

109TH CONGRESS
2D SESSION

H. R. 5099

To provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2006

Mr. PETERSON of Minnesota (for himself, Mr. BONNER, Mr. BERRY, Mr. ROGERS of Alabama, Mr. ROSS, Mr. FOLEY, Mr. POMEROY, Mr. EVERETT, Mr. BOYD, Mr. ALEXANDER, Mr. CUELLAR, Mr. KENNEDY of Minnesota, Mr. MELANCON, Mrs. EMERSON, Mr. HINOJOSA, Mr. PICKERING, Ms. KAPTUR, Mr. BOUSTANY, Mr. SCOTT of Georgia, Mr. HULSHOF, Mr. MARSHALL, Mr. JINDAL, Ms. HERSETH, Mr. PORTER, Mr. SKELTON, and Mr. BAKER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, Armed Services, Budget, and Resources, 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 provide disaster assistance to agricultural producers for crop and livestock losses, 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 title may be cited as the
 3 “Emergency Agricultural Disaster Assistance Act of
 4 2006”.

5 (b) TABLE OF CONTENTS.—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AGRICULTURAL PRODUCTION LOSSES

Sec. 101. Crop disaster assistance.

Sec. 102. Livestock assistance.

Sec. 103. Flooded crop and grazing land.

Sec. 104. Sugarcane and sugar beet disaster assistance.

Sec. 105. Specialty crops and nursery crops.

Sec. 106. Dairy assistance.

Sec. 107. Cottonseed.

Sec. 108. Reduction in payments.

**TITLE II—SUPPLEMENTAL NUTRITION AND AGRICULTURAL
ECONOMIC DISASTER ASSISTANCE**

Sec. 201. Replenishment of Section 32.

Sec. 202. Supplemental economic loss payments.

Sec. 203. Reduction in payments.

TITLE III—FORESTRY

Sec. 301. Tree assistance program.

TITLE IV—CONSERVATION

Sec. 401. Natural Resources Conservation Service.

Sec. 402. Emergency watershed protection program.

Sec. 403. Emergency conservation program.

TITLE V—FARM SERVICE AGENCY

Sec. 501. Funding for additional personnel.

TITLE VI—MISCELLANEOUS

Sec. 601. Authority to provide immunizations.

Sec. 602. Waiver of certain provisions.

Sec. 603. Funding.

Sec. 604. Regulations.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE VIII—DROUGHT EMERGENCY ASSISTANCE

Sec. 801. Corps of Engineers.

Sec. 802. Bureau of Reclamation.

Sec. 803. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this title:

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

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

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

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

14 (3) **HURRICANE-AFFECTED COUNTY.**—The term
 15 “hurricane-affected county” means—

16 (A) a county included in the geographic
 17 area covered by a natural disaster declaration
 18 related to Hurricane Katrina, Hurricane Rita,
 19 Hurricane Wilma, or a related condition; and

20 (B) each county contiguous to a county de-
 21 scribed in subparagraph (A).

22 (4) **INSURABLE COMMODITY.**—The term “insur-
 23 able commodity” means an agricultural commodity

(excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

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

(6) NATURAL DISASTER DECLARATION.—The term “natural disaster declaration” means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

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

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

TITLE I—AGRICULTURAL PRODUCTION LOSSES

SEC. 101. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a

1 farm that have incurred qualifying losses described in sub-
2 section (c).

3 (b) ADMINISTRATION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall make assistance avail-
6 able under this section in the same manner as pro-
7 vided under section 815 of the Agriculture, Rural
8 Development, Food and Drug Administration and
9 Related Agencies Appropriations Act, 2001 (Public
10 Law 106–387; 114 Stat. 1549A–55), including
11 using the same loss thresholds for quantity and eco-
12 nomic losses as were used in administering that sec-
13 tion, except that the payment rate shall be 50 per-
14 cent of the established price, instead of 65 percent.

