

AMENDMENT TO H.R. 1
OFFERED BY MR. MELANCON OF LOUISIANA

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____ . AGRICULTURAL DISASTER ASSISTANCE TRANSI-**
2 **TION.**

3 (a) **FEDERAL CROP INSURANCE ACT.**—Section
4 531(g) of the Federal Crop Insurance Act (7 U.S.C.
5 1531(g)) is amended by adding at the end the following:

6 “(7) **2008 TRANSITION ASSISTANCE.**—

7 “(A) **IN GENERAL.**—Eligible producers on
8 a farm described in subparagraph (A) of para-
9 graph (4) that failed to timely pay the appro-
10 priate fee described in that subparagraph shall
11 be eligible for assistance under this section in
12 accordance with subparagraph (B) if the eligi-
13 ble producers on the farm—

14 “(i) pay the appropriate fee described
15 in paragraph (4)(A) not later than 90 days
16 after the date of enactment of this para-
17 graph; and

18 “(ii)(I) in the case of each insurable
19 commodity of the eligible producers on the

1 farm, excluding grazing land, agree to ob-
2 tain a policy or plan of insurance under
3 subtitle A (excluding a crop insurance pilot
4 program under that subtitle) for the next
5 insurance year for which crop insurance is
6 available to the eligible producers on the
7 farm at a level of coverage equal to 70 per-
8 cent or more of the recorded or appraised
9 average yield indemnified at 100 percent of
10 the expected market price, or an equivalent
11 coverage; and

12 “(II) in the case of each noninsurable
13 commodity of the eligible producers on the
14 farm, agree to file the required paperwork,
15 and pay the administrative fee by the ap-
16 plicable State filing deadline, for the non-
17 insured crop assistance program for the
18 2009 crop year.

19 “(B) AMOUNT OF ASSISTANCE.—Eligible
20 producers on a farm that meet the require-
21 ments of subparagraph (A) shall be eligible to
22 receive assistance under this section as if the el-
23 igible producers on the farm—

24 “(i) in the case of each insurable com-
25 modity of the eligible producers on the

1 farm, had obtained a policy or plan of in-
2 surance for the 2008 crop year at a level
3 of coverage not to exceed 70 percent or
4 more of the recorded or appraised average
5 yield indemnified at 100 percent of the ex-
6 pected market price, or an equivalent cov-
7 erage; and

8 “(ii) in the case of each noninsurable
9 commodity of the eligible producers on the
10 farm, had filed the required paperwork,
11 and paid the administrative fee by the ap-
12 plicable State filing deadline, for the non-
13 insured crop assistance program for the
14 2008 crop year, except that in determining
15 yield under that program, the Secretary
16 shall use a percentage that is 70 percent.

17 “(C) **EQUITABLE RELIEF.**—Except as pro-
18 vided in subparagraph (D), eligible producers
19 on a farm that met the requirements of para-
20 graph (1) before the deadline described in para-
21 graph (4)(A) and received, or are eligible to re-
22 ceive, a disaster assistance payment under this
23 section for a production loss during the 2008
24 crop year shall be eligible to receive an addi-
25 tional amount equal to the greater of—

1 “(i) the amount that would have been
2 calculated under subparagraph (B) if the
3 eligible producers on the farm had paid the
4 appropriate fee under that subparagraph;
5 or

6 “(ii) the amount that would have been
7 calculated under subparagraph (A) of sub-
8 section (b)(3) if—

9 “(I) in clause (i) of that subpara-
10 graph, ‘120 percent’ is substituted for
11 ‘115 percent’; and

12 “(II) in clause (ii) of that sub-
13 paragraph ‘125’ is substituted for
14 ‘120 percent’.

15 “(D) LIMITATION.—For amounts made
16 available under this paragraph, the Secretary
17 may make such adjustments as are necessary to
18 ensure that no producer receives a payment
19 under this paragraph for an amount in excess
20 of the assistance received by a similarly situated
21 producer that had purchased the same or high-
22 er level of crop insurance prior to the date of
23 enactment of this paragraph.

24 “(E) AUTHORITY OF THE SECRETARY.—
25 The Secretary may provide such additional as-

1 sistance as the Secretary considers appropriate
2 to provide equitable treatment for eligible pro-
3 ducers on a farm that suffered production
4 losses in the 2008 crop year that result in
5 multiyear production losses, as determined by
6 the Secretary.

