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The 2002 Farm Bill: Comparison of Commodity Support Provisions with the House and Senate Proposals, and Prior Law

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The 2002 Farm Bill: Comparison of Commodity Support Provisions with the House and Senate Proposals, and Prior Law

Summary

A new farm bill, the Farm Security and Rural Investment Act of 2002 (P.L. 107-171), covering crop years 2002-2007, was signed into law May 13, 2002. Conferees resolved the differences between the H.R. 2646 and S. 1731 and the conference report (H.Rept. 107-424) was adopted by the House on May 2 and the Senate on May 8. The previous farm bill (now prior law) was the Federal Agriculture Improvement and Reform Act of 1996 (P.L. 104-127), popularly called the FAIR Act. Commodity support authority in the FAIR Act (Title I, Agricultural Market Transition Act (AMTA)) was set to expire after crop year 2002.

This report provides a side-by-side comparison of prior law (AMTA), with most commodity support provisions of Title I of the new law, and the House and Senate farm bills. There are important similarities and differences between the various versions.

The new law takes effect immediately and applies to crops harvested in 2002. While the House bill would have authorized support programs through 2011 (10 years), and the Senate bill 2006 (5 years), conferees agreed to authorize support through 2007 (6 years). As proposed in both bills, conferees agreed to continue marketing assistance loans, first adopted in the 1985 farm bill and extended by AMTA. The new law will continue the annual fixed, decoupled contract payments first adopted under AMTA in 1996. And, as both bills proposed, the new law will restore the counter-cyclical payments (target price deficiency payments) discontinued by AMTA. The peanut support program is transformed to mirror the program for grains and oilseeds. At the more detailed level of commodity loan rates, contract payment rates, counter-cyclical target prices, and payment limitations, the conference report made compromises between the two bills that were adopted as new law.

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Commodity support programs originated in the 1930s and are permanently authorized by the Agriculture Adjustment Act of 1938 (P.L. 75-430, as amended, 7 U.S.C. 1281 et seq.) and the Agriculture Act of 1949 (7 U.S.C. 1421 et seq.). Spending for these programs is mandatory and funding is carried out through the Commodity Credit Corporation (CCC) (P.L. 80-806, as amended, 15 U.S.C. 714 et seq.). Periodically, the permanent authorities are amended, by what is popularly called a farm bill, to establish new policies for a specified limited future time. That legislation is now replaced by Title I of the Farm Security and Rural Investment Act (FSRIA) of 2002, P.L. 107-171. Commodity and farm income support in the new farm bill is a compromise between a 10-year House bill (H.R. 2646) and 5-year Senate farm bill (S. 1731), resulting in a 6-year bill, covering crop years 2002 through 2007 (Conference report H. Rept. 107-424). The new law replaces the Agricultural Market Transition Act (AMTA, Title I of the Federal Agriculture Improvement and Reform Act, P.L. 104-127, 7 U.S.C. 7201 et seq.), which established commodity support policy for crop years 1996 through 2002.

The CCC borrows the money it needs to meet mandatory program spending requirements from the U.S. Treasury. Subsequently, Congress appropriates funds that CCC uses to repay the Treasury. Other programs to facilitate marketing of farm commodities, encourage domestic consumption, and promote exports are authorized in other laws. Furthermore, the USDA has broad powers to support the farm sector and has implemented new programs on occasion without specific legislative direction.

The methods of support for wheat, grain sorghum, barley, oats, upland cotton, and rice have long been nearly identical and together these commodities were referred to as the "program crops." Under AMTA, these crops were brought together under a single support framework and were called "contract commodities" because farmers signed Production Flexibility Contracts (PFC) with the CCC. The new FSRIA establishes a "commodity agreement" framework for grains and upland cotton and also makes oilseeds (soybeans and other oilseeds including sunflower seed, rapeseed, canola, safflower, flaxseed, and mustard seed) into "covered commodities." The support program for peanuts also is made almost identical to that for the covered commodities.

The following side-by-side compares policy rather than legislative language. Therefore, the phrase "same as" does not mean "identical to." Rather, "same as" means the same or very similar policy framework or design. Prior law (P.L. 104-127) is compared to H.R. 2646, as individually approved by the House and the Senate, and to the new law (P.L. 107-171).

Commodity Support Provisions (Title I) of Prior Law, the House Farm Bill, the Senate Farm Bill, and New Law

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	HOUSE BILL, (H.R. 2646) COVERS 2002-2011	SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006	NEW LAW (P.L. 107-171) COVERS 2002-2007
A.) Wheat, Corn, Grain Sorghum, Barley, Oats, Upland Cotton, Rice, Soybeans and Other Oilseeds.			
1.) Sign-Up.			
The sign-up period is required to begin not later than 45 days after enactment and end August 1, 1996. Production flexibility contracts (PFCs) cover 7 years, 1996 thru 2002 crops. *[Section 112]*	Establishes a sign-up period, lasting not more than 180 days after enactment, during which producers sign "agreements" covering crop years 2002 thru 2011 (10 years). *[Section 110]*	Establishes a sign-up period, that begins not less 45 days after enactment and lasts for 180 days, during which producers sign "contracts" covering crop years 2002 thru 2006 (5 years). *[Section 111 as it amends Section 112 of FAIR Act]*	USDA is to provide notice to farmers, as soon as practical after enactment, of the opportunity sign agreements and establish base acres for direct and counter-cyclical payments. *[Section 1101]*
2.) Base Acres and Payment Acres.			
Each farm's base acres and payment yields are used to calculate the program benefits to the producer. The base acres and yields for eligible crops are those that would have applied in 1996 under the then expiring program. Under the expiring program, the "acreage	The base acres for each crop are either the acres specified in existing PFC contracts, or average acres planted to eligible crops from 1998 thru 2001. Accommodation is made for double cropping, peanut acres, and CRP acres. Base acres cannot exceed total cropland on a	Same as House bill. *[Section 111 as it amends Section 111 of FAIR Act]*	Same as House and Senate bills. *[Section 1101]*

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
base" for each program crop is the average acres planted/considered planted the prior 5 years for wheat, feed grains and the prior 3 years for upland cotton, rice.	farm. *[Section 103]* Payment acres equal 85% of base acres in calculating payment amounts. *[Section 100(9) and 103(f)]*	Payment acres equal 100% of base acres in calculating payment amounts. *[Section 111 as it amends Section 111 of FAIR]*	Same as House bill. *[Section 1101(f)]*
3.) Payment Yield.			
Program payment yields for each crop are frozen at 1986 program levels. *[Section 102]* Note: Soybeans and other oilseeds are not eligible crops and there are no provisions for establishing base acres and yields for oilseeds.	The program payment yield for each crop is the: payment yield in effect for 2002 under an existing production flexibility contract; or a similarly appropriate yield for farms without past contracts. Oilseed yield is the average yield from 1998-01, adjusted back to a 1981-85 equivalent. *[Section 102]*	The program payment yield is either: the yield specified in existing contracts, or average yield from 1998 thru 2001. There is no requirement to adjust yields back to an 1981-85 equivalent. *[Section 111 as it amends Section 111 of FAIR Act]*	Similar to House bill. Payment yield is the yield established for the 1995 crop. Oilseed payment yield is the average yield from 1998-01, adjusted back to the national average from 1981-85. Yields for counter-cyclical payments may be updated using specified formulas. *[Section 1102]*
4.) Producer Contract/Agreement. *a.) Requirements.*			
Eligible producers must sign a contract that includes specific requirements in order to receive payments. *[Section 111]*	Producers must agree during each crop year to certain requirements in order to receive fixed, decoupled direct payments and counter-cyclical payments. *[Section 106]*	Same as old law. Producers sign contracts. *[Section 111 as it amends Section 111 of FAIR Act]*	Adopts House bill provision. *[Section 1105]*

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
1.) Conservation and Wetlands Compliance			
Producers are required to comply with already existing conservation requirements on highly erodible land and with already existing prohibitions on draining wetlands for purposes of crop production. These compliance requirements do not impose any new obligations on producers. *[Section 111]*	Same as old law. *[Section 106]*	Same as old law. *[Section 111 as it amends Section 111 of FAIR Act]*	Same House and Senate bills and old law. *[Section 1105(1)(A) and (B)]*
2.) Planting Flexibility and Limitations			
Farmers are allowed to plant any crop except fruits and vegetables (other than lentils, mung beans, and dry peas) on contract acreage and there are no planting restrictions on non-contract acreage. Cropland not planted has to be devoted to a conserving use to prevent erosion and can not be converted to non-agricultural uses. *[Section 118]*	Same planting flexibility allowance as old law, but wild rice is added to exceptions. *[Section 107]*	Same planting flexibility allowance as old law, but wild rice is added to exceptions beginning in 2003. *[Section 113]*	Same as House bill, except if prohibited crops are planted they may be destroyed before harvest, and planting trees or other perennial crop producing plants is prohibited on base acres. *[Section 1106]*
Violations of planting flexibility limitations generally result in termination of the contract on each	No provisions for violations.	For first time unintentional violations of planting flexibility limitations, the penalty shall be a refund or reduction	Same as House bill.

