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(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes.

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 Food and Farm Disaster Assistance Act of  
6 2005”.



1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY FOOD ASSISTANCE

Sec. 101. Food Stamp Act assistance in response to Hurricane Katrina.

Sec. 102. Emergency food assistance program.

TITLE II—EMERGENCY FARM ASSISTANCE

Sec. 201. Crop disaster assistance.

Sec. 202. Livestock assistance.

Sec. 203. Domestic aquaculture assistance.

Sec. 204. Sugarcane disaster assistance.

Sec. 205. Conservation programs.

Sec. 206. Hurricane relief grants for certain States.

Sec. 207. Extension of marketing loans.

Sec. 208. Temporary suspension of accrual of interest on farm loan for borrower in county for which a disaster declaration is in effect as a result of a hurricane in 2005.

Sec. 209. Extension of application period for emergency loans in counties for which a disaster declaration is in effect as a result of a hurricane in 2005.

Sec. 210. Additional debt forgiveness allowed as a result of losses sustained as a result of a hurricane in 2005 in a county for which a disaster declaration is in effect as a result of a such a hurricane.

Sec. 211. Temporary extension of administrative prohibition on using administrative offset in certain cases.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Administrative funds.

Sec. 302. Sense of Congress regarding need for permanent agricultural disaster relief authority.

Sec. 303. Sense of Congress regarding need for additional assistance in response to Hurricane Katrina.

Sec. 304. Regulations.

Sec. 305. Emergency designation.

3 **TITLE I—EMERGENCY FOOD**  
4 **ASSISTANCE**

5 **SEC. 101. FOOD STAMP ACT ASSISTANCE IN RESPONSE TO**  
6 **HURRICANE KATRINA.**

7 (a) ASSISTANCE DURING DISASTER RECOVERY PE-  
8 RIOD.—Section 5(h) of the Food Stamp Act of 1977 (7



1 U.S.C. 2014) is amended by adding at the end the fol-  
2 lowing:

3 “(4) RESPONSE TO HURRICANE KATRINA.—

4 “(A) During the disaster recovery period—

5 “(i) the Secretary shall pay each State  
6 agency an amount equal to 90 per centum of  
7 administrative costs allowable under section  
8 16(a) related to serving affected households in  
9 lieu of the payments section 16(a) would other-  
10 wise require for such costs;

11 “(ii) subsection (g)(2)(B)(iv) and sections  
12 6(d)(4) and 6(o) shall not apply to affected  
13 households;

14 “(iii) an affected household shall be  
15 deemed to meet the requirements of subsection  
16 (c)(2) if its income, as calculated under such  
17 subsection, does not exceed the level permitted  
18 under subsection (c)(1) by more than 50 per  
19 centum;

20 “(iv) except in the case of a household to  
21 which subparagraph (B)(ii) applies, the State  
22 agency shall calculate the income of an affected  
23 household using a standard deduction of \$323  
24 in lieu of the deduction provided under sub-  
25 section (e)(1); and



1           “(v) any funds designated for rebuilding or  
2 relocation, including payments from Federal,  
3 State, or local governments, charitable organi-  
4 zations, employers, or insurance companies,  
5 shall be excluded from consideration under sub-  
6 section (g) in determining the eligibility of an  
7 affected household.

8           “(B) During the immediate disaster recovery  
9 period—

10           “(i) subsection (g)(2)(B)(v) and section  
11 8(e)(1) shall not apply to affected households;

12           “(ii) at the option of the State agency, the  
13 State agency shall increase the value to the  
14 household of the thrifty food plan determined  
15 under section 3(o) by six per centum when cal-  
16 culating the value of the allotment for an af-  
17 fected household under section 8(a), in lieu of  
18 making the adjustment otherwise required by  
19 subparagraph (A)(iv); and

20           “(iii) the application of an affected house-  
21 hold shall be processed under procedures estab-  
22 lished under section 11(e)(9).

23           “(C) The Secretary shall take such action as  
24 are prudent and reasonable under the circumstances  
25 to identify affected households that are participating



1 in more than one State and to terminate the dupli-  
2 cate participation of such households. Except in the  
3 case of deliberate falsehoods, no action shall be  
4 taken against any affected household relating to any  
5 duplicate participation during the disaster recovery  
6 period that takes place prior to such termination.

7 “(D) Except in the case of intentional program  
8 violations as determined under section 6(b), no claim  
9 shall be established under section 13(b) relating to  
10 benefits issued under this subsection.

11 “(E) For purposes of determining the payment  
12 error rate of a State agency under section 16(c), the  
13 Secretary shall disregard any errors resulting from  
14 the application of this paragraph to an affected  
15 household during the disaster recovery period.

