

108TH CONGRESS  
1ST SESSION

# H. R. 3402

To establish permanent authority for the Secretary of Agriculture to quickly assist agricultural producers who incur crop losses as a result of damaging weather or related condition in federally declared disaster areas, to provide emergency disaster assistance to agricultural producers for qualifying crop losses for the 2001, 2002, or 2003 crops, to continue the livestock assistance program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2003

Mr. PETERSON of Minnesota (for himself, Mr. JANKLOW, and Mr. MCINTYRE) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To establish permanent authority for the Secretary of Agriculture to quickly assist agricultural producers who incur crop losses as a result of damaging weather or related condition in federally declared disaster areas, to provide emergency disaster assistance to agricultural producers for qualifying crop losses for the 2001, 2002, or 2003 crops, to continue the livestock assistance program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Permanent Emergency  
3 Agricultural Assistance Act”.

4 **SEC. 2. CROP DISASTER ASSISTANCE FOR 2001, 2002, AND**  
5 **2003 CROP LOSSES.**

6 (a) IN GENERAL.—The Secretary of Agriculture shall  
7 make emergency financial assistance available to pro-  
8 ducers on a farm who have incurred qualifying crop losses  
9 for the 2001, 2002, or 2003 crop, or any combination of  
10 those crops, due to damaging weather or related condition,  
11 as determined by the Secretary.

12 (b) ADMINISTRATION.—Except as provided in sub-  
13 section (c), the Secretary shall make assistance available  
14 under this section in the same manner as provided under  
15 section 815 of the Agriculture, Rural Development, Food  
16 and Drug Administration, and Related Agencies Appro-  
17 priations Act, 2001 (Public Law 106–387; 114 Stat.  
18 1549A–55), including using the same loss thresholds for  
19 the quantity and quality losses as were used in admin-  
20 istering that section.

21 (c) PAYMENT RATES.—The Secretary shall make a  
22 disaster payment available to producers on a farm for a  
23 crop under this section at a rate equal to—

24 (1) 40 percent of the established price for the  
25 crop for any deficiency in production greater than

1       20 percent, but less than 35 percent, for the crop;  
2       and

3               (2) 65 percent of the established price for the  
4       crop for any deficiency in production of 35 percent  
5       or more for the crop.

6       (d) CROP INSURANCE.—In carrying out this section,  
7 the Secretary shall not discriminate against or penalize  
8 producers on a farm that have purchased crop insurance  
9 under the Federal Crop Insurance Act (7 U.S.C. 1501 et  
10 seq.).

11       (e) OTHER ASSISTANCE.—Subject to subsection (d),  
12 the amount of assistance that producers on a farm would  
13 otherwise receive under this section shall be reduced by  
14 the amount of assistance provided to the producers on the  
15 farm for crop losses described in subsection (a) under any  
16 other Federal law.

17 **SEC. 3. CROP DISASTER ASSISTANCE FOR FUTURE CROP**  
18 **YEARS.**

19       (a) IN GENERAL.—The Secretary of Agriculture shall  
20 make emergency financial assistance available to pro-  
21 ducers on a farm who incur qualifying crop losses for an  
22 insurable crop due to damaging weather or related condi-  
23 tion, as determined by the Secretary, which results in the  
24 designation of the county in which the farm is located as  
25 a federally declared disaster area.

1           (b) ADMINISTRATION.—Except as provided in sub-  
2 sections (c) and (d), the Secretary shall make assistance  
3 available under this section in the same manner as pro-  
4 vided under section 815 of the Agriculture, Rural Develop-  
5 ment, Food and Drug Administration, and Related Agen-  
6 cies Appropriations Act, 2001 (Public Law 106–387; 114  
7 Stat. 1549A–55), including using the same loss thresholds  
8 for the quantity and quality losses as were used in admin-  
9 istering that section.

10          (c) PAYMENT RATE.—Subject to subsection (e), the  
11 Secretary shall make assistance available to producers on  
12 a farm for a crop under this section at a rate equal to  
13 65 percent of the established price for the crop for any  
14 deficiency in production of 35 percent or more for the  
15 crop.

16          (d) RECEIPT CONDITIONED ON HAVING CROP IN-  
17 SURANCE.—The producers on a farm shall not be eligible  
18 for assistance under subsection (a) with respect to losses  
19 to a crop unless the producers obtained, before the losses  
20 were incurred, a policy or plan of insurance for the crop  
21 under the Federal Crop Insurance Act that provided a  
22 level of coverage equal to or greater than 60 percent.