7 “(F) LACK OF ACCESS.—Notwithstanding
8 any other provision of this section, the Sec-
9 retary may provide assistance under this section
10 to eligible producers on a farm that—

11 “(i) suffered a production loss due to
12 a natural cause during the 2008 crop year;
13 and

14 “(ii) as determined by the Secretary—

15 “(I)(aa) except as provided in
16 item (bb), lack access to a policy or
17 plan of insurance under subtitle A; or

18 “(bb) do not qualify for a written
19 agreement because 1 or more farming
20 practices, which the Secretary has de-
21 termined are good farming practices,
22 of the eligible producers on the farm
23 differ significantly from the farming
24 practices used by producers of the

1 same crop in other regions of the
2 United States; and

3 “(II) are not eligible for the non-
4 insured crop disaster assistance pro-
5 gram established by section 196 of the
6 Federal Agriculture Improvement and
7 Reform Act of 1996 (7 U.S.C.
8 7333).”

9 (b) TRADE ACT OF 1974.—Section 901(g) of the
10 Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by
11 adding at the end the following:

12 “(7) 2008 TRANSITION ASSISTANCE.—

13 “(A) IN GENERAL.—Eligible producers on
14 a farm described in subparagraph (A) of para-
15 graph (4) that failed to timely pay the appro-
16 priate fee described in that subparagraph shall
17 be eligible for assistance under this section in
18 accordance with subparagraph (B) if the eligi-
19 ble producers on the farm—

20 “(i) pay the appropriate fee described
21 in paragraph (4)(A) not later than 90 days
22 after the date of enactment of this para-
23 graph; and

24 “(ii)(I) in the case of each insurable
25 commodity of the eligible producers on the

1 farm, excluding grazing land, agree to ob-
2 tain a policy or plan of insurance under
3 the Federal Crop Insurance Act (7 U.S.C.
4 1501 et seq.) (excluding a crop insurance
5 pilot program under that Act) for the next
6 insurance year for which crop insurance is
7 available to the eligible producers on the
8 farm at a level of coverage equal to 70 per-
9 cent or more of the recorded or appraised
10 average yield indemnified at 100 percent of
11 the expected market price, or an equivalent
12 coverage; and

13 “(II) in the case of each noninsurable
14 commodity of the eligible producers on the
15 farm, agree to file the required paperwork,
16 and pay the administrative fee by the ap-
17 plicable State filing deadline, for the non-
18 insured crop assistance program for the
19 2009 crop year.

20 “(B) AMOUNT OF ASSISTANCE.—Eligible
21 producers on a farm that meet the require-
22 ments of subparagraph (A) shall be eligible to
23 receive assistance under this section as if the el-
24 igible producers on the farm—

1 “(i) in the case of each insurable com-
2 modity of the eligible producers on the
3 farm, had obtained a policy or plan of in-
4 surance for the 2008 crop year at a level
5 of coverage not to exceed 70 percent or
6 more of the recorded or appraised average
7 yield indemnified at 100 percent of the ex-
8 pected market price, or an equivalent cov-
9 erage; and

10 “(ii) in the case of each noninsurable
11 commodity of the eligible producers on the
12 farm, had failed the required paperwork,
13 and paid the administrative fee by the ap-
14 plicable State filing deadline, for the non-
15 insured crop assistance program for the
16 2008 crop year, except that in determining
17 yield under that program, the Secretary
18 shall use a percentage that is 70 percent.

19 “(C) **EQUITABLE RELIEF.**—Except as pro-
20 vided in subparagraph (D), eligible producers
21 on a farm that met the requirements of para-
22 graph (4)(A) and received, or are eligible to re-
23 ceive, a disaster assistance payment under this
24 section for a production loss during the 2008

1 crop year shall be eligible to receive an addi-
2 tional amount equal to the greater of—

3 “(i) the amount that would have been
4 calculated under subparagraph (B) if the
5 eligible producers on the farm had paid the
6 appropriate fee under that subparagraph;
7 or

8 “(ii) the amount that would have been
9 calculated under subparagraph (A) of sub-
10 section (b)(3) if—

11 “(I) in clause (i) of that subpara-
12 graph, ‘120 percent’ is substituted for
13 ‘115 percent’; and

14 “(II) in clause (ii) of that sub-
15 paragraph, ‘125’ is substituted for
16 ‘120 percent’.

17 “(D) LIMITATION.—For amounts made
18 available under this paragraph, the Secretary
19 may make such adjustments as are necessary to
20 ensure that no producer receives a payment
21 under this paragraph for an amount in excess
22 of the assistance received by a similarly situated
23 producer that had purchased the same or high-
24 er level of crop insurance prior to the date of
25 enactment of this paragraph.

1 “(E) AUTHORITY OF THE SECRETARY.—

2 The Secretary may provide such additional as-
3 sistance as the Secretary considers appropriate
4 to provide equitable treatment for eligible pro-
5 ducers on a farm that suffered production
6 losses in the 2008 crop year that result in
7 multiyear production losses, as determined by
8 the Secretary.