16 “(F) During the disaster recovery period, an af-  
17 fected household shall not be considered to custom-  
18 arily purchase food and prepare meals together with  
19 other individuals if such household did not custom-  
20 arily purchase food and prepare meals for home con-  
21 sumption with such individuals prior to August 29,  
22 2005.

23 “(G) For purposes of this paragraph—

24 “(i) the term ‘disaster recovery period’  
25 means the period beginning on August 29,



1           2005, and ending on October 1, 2006, or on  
2           such earlier date as the Secretary determines  
3           that the States can fully meet the needs of af-  
4           fected households under the other provisions of  
5           this Act;

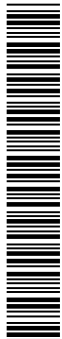
6           “(ii) the term ‘immediate disaster recovery  
7           period’ means the period beginning on August  
8           29, 2005, and ending on December 1, 2005;  
9           and

10           “(iii) the term ‘affected household’ includes  
11           a household—

12           “(I) that resides in an area of a State  
13           that the Secretary determines was affected  
14           by Hurricane Katrina or a related condi-  
15           tion;

16           “(II) in which a member worked in an  
17           area of a State that the Secretary deter-  
18           mines was affected by Hurricane Katrina,  
19           or a related condition, immediately prior to  
20           August 29, 2005, and lost that employ-  
21           ment;

22           “(III) containing one or more individ-  
23           uals that were displaced as a result of  
24           Hurricane Katrina or a related condition;  
25           or



1                   “(IV) that the Secretary determines  
2                   should receive relief under this paragraph  
3                   as a result of Hurricane Katrina or a re-  
4                   lated condition.

5                   “(H) Title IV of the Personal Responsibility  
6                   and Work Opportunity Reconciliation Act of 1996 (8  
7                   U.S.C. 1605 et seq.) shall not apply with respect to  
8                   an affected household.”.

9                   (b) RESOURCES.—Section 5(g)(5) of the Food Stamp  
10                  Act of 1977 (7 U.S.C. 2014(g)) is amended by inserting  
11                  after the third sentence “A resource also shall be so identi-  
12                  fied if it is currently inaccessible to the household because  
13                  of a disaster or if it has been inaccessible because of a  
14                  disaster during the preceding three months.”.

15                  (c) PROGRAM INFORMATION ACTIVITIES.—From  
16                  funds otherwise appropriated for the food stamp program,  
17                  the Secretary may expend not more than \$5,000,000 for  
18                  contracts with not-for-profit organizations to provide af-  
19                  fected households (as defined in section 5(h)(4)(G)(iii) of  
20                  the Food Stamp Act of 1977 (7 U.S.C. 2014(h)(4)(G)(iii))  
21                  with information about and assistance completing the ap-  
22                  plication process for any food assistance programs to  
23                  which the Secretary provides funds or commodities. Not-  
24                  withstanding any other provision of law, the Secretary  
25                  shall not be required to provide public notice of the avail-



1 ability of these funds or to accept competitive bids for con-  
2 tracts under this subsection.

3 (d) EFFECT OF MORE GENEROUS DISASTER  
4 PLANS.—Paragraph (4) of section 5(h) of the Food  
5 Stamp Act of 1977 (7 U.S.C. 2014), as added by sub-  
6 section (a), shall not supersede any provision of a plan  
7 approved under section 5(h)(1) of such Act that—

8 (1) provides more complete or expeditious relief  
9 to affected households (as defined in section 5(h) of  
10 such Act); or

11 (2) provides assistance to more individuals.

12 **SEC. 102. EMERGENCY FOOD ASSISTANCE PROGRAM.**

13 (a) DEFINITION OF ELIGIBLE RECIPIENT.—In this  
14 section, the term “eligible recipient” means an individual  
15 or household that, as determined by the Secretary of Agri-  
16 culture in consultation with the Secretary of Homeland  
17 Security—

18 (1) is a victim of Hurricane Katrina or a re-  
19 lated condition;

20 (2) has been displaced by Hurricane Katrina or  
21 a related condition; or

22 (3) is temporarily housing 1 or more individuals  
23 displaced by Hurricane Katrina or a related condi-  
24 tion.

25 (b) ASSISTANCE.—



1           (1) IN GENERAL.—Notwithstanding any other  
2           provision of law, in addition to funds otherwise made  
3           available for fiscal year 2005 or 2006 to carry out  
4           the emergency food assistance program established  
5           under the Emergency Food Assistance Act of 1983  
6           (7 U.S.C. 7501 et seq.), out of any funds in the  
7           Treasury not otherwise appropriated, the Secretary  
8           of the Treasury shall transfer to the Secretary of  
9           Agriculture \$200,000,000 to remain available until  
10          expended to provide a variety of food to eligible re-  
11          cipient agencies for providing food assistance to eli-  
12          gible recipients, including—

13                   (A) special supplemental foods for preg-  
14                   nant women and infants or for other individuals  
15                   with special needs;

16                   (B) infant formula;

17                   (C) bottled water; and

18                   (D) fruit juices.

