

**AMENDMENT TO H.R. 5212**  
**OFFERED BY MR. NEUGEBAUER OF TEXAS**

In section 101, strike the section heading and subsection (a) and insert the following (and redesignate existing subsections (b) through (f) accordingly):

**1 SEC. 101. AGRICULTURAL DISASTER ASSISTANCE.**

**2 (a) CROP DISASTER ASSISTANCE.—**

**3 (1) DEFINITIONS.—In this subsection:**

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

**8 (B) INSURABLE COMMODITY.—**The term  
**9 “insurable commodity”** means an agricultural  
**10 commodity (excluding livestock) for which the**  
**11 producers on a farm are eligible to obtain a pol-**  
**12 icy or plan of insurance under the Federal Crop**  
**13 Insurance Act (7 U.S.C. 1501 et seq.).**

**14 (C) NONINSURABLE COMMODITY.—**The  
**15 term “noninsurable commodity”** means an agri-  
**16 cultural commodity for which the producers on**  
**17 a farm are eligible to obtain assistance under**



1 section 196 of the Federal Agriculture Improve-  
2 ment and Reform Act of 1996 (7 U.S.C. 7333).

3 (2) EMERGENCY FINANCIAL ASSISTANCE.—Not-  
4 withstanding section 508(b)(7) of the Federal Crop  
5 Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary  
6 of Agriculture shall use such sums as are necessary  
7 of funds of the Commodity Credit Corporation to  
8 make emergency financial assistance authorized  
9 under this subsection available to producers on a  
10 farm that have incurred qualifying crop or quality  
11 losses for the 2003 or 2004 crop (as elected by a  
12 producer), but not both crops, due to damaging  
13 weather or related condition, as determined by the  
14 Secretary.

15 (3) ADMINISTRATION.—The Secretary shall  
16 make assistance available under this subsection in  
17 the same manner as provided under section 815 of  
18 the Agriculture, Rural Development, Food and Drug  
19 Administration, and Related Agencies Appropria-  
20 tions Act, 2001 (Public Law 106-387; 114 Stat.  
21 1549A-55), including using the same loss thresholds  
22 for the quantity and quality losses as were used in  
23 administering that section.

24 (4) INELIGIBILITY FOR ASSISTANCE.—Except  
25 as provided in paragraph (5), the producers on a



1 farm shall not be eligible for assistance under this  
2 subsection with respect to losses to an insurable  
3 commodity or noninsurable commodity if the pro-  
4 ducers on the farm—

5 (A) in the case of an insurable commodity,  
6 did not obtain a policy or plan of insurance for  
7 the insurable commodity under the Federal  
8 Crop Insurance Act (7 U.S.C. 1501 et seq.) for  
9 the crop incurring the losses; and

10 (B) in the case of a noninsurable com-  
11 modity, did not file the required paperwork, and  
12 pay the administrative fee by the applicable  
13 State filing deadline, for the noninsurable com-  
14 modity under section 196 of the Federal Agri-  
15 culture Improvement and Reform Act of 1996  
16 (7 U.S.C. 7333) for the crop incurring the  
17 losses.

18 (5) CONTRACT WAIVER.—The Secretary may  
19 waive paragraph (4) with respect to the producers  
20 on a farm if the producers enter into a contract with  
21 the Secretary under which the producers agree—

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



1           surable commodity for each of the next 2 crops;  
2           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           (6) EFFECT OF VIOLATION.—In the event of  
11           the violation of a contract under paragraph (5) 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 subsection.

15           (7) PAYMENT LIMITATIONS.—

16                   (A) LIMIT ON AMOUNT OF ASSISTANCE.—  
17           Assistance provided under this subsection to a  
18           producer for losses to a crop, together with the  
19           amounts specified in subparagraph (B) applica-  
20           ble to the same crop, may not exceed 95 per-  
21           cent of what the value of the crop would have  
22           been in the absence of the losses, as estimated  
23           by the Secretary.



1 (B) OTHER PAYMENTS.—In applying the  
2 limitation in subparagraph (A), the Secretary  
3 shall include the following:

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

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

13 (C) EFFECT OF FLORIDA DISASTER PRO-  
14 GRAMS.—The amount of assistance that a pro-  
15 ducer would otherwise receive under this sub-  
16 section shall be reduced by the amount of as-  
17 sistance that the producer receives for the same  
18 loss under the Florida Disaster Programs car-  
19 ried out pursuant to the Farm Service Agency  
20 notice (DAP-203) released October 4, 2004.

21 (b) LIVESTOCK ASSISTANCE PROGRAM.—

22 (1) EMERGENCY FINANCIAL ASSISTANCE.—The  
23 Secretary of Agriculture shall use such sums as are  
24 necessary of funds of the Commodity Credit Cor-  
25 poration to make and administer payments for live-



1 stock losses to producers for 2003 or 2004 losses (as  
2 elected by a producer), but not both, in a county  
3 that has received an emergency designation by the  
4 President or the Secretary after January 1, 2003, of  
5 which an amount determined by the Secretary shall  
6 be made available for the American Indian livestock  
7 program under section 806 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-51).

11 (2) ADMINISTRATION.—The Secretary shall  
12 make assistance available under this subsection in  
13 the same manner as provided under section 806 of  
14 the Agriculture, Rural Development, Food and Drug  
15 Administration, and Related Agencies Appropria-  
16 tions Act, 2001 (Public Law 106-387; 114 Stat.  
17 1549A-51).

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



1 (c) TREE ASSISTANCE PROGRAM.—

2 (1) EMERGENCY ASSISTANCE.—The Secretary  
3 of Agriculture shall use such sums as are necessary  
4 of the funds of the Commodity Credit Corporation to  
5 provide assistance under the tree assistance program  
6 established under sections 10201 through 10204 of  
7 the Farm Security and Rural Investment Act of  
8 2002 (7 U.S.C. 8201 et seq.) to producers who suf-  
9 fered tree losses during the period beginning on De-  
10 cember 1, 2003, and ending on December 31, 2004.

11 (2) ADDITIONAL ASSISTANCE.—In addition to  
12 providing assistance to eligible orchardists under the  
13 tree assistance program, the Secretary shall use an  
14 additional \$15,000,000 of the funds of the Com-  
15 modity Credit Corporation to provide reimbursement  
16 under section 10203 of the Farm Security and  
17 Rural Investment Act of 2002 (7 U.S.C. 8203) to el-  
18 igible forest land owners who produce periodic crops  
19 of timber from trees for commercial purposes and  
20 who have suffered tree losses during the period spec-  
21 ified in paragraph (1).

22 (d) EMERGENCY CONSERVATION PROGRAM.—The  
23 Secretary of Agriculture shall use an additional  
24 \$50,000,000 of the funds of the Commodity Credit Cor-  
25 poration to provide assistance under the Emergency Con-



1 servation Program under title IV of the Agriculture Credit  
2 Act of 1978 (16 U.S.C. 2201 et seq.). Participants in the  
3 Emergency Conservation Program shall receive the max-  
4 imum cost share percentage allowed under section 701.26  
5 of title 7, Code of Federal Regulations.

6 (e) OFFSET.—Section 1241(a)(3) of the Food Secu-  
7 rity Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by  
8 inserting before the period at the end the following: “,  
9 using not more than \$6,037,000,000 for the period of fis-  
10 cal years 2005 through 2014”.

