

Public Law 107–25
107th Congress

An Act

To respond to the continuing economic crisis adversely affecting American agricultural producers.

Aug. 13, 2001
[H.R. 2213]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKET LOSS ASSISTANCE.

(a) **ASSISTANCE AUTHORIZED.**—The Secretary of Agriculture (referred to in this Act as the “Secretary”) shall, to the maximum extent practicable, use \$4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) **AMOUNT.**—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use \$423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use \$54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) **SUPPLEMENTAL PAYMENT.**—The Secretary shall use \$129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) **SPECIAL RULE FOR GEORGIA.**—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of \$13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use \$16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106-387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use \$84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) **BASE STATE GRANTS.**—The Secretary shall use \$26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

- (1) \$500,000 to each of the several States; and
- (2) \$1,000,000 to the Commonwealth of Puerto Rico.

(b) **GRANTS FOR VALUE OF PRODUCTION.**—The Secretary shall use \$133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

- (1) California, \$63,320,000.
- (2) Florida, \$16,860,000.
- (3) Washington, \$9,610,000.
- (4) Idaho, \$3,670,000.
- (5) Arizona, \$3,430,000.
- (6) Michigan, \$3,250,000.
- (7) Oregon, \$3,220,000.
- (8) Georgia, \$2,730,000.
- (9) Texas, \$2,660,000.
- (10) New York, \$2,660,000.
- (11) Wisconsin, \$2,570,000.
- (12) North Carolina, \$1,540,000.
- (13) Colorado, \$1,510,000.
- (14) North Dakota, \$1,380,000.
- (15) Minnesota, \$1,320,000.
- (16) Hawaii, \$1,150,000.
- (17) New Jersey, \$1,100,000.

- (18) Pennsylvania, \$980,000.
- (19) New Mexico, \$900,000.
- (20) Maine, \$880,000.
- (21) Ohio, \$800,000.
- (22) Indiana, \$660,000.
- (23) Nebraska, \$640,000.
- (24) Massachusetts, \$640,000.
- (25) Virginia, \$620,000.
- (26) Maryland, \$500,000.
- (27) Louisiana, \$460,000.
- (28) South Carolina, \$440,000.
- (29) Tennessee, \$400,000.
- (30) Illinois, \$400,000.
- (31) Oklahoma, \$390,000.
- (32) Alabama, \$300,000.
- (33) Delaware, \$290,000.
- (34) Mississippi, \$250,000.
- (35) Kansas, \$210,000.
- (36) Arkansas, \$210,000.
- (37) Missouri, \$210,000.
- (38) Connecticut, \$180,000.
- (39) Utah, \$140,000.
- (40) Montana, \$140,000.
- (41) New Hampshire, \$120,000.
- (42) Nevada, \$120,000.
- (43) Vermont, \$120,000.
- (44) Iowa, \$100,000.
- (45) West Virginia, \$90,000.
- (46) Wyoming, \$70,000.
- (47) Kentucky, \$60,000.
- (48) South Dakota, \$40,000.
- (49) Rhode Island, \$40,000.
- (50) Alaska, \$20,000.

(c) **SPECIALTY CROP PRIORITY.**—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) **SPECIALTY CROP DEFINED.**—In this section, the term “specialty crop” means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

Grants.

The Secretary shall use \$10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

Georgia.

(a) **CONDITIONS ON PAYMENT TO STATE.**—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277 (7 U.S.C. 1421 note)), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and

Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106-387; 114 Stat. 1549A-42), is amended to read as follows:

“(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

“(1) contributes \$5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

“(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

“(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.”.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—

7 USC 1421 note.

Subsection (d) of such section is amended to read as follows:

“(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginner (as defined and provided in such section) that—

“(1) incurred a loss as the result of—

“(A) the business failure of any cotton buyer doing business in Georgia; or

“(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

“(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

“(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.”.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “Upon the establishment of the indemnity fund, and not later than October 1, 1999, the” and inserting “The”.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed \$150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) **DEADLINE FOR EXPENDITURES.**—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) **TOTAL AMOUNT OF EXPENDITURES.**—The total amount expended under this Act may not exceed \$5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) **PROMULGATION.**—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act 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”).

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

Approved August 13, 2001.

LEGISLATIVE HISTORY—H.R. 2213 (S. 1246):

HOUSE REPORTS: No. 107–111 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 147 (2001):

June 26, considered and passed House.

Aug. 3, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Aug. 13, Presidential statement.

