

109TH CONGRESS
1ST SESSION

H. R. 3809

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

SEPTEMBER 15, 2005

Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BACA, Mr. HOLDEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CASE, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. HERSETH, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUTTERFIELD, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARROW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. BECERRA, Mr. OBERSTAR, Mr. GRIJALVA, Mr. REYES, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Emergency Food and Farm Disaster Assistance Act of
 4 2005”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 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.

1 **TITLE I—EMERGENCY FOOD**
2 **ASSISTANCE**

3 **SEC. 101. FOOD STAMP ACT ASSISTANCE IN RESPONSE TO**
4 **HURRICANE KATRINA.**

5 (a) ASSISTANCE DURING DISASTER RECOVERY PERIOD.—Section 5(h) of the Food Stamp Act of 1977 (7
6 U.S.C. 2014) is amended by adding at the end the fol-
7 lowing:

9 “(4) RESPONSE TO HURRICANE KATRINA.—

10 “(A) During the disaster recovery period—

11 “(i) the Secretary shall pay each State
12 agency an amount equal to 90 per centum of
13 administrative costs allowable under section
14 16(a) related to serving affected households in
15 lieu of the payments section 16(a) would other-
16 wise require for such costs;

17 “(ii) subsection (g)(2)(B)(iv) and sections
18 6(d)(4) and 6(o) shall not apply to affected
19 households;

20 “(iii) an affected household shall be
21 deemed to meet the requirements of subsection
22 (c)(2) if its income, as calculated under such
23 subsection, does not exceed the level permitted
24 under subsection (c)(1) by more than 50 per
25 centum;

1 “(iv) except in the case of a household to
2 which subparagraph (B)(ii) applies, the State
3 agency shall calculate the income of an affected
4 household using a standard deduction of \$323
5 in lieu of the deduction provided under sub-
6 section (e)(1); and

7 “(v) any funds designated for rebuilding or
8 relocation, including payments from Federal,
9 State, or local governments, charitable organi-
10 zations, employers, or insurance companies,
11 shall be excluded from consideration under sub-
12 section (g) in determining the eligibility of an
13 affected household.

14 “(B) During the immediate disaster recovery
15 period—

16 “(i) subsection (g)(2)(B)(v) and section
17 8(e)(1) shall not apply to affected households;

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

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

4 “(C) The Secretary shall take such action as
5 are prudent and reasonable under the circumstances
6 to identify affected households that are participating
7 in more than one State and to terminate the dupli-
8 cate participation of such households. Except in the
9 case of deliberate falsehoods, no action shall be
10 taken against any affected household relating to any
11 duplicate participation during the disaster recovery
12 period that takes place prior to such termination.

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

17 “(E) For purposes of determining the payment
18 error rate of a State agency under section 16(c), the
19 Secretary shall disregard any errors resulting from
20 the application of this paragraph to an affected
21 household during the disaster recovery period.

22 “(F) During the disaster recovery period, an af-
23 fected household shall not be considered to custom-
24 arily purchase food and prepare meals together with
25 other individuals if such household did not custom-

1 arily purchase food and prepare meals for home con-
2 sumption with such individuals prior to August 29,
3 2005.

4 “(G) For purposes of this paragraph—

5 “(i) the term ‘disaster recovery period’
6 means the period beginning on August 29,
7 2005, and ending on October 1, 2006, or on
8 such earlier date as the Secretary determines
9 that the States can fully meet the needs of af-
10 fected households under the other provisions of
11 this Act;

12 “(ii) the term ‘immediate disaster recovery
13 period’ means the period beginning on August
14 29, 2005, and ending on December 1, 2005;
15 and

16 “(iii) the term ‘affected household’ includes
17 a household—

18 “(I) that resides in an area of a State
19 that the Secretary determines was affected
20 by Hurricane Katrina or a related condi-
21 tion;

22 “(II) in which a member worked in an
23 area of a State that the Secretary deter-
24 mines was affected by Hurricane Katrina,
25 or a related condition, immediately prior to

1 August 29, 2005, and lost that employ-
2 ment;

3 “(III) containing one or more individ-
4 uals that were displaced as a result of
5 Hurricane Katrina or a related condition;
6 or

7 “(IV) that the Secretary determines
8 should receive relief under this paragraph
9 as a result of Hurricane Katrina or a re-
10 lated condition.

