

106TH CONGRESS
1ST SESSION

H. R. 1299

To provide a safety net for farmers through reform of the marketing loan program under the Agricultural Market Transition Act, expansion of land enrollment opportunities under the conservation reserve program, and maintaining opportunities for foreign trade in United States agricultural commodities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1999

Mr. BERRY (for himself and Mrs. EMERSON) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To provide a safety net for farmers through reform of the marketing loan program under the Agricultural Market Transition Act, expansion of land enrollment opportunities under the conservation reserve program, and maintaining opportunities for foreign trade in United States agricultural commodities.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Restore Agriculture Productivity Act of 1999”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Removal of caps on loan rates under Agricultural Market Transition Act.
- Sec. 3. Extension of marketing loan term.
- Sec. 4. Consideration of crops typically grown on lands eligible for enrollment in conservation reserve.
- Sec. 5. Expanded enrollment authority under conservation reserve program.
- Sec. 6. Early release of certain acreage enrolled in conservation reserve.
- Sec. 7. Review of Federal laws and regulations that prohibit the sale or provision of agricultural commodities to foreign countries.

3 **SEC. 2. REMOVAL OF CAPS ON LOAN RATES UNDER AGRI-**
 4 **CULTURAL MARKET TRANSITION ACT.**

5 (a) SPECIAL RULE FOR 1999–2002 CROPS.—Section
 6 132 of the Agricultural Market Transition Act (7 U.S.C.
 7 7232) is amended by adding at the end the following new
 8 subsection:

9 “(g) LIFTING OF CAPS FOR 1999–2002 CROPS.—

10 “(1) IN GENERAL.—The cap specified in this
 11 section on the loan rate for a marketing assistance
 12 loan for a loan commodity shall not apply with re-
 13 spect to the 1999 through 2002 crops of that com-
 14 modity. With respect to the 1999 through 2002
 15 crops of rice, the Secretary may establish a loan rate
 16 in excess of the rate specified in subsection (e).

17 “(2) RETROACTIVE APPLICATION.—In the case
 18 of the 1999 crop of each loan commodity, the Sec-
 19 retary shall adjust marketing assistance loans and
 20 loan deficiency payments made before the date of

1 the enactment of this subsection to reflect the re-
2 quirements of paragraph (1).”.

3 **SEC. 3. EXTENSION OF MARKETING LOAN TERM.**

4 Section 133 of the Agricultural Market Transition
5 Act (7 U.S.C. 7233) is amended by striking subsection
6 (c) and inserting the following new subsection:

7 “(c) EXTENSIONS AUTHORIZED.—The Secretary
8 may extend the term of a marketing assistance loan for
9 any loan commodity for a period not to exceed 6 months.”.

10 **SEC. 4. CONSIDERATION OF CROPS TYPICALLY GROWN ON**
11 **LANDS ELIGIBLE FOR ENROLLMENT IN CON-**
12 **SERVATION RESERVE.**

13 Section 1231 of the Food Security Act of 1985 (16
14 U.S.C. 3831) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(h) CONSIDERATION OF CROPS GROWN ON LANDS
17 OTHERWISE ELIGIBLE FOR ENROLLMENT.—In the case
18 of the croplands described in paragraphs (1) and (4) of
19 subsection (b) that are eligible for enrollment in the con-
20 servation reserve, the Secretary may consider the types of
21 agricultural commodities typically grown on the lands for
22 the purpose of enrolling lands that, while promoting the
23 conservation and water quality objectives of this sub-
24 chapter, will also reduce excess productive capacity and

1 improve the prices producers receive for the commod-
 2 ities.”.

3 **SEC. 5. EXPANDED ENROLLMENT AUTHORITY UNDER CON-**
 4 **SERVATION RESERVE PROGRAM.**

5 Section 1231(d) of the Food Security Act of 1985
 6 (16 U.S.C. 3831(d)) is amended—

7 (1) by inserting “(1)” before “The Secretary”;
 8 and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(2) Notwithstanding the limitation in paragraph (1)
 12 on the total acreage authorized to be maintained in the
 13 conservation reserve, the Secretary may enroll additional
 14 acreage in the reserve to the extent that amounts are ap-
 15 propriated in advance specifically for that purpose in an-
 16 nual appropriations Acts.”.

17 **SEC. 6. EARLY RELEASE OF CERTAIN ACREAGE ENROLLED**
 18 **IN CONSERVATION RESERVE.**

19 The Food Security Act of 1985 is amended by insert-
 20 ing after section 1231 (16 U.S.C. 3831) the following new
 21 section:

22 **“SEC. 1231A. EARLY RELEASE OF CERTAIN ACREAGE EN-**
 23 **ROLLED IN CONSERVATION RESERVE.**

24 “(a) EARLY RELEASE AUTHORITY.—If the Secretary
 25 determines that, as a result of the enrollment of land in

1 the conservation reserve under the authority of section
2 1231(d)(2), sales of a United States agriculture com-
3 modity is being displaced due to increased production of
4 that commodity by foreign countries, the Secretary may
5 permit the early release of lands from the conservation re-
6 serve pursuant to this section to increase the United
7 States production of that commodity. The Secretary shall
8 make a determination under this subsection on the basis
9 of information provided by the Foreign Agricultural Serv-
10 ice.

