

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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## 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 bor-  
 rower 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 hurri-  
 cane 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 adminis-  
 trative 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 re-  
 sponse 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 PE-  
6   RIOD.—Section 5(h) of the Food Stamp Act of 1977 (7  
7   U.S.C. 2014) is amended by adding at the end the fol-  
8   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

1 et seq.) providing additional coverage for the in-  
2 surable commodity for each of the next two  
3 crops, at a coverage level this provides—

4 (i) not less than 65 percent of the ac-  
5 tual production history for the crop pro-  
6 duced on the farm; and

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

11 (B) in the case of a noninsurable com-  
12 modity, to file the required paperwork and pay  
13 the administrative fee by the applicable State  
14 filing deadline, for the noninsurable commodity  
15 for each of the next two crops under section  
16 196 of the Federal Agriculture Improvement  
17 and Reform Act of 1996 (7 U.S.C. 7333).

18 (3) EFFECT OF VIOLATION.—In the event of  
19 the violation of a contract under paragraph (2) by  
20 a producer, the producer shall reimburse the Sec-  
21 retary of Agriculture for the full amount of the as-  
22 sistance provided to the producer under this section.

23 (f) PAYMENT LIMITATIONS.—

24 (1) LIMIT ON AMOUNT OF ASSISTANCE.—As-  
25 sistance 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 acerue 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 Releief 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 priation 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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