

112TH CONGRESS
1ST SESSION

S. 1427

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 SENATE OF THE UNITED STATES

JULY 27, 2011

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 2011”.

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

4 (a) MUNG BEANS AND PULSE CROPS.—Section
5 1107(b)(3)(B) of the Food, Conservation, and Energy Act
6 of 2008 (7 U.S.C. 8717(b)(3)(B)) is amended by striking
7 “(other than mung beans and pulse crops)”.

8 (b) AUTHORITY FOR PRODUCTION OF FRUITS AND
9 VEGETABLES FOR PROCESSING.—Section 1107 of the
10 Food, Conservation, and Energy Act of 2008 (7 U.S.C.
11 8717) is amended by striking subsection (d) and inserting
12 the following:

13 “(d) AUTHORITY FOR PRODUCTION OF FRUITS AND
14 VEGETABLES FOR PROCESSING.—

15 “(1) PLANTING AUTHORIZED.—Beginning with
16 the 2012 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 may reduce the base acres for any covered
20 commodity for the farm for a crop year by 1 acre
21 for each acre used for the planting and production
22 of fruits or vegetables (other than potatoes) for
23 processing.

24 “(2) CONTRACT AND MANAGEMENT REQUIRE-
25 MENTS.—Producers on a farm shall—

1 “(A) demonstrate to the Secretary that the
2 producers on the farm have entered into a con-
3 tract to produce a crop of a commodity speci-
4 fied in paragraph (1) for processing;

5 “(B) agree to produce the crop as part of
6 a program of crop rotation on the farm to
7 achieve agronomic and pest and disease man-
8 agement benefits; and

9 “(C) provide evidence of the disposition of
10 the crop.

11 “(3) REVERSION TO COVERED COMMODITY
12 BASE ACRES.—Each acre of a farm devoted to the
13 planting and production of fruits or vegetables under
14 paragraph (1) shall be included in the base acres for
15 the covered commodity for the subsequent crop year,
16 unless the producers on the farm make the election
17 described in paragraph (1) for the subsequent crop
18 year.

19 “(4) RECALCULATION OF BASE ACRES.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), if the Secretary recalculates the base
22 acres for a farm, the planting of fruits and
23 vegetables under paragraph (1) shall be consid-
24 ered to be the same as the planting, prevented
25 planting, or production of a covered commodity.

1 “(B) PROHIBITION.—Nothing in this para-
2 graph provides authority for the Secretary to
3 recalculate base acres for a farm.”.

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