

109TH CONGRESS  
2D SESSION

# H. R. 5363

To provide assistance to agricultural producers for crop and livestock losses resulting from recent, catastrophic natural disasters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. LUCAS 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

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## A BILL

To provide assistance to agricultural producers for crop and livestock losses resulting from recent, catastrophic natural disasters, 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 “Natural Disaster Relief Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 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. Sugarcane and sugar beet disaster assistance.
- Sec. 104. Specialty crops and nursery crops.
- Sec. 105. Tree assistance program.
- Sec. 106. Dairy assistance.
- Sec. 107. Cottonseed.
- Sec. 108. Reduction in payments.

## TITLE II—CONSERVATION

- Sec. 201. Natural Resources Conservation Service.
- Sec. 202. Emergency watershed protection program.
- Sec. 203. Emergency conservation program.
- Sec. 204. Additional funds for delivery of conservation-related technical assistance.

## TITLE III—FARM SERVICE AGENCY

- Sec. 301. Funding for additional personnel.

## TITLE IV—MISCELLANEOUS

- Sec. 401. Regulations.
- Sec. 402. Emergency designation.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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).

1           (3) HURRICANE-AFFECTED COUNTY.—The term  
2           “hurricane-affected county” means—

3                   (A) a county included in the geographic  
4                   area covered by a natural disaster declaration  
5                   related to Hurricane Katrina, Hurricane Rita,  
6                   Hurricane Wilma, or a related condition; and

7                   (B) each county contiguous to a county de-  
8                   scribed in subparagraph (A).

9           (4) INSURABLE COMMODITY.—The term “insur-  
10          able commodity” means an agricultural commodity  
11          (excluding livestock) for which the producers on a  
12          farm are eligible to obtain a policy or plan of insur-  
13          ance under the Federal Crop Insurance Act (7  
14          U.S.C. 1501 et seq.).

15          (5) NATURAL DISASTER DECLARATION.—The  
16          term “natural disaster declaration” means—

17                   (A) a natural disaster declared by the Sec-  
18                   retary—

19                           (i) during calendar year 2005 under  
20                           section 321(a) of the Consolidated Farm  
21                           and Rural Development Act (7 U.S.C.  
22                           1961(a)); or

23                           (ii) during calendar year 2006 under  
24                           that section, but only if the declaration  
25                           was made before the date of the enactment

1 of this Act or a request for such a declara-  
2 tion was pending as of that date and the  
3 declaration is subsequently made; or

4 (B) a major disaster or emergency des-  
5 ignated by the President—

6 (i) during calendar year 2005 under  
7 the Robert T. Stafford Disaster Relief and  
8 Emergency Assistance Act (42 U.S.C.  
9 5121 et seq.); or

10 (ii) during calendar year 2006 under  
11 that Act, but only if the designation was  
12 made before the date of the enactment of  
13 this Act or a request for such a designa-  
14 tion was pending as of that date and the  
15 designation is subsequently made.

16 (6) NONINSURABLE COMMODITY.—The term  
17 “noninsurable commodity” means a crop for which  
18 the producers on a farm are eligible to obtain assist-  
19 ance under section 196 of the Federal Agriculture  
20 Improvement and Reform Act of 1996 (7 U.S.C.  
21 7333).

22 (7) SECRETARY.—The term “Secretary” means  
23 the Secretary of Agriculture.

# **TITLE I—AGRICULTURAL PRODUCTION LOSSES**

## **SEC. 101. CROP DISASTER ASSISTANCE.**

(a) ASSISTANCE AVAILABLE.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm, other than producers of sugar cane or sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary, with respect to which a natural disaster declaration is made.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in both the 2005 and 2006 crop years, the producer shall elect to receive assistance under this section for losses incurred in either the 2005 crop year or the 2006 crop year, but not both crop years.

(c) ADMINISTRATION.—

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

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

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 subsection  
21      (a) shall be equal to the amount obtained by multi-  
22      plying—

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

1 (B) 50 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 af-  
8 fected by a quality loss of the commodity on the  
9 farm; or

10 (B) the quantity of expected production of  
11 the crop affected by a quality loss of the com-  
12 modity on the farm, using the formula used by  
13 the Secretary to determine quantity losses for  
14 the crop of the commodity under subsection (a).

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 subsection (a), the amount obtained by  
4           multiplying the per unit loss determined under para-  
5           graph (1) by the number of units affected by the  
6           quality loss shall be at least 25 percent of the value  
7           that all affected production of the crop would have  
8           had if the crop had not suffered a quality loss.

