

110TH CONGRESS
1ST SESSION

S. 524

To provide emergency agricultural disaster assistance for agricultural producers, manufacturers, and workers in the State of California.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2007

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide emergency agricultural disaster assistance for agricultural producers, manufacturers, and workers in the State of California.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Emergency Farm Assistance Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

Sec. 101. Specialty crops.

- Sec. 102. Dairy assistance.
 Sec. 103. Livestock indemnity payments.
 Sec. 104. Payment limitation.

TITLE II—SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM

- Sec. 201. Small business economic loss grant program.

TITLE III—FORESTRY

- Sec. 301. Tree assistance program.

TITLE IV—ASSISTANCE FOR UNEMPLOYED AGRICULTURAL
 WORKERS

- Sec. 401. Unemployment assistance.
 Sec. 402. Food coupons and distribution.
 Sec. 403. Emergency grants to assist low-income migrant and seasonal farm-
 workers.
 Sec. 404. Temporary mortgage rental assistance.

TITLE V—MISCELLANEOUS

- Sec. 501. Limit on amount of assistance.
 Sec. 502. Funding.
 Sec. 503. Regulations.

TITLE VI—EMERGENCY DESIGNATION

- Sec. 601. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **DISASTER COUNTY.**—The term “disaster
 4 county” means—

5 (A) a county included in the geographic
 6 area covered by a natural disaster declaration;

7 and

8 (B) each county contiguous to a county de-
 9 scribed in subparagraph (A).

10 (2) **LIVESTOCK.**—The term “livestock” in-
 11 cludes—

12 (A) cattle (including dairy cattle);

- 1 (B) bison;
2 (C) sheep;
3 (D) swine;
4 (E) poultry; and
5 (F) other livestock, as determined by the
6 Secretary.

7 (3) NATURAL DISASTER DECLARATION.—The
8 term “natural disaster declaration” means a natural
9 disaster declared by the Secretary under section
10 321(a) of the Consolidated Farm and Rural Devel-
11 opment Act (7 U.S.C. 1961(a)) during—

12 (A) calendar year 2005 due to flooding in
13 the State;

14 (B) calendar year 2006 due to heat or
15 flooding in the State; and

16 (C) calendar year 2007 due to freezing or
17 extreme low temperatures in the State.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture.

20 (5) SPECIALTY CROP.—The term “specialty
21 crop” has the meaning given the term in section 3
22 of the Specialty Crops Competitiveness Act of 2004
23 (7 U.S.C. 1621 note; Public Law 108–465).

24 (6) STATE.—The term “State” means the State
25 of California.

1 **TITLE I—AGRICULTURAL**
2 **PRODUCTION LOSSES**

3 **SEC. 101. SPECIALTY CROPS.**

4 (a) IN GENERAL.—The Secretary shall use, of funds
5 of the Commodity Credit Corporation—

6 (1) \$100,000,000 to provide assistance to pro-
7 ducers of specialty crops in disaster counties that
8 suffered losses in calendar year 2005;

9 (2) \$400,000,000 to provide assistance to pro-
10 ducers of specialty crops in disaster counties that
11 suffered losses in calendar year 2006;

12 (3) \$420,000,000 to provide assistance to citrus
13 producers in disaster counties that suffered losses in
14 calendar year 2007; and

15 (4) \$438,000,000 to provide assistance to pro-
16 ducers of other specialty crops in disaster counties
17 that suffered losses in calendar year 2007.

18 (b) ADMINISTRATION.—Except as provided in sub-
19 section (c), assistance required by subsection (a) shall be
20 carried out by the Secretary in the State under the same
21 terms and conditions as the special disaster relief pro-
22 grams carried out for producers that suffered from crop
23 damage and tree losses, and carried out related cleanup,
24 in certain areas of Florida due to Hurricanes Charley,
25 Frances, and Jeanne during August and September 2004,

1 as described in the notice of program implementation re-
2 lating to Florida citrus, fruit, vegetable, and nursery crop
3 disaster programs (69 Fed. Reg. 63134 (October 29,
4 2004)), with vegetable losses treated as citrus losses under
5 this section for purposes of that program.

6 (c) UNINSURED CITRUS GROWERS.—

7 (1) LIMITED ASSISTANCE.—Subject to para-
8 graph (2), citrus producers on a farm that did not
9 obtain a policy or plan of insurance under the Fed-
10 eral Crop Insurance Act (7 U.S.C. 1501 et seq.) for
11 the crop incurring the losses shall only be eligible for
12 assistance under this section if the producers agree
13 to obtain a policy or plan of insurance under the
14 Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)
15 not later than 180 days after the date of enactment
16 of this Act providing additional coverage for the cit-
17 rus crop of the producers for each of the next 3 crop
18 years.

19 (2) AMOUNT OF ASSISTANCE.—Assistance
20 under this section provided for citrus producers on
21 a farm described in paragraph (1) shall not exceed
22 35 percent of the total amount of the documented
23 losses of the producers.

