

106TH CONGRESS
2D SESSION

H. R. 5125

To amend the Agricultural Market Transition Act to provide for the payment of special loan deficiency payments to producers who are eligible for loan deficiency payments, but who suffered yield losses due to damaging weather or related condition in a federally declared disaster area.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2000

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

A BILL

To amend the Agricultural Market Transition Act to provide for the payment of special loan deficiency payments to producers who are eligible for loan deficiency payments, but who suffered yield losses due to damaging weather or related condition in a federally declared disaster area.

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. SPECIAL LOAN DEFICIENCY PAYMENTS IN FED-**
4 **ERALLY DECLARED DISASTER AREAS.**

5 (a) AVAILABILITY OF PAYMENTS.—Section 135 of
6 the Agricultural Market Transition Act (7 U.S.C. 7235)

1 is amended by adding at the end the following new sub-
2 section:

3 “(g) PAYMENTS IN FEDERAL DISASTER AREAS.—

4 “(1) ELIGIBILITY.—At the request of a pro-
5 ducer eligible for a loan deficiency payment under
6 subsection (a) for a loan commodity, the Secretary
7 shall make a payment to the producer under this
8 subsection if the producer—

9 “(A) insured the commodity under a feder-
10 ally-approved crop insurance policy;

11 “(B) planted the commodity in a county
12 that, during that crop year, was included in a
13 federally declared disaster area or in a contig-
14 uous county; and

15 “(C) suffered yield losses to the commodity
16 due to damaging weather or related condition.

17 “(2) RELATION TO OTHER PAYMENT AUTHOR-
18 ITY.—A payment under this subsection is in lieu of
19 a payment under subsection (a).

20 “(3) PAYMENT CALCULATION.—The payment
21 under this subsection shall be calculated by
22 multiplying—

23 “(A) the loan deficiency payment rate de-
24 termined under subsection (c) in effect, as of

1 the date of the agreement, in the county in
2 which the acreage is located; by

3 “(B) the quantity of the loan commodity
4 involved, which shall be determined by
5 multiplying—

6 “(i) the total acreage on which the
7 producer has a federally approved crop in-
8 surance policy; by

9 “(ii) the higher of the producer’s es-
10 tablished yield for the commodity or the
11 county average yield for the commodity, as
12 determined by the Secretary.

13 “(4) TIME FOR PAYMENT.—A payment under
14 this subsection shall be made as soon as practicable
15 after the producer makes the request for the pay-
16 ment under paragraph (1).

17 “(5) FEDERALLY DECLARED DISASTER AREA
18 DEFINED.—In this subsection, the term ‘federally
19 declared disaster area’ means an area—

20 “(A) covered by a Presidential declaration
21 of major disaster issued under section 401 of
22 the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5170); or

1 “(B) determined to be a disaster area by
2 the Secretary under subpart A of part 1945 of
3 title 7, Code of Federal Regulations.”.

4 (b) IMPLEMENTATION.—Within 60 days after the
5 date of the enactment of this Act, the Secretary of Agri-
6 culture shall issue regulations to carry out the amendment
7 made by subsection (a). The issuance of the regulations
8 shall be made without regard to—

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

11 (2) the statement of policy of the Secretary of
12 Agriculture effective July 24, 1971 (36 Fed. Reg.
13 13804), relating to notices of proposed rulemaking
14 and public participation in rulemaking;

15 (3) chapter 35 of title 44, United States Code
16 (commonly known as the “Paperwork Reduction
17 Act”); and

18 (4) other provisions of law which would delay
19 the implementation of the amendment made by sub-
20 section (a) beyond 90 days.

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