

## **U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007**

[Public Law 110–28; 121 Stat. 211; May 25, 2007]

[As Amended Through P.L. 114–92, Enacted November 25, 2015]

[Currency: This publication is a compilation of the text of Public Law 110–28. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

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## **TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF**

### **Subtitle A—Fair Minimum Wage**

#### **SEC. 8101. [29 U.S.C. 201 note] SHORT TITLE.**

This subtitle may be cited as the “Fair Minimum Wage Act of 2007”.

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<sup>1</sup>This table of contents is not part of the Act but is included for user convenience. Only freestanding provisions of these subtitles are included in this compilation.

**SEC. 8103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

(a) **[29 U.S.C. 206 note]** IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) **[29 U.S.C. 206 note]** TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) \$3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by \$0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section, except that, beginning in 2010 and each year thereafter (except 2011, 2013, and 2015 when there shall be no increase), such increase shall occur on September 30; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification as of September 29, 2015; and

(B) increased by \$0.40 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning on September 30, 2015, and on September 30 of every third year thereafter, until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

**SEC. 8104. [29 U.S.C. 206 note] REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.**

(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than April 1, 2017, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit a subsequent report not later than April 1, 2020.

(b) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of any report under subsection (a) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in its County Business Patterns data with the same regularity and to the same extent as each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in such surveys and data compilations requires time

to structure and implement, the Bureau of the Census shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim report shall describe the steps the Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.

(c) **REPORT ON ALTERNATIVE METHODS OF INCREASING THE MINIMUM WAGE IN AMERICAN SAMOA.**—Not later than 1 year after the date of enactment of “An Act to amend the Fair Minimum Wage Act of 2007 to reduce a scheduled increase in the minimum wage applicable to American Samoa”, the Government Accountability Office shall transmit to Congress a report on alternative ways of increasing the minimum wage in American Samoa to keep pace with the cost of living in American Samoa and to eventually equal the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

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## TITLE IX—AGRICULTURAL ASSISTANCE

### SEC. 9001. CROP DISASTER ASSISTANCE.

(a) **ASSISTANCE AVAILABLE.**—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005, 2006, or 2007 crop, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before December 31, 2007, or, in the case of prevented planting or other total loss, would have been planted before December 31, 2007, in the absence of the damaging weather or any related condition.

(b) **ELECTION OF CROP YEAR.**—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 42 percent of the established price, instead of 65 percent.

(2) **LOSS THRESHOLDS FOR QUALITY LOSSES.**—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) **QUALITY LOSSES.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 42 percent of the payment rate determined under paragraph (3).

(2) **PAYMENT QUANTITY.**—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) **PAYMENT RATE.**—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) **ELIGIBILITY.**—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) **MARKETING CONTRACTS.**—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) **OTHER PRODUCTION.**—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) **QUALITY ADJUSTMENTS AND DISCOUNTS.**—The appropriate State committee of the Farm Service Agency shall iden-

tify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) SWEET POTATOES.—

(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.

(9) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

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

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

#### **SEC. 9002. LIVESTOCK ASSISTANCE.**

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and December 31, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 61 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term “disaster county” means—

- (i) a county included in the geographic area covered by a natural disaster declaration; and
- (ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term “natural disaster declaration” means—

- (i) a natural disaster declared by the Secretary between January 1, 2005 and December 31, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));
- (ii) a major disaster or emergency designated by the President between January 1, 2005 and December 31, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or
- (iii) a determination of a Farm Service Agency Administrator’s Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and December 31, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for as-

sistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) **ELECTION OF LOSSES.**—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) **PAYMENT RATES.**—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 26 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) **LIVESTOCK DEFINED.**—In this subsection, the term “livestock” means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) **DEFINITIONS.**—In this subsection:

(A) **DISASTER COUNTY.**—The term “disaster county” means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) **NATURAL DISASTER DECLARATION.**—The term “natural disaster declaration” means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and December 31, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and December 31, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator’s Physical Loss Notice if such notice applies to a county included under (ii).

#### **SEC. 9003. EMERGENCY CONSERVATION PROGRAM.**

There is hereby appropriated to the Secretary of Agriculture \$16,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

#### **SEC. 9004. PAYMENT LIMITATIONS.**

(a) **REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.**—The amount of any payment for which a producer is eligible under sections 9001 and 9002 shall be reduced by



any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006 or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 9001, 9002, and 9003.

**SEC. 9005. ADMINISTRATION.**

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 9001 and 9002.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 9001 and 9002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

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

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

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 9001 and 9002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 9001 and 9002 unless funds have been specifically appropriated for such purpose.

**SEC. 9006. MILK INCOME LOSS CONTRACT PROGRAM.**

(a)<sup>2</sup>

(b) Section 10002 of this Act shall not apply to this section except with respect to fiscal years 2007 and 2008.

**SEC. 9007. DAIRY ASSISTANCE.**

There is hereby appropriated \$16,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 9002 of this title, to remain available until expended.

<sup>2</sup>Sec. 9006(a) amended sec. 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)).

**SEC. 9008. NONINSURED CROP ASSISTANCE PROGRAM.**

For States in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

**SEC. 9009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.**

There is hereby appropriated \$16,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

**SEC. 9010. CONSERVATION SECURITY PROGRAM.<sup>3</sup>**

**SEC. 9011. ADMINISTRATIVE EXPENSES.**

There is hereby appropriated \$22,000,000 for the “Farm Service Agency, Salaries and Expenses”, to remain available until September 30, 2008.

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<sup>3</sup> Sec. 9010 amended sec. 20115 of P.L. 110–5.