



What's In A Word?



For close to a year now, the American Loggers Council has worked to obtain funding for those timber harvesting and hauling businesses throughout the United States that have been adversely impacted by curtailments in markets and production as a result of the Coronavirus pandemic.

We were successful in getting language in the Consolidated Appropriations Act of 2021 (CFAP 2) that became law in late December that included the following language:

“Provided further, That from the amounts provided in this section, the Secretary of Agriculture **may** use not more than \$200,000,000 to provide relief to timber harvesting and timber hauling businesses that have, as a result of the COVID-19 pandemic, experienced a loss of not less than 10 percent in gross revenue during the period beginning on January 1, 2020, and ending on December 1, 2020, as compared to the gross revenue of that timber harvesting or hauling business during the same period in 2019:”

We have highlighted the word “**may**” in the text for good reason. **The original text that we thought was included in the bill used the word “**shall**.”** What happens when you change the word from shall to may? The appropriation becomes discretionary rather than mandatory, so now we are once again at the mercy of the agency who is tasked to implement a program, as they see fit.

It has now been three months since the passage of the Consolidated Appropriations Act of 2021. On March 24, 2021, the administration announced in a [press release that they have identified gaps in previous aid to producers](#), which **both timber harvesting and timber hauling businesses are included**. That is the good news. The bad news is that after three months of back-and-forth discussions after the bill has passed, and the previous 6-7 months of communicating our needs to members of Congress in order to get the language into the Appropriations Act, we are now faced with a rulemaking process as required by the Administrative Procedures Act. This could add, at a minimum, another 120 days to the wait before timber harvesting and timber hauling businesses could see a penny of the funds distributed to those in need.

Let's just hope that may not be too late for many of you who have suffered from loss of markets, quotas, downtime and the uncertainty of being able to have the capital to pay your fixed costs such as insurance and equipment notes. We will continue to engage a bureaucracy that truly does not understand what it like to run a capital intensive, low-margin business and look for ways to expedite the funding to your businesses. A good starting point would be to have a Congressional Oversight hearing as to why the agencies are not meeting the intent of Congress.

Who changed the language from "shall" to "may"? We may never know, but in a society where interpretation means everything, this has placed another barrier in our efforts.

The American Loggers Council is a 501(c)(6) trade association representing the interests of timber harvesting and timber hauling businesses across the United States. For more information visit our website at www.amloggers.com.