

113TH CONGRESS  
1ST SESSION

# S. 141

To make supplemental agricultural disaster assistance available for fiscal years 2012 and 2013, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mr. BAUCUS (for himself, Ms. STABENOW, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

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. SUPPLEMENTAL AGRICULTURAL DISASTER AS-**  
4 **SISTANCE PROGRAMS.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE PRODUCER ON A FARM.—

7 (A) IN GENERAL.—The term “eligible pro-  
8 ducer on a farm” means an individual or entity  
9 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.—

14           (A) IN GENERAL.—The term “farm”  
15           means, in relation to an eligible producer on a  
16           farm, the total of all crop acreage in all coun-  
17           ties that is planted or intended to be planted  
18           for harvest, for sale, or on-farm livestock feed-  
19           ing (including native grassland intended for  
20           hay) by the eligible producer.

21           (B) AQUACULTURE.—In the case of aqua-  
22           culture, the term “farm” means, in relation to  
23           an eligible producer on a farm, all fish being  
24           produced in all counties that are intended to be  
25           harvested for sale by the eligible producer.

1 (C) HONEY.—In the case of honey, the  
2 term “farm” means, in relation to an eligible  
3 producer on a farm, all bees and beehives in all  
4 counties that are intended to be harvested for  
5 a honey crop for sale by the eligible producer.

6 (3) FARM-RAISED FISH.—The term “farm-  
7 raised fish” means any aquatic species that is propa-  
8 gated and reared in a controlled environment.

9 (4) LIVESTOCK.—The term “livestock” in-  
10 cludes—

11 (A) cattle (including dairy cattle);

12 (B) bison;

13 (C) poultry;

14 (D) sheep;

15 (E) swine;

16 (F) horses; and

17 (G) other livestock, as determined by the  
18 Secretary.

19 (b) LIVESTOCK INDEMNITY PAYMENTS.—

20 (1) PAYMENTS.—For each of fiscal years 2012  
21 and 2013, the Secretary shall use such sums as are  
22 necessary of the funds of the Commodity Credit Cor-  
23 poration to make livestock indemnity payments to el-  
24 igible producers on farms that have incurred live-

1 stock death losses in excess of the normal mortality,  
2 as determined by the Secretary, due to—

3 (A) attacks by animals reintroduced into  
4 the wild by the Federal Government or pro-  
5 tected by Federal law, including wolves; or

6 (B) adverse weather, as determined by the  
7 Secretary, during the calendar year, including  
8 losses due to hurricanes, floods, blizzards, dis-  
9 ease, wildfires, extreme heat, and extreme cold.

10 (2) PAYMENT RATES.—Indemnity payments to  
11 an eligible producer on a farm under paragraph (1)  
12 shall be made at a rate of 65 percent of the market  
13 value of the applicable livestock on the day before  
14 the date of death of the livestock, as determined by  
15 the Secretary.

16 (3) SPECIAL RULE FOR PAYMENTS MADE DUE  
17 TO DISEASE.—The Secretary shall ensure that pay-  
18 ments made to an eligible producer under paragraph  
19 (1) are not made for the same livestock losses for  
20 which compensation is provided pursuant to section  
21 10407(d) of the Animal Health Protection Act (7  
22 U.S.C. 8306(d)).

23 (c) LIVESTOCK FORAGE DISASTER PROGRAM.—

24 (1) ESTABLISHMENT.—There is established a  
25 livestock forage disaster program to provide 1 source

1 for livestock forage disaster assistance for weather-  
2 related forage losses, as determined by the Sec-  
3 retary, by combining—

4 (A) the livestock forage assistance func-  
5 tions of—

6 (i) the noninsured crop disaster assist-  
7 ance program established by section 196 of  
8 the Federal Agriculture Improvement and  
9 Reform Act of 1996 (7 U.S.C. 7333); and

10 (ii) the emergency assistance for live-  
11 stock, honey bees, and farm-raised fish  
12 program under section 531(e) of the Fed-  
13 eral Crop Insurance Act (7 U.S.C.  
14 1531(e)) (as in existence on the day before  
15 the date of enactment of this Act); and

16 (B) the livestock forage disaster program  
17 under section 531(d) of the Federal Crop In-  
18 surance Act (7 U.S.C. 1531(d)) (as in existence  
19 on the day before the date of enactment of this  
20 Act).