19          (2) USE OF FUNDS.—Funds made available  
20          under paragraph (1) may be used to provide com-  
21          modities in accordance with—

22                   (A) section 27 of the Food Stamp Act of  
23                   1977 (7 U.S.C. 2036);

24                   (B) section 203A of the Emergency Food  
25                   Assistance Act of 1983 (7 U.S.C. 7504); and



1 (C) section 204 of the Emergency Food  
2 Assistance Act of 1983 (7 U.S.C. 7508).

3 (3) RECEIPT AND ACCEPTANCE.—The Sec-  
4 retary of Agriculture shall be entitled to receive,  
5 shall accept, and shall use to carry out this section  
6 the funds transferred under paragraph (1), without  
7 further appropriation.

8 **TITLE II—EMERGENCY FARM**  
9 **ASSISTANCE**

10 **SEC. 201. CROP DISASTER ASSISTANCE.**

11 (a) IN GENERAL.—The Secretary of Agriculture shall  
12 use such sums as are necessary of funds of the Commodity  
13 Credit Corporation to make emergency financial assist-  
14 ance authorized under this section available to producers  
15 on a farm that have incurred qualifying losses described  
16 in subsection (c).

17 (b) ADMINISTRATION.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2), the Secretary of Agriculture shall make  
20 assistance available under this section in the same  
21 manner as provided under section 815 of the Agri-  
22 culture, Rural Development, Food and Drug Admin-  
23 istration and Related Agencies Appropriations Act,  
24 2001 (Public Law 106–387; 114 Stat. 1549A–55),  
25 including using the same loss thresholds for quantity



1 and economic losses as were used in administering  
2 that section.

3 (2) LOSS THRESHOLDS FOR QUALITY  
4 LOSSES.—In the case of a payment for quality loss  
5 for a crop under subsection (c)(2), the loss thresh-  
6 olds for quality loss for the crop shall be determined  
7 under subsection (d).

8 (c) QUALIFYING LOSSES.—

9 (1) 2005 CROPS.—Assistance under this section  
10 may be made available for losses due to damaging  
11 weather or any related condition (including losses  
12 due to crop diseases and insects and delayed har-  
13 vest) associated with crops that are (as determined  
14 by the Secretary of Agriculture) any combination of  
15 (as determined by the producers on a farm)—

16 (A) quantity losses for the 2005 crop;

17 (B) quality losses for the 2005 crop; or

18 (C) severe economic losses for the 2005  
19 crop.

20 (2) 2006 CROPS.—In the case of counties and  
21 parishes declared to be disaster areas by the Presi-  
22 dent due to a hurricane occurring in 2005, assist-  
23 ance under this section also may be made available  
24 for losses due to the hurricane or any related condi-  
25 tion (including losses due to crop diseases and in-



1       sects and delayed harvest) associated with crops that  
2       are (as determined by the Secretary of Agriculture)  
3       any combination of (as determined by the producers  
4       on a farm)—

5               (A) quantity losses for the 2006 crop;

6               (B) quality losses for the 2006 crop; or

7               (C) severe economic losses for the 2006  
8       crop.

9       (d) QUALITY LOSSES.—

10           (1) IN GENERAL.—Subject to paragraph (3),  
11       the amount of a payment made to producers on a  
12       farm for a quality loss for a crop under paragraph  
13       (1)(B) or (2)(B) of subsection (c) shall be equal to  
14       the amount obtained by multiplying—

15               (A) 65 percent of the payment quantity de-  
16       termined under paragraph (2); by

17               (B) 65 percent of the payment rate deter-  
18       mined under paragraph (3).

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

23               (A) the actual production of the crop of  
24       the commodity on the farm; or



1 (B) the quantity of expected production of  
2 the crop of the commodity on the farm, using  
3 the formula used by the Secretary of Agri-  
4 culture to determine quantity losses for the  
5 crop of the commodity under paragraph (1)(A)  
6 and (2)(A) of subsection (c).

7 (3) PAYMENT RATE.—For the purpose of para-  
8 graph (1)(B) and in accordance with paragraphs (5)  
9 and (6), the payment rate for quality losses for a  
10 crop of a commodity on a farm shall be equal to the  
11 difference between—

12 (A) the per unit market value that the  
13 units of the crop affected by the quality loss  
14 would have had if the crop had not suffered a  
15 quality loss; and

16 (B) the per unit market value of the units  
17 of the crop affected by the quality loss.