24 (3) EFFECT OF VIOLATION.—In the event that
25 citrus producers described in paragraph (1) fail to

1 obtain a policy or plan of insurance in accordance
2 with that paragraph, the producers shall reimburse
3 the Secretary for the full amount of the assistance
4 provided to the producers under this section.

5 **SEC. 102. DAIRY ASSISTANCE.**

6 The Secretary shall use \$230,000,000 of funds of the
7 Commodity Credit Corporation to make payments to dairy
8 producers for dairy production losses during calendar year
9 2006 in disaster counties.

10 **SEC. 103. LIVESTOCK INDEMNITY PAYMENTS.**

11 (a) IN GENERAL.—The Secretary shall use
12 \$80,000,000 of funds of the Commodity Credit Corpora-
13 tion to make livestock indemnity payments to producers
14 on farms located in disaster counties that have incurred
15 livestock losses during calendar year 2006 or 2007, or
16 both, due to a disaster, as determined by the Secretary.

17 (b) PAYMENT RATES.—Indemnity payments to the
18 producers on a farm under subsection (a) shall be made
19 at a rate of not less than 30 percent of the market value
20 of the applicable livestock on the day before the date of
21 death of the livestock, as determined by the Secretary.

22 **SEC. 104. PAYMENT LIMITATION.**

23 Notwithstanding any other provision of law, assist-
24 ance provided under this section to the producers on a
25 farm (as defined by the Secretary) may not exceed

1 \$125,000 for each farm, ranch, processing plant, or dairy
2 operation of the producers.

3 **TITLE II—SMALL BUSINESS ECO-**
4 **NOMIC LOSS GRANT PRO-**
5 **GRAM**

6 **SEC. 201. SMALL BUSINESS ECONOMIC LOSS GRANT PRO-**
7 **GRAM.**

8 (a) GRANTS.—

9 (1) IN GENERAL.—The Secretary shall use such
10 funds as are necessary of funds of the Commodity
11 Credit Corporation to make a grant to the State.

12 (2) REQUIREMENT.—To be eligible to receive a
13 grant under this subsection, the State shall agree to
14 carry out an expedited disaster assistance program
15 to provide grants to qualified small businesses in ac-
16 cordance with subsection (b).

17 (b) GRANTS TO QUALIFIED SMALL BUSINESSES.—

18 (1) IN GENERAL.—In carrying out an expedited
19 disaster assistance program described in subsection
20 (a)(2), the State shall provide grants to eligible
21 small businesses in the State that suffered material
22 economic losses during the 2005, 2006, or 2007
23 crop year as a direct result of weather-related agri-
24 cultural losses to the specialty crop or livestock pro-

1 duction sectors of the State, as determined by the
2 Secretary.

3 (2) ELIGIBILITY.—

4 (A) IN GENERAL.—To be eligible to receive
5 a grant under paragraph (1), a small business
6 shall—

7 (i) have less than \$15,000,000 in av-
8 erage annual gross income from all busi-
9 ness activities, at least 75 percent of which
10 shall be directly related to production agri-
11 culture or agriculture support industries,
12 as determined by the Secretary;

13 (ii) verify the amount of economic loss
14 attributable to weather-related agricultural
15 losses using such documentation as the
16 Secretary and the State may require;

17 (iii) have suffered losses attributable
18 to weather-related agricultural disasters
19 that equal at least 15 percent of the total
20 economic loss of the small business for
21 each year a grant is requested; and

22 (iv) demonstrate that the grant will
23 materially improve the likelihood the busi-
24 ness will—

25 (I) recover from the disaster;

1 (II) continue to service and sup-
2 port production agriculture; and

3 (III) replant agricultural produc-
4 tion fields and groves.

5 (3) REQUIREMENTS.—A grant to a small busi-
6 ness under this subsection shall—

7 (A) be limited to not more than 2 years of
8 documented losses;

9 (B) be in an amount of not more than 75
10 percent of the documented average economic
11 loss attributable to weather-related agriculture
12 disasters for each eligible year in the State; and

13 (C) not exceed a total amount of \$250,000
14 for each small business.

15 (4) INSUFFICIENT FUNDING.—If the grant
16 funds received by the State under subsection (a) are
17 insufficient to fund the grants of the State under
18 this subsection, the State may apply a proportional
19 reduction to all of the grants.

20 **TITLE III—FORESTRY**

21 **SEC. 301. TREE ASSISTANCE PROGRAM.**

22 (a) DEFINITION OF TREE.—In this section, the term
23 “tree” includes—

24 (1) a tree (including a Christmas tree, orna-
25 mental tree, nursery tree, and potted tree);

1 (2) a bush (including a shrub, nursery shrub,
2 nursery bush, ornamental bush, ornamental shrub,
3 potted bush, and potted shrub); and

4 (3) a vine (including a nursery vine and orna-
5 mental vine).

