

AMENDMENT NO. _____ Calendar No. _____

Purpose: To extend certain supplemental agricultural disaster assistance programs.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

H. R. 1

Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MERKLEY (for himself and Mr. WYDEN)

Viz:

1 At the end of title I, add the following:

2 GENERAL PROVISIONS—THIS CHAPTER

3 SEC. 101. (a) Section 531 of the Federal Crop Insur-
4 ance Act (7 U.S.C. 1531) is amended—

5 (1) in subsection (c)(1), by striking “The Sec-
6 retary shall use such sums as are necessary from the
7 Trust Fund” and inserting “Of the funds of the
8 Commodity Credit Corporation, the Secretary shall
9 use such sums as are necessary for fiscal year
10 2012”;

1 (2) in subsection (d)(2), by striking “The Sec-
2 retary shall use such sums as are necessary from the
3 Trust Fund” and inserting “Of the funds of the
4 Commodity Credit Corporation, the Secretary shall
5 use such sums as are necessary for fiscal year
6 2012”;

7 (3) in subsection (e)(1)—

8 (A) by striking “The Secretary” and in-
9 serting “Of the funds of the Commodity Credit
10 Corporation, the Secretary”; and

11 (B) by striking “per year from the Trust
12 Fund” and inserting “for fiscal year 2012”;

13 (4) in subsection (f)(2)(A), by striking “the
14 Secretary shall use such sums as are necessary from
15 the Trust Fund” and inserting “of the funds of the
16 Commodity Credit Corporation, the Secretary shall
17 use such sums as are necessary for fiscal year
18 2012”; and

19 (5) in subsection (i), by striking “September
20 30, 2011” and inserting “September 30, 2012 (ex-
21 cept in the case of subsection (b), which shall be
22 September 30, 2011)”.

23 (b) This section is designated by Congress as being
24 for an emergency requirement pursuant to—

1 (1) section 251(b)(2)(A)(i) of the Balanced
2 Budget and Emergency Deficit Control Act of 1985
3 (2 U.S.C. 901(b)(2)(A)(i)); and

4 (2) section 4(g) of the Statutory Pay-As-You-
5 Go Act of 2010 (Public Law 111-139; 2 U.S.C.
6 933(g)).

7 SEC. 102. (a) Section 196 of the Federal Agriculture
8 Improvement and Reform Act of 1996 (7 U.S.C. 7333)
9 is amended—

10 (1) in subsection (a)—

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

13 “(1) IN GENERAL.—

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

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

23 “(ii) additional coverage available
24 under subsections (c) and (h) of section

1 508 of that Act (7 U.S.C. 1508) that does
2 not exceed 65 percent.

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

7 (B) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) in clause (i), by striking
10 “and” after the semicolon at the end;

11 (II) by redesignating clause (ii)
12 as clause (iii); and

13 (III) by inserting after clause (i)
14 the following:

15 “(ii) for which additional
16 coverage under subsections (c)
17 and (h) of section 508 of that
18 Act (7 U.S.C. 1508) is not avail-
19 able; and”;

20 (ii) in subparagraph (B)—

21 (I) by inserting “(except ferns)”
22 after “floricultural”;

23 (II) by inserting “(except ferns)”
24 after “ornamental nursery”; and

1 (III) by striking “(including or-
2 namental fish)” and inserting “(in-
3 cluding ornamental fish, but excluding
4 tropical fish)”;

5 (2) in subsection (d), by striking “The Sec-
6 retary” and inserting “Subject to subsection (l), the
7 Secretary”;

8 (3) in subsection (k)(1)—

9 (A) in subparagraph (A), by striking
10 “\$250” and inserting “\$260”; and

11 (B) in subparagraph (B)—

12 (i) by striking “\$750” and inserting
13 “\$780”; and

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

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

17 “(l) PAYMENT EQUIVALENT TO ADDITIONAL COV-
18 ERAGE.—

19 “(1) IN GENERAL.—The Secretary shall make
20 available to a producer eligible for noninsured assist-
21 ance under this section a payment equivalent to an
22 indemnity for additional coverage under subsections
23 (e) and (h) of section 508 of the Federal Crop In-
24 surance Act (7 U.S.C. 1508) that does not exceed
25 65 percent, computed by multiplying—

1 “(A) the quantity that is less than 50 to
2 65 percent of the established yield for the crop,
3 as determined by the Secretary, specified in in-
4 crements of 5 percent;

5 “(B) 100 percent of the average market
6 price for the crop, as determined by the Sec-
7 retary; and

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

10 “(i) in the case of a crop that is pro-
11 duced with a significant and variable har-
12 vesting expense, the decreasing cost in-
13 curred in the production cycle for the crop
14 that is, as applicable—

15 “(I) harvested;

16 “(II) planted but not harvested;

17 or

18 “(III) prevented from being
19 planted because of drought, flood, or
20 other natural disaster, as determined
21 by the Secretary; or

22 “(ii) in the case of a crop that is pro-
23 duced without a significant and variable
24 harvesting expense, such rate as shall be
25 determined by the Secretary.

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

3 “(A) the service fee required by subsection
4 (k); and

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

7 “(i) the product obtained by multi-
8 plying—

9 “(I) the number of acres devoted
10 to the eligible crop;

11 “(II) the yield, as determined by
12 the Secretary under subsection (e);

13 “(III) the coverage level elected
14 by the producer;

15 “(IV) the average market price,
16 as determined by the Secretary; and

17 “(ii) 5.25-percent premium fee.

18 “(3) LIMITED RESOURCE, BEGINNING, AND SO-
19 CIALLY DISADVANTAGED FARMERS.—The additional
20 coverage made available under this subsection shall
21 be available to limited resource, beginning, and so-
22 cially disadvantaged producers, as determined by the
23 Secretary, in exchange for a premium that is 50 per-
24 cent of the premium determined for a producer
25 under paragraph (2).

1 “(4) ADDITIONAL AVAILABILITY.—

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

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

9 “(ii) in a county covered by a declara-
10 tion by the Secretary of a natural disaster
11 for production losses due to a freeze or
12 frost.

13 “(B) ASSISTANCE.—The Secretary shall
14 make assistance available under subparagraph
15 (A) in an amount equivalent to assistance avail-
16 able under paragraph (1), less any fees not pre-
17 viously paid under paragraph (2).

18 “(C) ADMINISTRATION.—For assistance
19 provided under this subsection for the 2012
20 crop year, the limitation in subsection (i)(2)
21 shall be \$250,000.”.

22 (b)(1) Effective October 1, 2017, subsection (a) and
23 the amendments made by subsection (a) (other than the
24 amendments made by clauses (i)(I) and (ii) of subsection
25 (a)(1)(B)) are repealed.

1 (2) Effective October 1, 2017, section 196 of the
2 Federal Agriculture Improvement and Reform Act of 1996
3 (7 U.S.C. 7333) shall be applied and administered as if
4 subsection (a) and the amendments made by subsection
5 (a) (other than the amendments made by clauses (i)(I)
6 and (ii) of subsection (a)(1)(B)) had not been enacted.

7 (c) This section is designated by Congress as being
8 for an emergency requirement pursuant to—

9 (1) section 251(b)(2)(A)(i) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985
11 (2 U.S.C. 901(b)(2)(A)(i)); and

12 (2) section 4(g) of the Statutory Pay-As-You-
13 Go Act of 2010 (Public Law 111-139; 2 U.S.C.
14 933(g)).