

110TH CONGRESS  
1ST SESSION

# S. 284

To provide emergency agricultural disaster assistance.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2007

Mr. CONRAD (for himself, Mr. HAGEL, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. THUNE, Mr. DORGAN, Ms. KLOBUCHAR, Mr. COLEMAN, Mr. BAUCUS, Mr. TESTER, Mr. INOUE, Ms. LANDRIEU, and Ms. CANTWELL) 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 provide emergency agricultural disaster assistance.

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 Relief 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. Crop disaster assistance.
- Sec. 102. Dairy assistance.

- Sec. 103. Livestock assistance.
- Sec. 104. Flooded crop and grazing land.
- Sec. 105. Sugar beet and sugar cane disaster assistance.
- Sec. 106. Noninsured crop assistance program.
- Sec. 107. Reduction in payments.

TITLE II—SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM

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

TITLE III—CONSERVATION

- Sec. 301. Emergency conservation program.
- Sec. 302. Emergency watershed protection program.
- Sec. 303. Environmental quality incentives program.

TITLE IV—FARM SERVICE AGENCY

- Sec. 401. Funding for additional personnel.

TITLE V—MISCELLANEOUS

- Sec. 501. Contract waiver.
- Sec. 502. Funding.
- Sec. 503. Regulations.

TITLE VI—EMERGENCY DESIGNATION

- Sec. 601. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADDITIONAL COVERAGE.**—The term “addi-  
 4 tional coverage” has the meaning given the term in  
 5 section 502(b)(1) of the Federal Crop Insurance Act  
 6 (7 U.S.C. 1502(b)(1)).

7 (2) **DISASTER COUNTY.**—The term “disaster  
 8 county” means—

9 (A) a county included in the geographic  
 10 area covered by a natural disaster declaration;  
 11 and

12 (B) each county contiguous to a county de-  
 13 scribed in subparagraph (A).

1           (3) HURRICANE-AFFECTED COUNTY.—The term  
2 “hurricane-affected county” means—

3           (A) a county included in the geographic  
4 area covered by a natural disaster declaration  
5 related to Hurricane Katrina, Hurricane Rita,  
6 Hurricane Wilma, or a related condition; and

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

9           (4) INSURABLE COMMODITY.—The term “insur-  
10 able commodity” means an agricultural commodity  
11 (excluding livestock) for which the producers on a  
12 farm are eligible to obtain a policy or plan of insur-  
13 ance under the Federal Crop Insurance Act (7  
14 U.S.C. 1501 et seq.).

15           (5) LIVESTOCK.—The term “livestock” in-  
16 cludes—

17           (A) cattle (including dairy cattle);

18           (B) bison;

19           (C) sheep;

20           (D) swine; and

21           (E) other livestock, as determined by the  
22 Secretary.

23           (6) NATURAL DISASTER DECLARATION.—The  
24 term “natural disaster declaration” means a natural  
25 disaster declared by the Secretary during calendar

1 year 2005 or 2006 under section 321(a) of the Con-  
 2 solidated Farm and Rural Development Act (7  
 3 U.S.C. 1961(a)).

4 (7) NONINSURABLE COMMODITY.—The term  
 5 “noninsurable commodity” means a crop for which  
 6 the producers on a farm are eligible to obtain assist-  
 7 ance under section 196 of the Federal Agriculture  
 8 Improvement and Reform Act of 1996 (7 U.S.C.  
 9 7333).

10 (8) SECRETARY.—The term “Secretary” means  
 11 the Secretary of Agriculture.

## 12 **TITLE I—AGRICULTURAL** 13 **PRODUCTION LOSSES**

### 14 **SEC. 101. CROP DISASTER ASSISTANCE.**

15 (a) IN GENERAL.—The Secretary shall use such  
 16 sums as are necessary of funds of the Commodity Credit  
 17 Corporation to make emergency financial assistance au-  
 18 thorized under this section available to producers on a  
 19 farm that have incurred qualifying losses described in sub-  
 20 section (c).

