

George W. Bush Presidential Library

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Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 05/11/2001 [H.R. 256]

THE PRESIDENT HAS SEEN

5-11-01

THE WHITE HOUSE

WASHINGTON

May 10, 2001

MR. PRESIDENT:

Attached please find H.R. 256 --
Family Farmer Bankruptcy Act
Extension.

OMB, USDA, Justice, the Chief of
Staff, NEC, and all relevant White
House offices recommend approval.

Respectfully,

Harriet E. Miers

LAST DAY FOR ACTION: Monday, May 14



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

CONFIDENTIAL

May 7, 2001

THE PRESIDENT HAS SEEN

5-11-01

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

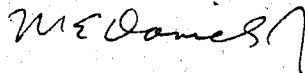
Chapter 12 provides special bankruptcy relief to certain family farmers. Under Chapter 12, eligible family farmers are permitted to reorganize their debts pursuant to a repayment plan under the supervision of a bankruptcy trustee. According to a 1997 report by the National Bankruptcy Review Commission, "the special attributes of chapter 12 make it better suited to meet the particularized needs of family farmers in financial distress than other forms of bankruptcy relief, such as chapter 11 and chapter 13." The report describes Chapter 12 as typically less complex and expensive than Chapter 11 (a form of bankruptcy generally used to reorganize debts of large corporations) and more flexible than Chapter 13 (bankruptcy relief for individuals seeking to reorganize their debts). Chapter 13 is limited to debtors with less debt than permitted under Chapter 12.

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Conclusion and Recommendations

The Department of Agriculture advises that "[g]iven the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension." (The pending bankruptcy bills passed by the House and Senate earlier this year both would make Chapter 12 permanent.)

We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Memo to the Record

Date: 05/20/2016

Collection: Executive Clerk, Office of The

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 05112001hr256

RE: House Report 107-2 – Extension of Chapter 12 of the Bankruptcy Code

A copy of the report entitled “House Report 107-2 – Extension of Chapter 12 of the Bankruptcy Code” is included at this location in this folder. It was not scanned. It can be viewed at <https://www.congress.gov/congressional-report/107th-congress/house-report/2/1> If this link is broken, please contact the George W. Bush Presidential Library archives.



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

MAY 2 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

The Department of Agriculture (USDA) recommends that the President sign the enrolled bill, H.R. 256, "To extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted."

This enrolled bill would extend, retroactively, the bankruptcy protections afforded to family farmers and ranchers under chapter 12 of title 18, United States Code for an 11 month period beginning on July 1, 2000 and ending on June 1, 2001. Given the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", with a long, sweeping horizontal line extending to the right.

Ann M. Veneman
Secretary



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 4, 2001

The Honorable Mitchell Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R. 256, "[t]o extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted." The Department has no objection to enactment of this enrolled bill and therefore recommends that the President approve it.

Chapter 12 of the Federal Bankruptcy Code (title 11 of the United States Code), which expired on July 1, 2000, provided a specialized form of bankruptcy relief to certain qualifying "family farmers." H.R. 256 would reenact chapter 12 retroactively for the period July 1, 2000, to June 1, 2001.

Thank you for the opportunity to provide our views on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,

Sheryl L. Walter
Acting Assistant Attorney General



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 7, 2001

445468
THE ENROLLED BILL IS HERE

01 MAY 7 PM 10:37

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

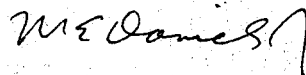
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Conclusion and Recommendations

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We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Bills Received at the White House

'01 MAY 2 AM 10:32

OMB ENROLLED
BILL MEMO
IS HERE

Date received and
notification to OMB: 5/2/2001
Last day for action: 5/14/2001

H.R.256

Official Title

An Act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

445468

'01 MAY 2 AM 10:28

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01

ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE (OK)	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☒	☐		☐	☐
BLAKEMAN	☐	☐		☐	☐
CALIO	☒	☐		☐	☐
FLEISCHER	☒	☐		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

01 MAY 01 PM 5:44

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY BY COB ON
WEDNESDAY, MAY 9, 2001. THANK YOU.