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

20 (c) QUALIFYING LOSSES.—Assistance under this sec-
21 tion shall be made available to producers on farms, other
22 than producers of sugar cane and sugar beets, that in-
23 curred qualifying quantity or quality losses for—

24 (1) the 2005 crop due to damaging weather or
25 any related condition (including losses due to crop

1 diseases, insects, and delayed harvest), as deter-
2 mined by the Secretary; and

3 (2) the 2006 crop due to flooding in California
4 and Hawaii that occurred prior to the date of enact-
5 ment of this Act and for which a petition for a dis-
6 aster designation has been filed with the Secretary
7 not later than that date.

8 (d) QUALITY LOSSES.—

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

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

16 (B) 50 percent of the payment rate deter-
17 mined under paragraph (3).

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

22 (A) the actual production of the crop af-
23 fected by a quality loss of the commodity on the
24 farm; or

1 (B) the quantity of expected production of
2 the crop affected by a quality loss of the com-
3 modity on the farm, using the formula used by
4 the Secretary to determine quantity losses for
5 the crop of the commodity under subsection
6 (c)(1).

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 subsection (c)(2), the amount obtained
21 by multiplying the per unit loss determined under
22 paragraph (1) by the number of units affected by
23 the quality loss shall be at least 25 percent of the
24 value that all affected production of the crop would
25 have had if the crop had not suffered a quality loss.

1 (5) MARKETING CONTRACTS.—In the case of
2 any production of a commodity that is sold pursuant
3 to 1 or more marketing contracts (regardless of
4 whether the contract is entered into by the pro-
5 ducers on the farm before or after harvest) and for
6 which appropriate documentation exists, the quan-
7 tity designated in the contracts shall be eligible for
8 quality loss assistance based on the 1 or more prices
9 specified in the contracts.

10 (6) OTHER PRODUCTION.—For any additional
11 production of a commodity for which a marketing
12 contract does not exist or for which production con-
13 tinues to be owned by the producer, quality losses
14 shall be based on the average local market discounts
15 for reduced quality, as determined by the appro-
16 priate State committee of the Farm Service Agency.

17 (7) QUALITY ADJUSTMENTS AND DISCOUNTS.—
18 The appropriate State committee of the Farm Serv-
19 ice Agency shall identify the appropriate quality ad-
20 justment and discount factors to be considered in
21 carrying out this subsection, including—

22 (A) the average local discounts actually ap-
23 plied to a crop; and

24 (B) the discount schedules applied to loans
25 made by the Farm Service Agency or crop in-

1 surance coverage under the Federal Crop Insur-
2 ance Act (7 U.S.C. 1501 et seq.).

3 (8) ELIGIBLE PRODUCTION.—The Secretary
4 shall carry out this subsection in a fair and equitable
5 manner for all eligible production, including the pro-
6 duction of fruits and vegetables, other specialty
7 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 may
11 waive paragraph (1) with respect to the producers
12 on a farm if the producers enter into a contract with
13 the Secretary under which the producers agree—

14 (A) in the case of an insurable commodity,
15 to obtain a policy or plan of insurance under
16 the Federal Crop Insurance Act (7 U.S.C. 1501
17 et seq.) providing additional coverage for the in-
18 surable commodity for each of the next 2 crops,
19 at a coverage level that provides—

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

23 (ii) 100 percent of the expected mar-
24 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 2 crops under section 196
8 of the Federal Agriculture Improvement and
9 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 for the full amount of the assistance provided
14 to the producer under this section.

15 (f) TIMING.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the Secretary shall make payments to producers on
18 a farm for a crop under this section not later than
19 60 days after the date the producers on the farm
20 submit to the Secretary a completed application for
21 the payments.

