

108TH CONGRESS
2D SESSION

H. R. 5203

To provide emergency agricultural disaster assistance.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2004

Mr. STENHOLM (for himself, Mr. REHBERG, Mr. ETHERIDGE, Mr. EVERETT, Mr. BERRY, Mr. BOSWELL, Mr. EDWARDS, Mr. OSBORNE, Mr. POMEROY, Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, and Mr. NEUGEBAUER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide emergency agricultural disaster assistance.

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 2004”.

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

7 (a) DEFINITIONS.—In this section:

8 (1) ADDITIONAL COVERAGE.—The term “addi-
9 tional coverage” has the meaning given the term in

1 section 502(b) of the Federal Crop Insurance Act (7
2 U.S.C. 1502(b)).

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

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

15 (b) EMERGENCY FINANCIAL ASSISTANCE.—Notwith-
16 standing section 508(b)(7) of the Federal Crop Insurance
17 Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture
18 (referred to in this Act as the “Secretary”) shall use such
19 sums as are necessary of funds of the Commodity Credit
20 Corporation to make emergency financial assistance au-
21 thorized under this section available to producers on a
22 farm that have incurred qualifying crop or quality losses
23 for the 2003 or 2004 crop (as elected by a producer), but
24 not both, due to damaging weather or related condition,
25 as determined by the Secretary.

1 (c) ADMINISTRATION.—The Secretary shall make as-
2 sistance available under this section in the same manner
3 as provided under section 815 of the Agriculture, Rural
4 Development, Food and Drug Administration, and Re-
5 lated Agencies Appropriations Act, 2001 (Public Law
6 106–387; 114 Stat. 1549A–55), including using the same
7 loss thresholds for the quantity and quality losses as were
8 used in administering that section.

9 (d) REDUCTION IN PAYMENTS.—The amount of as-
10 sistance that a producer would otherwise receive for a
11 qualifying crop or quality loss under this section shall be
12 reduced by the amount of assistance that the producer re-
13 ceives under the crop loss assistance program announced
14 by the Secretary on August 27, 2004.

15 (e) INELIGIBILITY FOR ASSISTANCE.—Except as pro-
16 vided in subsection (f), the producers on a farm shall not
17 be eligible for assistance under this section with respect
18 to losses to an insurable commodity or noninsurable com-
19 modity if the producers on the farm—

20 (1) in the case of an insurable commodity, did
21 not obtain a policy or plan of insurance for the in-
22 surable commodity under the Federal Crop Insur-
23 ance Act (7 U.S.C. 1501 et seq.) for the crop incur-
24 ring the losses; 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) for the crop
7 incurring the losses.

8 (f) CONTRACT WAIVER.—The Secretary may waive
9 subsection (e) with respect to the producers on a farm if
10 the producers enter into a contract with the Secretary
11 under which the producers agree—

12 (1) in the case of an insurable commodity, to
13 obtain a policy or plan of insurance under the Fed-
14 eral Crop Insurance Act (7 U.S.C. 1501 et seq.)
15 providing additional coverage for the insurable com-
16 modity for each of the next 2 crops; and

17 (2) in the case of a noninsurable commodity, to
18 file the required paperwork and pay the administra-
19 tive fee by the applicable State filing deadline, for
20 the noninsurable commodity for each of the next 2
21 crops under section 196 of the Federal Agriculture
22 Improvement and Reform Act of 1996 (7 U.S.C.
23 7333).

24 (g) EFFECT OF VIOLATION.—In the event of the vio-
25 lation of a contract under subsection (f) by a producer,

1 the producer shall reimburse the Secretary for the full
2 amount of the assistance provided to the producer under
3 this section.

4 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

5 (a) IN GENERAL.—The Secretary shall use such
6 sums as are necessary of funds of the Commodity Credit
7 Corporation to make and administer payments for live-
8 stock losses to producers for 2003 or 2004 losses (as elect-
9 ed by a producer), but not both, in a county that has re-
10 ceived an emergency designation by the President or the
11 Secretary after January 1, 2003, of which an amount de-
12 termined by the Secretary shall be made available for the
13 American Indian livestock program under section 806 of
14 the Agriculture, Rural Development, Food and Drug Ad-
15 ministration, and Related Agencies Appropriations Act,
16 2001 (Public Law 106–387; 114 Stat. 1549A–51).

17 (b) ADMINISTRATION.—The Secretary shall make as-
18 sistance available under this section in the same manner
19 as provided under section 806 of the Agriculture, Rural
20 Development, Food and Drug Administration, and Re-
21 lated Agencies Appropriations Act, 2001 (Public Law
22 106–387; 114 Stat. 1549A–51).

23 (c) MITIGATION.—In determining the eligibility for or
24 amount of payments for which a producer is eligible under
25 the livestock assistance program, the Secretary shall not

1 penalize a producer that takes actions (recognizing dis-
2 aster conditions) that reduce the average number of live-
3 stock the producer owned for grazing during the produc-
4 tion year for which assistance is being provided.

5 **SEC. 4. TREE ASSISTANCE PROGRAM.**

6 The Secretary shall use such sums as are necessary
7 of the funds of the Commodity Credit Corporation to pro-
8 vide assistance under the tree assistance program estab-
9 lished under subtitle C of title X of the Farm Security
10 and Rural Investment Act of 2002 to producers who suf-
11 fered tree losses during the winter of 2003 through 2004.

12 **SEC. 5. COMMODITY CREDIT CORPORATION.**

13 The Secretary shall use the funds, facilities, and au-
14 thorities of the Commodity Credit Corporation to carry
15 out this Act.

16 **SEC. 6. REGULATIONS.**

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

19 (b) PROCEDURE.—The promulgation of the regula-
20 tions and administration of this Act shall be made without
21 regard to—

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

24 (2) the Statement of Policy of the Secretary of
25 Agriculture effective July 24, 1971 (36 Fed. Reg.

1 13804), relating to notices of proposed rulemaking
2 and public participation in rulemaking; and

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

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

10 **SEC. 7. EMERGENCY DESIGNATION.**

11 Amounts appropriated or otherwise made available in
12 this Act are each designated as an emergency requirement
13 pursuant to section 402 of S. Con. Res. 95 (108th Con-
14 gress), as made applicable to the House of Representatives
15 by H. Res. 649 (108th Congress) and applicable to the
16 Senate by section 14007 of the Department of Defense
17 Appropriations Act, 2005 (Public Law 108–287; 118 Stat.
18 1014). However, such amounts shall be available only to
19 the extent that an official budget request, that includes
20 designation of the entire amount of the request as an
21 emergency requirement, is transmitted by the President
22 to the Congress.

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