

111TH CONGRESS
1ST SESSION

H. R. 800

To amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Ms. BALDWIN (for herself, Mr. PENCE, Mr. WALZ, Mr. BOEHNER, Mr. KIND, Mr. PETRI, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

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.**

4 This Act may be cited as the “Farming Flexibility
5 Act of 2009”.

1 **SEC. 2. PRODUCTION OF FRUITS AND VEGETABLES FOR**
2 **PROCESSING ON COVERED COMMODITY BASE**
3 **ACRES.**

4 Section 1107 of the Food, Conservation, and Energy
5 Act of 2008 (7 U.S.C. 8717) is amended—

6 (1) in subsection (d)—

7 (A) in paragraph (1), by striking “each of
8 the 2009 through 2012 crop years” and insert-
9 ing “the 2009 crop year”; and

10 (B) by striking paragraph (7); and

11 (2) by adding at the end the following new sub-
12 section:

13 “(e) NATION-WIDE AUTHORITY FOR PRODUCTION
14 OF FRUITS OR VEGETABLES FOR PROCESSING.—

15 “(1) PLANTING AUTHORIZED.—Beginning with
16 the 2010 crop year, notwithstanding paragraphs (1)
17 and (2) of subsection (b) and in addition to the ex-
18 ceptions provided in subsection (c), producers on a
19 farm, with the consent of the owner and other pro-
20 ducers on the farm, may reduce the base acres for
21 any covered commodity for the farm if the reduced
22 acres are used for the planting and production of
23 fruits or vegetables for processing.

24 “(2) REVERSION TO COVERED COMMODITY
25 BASE ACRES.—Any reduced acres of a farm devoted
26 to the planting and production of fruits or vegeta-

1 bles during a crop year under paragraph (1) shall be
2 included in base acres for the covered commodity for
3 the subsequent crop year, unless the producers on
4 the farm make the election described in paragraph
5 (1) for the subsequent crop year.

6 “(3) RECALCULATION OF BASE ACRES.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), if the Secretary recalculates base
9 acres for a farm, the planting and production of
10 fruits or vegetables for processing under para-
11 graph (1) shall be considered to be the same as
12 the planting, prevented planting, or production
13 of the covered commodity.

14 “(B) PROHIBITION.—Nothing in this sub-
15 section provides authority for the Secretary to
16 recalculate base acres for a farm.”.

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