9 “(F) LACK OF ACCESS.—Notwithstanding
10 any other provision of this section, the Sec-
11 retary may provide assistance under this section
12 to eligible producers on a farm that—

13 “(i) suffered a production loss due to
14 a natural cause during the 2008 crop year;
15 and

16 “(ii) as determined by the Secretary—

17 “(I)(aa) except as provided in
18 item (bb), lack access to a policy or
19 plan of insurance under subtitle A; or

20 “(bb) do not qualify for a written
21 agreement because 1 or more farming
22 practices, which the Secretary has de-
23 termined are good farming practices,
24 of the eligible producers on the farm
25 differ significantly from the farming

1 practices used by the producers of the
2 same crop in other regions of the
3 United States; and

4 “(II) are not eligible for the non-
5 insured crop disaster assistance pro-
6 gram established by section 196 of the
7 Federal Agriculture Improvement and
8 Reform Act of 1996 (7 U.S.C.
9 7333).”.

10 (c) EMERGENCY LOANS.—

11 (1) IN GENERAL.—For the principal amount of
12 direct emergency loans under section 321 of the
13 Consolidated Farm and Rural Development Act (7
14 U.S.C. 1961), \$200,000,000.

15 (2) DIRECT EMERGENCY LOANS.—For the cost
16 of direct emergency loans, including the cost of
17 modifying loans, as defined in section 502 of the
18 Congressional Budget Act of 1974 (2 U.S.C. 661a),
19 \$28,440,000, to remain available under September
20 30, 2010.

21 (d) 2008 AQUACULTURE ASSISTANCE.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) ELIGIBLE AQUACULTURE PRO-
24 DUCER.—The term “eligible aquaculture pro-
25 ducer” means an aquaculture producer that

1 during the 2008 calendar year, as determined
2 by the Secretary—

3 (i) produced an aquaculture species
4 for which feed costs represented a substan-
5 tial percentage of the input costs of the
6 aquaculture operation; and

7 (ii) experienced a substantial price in-
8 crease in feed costs above the previous 5-
9 year average.

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

12 (2) GRANT PROGRAM.—

13 (A) IN GENERAL.—Of the funds of the
14 Commodity Credit Corporation, the Secretary
15 shall use not more than \$100,000,000, to re-
16 main available until September 30, 2010, to
17 carry out a program of grants to States to as-
18 sist eligible aquaculture producers for losses as-
19 sociated with high feed input costs during the
20 2008 calendar year.

21 (B) NOTIFICATION.—Not later than 60
22 days after the date of enactment of this Act,
23 the Secretary shall notify the State department
24 of agriculture (or similar entity) in each State
25 of the availability of funds to assist eligible

1 aquaculture producers, including such terms as
2 determined by the Secretary to be necessary for
3 the equitable treatment of eligible aquaculture
4 producers.

5 (C) PROVISION OF GRANTS.—

6 (i) IN GENERAL.—The Secretary shall
7 make grants to States under this sub-
8 section on a pro rata basis based on the
9 amount of aquaculture feed used in each
10 State during the 2007 calendar year, as
11 determined by the Secretary.

12 (ii) TIMING.—Not later than 120 days
13 after the date of enactment of this Act, the
14 Secretary shall make grants to States to
15 provide assistance under this subsection.

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

20 (i) use grant funds to assist eligible
21 aquaculture producers;

22 (ii) provide assistance to eligible aqua-
23 culture producers not later than 60 days
24 after the date on which the State receives
25 grant funds; and

1 (iii) not later than 30 days after the
2 date on which the State provides assistance
3 to eligible aquaculture producers, submit to
4 the Secretary a report that describes—

5 (I) the manner in which the
6 State provided assistance;

7 (II) the amounts of assistance pro-
8 vided per species of aquaculture; and

9 (III) the process by which the
10 State determined the levels of assist-
11 ance to eligible aquaculture producers.

12 (3) REDUCTION IN PAYMENTS.—An eligible
13 aquaculture producer that receives assistance under
14 this subsection shall not be eligible to receive any
15 other assistance under the supplemental agricultural
16 assistance program established under section 531 of
17 the Federal Crop Insurance Act (7 U.S.C. 1531)
18 and section 901 of the Trade Act of 1974 (19
19 U.S.C. 2497) for any losses in 2008 relating to the
20 same species of aquaculture.

21 (4) REPORT TO CONGRESS.—Not later than
22 180 days after the date of enactment of this Act, the
23 Secretary shall submit to the appropriate committees
24 of Congress a report that—

1 (A) describes in detail the manner in which
2 this subsection has been carried out; and

3 (B) includes the information reported to
4 the Secretary under paragraph (2)(D)(iii).