21 (2) DEFINITIONS.—In this subsection:

22 (A) COVERED LIVESTOCK.—

23 (i) IN GENERAL.—Except as provided  
24 in clause (ii), the term “covered livestock”  
25 means livestock of an eligible livestock pro-

1 ducer that, during the 60 days prior to the  
2 beginning date of an eligible forage loss, as  
3 determined by the Secretary, the eligible  
4 livestock producer—

5 (I) owned;

6 (II) leased;

7 (III) purchased;

8 (IV) entered into a contract to  
9 purchase;

10 (V) was a contract grower; or

11 (VI) sold or otherwise disposed of  
12 due to an eligible forage loss during—

13 (aa) the current production  
14 year; or

15 (bb) subject to paragraph  
16 (4)(B)(ii), 1 or both of the 2 pro-  
17 duction years immediately pre-  
18 ceding the current production  
19 year.

20 (ii) EXCLUSION.—The term “covered  
21 livestock” does not include livestock that  
22 were or would have been in a feedlot, on  
23 the beginning date of the eligible forage  
24 loss, as a part of the normal business oper-

1           ation of the eligible livestock producer, as  
2           determined by the Secretary.

3           (B) DROUGHT MONITOR.—The term  
4           “drought monitor” means a system for  
5           classifying drought severity according to a  
6           range of abnormally dry to exceptional drought,  
7           as defined by the Secretary.

8           (C) ELIGIBLE FORAGE LOSS.—The term  
9           “eligible forage loss” means 1 or more forage  
10          losses that occur due to weather-related condi-  
11          tions, including drought, flood, blizzard, hail,  
12          excessive moisture, hurricane, and fire, occur-  
13          ring during the normal grazing period, as deter-  
14          mined by the Secretary, if the forage—

15               (i) is grown on land that is native or  
16               improved pastureland with permanent veg-  
17               etative cover; or

18               (ii) is a crop planted specifically for  
19               the purpose of providing grazing for cov-  
20               ered livestock of an eligible livestock pro-  
21               ducer.

22          (D) ELIGIBLE LIVESTOCK PRODUCER.—

23               (i) IN GENERAL.—The term “eligible  
24               livestock producer” means an eligible pro-  
25               ducer on a farm that—

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

7 (II) provides the pastureland or  
8 grazing land for covered livestock, in-  
9 cluding cash-leased pastureland or  
10 grazing land that is physically located  
11 in a county affected by an eligible for-  
12 age loss;

13 (III) certifies the eligible forage  
14 loss; and

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

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

24 (E) NORMAL CARRYING CAPACITY.—The  
25 term “normal carrying capacity”, with respect



1 to each type of grazing land or pastureland in  
2 a county, means the normal carrying capacity,  
3 as determined under paragraph (4)(D)(i), that  
4 would be expected from the grazing land or  
5 pastureland for livestock during the normal  
6 grazing period, in the absence of an eligible for-  
7 age loss that diminishes the production of the  
8 grazing land or pastureland.

9 (F) NORMAL GRAZING PERIOD.—The term  
10 “normal grazing period”, with respect to a  
11 county, means the normal grazing period during  
12 the calendar year for the county, as determined  
13 under paragraph (4)(D)(i).

14 (3) PROGRAM.—For each of fiscal years 2012  
15 and 2013, the Secretary shall use such sums as are  
16 necessary of the funds of the Commodity Credit Cor-  
17 poration to provide compensation under paragraphs  
18 (4) through (6), as determined by the Secretary for  
19 eligible forage losses affecting covered livestock of el-  
20 igible livestock producers.

21 (4) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES  
22 DUE TO DROUGHT CONDITIONS.—

23 (A) ELIGIBLE FORAGE LOSSES.—

24 (i) IN GENERAL.—An eligible livestock  
25 producer of covered livestock may receive

1 assistance under this paragraph for eligible  
2 forage losses that occur due to drought on  
3 land that—

4 (I) is native or improved  
5 pastureland with permanent vegeta-  
6 tive cover; or

7 (II) is planted to a crop planted  
8 specifically for the purpose of pro-  
9 viding grazing for covered livestock.

10 (ii) EXCLUSIONS.—An eligible live-  
11 stock producer may not receive assistance  
12 under this paragraph for eligible forage  
13 losses that occur on land used for haying  
14 or grazing under the conservation reserve  
15 program established under subchapter B of  
16 chapter 1 of subtitle D of title XII of the  
17 Food Security Act of 1985 (16 U.S.C.  
18 3831 et seq.), unless the land is grassland  
19 eligible for the grassland reserve program  
20 established under subchapter D of chapter  
21 2 of subtitle D of title XII of the Food Se-  
22 curity Act of 1985 (16 U.S.C. 3838n et  
23 seq.).