21 (b) ADMINISTRATION.—

22 (1) IN GENERAL.—Except as provided in para-  
 23 graph (2), the Secretary shall make assistance avail-  
 24 able under this section in the same manner as pro-  
 25 vided under section 815 of the Agriculture, Rural

1 Development, Food and Drug Administration and  
2 Related Agencies Appropriations Act, 2001 (Public  
3 Law 106–387; 114 Stat. 1549A–55), including  
4 using the same loss thresholds for quantity and eco-  
5 nomic losses as were used in administering that sec-  
6 tion, except that the payment rate shall be 45 per-  
7 cent of the established price, instead of 65 percent.

8 (2) NONINSURED PRODUCERS.—For producers  
9 on a farm that were eligible to acquire crop insur-  
10 ance for the applicable production loss and failed to  
11 do so or failed to submit an application for the non-  
12 insured assistance program for the loss, the Sec-  
13 retary shall make assistance in accordance with  
14 paragraph (1), except that the payment rate shall be  
15 20 percent of the established price, instead of 50  
16 percent.

17 (c) QUALIFYING LOSSES.—Assistance under this sec-  
18 tion shall be made available to producers on farms, other  
19 than producers of sugar beets, that incurred qualifying  
20 quantity or quality losses for the 2005 or 2006 crop, or  
21 both, due to damaging weather or any related condition  
22 (including losses due to crop diseases, insects, and delayed  
23 harvest), as determined by the Secretary.

24 (d) QUALITY LOSSES.—

1           (1) IN GENERAL.—In addition to any payment  
2 received under subsection (b), the Secretary shall  
3 use such sums as are necessary of funds of the Com-  
4 modity Credit Corporation to make payments to pro-  
5 ducers on a farm described in subsection (a) that in-  
6 curred a quality loss for the 2005 or 2006 crop, or  
7 both, of a commodity in an amount equal to the  
8 product obtained by multiplying—

9           (A) the payment quantity determined  
10 under paragraph (2);

11           (B)(i) in the case of an insurable com-  
12 modity, the coverage level elected by the insured  
13 under the policy or plan of insurance under the  
14 Federal Crop Insurance Act (7 U.S.C. 1501 et  
15 seq.); or

16           (ii) in the case of a noninsurable com-  
17 modity, the applicable coverage level for the  
18 payment quantity determined under paragraph  
19 (2); by

20           (C) 45 percent of the payment rate deter-  
21 mined under paragraph (3).

22           (2) PAYMENT QUANTITY.—For the purpose of  
23 paragraph (1)(A), the payment quantity for quality  
24 losses for a crop of a commodity on a farm shall  
25 equal the lesser of—

1 (A) the actual production of the crop af-  
2 fected by a quality loss of the commodity on the  
3 farm; or

4 (B)(i) in the case of an insurable com-  
5 modity, the actual production history for the  
6 commodity by the producers on the farm under  
7 the Federal Crop Insurance Act (7 U.S.C. 1501  
8 et seq.); or

9 (ii) in the case of a noninsurable com-  
10 modity, the established yield for the crop for  
11 the producers on the farm under section 196 of  
12 the Federal Agriculture Improvement and Re-  
13 form Act of 1996 (7 U.S.C. 7333).

14 (3) PAYMENT RATE.—

15 (A) IN GENERAL.—For the purpose of  
16 paragraph (1)(B), the payment rate for quality  
17 losses for a crop of a commodity on a farm  
18 shall be equal to the difference between (as de-  
19 termined by the applicable State committee of  
20 the Farm Service Agency)—

21 (i) the per unit market value that the  
22 units of the crop affected by the quality  
23 loss would have had if the crop had not  
24 suffered a quality loss; and

1                   (ii) the per unit market value of the  
2                   units of the crop affected by the quality  
3                   loss.

4                   (B) FACTORS.—In determining the pay-  
5                   ment rate for quality losses for a crop of a com-  
6                   modity on a farm, the applicable State com-  
7                   mittee of the Farm Service Agency shall take  
8                   into account—

9                   (i) the average local market quality  
10                  discounts that purchasers applied to the  
11                  commodity during the first 2 months fol-  
12                  lowing the normal harvest period for the  
13                  commodity;

14                  (ii) the loan rate and repayment rate  
15                  established for the commodity under the  
16                  marketing loan program established for the  
17                  commodity under subtitle B of title I of  
18                  the Farm Security and Rural Investment  
19                  Act of 2002 (7 U.S.C. 7931 et seq.);

20                  (iii) the market value of the com-  
21                  modity if sold into a secondary market;  
22                  and

23                  (iv) other factors determined appro-  
24                  priate by the committee.