22 (2) INTEREST.—If the Secretary does not make
23 payments to the producers on a farm by the date de-
24 scribed in paragraph (1), the Secretary shall pay to
25 the producers on a farm interest on the payments at

1 a rate equal to the current (as of the sign-up dead-
2 line established by the Secretary) market yield on
3 outstanding, marketable obligations of the United
4 States with maturities of 30 years.

5 **SEC. 102. LIVESTOCK ASSISTANCE.**

6 (a) LIVESTOCK COMPENSATION PROGRAM.—

7 (1) USE OF COMMODITY CREDIT CORPORATION
8 FUNDS.—Effective beginning on the date of enact-
9 ment of this Act, the Secretary shall use funds of
10 the Commodity Credit Corporation to carry out the
11 2002 Livestock Compensation Program announced
12 by the Secretary on October 10, 2002 (67 Fed. Reg.
13 63070), to provide compensation for livestock losses
14 during calendar years 2005 and 2006 for losses that
15 occurred prior to the date of enactment of this Act
16 (including wildfire disaster losses in the State of
17 Texas and other States) due to a disaster, as deter-
18 mined by the Secretary, except that the payment
19 rate shall be 75 percent of the payment rate estab-
20 lished for the 2002 Livestock Compensation Pro-
21 gram.

22 (2) ELIGIBLE APPLICANTS.—In carrying out
23 the program described in paragraph (1), the Sec-
24 retary shall provide assistance to any applicant
25 that—

1 (A)(i) conducts a livestock operation that
2 is located in a disaster county, including any
3 applicant conducting a livestock operation with
4 eligible livestock (within the meaning of the
5 livestock assistance program under section
6 101(b) of division B of Public Law 108–324
7 (118 Stat. 1234)); or

8 (ii) produces an animal described in sec-
9 tion 10806(a)(1) of the Farm Security and
10 Rural Investment Act of 2002 (21 U.S.C.
11 321d(a)(1)); and

12 (B) meets all other eligibility requirements
13 established by the Secretary for the program.

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

22 (4) LIMITATION.—The Secretary shall ensure,
23 to the maximum extent practicable, that no producer
24 on a farm receives duplicative payments under this

1 subsection and another Federal program with re-
2 spect to any loss.

3 (b) LIVESTOCK INDEMNITY PAYMENTS.—

4 (1) IN GENERAL.—The Secretary shall use such
5 sums as are necessary of funds of the Commodity
6 Credit Corporation to make livestock indemnity pay-
7 ments to producers on farms that have incurred live-
8 stock losses during calendar years 2005 and 2006
9 for losses that occurred prior to the date of enact-
10 ment of this Act (including wildfire disaster losses in
11 the State of Texas and other States) due to a dis-
12 aster, as determined by the Secretary, including
13 losses due to hurricanes, floods, anthrax, and
14 wildfires.

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

21 (c) LIVESTOCK INDEMNITY PROGRAM FOR CON-
22 TRACT GROWERS.—

23 (1) IN GENERAL.—Subject to subsection (d),
24 the Secretary shall use funds of the Commodity
25 Credit Corporation to establish a program to assist

1 poultry producers in hurricane-affected counties that
2 suffered income losses.

3 (2) TERMS AND CONDITIONS.—The program
4 established under paragraph (1) shall contain simi-
5 lar terms and conditions as the terms and conditions
6 used for the livestock indemnity program for con-
7 tract growers described in subpart E of chapter XIV
8 of title 7, Code of Federal Regulations (as in effect
9 on January 1, 2002).

10 (d) EWE LAMB REPLACEMENT AND RETENTION.—

11 (1) IN GENERAL.—The Secretary shall use
12 \$15,000,000 of funds of the Commodity Credit Cor-
13 poration to make payments under the Ewe Lamb
14 Replacement and Retention Payment Program
15 under part 784 of title 7, Code of Federal Regula-
16 tions (or a successor regulation) for each qualifying
17 ewe lamb retained or purchased during the period
18 beginning on January 1, 2006, and ending on De-
19 cember 31, 2006.