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
farm in which the producer has an interest. *[Section 116]*		of future payments amounting to twice the payment amount on the involved acres. *[Section 112]*	
3.) Change in Farm Ownership or Operator			
Contract obligations can be assumed by new owners. Otherwise the contract is terminated. Changing operators does not affect program acres or yields. *[Section 117]*	Same as old law. *[Section 106(c)]*	Same as House bill. *[Section 111 as it amends Section 111 of FAIR Act]*	Same as old law, and House and Senate bills. *[Section 1105(b)]*
4.) Direct Fixed, Decoupled Payments.			
a.) Eligibility.			
Eligibility for PFC contracts is extended to producers previously enrolled in a grain or cotton program in at least 1 of the 1991-95 crop years. Conservation Reserve Program cropland expiring or terminated after Jan. 1, 1995 is eligible. Soybeans and other oilseeds are not eligible PFC commodities. *[Section 111]*	Farms with existing PFC contracts, and other producers with a history of contract crop or oilseed production from 1998-01 are eligible for fixed, decoupled payments on their base acres and yields. Soybeans and other oilseeds also are made eligible. These crops are to be known as "agreement crops." Provision is made for expiring CRP acres to be added to	Same as House bill. *[Section 111 as it amends Section 111 of FAIR Act]*	Same as House and Senate bills except that these crops are to be know as "covered crops." Provision is made for expiring CRP acres to be added to the agreements. *[Section 1103]*

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
	the agreements. *[Section 101(a) and 103(a)]*		
b.) Payment Rates.			
Farmers who sign production flexibility contracts (PFCs) in 1996 receive fixed annual payments for 7 years, unrelated to crops or acreage actually planted. The payment quantity for each commodity is 85% of the contract acreage times the payment yield times the payment rate. *[Section 114]*	Similar framework to old law. Farmers who sign "agreements" receive direct fixed, decoupled annual payments, unrelated to crops or acreage actually planted. The payment amount for each commodity is payment acres (85% of base acres) times the payment yield times the payment rate.	Similar framework to old law. Farmers who sign contracts receive fixed, decoupled annual payments, unrelated to crops or acreage actually planted. The payment quantity for each commodity is 100% of payment acres times the payment yield times the payment rate.	Same as House bill. *[Section 1105]*
Estimated 2002 contract payment rates: Wheat, $0.46/bu Corn, $0.26/bu Sorghum, $0.31/bu Barley, $0.20/bu Oats, $0.021/bu Cotton, $0.0556/lb Rice, $2.04/cwt Soybeans, not a contract crop Other Oilseeds, not contract crops	Payment rates are specified for all years as follows: Wheat, $0.53/bu Corn, $0.30/bu Sorghum, $0.36/bu Barley, $0.25/bu Oats, $0.025/bu Cotton, $0.0667/lb Rice, $2.35/cwt Soybeans, $0.42/bu Other Oilseeds, $0.0074/lb *[Section 104]*	Payments rates are specified for 2002/03, 2004/05, 2006 as follows: Wheat, $0.45, $0.225, $0.113/bu Corn, $0.27, $0.135, $0.068/bu Sorghum, $0.31/$0.27, $0.135, $0.068/bu Barley, $0.20, $0.10, $0.05/bu Oats, $0.05, 0.$025, $0.013/bu Cotton, $0.13, $0.065, $0.0325/lb Rice, $2.45, $2.40, $2.40/cwt Soybeans, $0.55, $0.275, $0.138/bu Other Oilseeds, $0.01, $0.005, $0.0025/lb *[Section 111 as it amends Section 113 of FAIR Act]*	Payment rates differ slightly from House bill as follows: Wheat, $0.52/bu Corn, $0.28/bu Sorghum, $0.35/bu Barley, $0.24/bu Oats, $0.024/bu Cotton, $0.0667/lb Rice, $2.35/cwt Soybeans, $0.44/bu Other Oilseeds, $0.008/lb *[Section 1103(b)]*

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The law does not specify actual payment rates, but states the total funds available each year and the allocation share for each commodity. *[Section 113]*	Total payments are to be reduced by $100 million on a *pro rata* basis (about 2% based on CBO estimates) and these funds are to be devoted to specified rural development programs. *[Section 943]*	No comparable provision.	Same as Senate, no provision to reduce spending and devote funds elsewhere.
c.) Time of Payment.			
The producer can choose to receive 50% of the payment on Dec. 15 or Jan. 15 and the remainder not later than September 30 of each fiscal year. *[Section 112(d)(1 & 2)]*	FY2002 PFC payments under old law are to be discontinued after enactment, and any amount already paid is to be deducted from the amount due under this Act. *[Section 108]* Fixed, decoupled payments are to be made not later than September 30 of each fiscal year. *[Section 104(d)]*	No explicit reference is made to discontinuing payments under PFC contracts, or to payments already made under to old law.	Similar to House bill. *[Section 1107]*
Alternatively, for FY1999-02, the producer can choose to receive the full amount or portions at times during the fiscal year chosen by the producer. *[Section 112(d)(3) as added by PL 105-228, Section 2]*	The producer can choose to receive an advance of 50% of the payment on or after December 1. *[Section 104(d)]*	Same as House bill. *[Section 111 as it amends Section 113(d) of FAIR Act]*	Same as House and Senate bills except xxx *[Section 1103(d)]*

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2.) Counter-Cyclical Deficiency Payments and Target Prices.			
a.) Eligibility.			
Eliminates counter-cyclical target price deficiency payments that were enacted in 1973 and functioned through 1995. When effective, farmers were paid the difference between the target price and a lower season average farm price on a specified proportion of a farm's crop base acres.	Restores counter-cyclical target price deficiency payments that ended in 1995. Farms that have signed agreements will receive counter-cyclical payments if average market prices are less than target prices. *[Section 101]*	Same as House bill. *[Section 111 as it amends Section 111(a) of the FAIR Act]*	Same as House and Senate bills. *[Section 1104]*
b.) Target Prices and Payment Rates.			
Not applicable.	The payment rate for counter-cyclical payments is the difference between the "target price" and the "effective price." The effective price is the higher of (1)the national season average price or (2)the loan rate, plus the direct fixed, decoupled payment rate. The payment amount is the payment rate times the payment acres times the payment yield. Payment acres are	Same as House bill, except that the payment amount for each commodity is 100% of base acres times the payment yield times the payment rate.	Same as House bill. *[Section 1001(10)]*

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	85% of base acres.		
	Target prices are for all years are specified as follows: Wheat, $4.04/bu Corn, $2.78/bu Sorghum, $2.64/bu Barley, $2.39/bu Oats, $1.47/bu Upland Cotton, $0.736/lb Rice, $10.82/cwt Soybeans, $5.86/bu Other Oilseeds, $0.1036/lb *[Section 105]*	Target prices are for all years are specified as follows: Wheat, $3.446/bu Corn, $2.3472/bu Sorghum, $2.3472/bu Barley, $2.1973/bu Oats, $1.5480/bu Upland Cotton, $0.6793/lb Rice, $9.2914/cwt Soybeans, $5.7431/bu Other Oilseeds, $0.1049/lb *[Section 171 as it amends Section 111,which amends Section 114 of FAIR Act]*	Target prices for 2002-03/2004-07 are specified as follows: Wheat, $3.86/$2.92/bu Corn, $2.60/$2.63/bu Sorghum, $2.54/$2.57/bu Barley, $2.21/$2.24/bu Oats, $1.40/$1.44/bu Upland Cotton, $0.724/$0.724/lb Rice, $10.50/$10.50/cwt Soybeans, $5.80/$5.80/bu Other Oilseeds, $0.098/$0.1010/lb *[Section 1104(c)]*
3.) Marketing Assistance Loans and LDPs. *a.) Eligibility.*			
Any wheat, feed grains, upland cotton, and rice produced on PFC farms is eligible for marketing assistance loans or LDPs, whether or not it is produced on contract acres. These commodities are not eligible for loan or LDPs if produced on farms without	Marketing assistance loans and loan deficiency payments (LDPs) are available for agreement crops (grains, upland cotton, oilseeds) on all farms where they are produced, whether or not they have signed agreements). *[Section 121]*	Same as House bill. *[Section 121]*	Similar to House and Senate bills, except the list of loan commodities differs. *[Section 1201]* The phrase "loan commodities" is defined to include wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton,

