

## **Conaway: Agriculture Secretary Can Relieve Crisis in Cotton Country**

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*By House Ag Committee Chairman K. Michael Conaway*

Cotton farmers in America are facing a crisis. Extreme drought, predatory trade practices by countries like China and India, and the lack of a viable safety net are threatening the livelihoods of thousands of American farm families. While the general farm economy is experiencing the largest three-year percentage decline in net farm income since the Great Depression, a whopping 56 percent, the cotton industry is facing an existential threat.

It is against this backdrop that Secretary Vilsack wrote a column this week stating he does not have authority under the Farm Bill to declare cottonseed as an other oilseed. I submit there are a variety of reasons why that is simply not the case.

The Secretary argues that Congress removed cotton from Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) in the 2014 Farm Bill and, thus, his hands are tied. Here's what Congress actually did in the 2014 Farm Bill: As a result of a WTO settlement with Brazil, Congress effectively removed cotton lint from ARC and PLC. Cottonseed has not historically been a covered commodity, and Congress never discussed adding cottonseed to the list of covered commodities. Rather, Congress left intact the Secretary's authority to designate any oilseed as an "other oilseed."

The Secretary has elsewhere argued that canons of statutory construction prevent him from acting. That is not the case. The statute in question plainly states that an "other oilseed" includes "any oilseed designated by the Secretary." There is only one canon of statutory construction necessary to move forward with designating cottonseed as an "other oilseed": the ordinary meaning of the statutory language. This is the canon the U.S. Supreme Court looks to before all others.

The Secretary has also argued he cannot designate cottonseed as an oilseed because the provision is reserved for "emerging oilseeds." That is also not the case. The Farm Bill defines an oilseed as "a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any other oilseed designated by the Secretary" (emphasis added). The Farm Bill does not restrict this authority to "emerging oilseeds." The Secretary imposes this limitation on himself.

The Secretary further claims he cannot designate cottonseed as an oilseed because USDA already made a decision to make cottonseed eligible for STAX instead. While USDA may have accommodated the industry's request, that does not change the fact that the law says nothing about cottonseed being eligible for STAX.

Finally, the Secretary has argued that Congress did not designate cottonseed as a covered commodity because of the cost of doing so. That is simply not correct. Congress never considered adding cottonseed as a covered commodity. That prospect arose long after passage of the 2014 Farm Bill and only

after the predatory trade practices of China and India started decimating world cotton markets, rendering STAX ineffective.

To his credit, the Secretary is not without solutions to offer. However, there are real problems with the solutions the Secretary has laid out.

The first solution involves Congress lifting a prohibition on his ability to use what are called Section 32 funds in emergency situations like the one we are in today. I was neither active in removing this authority nor do I solely possess the ability to restore it. This requires an act of Congress, which takes time—something we are very short on if we are to provide timely help. This is also unnecessary in the current circumstances because, as I have pointed out in this reply, the Secretary already has all the authority he needs to act now.

The second solution regarding ginning cost share is temporary in nature and, I am afraid, much more a band-aid than a cure. While the Secretary has the authority to deliver that assistance now, it would not stop the bleeding and barely cover the wound.

I confess that all of the smoke and mirrors have been very frustrating to those of us who are deeply concerned about the crisis that is unfolding in farm country and for all of the livelihoods that are at stake. I am committed to standing up for America's farm families. We would appreciate the Secretary fully leveraging the authorities currently available to him.

(PCG EDITOR'S NOTE: This article can be found online at <http://www.agweb.com/article/conaway-agriculture-secretary-can-relieve-crisis-in-cotton-country-naa-agweb-guest-editor/>. You also can see Secretary Vilsack's column on AgWeb at <http://www.agweb.com/article/vilsack-explains-why-cotton-cant-qualify-for-arcplc-naa-usda/>)

### **PCG's 59<sup>th</sup> Annual Meeting**

Friday, April 8 • Lubbock Memorial Civic Center • 9 a.m.-Noon

### **2016 PCG Seed Cost Calculator Now Available**

Friday, February 19, 2016

By Mary Jane Buerkle

The 2016 version of the Plains Cotton Growers, Inc. Seed Cost Calculator is ready and available for download from the PCG website at <http://www.plainscotton.org>.

The PCG seed cost calculator is an interactive Microsoft Excel spreadsheet that allows producers to calculate an estimated cost per acre, for both seed and technology, based on published suggested retail prices.

The calculator has become a popular tool among producers interested in comparing seed and technology prices as they work to finalize their cotton variety selections.

The 2016 version of the spreadsheet includes listings for more than 90 conventional, Roundup Ready FLEX, XtendFlex, GlyTol, Bollgard II, TwinLink, and Widestrike varieties, including numerous stacked gene versions of these technologies that will be available for sale in West Texas in 2016.