subject to paragraph (3), of the funds of the Com-  
14                  modity Credit Corporation, the Secretary shall use  
15                  \$150,000,000 to carry out a program to make pay-  
16                  ments to eligible producers for livestock losses occur-  
17                  ring in a disaster county under the same criteria es-  
18                  tablished to carry out the 1999 Livestock Assistance  
19                  Program.

20                  (3) RELATIONSHIP OF LIVESTOCK ASSISTANCE  
21                  PROGRAMS.—The amount of assistance that the eli-  
22                  gible producers on a farm would otherwise receive  
23                  for a loss under a livestock assistance program, ex-  
24                  cept for the operation of this subsection, shall be re-  
25                  duced by the amount of the assistance that the eligi-

1       ble producers on the farm receive under any other  
2       livestock assistance program.

3       (f) RELATION TO OTHER LAW.—An eligible producer  
4       or eligible specialty crop producer that receives assistance  
5       under this section shall be ineligible to receive assistance  
6       for the 2009 crop year under the program carried out  
7       under section 531 of the Federal Crop Insurance Act (7  
8       U.S.C. 1531) and section 901 of the Trade Act of 1974  
9       (19 U.S.C. 2497).

10       (g) ADMINISTRATION.—

11           (1) REGULATIONS.—

12               (A) IN GENERAL.—As soon as practicable  
13               after the date of enactment of this Act, the Sec-  
14               retary shall promulgate such regulations as are  
15               necessary to implement this section.

16               (B) PROCEDURE.—The promulgation of  
17               the regulations and administration of this sec-  
18               tion shall be made without regard to—

19                   (i) the notice and comment provisions  
20                   of section 553 of title 5, United States  
21                   Code;

22                   (ii) the Statement of Policy of the  
23                   Secretary of Agriculture effective July 24,  
24                   1971 (36 Fed. Reg. 13804), relating to no-

1                   tices of proposed rulemaking and public  
2                   participation in rulemaking; and

3                   (iii) chapter 35 of title 44, United  
4                   States Code (commonly known as the “Pa-  
5                   perwork Reduction Act”).

6                   (C) CONGRESSIONAL REVIEW OF AGENCY  
7                   RULEMAKING.—In carrying out this paragraph,  
8                   the Secretary shall use the authority provided  
9                   under section 808 of title 5, United States  
10                  Code.

11                 (2) OFFSET.—

12                 (A) IN GENERAL.—The Secretary of the  
13                 Treasury shall rescind such funds as are nec-  
14                 essary of funds made available under the Trou-  
15                 bled Asset Relief Program established under  
16                 title I of division A of the Emergency Economic  
17                 Stabilization Act of 2008 (12 U.S.C. 5211 et  
18                 seq.) to reimburse the Commodity Credit Cor-  
19                 poration for expenditures under this Act.

20                 (B) ADMINISTRATIVE COSTS.—The Sec-  
21                 retary may use up to \$5,000,000 of amounts  
22                 made available under subparagraph (A) to pay  
23                 administrative costs incurred by the Secretary  
24                 that are directly related to carrying out this  
25                 Act.