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contracts. Any oilseed is eligible for marketing assistance loans or LDPs, whether or not the farm has a contract. *[Section 131]*			rice, soybeans, other oilseed, wool, mohair, honey, dry peas, lentils, and small chickpeas. *[Section 1001]*
b.) Term of Loans.			
Loans on grains and oilseeds are for 9 months beginning on the first of the month after the loan date. Loans on upland cotton are for 10 months beginning on the first of the month before the loan date.	Same as old law. *[Section 123]*	Same as old law. *[Section 121]*	Similar to old law, and House and Senate bills, except the term for each commodity, including cotton, is 9 months beginning on the first day of the month after loan is made. *[Section 1203]*
c.) Loan Repayment.			
For grains and oilseeds, marketing assistance loans can be repaid at the lesser of the loan rate plus interest, or the rate determined by USDA that minimize forfeitures, minimize the accumulation of CCC-owned stocks, minimize the cost of storage, and allow for free and competitive domestic and international marketing. *[Section 134]* For upland cotton, loans can be repaid at the lesser of the loan rate	Similar to old law. *[Section 124]*	Similar to old law. *[Section 121]*	Similar to old law, and House and Senate bills. Repayment rules for wool, mohair, honey, dry peas, lentils, and small chickpeas are the same as for grains and oilseeds. *[Section 1204]*

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plus interest, or the prevailing world market price adjusted to U.S. quality and location. Additional adjustments to the world price are made when the world price declines to near the loan rate , and when the price of U.S. cotton exceeds the price of competing cotton in the world market. *[Section 134]* In the event of a default on a loan at the maturity date, the commodity pledged as collateral reverts to CCC ownership. No further action is taken against the borrower because marketing assistance loans are nonrecourse. *[Section 131]* *d.) Loan Deficiency Payments (LDPs).*			
Producers with grain, upland cotton, or oilseeds eligible for marketing assistance loans instead can choose to receive loan deficiency payments. The LDP is the difference between the loan rate and the loan repayment rate established by the USDA. *[Section 135]*	Same as old law. *[Section 125]*	Same as old law. *[Section 121]*	Similar to old law, and House and Senate bills. LDPs are available for all loan commodities with the exception of ELS cotton. *[Section 1204]*

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e.) Loan Rates.			
Marketing assistance loans and loan deficiency payments (LDPs) continue at rates in effect in 1995. Authority is provided for USDA to lower the loan rates when stocks accumulate.	Marketing assistance loans and loan deficiency payments (LDPs) are available for loan commodities on all farms (not limited to farms with agreements for fixed and counter-cyclical payments) and any quantity produced on the farm. *[Section 121(b)]*	Same as House bill. *[Section 121]*	Same as House and Senate bills. *[Section 1201]*
Loan rates generally are to be not less than 85% of the moving 5-year Olympic average of prices received by producers, or more than: Wheat, $2.58/bu Corn, $1.89/bu Sorghum, $1.69/bu Barley, $1.71/bu Oats, $1.14/bu Cotton, $0.5192/lb Rice, max & min $6.50/cwt Soybeans, max $5.26, min $4.92/bu Minor Oilseeds, max $0.093, min $0.87/lb	Loan rates generally are to be not less than 85% of the moving 5-year Olympic average of prices received by producers, or more than: Wheat, $2.58/bu Corn, $1.89/bu Sorghum, $1.89/bu Feed Barley, $1.70/bu Malting Barley, $1.65/bu Oats, $1.21/bu Cotton, max $0.5192-min $0.50/lb Rice, must equal $6.50/cwt Soybeans, $4.92/bu Minor Oilseeds, $0.087/lb *[Section 122]*	Fixed, specific loan rates are as follows: Wheat, $2.9960/bu Corn, $2.0772/bu Sorghum, $2.0772/bu Barley, $1.9973/bu Oats, $1.4980/bu Cotton, $0.5493/lb Rice, $6.4914/cwt Soybeans, $5.1931/bu Minor Oilseeds, $0.0949/lb *[Section 171 as it amends Section 121, which amends Section 132 of the FAIR Act]*	Fixed, specific loan rates are as follows: Wheat, $2.80/$2.75/bu Corn, $1.98/$1.95/bu Sorghum, $1.98/$1.95/bu Barley, $1.88/$1.85/bu Oats, $1.35/$1.33/bu Cotton, $0.52/$0.52/lb Rice, $6.50/$6.50/cwt Soybeans, $5.00/$5.00/bu Minor Oilseeds, $0.096/$0.93/lb ELS Cotton, $0.7977, $0.7977/lb (ELS Cotton is not eligible for LDPs) Dry Peas, $6.33, $6.22/cwt Lentils, $11.94, $11.72/cwt Small Chickpeas, $7.56, $7.43/cwt. Graded Wool, $1.00/lb

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			Nongraded Wool and Unshorn Pelts, 40¢/lb Mohair, $4.20/lb *[Section 1202]*
(P.L. 106-224, Section 206(a)(2) and (3), made loans and LDPs available on non-PFC farms only for crop year 2000.) Payment limits are covered below in P, 2).	Retroactively, for the 2001 crops, as was the case for 2000, LDPs are available on non-PFC farms that produced contract crops and oilseeds. *[Section 125(f)]*	Same as House bill. *[Section 169]*	Same as House and Senate bills. *[Section 1205(f)(2)]*
B.) Wool and Mohair. ***1.) Marketing Loans and LDPs.*** Wool and mohair support was phased out and ended in 1996 by P.L. 103-130, Section 1, which repealed the National Wool Act of 1954. However, support was authorized in several subsequent years. P.L. 106-78 Section 801(h), authorized recourse loans on 1999 crop mohair. P.L. 106-224, Section 204(d), mandated payments on 1999 crop wool of $0.20, and on mohair of $0.40/lb. P.L. 106-387,	Marketing loans and LDPs are available to all producers at the following rates: Graded Wool, $1.00/lb Nongraded Wool, 40¢/lb Mohair, $4.20/lb *[Section 130]*	Similar to House bill, but no support for mohair. Marketing loans and LDPs are available to all producers at: Graded Wool, $1.00/lb Nongraded Wool and Unshorn Pelts, 40¢/lb Mohair, na *[Section 171 as it amends Section 111, which amends Section 132 of the FAIR Act]* *[While Section 123 provides no loan*	Similar to House bill, except unshorn pelts are eligible for LDPs only. Graded Wool, $1.00/lb Nongraded Wool and Unshorn Pelts, 40¢/lb Mohair, $4.20/lb *[Section 1201, 1202]* Marketing loan gains and LDPs are limited to $75,000 per person

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Section 814, authorized payments of $0.20/lb for wool and $0.40 mohair for crop year 2000, up to $20 million. Again for crop year 2001, P.L. 107-25, Section 5, authorized $16.9 million in direct payments for wool and mohair at rates determined by USDA.		*for mohair, Section 171 includes a loan for mohair, but the claimed intent according to Committee staff is to not support mohair]*	per year for wool, and separately $75,000 for mohair. *[Section 1603]*
C.) Honey. ***1.) Marketing Assistance Loans and LDPs.*** Honey support is repealed. *[Section 171]* This action followed several years of agriculture appropriations bill language that prevented USDA from carrying out the mandatory honey marketing loan program. Subsequently, recourse loans were authorized for the 1998, 1999, and 2000 crops by respectively P.L. 105-227, Section 1122; P.L. 106-78, Section 801; and P.L. 106-224, Section 204. P.L. 106-387, Section 812, made marketing assistance loans and LDPs available on 2000 crop honey at $0.65/lb and	Marketing loans and LDPs at $0.60/lb. The term of a loan is 12 months, beginning the first day of the month after the loan is obtained. *[Section 131]*	Marketing loans and LDPs at $0.60/lb. The term of the loan is 9 months, beginning the first day of the month after the loan is obtained. *[Section 124, which amends Section 133 of the FAIR Act]*	Same as House bill. *[Section 1201,1202]* The payment limit is $75,000 per person per year. *[Section 1603]*