20 (2) INELIGIBILITY FOR OTHER ASSISTANCE.—A
21 producer that receives assistance under this sub-
22 section shall not be eligible to receive assistance
23 under subsection (a).

24 (e) LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-
25 retary shall ensure, to the maximum extent practicable,

1 that no producer on a farm receives duplicative payments
2 under this section and any other Federal program for the
3 same loss.

4 **SEC. 103. FLOODED CROP AND GRAZING LAND.**

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

7 (1) the Devils Lake basin; and

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

10 (b) ELIGIBILITY.—

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

20 (2) INCLUSIONS.—Land described in paragraph

21 (1) shall include—

22 (A) land that has been flooded;

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

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

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

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

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

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

14 (d) COMPENSATION PAYMENTS.—

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

24 (2) REDUCTION.—An annual compensation
25 payment under this section shall be reduced by the

1 amount of any conservation program rental pay-
2 ments or Federal agricultural commodity program
3 payments received by the owner for the land during
4 any crop year for which compensation is received
5 under this section.

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

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

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

18 (C) any Federal agricultural crop disaster
19 assistance program.

20 (e) RELATIONSHIP TO AGRICULTURAL COMMODITY
21 PROGRAMS.—The Secretary, by regulation, shall provide
22 for the preservation of cropland base, allotment history,
23 and payment yields applicable to land described in sub-
24 section (a) that was rendered incapable of use for the pro-

1 duction of an agricultural commodity or for grazing pur-
2 poses as the result of flooding.

3 (f) USE OF LAND.—

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

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

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

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

18 (g) FUNDING.—

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

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

1 rate payments for that fiscal year on a per acre
2 basis.

3 **SEC. 104. SUGARCANE AND SUGAR BEET DISASTER ASSIST-**
4 **ANCE.**

5 (a) FLORIDA.—The Secretary of Agriculture shall
6 use \$120,000,000 of funds of the Commodity Credit Cor-
7 poration to make payments to processors in Florida that
8 are eligible to obtain a loan under section 156(a) of the
9 Federal Agriculture Improvement and Reform Act of 1996
10 (7 U.S.C. 7272(a)) to compensate first processors and
11 producers for crop and other losses in hurricane-affected
12 counties that are related to hurricanes, tropical storms,
13 excessive rains, floods, and wind in Florida during cal-
14 endar year 2005, by an agreement on the same terms and
15 conditions, to the maximum extent practicable, as the pay-
16 ments made under section 102 of the Emergency Supple-
17 mental Appropriations for Hurricane Disasters Assistance
18 Act of 2005 (Public Law 108–324; 118 Stat. 1235), in-
19 cluding that the 2005 base production of each harvesting
20 unit shall be determined using the same base year crop
21 production history that was used pursuant to the agree-
22 ment under that section.

23 (b) LOUISIANA.—

24 (1) COMPENSATION FOR LOSSES.—The Sec-
25 retary shall use the funds, facilities, and authorities

1 of the Commodity Credit Corporation to make
2 \$120,000,000 in payments to first processors of sug-
3 arcane that operate in a disaster county in Lou-
4 isiana, or obtain sugarcane from a disaster county in
5 Louisiana, and that are eligible to obtain a loan
6 under section 156(a) of the Federal Agriculture Im-
7 provement and Reform Act of 1996 (7 U.S.C.
8 7272(a)), to compensate the producers and first
9 processors for crop and other losses due to Hurri-
10 cane Katrina, Hurricane Rita, or related conditions.

