

107TH CONGRESS
2D SESSION

H. R. 5338

To provide emergency disaster assistance to agricultural producers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2002

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

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 2002”.

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

7 (a) IN GENERAL.—Notwithstanding section
8 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C.
9 1508(b)(7)), the Secretary of Agriculture (referred to in
10 this Act as the “Secretary”) shall use such sums as are
11 necessary of funds of the Commodity Credit Corporation

1 to make emergency financial assistance authorized under
2 this section available to producers on a farm that have
3 incurred qualifying crop losses for the 2001 or 2002 crop
4 due to damaging weather or related condition, as deter-
5 mined 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 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

15 (a) IN GENERAL.—The Secretary shall use such
16 sums as are necessary of funds of the Commodity Credit
17 Corporation as are necessary to make and administer pay-
18 ments for livestock losses to producers for 2001 and 2002
19 losses in a county that has received an emergency designa-
20 tion by the President or the Secretary after January 1,
21 2001, and January 1, 2002, respectively, of which an
22 amount determined by the Secretary shall be made avail-
23 able for the American Indian livestock program under sec-
24 tion 806 of the Agriculture, Rural Development, Food and
25 Drug Administration, and Related Agencies Appropria-

1 tions Act, 2001 (Public Law 106–387; 114 Stat. 1549A–
2 51).

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

9 **SEC. 4. COMMODITY CREDIT CORPORATION.**

10 The Secretary shall use the funds, facilities, and au-
11 thorities of the Commodity Credit Corporation to carry
12 out this Act.

13 **SEC. 5. REGULATIONS.**

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

16 (b) PROCEDURE.—The promulgation of the regula-
17 tions and administration of this Act shall be made without
18 regard to—

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

21 (2) the Statement of Policy of the Secretary of
22 Agriculture effective July 24, 1971 (36 Fed. Reg.
23 13804), relating to notices of proposed rulemaking
24 and public participation in rulemaking; and

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

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

8 **SEC. 6. EMERGENCY DESIGNATION.**

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

17 (b) DESIGNATION.—The entire amount made avail-
18 able under this section is designated by Congress as an
19 emergency requirement under section 251(b)(2)(A) or
20 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

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