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outstanding recourse loans were converted to nonrecourse marketing loans.			
D.) Extra Long Staple (ELS) cotton, Dry Peas, Lentils and Chickpeas. ***1.) Marketing Assistance Loans and LDPs.*** ELS cotton is eligible for nonrecourse loans, but not LDPs. [Sections 132 and 134] No support is authorized for dry peas, lentils, large chickpeas, small chickpeas.	Same as old law.	Marketing loans and LDPs are available on all production at the following rates: ELS Cotton, $0.7965 (ELS cotton is not eligible for LDPs) Dry Peas, $6.78/cwt Lentils, $12.79/cwt Large Chickpeas, $17.44/cwt Small Chickpeas, $8.10/cwt The term of each loan is 9 months, beginning the first day of the month after the loan is obtained. *[Section 171 as it amends Section 111, which amends Section 132 of the FAIR Act]*	Similar to Senate bill, except large chickpeas are not included. *[Section 1201-1205]*.. Loan rates for 2002-03, and 2004-07 are: ELS Cotton, $0.7977, $0.7977/lb (ELS cotton is not eligible for LDPs) Dry Peas, $6.33, $6.22/cwt Lentils, $11.94, $11.72/cwt Small Chickpeas, $7.56, $7.43/cwt. *[Section 1202]*

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E.) Grazed Wheat, Barley, Oats, and Triticale. ***1.) Payments in Lieu of LDPs.*** P.L. 104-127 made no provision for LDPs on grazed wheat, barley and oat acreage. P.L. 106-224, Section 205, provided for LDPs on grazed acres only for 2001 crops.	Wheat, barley, and oats that are grazed and not harvested, but would be eligible for LDPs if harvested, will receive LDPs under similar rules to those that apply to harvested crops. Federal crop insurance is not allowed on grazed land agreements. *[Section 126]*	Similar to House bill, but includes grain sorghum along with wheat, barley and oats as eligible crops. *[Section 127]*	Similar to House bill, except grazed triticale (a genetic cross of wheat and rye) also is covered. *[Section 1206]*
F.) High Moisture Corn and Sorghum. ***1.) Recourse Loans.*** Recourse loans are available on high moisture corn and grain sorghum. Loan rates are determined by the USDA. Only producers with PFC contracts are eligible. *[Section 137(a)]*	For farms that normally harvest corn or sorghum in a high moisture condition, recourse loans are available at rates set by the USDA. Farms need not have signed "agreements." *[Section 129(a)]*	Same as House bill. *[Section 121(a)]*	Same as House bill. *[Section 1209(a)]*

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G.) ELS and Upland Seed Cotton.			
1.) Recourse Loans.			
Recourse loans are available on upland seed cotton for farms with PFC contracts, and on any farm producing ELS seed cotton. *[Section 137(b)]*	Recourse loans are available for all upland and ELS seed cotton, at rates set by the USDA. Farms need not have signed "agreements." *[Section 129(b)]*	No provision is made to support seed cotton.	Same as House bill. *[Section 1209(b)]*
H.) Hard White Wheat Incentive Payments.			
1.) Incentive Payments.			
No special support provision is added for hard white wheat. However, hard white wheat, like all other wheat, does qualify for contract payments and marketing loan program benefits.	Same as old law, no support provision is available for hard white wheat.	For crop year 2003 through 2005, an additional $40 million is to be paid to producers to ensure that hard white wheat on not more than 2 million acres meets minimum quality standards. *[Section 167]*	Similar to Senate bill, but funding is set at $20 million for the 3 year period. *[Section 1616]*
I.) Upland Cotton Competitiveness Provisions for Processors and Exporters.			
1.) Marketing Certificates.			
Marketing certificates or cash payments are made to domestic	Some changes from old law. Marketing certificates or cash	Same as old law. *[Section 121(b)]*	Same as House bill for upland cotton. Applies through July 31,

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users and exporters of upland cotton whenever the 4-week price of U.S. cotton gets too high compared to world cotton price (i.e., 1.25¢/lb higher), or is not high enough compared to the U.S. cotton loan rate (i.e., less than 130% higher). *[Section 136(a)]* ***2.) Import Quotas.***	payments are made to domestic users and exporters of upland cotton whenever the 4-week price of U.S. cotton is too high or not high enough (i.e., when the U.S. price (1) exceeds the world price by 1.25¢/lb, or (2) does not exceed the U.S. cotton loan rate by at least 134%). *[Section 127(a)]*		2008. *[Section 1207(a)]*
A special import quota is imposed on upland cotton when U.S. prices exceed world prices by 1.25¢ for 10 weeks. *[Section 136(b)]*	A special import quota is imposed on upland cotton when U.S. prices exceed world prices by 1.25¢ *for 4 weeks*. *[Section 127(b)]*	Same as old law. *[Section 121(b)]*	Same as House bill. *[Section 1207(b)]*
A limited global import quota is imposed on upland cotton when U.S. prices average 130% of the previous 3-year average of U.S. prices. *[Section 136(c)]*	Same as old law. *[Section 127(b)]*	Same as old law. *[Section 121(b)]*	Same as old law, and House and Senate bills. *[Section 1207(c)]*
J.) ELS Cotton Competitiveness Provisions for Processors and Exporters.			
No provision.	A special competitiveness program is created for ELS cotton with marketing certificates or cash payments to domestic users and	No provision.	Same as House bill. Applies through July 31, 2008. *[Section 1208]*

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	exporters under market conditions like those that apply to upland cotton. *[Section 128]*		
K.) Peanuts. ***1.) Poundage Quotas and Quota compensation.*** National poundage quota is set to reflect the projected domestic demand for edible peanuts. The price of peanuts sold for domestic edible consumption (quota peanuts) is supported through nonrecourse loans at $610/ton (30.5¢/lb). The price of additional peanuts (nonquota peanuts, those exported or crushed for oil and meal) is supported at a competitive level (set by USDA at $132/ton, 6.6¢/lb, in 2001). *[Section 155]*	Peanut quotas are terminated and farmers are compensated $1,000/ton (50¢/lb) ($200/ton/year for 5 years). *[Section 170]*	Similar to House bill, but the compensation is $1,100 (55¢/lb) ($220/ton/yr for 5 years). *[Section 152]*	Repeals all quota provisions, and adopts Senate quota compensation level of $1,100 (55¢/lb or $220 /ton/year for 5 years). *[Section 1309]*
2.) Nonrecourse Loans / Marketing Assistance Loans.	Nonrecourse loans are replaced by marketing assistance loans. Loans are set at $350/ton (17.5¢/lb) available for all peanuts produced	Same as House bill except that the marketing assistance loan rate is set at $400/ton (20/lb). *[Section 151]*	Nonrecourse loans are replaced by marketing assistance loans. Loans are set at $355/ton (17.75¢/lb) available for all

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	without distinction of end use. *[Section 167]*		peanuts produced without distinction of end use. *[Section 1307]*
3.) Fixed Payments, Counter-Cyclical Payments, and Marketing Assistance Loans.			
No provisions for fixed payments or for counter-cyclical payments.	Support for peanuts designed like that for grains, cotton, and oilseeds. Rules regarding eligibility, sign-up, conservation and wetlands compliance, planting flexibility, base acres, payment yields, etc., are similar to those that apply to grains, cotton, and oilseeds. *[Sections 162, 165, 166]*	Similar to House bill. *[Section 151 as it establishes Section 158B in the FAIR Act]*	Adopts House peanut program designed like that for grains, cotton, and oilseeds. Rules regarding eligibility, sign-up, conservation and wetlands , base acres, payment yields, etc., are similar to those that apply to grains, cotton, and oilseeds. *[Section 1302]* Adopts unique conference provisions on compliance and planting flexibility. *[Section 1305, 1306]*
	The assignment of each farm's acres and yield to cropland selected by the producer is done on a one-time basis. *[Section 162(b)]*	Same as House bill. *[Section 151 as it establishes Section 158B(b) in the FAIR Act]*	Adopts House provision with revision specifying that assignment must be done by March 31, 2003, among other provisions. *[Section 1302(b)]*
	Fixed, decoupled annual payments	Fixed, decoupled contract payments	Fixed, decoupled annual

