

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2768

To provide to agricultural producers emergency livestock assistance and assistance for control of grasshoppers and Mormon crickets, with offsets.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2002

Mr. HAGEL (for himself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To provide to agricultural producers emergency livestock assistance and assistance for control of grasshoppers and Mormon crickets, with offsets.

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 Livestock  
5 Assistance Act of 2002”.

6 **SEC. 2. ASSISTANCE FOR LIVESTOCK PRODUCERS.**

7 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
8 retary shall use the funds, facilities, and authorities of the  
9 Commodity Credit Corporation in an amount equal to

1 \$620,000,000 to make and administer payments for live-  
2 stock losses using the criteria established to carry out the  
3 1999 Livestock Assistance Program (except for applica-  
4 tion of the national percentage reduction factor) to pro-  
5 ducers for 2001 and 2002 losses in a county that has re-  
6 ceived an emergency designation by the President or the  
7 Secretary in calendar year 2001 or 2002.

8 (b) PREVENTION OF DOUBLE PAYMENTS.—If a pro-  
9 ducer is on a farm located in a county that received an  
10 emergency designation described in subsection (a) in each  
11 of calendar years 2001 and 2002, the producer may re-  
12 ceive payments under this section for losses associated  
13 with the declaration in either calendar year 2001 or cal-  
14 endar year 2002, but not both.

15 **SEC. 3. CONTROL OF GRASSHOPPERS AND MORMON CRICK-**  
16 **ETS.**

17 (a) IN GENERAL.—The Secretary shall use  
18 \$14,000,000 of the funds of the Commodity Credit Cor-  
19 poration to control grasshoppers and Mormon crickets on  
20 Federal, State, and private land during fiscal years 2002  
21 and 2003, in accordance with section 417 of the Plant  
22 Protection Act (7 U.S.C. 7717).

23 (b) FEDERAL COST SHARE OF TREATMENT.—Sec-  
24 tion 417(d) of the Plant Protection Act (7 U.S.C.  
25 7717(d)) is amended—

1 (1) in paragraph (2), by inserting “(or, in the  
2 case of costs incurred during fiscal years 2002 and  
3 2003, 66.67 percent)” after “50 percent”; and

4 (2) in paragraph (3), by inserting “(or, in the  
5 case of costs incurred during fiscal years 2002 and  
6 2003, 66.67 percent)” after “33.3 percent”.

7 **SEC. 4. OFFSETS.**

8 (a) **LOAN RATES.**—Section 1202 of the Farm Secu-  
9 rity and Rural Investment Act of 2002 (7 U.S.C. 7932)  
10 is amended—

11 (1) in subsection (a), by striking “2002 AND  
12 2003 CROP YEARS.—For purposes of the 2002 and  
13 2003 crop years,” and inserting “2002 CROP  
14 YEAR.—For purposes of the 2002 crop year,”; and

15 (2) in subsection (b), by striking “2004  
16 THROUGH 2007 CROP YEARS.—For purposes of the  
17 2004 through 2007 crop years,” and inserting  
18 “2003 THROUGH 2007 CROP YEARS.—For purposes  
19 of the 2003 through 2007 crop years,”.

20 (b) **ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
21 **GRAM.**—

22 (1) **ALLOCATION OF FUNDING.**—Section  
23 1240B(g) of the Food Security Act of 1985 (16  
24 U.S.C. 3839aa–2(g)) is amended by striking “For  
25 each of fiscal years 2002 through 2007, 60 percent”

1 and inserting “For fiscal year 2002 and each of fis-  
2 cal years 2004 through 2007, 60 percent, and for  
3 fiscal year 2003, 100 percent,”.

4 (2) FISCAL YEAR 2003 FUNDING.—Section  
5 1241(a)(6)(B) of the Food Security Act of 1985 (16  
6 U.S.C. 3841(a)(6)(B)) is amended by striking  
7 “\$700,000,000” and inserting “\$420,000,000”.

8 (c) DESERT TERMINAL LAKES.—

9 (1) IN GENERAL.—Section 2507 of the Farm  
10 Security and Rural Investment Act of 2002 (43  
11 U.S.C. 2211 note; Public Law 107–171) is repealed.

12 (2) RESCISSION.—Funds transferred under  
13 that section (as in effect before the amendment  
14 made by paragraph (1)) are rescinded.

15 **SEC. 5. REGULATIONS.**

16 (a) IN GENERAL.—The Secretary may promulgate  
17 such regulations as are necessary to implement this Act  
18 and the amendments made by this Act.

19 (b) PROCEDURE.—The promulgation of the regula-  
20 tions and administration of this Act and the amendments  
21 made by this Act shall be made without regard to—

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

24 (2) the Statement of Policy of the Secretary of  
25 Agriculture effective July 24, 1971 (36 Fed. Reg.

1 13804), relating to notices of proposed rulemaking  
2 and public participation in rulemaking; and

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

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

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