

108TH CONGRESS
1ST SESSION

S. 21

To provide emergency disaster assistance to agricultural producers.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

Mr. DASCHLE (for himself, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mr. SARBANES, Mr. LEVIN, Mr. HOLLINGS, Mr. SCHUMER, Mr. DORGAN, Mr. DURBIN, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, Ms. CANTWELL, Mr. BAUCUS, Mr. EDWARDS, Ms. STABENOW, Mr. CONRAD, Mr. REID, Mr. BREAUX, and Ms. LANDRIEU) 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.—The Secretary of Agriculture (re-
8 ferred to in this Act as the “Secretary”) shall use such

1 sums as are necessary of funds of the Commodity Credit
 2 Corporation to make emergency financial assistance au-
 3 thorized under this section available to producers on a
 4 farm that have incurred qualifying crop losses for the
 5 2001 or 2002 crop, or both, due to damaging weather or
 6 related condition, as determined by the Secretary.

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

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

20 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

21 (a) IN GENERAL.—The Secretary shall use such
 22 sums as are necessary of funds of the Commodity Credit
 23 Corporation as are necessary to make and administer pay-
 24 ments for livestock losses to producers for 2001 or 2002
 25 losses, or both, in a county that has received a cor-

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

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

14 **SEC. 4. FUNDING.**

15 Of the funds of the Commodity Credit Corporation,
 16 the Secretary shall—

17 (1) use such sums as are necessary to carry out
 18 this Act, to remain available until expended; and

19 (2) transfer to section 32 of the Act of August
 20 24, 1935 (7 U.S.C. 612c) an amount equal to the
 21 amount of funds under section 32 of that Act that
 22 were made available before the date of enactment of
 23 this Act to provide disaster assistance to crop and
 24 livestock producers for losses suffered during 2001
 25 and 2002, to remain available until expended.

1 **SEC. 5. REGULATIONS.**

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

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

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

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

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

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

20 **SEC. 6. EMERGENCY DESIGNATION.**

21 (a) IN GENERAL.—The entire amount made available
22 under this Act shall be available only to the extent that
23 the President submits to Congress an official budget re-
24 quest for a specific dollar amount that includes designa-
25 tion of the entire amount of the request as an emergency
26 requirement for the purposes of the Balanced Budget and

1 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et
2 seq.).

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

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

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

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