24 (B) MONTHLY PAYMENT RATE.—

1 (i) IN GENERAL.—Except as provided  
2 in clause (ii), the payment rate for assist-  
3 ance for 1 month under this paragraph  
4 shall, in the case of drought, be equal to  
5 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 the  
15 case of an eligible livestock producer that  
16 sold or otherwise disposed of covered live-  
17 stock 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 equal  
9 to the corn price per pound, as deter-  
10 mined 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 type  
17 of weight of livestock, an amount de-  
18 termined 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—

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(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

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

(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) CHANGES.—No change to the normal carrying capacity or nor-

1 mal grazing period established for a  
2 county under subclause (I) shall be  
3 made unless the change is requested  
4 by the appropriate State and county  
5 Farm Service Agency committees.

6 (ii) DROUGHT INTENSITY.—

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

22 (II) D3.—An eligible livestock  
23 producer that owns or leases grazing  
24 land or pastureland that is physically  
25 located in a county that is rated by

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

9 (aa) in an amount equal to  
10 3 monthly payments using the  
11 monthly payment rate deter-  
12 mined under subparagraph (B);

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

1                   mined under subparagraph (B);  
 2                   or  
 3                   (cc) if the county is rated as  
 4                   having a D4 (exceptional  
 5                   drought) intensity in any area of  
 6                   the county for at least 4 weeks  
 7                   during the normal grazing pe-  
 8                   riod, in an amount equal to 5  
 9                   monthly payments using the  
 10                   monthly rate determined under  
 11                   subparagraph (B).

12                   (iii) ANNUAL PAYMENT BASED ON  
 13                   DROUGHT CONDITIONS DETERMINED BY  
 14                   MEANS OTHER THAN THE U.S. DROUGHT  
 15                   MONITOR.—

16                   (I) IN GENERAL.—An eligible  
 17                   livestock producer that owns grazing  
 18                   land or pastureland that is physically  
 19                   located in a county that has experi-  
 20                   enced on average, over the preceding  
 21                   calendar year, precipitation levels that  
 22                   are 50 percent or more below normal  
 23                   levels, according to sufficient docu-  
 24                   mentation as determined by the Sec-  
 25                   retary, may be eligible, subject to a



1 determination by the Secretary, to re-  
2 ceive assistance under this paragraph  
3 in an amount equal to not more than  
4 1 monthly payment using the monthly  
5 payment rate under subparagraph  
6 (B).

7 (II) NO DUPLICATE PAYMENT.—  
8 A producer may not receive a pay-  
9 ment under both clause (ii) and this  
10 clause.

11 (5) ASSISTANCE FOR LOSSES DUE TO FIRE ON  
12 PUBLIC MANAGED LAND.—

13 (A) IN GENERAL.—An eligible livestock  
14 producer may receive assistance under this  
15 paragraph only if—

16 (i) the eligible forage losses occur on  
17 rangeland that is managed by a Federal  
18 agency; and

19 (ii) the eligible livestock producer is  
20 prohibited by the Federal agency from  
21 grazing the normal permitted livestock on  
22 the managed rangeland due to a fire.

23 (B) PAYMENT RATE.—The payment rate  
24 for assistance under this paragraph shall be  
25 equal to 50 percent of the monthly feed cost for

1 the total number of livestock covered by the  
 2 Federal lease of the eligible livestock producer,  
 3 as determined under paragraph (4)(C).

4 (C) PAYMENT DURATION.—

5 (i) IN GENERAL.—Subject to clause  
 6 (ii), an eligible livestock producer shall be  
 7 eligible to receive assistance under this  
 8 paragraph for the period—

9 (I) beginning on the date on  
 10 which the Federal agency excludes the  
 11 eligible livestock producer from using  
 12 the managed rangeland for grazing;  
 13 and

14 (II) ending on the last day of the  
 15 Federal lease of the eligible livestock  
 16 producer.

17 (ii) LIMITATION.—An eligible livestock  
 18 producer may only receive assistance under  
 19 this paragraph for losses that occur on not  
 20 more than 180 days per year.