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	at the rate of $36/ton (1.8¢/lb) are made on 85% of each farms history of peanut production. *[Section 163]*	are the same as House bill. *[Section 151 as it establishes Section 158C in the FAIR Act]*	payments at the rate of $36/ton (1.8¢/lb) are made on 85% of each farms history of peanut production. *[Section 1303]*
	Counter-cyclical deficiency payments against a $480/ton (24¢/lb) target price are made on 85% of each farm's history of peanut production. *[Section 164]*	Counter-cyclical deficiency payments against a $520/ton (26¢/lb) target price are made on 85% of each farms history of peanut production. *[Section 151 as it establishes Section 158D in the FAIR Act]*	Counter-cyclical deficiency payments are made when marketing year prices average less than the target price of $495/ton (24.75¢/lb). Payments are made on 85% of each farm's history of peanut production. Partial payments may be made in advance. *[Section 1304]*
	Marketing assistance loans (set at $350/ton (17.5¢/lb) available for all peanut production without distinction of end use. *[Section 167]*	Marketing assistance loan rate set at $400/ton (20¢/lb) available for all peanut production without distinction of end use. *[Section 151 as it establishes Section 158G in the FAIR Act]*	Similar to House and Senate bills, except the marketing assistance loan rate is set at $355/ton (17.75¢/lb) available for all peanuts. *[Section 1307(b)]*
4.) Payment Limits.			
Payments limits are not applicable to peanuts.	Payments limits for peanuts are separate from other commodities. *[Section 169]* Fixed, decoupled peanut payments are subject to a limit of $50,000 per person, per year. The limit on counter-cyclical	Payments received for support of peanuts are subject to the same limits as other crops. Peanuts are not treated separately. For all crops, the combination of fixed, decoupled payments and counter-cyclical	Payments limits for peanuts are separate from other commodities. Fixed, decoupled peanut payments are subject to a limit of $40,000 per person, per year. The limit on counter-

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	target price deficiency payments is $75,000, and the limit on marketing loan benefits is $150,000. *[Section 169]*	payments is limited to $75,000 per individual, per year. Marketing loan benefits are limited to $150,000. *[Section 169]*	cyclical target price deficiency payments is $65,000, and the limit on marketing loan benefits is $75,000. *[Section 1603]*
L.) Sugar.			
1.) Price Support Loans.			
Raw cane sugar and refined beet sugar are supported with nonrecourse loans at 18¢ and 22.9¢/lb respectively. *[Section 156(a) and (b)]* The loan rates may be reduced if negotiated reductions in support are achieved for other sugar countries. *[Section]*156(c)] A recourse loan program when the tariff rate quota on imports is less than 1.5 million short tons was eliminated by P.L. 106-387, Section 836.	Same nonrecourse loan rates as old law, 18¢/lb. raw cane, and 22.9¢/lb. refined beet. *[Section 151(a)]* In-process sugar is newly eligible for loan at 80% of full loan rates. *[Section 151(e)]* Loan rates may be reduced if competing nations sufficiently reduce support. *[Section 151(c)]*	Same loan rates as old law. *[Section 141(i)]* Same in-process sugar loans as House bill. *[Section 141(e)]* Same authority to reduce loan rates as House bill. *[Section 141(a)]*	Retains old rates for non-recourse loans -18¢/lb. raw cane, and 22.9¢/lb. refined beet. In-process sugar is newly eligible for loan at 80% of full loan rates. Loan rates may be reduced if competing nations sufficiently reduce support. *[Section 1401(a) restates FAIR Act provisions, and adds new subsection for in-process sugar loans]*
2.) No Net Cost Mandate.			
No provision mandating no net cost.	Loan program is to be operated at no net cost by avoiding forfeitures. *[Section 151(f)]*	Same no cost policy as House bill. *[Section 141(f)]*	Loan program is to be operated at no net cost by avoiding forfeitures. *[Section 1401(a) adds new subsection to FAIR Act]*

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3.) Loan Forfeiture Penalty.			
A forfeiture penalty of 1¢ per pound on raw cane sugar (an equivalent amount for beet sugar) is assessed on loan forfeitures. This effectively reduces the level of support. *[Section 156(g)]*	Forfeiture penalty is retained by preserving Section 156(g) of the FAIR Act.	The loan forfeiture penalty is eliminated. *[Section 141(d)]*	Same as Senate bill. Elimination of forfeiture penalty takes effect upon enactment. *[Section 1401(a) drops provision from FAIR Act]* Change effectively increases support level.
4.) Import Quotas.			
A global import quota of not less than 1.256 million short tons is set each year by USDA under authority of the Harmonized Tariff Schedule of the United States. The quota is allocated among countries by U.S. Trade Representative. [HTSUS, chapter 17, additional U.S. note5. USTR announces a separate allocation for additional sugar entering from Mexico as agreed in the sugar side letter to NAFTA]	Same as old law.	Same as House bill, except authorizes USTR in consultation with USDA to reallocate any shortfall of one country's shipments to the other quota-holding countries. *[Section 144]*	Maintains existing import quota system, and adopts Senate reallocation provision giving any shortfall of on country's shipments to the other quota-holding countries. *[Section 1403]*
5.) Marketing Allotments.			
The authority to impose mandatory marketing allotments on domestic sugar production is suspended.	Sugar marketing allotments are restored and are to be shared between beet sugar and raw cane at	Similar to House bill, but provision is made for new cane processor entrants (including mainland states not	Sugar marketing allotments are restored and are to be shared between beet sugar and raw cane

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[Section 171(a)(1)(E)]	54.35% and 45.65%. Allotments are suspended when imports exceed 1.532 million short tons. *[Section 152]*	previously producing cane). *[Section 143]*	at 54.35% and 45.65%. Allotments are suspended when imports exceed 1.532 million short tons. Adds authority for USDA to assign unused cane and beet sugar allotments first to sales of sugar in CCC inventory and then to imports under certain conditions. Makes allotment authority effective beginning October 1, 2002. *[Section 1403]*
6.) In-Kind Payments.			
No provision.	CCC is authorized to make in-kind commodity payments from stored inventories to processors in exchange for reduced sugar production. *[Section 151(j)]*	Same authority to make in-kind payments for reduced production as House bill. *[Section 141(f)]*	Authorizes CCC to make in-kind payments from stored inventories in exchange for reduced production as laid out in House and Senate provisions. *[Section 1401(a) adds new subsection to FAIR Act]*
7.) Marketing Assessment.			
Processors must pay an assessment on all marketings of sugar to CCC equal to a specified percentage of the loan rate. *[Section 156(f)]* P.L. 106-78, Section 803(b), suspended	The assessment on all sugar marketings is eliminated. *[Section 151(b)]*	Same as House bill. *[Section 141(c)]*	Terminates the sugar marketings assessment retroactive to October 1, 2001. *[Section 1401(b)]*

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the assessment for FY2000 and FY2001. P.L. 107-76, Section 749, delays remittance of 2002 assessments until September 2, 2002.			
8.) Interest Rate on Loans.			
The interest rate on loans is 1% above the CCC cost of borrowing money. *[Section 163]*	Interest rate on loans is equal to CCC cost of funds. This is 1% less than the interest rate for other commodities. *[Section 151(h)]*	Same interest rate on loans as House bill. *[Section 141(j)]*	Reduces interest rate on price support loans to sugar processors by 1%, as in House and Senate bills. *[Section 1401(c)]*
9.) Storage Facility Loans.			
No provisions for storage facility loans.	Storage facility construction and improvement loans are to be made available to processors. *[Section 153]*	Same as House bill. *[Section 142]*	Authorizes storage facility loans, as in House and Senate bills. *[Section 1402]*
M.) Dairy.			
1.) Milk Price Support.			
The farm price of milk is indirectly supported at $9.90/cwt. Support is achieved through CCC purchases of cheese, butter, and nonfat dry milk at specific prices. *[Section 141]*	Continues milk price support at $9.90/cwt. through purchases of dairy products, as under old law. Also, as under old law, *USDA is permitted* to adjust purchase price	Similar to House bill. Continues milk price support at $9.90/cwt. through purchases of dairy products. However, *USDA is required* to adjust purchase price relationships between butter and	Same as House bill. *[Section 1501]*

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Support was scheduled to end after 1999. However, it was continued at $9.90 thru 2000 by P.L. 106-78, Section. 807; thru 2001 by P.L. 106-387, Section 742; and thru May 2002 by P.L. 107-76, section 772(a). USDA is permitted to adjust purchase price relationships between butter and dry milk twice annually to minimize expenditures.	relationships between butter and dry milk twice annually to minimize expenditures. *[Section 141]*	dry milk twice annually to minimize expenditures.*[Section 131]*	
2.) Processor Recourse Loans.			
Recourse loans for commercial processors are to be available beginning in 2001, immediately after price support is scheduled to end. *[Section 142]* This was repealed by P.L. 107-76, section 772(b), before it could be implemented.	House bill repeals processor recourse loans, but they are already repealed by P.L. 107-76.	Same as House bill.	Same as House and Senate bills.
4.) Northeast Dairy Compact.			
The Northeast Dairy Compact is authorized, allowing six New England states to require processors to pay regulated minimum prices	No provisions.	No provision.	Same as House bill.

