

Calendar No. 706

107TH CONGRESS
2^D SESSION**S. 3099**

To provide emergency disaster assistance to agricultural producers.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Mr. DASCHLE introduced the following bill

OCTOBER 11 (legislative day, OCTOBER 10), 2002

Read the first time

OCTOBER 15, 2002

Read the second time and placed on the calendar

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”.

1 **SEC. 2. CROP DISASTER ASSISTANCE.**

2 (a) IN GENERAL.—The Secretary of Agriculture (re-
3 ferred to in this Act as the “Secretary”) shall use such
4 sums as are necessary of funds of the Commodity Credit
5 Corporation to make emergency financial assistance au-
6 thorized under this section available to producers on a
7 farm that have incurred qualifying crop losses for the
8 2001 or 2002 crop, or both, due to damaging weather or
9 related condition, as determined by the Secretary.

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

18 (c) CROP INSURANCE.—In carrying out this section,
19 the Secretary shall not discriminate against or penalize
20 producers on a farm that have purchased crop insurance
21 under the Federal Crop Insurance Act (7 U.S.C. 1501 et
22 seq.).

23 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

24 (a) IN GENERAL.—The Secretary shall use such
25 sums as are necessary of funds of the Commodity Credit
26 Corporation as are necessary to make and administer pay-

1 ments for livestock losses to producers for 2001 or 2002
 2 losses, or both, in a county that has received a cor-
 3 responding emergency designation by the President or the
 4 Secretary, of which an amount determined by the Sec-
 5 retary shall be made available for the American Indian
 6 livestock program under section 806 of the Agriculture,
 7 Rural Development, Food and Drug Administration, and
 8 Related Agencies Appropriations Act, 2001 (Public Law
 9 106–387; 114 Stat. 1549A–51).

10 (b) ADMINISTRATION.—The Secretary shall make as-
 11 sistance available under this section in the same manner
 12 as provided under section 806 of the Agriculture, Rural
 13 Development, Food and Drug Administration, and Re-
 14 lated Agencies Appropriations Act, 2001 (Public Law
 15 106–387; 114 Stat. 1549A–51).

16 **SEC. 4. FUNDING.**

17 Of the funds of the Commodity Credit Corporation,
 18 the Secretary shall—

19 (1) use such sums as are necessary to carry out
 20 this Act; and

21 (2) transfer to section 32 of the Act of August
 22 24, 1935 (7 U.S.C. 612c) an amount equal to the
 23 amount of funds under section 32 of that Act that
 24 were made available before the date of enactment of
 25 this Act to provide disaster assistance to crop and

1 livestock producers for losses suffered during 2001
2 and 2002, to remain available until expended.

3 **SEC. 5. REGULATIONS.**

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

6 (b) PROCEDURE.—The promulgation of the regula-
7 tions and administration of this Act shall be made without
8 regard to—

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

11 (2) the Statement of Policy of the Secretary of
12 Agriculture effective July 24, 1971 (36 Fed. Reg.
13 13804), relating to notices of proposed rulemaking
14 and public participation in rulemaking; and

15 (3) chapter 35 of title 44, United States Code
16 (commonly known as the “Paperwork Reduction
17 Act”).

18 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
19 MAKING.—In carrying out this section, the Secretary shall
20 use the authority provided under section 808 of title 5,
21 United States Code.

22 **SEC. 6. EMERGENCY DESIGNATION.**

23 (a) IN GENERAL.—The entire amount made available
24 under this Act shall be available only to the extent that
25 the President submits to Congress an official budget re-

1 quest for a specific dollar amount that includes designa-
2 tion of the entire amount of the request as an emergency
3 requirement for the purposes of the Balanced Budget and
4 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
5 seq.).

6 (b) DESIGNATION.—The entire amount made avail-
7 able under this section is designated by Congress as an
8 emergency requirement under sections 251(b)(2)(A) and
9 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

10 **SEC. 7. BUDGETARY TREATMENT.**

11 Notwithstanding Rule 3 of the Budget Scorekeeping
12 Guidelines set forth in the Joint Explanatory Statement
13 of the Committee of Conference accompanying Conference
14 Report No. 105–217, the provisions of this Act that would
15 have been estimated by the Office of Management and
16 Budget as changing direct spending or receipts under sec-
17 tion 252 of the Balanced Budget and Emergency Deficit
18 Control Act of 1985 (2 U.S.C. 902) were it included in
19 an Act other than an appropriation Act shall be treated
20 as direct spending or receipts legislation, as appropriate,
21 under section 252 of the Balanced Budget and Emergency
22 Deficit Control Act of 1985 (2 U.S.C. 902).

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