21 (6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES  
 22 DUE TO OTHER THAN DROUGHT OR FIRE.—

23 (A) ELIGIBLE FORAGE LOSSES.—

24 (i) IN GENERAL.—Subject to subpara-  
 25 graph (B), an eligible livestock producer of

1 covered livestock may receive assistance  
2 under this paragraph for eligible forage  
3 losses that occur due to weather-related  
4 conditions other than drought or fire on  
5 land that—

6 (I) is native or improved  
7 pastureland with permanent vegeta-  
8 tive cover; or

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

12 (ii) EXCLUSIONS.—An eligible live-  
13 stock producer may not receive assistance  
14 under this paragraph for eligible forage  
15 losses that occur on land used for haying  
16 or grazing under the conservation reserve  
17 program established under subchapter B of  
18 chapter 1 of subtitle D of title XII of the  
19 Food Security Act of 1985 (16 U.S.C.  
20 3831 et seq.), unless the land is grassland  
21 eligible for the grassland reserve program  
22 established under subchapter D of chapter  
23 2 of subtitle D of title XII of the Food Se-  
24 curity Act of 1985 (16 U.S.C. 3838n et  
25 seq.).

1 (B) PAYMENTS FOR ELIGIBLE FORAGE  
2 LOSSES.—

3 (i) IN GENERAL.—The Secretary shall  
4 provide assistance under this paragraph to  
5 an eligible livestock producer for eligible  
6 forage losses that occur due to weather-re-  
7 lated conditions other than—

8 (I) drought under paragraph (4);  
9 and

10 (II) fire on public managed land  
11 under paragraph (5).

12 (ii) TERMS AND CONDITIONS.—The  
13 Secretary shall establish terms and condi-  
14 tions for assistance under this paragraph  
15 that are consistent with the terms and con-  
16 ditions for assistance under this sub-  
17 section.

18 (7) NO DUPLICATIVE PAYMENTS.—An eligible  
19 livestock producer may elect to receive assistance for  
20 eligible forage losses under either paragraph (4), (5),  
21 or (6), if applicable, but may not receive assistance  
22 under more than 1 of those paragraphs for the same  
23 loss, as determined by the Secretary.

1           (8) DETERMINATIONS BY SECRETARY.—A de-  
2           termination made by the Secretary under this sub-  
3           section shall be final and conclusive.

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

6           (1) IN GENERAL.—For each of fiscal years  
7           2012 and 2013, the Secretary shall use not more  
8           than \$5,000,000 of the funds of the Commodity  
9           Credit Corporation to provide emergency relief to eli-  
10          gible producers of livestock, honey bees, and farm-  
11          raised fish to aid in the reduction of losses due to  
12          disease, adverse weather, or other conditions, such  
13          as blizzards and wildfires, as determined by the Sec-  
14          retary, that are not covered under subsection (b) or  
15          (c).

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

20          (3) AVAILABILITY OF FUNDS.—Any funds made  
21          available under this subsection shall remain available  
22          until expended.

23          (e) TREE ASSISTANCE PROGRAM.—

24          (1) DEFINITIONS.—In this subsection:

1 (A) ELIGIBLE ORCHARDIST.—The term  
2 “eligible orchardist” means a person that pro-  
3 duces annual crops from trees for commercial  
4 purposes.

5 (B) NATURAL DISASTER.—The term “nat-  
6 ural disaster” means plant disease, insect infes-  
7 tation, drought, fire, freeze, flood, earthquake,  
8 lightning, or other occurrence, as determined by  
9 the Secretary.

10 (C) NURSERY TREE GROWER.—The term  
11 “nursery tree grower” means a person who pro-  
12 duces nursery, ornamental, fruit, nut, or Christ-  
13 mas trees for commercial sale, as determined by  
14 the Secretary.

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

17 (2) ELIGIBILITY.—

18 (A) LOSS.—Subject to subparagraph (B),  
19 for each of fiscal years 2012 and 2013, the Sec-  
20 retary shall use such sums as are necessary of  
21 the funds of the Commodity Credit Corporation  
22 to provide assistance—

23 (i) under paragraph (3) to eligible or-  
24 chardists and nursery tree growers that  
25 planted trees for commercial purposes but

1           lost the trees as a result of a natural dis-  
2           aster, as determined by the Secretary; and

3           (ii) under paragraph (3)(B) to eligible  
4           orchardists and nursery tree growers that  
5           have a production history for commercial  
6           purposes on planted or existing trees but  
7           lost the trees as a result of a natural dis-  
8           aster, as determined by the Secretary.