18 (4) ELIGIBILITY.—For producers on a farm to  
19 be eligible to obtain a payment for a quality loss for  
20 a crop under paragraph (1)(B) or (2)(B) of sub-  
21 section (c), the amount obtained by multiplying the  
22 per unit loss determined under paragraph (1) by the  
23 number of units affected by the quality loss shall be  
24 at least 20 percent of the value that all affected pro-

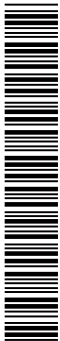


1       duction of the crop would have had if the crop had  
2       not suffered a quality loss.

3           (5) **MARKETING CONTRACTS.**—In the case of  
4       any production of a commodity that is sold pursuant  
5       to one or more marketing contracts (regardless of  
6       whether the contract is entered into by the pro-  
7       ducers on the farm before or after harvest) and for  
8       which appropriate documentation exists, the quan-  
9       tity designated in the contracts shall be eligible for  
10      quality loss assistance based on the one or more  
11      prices specified in the contracts.

12          (6) **OTHER PRODUCTION.**—For any additional  
13      production of a commodity for which a marketing  
14      contract does not exist or for which production con-  
15      tinues to be owned and produced by the producers  
16      on a farm, quality losses shall be based on the aver-  
17      age local market discounts for reduced quality, as  
18      determined by the appropriate State committee of  
19      the Farm Service Agency.

20          (7) **QUALITY ADJUSTMENTS AND DISCOUNTS.**—  
21      The appropriate State committee of the Farm Serv-  
22      ice Agency shall identify the appropriate quality ad-  
23      justment and discount factors to be considered in  
24      carrying out this subsection, including the average  
25      local discount or loans made by the Farm Service



1 Agency or crop insurance coverage under the Fed-  
2 eral Crop Insurance Act (7 U.S.C. 1501 et seq.).

3 (8) ELIGIBLE PRODUCTION.—The Secretary of  
4 Agriculture shall carry out this subsection in a fair  
5 and equitable manner for all eligible production, in-  
6 cluding the production of fruits and vegetables,  
7 other specialty crops, and field crops.

8 (e) ELIGIBILITY FOR ASSISTANCE.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (2), the producers on a farm shall not be eli-  
11 gible for assistance under this section with respect  
12 to losses to an insurable commodity or noninsurable  
13 commodity if the producers on the farm—

14 (A) in the case of an insurable commodity,  
15 did not obtain a policy or plan of insurance for  
16 the insurable commodity under the Federal  
17 Crop Insurance Act (7 U.S.C. 1501 et seq.) for  
18 the crop incurring the losses;

19 (B) in the case of a noninsurable com-  
20 modity, did not file the required paperwork, and  
21 pay the administrative fee by the applicable  
22 State filing deadline, for the noninsurable com-  
23 modity under section 196 of the Federal Agri-  
24 culture Improvement and Reform Act of 1996



1 (7 U.S.C. 7333) for the crop incurring the  
2 losses;

3 (C) had average adjusted gross income (as  
4 defined by section 1001D(a) of the Food Secu-  
5 rity Act of 1985 (7 U.S.C. 1308–3a(a)), of  
6 greater than \$2,500,000 in 2004; or

7 (D) were not in compliance with highly  
8 erodible land conservation and wetland con-  
9 servation provisions.

10 (2) CONTRACT WAIVER.—The Secretary of Ag-  
11 riculture may waive paragraph (1) with respect to  
12 the producers on a farm if the producers enter into  
13 a contract with the Secretary under which the pro-  
14 ducers agree—

15 (A) in the case of an insurable commodity,  
16 to obtain a policy or plan of insurance under  
17 the Federal Crop Insurance Act (7 U.S.C. 1501  
18 et seq.) providing additional coverage for the in-  
19 surable commodity for each of the next two  
20 crops, at a coverage level this provides—

21 (i) not less than 65 percent of the ac-  
22 tual production history for the crop pro-  
23 duced on the farm; and

24 (ii) 100 percent of the expected mar-  
25 ket price or a comparable coverage (as de-



1           terminated by the Federal Crop Insurance  
2           Corporation); and

3           (B) in the case of a noninsurable com-  
4           modity, to file the required paperwork and pay  
5           the administrative fee by the applicable State  
6           filing deadline, for the noninsurable commodity  
7           for each of the next two crops under section  
8           196 of the Federal Agriculture Improvement  
9           and Reform Act of 1996 (7 U.S.C. 7333).

10          (3) EFFECT OF VIOLATION.—In the event of  
11          the violation of a contract under paragraph (2) by  
12          a producer, the producer shall reimburse the Sec-  
13          retary of Agriculture for the full amount of the as-  
14          sistance provided to the producer under this section.