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

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

21 (c) PROGRAM INFORMATION ACTIVITIES.—From
22 funds otherwise appropriated for the food stamp program,
23 the Secretary may expend not more than \$5,000,000 for
24 contracts with not-for-profit organizations to provide af-
25 fected households (as defined in section 5(h)(4)(G)(iii) of

1 the Food Stamp Act of 1977 (7 U.S.C. 2014(h)(4)(G)(iii))
2 with information about and assistance completing the ap-
3 plication process for any food assistance programs to
4 which the Secretary provides funds or commodities. Not-
5 withstanding any other provision of law, the Secretary
6 shall not be required to provide public notice of the avail-
7 ability of these funds or to accept competitive bids for con-
8 tracts under this subsection.

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

14 (1) provides more complete or expeditious relief
15 to affected households (as defined in section 5(h) of
16 such Act); or

17 (2) provides assistance to more individuals.

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

19 (a) DEFINITION OF ELIGIBLE RECIPIENT.—In this
20 section, the term “eligible recipient” means an individual
21 or household that, as determined by the Secretary of Agri-
22 culture in consultation with the Secretary of Homeland
23 Security—

24 (1) is a victim of Hurricane Katrina or a re-
25 lated condition;

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

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

6 (b) ASSISTANCE.—

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

19 (A) special supplemental foods for preg-
20 nant women and infants or for other individuals
21 with special needs;

22 (B) infant formula;

23 (C) bottled water; and

24 (D) fruit juices.

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

4 (A) section 27 of the Food Stamp Act of
5 1977 (7 U.S.C. 2036);

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

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

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

15 **TITLE II—EMERGENCY FARM** 16 **ASSISTANCE**

17 **SEC. 201. CROP DISASTER ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary of Agriculture shall
19 use such sums as are necessary of funds of the Commodity
20 Credit Corporation to make emergency financial assist-
21 ance authorized under this section available to producers
22 on a farm that have incurred qualifying losses described
23 in subsection (c).

24 (b) ADMINISTRATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary of Agriculture shall make
3 assistance available under this section in the same
4 manner as provided under section 815 of the Agri-
5 culture, Rural Development, Food and Drug Admin-
6 istration and Related Agencies Appropriations Act,
7 2001 (Public Law 106–387; 114 Stat. 1549A–55),
8 including using the same loss thresholds for quantity
9 and economic losses as were used in administering
10 that section.

11 (2) LOSS THRESHOLDS FOR QUALITY
12 LOSSES.—In the case of a payment for quality loss
13 for a crop under subsection (c)(2), the loss thresh-
14 olds for quality loss for the crop shall be determined
15 under subsection (d).

16 (c) QUALIFYING LOSSES.—

17 (1) 2005 CROPS.—Assistance under this section
18 may be made available for losses due to damaging
19 weather or any related condition (including losses
20 due to crop diseases and insects and delayed har-
21 vest) associated with crops that are (as determined
22 by the Secretary of Agriculture) any combination of
23 (as determined by the producers on a farm)—

24 (A) quantity losses for the 2005 crop;

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

1 (C) severe economic losses for the 2005
2 crop.

3 (2) 2006 CROPS.—In the case of counties and
4 parishes declared to be disaster areas by the Presi-
5 dent due to a hurricane occurring in 2005, assist-
6 ance under this section also may be made available
7 for losses due to the hurricane or any related condi-
8 tion (including losses due to crop diseases and in-
9 sects and delayed harvest) associated with crops that
10 are (as determined by the Secretary of Agriculture)
11 any combination of (as determined by the producers
12 on a farm)—

13 (A) quantity losses for the 2006 crop;

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

15 (C) severe economic losses for the 2006
16 crop.

17 (d) QUALITY LOSSES.—

18 (1) IN GENERAL.—Subject to paragraph (3),
19 the amount of a payment made to producers on a
20 farm for a quality loss for a crop under paragraph
21 (1)(B) or (2)(B) of subsection (c) shall be equal to
22 the amount obtained by multiplying—

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

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

3 (2) PAYMENT QUANTITY.—For the purpose of
4 paragraph (1)(A), the payment quantity for quality
5 losses for a crop of a commodity on a farm shall
6 equal the lesser of—

7 (A) the actual production of the crop of
8 the commodity on the farm; or

9 (B) the quantity of expected production of
10 the crop of the commodity on the farm, using
11 the formula used by the Secretary of Agri-
12 culture to determine quantity losses for the
13 crop of the commodity under paragraph (1)(A)
14 and (2)(A) of subsection (c).