9           (B) LIMITATION.—An eligible orchardist  
10          or nursery tree grower shall qualify for assist-  
11          ance under subparagraph (A) only if the tree  
12          mortality of the eligible orchardist or nursery  
13          tree grower, as a result of damaging weather or  
14          related condition, exceeds 15 percent (adjusted  
15          for normal mortality).

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

20                 (A)(i) reimbursement of 65 percent of the  
21                 cost of replanting trees lost due to a natural  
22                 disaster, as determined by the Secretary, in ex-  
23                 cess of 15 percent mortality (adjusted for nor-  
24                 mal mortality); or

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

3 (B) reimbursement of 50 percent of the  
4 cost of pruning, removal, and other costs in-  
5 curred by an eligible orchardist or nursery tree  
6 grower to salvage existing trees or, in the case  
7 of tree mortality, to prepare the land to replant  
8 trees as a result of damage or tree mortality  
9 due to a natural disaster, as determined by the  
10 Secretary, in excess of 15 percent damage or  
11 mortality (adjusted for normal tree damage and  
12 mortality).

13 (4) LIMITATIONS ON ASSISTANCE.—

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

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



1           (C) ACRES.—The total quantity of acres  
2           planted to trees or tree seedlings for which a  
3           person or legal entity shall be entitled to receive  
4           payments under this subsection may not exceed  
5           500 acres.

6           (f) PAYMENTS.—

7           (1) PAYMENT LIMITATIONS.—

8           (A) DEFINITIONS OF LEGAL ENTITY AND  
9           PERSON.—In this subsection, the terms “legal  
10          entity” and “person” have the meanings given  
11          those terms in section 1001(a) of the Food Se-  
12          curity Act of 1985 (7 U.S.C. 1308(a)).

13          (B) AMOUNT.—The total amount of dis-  
14          aster assistance payments received, directly or  
15          indirectly, by a person or legal entity (excluding  
16          a joint venture or general partnership) under  
17          this section (excluding payments received under  
18          subsection (e)) may not exceed \$100,000 for  
19          any crop year.

20          (C) DIRECT ATTRIBUTION.—Subsections  
21          (d) and (e) of section 1001 of the Food Secu-  
22          rity Act of 1985 (7 U.S.C. 1308) or any suc-  
23          cessor provisions relating to direct attribution  
24          shall apply with respect to assistance provided  
25          under this section.

1           (2) PAYMENT DELIVERY.—The Secretary shall  
2           make payments under this section after October 1,  
3           2013, for losses incurred in the 2012 and 2013 fis-  
4           cal years.

5 **SEC. 2. NONINSURED CROP ASSISTANCE PROGRAM.**

6           (a) IN GENERAL.—Section 196 of the Federal Agri-  
7           culture Improvement and Reform Act of 1996 (7 U.S.C.  
8           7333) is amended—

9                   (1) in subsection (a)—

10                           (A) by striking paragraph (1) and insert-  
11                           ing the following:

12                                   “(1) IN GENERAL.—

13   “(A) COVERAGES.—In the case of an eligi-  
14   ble crop described in paragraph (2), the Sec-  
15   retary of Agriculture shall operate a noninsured  
16   crop disaster assistance program to provide cov-  
17   erages based on individual yields (other than  
18   for value-loss crops) equivalent to—

19   “(i) catastrophic risk protection avail-  
20   able under section 508(b) of the Federal  
21   Crop Insurance Act (7 U.S.C. 1508(b)); or

22   “(ii) additional coverage available  
23   under subsections (c) and (h) of section  
24   508 of that Act (7 U.S.C. 1508) that does  
25   not exceed 65 percent.

1           “(B) ADMINISTRATION.—The Secretary  
2 shall carry out this section through the Farm  
3 Service Agency (referred to in this section as  
4 the ‘Agency’).”; and

5           (B) in paragraph (2)—

6           (i) in subparagraph (A)—

7           (I) in clause (i), by striking

8 “and” after the semicolon at the end;

9           (II) by redesignating clause (ii)

10 as clause (iii); and

11           (III) by inserting after clause (i)

12 the following:

13           “(ii) for which additional coverage

14 under subsections (c) and (h) of section

15 508 of that Act (7 U.S.C. 1508) is not

16 available; and”; and

17           (ii) in subparagraph (B), by striking

18 “(including ornamental fish)” and insert-

19 ing “(including ornamental fish, but ex-

20 cluding tropical fish)”;