6 (b) PROGRAM.—Except as otherwise provided in this
7 section, the Secretary shall use such sums as are necessary
8 of the funds of the Commodity Credit Corporation to pro-
9 vide assistance under the tree assistance program estab-
10 lished under subtitle C of title X of the Farm Security
11 and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.)
12 to—

13 (1) producers who suffered tree losses in dis-
14 aster counties; and

15 (2) fruit and tree nut producers in disaster
16 counties.

17 (c) COSTS.—Funds made available under this section
18 shall also be made available to cover costs associated with
19 tree pruning, tree rehabilitation, and other appropriate
20 tree-related activities as determined by the Secretary.

21 (d) SCOPE OF ASSISTANCE.—Assistance under this
22 section shall compensate for losses resulting from disas-
23 ters during calendar year 2005, 2006, or 2007, or any
24 combination of those calendar years.

1 **TITLE IV—ASSISTANCE FOR UN-**
2 **EMPLOYED AGRICULTURAL**
3 **WORKERS**

4 **SEC. 401. UNEMPLOYMENT ASSISTANCE.**

5 The Secretary of Homeland Security shall use such
6 sums as are necessary to provide unemployment assistance
7 in accordance with section 410 of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5177) to agricultural workers in the State (including low-
10 income migrant and seasonal farmworkers) who are unem-
11 ployed due to disasters occurring in calendar year 2007,
12 as determined by the Secretary.

13 **SEC. 402. FOOD COUPONS AND DISTRIBUTION.**

14 The Secretary shall use such sums as are necessary
15 of the funds of the Commodity Credit Corporation to pro-
16 vide food coupons and surplus commodities in accordance
17 with section 412 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5179) to agri-
19 cultural workers in the State (including low-income mi-
20 grant and seasonal farmworkers) who are unemployed due
21 to disasters occurring in calendar year 2007, as deter-
22 mined by the Secretary.

1 **SEC. 403. EMERGENCY GRANTS TO ASSIST LOW-INCOME MI-**
2 **GRANT AND SEASONAL FARMWORKERS.**

3 The Secretary shall use such sums as are necessary
4 of the funds of the Commodity Credit Corporation to pro-
5 vide emergency grants to assist low-income migrant and
6 seasonal farmworkers in the State who are unemployed
7 due to disasters occurring in calendar year 2007, as deter-
8 mined by the Secretary, in accordance with section 2281
9 of the Food, Agriculture, Conservation, and Trade Act of
10 1990 (42 U.S.C. 5177a).

11 **SEC. 404. TEMPORARY MORTGAGE RENTAL ASSISTANCE.**

12 For the period beginning on the date of enactment
13 of this Act and ending 180 days after the date of enact-
14 ment of this Act, the Secretary of Homeland Security shall
15 use such sums as are necessary to provide temporary
16 mortgage rental assistance to agricultural workers in the
17 State (including low-income migrant and seasonal farm-
18 workers) who are unemployed due to disasters occurring
19 in calendar year 2007 under the same terms and condi-
20 tions as the temporary mortgage rental assistance pro-
21 gram under section 408(b) of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42 U.S.C.
23 5174(b)) (as in effect on the day before the effective date
24 of the amendment made by section 206(a) of the Disaster
25 Mitigation Act of 2000 (42 U.S.C. 5174 note; Public Law
26 106–390)).

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. LIMIT ON AMOUNT OF ASSISTANCE.**

3 The Secretary shall ensure, to the maximum extent
4 practicable, that no producers on a farm receive dupli-
5 cative payments under this Act and any other Federal pro-
6 gram for the same loss.

7 **SEC. 502. FUNDING.**

8 The Secretary shall use the funds, facilities, and au-
9 thorities of the Commodity Credit Corporation to carry
10 out this Act (other than sections 401 and 404), to remain
11 available until expended.

12 **SEC. 503. REGULATIONS.**

13 (a) IN GENERAL.—The Secretary may promulgate
14 such regulations as are necessary to implement this Act.

15 (b) PROCEDURE.—The promulgation of the regula-
16 tions and administration of this Act shall be made without
17 regard to—

18 (1) the notice and comment provisions of sec-
19 tion 553 of title 5, United States Code;

20 (2) the Statement of Policy of the Secretary of
21 Agriculture effective July 24, 1971 (36 Fed. Reg.
22 13804), relating to notices of proposed rulemaking
23 and public participation in rulemaking; and

1 (3) chapter 35 of title 44, United States Code
2 (commonly known as the “Paperwork Reduction
3 Act”).

4 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
5 MAKING.—In carrying out this section, the Secretary shall
6 use the authority provided under section 808 of title 5,
7 United States Code.

8 **TITLE VI—EMERGENCY**
9 **DESIGNATION**

10 **SEC. 601. EMERGENCY DESIGNATION.**

11 The amounts provided under this Act are designated
12 as an emergency requirement pursuant to section 402 of
13 H. Con. Res. 95 (109th Congress).

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