25                  (4) ELIGIBILITY.—

1 (A) IN GENERAL.—For producers on a  
2 farm to be eligible to obtain a payment for a  
3 quality loss for a crop under this subsection—

4 (i) the amount obtained by multi-  
5 plying the per unit loss determined under  
6 paragraph (1) by the number of units af-  
7 fected by the quality loss shall be reduced  
8 by the amount of any indemnification re-  
9 ceived by the producers on the farm for  
10 quality loss adjustment for the commodity  
11 under a policy or plan of insurance under  
12 the Federal Crop Insurance Act (7 U.S.C.  
13 1501 et seq.); and

14 (ii) the remainder shall be at least 25  
15 percent of the value that all affected pro-  
16 duction of the crop would have had if the  
17 crop had not suffered a quality loss.

18 (B) INELIGIBILITY.—If the amount of a  
19 quality loss payment for a commodity for the  
20 producers on a farm determined under this  
21 paragraph is equal to or less than zero, the pro-  
22 ducers on the farm shall be ineligible for assist-  
23 ance for the commodity under this subsection.

24 (5) ELIGIBLE PRODUCTION.—The Secretary  
25 shall carry out this subsection in a fair and equitable

1 manner for all eligible production, including the pro-  
2 duction of fruits and vegetables, other specialty  
3 crops, and field crops.

4 (e) TIMING.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 the Secretary shall make payments to producers on  
7 a farm for a crop under this section not later than  
8 60 days after the date the producers on the farm  
9 submit to the Secretary a completed application for  
10 the payments.

11 (2) INTEREST.—If the Secretary does not make  
12 payments to the producers on a farm by the date de-  
13 scribed in paragraph (1), the Secretary shall pay to  
14 the producers on a farm interest on the payments at  
15 a rate equal to the current (as of the sign-up dead-  
16 line established by the Secretary) market yield on  
17 outstanding, marketable obligations of the United  
18 States with maturities of 30 years.

19 **SEC. 102. DAIRY ASSISTANCE.**

20 The Secretary shall use \$95,000,000 of funds of the  
21 Commodity Credit Corporation to make payments to dairy  
22 producers for dairy production losses in disaster counties.

23 **SEC. 103. LIVESTOCK ASSISTANCE.**

24 (a) LIVESTOCK COMPENSATION PROGRAM.—

1           (1) USE OF COMMODITY CREDIT CORPORATION  
2 FUNDS.—Effective beginning on the date of enact-  
3 ment of this Act, the Secretary shall use funds of  
4 the Commodity Credit Corporation to carry out the  
5 2002 Livestock Compensation Program announced  
6 by the Secretary on October 10, 2002 (67 Fed. Reg.  
7 63070), to provide compensation for livestock losses  
8 during calendar years 2005 and 2006 for losses (in-  
9 cluding losses due to blizzards that began in cal-  
10 endar year 2006 and continued in January 2007)  
11 due to a disaster, as determined by the Secretary,  
12 except that the payment rate shall be 70 percent of  
13 the payment rate established for the 2002 Livestock  
14 Compensation Program.

15           (2) ELIGIBLE APPLICANTS.—In carrying out  
16 the program described in paragraph (1), the Sec-  
17 retary shall provide assistance to any applicant for  
18 livestock losses during calendar year 2005 or 2006,  
19 or both, that—

20                   (A)(i) conducts a livestock operation that  
21 is located in a disaster county, including any  
22 applicant conducting a livestock operation with  
23 eligible livestock (within the meaning of the  
24 livestock assistance program under section

1           101(b) of division B of Public Law 108–324  
2           (118 Stat. 1234)); or

3           (ii) produces an animal described in sec-  
4           tion 10806(a)(1) of the Farm Security and  
5           Rural Investment Act of 2002 (21 U.S.C.  
6           321d(a)(1));

7           (B) demonstrates to the Secretary that the  
8           applicant suffered a material loss of pasture or  
9           hay production, or experienced substantially in-  
10          creased feed costs, due to damaging weather or  
11          a related condition during the calendar year, as  
12          determined by the Secretary; and

13          (C) meets all other eligibility requirements  
14          established by the Secretary for the program.

