

108TH CONGRESS
1ST SESSION

S. 125

To provide emergency disaster assistance to agricultural producers.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. ROBERTS (for himself, Mr. CRAIG, Mr. BROWNBACK, Mr. CRAPO, and Mr. ENZI) 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 2003”.

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

7 (a) IN GENERAL.—Subject to subsections (b) and (c)
8 and section 4, the Secretary of Agriculture (referred to
9 in this title as the “Secretary”) shall use such sums as
10 are necessary of funds of the Commodity Credit Corpora-

1 tion to make emergency financial assistance authorized
2 under this section available to producers on a farm that
3 have incurred qualifying crop losses for the 2001 or 2002
4 crop due to damaging weather or related condition, as de-
5 termined by the Secretary.

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

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

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

21 (a) IN GENERAL.—Subject to subsection (b) and sec-
22 tion 4, the Secretary shall use such sums as are necessary
23 of funds of the Commodity Credit Corporation to make
24 and administer payments for livestock losses using the cri-
25 teria established to carry out the 1999 Livestock Assist-

1 ance Program (except for application of the national per-
2 centage reduction factor) to producers for 2001 and 2002
3 losses in a county that has received an emergency designa-
4 tion by the President or the Secretary in calendar year
5 2001 or 2002.

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

13 **SEC. 4. INELIGIBILITY FOR PAYMENTS.**

14 (a) DEFINITIONS.—In this section

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

19 (2) INSURABLE COMMODITY.—The term “insur-
20 able commodity” means an agricultural commodity
21 (excluding livestock) for which the producers on a
22 farm are eligible to obtain additional coverage.

23 (3) 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 additional coverage for the insurable com-
12 modity for the crop or calendar year (as applicable);
13 and

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

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

23 (1) in the case of an insurable commodity, the
24 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 additional coverage for the
4 insurable commodity for each of the next 3 crop
5 or calendar years (as applicable); and

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

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

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

23 (B) on violation of the contract, to forfeit
24 the right to receive any payment, loan, or ben-
25 efit under title I of the Farm Security and

1 Rural Investment Act of 2002 (7 U.S.C. 7901
2 et seq.) for each of such crop or calendar years
3 (as applicable).

4 **SEC. 5. COMMODITY CREDIT CORPORATION.**

5 The Secretary shall use the funds, facilities, and au-
6 thorities of the Commodity Credit Corporation to carry
7 out this title.

8 **SEC. 6. REGULATIONS.**

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

11 (b) PROCEDURE.—The promulgation of the regula-
12 tions and administration of this Act shall be made without
13 regard to—

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

16 (2) the Statement of Policy of the Secretary of
17 Agriculture effective July 24, 1971 (36 Fed. Reg.
18 13804), relating to notices of proposed rulemaking
19 and public participation in rulemaking; and

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

23 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-
24 MAKING.—In carrying out this section, the Secretary shall

1 use the authority provided under section 808 of title 5,
2 United States Code.

3 **SEC. 7. EMERGENCY DESIGNATION.**

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

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

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