11 (2) ADMINISTRATION.—Assistance under this
12 subsection shall be—

13 (A) shared by an affected first processor
14 with affected producers that provide commod-
15 ities to the processor in a manner that reflects
16 contracts entered into between the processor
17 and the producers, except with respect to a por-
18 tion of the amount of total assistance described
19 under paragraph (1) necessary to compensate
20 affected producers for individual losses experi-
21 enced by the producers, including losses due to
22 saltwater intrusion, flooding, wind damage, or
23 increased planting, replanting, or harvesting
24 costs, which shall be transferred by the first

1 processor to the affected producers without re-
2 gard to contractual share arrangements; and

3 (B) made available under such terms and
4 conditions as the Secretary determines are nec-
5 essary to carry out this subsection.

6 (3) LOSS DETERMINATION.—In carrying out
7 this subsection, the Secretary shall use the same
8 base year to determine crop loss that was elected by
9 a producer to determine crop loss in carrying out the
10 hurricane assistance program under section 207 of
11 the Agricultural Assistance Act of 2003 (Public Law
12 108–7; 117 Stat. 543).

13 (c) FUNDING.—The Secretary shall use \$40,000,000
14 of funds of the Commodity Credit Corporation to provide
15 assistance to sugar beet producers that suffered produc-
16 tion losses (including quality losses) for the 2005 crop
17 year.

18 (d) REQUIREMENT.—The Secretary shall make pay-
19 ments under subsection (c) in the same manner as pay-
20 ments were made under section 208 of the Agricultural
21 Assistance Act of 2003 (Public Law 108–7; 117 Stat.
22 544), including using the same indemnity benefits as were
23 used in carrying out that section.

24 (e) TEXAS.—The Secretary shall use \$400,000 of
25 funds of the Commodity Credit Corporation to assist sug-

1 arcane growers in Texas by making a payment in that
2 amount to the Rio Grande Valley Sugar Growers, a farm-
3 er-owned cooperative sugarcane processor in that State,
4 for additional demurrage costs at the Port of Baton Rouge
5 and additional storage and transportation costs of raw
6 sugar resulting from hurricanes during calendar year
7 2005, excessive rains, floods, wind, and other related con-
8 ditions.

9 (f) HAWAII.—The Secretary shall use \$6,000,000 of
10 funds of the Commodity Credit Corporation to assist sug-
11 arcane growers in Hawaii by making a payment in that
12 amount to an agricultural transportation cooperative in
13 Hawaii, the members of which are eligible to receive mar-
14 keting assistance loans and loan deficiency payments made
15 available under subtitle B of title I of the Farm Security
16 and Rural Investment Act of 2002 (7 U.S.C. 7931 et
17 seq.).

18 (g) LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-
19 retary shall ensure, to the maximum extent practicable,
20 that no producer on a farm receives duplicative payments
21 under this section and any other Federal program for the
22 same loss.

23 **SEC. 105. SPECIALTY CROPS AND NURSERY CROPS.**

24 (a) IN GENERAL.—The Secretary shall use funds of
25 the Commodity Credit Corporation to provide assistance

1 to producers of specialty crops and nursery crops in hurri-
2 cane-affected counties.

3 (b) ADMINISTRATION.—

4 (1) IN GENERAL.—Assistance required by sub-
5 section (a) shall be carried out by the Secretary
6 under the same terms and conditions as the special
7 disaster relief programs carried out for producers
8 that suffered from crop damage and tree losses, and
9 carried out related cleanup, in certain areas of Flor-
10 ida due to Hurricanes Charley, Frances, and Jeanne
11 during August and September 2004, as described in
12 the notice of program implementation relating to
13 Florida citrus, fruit, vegetable, and nursery crop dis-
14 aster programs (69 Fed. Reg. 63134 (October 29,
15 2004)).

16 (2) LOSS OF RECORDS.—Due to the complete
17 destruction of the business records of many pro-
18 ducers, the Secretary shall use the best available in-
19 formation in determining eligibility, determining
20 losses, and calculating payment amounts under this
21 section.

22 (c) LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-
23 retary shall ensure, to the maximum extent practicable,
24 that no producer on a farm receives duplicative payments

1 under this section and any other Federal program for the
2 same loss.

