

108TH CONGRESS
2D SESSION

S. 2592

To provide crop and livestock disaster assistance.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Mr. CONRAD (for himself and Mr. DORGAN) introduced the following bill;
which was read twice and referred to the Committee on Agriculture, Nu-
trition, and Forestry

A BILL

To provide crop and livestock 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 “Agricultural Assistance
5 Act of 2004”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-
8 retary of Agriculture.

9 **SEC. 3. CROP DISASTER ASSISTANCE.**

10 (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) of the Federal Crop Insurance Act (7
 4 U.S.C. 1502(b)).

5 (2) INSURABLE COMMODITY.—

6 (A) IN GENERAL.—The term “insurable
 7 commodity” means an agricultural commodity
 8 for which the producers on a farm are eligible
 9 to obtain a policy or plan of insurance under
 10 the Federal Crop Insurance Act (7 U.S.C. 1501
 11 et seq.).

12 (B) EXCLUSION.—The term “insurable
 13 commodity” does not include livestock.

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

20 (b) ASSISTANCE AVAILABLE.—The Secretary shall
 21 use such sums as are necessary of funds of the Commodity
 22 Credit Corporation to make emergency financial assist-
 23 ance available to producers on a farm that have incurred
 24 qualifying losses for the 2004 crop of an agricultural com-

1 modify due to damaging weather or related condition, as
2 determined by the Secretary.

3 (c) ADMINISTRATION.—

4 (1) USE OF FORMER ADMINISTRATIVE AUTHOR-
5 ITY.—Except as provided in paragraph (2), the Sec-
6 retary shall make assistance available under this sec-
7 tion in the same manner as provided under section
8 815 of the Agriculture, Rural Development, Food
9 and Drug Administration, and Related Agencies Ap-
10 propriations Act, 2001 (Public Law 106–387; 114
11 Stat. 1549A–55), including using the same loss
12 thresholds for quantity and quality losses as were
13 used in administering that section.

14 (2) PAYMENT RATE.—The payment rate for a
15 crop for assistance provided under this section to the
16 producers on a farm shall be calculated as follows:

17 (A) If the producers obtained a policy or
18 plan of insurance, including a catastrophic risk
19 protection plan, for the crop under the Federal
20 Crop Insurance Act (7 U.S.C. 1501 et seq.), 50
21 percent of the applicable price for the crop.

22 (B) If a policy or plan of insurance, includ-
23 ing a catastrophic risk protection plan, for the
24 crop was not available to the producers under
25 the Federal Crop Insurance Act (7 U.S.C. 1501

1 et seq.), 50 percent of the applicable price for
2 the crop.

3 (C) Subject to subsections (d) and (e), if
4 the producers did not obtain a policy or plan of
5 insurance, including a catastrophic risk protec-
6 tion plan, available for the crop under the Fed-
7 eral Crop Insurance Act (7 U.S.C. 1501 et
8 seq.), 40 percent of the applicable price for the
9 crop.

10 (d) INELIGIBILITY FOR ASSISTANCE.—Except as pro-
11 vided in subsection (e), the producers on a farm shall not
12 be eligible for assistance under this section with respect
13 to losses to an insurable commodity or noninsurable com-
14 modity if the producers on the farm—

15 (1) in the case of an insurable commodity, did
16 not obtain a policy or plan of insurance for the in-
17 surable commodity under the Federal Crop Insur-
18 ance Act (7 U.S.C. 1501 et seq.) for the crop incur-
19 ring the losses; and

20 (2) in the case of a noninsurable commodity,
21 did not file the required paperwork, and pay the ad-
22 ministrative fee by the applicable State filing dead-
23 line, for the noninsurable commodity under section
24 196 of the Federal Agriculture Improvement and

1 Reform Act of 1996 (7 U.S.C. 7333) for the crop
 2 incurring the losses.

3 (e) CONTRACT WAIVER.—The Secretary may waive
 4 subsection (d) with respect to the producers on a farm
 5 if the producers enter into a contract with the Secretary
 6 under which the producers agree—

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

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

19 (f) EFFECT OF VIOLATION.—In the event of the vio-
 20 lation of a contract under subsection (e) by a producer,
 21 the producer shall reimburse the Secretary for the full
 22 amount of the assistance provided to the producer under
 23 this section.

24 **SEC. 4. LIVESTOCK ASSISTANCE.**

25 (a) DEFINITIONS.—In this section:

1 (1) DISASTER COUNTY.—The term “disaster
2 county” means a county included in the geographic
3 area covered by a qualifying natural disaster dec-
4 laration for calendar year 2004.

5 (2) QUALIFYING NATURAL DISASTER DECLARA-
6 TION.—The term “qualifying natural disaster dec-
7 laration” means—

8 (A) a natural disaster declared by the Sec-
9 retary under section 321(a) of the Consolidated
10 Farm and Rural Development Act (7 U.S.C.
11 1961(a)); or

12 (B) a major disaster or emergency des-
13 ignated by the President under the Robert T.
14 Stafford Disaster Relief and Emergency Assist-
15 ance Act (42 U.S.C. 5121 et seq.).

16 (b) LIVESTOCK ASSISTANCE PROGRAM.—

17 (1) ASSISTANCE AVAILABLE.—

18 (A) IN GENERAL.—Subject to subsection
19 (c), the Secretary shall use such sums as are
20 necessary of funds of the Commodity Credit
21 Corporation to establish a program under which
22 payments are made to livestock producers for
23 losses in a disaster county.

24 (B) CRITERIA.—To carry out the program,
25 the Secretary shall use the criteria established

to carry out the 1999 Livestock Assistance Program, except that, in lieu of the gross revenue criteria used for the 1999 Livestock Assistance Program, the Secretary shall use the adjusted gross income limitation contained in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a).

(c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PRO-

GRAMS.—The amount of assistance that the producers would otherwise receive for a loss under the livestock assistance program shall be reduced by the amount of the assistance that the producers receive under any other livestock assistance program, as determined by the Secretary.

SEC. 5. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 6. REGULATIONS.

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

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act shall be made without regard to—

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

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

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

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

○