

107TH CONGRESS  
2D SESSION

# S. 2830

To provide emergency disaster assistance to agricultural producers.

---

IN THE SENATE OF THE UNITED STATES

JULY 31, 2002

Mr. ROBERTS (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. THOMAS, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To provide emergency disaster assistance to agricultural producers.

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.**

4       This Act may be cited as the “Emergency Agricul-  
5       tural Disaster Assistance Act of 2002”.

6       **SEC. 2. CROP DISASTER ASSISTANCE.**

7       (a)   IN     GENERAL.—Notwithstanding     section  
8       508(b)(7) of the Federal Crop Insurance Act (7 U.S.C.  
9       1508(b)(7)), subject to subsections (b) and (c) and section  
10      4, the Secretary of Agriculture (referred to in this title

1 as the “Secretary”) shall use such sums as are necessary  
2 of funds of the Commodity Credit Corporation to make  
3 emergency financial assistance authorized under this sec-  
4 tion available to producers on a farm that have incurred  
5 qualifying crop losses for the 2001 or 2002 crop due to  
6 damaging weather or related condition, as determined by  
7 the Secretary.

8 (b) ADMINISTRATION.—The Secretary shall make as-  
9 sistance available under this section in the same manner  
10 as provided under section 815 of the Agriculture, Rural  
11 Development, Food and Drug Administration, and Re-  
12 lated Agencies Appropriations Act, 2001 (Public Law  
13 106–387; 114 Stat. 1549A–55), including using the same  
14 loss thresholds for the quantity and quality losses as were  
15 used in administering that section.

16 (c) CHOICE OF PAYMENTS.—If a producer on a farm  
17 incurred qualifying crop losses for each of the 2001 and  
18 2002 crop years, the producer may receive payments  
19 under this section for losses associated with the losses in  
20 either the 2001 crop year or the 2002 crop year, but not  
21 both.

22 **SEC. 3. ASSISTANCE FOR LIVESTOCK PRODUCERS.**

23 (a) IN GENERAL.—Subject to subsection (b) and sec-  
24 tion 4, the Secretary shall use such sums as are necessary  
25 of funds of the Commodity Credit Corporation to make

1 and administer payments for livestock losses using the cri-  
 2 teria established to carry out the 1999 Livestock Assist-  
 3 ance Program (except for application of the national per-  
 4 centage reduction factor) to producers for 2001 and 2002  
 5 losses in a county that has received an emergency designa-  
 6 tion by the President or the Secretary in calendar year  
 7 2001 or 2002.

8 (b) CHOICE OF PAYMENTS.—If a producer is on a  
 9 farm located in a county that received an emergency des-  
 10 ignation described in subsection (a) in each of calendar  
 11 years 2001 and 2002, the producer may receive payments  
 12 under this section for losses associated with the declara-  
 13 tion in either calendar year 2001 or calendar year 2002,  
 14 but not both.

#### 15 **SEC. 4. INELIGIBILITY FOR PAYMENTS.**

16 (a) DEFINITIONS.—In this section

17 (1) INSURABLE COMMODITY.—The term “insur-  
 18 able commodity” means an agricultural commodity  
 19 (excluding livestock) for which the producers on a  
 20 farm are eligible to obtain a policy or plan of insur-  
 21 ance under the Federal Crop Insurance Act (7  
 22 U.S.C. 1501 et seq.).

23 (2) NONINSURABLE COMMODITY.—The term  
 24 “noninsurable commodity” means an eligible crop  
 25 for which the producers on a farm are eligible to ob-

1       tain assistance under section 196 of the Federal Ag-  
2       riculture Improvement and Reform Act of 1996 (7  
3       U.S.C. 7333).

4       (b) INELIGIBILITY.—Except as provided in sub-  
5       section (c), the producers on a farm shall not be eligible  
6       for a payment under section 2 with respect to losses to  
7       an insurable commodity or noninsurable commodity for a  
8       crop or calendar year (as applicable) if the producers on  
9       the farm—

10           (1) in the case of an insurable commodity, did  
11       not obtain a policy or plan of insurance for the in-  
12       surable commodity for the crop or calendar year (as  
13       applicable) under the Federal Crop Insurance Act (7  
14       U.S.C. 1501 et seq.); and

15           (2) in the case of a noninsurable commodity,  
16       did not file the required paperwork, and pay the ad-  
17       ministrative fee by the applicable State filing dead-  
18       line, for the noninsurable commodity under section  
19       196 of the Federal Agriculture Improvement and  
20       Reform Act of 1996 (7 U.S.C. 7333).

21       (c) WAIVERS.—The Secretary may waive the applica-  
22       tion of subsection (b) to the producers on a farm for a  
23       crop or calendar year (as applicable) if—

24           (1) in the case of an insurable commodity, the  
25       producers on the farm enter into a contract with the

1 Secretary under which the producers on the farm  
2 agree—

3 (A) to obtain a policy or plan of insurance  
4 for the insurable commodity for each of the  
5 next 3 crop or calendar years (as applicable)  
6 under the Federal Crop Insurance Act (7  
7 U.S.C. 1501 et seq.); and

8 (B) on violation of the contract, to forfeit  
9 the right to receive any payment, loan, or ben-  
10 efit under title I of the Farm Security and  
11 Rural Investment Act of 2002 (7 U.S.C. 7901  
12 et seq.) for each of such crop or calendar years  
13 (as applicable); and

14 (2) in the case of a noninsurable commodity,  
15 the producers on the farm enter into a contract with  
16 the Secretary under which the producers on the  
17 farm agree—

18 (A) to file the required paperwork, and pay  
19 the administrative fee by the applicable State  
20 filing deadline, for the noninsurable commodity  
21 for each of the next 3 crop or calendar years  
22 (as applicable) under section 196 of the Federal  
23 Agriculture Improvement and Reform Act of  
24 1996 (7 U.S.C. 7333); and

1 (B) on violation of the contract, to forfeit  
2 the right to receive any payment, loan, or ben-  
3 efit under title I of the Farm Security and  
4 Rural Investment Act of 2002 (7 U.S.C. 7901  
5 et seq.) for each of such crop or calendar years  
6 (as applicable).

7 **SEC. 5. COMMODITY CREDIT CORPORATION.**

8 The Secretary shall use the funds, facilities, and au-  
9 thorities of the Commodity Credit Corporation to carry  
10 out this title.

11 **SEC. 6. REGULATIONS.**

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

14 (b) PROCEDURE.—The promulgation of the regula-  
15 tions and administration of this title shall be made without  
16 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 shall  
3 use the authority provided under section 808 of title 5,  
4 United States Code.

5 **SEC. 7. EMERGENCY DESIGNATION.**

6       (a) IN GENERAL.—The entire amount made available  
7 under this Act shall be available only to the extent that  
8 the President submits to Congress an official budget re-  
9 quest for a specific dollar amount that includes designa-  
10 tion of the entire amount of the request as an emergency  
11 requirement for the purposes of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
13 seq.).

14       (b) DESIGNATION.—The entire amount made avail-  
15 able under this section is designated by Congress as an  
16 emergency requirement under sections 251(b)(2)(A) and  
17 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

○