

112TH CONGRESS  
1ST SESSION

# H. R. 2905

To temporarily waive the risk management purchase requirement for agricultural producers adversely impacted by Hurricane Irene or Tropical Storm Lee so that such producers are eligible to receive assistance under the Supplemental Revenue Assistance Program (SURE), Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP), and Tree Assistance Program (TAP).

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2011

Mr. GIBSON (for himself, Mr. WELCH, Mr. TONKO, Mr. HINCHEY, Mr. MARINO, Mr. OWENS, Mr. MCINTYRE, Ms. DELAURO, Mr. COURTNEY, Ms. BUERKLE, Mr. LARSON of Connecticut, Mr. HANNA, and Ms. HAYWORTH) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means, 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 temporarily waive the risk management purchase requirement for agricultural producers adversely impacted by Hurricane Irene or Tropical Storm Lee so that such producers are eligible to receive assistance under the Supplemental Revenue Assistance Program (SURE), Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP), and Tree Assistance Program (TAP).

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. CONDITIONAL WAIVER OF RISK MANAGEMENT**  
4 **PURCHASE REQUIREMENT FOR CERTAIN AG-**  
5 **RICULTURAL PRODUCERS ADVERSELY IM-**  
6 **PACTED BY HURRICANE IRENE OR TROPICAL**  
7 **STORM LEE.**

8 (a) DEFINITIONS.—In this section:

9 (1) DISASTER COUNTY.—The term “disaster  
10 county” means—

11 (A) a county included in the geographical  
12 area covered by a qualifying natural disaster  
13 declaration; and

14 (B) each county contiguous to a county de-  
15 scribed in subparagraph (A).

16 (2) QUALIFYING NATURAL DISASTER DECLARA-  
17 TION.—The term “qualifying natural disaster dec-  
18 laration” means—

19 (A) a natural disaster declared by the Sec-  
20 retary of Agriculture in 2011 due to damaging  
21 weather and other conditions relating to Hurri-  
22 cane Irene or Tropical Storm Lee under section  
23 321(a) of the Consolidated Farm and Rural  
24 Development Act (7 U.S.C. 1961(a)); or

1           (B) a major disaster or emergency des-  
2           ignated by the President in 2011 due to dam-  
3           aging weather and other conditions relating to  
4           Hurricane Irene or Tropical Storm Lee under  
5           the Robert T. Stafford Disaster Relief and  
6           Emergency Assistance Act (42 U.S.C. 5121 et  
7           seq.).

8           (b) WAIVER.—Subject to subsection (c), subsection  
9           (g) of section 531 of the Federal Crop Insurance Act (7  
10          U.S.C. 1531) and subsection (g) of section 901 of the  
11          Trade Act of 1974 (19 U.S.C. 2497), relating to the risk  
12          management purchase requirement for supplemental agri-  
13          cultural disaster assistance, shall not apply with respect  
14          to the operation of the Supplemental Revenue Assistance  
15          Program (SURE), the Livestock, Honey Bees, and Farm-  
16          Raised Fish Program (ELAP), and the Tree Assistance  
17          Program (TAP) under such sections in a disaster county  
18          in response to damaging weather and other conditions re-  
19          lating to Hurricane Irene or Tropical Storm Lee.

20          (c) CONDITION.—If an agricultural producer on a  
21          farm in a disaster county becomes eligible for assistance  
22          under a supplemental agricultural disaster assistance pro-  
23          gram specified in subsection (b) as a result of the waiver  
24          provided by such subsection, the producer shall agree, as  
25          a condition of receiving such assistance—

1           (1) in the case of each insurable commodity of  
2 the producer on the farm, excluding grazing land, to  
3 obtain a policy or plan of insurance under the Fed-  
4 eral Crop Insurance Act (7 U.S.C. 1501 et seq.) for  
5 the next crop of the commodity; and

6           (2) in the case of each noninsurable commodity  
7 of the producer on the farm, to file the required pa-  
8 perwork, and pay the administrative fee by the ap-  
9 plicable State filing deadline, for the next crop of the  
10 commodity under the noninsured crop assistance  
11 program under section 196 of the of the Federal Ag-  
12 riculture Improvement and Reform Act of 1996 (7  
13 U.S.C. 7333).

14       (d) EFFECT OF VIOLATION.—If an agricultural pro-  
15 ducer violates the condition imposed by subsection (c), the  
16 producer shall reimburse the Secretary of Agriculture for  
17 the full amount of the assistance provided to the producer  
18 under each of the supplemental agricultural disaster as-  
19 sistance programs specified in subsection (b).

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