NC

RESPONSE:

2001 MAY 8 - 8 AM 11:58
EXEC. OFC. PRESIDENT
WH STRATEGIC INITIATIVES

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 MAY 7 PM 10:37

THE DIRECTOR

May 7, 2001

THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

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Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

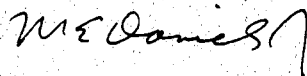
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Conclusion and Recommendations

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We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01

ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

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HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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OK

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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Approval

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Department of the Treasury

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No comment (Informally)

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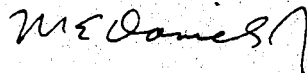
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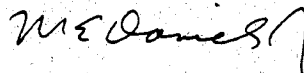
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LAST DAY FOR ACTION: Monday, May 14



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Department of the Treasury	No objection (Informally)
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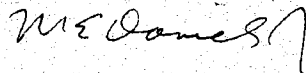
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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

MAY 2 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

The Department of Agriculture (USDA) recommends that the President sign the enrolled bill, H.R. 256, "To extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted."

This enrolled bill would extend, retroactively, the bankruptcy protections afforded to family farmers and ranchers under chapter 12 of title 18, United States Code for an 11 month period beginning on July 1, 2000 and ending on June 1, 2001. Given the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", with a long, sweeping horizontal line extending to the right.

Ann M. Veneman
Secretary



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 4, 2001

The Honorable Mitchell Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R. 256, "[t]o extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted." The Department has no objection to enactment of this enrolled bill and therefore recommends that the President approve it.

Chapter 12 of the Federal Bankruptcy Code (title 11 of the United States Code), which expired on July 1, 2000, provided a specialized form of bankruptcy relief to certain qualifying "family farmers." H.R. 256 would reenact chapter 12 retroactively for the period July 1, 2000, to June 1, 2001.

Thank you for the opportunity to provide our views on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,

Sheryl L. Walter

Acting Assistant Attorney General

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To extend for 11 additional months the period for which chapter 12 of title 11
of the United States Code is reenacted.

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105-277,
as amended by Public Law 106-5 and Public Law 106-70, is
amended—

(1) by striking “July 1, 2000” each place it appears and
inserting “June 1, 2001”; and

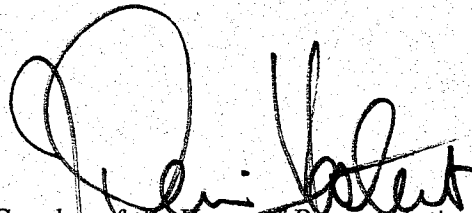
(2) in subsection (a)—

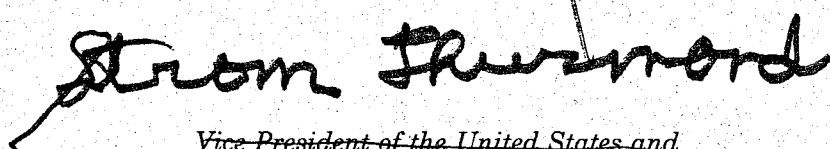
(A) by striking “September 30, 1999” and inserting
“June 30, 2000”; and

(B) by striking “October 1, 1999” and inserting “July
1, 2000”.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July
1, 2000.


Speaker of the House of Representatives.


Vice President of the United States and
President of the Senate. *pro Tempore*

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

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“June 30, 2000”; and

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1, 2000”.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July
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Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>MC</i>	☒	☐	IRASTORZA	☐	☐
CARD <i>ok</i>	☒	☐	JOHNSON <i>MC</i>	☒	☐
HUGHES <i>ok</i>	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY <i>Sec. Council</i>	☒	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☒	☐	_____	☐	☐
BLAKEMAN	☐	☐	_____	☐	☐
CALIO <i>ok</i>	☒	☐	_____	☐	☐
FLEISCHER	☒	☐	_____	☐	☐
GONZALES <i>N/C</i>	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY BY COB ON
WEDNESDAY, MAY 9, 2001. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 MAY 7 PM 10:37

THE DIRECTOR

May 7, 2001

THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Department of the Treasury

Farm Credit Administration

Please staff for COB tomorrow.