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for Class I (fluid) milk (set by the states at $16.94 in 1997. The Compact authority expired on September 30, 2001. *[Section 147]*			
5.) Dairy Market Loss Payments.			
P.L. 104-127 did not provide for market loss assistance. Separately, ad hoc emergency market loss assistance of $200 million was authorized for FY1999 (P.L. 105-277), $125 million for FY2000, (P.L. 106-78), and $473 million for FY2001 (P.L. 106-387).	No provisions.	New counter-cyclical market loss deficiency payments are made on up to 8 million pounds of each farm's annual production. The total expenditure limit for the life of the program (December 1, 2001, thru September 30, 2005) is $500 million for 12 northeast states, and $1.5 billion for all other states. For the 12 northeast states, as an alternative to the expired Northeast Dairy Compact, payments are made when the monthly average farm price of Class I milk (fluid use milk) falls below the reference price (target price) of $16.94. The payment rate is equal to 45% of the market price deficiency. For all other states, payments are made when the quarterly average market price falls below the 5-year average for the same quarter. The payment rate is 40% of the deficiency. *[Section 132]*	Similar to Senate bill, except a single national target price of $16.94/cwt is established. Producers receive monthly deficiency payments equal to 45% of the price difference on up to 2.4 million pounds of production per year. The program is authorized from December 1, 2001 through September 30, 2005. *[Section 1502]*

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6.) Dairy Export Incentive Program.			
The Dairy Export Incentive Program (DEIP) is reauthorized. The program, first authorized by the 1985 farm bill, pays exporters cash or commodity bonuses to enable them to meet the prices of competitors subsidized sales and to develop new markets. *[Section 148]*	Extends old law. *[Section 143(a)]*	Same as House bill. *[Section 133(a)]*	Same as old law, and House and Senate bills. *[Section 1503(a)]*
7.) Dairy Indemnity Program.			
The Dairy Indemnity Program expired September 30, 1995, and is not reauthorized by P.L. 104-127. However, appropriations made each year keep the program operating. The program indemnifies farmers and processors for contamination of milk by pesticides and certain other toxics.	Authorizes the Dairy Indemnity Program through September 30, 2011. *[Section 143(b)]*	Same as House bill through September 30, 2006. *[Section 133(b)]*	Same as old law, and House and Senate bills except producer can choose an advance of any amount "up to" 50% of the direct payment. Applicable through September 30, 2007. *[Section 1503(b)]*

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8.) Fluid Milk Processor Promotion Program.			
The Fluid Milk Promotion is extended thru December 31, 2002. This research and promotion program is funded by an assessment on processors of more than 500,000 pounds per month.	Authorizes the Fluid Milk Promotion program as a permanent program, replaces the old statutory definition of fluid milk product with the definition promulgated in USDA regulations, and applies the assessment to processors of 3 million pounds per month or more. *[Section 144]*	Same as House bill, except that fluid milk delivered directly to consumer residences does not count toward the 3 million pound minimum requirement for the processor assessment. *[Section 134]*	Same as Senate bill. *[Section 1506]*
9.) Dairy Product Mandatory Reporting.			
The Dairy Market Enhancement Act of 2000 (P.L. 106-532) established a mandatory reporting system on dairy product inventories and prices.	Makes a technical change in the definition of dairy products to require milk manufacturers to include substantially identical products in their reports to USDA. *[Section 145]*	Same as House bill with technical changes to definition of manufactured dairy products. *[Section 135]*	Same as Senate bill. *[Section 1504]*
10.) Dairy Promotion and Research Assessment.			
For FY1997 thru FY2001, the National Dairy Promotion and Research Board is authorized to spend funds to develop international markets and promote U.S. milk in	Extends the assessment to imported dairy products. Imports are given 2 seats on the Board. None of the importer funds may be used for export promotion. *[Section 146]*	Same as House bill. *[Section 136]*	Same as House bill. *[Section 1505]*

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those markets. *[Section 152]* This broadened the activities of the Board, which is funded by a $0.15 per hundredweight assessment on all milk produced and marketed in the 48 states. ***11.) Dairy Studies and Reports.*** The USDA is required to study and report on the impact on milk prices, producer income, and federal support program costs caused by increased imports of cheese under WTO commitments. *[Section 151]*	Requires USDA to prepare a comprehensive evaluation of national dairy policies (i.e., price supports, marketing orders, over-order premiums and state pricing programs, dairy compacts, and export programs). *[Section 147]*	Requires USDA to study and report no later than September 30, 2002, on 1) the impacts of terminating all federal price support and supply management programs while enabling the states to manage milk prices and supply, and on 2) the impacts of changing the standard of identity for fluid milk to require a minimum content commensurate with the average protein content of farm milk. *[Section 137]*	Adopts both House and Senate provisions. *[Section 1508]*
N.) Tobacco. ***1.) Flue-cured Quota.*** No provisions.	Same as old law.	Reduces the reserve stock level for flue-cured in the quota determination	Similar to Senate, except the reserve stock is 60 million

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		formula from the greater of 100 million pounds or 10% of the national marketing quota, to the greater of 75,000 pounds or 10%. *[Section 162]*	pounds. *[Section 1610]*
2.) Flue-cured Farm Reconstitutions.			
No provisions	Same as old law.	Allows, for the 2002 crop only, for special farm reconstitutions that otherwise would violate the prohibition on flue-cured lease and transfer of quota. Requires a study of the prohibition of flue-cured quota lease and transfer. *[Section 163]*	Same as Senate bill. *[Section 1611]*
O.) Specialty Crops.			
1.) Mandatory CCC Purchases.			
No provisions of P.L. 104-127 specifically authorize or mandate support for specialty crops. Subsequently, emergency *ad hoc* assistance was mandated for specialty crops. P.L. 106-224, Section 203(d), mandated the CCC spend $200 million for purchases fruits and vegetables with low prices in 1998 and 1999, including	No provision.	Mandated specialty crop purchases using CCC funds: $100 million in each of FY2002 and FY2003, $120 million in FY2004, $140 million in FY2005, and $170 million in FY2006. Mandated purchases of other unspecified commodities, at $30 million each year. *[Section 166]*	The amount of Section 32 funds that can be carried across fiscal years for use in emergency removals of surplus commodities is increased from $300 million to $500 million. *[Section 1602]* Section 32 purchases of fruits, vegetables, and specialty crops shall amount to not less than

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
apples, black-eyed peas, cherries, citrus, cranberries, onions, melons, peaches, and potatoes. P.L. 106-387, Section 811 and Section 816 mandated respectively $100 million in payments to apple growers and $20 million to cranberry growers to compensate for low prices. P.L. 107-25, Section 7(b), mandated the CCC to distribute $133.4 million to states for support of specialty crops.			$200 million each fiscal year. *[Section 10603]*
P.) Payment Limits. ***1.) Fixed Payments, and Counter-Cyclical Payments.*** Fixed contract payments are subject to a $40,000 per person, per year limit. *[Section 115]* Matching market loss payments adopted as emergency assistance were not subject to payment limits, with the practical result effectively being the potential doubling of the contract payment limit to $80,000.	Combined fixed, decoupled payments for grains, cotton, and oilseeds are limited to $50,000 per year per person. *[Section 109]* Separately, fixed, decoupled payments for peanuts are limited to $50,000. *[Section 169]* Counter-cyclical payments for grains, cotton, and oilseeds are subject to a $75,000 per person, per year limit. *[Section 109]* Separately, counter-cyclical payments for peanuts are limited to $75,000. *[Section 169]*	Fixed, decoupled commodity payments combined with counter-cyclical target price deficiency payments for grains, cotton, oilseeds and peanuts are subject to a $75,000 per person, per year limit. *[Section 169]*	Fixed, decoupled payments for grains and oilseeds limited to $40,000 per year per person. Counter-cyclical payments limited to $65,000. The same limits separately apply to peanuts. *[Section 1603]*

