

107TH CONGRESS  
1ST SESSION

# H. R. 33

To amend the Agricultural Market Transition Act to authorize a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. BEREUTER introduced the following bill; which was referred to the  
Committee on Agriculture

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## A BILL

To amend the Agricultural Market Transition Act to authorize a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat.

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. HABITAT ENHANCEMENT ROTATION OPTION.**

4       The Agricultural Market Transition Act is amended  
5       by inserting after section 118 (7 U.S.C. 7218) the fol-  
6       lowing new section:

1 **“SEC. 119. HABITAT ENHANCEMENT ROTATION OPTION.**

2       “(a) PROGRAM REQUIRED; PURPOSE.—The Sec-  
3 retary of Agriculture shall establish a voluntary program,  
4 to be known as the ‘Habitat Enhancement Rotation Op-  
5 tion’, to encourage agricultural producers to rest and reha-  
6 bilitate up to 25 percent of their contract acreage for the  
7 purpose of enhancing soil and water conservation and pro-  
8 viding wildlife habitat.

9       “(b) PAYMENT RATES AND PROGRAM AGREE-  
10 MENTS.—

11           “(1) ESTABLISHMENT OF RATES.—Under the  
12 Habitat Enhancement Rotation Option, the Sec-  
13 retary shall establish the annual payment rates that  
14 the Secretary will pay to producers who enroll con-  
15 tract acreage into the program. The Secretary shall  
16 base the payment rates for a county on the rental  
17 payments and buffer bonuses used for comparable  
18 land in the county enrolled under the environmental  
19 conservation acreage reserve program.

20           “(2) AGREEMENTS.—Subject to the availability  
21 of funds to carry out the Habitat Enhancement Ro-  
22 tation Option, the Secretary shall offer to enter into  
23 agreements under the program at the annual pay-  
24 ment rates established under paragraph (1).

25           “(3) ELIGIBLE PRODUCERS.—A producer on a  
26 farm is eligible to enroll contract acreage in the

1 Habitat Enhancement Rotation Option only if the  
2 producer—

3 “(A) is an owner or producer who is a  
4 party to a production flexibility contract for  
5 that farm; or

6 “(B) after the expiration of such contract,  
7 meets one of the eligibility categories described  
8 in subsection (b) of section 111 and agrees to  
9 comply with the conservation requirements and  
10 wetland protection requirements referred to in  
11 paragraphs (1) and (2) of subsection (a) of  
12 such section.

13 “(c) DURATION; EARLY TERMINATION.—

14 “(1) DURATION; EXTENSION.—The term of an  
15 agreement under the Habitat Enhancement Rotation  
16 Option shall be at least two years, but may not ex-  
17 ceed four years. An agreement may be extended for  
18 an additional term by the further agreement of the  
19 parties if the need for the program continues.

20 “(2) TERMINATION.—In times of crop short-  
21 ages, the Secretary may terminate or suspend agree-  
22 ments under this section (or authorize producers to  
23 terminate or suspend such agreements) and permit  
24 the producers to return the withdrawn acreage to  
25 crop production. The termination or suspension of

1 an agreement by the Secretary shall not change the  
2 obligations of the Secretary with regard to payments  
3 required under the agreement. The Secretary shall  
4 make any decision to terminate or suspend agree-  
5 ments (or to authorize producers to terminate or  
6 suspend such agreements) at such time in advance  
7 of planting so as to permit the producers to secure  
8 crop insurance for the crop to be planted.

9 “(d) USE OF COVER CROPS.—

10 “(1) AUTHORIZED COVER CROPS.—A producer  
11 subject to an agreement under this section shall  
12 plant the enrolled acreage to a soil conservation and  
13 wildlife enhancing cover crop. The cover crops au-  
14 thorized for enrolled acreage in a county shall be de-  
15 termined by the Natural Resources Conservation  
16 Service State Conservationist in consultation with  
17 the State Technical Committee. The producer shall  
18 incorporate the cover crop into the present rotation  
19 schedule for the farm, thus enhancing and con-  
20 serving the cropland.

21 “(2) GRAZING.—The Secretary shall permit  
22 limited grazing on the enrolled acreage, where such  
23 grazing is incidental to the gleaning of crop residues  
24 on adjacent fields. The cover crop may not be grazed

1       during the five principal growing months, as deter-  
2       mined by the Secretary.

3       “(e) SUPPLEMENTAL PROGRAM.—The Habitat En-  
4       hancement Rotation Option is in addition to all other farm  
5       program authority of the Secretary. Payments received by  
6       producers under the agreements are in addition to any  
7       other payments they may be eligible to receive from the  
8       Secretary.

9       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
10      are authorized to be appropriated such sums as may be  
11      necessary to carry out this section.”.

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