

108TH CONGRESS
1ST SESSION

H. R. 92

To provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. GRAVES introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002.

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 “Companion Disaster
5 Assistance Program Act of 2002”.

6 **SEC. 2. COMPANION DISASTER ASSISTANCE.**

7 (a) ASSISTANCE AVAILABLE.—The Secretary of Agri-
8 culture (in this section referred to as the “Secretary”)
9 shall use such sums as are necessary of funds of the Com-
10 modity Credit Corporation to make emergency financial

1 assistance available to producers that have incurred quali-
2 fying losses for the 2001 or 2002 crop of an agricultural
3 commodity due to damaging weather or related condition,
4 as determined by the Secretary.

5 (b) ELECTION OF CROP YEAR.—If a producer in-
6 curred qualifying crop losses in both the 2001 and 2002
7 crop years, the producer shall elect to receive assistance
8 under this section for losses incurred in either the 2001
9 crop year or the 2002 crop year, but not both.

10 (c) QUALIFYING LOSSES.—Assistance under this sec-
11 tion shall be provided for losses associated with crops that
12 are quantity losses or quality losses, as determined by the
13 Secretary.

14 (d) DEDUCTIBLE.—The Secretary shall make assist-
15 ance available to a producer with qualifying losses for
16 losses exceeding 15 percent of the producer's historical
17 yield, as determined by the Secretary.

18 (e) ASSISTANCE AMOUNT.—The amount of assist-
19 ance made available to a producer shall be equal to the
20 lesser of the following:

21 (1) 40 percent of the product obtained by mul-
22 tiplying—

23 (A) 65 percent of the producer's historical
24 yield, as determined by the Secretary;

1 (B) the producer's acreage of the crop for
2 the relevant crop year; and

3 (C) 65 percent of the expected market
4 price for the crop, as determined by the Sec-
5 retary.

6 (2) 4 times the product obtained by multi-
7 plying—

8 (A) the percentage of qualifying losses of
9 the producer exceeding 15 percent of the pro-
10 ducer's historical yield, as determined by the
11 Secretary; and

12 (B) the amount determined under para-
13 graph (1).

14 (f) LIMITATION.—Notwithstanding subsection (e), a
15 producer may not receive assistance under this section for
16 losses to more than one 2001 crop or 2002 crop on the
17 same acreage unless there is an established practice of
18 planting two or more crops for harvest on such acreage
19 in the same crop year, as determined by the Secretary.
20 The Secretary shall give a producer that is not covered
21 by the exception in the previous sentence an opportunity
22 to designate the 2001 or 2002 crop for which the producer
23 requests assistance under this section.

1 (g) COMMODITY CREDIT CORPORATION.—The Sec-
2 retary shall use the funds, facilities, and authorities of the
3 Commodity Credit Corporation to carry out this title.

4 (h) REGULATIONS.—

5 (1) IN GENERAL.—The Secretary may promul-
6 gate such regulations as are necessary to implement
7 this section.

8 (2) PROCEDURE.—The promulgation of the reg-
9 ulations and administration of this section shall be
10 made without regard to—

11 (A) the notice and comment provisions of
12 section 553 of title 5, United States Code;

13 (B) the Statement of Policy of the Sec-
14 retary effective July 24, 1971 (36 Fed. Reg.
15 13804), relating to notices of proposed rule-
16 making and public participation in rulemaking;
17 and

18 (C) chapter 35 of title 44, United States
19 Code (commonly known as the “Paperwork Re-
20 duction Act”).

21 (3) CONGRESSIONAL REVIEW OF AGENCY RULE-
22 MAKING.—In carrying out this subsection, the Sec-
23 retary shall use the authority provided under section
24 808 of title 5, United States Code.

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