3 **SEC. 106. DAIRY ASSISTANCE.**

4 The Secretary shall use \$25,000,000 of the funds of
5 the Commodity Credit Corporation to make payments to
6 dairy producers for dairy production losses and dairy
7 spoilage losses in hurricane-affected counties.

8 **SEC. 107. COTTONSEED.**

9 (a) DISTRIBUTION OF FUNDS.—The Secretary shall
10 provide disaster assistance under subsection (c) under the
11 same terms and conditions as assistance provided under
12 section 206 of the Agricultural Assistance Act of 2003
13 (Public Law 108–7; 117 Stat. 543), except that assistance
14 shall be—

15 (1) distributed to producers and first handlers
16 of cottonseed; and

17 (2) based on cottonseed production during the
18 most recent year for which a disaster payment spe-
19 cifically for cottonseed was not authorized.

20 (b) COTTONSEED ASSISTANCE.—The Secretary shall
21 use \$15,000,000 of the funds of the Commodity Credit
22 Corporation to provide assistance to producers and first-
23 handlers of the 2005 crop of cottonseed in hurricane-af-
24 fected counties.

1 **SEC. 108. REDUCTION IN PAYMENTS.**

2 The amount of any payment for which a producer is
3 eligible under this subtitle shall be reduced by any amount
4 received by the producer for the same loss or any similar
5 loss under—

6 (1) the Department of Defense, Emergency
7 Supplemental Appropriations to Address Hurricanes
8 in the Gulf of Mexico, and Pandemic Influenza Act,
9 2006 (Public Law 109–148; 119 Stat. 2680); or

10 (2) an agricultural disaster assistance provision
11 contained in the announcement of the Secretary on
12 January 26, 2006.

13 **TITLE II—SUPPLEMENTAL NU-**
14 **TRITION AND AGRICULTURAL**
15 **ECONOMIC DISASTER ASSIST-**
16 **ANCE**

17 **SEC. 201. REPLENISHMENT OF SECTION 32.**

18 (a) DEFINITION OF SPECIALTY CROP.—In this sec-
19 tion:

20 (1) IN GENERAL.—The term “specialty crop”
21 means any agricultural crop.

22 (2) EXCEPTION.—The term “specialty crop”
23 does not include—

24 (A) wheat;

25 (B) feed grains;

26 (C) oilseeds;

1 (D) cotton;

2 (E) rice; or

3 (F) peanuts.

4 (b) BASE STATE GRANTS.—

5 (1) IN GENERAL.—The Secretary shall use
6 \$25,500,000 of funds of the Commodity Credit Cor-
7 poration to make grants to the several States, the
8 District of Columbia, and the Commonwealth of
9 Puerto Rico to be used to support activities that
10 promote agriculture.

11 (2) AMOUNTS.—The amount of the grants shall
12 be—

13 (A) \$500,000 to each of the several States;
14 and

15 (B) \$250,000 to each of the Common-
16 wealth of Puerto Rico and the District of Co-
17 lumbia.

18 (c) GRANTS FOR VALUE OF PRODUCTION.—The Sec-
19 retary shall use \$74,500,000 of funds of the Commodity
20 Credit Corporation to make a grant to each of the several
21 States in an amount equal to the product obtained by mul-
22 tiplying—

23 (1) the share of the State of the total value of
24 specialty crop, livestock, and dairy production of the

1 United States for the 2004 crop year, as determined
2 by the Secretary; by

3 (2) \$74,500,000.

4 (d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As
5 a condition on the receipt of a grant under this section,
6 a State shall agree to give priority to the support of spe-
7 cialty crops and livestock in the use of the grant funds.

8 (e) USE OF FUNDS.—A State may use funds from
9 a grant awarded under this section—

10 (1) to supplement State food bank programs or
11 other nutrition assistance programs;

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

14 (3) to provide economic assistance to agricul-
15 tural producers, giving a priority to the support of
16 specialty crops and livestock; or

17 (4) for other purposes as determined by the
18 Secretary.