15          (3) MITIGATION.—In determining the eligibility  
16          for or amount of payments for which a producer is  
17          eligible under the livestock compensation program,  
18          the Secretary shall not penalize a producer that  
19          takes actions (recognizing disaster conditions) that  
20          reduce the average number of livestock the producer  
21          owned for grazing during the production year for  
22          which assistance is being provided.

23          (b) LIVESTOCK INDEMNITY PAYMENTS.—

24                  (1) IN GENERAL.—The Secretary shall use such  
25          sums as are necessary of funds of the Commodity

1 Credit Corporation to make livestock indemnity pay-  
2 ments to producers on farms that have incurred live-  
3 stock losses during calendar years 2005 and 2006  
4 for losses that occurred prior to the date of enact-  
5 ment of this Act (including losses due to blizzards  
6 that began in calendar year 2006 and continued in  
7 January 2007) due to a disaster, as determined by  
8 the Secretary, including losses due to hurricanes,  
9 floods, anthrax, wildfires, and extreme heat.

10 (2) PAYMENT RATES.—Indemnity payments to  
11 a producer on a farm under paragraph (1) shall be  
12 made at a rate of not less than 30 percent of the  
13 market value of the applicable livestock on the day  
14 before the date of death of the livestock, as deter-  
15 mined by the Secretary.

16 (c) EWE LAMB REPLACEMENT AND RETENTION.—

17 (1) IN GENERAL.—The Secretary shall use  
18 \$13,000,000 of funds of the Commodity Credit Cor-  
19 poration to make payments to producers located in  
20 disaster counties under the Ewe Lamb Replacement  
21 and Retention Payment Program under part 784 of  
22 title 7, Code of Federal Regulations (or a successor  
23 regulation) for each qualifying ewe lamb retained or  
24 purchased during the period beginning on January

1 1, 2006, and ending on December 31, 2006, by the  
2 producers.

3 (2) INELIGIBILITY FOR OTHER ASSISTANCE.—A  
4 producer that receives assistance under this sub-  
5 section shall not be eligible to receive assistance  
6 under subsection (a).

7 **SEC. 104. FLOODED CROP AND GRAZING LAND.**

8 (a) IN GENERAL.—The Secretary shall compensate  
9 eligible owners of flooded crop and grazing land in—

10 (1) the Devils Lake basin; and

11 (2) the McHugh, Lake Laretta, and Rose Lake  
12 closed drainage areas of the State of North Dakota.

13 (b) ELIGIBILITY.—

14 (1) IN GENERAL.—To be eligible to receive  
15 compensation under this section, an owner shall own  
16 land described in subsection (a) that, during the 2  
17 crop years preceding receipt of compensation, was  
18 rendered incapable of use for the production of an  
19 agricultural commodity or for grazing purposes (in  
20 a manner consistent with the historical use of the  
21 land) as the result of flooding, as determined by the  
22 Secretary.

23 (2) INCLUSIONS.—Land described in paragraph  
24 (1) shall include—

25 (A) land that has been flooded;

1 (B) land that has been rendered inacces-  
2 sible due to flooding; and

3 (C) a reasonable buffer strip adjoining the  
4 flooded land, as determined by the Secretary.

5 (3) ADMINISTRATION.—The Secretary may es-  
6 tablish—

7 (A) reasonable minimum acreage levels for  
8 individual parcels of land for which owners may  
9 receive compensation under this section; and

10 (B) the location and area of adjoining  
11 flooded land for which owners may receive com-  
12 pensation under this section.

13 (c) SIGN-UP.—The Secretary shall establish a sign-  
14 up program for eligible owners to apply for compensation  
15 from the Secretary under this section.

16 (d) COMPENSATION PAYMENTS.—

17 (1) IN GENERAL.—Subject to paragraphs (2)  
18 and (3), the rate of an annual compensation pay-  
19 ment under this section shall be equal to 90 percent  
20 of the average annual per acre rental payment rate  
21 (at the time of entry into the contract) for com-  
22 parable crop or grazing land that has not been flood-  
23 ed and remains in production in the county where  
24 the flooded land is located, as determined by the  
25 Secretary.