Thurs 7/2

Discussion

Chapter 12 of the Federal Bankruptcy Code provides a means for farmers to deal with the financial problems of their farms. The purpose of this chapter is to give farmers the opportunity to reorganize their financial affairs and retain their farms. Chapter 12 was created in 1978 but it was extended that year until its expiration on June 1, 2001. Chapter 12 bankruptcy reorganization is available for 11 months, until June 1, 2001.

Preservation Copy



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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THE DIRECTOR

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

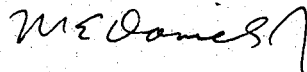
Chapter 12 provides special bankruptcy relief to certain family farmers. Under Chapter 12, eligible family farmers are permitted to reorganize their debts pursuant to a repayment plan under the supervision of a bankruptcy trustee. According to a 1997 report by the National Bankruptcy Review Commission, "the special attributes of chapter 12 make it better suited to meet the particularized needs of family farmers in financial distress than other forms of bankruptcy relief, such as chapter 11 and chapter 13." The report describes Chapter 12 as typically less complex and expensive than Chapter 11 (a form of bankruptcy generally used to reorganize debts of large corporations) and more flexible than Chapter 13 (bankruptcy relief for individuals seeking to reorganize their debts). Chapter 13 is limited to debtors with less debt than permitted under Chapter 12.

Eligible debtors. Eligibility for Chapter 12 relief is available to individuals or married couples who meet four requirements: (1) their aggregate debt cannot exceed \$1,500,000; (2) not less than 80 percent of their aggregate noncontingent, liquidated debt (excluding a debt for their principal residence) can be attributable to the farming operation; (3) more than 50 percent of their gross income for the taxable year in which they file for bankruptcy must come from the farming operation; and (4) their annual income must be sufficiently stable and regular to enable them to make payments under a Chapter 12 repayment plan. A corporation or partnership is also eligible for Chapter 12 relief if it meets aggregate debt restrictions that are essentially the same as those imposed on individuals and married couples and: (1) more than 50 percent of the outstanding stock or equity is held by one family; (2) more than 80 percent of the value of its assets are related to the farming operation; and (3) any stock that is issued is not traded publicly.

Conclusion and Recommendations

The Department of Agriculture advises that "[g]iven the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension." (The pending bankruptcy bills passed by the House and Senate earlier this year both would make Chapter 12 permanent.)

We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUMDate: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

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WASHINGTON, D.C. 20503

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SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

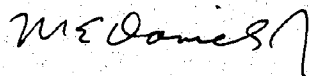
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Conclusion and Recommendations

The Department of Agriculture advises that "[g]iven the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension." (The pending bankruptcy bills passed by the House and Senate earlier this year both would make Chapter 12 permanent.)

We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

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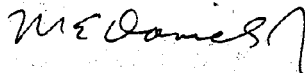
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Enclosures



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Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

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Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

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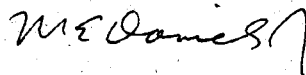
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUMDate: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

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REMARKS:

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RESPONSE:

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Ext. 62702



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OFFICE OF MANAGEMENT AND BUDGET
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Department of Agriculture

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Department of Justice

Approval

Department of the Treasury

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No comment (Informally)

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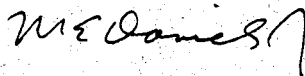
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Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3524	
CONNECTION TEL		51005
CONNECTION ID		
ST. TIME	05/08 11:41	
USAGE T	02'09	
PGS. SENT	3	
RESULT	OK	

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01

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Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

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CALIO	☒	☐		☐	☐
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HAWKINS	☒	☐		☐	☐

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 WEDNESDAY, MAY 9, 2001. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☒	☐	_____	☐	☐
BLAKEMAN	☐	☐	_____	☐	☐
CALIO	☒	☐	_____	☐	☐
FLEISCHER	☒	☐	_____	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY BY COB ON
WEDNESDAY, MAY 9, 2001. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 MAY 7 PM 10:37

THE DIRECTOR

May 7, 2001

THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

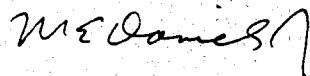
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Conclusion and Recommendations

The Department of Agriculture advises that "[g]iven the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension." (The pending bankruptcy bills passed by the House and Senate earlier this year both would make Chapter 12 permanent.)