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

18          (6) OTHER PRODUCTION.—For any additional  
19          production of a commodity for which a marketing  
20          contract does not exist or for which production con-  
21          tinues to be owned by the producer, quality losses  
22          shall be based on the average local market discounts  
23          for reduced quality, as determined by the appro-  
24          priate State committee of the Farm Service Agency.



1           (7) QUALITY ADJUSTMENTS AND DISCOUNTS.—

2           The appropriate State committee of the Farm Serv-  
3           ice Agency shall identify the appropriate quality ad-  
4           justment and discount factors to be considered in  
5           carrying out this subsection, including—

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

8                   (B) the discount schedules applied to loans  
9                   made by the Farm Service Agency or crop in-  
10                  surance coverage under the Federal Crop Insur-  
11                  ance Act (7 U.S.C. 1501 et seq.).

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

17          (e) PAYMENT LIMITATIONS.—

18                  (1) LIMIT ON AMOUNT OF ASSISTANCE.—As-  
19                  sistance provided under this section to a producer  
20                  for losses to a crop, together with the amounts speci-  
21                  fied in paragraph (2) applicable to the same crop,  
22                  may not exceed 95 percent of what the value of the  
23                  crop would have been in the absence of the losses,  
24                  as estimated by the Secretary.

1           (2) OTHER PAYMENTS.—In applying the limita-  
2           tion in paragraph (1), the Secretary shall include the  
3           following:

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

11                  (B) The value of the crop that was not lost  
12                  (if any), as estimated by the Secretary

13       (f) ELIGIBILITY FOR ASSISTANCE.—

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

19                   (A) in the case of an insurable commodity,  
20                   did not obtain a policy or plan of insurance for  
21                   the insurable commodity under the Federal  
22                   Crop Insurance Act (7 U.S.C. 1501 et seq.) for  
23                   the crop incurring the losses;

24                   (B) in the case of a noninsurable com-  
25                   modity, did not file the required paperwork, and

1 pay the administrative fee by the applicable  
2 State filing deadline, for the noninsurable com-  
3 modity under section 196 of the Federal Agri-  
4 culture Improvement and Reform Act of 1996  
5 (7 U.S.C. 7333) for the crop incurring the  
6 losses;

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

11 (D) were not in compliance with highly  
12 erodible land conservation and wetland con-  
13 servation provisions.

14 (2) CONTRACT WAIVER.—The Secretary may  
15 waive paragraph (1) with respect to the producers  
16 on a farm if the producers enter into a contract with  
17 the Secretary under which the producers agree—

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

1 (i) not less than 65 percent of the ac-  
2 tual production history for the crop pro-  
3 duced on the farm; and

4 (ii) 100 percent of the expected mar-  
5 ket price or a comparable coverage (as de-  
6 termined by the Federal Crop Insurance  
7 Corporation); and

8 (B) in the case of a noninsurable com-  
9 modity, to file the required paperwork and pay  
10 the administrative fee by the applicable State  
11 filing deadline, for the noninsurable commodity  
12 for each of the next 2 crops under section 196  
13 of the Federal Agriculture Improvement and  
14 Reform Act of 1996 (7 U.S.C. 7333).

15 (3) EFFECT OF VIOLATION.—In the event of  
16 the violation of a contract under paragraph (2) by  
17 a producer, the producer shall reimburse the Sec-  
18 retary for the full amount of the assistance provided  
19 to the producer under this section.

20 (g) TIMING.—

21 (1) IN GENERAL.—Subject to paragraph (2),  
22 the Secretary shall make payments to producers on  
23 a farm for a crop under this section not later than  
24 60 days after the date the producers on the farm

1 submit to the Secretary a completed application for  
2 the payments.

3 (2) INTEREST.—If the Secretary does not make  
4 payments to the producers on a farm by the date de-  
5 scribed in paragraph (1), the Secretary shall pay to  
6 the producers on a farm interest on the payments at  
7 a rate equal to the current (as of the sign-up dead-  
8 line established by the Secretary) market yield on  
9 outstanding, marketable obligations of the United  
10 States with maturities of 30 years.

11 **SEC. 102. LIVESTOCK ASSISTANCE.**

12 (a) LIVESTOCK COMPENSATION PROGRAM.—

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

lished for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

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

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

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

(3) ELECTION OF LOSSES.—If a producer incurred livestock losses in both calendar years 2005 and 2006, the producer shall elect to receive payments under this subsection for losses incurred in either calendar year 2005 or calendar year 2006, but not both calendar years.