1           (2) REDUCTION.—An annual compensation  
2 payment under this section shall be reduced by the  
3 amount of any conservation program rental pay-  
4 ments or Federal agricultural commodity program  
5 payments received by the owner for the land during  
6 any crop year for which compensation is received  
7 under this section.

8           (3) EXCLUSION.—During any year in which an  
9 owner receives compensation for flooded land under  
10 this section, the owner shall not be eligible to par-  
11 ticipate in or receive benefits for the flooded land  
12 under—

13                   (A) the Federal crop insurance program  
14 established under the Federal Crop Insurance  
15 Act (7 U.S.C. 1501 et seq.);

16                   (B) the noninsured crop assistance pro-  
17 gram established under section 196 of the Fed-  
18 eral Agriculture Improvement and Reform Act  
19 of 1996 (7 U.S.C. 7333); or

20                   (C) any Federal agricultural crop disaster  
21 assistance program.

22           (e) RELATIONSHIP TO AGRICULTURAL COMMODITY  
23 PROGRAMS.—The Secretary, by regulation, shall provide  
24 for the preservation of cropland base, allotment history,  
25 and payment yields applicable to land described in sub-

1 section (a) that was rendered incapable of use for the pro-  
2 duction of an agricultural commodity or for grazing pur-  
3 poses as the result of flooding.

4 (f) USE OF LAND.—

5 (1) IN GENERAL.—An owner that receives com-  
6 pensation under this section for flooded land shall  
7 take such actions as are necessary to not degrade  
8 any wildlife habitat on the land that has naturally  
9 developed as a result of the flooding.

10 (2) RECREATIONAL ACTIVITIES.—To encourage  
11 owners that receive compensation for flooded land to  
12 allow public access to and use of the land for rec-  
13 reational activities, as determined by the Secretary,  
14 the Secretary may—

15 (A) offer an eligible owner additional com-  
16 pensation; and

17 (B) provide compensation for additional  
18 acreage under this section.

19 (g) FUNDING.—

20 (1) IN GENERAL.—The Secretary shall use  
21 \$6,000,000 of funds of the Commodity Credit Cor-  
22 poration to carry out this section.

23 (2) PRO-RATED PAYMENTS.—In a case in which  
24 the amount made available under paragraph (1) for  
25 a fiscal year is insufficient to compensate all eligible

1 owners under this section, the Secretary shall pro-  
2 rate payments for that fiscal year on a per acre  
3 basis.

4 **SEC. 105. SUGAR BEET AND SUGAR CANE DISASTER ASSIST-**  
5 **ANCE.**

6 (a) IN GENERAL.—The Secretary shall use  
7 \$24,000,000 of funds of the Commodity Credit Corpora-  
8 tion to provide assistance to sugar beet producers that suf-  
9 fered production losses (including quality losses) for the  
10 2005 or 2006 crop year.

11 (b) REQUIREMENT.—The Secretary shall make pay-  
12 ments under subsection (a) in the same manner as pay-  
13 ments were made under section 208 of the Agricultural  
14 Assistance Act of 2003 (Public Law 108–7; 117 Stat.  
15 544), including using the same indemnity benefits as were  
16 used in carrying out that section.

17 (c) HAWAII.—The Secretary shall use \$3,000,000 of  
18 funds of the Commodity Credit Corporation to assist sug-  
19 arcane growers in Hawaii by making a payment in that  
20 amount to an agricultural transportation cooperative in  
21 Hawaii, the members of which are eligible to obtain a loan  
22 under section 156(a) of the Federal Agriculture Improve-  
23 ment and Reform Act of 1996 (7 U.S.C. 7272(a)).

1 **SEC. 106. NONINSURED CROP ASSISTANCE PROGRAM.**

2 Section 196(c) of the Federal Agriculture Improve-  
3 ment and Reform Act of 1996 (7 U.S.C. 7333(c)) is  
4 amended by adding at the end the following:

5 “(5) LOSS ASSESSMENT FOR GRAZING.—The  
6 Secretary shall permit the use of 1 claims adjustor  
7 certified by the Secretary to assess the quantity of  
8 loss on the acreage or allotment of a producer de-  
9 voted to grazing for livestock under this section.”.

