

107TH CONGRESS  
2D SESSION

# S. 2834

To provide emergency livestock assistance to agricultural producers, with an offset.

---

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

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

---

## A BILL

To provide emergency livestock assistance to agricultural producers, with an offset.

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. LIVESTOCK ASSISTANCE PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Agriculture shall  
8 use \$500,000,000 of the funds of the Commodity Credit  
9 Corporation to make and administer payments for live-  
10 stock losses to producers for—

1           (1) 2001 losses in a county that has received an  
2           emergency designation by the President or the Sec-  
3           retary after January 1, 2001; or

4           (2) 2002 losses in a county that has received an  
5           emergency designation by the President or the Sec-  
6           retary after January 1, 2002.

7           (b) ELECTION.—The producers on a farm or ranch  
8           may elect to receive payments under paragraph (1) or (2)  
9           of subsection (a), but not both paragraphs.

10          (c) AMERICAN INDIAN LIVESTOCK PROGRAM.—Of  
11          the amount made available under subsection (a), the Sec-  
12          retary shall make \$12,000,000 available for the American  
13          Indian livestock program under section 806 of the Agri-  
14          culture, Rural Development, Food and Drug Administra-  
15          tion, and Related Agencies Appropriations Act, 2001  
16          (Public Law 106–387; 114 Stat. 1549, 1549A–51).

17          (d) ADMINISTRATION.—The Secretary shall make as-  
18          sistance available under this section in the same manner  
19          as provided under section 806 of the Agriculture, Rural  
20          Development, Food and Drug Administration, and Re-  
21          lated Agencies Appropriations Act, 2001 (Public Law  
22          105–277; 114 Stat. 1549, 1549A–51).

23          (e) COMMODITY CREDIT CORPORATION.—The Sec-  
24          retary shall use the funds, facilities, and authorities of the  
25          Commodity Credit Corporation to carry out this section.

1 **SEC. 3. PAYMENT LIMITATIONS.**

2 Section 1001 of the Food Security of 1985 (7 U.S.C.  
3 1308) is amended—

4 (1) in subsection (b), by striking “\$40,000”  
5 each place it appears and inserting “\$17,500”;

6 (2) in subsection (c), by striking “\$65,000”  
7 each place it appears and inserting “\$32,500”; and

8 (3) by striking subsection (d) and inserting the  
9 following:

10 “(d) LIMITATIONS ON MARKETING LOAN GAINS,  
11 LOAN DEFICIENCY PAYMENTS, AND COMMODITY CER-  
12 TIFICATE TRANSACTIONS.—

13 “(1) LOAN COMMODITIES.—The total amount  
14 of the following gains and payments that a person  
15 may receive during any crop year may not exceed  
16 \$90,000:

17 “(A)(i) Any gain realized by a producer  
18 from repaying a marketing assistance loan for  
19 1 or more loan commodities under subtitle B of  
20 title I of the Farm Security and Rural Invest-  
21 ment Act of 2002 (7 U.S.C. 7931 et seq.) at a  
22 lower level than the original loan rate estab-  
23 lished for the loan commodity under that sub-  
24 title.

25 “(ii) In the case of settlement of a mar-  
26 keting assistance loan for 1 or more loan com-

1 commodities under that subtitle by forfeiture, the  
2 amount by which the loan amount exceeds the  
3 repayment amount for the loan if the loan had  
4 been settled by repayment instead of forfeiture.

5 “(B) Any loan deficiency payments re-  
6 ceived for 1 or more loan commodities under  
7 that subtitle.

8 “(C) Any gain realized from the use of a  
9 commodity certificate issued by the Commodity  
10 Credit Corporation for 1 or more loan commod-  
11 ities, as determined by the Secretary, including  
12 the use of a certificate for the settlement of a  
13 marketing assistance loan made under that sub-  
14 title.

15 “(2) OTHER COMMODITIES.—The total amount  
16 of the following gains and payments that a person  
17 may receive during any crop year may not exceed  
18 \$90,000:

19 “(A)(i) Any gain realized by a producer  
20 from repaying a marketing assistance loan for  
21 peanuts, wool, mohair, or honey under subtitle  
22 B or C of title I of the Farm Security and  
23 Rural Investment Act of 2002 (7 U.S.C. 7931  
24 et seq.) at a lower level than the original loan

1 rate established for the commodity under those  
2 subtitles.

3 “(ii) In the case of settlement of a mar-  
4 keting assistance loan for peanuts, wool, mo-  
5 hair, or honey under those subtitles by for-  
6 feiture, the amount by which the loan amount  
7 exceeds the repayment amount for the loan if  
8 the loan had been settled by repayment instead  
9 of forfeiture.

10 “(B) Any loan deficiency payments re-  
11 ceived for peanuts, wool, mohair, and honey  
12 under those subtitles.

13 “(C) Any gain realized from the use of a  
14 commodity certificate issued by the Commodity  
15 Credit Corporation for peanuts, wool, mohair,  
16 and honey, as determined by the Secretary, in-  
17 cluding the use of a certificate for the settle-  
18 ment of a marketing assistance loan made  
19 under those subtitles.

20 “(f) SINGLE FARMING OPERATION.—Notwith-  
21 standing subsections (b) through (e), if an individual par-  
22 ticipates only in a single farming operation and receives,  
23 directly or indirectly, any payment or gain covered by this  
24 section through the operation, the total amount of pay-  
25 ments or gains (as applicable) covered by this section that

1 the individual may receive during any crop year may not  
2 exceed twice the dollar amount prescribed in this section.”.

3 **SEC. 4. REGULATIONS.**

4 (a) IN GENERAL.—The Secretary of Agriculture may  
5 promulgate such regulations as are necessary to imple-  
6 ment this Act and the amendments made by this Act.

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

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

12 (2) the Statement of Policy of the Secretary of  
13 Agriculture effective July 24, 1971 (36 Fed. Reg.  
14 13804), relating to notices of proposed rulemaking  
15 and public participation in rulemaking; and

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

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

○