

104TH CONGRESS
1ST SESSION

H. R. 2339

To amend the Agricultural Act of 1949 to permit producers to adopt integrated, site-specific farm management plans that provide for resource-conserving crop rotation, special conservation practices, rotational grazing, and biomass production operations and practices.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1995

Mr. MINGE (for himself, Mr. BARRETT of Nebraska, and Mr. JOHNSON of South Dakota) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Act of 1949 to permit producers to adopt integrated, site-specific farm management plans that provide for resource-conserving crop rotation, special conservation practices, rotational grazing, and biomass production operations and practices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSERVATION FLEX PROGRAM OPTION.**

4 (a) ESTABLISHMENT OF PROGRAM.—The Agricul-
5 tural Act of 1949 is amended by inserting after section
6 115 (7 U.S.C. 1445k) the following new section:

1 **“SEC. 116. CONSERVATION FLEX PROGRAM OPTION.**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish a voluntary conservation flex program option to assist
4 producers of agricultural commodities in adopting inte-
5 grated, site-specific farm management plans through the
6 reduction of farm program barriers to resource steward-
7 ship practices and systems.

8 “(b) DEFINITIONS.—For the purposes of this section:

9 “(1) The term ‘program’ means the conserva-
10 tion flex program option established under this sec-
11 tion.

12 “(2) The term ‘plan’ means a site-specific farm
13 management plan prepared by the producer and ap-
14 proved by the Secretary.

15 “(3) The term ‘alternative crops’ means experi-
16 mental and industrial crops which conserve soil and
17 water.

18 “(4) The term ‘breeding cattle’ means bulls,
19 dams, and heifers held solely for the production of
20 calves, but shall not include weaned calves being
21 grown for slaughter or dairy cattle.

22 “(5) The term ‘legume’ means any legume, in-
23 cluding alfalfa, clover, lentils, lupine, medic, peas,
24 soybeans, and vetch grown for use as a forage, green
25 manure, or biomass feedstock, but not including any
26 pulse crop from which the seeds are harvested and

1 sold for purposes other than use as seed for plant-
2 ing.

3 “(6) The term ‘resource-conserving crop’ means
4 legumes, grasses, brassica cover crops and forages,
5 alternative crops, any interseeded or relay-planted
6 combination of such crops, any interseeded or relay-
7 planted combination of such crops and small grains,
8 and such other crops as the Secretary may des-
9 ignate.

10 “(7) The term ‘resource-conserving crop rota-
11 tion’ means a crop rotation which includes at least
12 one resource-conserving crop and that reduces ero-
13 sion, maintains or improves soil fertility, tilth and
14 structure, interrupts pest cycles, or conserves water.

15 “(8) The term ‘rotational grazing’ means plant-
16 ing forage, dividing pastures into paddocks, and
17 using grazing rotations to increase forage quality
18 and production, improve vegetative cover, and reduce
19 sediment and nutrient runoff.

20 “(9) The term ‘small grains’ means any small
21 grain, including barley, buckwheat, oats, rye, spelt,
22 and triticale, but not including wheat, except for
23 wheat grown for nonhuman consumption.

24 “(10) The term ‘special conservation practices’
25 means field borders, contour grass strips, grass wa-

1 terways, filter strips, grass windbreaks, buffer areas,
2 wildlife habitat plantings, habitat plantings for bene-
3 ficial organisms that aid in the control of pests, and
4 such other practices as the Secretary may designate.

5 “(c) ELIGIBLE PRODUCERS.—To be eligible to par-
6 ticipate in the program, a producer must prepare and sub-
7 mit to the Secretary for approval a site-specific farm man-
8 agement plan, which may at the producer’s option be inte-
9 grated with any conservation plan developed pursuant to
10 section 1212 of the Food Security Act of 1985 (16 U.S.C.
11 3812) and any other conservation or natural resource plan
12 required for producer participation in any program within
13 the jurisdiction of the Secretary.

14 “(d) AGREEMENTS.—Upon the approval of a plan
15 submitted by a producer under subsection (c), the Sec-
16 retary shall enter into an agreement with the producer
17 that specifies the crop acreage bases being enrolled in the
18 program. The agreement shall be for a period of not less
19 than one year, nor more than seven years, as determined
20 by the producer. The agreement may be renewed upon the
21 mutual agreement of the Secretary and the producer.