21           (2) in subsection (d), by striking “The Sec-

22 retary” and inserting “Subject to subsection (l), the

23 Secretary”;

24           (3) in subsection (k)(1)—

1 (A) in subparagraph (A), by striking  
2 “\$250” and inserting “\$260”; and

3 (B) in subparagraph (B)—

4 (i) by striking “\$750” and inserting  
5 “\$780”; and

6 (ii) by striking “\$1,875” and insert-  
7 ing “\$1,950”; and

8 (4) by adding at the end the following:

9 “(l) PAYMENT EQUIVALENT TO ADDITIONAL COV-  
10 ERAGE.—

11 “(1) IN GENERAL.—The Secretary shall make  
12 available to a producer eligible for noninsured assist-  
13 ance under this section a payment equivalent to an  
14 indemnity for additional coverage under subsections  
15 (c) and (h) of section 508 of the Federal Crop In-  
16 surance Act (7 U.S.C. 1508) that does not exceed  
17 65 percent, computed by multiplying—

18 “(A) the quantity that is less than 50 to  
19 65 percent of the established yield for the crop,  
20 as determined by the Secretary, specified in in-  
21 crements of 5 percent;

22 “(B) 100 percent of the average market  
23 price for the crop, as determined by the Sec-  
24 retary; and

1           “(C) a payment rate for the type of crop,  
2           as determined by the Secretary, that reflects—

3                   “(i) in the case of a crop that is pro-  
4                   duced with a significant and variable har-  
5                   vesting expense, the decreasing cost in-  
6                   curred in the production cycle for the crop  
7                   that is, as applicable—

8                           “(I) harvested;

9                           “(II) planted but not harvested;

10                           or

11                           “(III) prevented from being  
12                           planted because of drought, flood, or  
13                           other natural disaster, as determined  
14                           by the Secretary; or

15                           “(ii) in the case of a crop that is pro-  
16                           duced without a significant and variable  
17                           harvesting expense, such rate as shall be  
18                           determined by the Secretary.

19           “(2) PREMIUM.—To be eligible to receive a pay-  
20           ment under this subsection, a producer shall pay—

21                           “(A) the service fee required by subsection  
22                           (k); and

23                           “(B) a premium for the applicable crop  
24                           year that is equal to—

1                   “(i) the product obtained by multi-  
2                   plying—

3                                 “(I) the number of acres devoted  
4                   to the eligible crop;

5                                 “(II) the yield, as determined by  
6                   the Secretary under subsection (e);

7                                 “(III) the coverage level elected  
8                   by the producer;

9                                 “(IV) the average market price,  
10                  as determined by the Secretary; and

11                                “(ii) 5.25-percent premium fee.

12                               “(3) LIMITED RESOURCE, BEGINNING, AND SO-  
13                  CIALY DISADVANTAGED FARMERS.—The additional  
14                  coverage made available under this subsection shall  
15                  be available to limited resource, beginning, and so-  
16                  cially disadvantaged producers, as determined by the  
17                  Secretary, in exchange for a premium that is 50 per-  
18                  cent of the premium determined for a producer  
19                  under paragraph (2).

20                               “(4) ADDITIONAL AVAILABILITY.—

21   “(A) IN GENERAL.—As soon as prac-  
22   ticable, the Secretary shall make assistance  
23   available to producers of an otherwise eligible  
24   crop described in subsection (a)(2) that suffered  
25   losses—

1                   “(i) to a 2012 annual fruit crop  
2                   grown on a bush or tree; and

3                   “(ii) in a county covered by a declara-  
4                   tion by the Secretary of a natural disaster  
5                   for production losses due to a freeze or  
6                   frost.

7                   “(B) ASSISTANCE.—The Secretary shall  
8                   make assistance available under subparagraph  
9                   (A) in an amount equivalent to assistance avail-  
10                  able under paragraph (1), less any fees not pre-  
11                  viously paid under paragraph (2).”.

12                  (b) TERMINATION OF AMENDMENTS.—

13                  (1) IN GENERAL.—Effective October 1, 2017,  
14                  the amendments made by subsection (a) (other than  
15                  the amendment made by subsection (a)(1)(B)(ii))  
16                  are repealed.

17                  (2) ADMINISTRATION.—Effective October 1,  
18                  2017, section 196 of the Federal Agriculture Im-  
19                  provement and Reform Act of 1996 (7 U.S.C. 7333)  
20                  shall be applied and administered as if the amend-  
21                  ments made by subsection (a) (other than the  
22                  amendment made by subsection (a)(1)(B)(ii)) had  
23                  not been enacted.

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