

108TH CONGRESS  
1ST SESSION

# S. 21

To provide emergency disaster assistance to agricultural producers.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

Mr. DASCHLE (for himself, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mr. SARBANES, Mr. LEVIN, Mr. HOLLINGS, Mr. SCHUMER, Mr. DORGAN, Mr. DURBIN, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, Ms. CANTWELL, Mr. BAUCUS, Mr. EDWARDS, Ms. STABENOW, Mr. CONRAD, Mr. REID, Mr. BREAUX, and Ms. LANDRIEU) 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.—The Secretary of Agriculture (re-  
8 ferred to in this Act as the “Secretary”) shall use such

1 sums as are necessary of funds of the Commodity Credit  
2 Corporation to make emergency financial assistance au-  
3 thorized under this section available to producers on a  
4 farm that have incurred qualifying crop losses for the  
5 2001 or 2002 crop, or both, due to damaging weather or  
6 related condition, as determined by the Secretary.

7 (b) ADMINISTRATION.—The Secretary shall make as-  
8 sistance available under this section in the same manner  
9 as provided under section 815 of the Agriculture, Rural  
10 Development, Food and Drug Administration, and Re-  
11 lated Agencies Appropriations Act, 2001 (Public Law  
12 106–387; 114 Stat. 1549, 1549A–55), including using the  
13 same loss thresholds for the quantity and quality losses  
14 as were used in administering that section.

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

20 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

21 (a) IN GENERAL.—The Secretary shall use such  
22 sums as are necessary of funds of the Commodity Credit  
23 Corporation as are necessary to make and administer pay-  
24 ments for livestock losses to producers for 2001 or 2002  
25 losses, or both, in a county that has received a cor-

1 responding emergency designation by the President or the  
2 Secretary, of which an amount determined by the Sec-  
3 retary shall be made available for the American Indian  
4 livestock program under section 806 of the Agriculture,  
5 Rural Development, Food and Drug Administration, and  
6 Related Agencies Appropriations Act, 2001 (Public Law  
7 106–387; 114 Stat. 1549, 1549A–51).

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

14 **SEC. 4. FUNDING.**

15 Of the funds of the Commodity Credit Corporation,  
16 the Secretary shall—

17 (1) use such sums as are necessary to carry out  
18 this Act, to remain available until expended; and

19 (2) transfer to section 32 of the Act of August  
20 24, 1935 (7 U.S.C. 612c) an amount equal to the  
21 amount of funds under section 32 of that Act that  
22 were made available before the date of enactment of  
23 this Act to provide disaster assistance to crop and  
24 livestock producers for losses suffered during 2001  
25 and 2002, to remain available until expended.

1 **SEC. 5. REGULATIONS.**

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

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

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

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

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

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

20 **SEC. 6. EMERGENCY DESIGNATION.**

21 (a) IN GENERAL.—The entire amount made available  
22 under this Act shall be available only to the extent that  
23 the President submits to Congress an official budget re-  
24 quest for a specific dollar amount that includes designa-  
25 tion of the entire amount of the request as an emergency  
26 requirement for the purposes of the Balanced Budget and

1 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
2 seq.).

3 (b) DESIGNATION.—The entire amount made avail-  
4 able under this section is designated by Congress as an  
5 emergency requirement under sections 251(b)(2)(A) and  
6 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

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

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

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