We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

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Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☒	☐		☐	☐
BLAKEMAN	☐	☐		☐	☐
CALIO	☒	☐		☐	☐
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GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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RESPONSE:

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Assistant to the President
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Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 MAY 7 PM 10:37

THE DIRECTOR

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MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

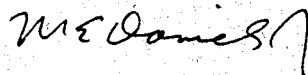
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We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01

ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB 1 MAY 8 PM 1:18

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☒	☐	_____	☐	☐
BLAKEMAN	☐	☐	_____	☐	☐
CALIO	☒	☐	_____	☐	☐
FLEISCHER	☒	☐	_____	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Handwritten signature: JH
Handwritten initials: HHC
Handwritten date: 5/8

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 MAY 7 PM 10:37

THE DIRECTOR

May 7, 2001

THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

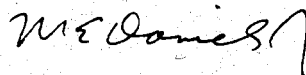
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We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



OFFICE OF THE VICE PRESIDENT
WASHINGTON

01 MAY 8 PM 5:53

May 8, 2001

MEMORANDUM FOR HARRIET MIERS
STAFF SECRETARY

FROM: NEIL PATEL 
STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 – Family Bankruptcy Act
Extension

The Office of the Vice President has reviewed the above-referenced draft and has no comments.

WHITE HOUSE STAFFING MEMORANDUM

01 MAY 2001

Date: 5/8/01

ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
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CALIO	☒	☐	_____	☐	☐
FLEISCHER	☒	☐	_____	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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WEDNESDAY, MAY 9, 2001. THANK YOU.

NC

RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

01 MAY 7 PM 10:37

THE DIRECTOR

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THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

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Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

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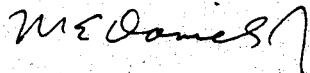
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01

ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COB

Subject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
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HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Legislative Affairs - agree

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 MAY 7 PM 10:37

THE DIRECTOR

May 7, 2001

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SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
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Last Day for Action

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Purpose

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Approval

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Department of Justice

Approval

Department of the Treasury

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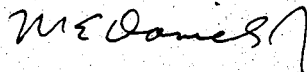
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Director

Enclosures

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MAY 9 AM 11:17

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CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
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FLEISCHER	☒	☐	_____	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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No comments. Stuart W. Bowen, Jr.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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Department of Justice

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Department of the Treasury

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Farm Credit Administration

No comment (Informally)

Discussion

Chapter 12 of the Federal Bankruptcy Code (11 U.S.C.) was enacted in 1986 in response to the financial problems farmers were experiencing in the early- to mid-1980s. The primary purpose of this chapter is to give family farmers facing bankruptcy an opportunity to reorganize their financial affairs and retain ownership of their property. Chapter 12 was to sunset in 1993, but it was extended that year until September 30, 1998. Subsequent extensions kept Chapter 12 in place until its expiration on July 1, 2000. Since then, family farmers have been ineligible to receive Chapter 12 bankruptcy relief. H.R. 256 would retroactively extend Chapter 12 for 11 months, until June 1, 2001.

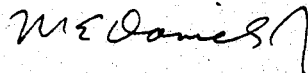
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Conclusion and Recommendations

The Department of Agriculture advises that "[g]iven the emergency conditions facing many farmers and ranchers, USDA believes that the protections of chapter 12 must remain available while Congress considers permanent extension." (The pending bankruptcy bills passed by the House and Senate earlier this year both would make Chapter 12 permanent.)

We join Agriculture and Justice in recommending approval of H.R. 256, which passed the House by a vote of 408-2 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

THE WHITE HOUSE
WASHINGTON

01 MAY 9 PM 1:36

May 9, 2001

MEMORANDUM FOR HARRIET MIERS

Assistant to the President & Staff Secretary

FROM: DYLAN GLENN D.G.

SUBJECT: Enrolled Bill H.R. 256

The National Economic Council has reviewed the Enrolled Bill H.R.256 – the Family Farmer Bankruptcy Act Extension and would support the recommendation of approval.

