

107TH CONGRESS
2^D SESSION

H. R. 5383

To provide emergency disaster assistance to agricultural producers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2002

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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

1 this Act as the “Secretary”) shall use such sums as are
2 necessary of funds of the Commodity Credit Corporation
3 to make emergency financial assistance authorized under
4 this section available to producers on a farm that have
5 incurred qualifying crop losses for the 2001 or 2002 crop
6 due to damaging weather or related condition, as deter-
7 mined by the Secretary.

8 (b) ADMINISTRATION.—The Secretary shall make as-
9 sistance available under this section in the same manner
10 as provided under section 815 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. 1549A–55), including using the same
14 loss thresholds for the quantity and quality losses as were
15 used in administering that section.

16 **SEC. 3. LIVESTOCK ASSISTANCE PROGRAM.**

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

1 tion 806 of the Agriculture, Rural Development, Food and
2 Drug Administration, and Related Agencies Appropria-
3 tions Act, 2001 (Public Law 106–387; 114 Stat. 1549A–
4 51).

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

11 **SEC. 4. COMMODITY CREDIT CORPORATION.**

12 The Secretary shall use the funds, facilities, and au-
13 thorities of the Commodity Credit Corporation to carry
14 out this Act upon enactment.

15 **SEC. 5. REGULATIONS.**

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

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

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

23 (2) the Statement of Policy of the Secretary of
24 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.

10 **SEC. 6. EMERGENCY DESIGNATION.**

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

19 (b) DESIGNATION.—The entire amount made avail-
20 able under this section is designated by Congress as an
21 emergency requirement under section 251(b)(2)(A) or
22 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

23 **SEC. 7. CONGRESSIONAL BUDGET ACT.**

24 Notwithstanding Rule 3 of the Budget Scorekeeping
25 Guidelines set forth in the joint explanatory statement of

1 the committee of conference accompanying Conference Re-
2 port 105–217, the provisions of this section that would
3 have been estimated by the Office of Management and
4 Budget as changing direct spending or receipts under sec-
5 tion 252 of the Balanced Budget and Emergency Deficit
6 Control Act of 1985, were the provisions included in an
7 Act other than an appropriations Act, shall be treated as
8 direct spending or receipts legislation, as appropriate,
9 under such section, and by the Chairman of the Budget
10 Committees of the Senate and House of Representatives,
11 as appropriate, under the Congressional Budget Act of
12 1974.

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