15          (f) PAYMENT LIMITATIONS.—

16               (1) LIMIT ON AMOUNT OF ASSISTANCE.—As-  
17               sistance provided under this section to a producer  
18               for losses to a crop, together with the amounts speci-  
19               fied in paragraph (2) applicable to the same crop,  
20               may not exceed 100 percent of what the value of the  
21               crop would have been in the absence of the losses,  
22               as estimated by the Secretary of Agriculture.

23               (2) OTHER PAYMENTS.—In applying the limita-  
24               tion in paragraph (1), the Secretary of Agriculture  
25               shall include the following:



1 (A) Any crop insurance payment made  
2 under the Federal Crop Insurance Act (7  
3 U.S.C. 1501 et seq.) or payment under section  
4 196 of the Federal Agricultural Improvement  
5 and Reform Act of 1996 (7 U.S.C. 7333) that  
6 the producer receives for losses to the same  
7 crop.

8 (B) The value of the crop that was not lost  
9 (if any), as estimated by the Secretary.

10 (g) DEFINITIONS.—In this section:

11 (1) ADDITIONAL COVERAGE.—The term “addi-  
12 tional coverage” has the meaning given the term in  
13 section 502(b)(1) of the Federal Crop Insurance Act  
14 (7 U.S.C. 1502(b)(1)).

15 (2) INSURABLE COMMODITY.—The term “insur-  
16 able commodity” means an agricultural commodity  
17 (excluding livestock) for which the producers on a  
18 farm are eligible to obtain a policy or plan of insur-  
19 ance under the Federal Crop Insurance Act (7  
20 U.S.C. 1501 et seq.).

21 (3) NONINSURABLE COMMODITY.—The term  
22 “noninsurable commodity” means a crop for which  
23 the producers on a farm are eligible to obtain assist-  
24 ance under section 196 of the Federal Agriculture



1 Improvement and Reform Act of 1996 (7 U.S.C.  
2 7333).

3 **SEC. 202. LIVESTOCK ASSISTANCE.**

4 (a) LIVESTOCK COMPENSATION PROGRAM.—

5 (1) PROGRAM REQUIRED.—The Secretary of  
6 Agriculture shall use such sums as are necessary of  
7 funds of the Commodity Credit Corporation to carry  
8 out a Livestock Compensation Program to make  
9 payments for 2005 livestock-related losses in coun-  
10 ties and parishes that have received an emergency  
11 designation by the President or the Secretary during  
12 calendar year 2005. An amount determined by the  
13 Secretary shall be made available for the American  
14 Indian Livestock Feed Program under section 806  
15 of the Agriculture, Rural Development, Food and  
16 Drug Administration, and Related Agencies Appro-  
17 priations Act, 2001 (Public Law 106–387; 114 Stat.  
18 1549A–51).

19 (2) ADMINISTRATION.—To carry out the Live-  
20 stock Compensation Program under this subsection,  
21 the Secretary of Agriculture shall use the criteria es-  
22 tablished under the program referred to in section  
23 203(a) of the Agricultural Assistance Act of 2003  
24 (title II of division N of the Consolidated Appropria-  
25 tions Resolution, 2003; Public Law 108–7; 117 Stat.



1 539), except that the term “livestock” includes  
2 swine, beefalo (when maintained on the same basis  
3 as beef cattle), elk, reindeer, bison, equine animals  
4 used for food or used directly in the production of  
5 food, or other livestock as determined by the Sec-  
6 retary.

7 (b) LIVESTOCK INDEMNITY PROGRAM.—

8 (1) PROGRAM REQUIRED.—The Secretary of  
9 Agriculture shall use such sums as are necessary of  
10 funds of the Commodity Credit Corporation to carry  
11 out a Livestock Indemnity Program to make pay-  
12 ments to producers on farms that have incurred live-  
13 stock losses during calendar year 2005, as deter-  
14 mined by the Secretary, including losses due to hur-  
15 ricanes, floods, and anthrax.

16 (2) ADMINISTRATION.—To carry out the Live-  
17 stock Indemnity Program under this subsection, the  
18 Secretary of Agriculture shall use the criteria estab-  
19 lished under the program referred to under the  
20 heading “LIVESTOCK INDEMNITY PROGRAM” in  
21 chapter 1 of title I of the 1999 Emergency Supple-  
22 mental Appropriations Act (Public Law 106–31; 113  
23 Stat. 59).

24 (c) PROGRAM FOR CONTRACT LIVESTOCK PRO-  
25 DUCERS.—



1           (1) PROGRAM REQUIRED.—The Secretary of  
2           Agriculture shall use such sums as are necessary of  
3           funds of the Commodity Credit Corporation to make  
4           payments to persons who raise livestock owned by  
5           other persons for income losses sustained with re-  
6           spect to livestock during 2005 if the Secretary finds  
7           that the losses are the result of a natural disaster.