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	**HOUSE BILL, (H.R. 2646) COVERS 2002-2011**	**SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006**	**NEW LAW (P.L. 107-171) COVERS 2002-2007**
2.) Marketing Loan Benefits.			
Marketing loan benefits (marketing loan gains and LDPs) for all crops combined are subject to a $75,000 per person, per year limit. *[Section 115]* The limit was raised to $150,000 for crop years 1999, 2000, and 2001 by respectively P.L. 106-78, sec. 813; P.L. 106-387, sec. 837; and P.L. 107-25, sec. 10). Exempt from payment limits are marketing certificates sold to farmers at the posted county price and used to pay off marketing assistance loans (authorized by P.L. 106-78, sec. 812). Also exempt for limits are gains from the forfeiture of commodities at loan maturity.	Marketing loan benefits for grains, cotton, and oilseeds combined are subject to a $150,000 per person, per year limit. *[Section 183]* Separately, marketing loan benefits for peanuts are limited to $150,000. [Section 169] Separately, marketing loan benefits for wool and mohair are limited to $150,000. *[Section 130(f)]* Separately, marketing loan benefits for honey are limited to $150,000. *[Section 131(f)]*	Marketing loan benefits for all commodities (grains, cotton, oilseeds, dry peas, lentils, chickpeas, wool, honey, and peanuts) combined are subject to $150,000 per individual, per year limit. Included in this limit are marketing loan gains, LDPs, loan forfeiture gains, and commodity certificate gains. *[Section 169]*	Marketing loan benefits for covered crops (grains and oilseeds), lentils, dry peas, and small chickpeas limited to $75,000. Peanuts, wool, mohair, and honey each have separate marketing loan benefit limits of $75,000. *[Section 1603]*
3.) Spouse Benefit and 3 Entity Rule.			
No change is made to existing policy that allows a spouse to be considered a separate person or allows one person to receive payments from 2 additional farms. Either allowance doubles the limit on payments.	Same as old law.	A spouse allowance of an additional $50,000 is created. The 3-entity rule is replaced by applying the limits to payments from all sources (the so-called direct attribution rule.) *[Section 169]*	Same as old law and House bill.

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	HOUSE BILL, (H.R. 2646) COVERS 2002-2011	SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006	NEW LAW (P.L. 107-171) COVERS 2002-2007
4.) Adjusted Gross Income Limit.			
No provision.	Same as old law.	A person with adjusted gross income in excess of $2.5 million is not eligible for payments (unless 75% or more of income is from farming, ranching, or forestry). *[Section 169]*	Same as Senate bill. *[Section 1603]*
5.) Payment Limitation Commission.			
No provision.	No provision.	Creates a 1-year Commission on the Application of Payment Limitations for Agriculture to analyze and make recommendations on payment limits. *[Sections 181-187]*	Same as Senate bill. *[Section 1605]*
Q.) Livestock Assistance.			
No provision.	No provision.	Authorizes appropriations up $500 million per year for FY2003-2008 for livestock assistance. *[Section 168]*	Authorizes appropriation of such sums as necessary for livestock assistance. *[Section 10104]*
R.) Farm Income Estimates.			
No provision.	No provision.	Requires USDA to make farm income estimates for commercial producers separate from all farms. *[Section 173]*	Same as Senate bill. *[Section 1615]*

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	HOUSE BILL, (H.R. 2646) COVERS 2002-2011	SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006	NEW LAW (P.L. 107-171) COVERS 2002-2007
S.) CCC Commodity Operations. No provision.	No provision.	CCC is authorized to use private business to carry out commodity purchases and sales. *[Section 174]*	Same as Senate bill. *[Section 1609]*
T.) Implementing Regulations. Regulations to implement Title I shall be issued not later than 90 days after enactment (August 12, 2002). [Section 161(d)]	Regulations to implement Title I shall be issued not later than 90 days after enactment. [Section 181(c)]	No provision.	Same as House bill. [Section 1601(c)] (The 90 periods ends on August 12, 2002).
U.) Counter-Cyclical Farm Savings Accounts. No provisions in current law.	Same as old law.	Farm counter-cyclical savings accounts are authorized as a pilot program in 3 states. Farms with adjusted gross revenue from commodities of at least $50,000 would be able to contribute an unlimited amount into a savings account with limited matching federal contributions (up to $5,000 per fiscal year). Withdrawals are permitted when adjusted gross revenue is less than 90% of the previous 5-year average. *[Section 114]*	Same as old law and House bill.

PRIOR LAW/POLICY (P.L. 104-127) COVERS 1996-2002	HOUSE BILL, (H.R. 2646) COVERS 2002-2011	SENATE SUBSTITUTE, (S. 1731 AMENDED) COVERS 2002-2006	NEW LAW (P.L. 107-171) COVERS 2002-2007
V.) WTO Limits on Allowable Domestic Support.			
Under the Uruguay Round Agreement on Agriculture, the U.S. agreed to an annual limit of $19.1 billion on spending for domestic trade-distorting subsidies. There is no similar limit in the law or definition of trade distorting subsidies.	If USDA determines that total spending for commodity support will exceed the limits accepted by the United States in the Uruguay Round Agreement on Agriculture, adjustments may be made to reduce spending to the limits but not below the allowable limits. *[Section 181(e)]*	If USDA notifies Congress that support program spending will exceed the allowed limits and that adjustments will be made, all spending on the designated programs will be suspended after 18 months unless Congress disallows the adjustments. *[Section 164]*	Same as House bill, except the USDA is instructed to make adjustments to ensure compliance. *[Section 1601]*

Table 1. Fixed Payments: Comparison of Prior Law, New Law, House, and Senate Bills

Crop, unit	Fixed Payment Rates			
	Prior Law 2002	P.L. 107-171 (2002-03/ 2004-07)	House Bill (2002-11)	Senate Bill (2002-06)
Wheat, $/bu	0.46	0.52	0.53	0.45/0.225/0.113
Corn, $/bu	0.26	0.28	0.30	0.27/0.135/0.068
Grain Sorghum, $/bu	0.31	0.35	0.36	0.31-0.27/0.135/ 0.068
Barley, $/bu	0.19	0.24	0.25	0.20/0.10/0.05
Oats, $/bu	0.020	0.024	0.025	0.05/0.025/0.013
Upland Cotton, $/lb	0.0554	0.0667	0.0667	0.13/0.065/0.0325
Rice, $/cwt	2.05	2.35	2.35	2.45/1.225/0.6125
Soybeans, $/bu	none	0.44	0.42	0.55/0.275/0.138
Minor Oilseeds, $/lb	none	0.008	0.74	0.01/0.005/0.0025
Peanuts, $/ton ($/lb)	none	36.00 (0.018)	36 (0.018)	all years, 36 (0.018)

Source: Fixed, decoupled payments in old law (P.L. 104-127), conference report H. Rept. 107-424, H.R. 2646; and S. 1731. Payment bases differ between the bills. The conference report makes payments on 85% of the payment acres times the payment yield, and generally the yield is that established for 1995. H.R. 2646 use the same payment base as old law (85% of recent acreage and yield averages from the 1980s). S. 1731 makes payments on 100% of recent acreage and recent yield levels.

