

104TH CONGRESS
1ST SESSION

H. R. 2496

To amend the wetland conservation provisions of the Food Security Act of 1985 to assist agricultural producers in receiving prompt and fair resolution of complaints alleging producer violations of such provisions and to limit the application of the program ineligibility sanction to the farm on which a violation of such provisions occurs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1995

Mr. BUYER (for himself, Mr. BURTON of Indiana, Mr. HAMILTON, Mr. JACOBS, Mr. BEREUTER, and Mr. BRYANT of Tennessee) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the wetland conservation provisions of the Food Security Act of 1985 to assist agricultural producers in receiving prompt and fair resolution of complaints alleging producer violations of such provisions and to limit the application of the program ineligibility sanction to the farm on which a violation of such provisions occurs.

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

1 **SECTION 1. MODIFICATION OF WETLAND CONSERVATION**
2 **PROVISIONS.**

3 (a) AUTHORITY OF STATE DIRECTOR TO WAIVE
4 FINES AND PENALTIES.—Section 1222 of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3822) is amended—

6 (1) by redesignating subsections (i) and (j) as
7 subsection (j) and (k), respectively; and

8 (2) by inserting after subsection (h) the follow-
9 ing new subsection:

10 “(i) ADDITIONAL GOOD FAITH EXEMPTION.—The
11 executive director of a State committee appointed by the
12 Secretary under section 8(b)(5) of the Soil Conservation
13 and Domestic Allotment Act (16 U.S.C. 590h(d)) may
14 waive or reduce the extent of a person’s ineligibility for
15 program benefits proposed or imposed under section 1221,
16 or any fine or reduction in program benefits proposed or
17 imposed in lieu of program ineligibility, in connection with
18 a violation of section 1221 in that State if the executive
19 director determines that the violation involves not more
20 than five acres and the person acted in good faith without
21 the intention to violate such section. An executive director
22 shall make a determination under this subsection in con-
23 sultation with the county or area committee established
24 for the county or area in which the alleged violation oc-
25 curred.”.

1 (b) CONTINUATION OF FARMING PRACTICES PEND-
2 ING APPEAL.—Section 1221 of such Act (16 U.S.C. 3821)
3 is amended by adding at the end the following new sub-
4 section:

5 “(c) CONTINUATION OF FARMING PRACTICES PEND-
6 ING APPEAL.—During the course of making a determina-
7 tion regarding the violation of this subtitle, and during
8 the course of any review of such a determination, the Sec-
9 retary may not prohibit or seek to prevent the person ac-
10 cused of the violation from raising an agricultural com-
11 modity on, or otherwise manipulating, the land that is the
12 subject of the determination unless the person deviates
13 from previous farming practices used with respect to the
14 land.”.

15 (c) USE OF CERTIFIED MAIL TO PROVIDE NOTICE
16 OF VIOLATIONS.—Section 1221 of such Act (16 U.S.C.
17 3821) is further amended by inserting after subsection (c),
18 as added by subsection (b) of this section, the following
19 new subsection:

20 “(d) NOTICE OF VIOLATIONS.—The Secretary shall
21 use certified mail to promptly notify a person who is al-
22 leged to be in violation of this section.”.

23 (d) PROGRAM INELIGIBILITY LIMITED TO VIOLATING
24 FARM.—

1 (1) PRODUCTION ON CONVERTED WETLAND.—
2 Subsection (a) of section 1221 of such Act (16
3 U.S.C. 3821) is amended—

4 (A) in paragraph (1), by inserting “on the
5 farm containing such converted wetland” after
6 “crop year” in the matter preceding the sub-
7 paragraphs;

8 (B) in paragraph (2), by inserting “pro-
9 duced on the farm containing such converted
10 wetland and” after “agricultural commodity”;
11 and

12 (C) in paragraph (3), by inserting “with
13 respect to the farm containing such converted
14 wetland” after “crop year” in the matter pre-
15 ceding the subparagraphs.

16 (2) CONVERSION OF WETLAND.—Subsection (b)
17 of such section is amended by inserting “with re-
18 spect to the farm on which the wetland conversion
19 occurs” before the period at the end.

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