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

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

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

1 (4) ELIGIBILITY.—For producers on a farm to
2 be eligible to obtain a payment for a quality loss for
3 a crop under paragraph (1)(B) or (2)(B) of sub-
4 section (c), the amount obtained by multiplying the
5 per unit loss determined under paragraph (1) by the
6 number of units affected by the quality loss shall be
7 at least 20 percent of the value that all affected pro-
8 duction of the crop would have had if the crop had
9 not suffered a quality loss.

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

19 (6) OTHER PRODUCTION.—For any additional
20 production of a commodity for which a marketing
21 contract does not exist or for which production con-
22 tinues to be owned and produced by the producers
23 on a farm, quality losses shall be based on the aver-
24 age local market discounts for reduced quality, as

1 determined by the appropriate State committee of
2 the Farm Service Agency.

3 (7) QUALITY ADJUSTMENTS AND DISCOUNTS.—

4 The appropriate State committee of the Farm Serv-
5 ice Agency shall identify the appropriate quality ad-
6 justment and discount factors to be considered in
7 carrying out this subsection, including the average
8 local discount or loans made by the Farm Service
9 Agency or crop insurance coverage under the Fed-
10 eral Crop Insurance Act (7 U.S.C. 1501 et seq.).

11 (8) ELIGIBLE PRODUCTION.—The Secretary of
12 Agriculture shall carry out this subsection in a fair
13 and equitable manner for all eligible production, in-
14 cluding the production of fruits and vegetables,
15 other specialty crops, and field crops.

16 (e) ELIGIBILITY FOR ASSISTANCE.—

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

22 (A) in the case of an insurable commodity,
23 did not obtain a policy or plan of insurance for
24 the insurable commodity under the Federal

1 Crop Insurance Act (7 U.S.C. 1501 et seq.) for
2 the crop incurring the losses;

3 (B) in the case of a noninsurable com-
4 modity, did not file the required paperwork, and
5 pay the administrative fee by the applicable
6 State filing deadline, for the noninsurable com-
7 modity under section 196 of the Federal Agri-
8 culture Improvement and Reform Act of 1996
9 (7 U.S.C. 7333) for the crop incurring the
10 losses;

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

15 (D) were not in compliance with highly
16 erodible land conservation and wetland con-
17 servation provisions.

18 (2) CONTRACT WAIVER.—The Secretary of Ag-
19 riculture may waive paragraph (1) with respect to
20 the producers on a farm if the producers enter into
21 a contract with the Secretary under which the pro-
22 ducers agree—

23 (A) in the case of an insurable commodity,
24 to obtain a policy or plan of insurance under
25 the Federal Crop Insurance Act (7 U.S.C. 1501

et seq.) providing additional coverage for the insurable commodity for each of the next two crops, at a coverage level this provides—

(i) not less than 65 percent of the actual production history for the crop produced on the farm; and

(ii) 100 percent of the expected market price or a comparable coverage (as determined by the Federal Crop Insurance Corporation); and

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

(3) EFFECT OF VIOLATION.—In the event of the violation of a contract under paragraph (2) by a producer, the producer shall reimburse the Secretary of Agriculture for the full amount of the assistance provided to the producer under this section.

(f) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer

1 for losses to a crop, together with the amounts speci-
 2 fied in paragraph (2) applicable to the same crop,
 3 may not exceed 100 percent of what the value of the
 4 crop would have been in the absence of the losses,
 5 as estimated by the Secretary of Agriculture.

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

9 (A) Any crop insurance payment made
 10 under the Federal Crop Insurance Act (7
 11 U.S.C. 1501 et seq.) or payment under section
 12 196 of the Federal Agricultural Improvement
 13 and Reform Act of 1996 (7 U.S.C. 7333) that
 14 the producer receives for losses to the same
 15 crop.

