

108TH CONGRESS
1ST SESSION

H. R. 257

To provide emergency disaster assistance to agricultural producers that incurred 2002 crop losses due to damaging weather or related condition and to provide emergency disaster assistance to livestock producers in counties that received a primary disaster designation by the Secretary of Agriculture in calendar year 2001 or 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. BURNS (for himself, Mr. HAYES, Mr. MCINTYRE, Mr. PICKERING, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. GOODE, Mr. CRAMER, and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide emergency disaster assistance to agricultural producers that incurred 2002 crop losses due to damaging weather or related condition and to provide emergency disaster assistance to livestock producers in counties that received a primary disaster designation by the Secretary of Agriculture in calendar year 2001 or 2002, 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.**

2 This Act may be cited as the “Emergency Agricul-
3 tural Disaster Assistance Act of 2003”.

4 **SEC. 2. CROP DISASTER ASSISTANCE.**

5 (a) ASSISTANCE AVAILABLE.—Notwithstanding sec-
6 tion 508(b)(7) of the Federal Crop Insurance Act (7
7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use
8 such sums as are necessary of funds of the Commodity
9 Credit Corporation to make emergency financial assist-
10 ance available to producers on a farm that have incurred
11 qualifying crop losses for the 2002 crop due to damaging
12 weather or related condition, as determined by the Sec-
13 retary.

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

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

23 (a) ASSISTANCE AVAILABLE.—The Secretary of Agri-
24 culture shall use such sums as are necessary of funds of
25 the Commodity Credit Corporation to make and admin-
26 ister payments to livestock producers for losses in a county

1 that received a primary disaster designation by the Sec-
2 retary in calendar year 2001 or 2002.

3 (b) ADMINISTRATION.—The Secretary shall make as-
4 sistance available under this section using the criteria es-
5 tablished to carry out the 2002 Livestock Compensation
6 Program.

7 (c) APPLICATION.—During the 30-day period begin-
8 ning on the date of the enactment of this Act, livestock
9 producers in a county described in subsection (a) may sub-
10 mit an application for assistance under this section or
11 renew an application previously submitted under the 2002
12 Livestock Compensation Program.

13 (d) CHOICE OF PAYMENTS.—

14 (1) MULTIYEAR DESIGNATION.—If a producer
15 is on a farm located in a county that received an
16 emergency designation described in subsection (a) in
17 each of calendar years 2001 and 2002, the producer
18 may receive payments under this section for losses
19 associated with the declaration in either calendar
20 year 2001 or calendar year 2002, but not both.

21 (2) PRIOR PAYMENTS.—A producer may not re-
22 ceive a payment under this section and under the
23 2002 Livestock Compensation Program.

24 **SEC. 4. INELIGIBILITY FOR PAYMENTS.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADDITIONAL COVERAGE.—The term “addi-
2 tional coverage” has the meaning given the term in
3 section 502(b)(1) of the Federal Crop Insurance Act
4 (7 U.S.C. 1502(b)(1)).

5 (2) INSURABLE COMMODITY.—The term “insur-
6 able commodity” means an agricultural commodity
7 (excluding livestock) for which the producers on a
8 farm are eligible to obtain a policy or plan of insur-
9 ance under the Federal Crop Insurance Act (7
10 U.S.C. 1501 et seq.).

11 (3) NONINSURABLE COMMODITY.—The term
12 “noninsurable commodity” means an eligible crop
13 for which the producers on a farm are eligible to ob-
14 tain assistance under section 196 of the Federal Ag-
15 riculture Improvement and Reform Act of 1996 (7
16 U.S.C. 7333).

17 (b) INELIGIBILITY.—Except as provided in sub-
18 section (c), the producers on a farm shall not be eligible
19 for a payment under section 2 with respect to 2002 losses
20 to an insurable commodity or noninsurable commodity if
21 the producers on the farm—

22 (1) in the case of an insurable commodity, did
23 not obtain a policy or plan of insurance for the in-
24 surable commodity for the crop under the Federal
25 Crop Insurance Act (7 U.S.C. 1501 et seq.); and

1 (2) in the case of a noninsurable commodity,
2 did not file the required paperwork, and pay the ad-
3 ministrative fee by the applicable State filing dead-
4 line, for the noninsurable commodity under section
5 196 of the Federal Agriculture Improvement and
6 Reform Act of 1996 (7 U.S.C. 7333).

7 (c) WAIVERS.—The Secretary of Agriculture may
8 waive the application of subsection (b) to the producers
9 on a farm if—

10 (1) in the case of an insurable commodity, the
11 producers on the farm enter into a contract with the
12 Secretary under which the producers on the farm
13 agree—

14 (A) to obtain additional coverage for the
15 insurable commodity for each of the next three
16 crops under the Federal Crop Insurance Act (7
17 U.S.C. 1501 et seq.); and

18 (B) on violation of the contract, to forfeit
19 the right to receive any payment, loan, or ben-
20 efit under title I of the Farm Security and
21 Rural Investment Act of 2002 (7 U.S.C. 7901
22 et seq.) for each of such crops; and

23 (2) in the case of a noninsurable commodity,
24 the producers on the farm enter into a contract with

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

3 (A) to file the required paperwork, and pay
4 the administrative fee by the applicable State
5 filing deadline, for the noninsurable commodity
6 for each of the next three crops under section
7 196 of the Federal Agriculture Improvement
8 and Reform Act of 1996 (7 U.S.C. 7333); and

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

14 **SEC. 5. COMMODITY CREDIT CORPORATION.**

15 The Secretary of Agriculture shall use the funds, fa-
16 cilities, and authorities of the Commodity Credit Corpora-
17 tion to carry out this Act.

18 **SEC. 6. REGULATIONS.**

19 (a) IN GENERAL.—The Secretary of Agriculture may
20 promulgate such regulations as are necessary to imple-
21 ment this Act.

22 (b) PROCEDURE.—The promulgation of the regula-
23 tions and administration of this Act shall be made without
24 regard to—

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

3 (2) the Statement of Policy of the Secretary of
4 Agriculture effective July 24, 1971 (36 Fed. Reg.
5 13804), relating to notices of proposed rulemaking
6 and public participation in rulemaking; and

7 (3) chapter 35 of title 44, United States Code
8 (commonly known as the “Paperwork Reduction
9 Act”).

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

14 **SEC. 7. EMERGENCY DESIGNATION.**

15 (a) IN GENERAL.—The entire amount made available
16 under this Act shall be available only to the extent that
17 the President submits to Congress an official budget re-
18 quest for a specific dollar amount that includes designa-
19 tion of the entire amount of the request as an emergency
20 requirement for the purposes of the Balanced Budget and
21 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
22 seq.).

23 (b) DESIGNATION.—The entire amount made avail-
24 able under this section is designated by Congress as an

1 emergency requirement under sections 251(b)(2)(A) and
2 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

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