19 **SEC. 202. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

20 The Secretary shall make a supplemental economic
21 loss payment to any producer on a farm that received a
22 direct payment for crop year 2005 under title I of the
23 Farm Security and Rural Investment Act of 2002 (7
24 U.S.C. 7901 et seq.) at a rate equal to the product ob-
25 tained by multiplying—

1 (1) 30 percent of the direct payment rate in ef-
2 fect for the program crop of the farmer;

3 (2) 85 percent of the program crop base of the
4 farmer; and

5 (3) the program payment yield for each pro-
6 gram crop of the farmer.

7 **SEC. 203. REDUCTION IN PAYMENTS.**

8 The amount of any payment for which a producer is
9 eligible under this subtitle shall be reduced by any amount
10 received by the producer for the same loss or any similar
11 loss under—

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

16 (2) an agricultural disaster assistance provision
17 contained in the announcement of the Secretary on
18 January 26, 2006.

19 **TITLE III—FORESTRY**

20 **SEC. 301. TREE ASSISTANCE PROGRAM.**

21 (a) DEFINITION OF TREE.—In this section, the term
22 “tree” includes a tree (including a Christmas tree, orna-
23 mental tree, nursery tree, and potted tree), bush (includ-
24 ing a shrub), and vine.

1 (b) PROGRAM.—Except as otherwise provided in this
 2 section, the Secretary shall use such sums as are necessary
 3 of the funds of the Commodity Credit Corporation to pro-
 4 vide assistance under the tree assistance program estab-
 5 lished under sections 10201 through 10203 of the Farm
 6 Security and Rural Investment Act of 2002 (7 U.S.C.
 7 8201 et seq.) to—

8 (1) producers who suffered tree losses in hurri-
 9 cane-affected counties; and

10 (2) fruit and tree nut producers in hurricane-
 11 affected counties for site preparation, replacement,
 12 rehabilitation, and pruning.

13 (c) COSTS.—Funds made available under this section
 14 shall also be made available to cover costs associated with
 15 tree pruning, tree rehabilitation, and other appropriate
 16 tree-related activities as determined by the Secretary.

17 (d) LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-
 18 retary shall ensure, to the maximum extent practicable,
 19 that no producer on a farm receives duplicative payments
 20 under this section and any other Federal program for the
 21 same loss.

22 **TITLE IV—CONSERVATION**

23 **SEC. 401. NATURAL RESOURCES CONSERVATION SERVICE.**

24 (a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL
 25 CARCASSES.—Notwithstanding any other provision of law,

1 the Secretary, acting through the Natural Resources Con-
2 servation Service, using funds made available for the
3 emergency watershed protection program established
4 under section 403 of the Agricultural Credit Act of 1978
5 (16 U.S.C. 2203), may provide financial and technical as-
6 sistance to remove and dispose of debris and animal car-
7 casses that could adversely affect health and safety on
8 non-Federal land in a hurricane-affected county.

9 (b) **AUTHORITY TO USE CERTAIN PRACTICES.**—Not-
10 withstanding any other provision of law, the Secretary,
11 acting through the Natural Resources Conservation Serv-
12 ice, may use direct check-writing practices and electronic
13 transfers to provide financial and technical assistance
14 under the emergency watershed protection program estab-
15 lished under section 403 of the Agricultural Credit Act
16 of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

17 **SEC. 402. EMERGENCY WATERSHED PROTECTION PRO-**
18 **GRAM.**

19 The Secretary shall use an additional \$108,500,000
20 of funds of the Commodity Credit Corporation to carry
21 out emergency measures identified by the Chief of the
22 Natural Resources Conservation Service as of the date of
23 enactment of this Act through the emergency watershed
24 protection program established under section 403 of the
25 Agricultural Credit Act of 1978 (16 U.S.C. 2203).