11 “(b) PUBLIC AND CONGRESSIONAL NOTIFICATION.—
12 Not later than 30 days before permitting the early release
13 of conservation reserve lands for the production of an agri-
14 cultural commodity, the Secretary shall publish in the
15 Federal Register and submit to Congress written notice
16 describing the justification for the commodity selected, the
17 number of acres that the Secretary seeks to release, and
18 the qualifications and exclusions relevant to that release.

19 “(c) SELECTION OF LAND FOR RELEASE.—Lands
20 may be released under this section only if—

21 “(1) the lands were used for the production of
22 the agricultural commodity covered by the release
23 before the enrollment of the lands in the conserva-
24 tion reserve;

1 “(2) the lands were enrolled in the conservation
2 reserve using funds appropriated pursuant to the au-
3 thorization of appropriations in section 1231(d)(2);

4 “(3) the holder of the contract by which the
5 lands were enrolled in the conservation reserve ap-
6 plies for and requests the release; and

7 “(4) the contract holder agrees to produce the
8 commodity covered by the release during the first
9 crop year commencing after the release of the lands.

10 “(d) ENVIRONMENTAL CONSIDERATIONS.—In con-
11 sidering applications by contract holders for the release
12 of lands, the Secretary shall use existing environmental
13 benefits assessments applicable to the lands. Lands which
14 are reserved for high-priority conservation practices, con-
15 sistent with the conservation priority areas established
16 under section 1231(f) and preceded exclusions for re-
17 lease from the conservation reserve, are not eligible for
18 early release under this section.

19 “(e) ADDITIONAL TERMS AND CONDITIONS.—The
20 Secretary may require such additional terms and condi-
21 tions in connection with the selection of lands for release
22 from the conservation reserve and the use of the lands
23 upon release as the Secretary considers appropriate.”.

1 **SEC. 7. REVIEW OF FEDERAL LAWS AND REGULATIONS**
2 **THAT PROHIBIT THE SALE OR PROVISION OF**
3 **AGRICULTURAL COMMODITIES TO FOREIGN**
4 **COUNTRIES.**

5 (a) SENSE OF THE CONGRESS.—It is the sense of the
6 Congress that any Federal law or regulation that prohibits
7 or otherwise restricts the sale or provision of agricultural
8 commodities to foreign countries should be maintained
9 only if the prohibition under the law or regulation is essen-
10 tial to the national security interests of the United States.

11 (b) STUDY.—

12 (1) IN GENERAL.—The President shall conduct
13 an annual study of every Federal law or regulation
14 that prohibits or otherwise restricts the sale or pro-
15 vision of agricultural commodities to foreign coun-
16 tries to determine—

17 (A) whether or not the prohibition under
18 such law or regulation is essential to the na-
19 tional security interests of the United States,
20 including a description of the risk to the na-
21 tional security interests posed by the removal of
22 the prohibition; and

23 (B) the effects of the prohibition under
24 such law or regulation on United States agri-
25 culture, including an assessment—

1 (i) of the extent to which any country
2 or countries subject to the prohibition are
3 markets that accounted for, in the cal-
4 endar year preceding the imposition of the
5 prohibition, more than 3 percent of all ex-
6 port sales from the United States of an ag-
7 ricultural commodity;

8 (ii) of the likely effect on incomes of
9 producers of the commodity involved;

10 (iii) of the extent to which the unilat-
11 eral economic sanction would permit for-
12 eign suppliers to replace United States
13 suppliers; and

14 (iv) of the likely effect of the proposed
15 sanction on the reputation of United
16 States farmers as reliable suppliers of spe-
17 cific agricultural commodities and of agri-
18 cultural commodities in general.

19 (2) SECRETARY OF AGRICULTURE.—The Presi-
20 dent, acting through the Secretary of Agriculture,
21 shall conduct the assessment described in paragraph
22 (1)(B).

23 (c) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, and on an annual basis there-
25 after, the President shall prepare and transmit to the ap-

1 appropriate congressional committees a report containing
2 the results of the study under subsection (b).

3 (d) DEFINITIONS.—In this section:

4 (1) AGRICULTURAL COMMODITY.—The term
5 “agricultural commodity” has the meaning given the
6 term in section 102 of the Agricultural Trade Act of
7 1978 (7 U.S.C. 5602).

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on International Rela-
12 tions and the Committee on Armed Services of
13 the House of Representatives; and

14 (B) the Committee on Foreign Relations
15 and the Select Committee on Intelligence of the
16 Senate.

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