1           (4) MITIGATION.—In determining the eligibility  
2           for or amount of payments for which a producer is  
3           eligible under the livestock compensation program,  
4           the Secretary shall not penalize a producer that  
5           takes actions (recognizing disaster conditions) that  
6           reduce the average number of livestock the producer  
7           owned for grazing during the production year for  
8           which assistance is being provided.

9           (5) LIMITATION.—The Secretary shall ensure,  
10          to the maximum extent practicable, that no producer  
11          on a farm receives duplicative payments under this  
12          subsection and another Federal program with re-  
13          spect to any loss.

14          (b) LIVESTOCK INDEMNITY PAYMENTS.—

15               (1) IN GENERAL.—The Secretary shall use such  
16               sums as are necessary of funds of the Commodity  
17               Credit Corporation to make livestock indemnity pay-  
18               ments to producers on farms that have incurred live-  
19               stock losses during calendar years 2005 and 2006  
20               for losses that occurred prior to the date of enact-  
21               ment of this Act (including wildfire disaster losses in  
22               the State of Texas and other States) due to a dis-  
23               aster, as determined by the Secretary, including  
24               losses due to hurricanes, floods, anthrax, and  
25               wildfires.

1           (2) ELECTION OF LOSSES.—If a producer in-  
 2           curred livestock losses in both calendar years 2005  
 3           and 2006, the producer shall elect to receive pay-  
 4           ments under this subsection for losses incurred in ei-  
 5           ther calendar year 2005 or calendar year 2006, but  
 6           not both calendar years.

7           (3) PAYMENT RATES.—Indemnity payments to  
 8           a producer on a farm under paragraph (1) shall be  
 9           made at a rate of not less than 30 percent of the  
 10          market value of the applicable livestock on the day  
 11          before the date of death of the livestock, as deter-  
 12          mined by the Secretary.

13          (c) LIVESTOCK INDEMNITY PROGRAM FOR CON-  
 14          TRACT GROWERS.—

15               (1) IN GENERAL.—Subject to subsection (d),  
 16               the Secretary shall use funds of the Commodity  
 17               Credit Corporation to establish a program to assist  
 18               poultry producers in hurricane-affected counties that  
 19               suffered income losses.

20               (2) TERMS AND CONDITIONS.—The program  
 21               established under paragraph (1) shall contain simi-  
 22               lar terms and conditions as the terms and conditions  
 23               used for the livestock indemnity program for con-  
 24               tract growers described in subpart E of chapter XIV



1 of title 7, Code of Federal Regulations (as in effect  
2 on January 1, 2002).

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

8 **SEC. 103. SUGARCANE AND SUGAR BEET DISASTER ASSIST-**  
9 **ANCE.**

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

1 production history that was used pursuant to the agree-  
2 ment under that section.

3 (b) LOUISIANA.—

4 (1) COMPENSATION FOR LOSSES.—The Sec-  
5 retary shall use the funds, facilities, and authorities  
6 of the Commodity Credit Corporation to make  
7 \$120,000,000 in payments to first processors of sug-  
8 arcane that operate in a disaster county in Lou-  
9 isiana, or obtain sugarcane from a disaster county in  
10 Louisiana, and that are eligible to obtain a loan  
11 under section 156(a) of the Federal Agriculture Im-  
12 provement and Reform Act of 1996 (7 U.S.C.  
13 7272(a)), to compensate the producers and first  
14 processors for crop and other losses due to Hurri-  
15 cane Katrina, Hurricane Rita, or related conditions.

16 (2) ADMINISTRATION.—Assistance under this  
17 subsection shall be—

18 (A) shared by an affected first processor  
19 with affected producers that provide commod-  
20 ities to the processor in a manner that reflects  
21 contracts entered into between the processor  
22 and the producers, except with respect to a por-  
23 tion of the amount of total assistance described  
24 under paragraph (1) necessary to compensate  
25 affected producers for individual losses experi-

1           enced by the producers, including losses due to  
2           saltwater intrusion, flooding, wind damage, or  
3           increased planting, replanting, or harvesting  
4           costs, which shall be transferred by the first  
5           processor to the affected producers without re-  
6           gard to contractual share arrangements; and

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

10           (3) LOSS DETERMINATION.—In carrying out  
11          this subsection, the Secretary shall use the same  
12          base year to determine crop loss that was elected by  
13          a producer to determine crop loss in carrying out the  
14          hurricane assistance program under section 207 of  
15          the Agricultural Assistance Act of 2003 (Public Law  
16          108–7; 117 Stat. 543).