Table 2. Counter-Cyclical Target Prices: Comparison of Prior Law, New Law, House Bill, and Senate Bill

Crop, unit	Target Prices			
	Prior Law (1995 Levels, Not Applicable 1996-2002)	**P.L. 107-171 (2002-03/ 2004-07)**	**House Bill (2002-11)**	**Senate Bill (2002-06)**
Wheat, $/bu	4.00	3.86/3.92	4.04	3.4460
Corn, $/bu	2.75	2.60/2.63	2.78	2.3472
Grain Sorghum, $/bu	2.61	2.54/2.57	2.64	2.3472
Barley, $/bu	2.36	2.21/2.24	2.39	2.1973
Oats, $/bu	1.45	1.40/1.44	1.47	1.5480
Upland Cotton, $/lb	0.729	0.724/0.724	0.736	0.6739
Rice, $/cwt	10.71	10.50/10.50	10.82	9.2914
Soybeans, $/bu	none	5.80/5.80	5.86	5.7431
Minor Oilseeds, $/lb	none	0.098/0.101	10.36	0.1049
Peanuts, $/ton ($/lb)	none	495/495 (24.75/24.75)	480 (24)	520 (26)

Source: Target prices in old law (P.L. 104-127, conference report H. Rept. 107-424, H.R. 2646, and S. 1731. [a] Payment bases differ between the bills. The conference report makes payments on 85% of the payment acres times the payment yield, and generally the yield is that established for 1995. H.R. 2646 use the same payment base as old law (85% of recent acreage and yield averages from the 1980s). S. 1731 makes payments on 100% of recent acreage and recent yield levels.

Table 3. Loan Rates: Comparison of Prior Law, New Law, House Bill, and Senate Bill

Crop, unit		Loan Rates		
	Prior Law 1996-02 [a]	P.L. 107-171 2002-03/ 2004-07	House Bill 2002-11	Senate Bill 2002-06
Wheat, $/bu	2.58	2.80/2.75	2.58	2.9960
Corn, $/bu	1.89	1.98/1.95	1.89	2.0772
Grain Sorghum, $/bu	1.69	1.98/1.95	1.89	2.0772
Barley, $/bu	1.71	1.88/1.85	1.65	1.9973
Oats, $/bu	1.14	1.35/1.33	1.21	1.4980
Upland Cotton, $/lb	0.5192	0.52/0.52	0.5192	0.5493
Rice, $/cwt	6.50	6.50/6.50	6.50	6.4914
Soybeans, $/bu	5.26	5.00/5.00	4.92	5.1931
Minor Oilseeds, $/lb	0.093	0.096/0.093	0.087	0.0949
Peanuts, $/ton ($/lb)	610 [b] (30.5)	355 (17.75)	350 (17.5)	400 (20)

Source: Loan rates in old law (P.L. 104-127), as adopted in conference report H. Rept. 107-424, H.R. 2646; and S. 1731. [a] Loan rates are maximum allowable levels. [b] Support level for quota peanuts, the support level for nonquota peanuts is $174/ton ($0.087/lb)

Table 4. Loan/Purchase Rates for Other Commodities: Comparison of Prior Law, New Law, House Bill, and Senate Bill

Crop	Loan/Purchase Rates			
	Prior Law 2002	P.L. 107-171 2002-03/04-07	House Bill 2002-11	Senate Bill 2002-06
ELS cotton, $/lb	0.7970	0.7977/0.7977	0.7965	0.7965
Wool, graded, $/lb	0.40 [a]	1.00/1.00	1.00	1.00
Wool, nongraded, $/lb	na	0.40/0.40	0.40	0.40
Mohair $/lb	0.40 [a]	4.20/4.20	4.20	na [b]
Honey, $/lb	0.65 [c]	0.60/0.60	0.60	0.60
Peas, dry, $/cwt	na	6.33/6.22	na	6.78
Lentils, $/cwt	na	11.94/11.72	na	12.79
Chickpeas, large, $/cwt	na	7.56/7.43	na	17.44
Chickpeas, small, $/cwt	na	7.56/7.43	na	8.10
Sugar, raw cane, $/lb	0.18	0.18/0.18	0.18	0.18
Sugar, beet, $/lb	0.229	0.229/0.18	0.229	0.229
Milk, $/cwt [d]	9.90 [d]	9.90/9.90 (target 16.94) [d]	9.90 [e]	9.90 (target 16.94 and rolling average) [f]
Tobacco, $/lb Flue-cured Burley	(adjusted yearly) 1.656 1.835	(adjusted yearly) 1.656 1.835	(adjusted yearly) 1.656 1.835	(adjusted yearly) 1.656 1.835

Source: Loan/purchase rates for old law (P.L. 104-127) conference Report 107-424, H.R. 2646, and S. 1731. [a] Support for wool and mohair are provided by P.L. 107-25 (sec5) for the 2001 crop only. [b] The Senate bill excludes mohair in Section 123, but includes it in Section 171, but the claimed intent is to not provide loans for mohair. [c] Honey received emergency support in 2000 under P.L. 106-387(Section 812), but not subsequently. [d] The farm price of milk is supported at $9.90 through purchases of storable nonfat dry milk, butter, and cheese. [e] The support price is made permanent and a target price is established for 3.5 years. [f] S.1731 establishes a target price for milk in 12 northeastern states and a rolling average market price for all other states.

Table 5. Commodity Program Cost Estimates Compared to Baseline Budget Authority

(in millions of dollars)

Commodity Support Programs	Baseline Budget Authority		Cost Estimate Above Baseline					
			Conference Report		House Bill		Senate Bill	
	5 Years	10 Years	5 Years	10 Years	5 Years	10 Years	5 Years	10 Years
Fixed, Decoupled Payments	19,741	39,481	3,676	9,947	6,435	12,866	9,491	2,731
Counter-Cyclical Payments	na	na	15,798	29,332	19,249	37,179	5,232	19,081
Marketing Assistance Loans	21,859	26,088	1,500	1,675	(3,419)	(5,825)	10,772	18,321
Wool & Mohair	na	na	99	205	94	202	87	189
Honey	(9)	(9)	61	101	61	101	61	101
Milk	659	1,246	1,657	2,056	374	773	2,273	2,284
Sugar	229	900	154	430	(15)	(18)	254	530
Peanuts	(5)	(5)	2,582	3,935	2,281	3,483	2,724	4,365
LDPs for Grazing	na	na	21	28	17	24	17	24
Dry Peas/Lentils/Chickpeas	na	na	58	116	na	na	75	150
Hard White Wheat Incentive Payments	na	na	20	20	na	na	40	40
Apple Market Loss Assistance	na	na	94	94	na	na	100	100
Specialty Crop Purchases	na	na	56	106	na	na	780	780
Step 2 Adjustment thru 7/31/03	na	na	75	75	na	na	36	36
Payment and Income Limits	na	na	(114)	(252)	na	na	(454)	(784)
Other Programs	na	na	50	103	na	na	(925)	(1,874)
SUM TOTAL	42,474	67,701	25,787	47,971	25,077	48,785	30,563	46,074

Source: Baseline estimates are from Congressional Budget Office, April 9, 2001, calculations. Bill comparison data are categorized by CRS, based on primary data from Congressional Budget Office estimates. The 5-year time period is FY2002-2006, and the 10-year time period is FY2002-2011. Total spending for a commodity program is the sum of baseline budget authority plus the cost above baseline. na, not applicable because current law or the bill does not provide authority for the listed program.

Table 6. 2002 Farm Bill, 6-Year Cost Estimates

(budget authority in millions of dollars)

	April 2001 Baseline			March 2002 Baseline		
	Baseline	New Spending	Total Projected Spending	Baseline	New Spending	Total Projected Spending
Commodity Support	55,534	31,169	86,703	61,337	37,587	98,924
Conservation	11,583	9,198	20,781	12,075	9,198	21,273
Trade	1,566	532	2,098	1,572	532	2,104
Nutrition (1)	134,556	2,657	137,213	146,820	2,793	149,613
Rural Development	0	870	870	160	870	1,030
Research	240	520	760	240	520	760
Forestry	0	85	85	0	85	85
Energy	0	366	366	0	405	405
Other Provisions (2)	0	(336)	(336)	0	(303)	(303)
Total, 6 years	203,479	45,061	248,540	222,204	51,687	273,891

Source: CRS compilation of Congressional Budget Office data.
(1) Farm bill changes to nutrition spending include changes to food stamps, the emergency food assistance program, and child nutrition programs, as well as new spending for demonstration programs. Child nutrition programs are not included in baseline, since their reauthorization is not addressed by the farm bill.
(2) "Other Provisions" in the farm bill primarily consist of savings associated with the federal crop insurance program. However, crop insurance is not included in the baseline, since the reauthorization of the program is not part of the farm bill.