10 **SEC. 107. REDUCTION IN PAYMENTS.**

11 The amount of any payment for which a producer is  
12 eligible under this title shall be reduced by any amount  
13 received by the producer for the same loss or any similar  
14 loss under—

15 (1) the Department of Defense, Emergency  
16 Supplemental Appropriations to Address Hurricanes  
17 in the Gulf of Mexico, and Pandemic Influenza Act,  
18 2006 (Public Law 109–148; 119 Stat. 2680);

19 (2) an agricultural disaster assistance provision  
20 contained in the announcement of the Secretary on  
21 January 26, 2006, or August 29, 2006;

22 (3) the Emergency Supplemental Appropria-  
23 tions Act for Defense, the Global War on Terror,  
24 and Hurricane Recovery, 2006 (Public Law 109-  
25 234; 120 Stat. 418); or

1 (4) the Livestock Assistance Grant Program  
 2 announced by the Secretary on August 29, 2006.

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) DEFINITION OF QUALIFIED STATE.—In this sec-  
 9 tion, the term “qualified State” means a State in which  
 10 at least 50 percent of the counties of the State were de-  
 11 clared to be primary agricultural disaster areas by the  
 12 Secretary during the 2005 or 2006 crop year.

13 (b) GRANTS TO QUALIFIED STATES.—

14 (1) IN GENERAL.—The Secretary shall use  
 15 \$100,000,000 of funds of the Commodity Credit  
 16 Corporation to make grants to State departments of  
 17 agriculture or comparable State agencies in qualified  
 18 States.

19 (2) AMOUNT.—

20 (A) IN GENERAL.—Subject to subpara-  
 21 graph (B), the Secretary shall allocate grants  
 22 among qualified States described in paragraph  
 23 (1) based on the average value of agricultural  
 24 sector production in the qualified State, deter-

1           mined as a percentage of the gross domestic  
2           product of the qualified State.

3           (B) MINIMUM AMOUNT.—The minimum  
4           amount of a grant under this subsection shall  
5           be \$500,000.

6           (3) REQUIREMENT.—To be eligible to receive a  
7           grant under this subsection, a qualified State shall  
8           agree to carry out an expedited disaster assistance  
9           program to provide direct payments to qualified  
10          small businesses in accordance with subsection (c).

11          (c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSI-  
12          NESSES.—

13           (1) IN GENERAL.—In carrying out an expedited  
14           disaster assistance program described in subsection  
15           (b)(3), a qualified State shall provide direct pay-  
16           ments to eligible small businesses in the qualified  
17           State that suffered material economic losses during  
18           the 2005 or 2006 crop year as a direct result of  
19           weather-related agricultural losses to the crop or  
20           livestock production sectors of the qualified State, as  
21           determined by the Secretary.

22           (2) ELIGIBILITY.—

23           (A) IN GENERAL.—To be eligible to receive  
24           a direct payment under paragraph (1), a small  
25           business shall—

1 (i) have less than \$15,000,000 in av-  
2 erage annual gross income from all busi-  
3 ness activities, at least 75 percent of which  
4 shall be directly related to production agri-  
5 culture or agriculture support industries,  
6 as determined by the Secretary;

7 (ii) verify the amount of economic loss  
8 attributable to weather-related agricultural  
9 losses using such documentation as the  
10 Secretary and the head of the qualified  
11 State agency may require;

12 (iii) have suffered losses attributable  
13 to weather-related agricultural disasters  
14 that equal at least 50 percent of the total  
15 economic loss of the small business for  
16 each year a grant is requested; and

17 (iv) demonstrate that the grant will  
18 materially improve the likelihood the busi-  
19 ness will—

20 (I) recover from the disaster; and

21 (II) continue to service and sup-

22 port production agriculture.

23 (3) REQUIREMENTS.—A direct payment to  
24 small business under this subsection shall—

1 (A) be limited to not more than 2 years of  
2 documented losses; and

3 (B) be in an amount of not more than 75  
4 percent of the documented average economic  
5 loss attributable to weather-related agriculture  
6 disasters for each eligible year in the qualified  
7 State.