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

22           (d) REQUIREMENT.—The Secretary shall make pay-  
23          ments under subsection (c) in the same manner as pay-  
24          ments were made under section 208 of the Agricultural  
25          Assistance Act of 2003 (Public Law 108–7; 117 Stat.

1 544), including using the same indemnity benefits as were  
2 used in carrying out that section.

3 (e) TEXAS.—The Secretary shall use \$400,000 of  
4 funds of the Commodity Credit Corporation to assist sug-  
5 arcane growers in Texas by making a payment in that  
6 amount to the Rio Grande Valley Sugar Growers, a farm-  
7 er-owned cooperative sugarcane processor in that State,  
8 for additional demurrage costs at the Port of Baton Rouge  
9 and additional storage and transportation costs of raw  
10 sugar resulting from hurricanes during calendar year  
11 2005, excessive rains, floods, wind, and other related con-  
12 ditions.

13 (f) HAWAII.—The Secretary shall use \$6,000,000 of  
14 funds of the Commodity Credit Corporation to assist sug-  
15 arcane growers in Hawaii by making a payment in that  
16 amount to an agricultural transportation cooperative in  
17 Hawaii, the members of which are eligible to obtain a loan  
18 under section 156(a) of the Federal Agriculture Improve-  
19 ment and Reform Act of 1996 (7 U.S.C. 7272(a)).

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

1 **SEC. 104. SPECIALTY CROPS AND NURSERY CROPS.**

2 (a) IN GENERAL.—The Secretary shall use funds of  
3 the Commodity Credit Corporation to provide assistance  
4 to producers of specialty crops and nursery crops in hurri-  
5 cane-affected counties.

6 (b) ADMINISTRATION.—

7 (1) IN GENERAL.—Assistance required by sub-  
8 section (a) shall be carried out by the Secretary  
9 under the same terms and conditions as the special  
10 disaster relief programs carried out for producers  
11 that suffered from crop damage and tree losses, and  
12 carried out related cleanup, in certain areas of Flor-  
13 ida due to Hurricanes Charley, Frances, and Jeanne  
14 during August and September 2004, as described in  
15 the notice of program implementation relating to  
16 Florida citrus, fruit, vegetable, and nursery crop dis-  
17 aster programs (69 Fed. Reg. 63134 (October 29,  
18 2004)).

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

25 (c) LIMIT ON AMOUNT OF ASSISTANCE.—The Sec-  
26 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. 105. TREE ASSISTANCE PROGRAM.**

5 (a) DEFINITION OF TREE.—In this section, the term  
6 “tree” includes a tree (including a Christmas tree, orna-  
7 mental tree, nursery tree, and potted tree), bush (includ-  
8 ing a shrub), and vine.

9 (b) PROGRAM.—Except as otherwise provided in this  
10 section, the Secretary shall use such sums as are necessary  
11 of the funds of the Commodity Credit Corporation to pro-  
12 vide assistance under the tree assistance program estab-  
13 lished under sections 10201 through 10203 of the Farm  
14 Security and Rural Investment Act of 2002 (7 U.S.C.  
15 8201 et seq.) to—

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

18 (2) fruit and tree nut producers in hurricane-  
19 affected counties for site preparation, replacement,  
20 rehabilitation, and pruning.

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

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

6 **SEC. 106. DAIRY ASSISTANCE.**

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

11 **SEC. 107. COTTONSEED.**

12 (a) COTTONSEED ASSISTANCE.—The Secretary shall  
 13 use \$15,000,000 of the funds of the Commodity Credit  
 14 Corporation to provide assistance to producers and first-  
 15 handlers of the 2005 crop of cottonseed in hurricane-af-  
 16 fected counties.

17 (b) TERMS AND CONDITIONS.—Assistance under sub-  
 18 section (a) shall be provided under the same terms and  
 19 conditions as assistance provided under section 206 of the  
 20 Agricultural Assistance Act of 2003 (Public Law 108–7;  
 21 117 Stat. 543), except that assistance shall be—

22 (1) distributed to producers and first handlers  
 23 of cottonseed; and

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

4   **SEC. 108. REDUCTION IN PAYMENTS.**

5           The amount of any payment for which a producer is  
6           eligible under this title shall be reduced by any amount  
7           received by the producer for the same loss or any similar  
8           loss under—

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

13          (2) an agricultural disaster assistance provision  
14          contained in the announcement of the Secretary on  
15          January 26, 2006.