8           (2) ADMINISTRATION.—To carry out the pro-  
9           gram under this subsection, the Secretary of Agri-  
10          culture shall use the criteria established under the  
11          program referred to under the heading “LIVESTOCK  
12          PROGRAM” in H.R. 3425 of the 106th Congress, as  
13          enacted into law by section 1000(a)(5) of Public  
14          Law 106–113 (Appendix E; 113 Stat. 1536, 1501A–  
15          290).

16          (d) DAIRY PRODUCTION AND SPOILAGE LOSSES.—  
17          The Secretary of Agriculture shall use such sums as are  
18          necessary of funds of the Commodity Credit Corporation  
19          to make payments to dairy producers in counties and par-  
20          ishes declared to be disaster areas by the President in  
21          2005 due to a hurricane for dairy production losses, in-  
22          cluding losses due to sustained animal health problems as  
23          a result of the disaster, and dairy spoilage losses.



1 **SEC. 203. DOMESTIC AQUACULTURE ASSISTANCE.**

2 (a) PROGRAM REQUIRED.—The Secretary of Agri-  
3 culture shall use such sums as are necessary of funds of  
4 the Commodity Credit Corporation to carry out a program  
5 to make payments for the loss of catfish (as defined by  
6 section 10806(a)(1) of the Food Security and Rural In-  
7 vestment Act of 2002 (21 U.S.C. 321d)) in counties and  
8 parishes declared to be disaster areas by the President in  
9 2005 due to a hurricane.

10 (b) ADMINISTRATION.—To carry out the program  
11 under this subsection, the Secretary of Agriculture shall  
12 use the criteria established for catfish under the program  
13 referred to in section 203(a) of the Agricultural Assistance  
14 Act of 2003 (title II of division N of the Consolidated Ap-  
15 propriations Resolution, 2003; Public Law 108–7; 117  
16 Stat. 539).

17 **SEC. 204. SUGARCANE DISASTER ASSISTANCE.**

18 (a) COMPENSATION FOR LOSSES.—The Secretary of  
19 Agriculture shall make available to first processors of sug-  
20 arcane that operate in parishes in the State of Louisiana  
21 declared to be disaster areas by the President due to Hur-  
22 ricane Katrina and related conditions and that are eligible  
23 to obtain a loan under section 156(a) of the Federal Agri-  
24 culture Improvement and Reform Act of 1996 (7 U.S.C.  
25 7272(a)) assistance in the form of payments, or commod-  
26 ities in the inventory of the Commodity Credit Corporation



1 derived from carrying out that section, to partially com-  
2 pensate producers and first processors for crop and other  
3 losses related to the disaster declaration.

4 (b) ADMINISTRATION.—Assistance under subsection  
5 (a) shall be—

6 (1) shared by an affected first processor with  
7 affected producers that provide commodities to the  
8 processor in a manner that reflects contracts entered  
9 into between the processor and the producers; and

10 (2) made available under such terms and condi-  
11 tions as the Secretary of Agriculture determines are  
12 necessary to carry out subsection (a).

13 (c) AMOUNT OF ASSISTANCE.—To carry out sub-  
14 section (a), the Secretary of Agriculture shall—

15 (1) use 336,697 tons of commodities in the in-  
16 ventory of the commodity Credit Corporation under  
17 section 156(a) of the Federal Agriculture Improve-  
18 ment and Reform Act of 1996 (7 U.S.C. 7272 (a));

19 (2) make payments in an aggregate amount  
20 equal to the market value of the quantity of com-  
21 modities specified in paragraph (1); or

22 (3) take any combination of actions described in  
23 paragraphs (1) and (2) using commodities or pay-  
24 ments with a total value equal to the market value



1 of the quantity of commodities specified in para-  
2 graph (1).

3 **SEC. 205. CONSERVATION PROGRAMS.**

4 (a) REMOVAL OF DEAD LIVESTOCK.—The Secretary  
5 of Agriculture may use funds made available for the emer-  
6 gency watershed protection program established under  
7 section 403 of the Agricultural Credit Act of 1978 (16  
8 U.S.C. 2203) and the emergency conservation program es-  
9 tablished under title IV of the Agricultural Credit Act of  
10 1978 (16 U.S.C. 2201 et seq.) to cover the costs of the  
11 removal and disposal of dead livestock in counties and par-  
12 ishes declared to be disaster areas by the President in  
13 2005 due to Hurricane Katrina, regardless of whether the  
14 costs are incurred by the owner of the livestock or other  
15 persons.