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

18 (g) DEFINITIONS.—In this section:

19 (1) ADDITIONAL COVERAGE.—The term “addi-
 20 tional coverage” has the meaning given the term in
 21 section 502(b)(1) of the Federal Crop Insurance Act
 22 (7 U.S.C. 1502(b)(1)).

23 (2) INSURABLE COMMODITY.—The term “insur-
 24 able commodity” means an agricultural commodity
 25 (excluding livestock) for which the producers on a

1 farm are eligible to obtain a policy or plan of insur-
2 ance under the Federal Crop Insurance Act (7
3 U.S.C. 1501 et seq.).

4 (3) 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 **SEC. 202. LIVESTOCK ASSISTANCE.**

11 (a) LIVESTOCK COMPENSATION PROGRAM.—

12 (1) PROGRAM REQUIRED.—The Secretary of
13 Agriculture shall use such sums as are necessary of
14 funds of the Commodity Credit Corporation to carry
15 out a Livestock Compensation Program to make
16 payments for 2005 livestock-related losses in coun-
17 ties and parishes that have received an emergency
18 designation by the President or the Secretary during
19 calendar year 2005. An amount determined by the
20 Secretary shall be made available for the American
21 Indian Livestock Feed Program under section 806
22 of the Agriculture, Rural Development, Food and
23 Drug Administration, and Related Agencies Appro-
24 priations Act, 2001 (Public Law 106–387; 114 Stat.
25 1549A–51).

1 (2) ADMINISTRATION.—To carry out the Live-
2 stock Compensation Program under this subsection,
3 the Secretary of Agriculture shall use the criteria es-
4 tablished under the program referred to in section
5 203(a) of the Agricultural Assistance Act of 2003
6 (title II of division N of the Consolidated Appropria-
7 tions Resolution, 2003; Public Law 108–7; 117 Stat.
8 539), except that the term “livestock” includes
9 swine, beefalo (when maintained on the same basis
10 as beef cattle), elk, reindeer, bison, equine animals
11 used for food or used directly in the production of
12 food, or other livestock as determined by the Sec-
13 retary.

14 (b) LIVESTOCK INDEMNITY PROGRAM.—

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

23 (2) ADMINISTRATION.—To carry out the Live-
24 stock Indemnity Program under this subsection, the
25 Secretary of Agriculture shall use the criteria estab-

1 lished under the program referred to under the
2 heading “LIVESTOCK INDEMNITY PROGRAM” in
3 chapter 1 of title I of the 1999 Emergency Supple-
4 mental Appropriations Act (Public Law 106–31; 113
5 Stat. 59).

6 (c) PROGRAM FOR CONTRACT LIVESTOCK PRO-
7 DUCERS.—

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 make
11 payments to persons who raise livestock owned by
12 other persons for income losses sustained with re-
13 spect to livestock during 2005 if the Secretary finds
14 that the losses are the result of a natural disaster.

15 (2) ADMINISTRATION.—To carry out the pro-
16 gram under this subsection, the Secretary of Agri-
17 culture shall use the criteria established under the
18 program referred to under the heading “LIVESTOCK
19 PROGRAM” in H.R. 3425 of the 106th Congress, as
20 enacted into law by section 1000(a)(5) of Public
21 Law 106–113 (Appendix E; 113 Stat. 1536, 1501A–
22 290).

23 (d) DAIRY PRODUCTION AND SPOILAGE LOSSES.—
24 The Secretary of Agriculture shall use such sums as are
25 necessary of funds of the Commodity Credit Corporation

1 to make payments to dairy producers in counties and par-
2 ishes declared to be disaster areas by the President in
3 2005 due to a hurricane for dairy production losses, in-
4 cluding losses due to sustained animal health problems as
5 a result of the disaster, and dairy spoilage losses.

6 **SEC. 203. DOMESTIC AQUACULTURE ASSISTANCE.**

7 (a) PROGRAM REQUIRED.—The Secretary of Agri-
8 culture shall use such sums as are necessary of funds of
9 the Commodity Credit Corporation to carry out a program
10 to make payments for the loss of catfish (as defined by
11 section 10806(a)(1) of the Food Security and Rural In-
12 vestment Act of 2002 (21 U.S.C. 321d)) in counties and
13 parishes declared to be disaster areas by the President in
14 2005 due to a hurricane.