1 **SEC. 403. EMERGENCY CONSERVATION PROGRAM.**

2 The Secretary shall use an additional \$17,000,000 of
 3 funds of the Commodity Credit Corporation to carry out
 4 emergency measures identified by the Administrator of the
 5 Farm Service Agency as of the date of enactment of this
 6 Act through the emergency conservation program estab-
 7 lished under title IV of the Agricultural Credit Act of 1978
 8 (16 U.S.C. 2201 et seq.).

9 **TITLE V—FARM SERVICE**
 10 **AGENCY**

11 **SEC. 501. FUNDING FOR ADDITIONAL PERSONNEL.**

12 The Secretary shall use \$23,000,000 of funds of the
 13 Commodity Credit Corporation to hire additional County
 14 Farm Service Agency personnel—

15 (1) to expedite the implementation of, and de-
 16 livery under, the agricultural disaster and economic
 17 assistance programs under this title; and

18 (2) as the Secretary determines to be necessary
 19 to carry out other agriculture and disaster assist-
 20 ance programs.

21 **TITLE VI—MISCELLANEOUS**

22 **SEC. 601. AUTHORITY TO PROVIDE IMMUNIZATIONS.**

23 Notwithstanding any other provision of law, the Sec-
 24 retary of Defense may provide immunizations to employ-
 25 ees of the Department of Agriculture involved in direct
 26 recovery work in a hurricane-affected county.

1 **SEC. 602. WAIVER OF CERTAIN PROVISIONS.**

2 Notwithstanding any other provision of law, the Sec-
3 retary may provide assistance in a hurricane-affected
4 county under the emergency conservation program estab-
5 lished under title IV of the Agricultural Credit Act of 1978
6 (16 U.S.C. 2201 et seq.) without regard to subtitle C of
7 title XII of the Food Security Act of 1985 (16 U.S.C.
8 3821 et seq.).

9 **SEC. 603. FUNDING.**

10 The Secretary shall use the funds, facilities, and au-
11 thorities of the Commodity Credit Corporation to carry
12 out this title, to remain available until expended.

13 **SEC. 604. REGULATIONS.**

14 (a) IN GENERAL.—The Secretary may promulgate
15 such regulations as are necessary to implement this title.

16 (b) PROCEDURE.—The promulgation of the regula-
17 tions and administration of this title shall be made without
18 regard to—

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

21 (2) the Statement of Policy of the Secretary of
22 Agriculture effective July 24, 1971 (36 Fed. Reg.
23 13804), relating to notices of proposed rulemaking
24 and public participation in rulemaking; and

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

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

8 **TITLE VII—EMERGENCY** 9 **DESIGNATION**

10 **SEC. 701. EMERGENCY DESIGNATION.**

11 The amounts provided under this title are designated
12 as an emergency requirement pursuant to section 402 of
13 H. Con. Res. 95 (109th Congress).

14 **TITLE VIII—DROUGHT** 15 **EMERGENCY ASSISTANCE**

16 **SEC. 801. CORPS OF ENGINEERS.**

17 In addition to any other funds made available by this
18 Act, there is appropriated for “Department of Defense-
19 Civil, Department of the Army, Corps of Engineer-Civil,
20 Flood Control and Coastal Emergencies”, as authorized
21 by section 5 of the Act of August 18, 1941 (33 U.S.C.
22 701n), \$5,000,000, to remain available until expended, to
23 be used by the Secretary of the Army, acting through the
24 Chief of Engineers, for emergency drought assistance.

1 **SEC. 802. BUREAU OF RECLAMATION.**

2 In addition to any other funds made available by this
3 Act, there is appropriated for “Department of the Interior,
4 Bureau of Reclamation, Water and Related Resources”,
5 \$7,500,000, to remain available until expended, for
6 drought emergency assistance.

7 **SEC. 803. EMERGENCY DESIGNATION.**

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