16 (b) SWAMPBUSTER WAIVER.—Subtitle C of title XII  
17 of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.)  
18 shall not apply to the provision of assistance under the  
19 emergency watershed protection program or the emer-  
20 gency conservation program in counties and parishes de-  
21 clared to be disaster areas by the President in 2005 due  
22 to Hurricane Katrina.

23 (c) FORESTRY ASSISTANCE PROGRAM.—The Sec-  
24 retary of Agriculture shall use such sums as are necessary  
25 of funds of the Commodity Credit Corporation to provide



1 assistance to private forest landowners owning not more  
2 than 5,000 acres of forest crop in counties and parishes  
3 declared to be disaster areas by the President in 2005 due  
4 to a hurricane for the purposes of debris removal, replant-  
5 ing of timber, and other such purposes.

6 (d) **RELEASE FROM TREE REPLANTING REQUIRE-**  
7 **MENT.**—In the case of land enrolled in the conservation  
8 reserve under section 1231 of the Food Security Act of  
9 1985 (16 U.S.C. 3831) and devoted to trees under the  
10 conservation reserve contract, if the trees were destroyed  
11 or damaged due to a hurricane occurring in 2005, the fail-  
12 ure of the owner or operator of the farm subject to the  
13 contract to replant the land to tree cover—

14 (1) shall not be considered to be a violation of  
15 the contract; and

16 (2) shall not affect the eligibility of the owner  
17 or operator for rental payments under the contract.

18 **SEC. 206. HURRICANE RELIEF GRANTS FOR CERTAIN**  
19 **STATES.**

20 (a) **GRANTS REQUIRED.**—The Secretary of Agri-  
21 culture shall use such sums as are necessary of funds of  
22 the Commodity Credit Corporation to make a grant, in  
23 such amount as the Secretary determines to be appro-  
24 priate, to—



1 (1) the States of Alabama, Florida, Louisiana,  
2 Mississippi, and Tennessee; and

3 (2) other States that are is housing evacuees or  
4 suffering damage from Hurricane Katrina or a re-  
5 lated condition.

6 (b) USE OF FUNDS.—A State may use funds from  
7 a grant awarded under this section—

8 (1) to supplement State food bank programs or  
9 other nutrition assistance programs;

10 (2) to promote the purchase, sale, or consump-  
11 tion of agricultural products;

12 (3) to provide economic assistance to agricul-  
13 tural producers, giving a priority to the support of  
14 specialty crops; or

15 (4) for such other purposes as the Secretary of  
16 Agriculture may authorize.

17 **SEC. 207. EXTENSION OF MARKETING LOANS.**

18 (a) IN GENERAL.—Notwithstanding section 1203(b)  
19 of the Farm Security and Rural Investment Act of 2002  
20 (7 U.S.C. 7933(b)), the Secretary of Agriculture shall ex-  
21 tend the date of settlement of any marketing assistance  
22 loan made available under subtitle B of that Act (7 U.S.C.  
23 7931 et seq.) for a period of not less than 90 days after  
24 the date on which the loan reaches maturity.



1 (b) STORAGE PAYMENTS.—During the period of an  
2 extension under subsection (a), the Secretary of Agri-  
3 culture shall make storage payments for any commodity  
4 affected by the marketing assistance loan for which the  
5 extension was granted.

6 **SEC. 208. TEMPORARY SUSPENSION OF ACCRUAL OF IN-**  
7 **TEREST ON FARM LOAN FOR BORROWER IN**  
8 **COUNTY FOR WHICH A DISASTER DECLARA-**  
9 **TION IS IN EFFECT AS A RESULT OF A HURRI-**  
10 **CANE IN 2005.**

11 During the period that begins on the date of the en-  
12 actment of this Act and ends with January 1, 2007, inter-  
13 est shall not accrue on any loan made under subtitle A  
14 or B of the Consolidated Farm and Rural Development  
15 Act with respect to a farm or ranch located in a county  
16 or parish that is in an area for which a major disaster  
17 has been declared under the Robert T. Stafford Disaster  
18 Relief and Emergency Assistance Act as a result of a  
19 hurricane that occurs in calendar year 2005.

20 **SEC. 209. EXTENSION OF APPLICATION PERIOD FOR EMER-**  
21 **GENCY LOANS IN COUNTIES FOR WHICH A**  
22 **DISASTER DECLARATION IS IN EFFECT AS A**  
23 **RESULT OF A HURRICANE IN 2005.**

24 The Secretary of Agriculture shall accept applications  
25 for assistance under subtitle C of the Consolidated Farm



1 and Rural Development Act from persons with farming,  
2 ranching, or aquaculture operation affected by a major  
3 disaster or emergency designated by the President under  
4 the Robert T. Stafford Disaster Relief and Emergency  
5 Assistance Act as a result of a hurricane that occurs in  
6 calendar year 2005, at any time during the 12-month pe-  
7 riod beginning on the date the President makes the major  
8 disaster or emergency designation with respect to the nat-  
9 ural disaster for the county in which the operation is lo-  
10 cated.