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

22 **SEC. 204. SUGARCANE DISASTER ASSISTANCE.**

23 (a) COMPENSATION FOR LOSSES.—The Secretary of
24 Agriculture shall make available to first processors of sug-
25 arcane that operate in parishes in the State of Louisiana

1 declared to be disaster areas by the President due to Hur-
2 ricane Katrina and related conditions and that are eligible
3 to obtain a loan under section 156(a) of the Federal Agri-
4 culture Improvement and Reform Act of 1996 (7 U.S.C.
5 7272(a)) assistance in the form of payments, or commod-
6 ities in the inventory of the Commodity Credit Corporation
7 derived from carrying out that section, to partially com-
8 pensate producers and first processors for crop and other
9 losses related to the disaster declaration.

10 (b) ADMINISTRATION.—Assistance under subsection
11 (a) shall be—

12 (1) shared by an affected first processor with
13 affected producers that provide commodities to the
14 processor in a manner that reflects contracts entered
15 into between the processor and the producers; and

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

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

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

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

4 (3) take any combination of actions described in
5 paragraphs (1) and (2) using commodities or pay-
6 ments with a total value equal to the market value
7 of the quantity of commodities specified in para-
8 graph (1).

9 **SEC. 205. CONSERVATION PROGRAMS.**

10 (a) REMOVAL OF DEAD LIVESTOCK.—The Secretary
11 of Agriculture may use funds made available for the emer-
12 gency watershed protection program established under
13 section 403 of the Agricultural Credit Act of 1978 (16
14 U.S.C. 2203) and the emergency conservation program es-
15 tablished under title IV of the Agricultural Credit Act of
16 1978 (16 U.S.C. 2201 et seq.) to cover the costs of the
17 removal and disposal of dead livestock in counties and par-
18 ishes declared to be disaster areas by the President in
19 2005 due to Hurricane Katrina, regardless of whether the
20 costs are incurred by the owner of the livestock or other
21 persons.

22 (b) SWAMPBUSTER WAIVER.—Subtitle C of title XII
23 of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.)
24 shall not apply to the provision of assistance under the
25 emergency watershed protection program or the emer-

1 gency conservation program in counties and parishes de-
2 clared to be disaster areas by the President in 2005 due
3 to Hurricane Katrina.

4 (c) FORESTRY ASSISTANCE PROGRAM.—The Sec-
5 retary of Agriculture shall use such sums as are necessary
6 of funds of the Commodity Credit Corporation to provide
7 assistance to private forest landowners owning not more
8 than 5,000 acres of forest crop in counties and parishes
9 declared to be disaster areas by the President in 2005 due
10 to a hurricane for the purposes of debris removal, replant-
11 ing of timber, and other such purposes.

12 (d) RELEASE FROM TREE REPLANTING REQUIRE-
13 MENT.—In the case of land enrolled in the conservation
14 reserve under section 1231 of the Food Security Act of
15 1985 (16 U.S.C. 3831) and devoted to trees under the
16 conservation reserve contract, if the trees were destroyed
17 or damaged due to a hurricane occurring in 2005, the fail-
18 ure of the owner or operator of the farm subject to the
19 contract to replant the land to tree cover—

20 (1) shall not be considered to be a violation of
21 the contract; and

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

1 **SEC. 206. HURRICANE RELIEF GRANTS FOR CERTAIN**
2 **STATES.**

3 (a) GRANTS REQUIRED.—The Secretary of Agri-
4 culture shall use such sums as are necessary of funds of
5 the Commodity Credit Corporation to make a grant, in
6 such amount as the Secretary determines to be appro-
7 priate, to—

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

10 (2) other States that are is housing evacuees or
11 suffering damage from Hurricane Katrina or a re-
12 lated condition.

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

15 (1) to supplement State food bank programs or
16 other nutrition assistance programs;

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

19 (3) to provide economic assistance to agricul-
20 tural producers, giving a priority to the support of
21 specialty crops; or

22 (4) for such other purposes as the Secretary of
23 Agriculture may authorize.

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

25 (a) IN GENERAL.—Notwithstanding section 1203(b)
26 of the Farm Security and Rural Investment Act of 2002

1 (7 U.S.C. 7933(b)), the Secretary of Agriculture shall ex-
 2 tend the date of settlement of any marketing assistance
 3 loan made available under subtitle B of that Act (7 U.S.C.
 4 7931 et seq.) for a period of not less than 90 days after
 5 the date on which the loan reaches maturity.