23          (e) PAYMENT LIMITATION.—

24               (1) LIMITATION.—Assistance provided under  
25 subsection (a) to a producer for losses to a crop, to-

1       gether with the amounts specified in paragraph (2)  
2       applicable to the same crop, may not exceed 95 per-  
3       cent of what the value of the crop would have been  
4       in the absence of the losses, as estimated by the Sec-  
5       retary.

6               (2) OTHER PAYMENTS.—In applying the limita-  
7       tion in paragraph (1), the Secretary shall include the  
8       following:

9               (A) Crop insurance payments made under  
10       the Federal Crop Insurance Act (7 U.S.C. 1501  
11       et seq.) that the producer receives for losses to  
12       the same crop.

13              (B) The value of the crop that was not lost  
14       (if any), as estimated by the Secretary.

15       (f) DEFINITION.—In this section, the term “federally  
16       declared disaster area” is a county covered by a Presi-  
17       dential declaration of major disaster issued under section  
18       301 of the Robert T. Stafford Disaster Relief and Emer-  
19       gency Assistance Act (42 U.S.C. 5170) or determined to  
20       be a disaster area by the Secretary under subpart A of  
21       part 1945 of title 7, Code of Federal Regulations. The  
22       term does not include a contiguous county.

23       (g) EFFECTIVE DATE.—This section applies to crop  
24       years after the 2003 crop year.

1 **SEC. 4. LIVESTOCK ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—The Secretary of Agriculture shall  
3 make and administer payments for livestock losses to pro-  
4 ducers for 2001, 2002, or 2003, or any combination of  
5 those years, in a county that has received a corresponding  
6 emergency designation by the President or the Secretary,  
7 of which an amount determined by the Secretary shall be  
8 made available for the American Indian livestock program  
9 under section 806 of the Agriculture, Rural Development,  
10 Food and Drug Administration, and Related Agencies Ap-  
11 propriations Act, 2001 (Public Law 106–387; 114 Stat.  
12 1549, 1549A–51).

13 (b) ADMINISTRATION.—The Secretary shall make as-  
14 sistance available under this section in the same manner  
15 as provided under section 806 of the Agriculture, Rural  
16 Development, Food and Drug Administration, and Re-  
17 lated Agencies Appropriations Act, 2001 (Public Law  
18 106–387; 114 Stat. 1549, 1549A–51).

19 (c) OTHER ASSISTANCE.—The amount of assistance  
20 that a producer would otherwise receive under this section  
21 shall be reduced by the amount of assistance provided to  
22 the producer for losses described in subsection (a) under  
23 any other Federal law.

1 **SEC. 5. FUNDING AND REIMBURSEMENT.**

2 (a) IN GENERAL.—The Secretary of Agriculture shall  
3 use the funds of the Commodity Credit Corporation to  
4 carry out this Act.

5 (b) PERMANENT PROGRAM.—There is hereby author-  
6 ized to be appropriated such amounts as may be necessary  
7 to reimburse the Commodity Credit Corporation for funds  
8 expended by the Secretary under section 3.

9 **SEC. 6. EMERGENCY DESIGNATIONS.**

10 (a) IN GENERAL.—The amounts referred to in sec-  
11 tions 2 and 4 are designated by Congress as an emergency  
12 requirement pursuant to section 502 of H. Con. Res. 95  
13 (108th Congress), the concurrent resolution on the budget  
14 for fiscal year 2004.

15 (b) PERMANENT PROGRAM.—Amounts appropriated  
16 pursuant to the authorization of appropriations in section  
17 5(b) to reimburse the Commodity Credit Corporation shall  
18 be treated as emergency spending. The allocation for a  
19 fiscal year otherwise made to the Committees on Appro-  
20 priations of the House of Representatives and the Senate  
21 pursuant to section 302(a) of the Congressional Budget  
22 Act of 1974 shall be increased by the amount appropriated  
23 pursuant to such authorization of appropriations for the  
24 same fiscal year.

1 **SEC. 7. REGULATIONS.**

2 (a) **IN GENERAL.**—The Secretary of Agriculture may  
3 promulgate such regulations as are necessary to carry out  
4 this Act.

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

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

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

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

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

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