11 **SEC. 210. ADDITIONAL DEBT FORGIVENESS ALLOWED AS A**  
12 **RESULT OF LOSSES SUSTAINED AS A RESULT**  
13 **OF A HURRICANE IN 2005 IN A COUNTY FOR**  
14 **WHICH A DISASTER DECLARATION IS IN EF-**  
15 **FECT AS A RESULT OF A SUCH A HURRICANE.**

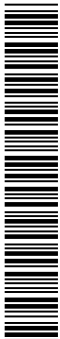
16 Section 343(a)(12)(B) of the Consolidated Farm and  
17 Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is  
18 amended—

19 (1) by striking “or” at the end of clause (i);

20 (2) by striking the period at the end of clause  
21 (ii) and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(iii) any write-down provided to a  
24 borrower whose losses are the result of the  
25 effects of a hurricane and whose operation



1           was located in a county or parish for which  
2           there was in effect a presidential disaster  
3           declaration in 2004 or any subsequent cal-  
4           endar year.”.

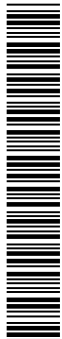
5 **SEC. 211. TEMPORARY EXTENSION OF ADMINISTRATIVE**  
6                   **PROHIBITION ON USING ADMINISTRATIVE**  
7                   **OFFSET IN CERTAIN CASES.**

8           The Secretary of Agriculture shall suspend until Jan-  
9   uary 1, 2007, any activity under the Debt Collection Im-  
10   provement Act of 1996 or any amendment made by such  
11   Act in regard to payments made to any producer by the  
12   Farm Service Agency if the producer or an operation of  
13   the producer is located in a county or parish that is in  
14   an area for which a major disaster has been declared  
15   under the Robert T. Stafford Disaster Relief and Emer-  
16   gency Assistance Act as a result of a hurricane occurring  
17   in calendar year 2005.

18           **TITLE III—MISCELLANEOUS**  
19                   **PROVISIONS**

20 **SEC. 301. ADMINISTRATIVE FUNDS.**

21           The Secretary of Agriculture may transfer to appro-  
22   priation accounts supporting the Farm Service Agency  
23   and the Natural Resources Conservation Service such  
24   amounts from the funds of the Commodity Credit Cor-  
25   poration as the Secretary determines are necessary to



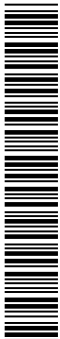
1 cover administrative costs incurred by such agencies to  
2 carry out this Act and the amendments made by this Act.

3 **SEC. 302. SENSE OF CONGRESS REGARDING NEED FOR**  
4 **PERMANENT AGRICULTURAL DISASTER RE-**  
5 **LIEF AUTHORITY.**

6 It is the sense of Congress that, in light of the yearly  
7 necessity for Congress to enact emergency legislation in  
8 response to natural disasters, permanent agricultural dis-  
9 aster relief authority should be enacted to provide an or-  
10 derly and continuing means of assistance by the Federal  
11 Government to agricultural producers and persons de-  
12 pendent on food assistance programs to alleviate the suf-  
13 fering and damage that result from such disasters.

14 **SEC. 303. SENSE OF CONGRESS REGARDING NEED FOR AD-**  
15 **DITIONAL ASSISTANCE IN RESPONSE TO**  
16 **HURRICANE KATRINA.**

17 It is the sense of Congress that this Act represents  
18 only an initial response to the agricultural losses in areas  
19 impacted by Hurricane Katrina and there exists a certain  
20 need for additional legislation as the magnitude of the ag-  
21 ricultural losses becomes more fully understood and docu-  
22 mented.



1 **SEC. 304. REGULATIONS.**

2 (a) IN GENERAL.—The Secretary of Agriculture may  
3 promulgate such regulations as are necessary to imple-  
4 ment this Act and the amendments made by this Act.

5 (b) PROCEDURE.—The promulgation of the regula-  
6 tions and administration of this Act and the amendments  
7 made by this Act shall be made without regard to—

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

10 (2) the Statement of Policy of the Secretary of  
11 Agriculture effective July 24, 1971 (36 Fed. Reg.  
12 13804), relating to notices of proposed rulemaking  
13 and public participation in rulemaking; and

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

17 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
18 MAKING.—In carrying out this section, the Secretary of  
19 Agriculture shall use the authority provided under section  
20 808 of title 5, United States Code.

21 **SEC. 305. EMERGENCY DESIGNATION.**

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

