

108TH CONGRESS  
1ST SESSION

# S. 1626

To provide emergency disaster assistance to agricultural producers.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2003

Mr. DAYTON 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 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 2003”.

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

7 (a) IN GENERAL.—Subject to subsections (b)  
8 through (d), the Secretary of Agriculture (referred to in  
9 this Act as the “Secretary”) shall use such sums as are  
10 necessary of funds of the Commodity Credit Corporation  
11 to make emergency financial assistance authorized under

1 this section available to producers on a farm that have  
2 incurred qualifying crop losses for the 2001, 2002, or  
3 2003 crop, or any combination of those crops, due to dam-  
4 aging weather or related condition, as determined by the  
5 Secretary.

6 (b) ADMINISTRATION.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary shall make assistance avail-  
9 able under this section in the same manner as pro-  
10 vided under section 815 of the Agriculture, Rural  
11 Development, Food and Drug Administration, and  
12 Related Agencies Appropriations Act, 2001 (Public  
13 Law 106–387; 114 Stat. 1549A–55), including  
14 using the same loss thresholds for the quantity and  
15 quality losses as were used in administering that  
16 section.

17 (2) PAYMENT RATES.—The Secretary shall  
18 make a disaster payment available to producers on  
19 a farm for a crop under this section at a rate equal  
20 to—

21 (A) 40 percent of the established price for  
22 the crop for any deficiency in production great-  
23 er than 20 percent, but less than 35 percent,  
24 for the crop; and

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

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

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

15 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

16 (a) IN GENERAL.—Subject to subsections (b)  
17 through (c), the Secretary shall use such sums as are nec-  
18 essary of funds of the Commodity Credit Corporation as  
19 are necessary to make and administer payments for live-  
20 stock losses to producers for 2001, 2002, or 2003, or any  
21 combination of those years, in a county that has received  
22 a corresponding emergency designation by the President  
23 or the Secretary, of which an amount determined by the  
24 Secretary shall be made available for the American Indian  
25 livestock program under section 806 of the Agriculture,

1 Rural Development, Food and Drug Administration, and  
2 Related Agencies Appropriations Act, 2001 (Public Law  
3 106–387; 114 Stat. 1549, 1549A–51).

4 (b) ADMINISTRATION.—The Secretary shall make as-  
5 sistance available under this section in the same manner  
6 as provided under section 806 of the Agriculture, Rural  
7 Development, Food and Drug Administration, and Re-  
8 lated Agencies Appropriations Act, 2001 (Public Law  
9 106–387; 114 Stat. 1549, 1549A–51).

10 (c) OTHER ASSISTANCE.—The amount of assistance  
11 that a producer would otherwise receive under this section  
12 shall be reduced by the amount of assistance provided to  
13 the producer for losses described in subsection (a) under  
14 any other Federal law.

15 **SEC. 4. FUNDING.**

16 Of the funds of the Commodity Credit Corporation,  
17 the Secretary shall use such sums as are necessary to  
18 carry out this Act, to remain available until expended.

19 **SEC. 5. REGULATIONS.**

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

22 (b) PROCEDURE.—The promulgation of the regula-  
23 tions and administration of this Act shall be made without  
24 regard to—

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

3           (2) the Statement of Policy of the Secretary of  
4           Agriculture effective July 24, 1971 (36 Fed. Reg.  
5           13804), relating to notices of proposed rulemaking  
6           and public participation in rulemaking; and

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

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

14          **SEC. 6. EMERGENCY DESIGNATION.**

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

23          (b) DESIGNATION.—The entire amount made avail-  
24          able under this section is designated by Congress as an

1 emergency requirement under sections 251(b)(2)(A) and  
2 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

3 **SEC. 7. BUDGETARY TREATMENT.**

4       Notwithstanding Rule 3 of the Budget Scorekeeping  
5 Guidelines set forth in the Joint Explanatory Statement  
6 of the Committee of Conference accompanying Conference  
7 Report No. 105–217, the provisions of this Act that would  
8 have been estimated by the Office of Management and  
9 Budget as changing direct spending or receipts under sec-  
10 tion 252 of the Balanced Budget and Emergency Deficit  
11 Control Act of 1985 (2 U.S.C. 902) were it included in  
12 an Act other than an appropriation Act shall be treated  
13 as direct spending or receipts legislation, as appropriate,  
14 under section 252 of the Balanced Budget and Emergency  
15 Deficit Control Act of 1985 (2 U.S.C. 902).

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