16           **TITLE II—CONSERVATION**

17   **SEC. 201. NATURAL RESOURCES CONSERVATION SERVICE.**

18          (a) ASSISTANCE TO CLEAR DEBRIS AND ANIMAL  
19          CARCASSES.—

20           (1) AUTHORITY TO PROVIDE ASSISTANCE.—

21          Notwithstanding any other provision of law, the Sec-  
22          retary may provide financial and technical assistance  
23          to remove and dispose of debris and livestock car-  
24          casses that could adversely affect health and safety



1 on non-Federal land in a hurricane-affected county  
2 or a disaster county.

3 (2) PROVISION OF ASSISTANCE; FUNDING  
4 SOURCE.—The Secretary shall carry out this sub-  
5 section acting through the Natural Resources Con-  
6 servation Service and using funds made available for  
7 the emergency watershed protection program estab-  
8 lished under section 403 of the Agricultural Credit  
9 Act of 1978 (16 U.S.C. 2203).

10 (3) ELECTION OF LOSSES.—If an applicant for  
11 assistance under this subsection incurred debris and  
12 livestock damage in both calendar years 2005 and  
13 2006, the applicant shall elect to receive assistance  
14 under this subsection for damages incurred in either  
15 calendar year 2005 or calendar year 2006, but not  
16 both calendar years.

17 (b) AUTHORITY TO MITIGATE EFFECTS OF SALT-  
18 WATER.—Notwithstanding any other provision of law, the  
19 Secretary, acting through the Natural Resources Con-  
20 servation Service and using funds made available for the  
21 emergency conservation program established under title  
22 IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201  
23 et seq.), may provide financial and technical assistance to  
24 mitigate the effects of saltwater intrusion.

1       (c) AUTHORITY TO USE CERTAIN PRACTICES.—Not-  
2 withstanding any other provision of law, the Secretary,  
3 acting through the Natural Resources Conservation Serv-  
4 ice, may use direct check-writing practices and electronic  
5 transfers to provide financial and technical assistance  
6 under the emergency watershed protection program estab-  
7 lished under section 403 of the Agricultural Credit Act  
8 of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

9       **SEC. 202. EMERGENCY WATERSHED PROTECTION PRO-**  
10                                   **GRAM.**

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

18       **SEC. 203. EMERGENCY CONSERVATION PROGRAM.**

19       The Secretary shall use an additional \$17,000,000 of  
20 funds of the Commodity Credit Corporation to carry out  
21 emergency measures identified by the Administrator of the  
22 Farm Service Agency as of the date of enactment of this  
23 Act through the emergency conservation program estab-  
24 lished under title IV of the Agricultural Credit Act of 1978  
25 (16 U.S.C. 2201 et seq.). Notwithstanding any other pro-

1 vision of law, the Secretary may provide assistance in a  
2 hurricane-affected county under the emergency conserva-  
3 tion program without regard to subtitle C of title XII of  
4 the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

5 **SEC. 204. ADDITIONAL FUNDS FOR DELIVERY OF CON-**  
6 **SERVATION-RELATED TECHNICAL ASSIST-**  
7 **ANCE.**

8 (a) TECHNICAL ASSISTANCE.—The Secretary shall  
9 use such sums as are necessary of the funds of the Com-  
10 modity Credit Corporation to provide an additional  
11 \$1,000,000 of technical assistance under section 1242 of  
12 the Food Security Act of 1985 (16 U.S.C. 3842) in each  
13 State that has a disaster county or hurricane-affected  
14 county.

15 (b) RELATIONSHIP TO OTHER LAW.—The use of  
16 Commodity Credit Corporation funds under subsection (a)  
17 to provide technical assistance shall not be considered an  
18 allotment or fund transfer from the Commodity Credit  
19 Corporation for purposes of the limit on expenditures for  
20 technical assistance imposed by section 11 of the Com-  
21 modity Credit Corporation Charter Act (15 U.S.C. 714i).

1           **TITLE III—FARM SERVICE**  
2                           **AGENCY**

3   **SEC. 301. FUNDING FOR ADDITIONAL PERSONNEL.**

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

7                   (1) to expedite the implementation of, and de-  
8           livery under, the agricultural disaster and economic  
9           assistance programs under this Act; and

10                   (2) as the Secretary determines to be necessary  
11           to carry out other agriculture and disaster assist-  
12           ance programs.

13           **TITLE IV—MISCELLANEOUS**

14   **SEC. 401. REGULATIONS.**

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

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

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

22                   (2) the Statement of Policy of the Secretary of  
23           Agriculture effective July 24, 1971 (36 Fed. Reg.  
24           13804), relating to notices of proposed rulemaking  
25           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 **SEC. 402. EMERGENCY DESIGNATION.**

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

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