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☒	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MIRS	☐	☐
HAGIN					☐
DANIE					☐
BLAKE					☐
CALIO					☐
FLEISC					☐
GONZA					☐
HAWKII					☐

To Dylan

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY BY COB ON
WEDNESDAY, MAY 9, 2001. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 MAY 7 PM 10:37

May 7, 2001

THE ENROLLED BILL IS HERE

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 256 - Family Farmer Bankruptcy Act Extension
Sponsors - Rep. Smith (R) Michigan and 18 cosponsors

Last Day for Action

May 14, 2001 - Monday

Purpose

Retroactively reenacts the provisions of the Family Farmer Bankruptcy Act as of July 1, 2000, and extends the Act for 11 months, until June 1, 2001.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Farm Credit Administration

No comment (Informally)

Discussion

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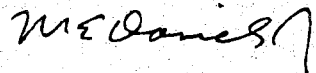
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

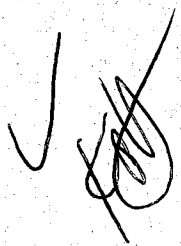
Date: 5/8/01 ACTION / CONCURRENCE / COMMENT DUE BY: 5/9/01 COBSubject: ENROLLED BILL H.R. 256 - FAMILY FARMER BANKRUPTCY ACT EXTENSION

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DANIELS	☒	☐	_____	☐	☐
BLAKEMAN	☐	☐	_____	☐	☐
CALIO	☒	☐	_____	☐	☐
FLEISCHER	☒	☐	_____	☐	☐
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HAWKINS	☒	☐	_____	☐	☐

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THE DIRECTOR

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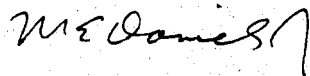
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Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To extend for 11 additional months the period for which chapter 12 of title 11
of the United States Code is reenacted.

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105-277,
as amended by Public Law 106-5 and Public Law 106-70, is
amended—

(1) by striking "July 1, 2000" each place it appears and
inserting "June 1, 2001"; and

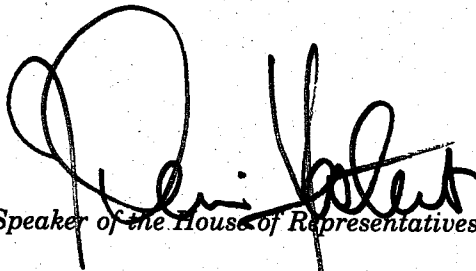
(2) in subsection (a)—

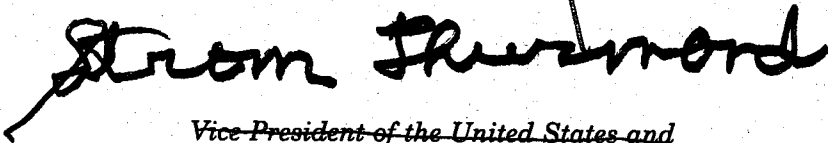
(A) by striking "September 30, 1999" and inserting
"June 30, 2000"; and

(B) by striking "October 1, 1999" and inserting "July
1, 2000".

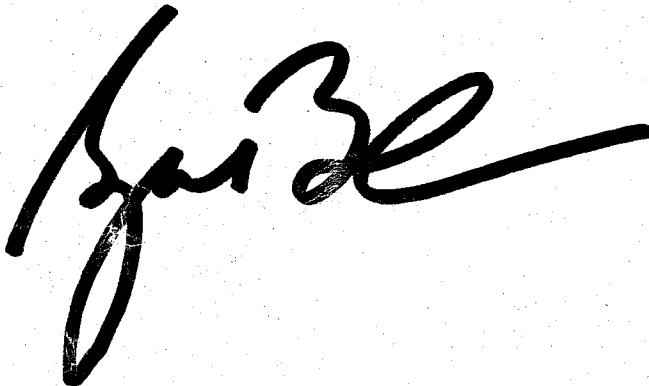
SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July
1, 2000.


Speaker of the House of Representatives.


Vice President of the United States and
President of the Senate. *pro Tempore*

APPROVED
MAY 1. 1. 2001



THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

May 11, 2001

STATEMENT BY THE PRESS SECRETARY

Today, the President signed into law H.R. 256, the Family Farmer Bankruptcy Act retroactive extension from July 1, 2000, until June 1, 2001.

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