22 “(e) PRODUCER RESPONSIBILITIES UNDER AGREE-
23 MENT.—Under the terms of an agreement entered into
24 under subsection (d), a producer shall agree—

1 “(1) to actively comply with the terms and con-
2 ditions of the applicable plan, as approved by the
3 Secretary;

4 “(2) to devote to a resource-conserving crop—

5 “(A) not less than 15 percent of the crop
6 acreage bases of the producer enrolled under
7 such program; or

8 “(B) not less than 15 percent of the pro-
9 ducer’s total crop acres, if the sum of resource-
10 conserving crop acres on non-base acres and
11 total crop acreage bases on the farm does not
12 exceed the county average base-to-cropland
13 ratio; and

14 “(3) to keep such records as the Secretary may
15 reasonably require for purposes of program evalua-
16 tion.

17 “(f) REQUIREMENTS OF THE PLAN.—To be approved
18 by the Secretary, a plan submitted by a producer must—

19 “(1) specify the crop acreage bases the pro-
20 ducer chooses to enroll in the program;

21 “(2) describe the resource-conserving crop rota-
22 tion, special conservation practices, rotational graz-
23 ing, or biomass production operations and practices
24 to be implemented and maintained on such acreage

1 during the agreement period which fulfill the pur-
2 poses of the program;

3 “(3) contain a schedule for the implementation,
4 improvement and maintenance of the resource-con-
5 serving crop rotation, special conservation practices,
6 rotational grazing, or biomass operations and prac-
7 tices described in the plan; and

8 “(4) contain such other terms as the Secretary
9 may require.

10 “(g) PROGRAM ADMINISTRATION, CERTIFICATION,
11 AND TERMINATION.—

12 “(1) PROGRAM ADMINISTRATION, TECHNICAL
13 ASSISTANCE, AND FLEXIBILITY.—

14 “(A) ADMINISTRATION.—The program
15 shall be administered by the Secretary.

16 “(B) TECHNICAL ASSISTANCE.—In admin-
17 istering the program, the Secretary, in con-
18 sultation with the local conservation districts
19 and any State or local authorities deemed ap-
20 propriate by the Secretary, shall provide tech-
21 nical assistance to a producer in developing and
22 implementing a plan, evaluating the effective-
23 ness of a plan, and assessing the costs and ben-
24 efits of farming operations and practices. If re-
25 quested by a producer, the Secretary shall pro-

1 vide technical assistance to help the producer
2 comply with Federal, State, and local require-
3 ments designed to protect soil, wetlands, wild-
4 life habitat, the quality of ground water and
5 surface water, or other natural resources.

6 “(C) FLEXIBILITY.—In administering the
7 program, the Secretary shall provide sufficient
8 flexibility for a producer to revise the produc-
9 er’s plan to respond to changes in market con-
10 ditions, weather, or technology or to adjust and
11 modify the farming operation, except that such
12 revisions must be consistent with the purposes
13 of the program and approved by the Secretary.

14 “(2) CERTIFICATION.—The Secretary shall cer-
15 tify producer compliance with the terms and condi-
16 tions of the plan.

17 “(3) TERMINATION.—The Secretary may termi-
18 nate an agreement entered into with a producer
19 under this program if—

20 “(A) the producer agrees to such termi-
21 nation; or

22 “(B) the producer violates the terms and
23 conditions of such agreement.

24 “(h) PROGRAM RULES.—

1 “(1) BASE AND YIELD PROTECTION.—Notwith-
2 standing any other provision of law, the Secretary
3 shall not reduce crop acreage bases or farm program
4 payment yields as a result of the planting of a re-
5 source-conserving crop.

6 “(2) PAYMENT ACRES.—Notwithstanding any
7 other provision of law, the Secretary shall not reduce
8 any farm program loans, payments, or benefits of a
9 program participant as a result of the planting of a
10 resource-conserving crop.