6 (b) STORAGE PAYMENTS.—During the period of an
 7 extension under subsection (a), the Secretary of Agri-
 8 culture shall make storage payments for any commodity
 9 affected by the marketing assistance loan for which the
 10 extension was granted.

11 **SEC. 208. TEMPORARY SUSPENSION OF ACCRUAL OF IN-**
 12 **TEREST ON FARM LOAN FOR BORROWER IN**
 13 **COUNTY FOR WHICH A DISASTER DECLARA-**
 14 **TION IS IN EFFECT AS A RESULT OF A HURRI-**
 15 **CANE IN 2005.**

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

1 **SEC. 209. EXTENSION OF APPLICATION PERIOD FOR EMER-**
2 **GENCY LOANS IN COUNTIES FOR WHICH A**
3 **DISASTER DECLARATION IS IN EFFECT AS A**
4 **RESULT OF A HURRICANE IN 2005.**

5 The Secretary of Agriculture shall accept applications
6 for assistance under subtitle C of the Consolidated Farm
7 and Rural Development Act from persons with farming,
8 ranching, or aquaculture operation affected by a major
9 disaster or emergency designated by the President under
10 the Robert T. Stafford Disaster Relief and Emergency
11 Assistance Act as a result of a hurricane that occurs in
12 calendar year 2005, at any time during the 12-month pe-
13 riod beginning on the date the President makes the major
14 disaster or emergency designation with respect to the nat-
15 ural disaster for the county in which the operation is lo-
16 cated.

17 **SEC. 210. ADDITIONAL DEBT FORGIVENESS ALLOWED AS A**
18 **RESULT OF LOSSES SUSTAINED AS A RESULT**
19 **OF A HURRICANE IN 2005 IN A COUNTY FOR**
20 **WHICH A DISASTER DECLARATION IS IN EF-**
21 **FECT AS A RESULT OF A SUCH A HURRICANE.**

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

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

1 (2) by striking the period at the end of clause

2 (ii) and inserting “; or”; and

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

4 “(iii) any write-down provided to a
5 borrower whose losses are the result of the
6 effects of a hurricane and whose operation
7 was located in a county or parish for which
8 there was in effect a presidential disaster
9 declaration in 2004 or any subsequent cal-
10 endar year.”.

11 **SEC. 211. TEMPORARY EXTENSION OF ADMINISTRATIVE**
12 **PROHIBITION ON USING ADMINISTRATIVE**
13 **OFFSET IN CERTAIN CASES.**

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

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. ADMINISTRATIVE FUNDS.**

4 The Secretary of Agriculture may transfer to appro-
5 piation accounts supporting the Farm Service Agency
6 and the Natural Resources Conservation Service such
7 amounts from the funds of the Commodity Credit Cor-
8 poration as the Secretary determines are necessary to
9 cover administrative costs incurred by such agencies to
10 carry out this Act and the amendments made by this Act.

11 **SEC. 302. SENSE OF CONGRESS REGARDING NEED FOR**
12 **PERMANENT AGRICULTURAL DISASTER RE-**
13 **LIEF AUTHORITY.**

14 It is the sense of Congress that, in light of the yearly
15 necessity for Congress to enact emergency legislation in
16 response to natural disasters, permanent agricultural dis-
17 aster relief authority should be enacted to provide an or-
18 derly and continuing means of assistance by the Federal
19 Government to agricultural producers and persons de-
20 pendent on food assistance programs to alleviate the suf-
21 fering and damage that result from such disasters.

1 **SEC. 303. SENSE OF CONGRESS REGARDING NEED FOR AD-**
2 **DITIONAL ASSISTANCE IN RESPONSE TO**
3 **HURRICANE KATRINA.**

4 It is the sense of Congress that this Act represents
5 only an initial response to the agricultural losses in areas
6 impacted by Hurricane Katrina and there exists a certain
7 need for additional legislation as the magnitude of the ag-
8 ricultural losses becomes more fully understood and docu-
9 mented.

10 **SEC. 304. REGULATIONS.**

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

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

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

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

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

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

5 **SEC. 305. EMERGENCY DESIGNATION.**

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

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