8 (4) INSUFFICIENT FUNDING.—If the grant  
9 funds received by a qualified State agency under  
10 subsection (b) are insufficient to fund the direct  
11 payments of the qualified State agency under this  
12 subsection, the qualified State agency may apply a  
13 proportional reduction to all of the direct payments.

## 14 **TITLE III—CONSERVATION**

### 15 **SEC. 301. EMERGENCY CONSERVATION PROGRAM.**

16 (a) IN GENERAL.—The Secretary shall use an addi-  
17 tional \$35,000,000 of funds of the Commodity Credit Cor-  
18 poration to carry out emergency measures, including wild-  
19 fire recovery efforts in Montana and other States, identi-  
20 fied by the Administrator of the Farm Service Agency as  
21 of the date of enactment of this Act through the emer-  
22 gency conservation program established under title IV of  
23 the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et  
24 seq.), of which \$3,000,000 shall be to repair broken irriga-  
25 tion pipelines and damaged and collapsed water tanks on

1 the Big Island in the State of Hawaii, including  
2 \$2,000,000 to repair stone fences on cattle ranches in the  
3 Kona and Kohala areas and \$1,000,000 to provide emer-  
4 gency loans for losses of agricultural income due to the  
5 earthquake of October 15, 2006.

6 (b) KOHALA DITCH SYSTEM.—The Secretary shall  
7 use \$2,000,000 of funds of the Commodity Credit Cor-  
8 poration to provide a grant to the Big Island Resource  
9 Conservation and Development Council, Incorporated, to  
10 repair the Kohala Ditch system.

11 **SEC. 302. EMERGENCY WATERSHED PROTECTION PRO-**  
12 **GRAM.**

13 The Secretary shall use an additional \$70,000,000 of  
14 funds of the Commodity Credit Corporation to carry out  
15 emergency measures identified by the Chief of the Natural  
16 Resources Conservation Service as of the date of enact-  
17 ment of this Act through the emergency watershed protec-  
18 tion program established under section 403 of the Agricul-  
19 tural Credit Act of 1978 (16 U.S.C. 2203), of which  
20 \$10,000,000 shall be for emergency measures on the Big  
21 Island in the State of Hawaii, including \$6,000,000 to re-  
22 pair the Lower Hamakua Ditch and \$4,000,000 to repair  
23 the Waimea Irrigation System/Upper Hamakua Ditch.

1 **SEC. 303. ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
2 **GRAM.**

3 The Secretary shall use an additional \$75,000,000 of  
4 funds of the Commodity Credit Corporation to carry out  
5 emergency measures identified by the Secretary through  
6 the environmental quality incentives program established  
7 under chapter 4 of subtitle D of title XII of the Food Se-  
8 curity Act of 1985 (16 U.S.C. 3839aa et seq.), of which  
9 not less than \$40,000,000 shall be used to carry out wild-  
10 fire and blizzard recovery efforts (including in Montana  
11 and other States).

12 **TITLE IV—FARM SERVICE**  
13 **AGENCY**

14 **SEC. 401. FUNDING FOR ADDITIONAL PERSONNEL.**

15 The Secretary shall use \$9,000,000 of funds of the  
16 Commodity Credit Corporation to hire additional County  
17 Farm Service Agency personnel—

18 (1) to expedite the implementation of, and de-  
19 livery under, the agricultural disaster and economic  
20 assistance programs under this Act; and

21 (2) as the Secretary determines to be necessary  
22 to carry out other agriculture and disaster assist-  
23 ance programs.

1       **TITLE V—MISCELLANEOUS**

2       **SEC. 501. CONTRACT WAIVER.**

3           In carrying out this Act and section 101(a)(5) of the  
4       Emergency Supplemental Appropriations for Hurricane  
5       Disasters Assistance Act, 2005 (Public Law 108–324; 118  
6       Stat. 1233), the Secretary shall not require participation  
7       in a crop insurance pilot program relating to forage.

8       **SEC. 502. FUNDING.**

9           The Secretary shall use the funds, facilities, and au-  
10       thorities of the Commodity Credit Corporation to carry  
11       out this Act, to remain 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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