11 “(3) PAYMENT RATE.—Notwithstanding any
12 other provision of law, the Secretary shall provide
13 deficiency payments on resource-conserving crop
14 acreage eligible for payments at a rate not less than
15 the projected deficiency payment rate, as determined
16 and announced each year by the Secretary prior to
17 the period during which producers may agree to par-
18 ticipate in the program.

19 “(4) PAYMENT ACRE PROTECTION.—Notwith-
20 standing any other provision of law, the Secretary
21 shall not reduce the payment acres or the estab-
22 lished price for a program participant who has en-
23 tered into an agreement with the Secretary for a
24 fixed period of time.

1 “(5) RESOURCE-CONSERVING CROPS ON NOR-
2 MAL FLEX ACREAGE.—Acreage devoted to resource-
3 conserving crops under this program may, at the
4 discretion of the producer, be designated as normal
5 flex acreage.

6 “(6) ADJUSTMENTS IN PRODUCTION ADJUST-
7 MENT REQUIREMENTS.—Notwithstanding any other
8 provision of law, the Secretary shall make fair and
9 equitable adjustments in acreage limitation require-
10 ments applicable to a producer participating in the
11 program giving due consideration to crop rotation,
12 special conservation practices, rotational grazing,
13 biomass production, and other appropriate factors
14 resulting from the implementation of a plan. If the
15 Secretary determines that the reduction in program
16 crop production on a participating farm referred to
17 in the preceding sentence will equal or exceed any
18 reduction in crop production which, in the absence
19 of participation in the program, would occur as a re-
20 sult of acreage limitation requirements, the Sec-
21 retary shall waive such acreage limitation require-
22 ments for the farm. If the resource conserving crop
23 includes a farm program feed grain crop planted on
24 the base acres of another farm program feed grain
25 crop, the Secretary shall take into account the estab-

1 lished or county average yield of the two feed grains
2 for the purposes of making the adjustment or waiv-
3 er.

4 “(7) TOTAL BASE ACREAGE FLEXIBILITY.—
5 Notwithstanding any other provision of law, the Sec-
6 retary shall allow participants in this program to
7 plant farm program crops and oilseeds in any pro-
8 portion on a producer’s total acreage of farm pro-
9 gram crop base and historic oilseeds acreage without
10 affecting farm program payments.

11 “(8) CROP INSURANCE.—Notwithstanding any
12 other provision of law, acreage devoted to resource-
13 conserving crops under this program shall be eligible
14 for crop insurance pursuant to the Federal Crop In-
15 surance Act (7 U.S.C. 1501 et seq.).

16 “(9) HAYING AND GRAZING RESTRICTION.—

17 “(A) IN GENERAL.—The Secretary shall
18 not make any farm program payments to a pro-
19 ducer, who is otherwise eligible to receive such
20 payments, for acreage enrolled in the program
21 if the producer, during the consecutive five
22 month period in each State in which haying and
23 grazing of conserving use acres may be prohib-
24 ited under the provisions of this Act, grazes

1 breeding cattle or nursing calves or harvests
2 and sells hay on payment acres.

3 “(B) TRANSITION OPTION.—The restric-
4 tion in subparagraph (A) shall not apply in the
5 case of a producer who agrees to retire all base
6 acreage enrolled in the program at the end of
7 the agreement period.

8 “(C) EMERGENCY HAYING AND GRAZ-
9 ING.—The Secretary shall release acreage de-
10 voted to resource-conserving crops for emer-
11 gency haying and grazing as the result of a nat-
12 ural disaster when the Secretary permits unlim-
13 ited haying and grazing on—

14 “(i) reduced acreage under this Act;

15 “(ii) acreage devoted to a conservation
16 use under this Act;

17 “(iii) acreage diverted from produc-
18 tion under a land diversion program estab-
19 lished under this Act; or

20 “(iv) acreage enrolled in the conserva-
21 tion reserve program under the Food Secu-
22 rity Act of 1985 (16 U.S.C. 3801 et
23 seq.).”.

1 (b) CONFORMING REPEAL.—Section 1451 of the
2 Food, Agriculture, Conservation, and Trade Act of 1990
3 (7 U.S.C. 5822) is repealed.

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