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99TH CONGRESS  
1st Session

HOUSE OF REPRESENTATIVES

REPORT  
99-447

# FOOD SECURITY ACT OF 1985

## THE COMMITTEE OF CONFERENCE

SUBMITTED THE FOLLOWING

### CONFERENCE REPORT

[To accompany S. R. 2100] OF AGRICULTURE  
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DECEMBER 17, 1985.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

55-763 O

WASHINGTON : 1985

EXHIBIT

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## FOOD SECURITY ACT OF 1985

DECEMBER 17, 1985.—Ordered to be printed

Mr. DE LA GARZA, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany (H.R. 2100)]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

#### SHORT TITLE

*SECTION 1. This Act may be cited as the "Food Security Act of 1985".*

#### TABLE OF CONTENTS

*SEC. 2. The table of contents is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

#### TITLE I—DAIRY

*Subtitle A—Milk Price Support and Producer-Supported Dairy Program*

*Sec. 101. Milk price support, price reduction, and milk production termination programs for calendar years 1986 through 1990.*

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## JOINT EXPLANATORY STATEMENT LANGUAGE

It is the position to the conferees that the Secretary of Agriculture is not to object to the applications submitted as of December 12, 1985, to the U.S. Department of Commerce, Foreign Trade Zone Board, for establishment of a Foreign Trade Subzone, where such subzone would be used for the manufacture of products containing substances numbered 155.20 as defined by the Tariff Schedules of the United States administered by the U.S. International Trade Commissioner and where such products would fall under U.S. import quotas.

It is the intent of the conferees that the Department utilize, on a priority basis, those export assistance programs that are more likely to directly enhance producer income.

## TITLE XII—RESOURCE CONSERVATION

## (1) Definitions (Sec. 1201)

## (a) Agricultural commodity

The *House* bill defines "agricultural commodity" for the purposes of this title as any agricultural commodity planted and produced by annual tilling of the soil, or on an annual basis by one-trip planters. (Sec. 1201(1).)

The *Senate* amendment defines such term as any agricultural commodity planted and produced in a State by annual tilling of the soil, including tilling by one-trip planters; or sugarcane planted and produced in a State. (Sec. 1601(a)(1).)

The *Conference* substitute adopts the *Senate* amendment.

## (b) Wetland

The *House* bill defines "wetland", except when such term is part of the term "converted wetland", as land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. (Sec. 1201(3).)

The *Senate* amendment defines the term as an area, whether privately or publicly owned (including a swamp, marsh, bog, prairie pothole, or similar area) with the same characteristics as in the *House* bill except that with respect to hydrophytic vegetation the land must support the growth and regeneration of hydrophytic vegetation. (Sec. 1601(a)(19).)

The *Conference* substitute adopts the *House* provision.

## (c) Converted wetland

The *House* bill defines the term "converted wetland" to mean wetland that has been converted by certain activity making the production of agricultural commodities possible that would not have been possible but for such activity and that, before such activity was taken, was wetland and not highly erodible land nor highly erodible cropland with several exemptions listed. (Sec. 1201(4).)

The *Senate* amendment is comparable with respect to "converted wetland" except that it does not apply to highly erodible cropland



(Sec. 1601(a)(4)(A)), and though the exemptions are similar they are stated differently.

The *Conference* substitute adopts the *House* provision.

(d) *Field*

The *House* bill defines "field" the same as that term is defined in 7 CFR 718.2. Under section 718.2, a "field" is defined as a part of a farm that is separated from the balance of the farm by permanent boundaries such as fences, permanent waterways, woodlands, croplines (in cases where farming practices make it probable that such cropline is not subject to change), or other similar features. The *House* bill provides, however, that any highly erodible land and any converted wetland on which an agricultural commodity is produced after the date of enactment and that is not exempt under section 1203 (listing exemptions) shall be considered as part of the field in which such land was included on date of enactment, and the Secretary of Agriculture shall provide for modification of boundaries of fields to effectuate the purposes and facilitate the administration of the subtitle. (Sec. 1201(5).)

The *Senate* amendment uses the same CFR definition (as of January 1, 1985), except that any highly erodible land on which an agricultural commodity is produced after the date of enactment and that is not exempt under section 1612 (listing exemptions) shall be considered as part of the field in which such land was included on the date of enactment unless the Secretary permits modification of the boundaries of the field to carry out the subtitle. (Sec. 1601(a)(7).)

The *Conference* substitute adopts the *Senate* amendment.

(e) *Highly erodible land*

The *House* bill defines "highly erodible land" as land that is classified by the Soil Conservation Service of the Department of Agriculture as class IVE, VI, VII, or VIII land under the land capability classification system in effect on the date of the enactment of the bill; or that, if used to produce an agricultural commodity, would have an excessive average annual rate of erosion in relation to the soil loss tolerance level, as established by the Secretary, and as determined by the Secretary through application of factors from the universal soil loss equation and the wind erosion equation, including factors for climate, soil erodibility, and field slope. For purposes of this paragraph, the land capability class or rate of erosion for a field shall be that determined by the Secretary to be the predominant class or rate. (Sec. 1201(6).)

The *Senate* amendment defines "highly erodible land" in reference only to land classes and includes all land classes listed in the *House* bill as well as land classed as IIIe by the Soil Conservation Service. The *Senate* amendment also specifically includes publicly owned land. (Sec. 1601(a)(8).)

The *Conference* substitute adopts the *House* provision.

(f) *Highly erodible cropland*

The *House* bill defines "highly erodible cropland" as highly erodible land that is in cropland uses, as determined by the Secretary. (Sec. 1201(7).)

*(3) Program ineligibility for production of commodities on highly erodible land or converted wetland (Sec. 1211)*

(a) The *House* bill provides that any person who, after enactment, produces during any crop year an agricultural commodity on highly erodible land or on converted wetland shall be ineligible for certain agricultural program benefits on any commodity the person produced during that crop year.

The *House* bill also itemizes the program benefits to which the sanction described in the paragraph above would apply as follows: any type of price support or payments, farm storage facility loans, Federal crop insurance, disaster payments, and any Farmers Home Administration (FmHA) insured or guaranteed loan if the FmHA loan would be used for a purpose that would contribute to excessive erosion of highly erodible land, or conversion of wetlands (other than as provided in this item and item (4)) to produce agricultural commodities. (Sec. 1202(a).)

The *Senate* amendment contains comparable provisions except that it treats "highly erodible land" and "converted wetland" separately as respects program ineligibility. (Secs. 1611 and 1621.)

The *Conference* substitute adopts the *House* provision.

(b) The *Senate* amendment provides that a person who produces an agricultural commodity on highly erodible land or converted wetland shall be ineligible, as to any commodity produced during that crop year by such person, for a payment made under section 4 or 5 (general and specific authorities) of the Commodity Credit Corporation Charter Act during such crop year for the storage of an agricultural commodity acquired by the Commodity Credit Corporation. (Sec. 1621(b).)

The *House* bill contains no comparable provision.

The *Conference* substitute adopts the *Senate* amendment.

*(4) Landlord eligibility (Sec. 1243)*

The *House* bill provides that the program ineligibility of a tenant or sharecropper for benefits shall not cause a landlord to be ineligible for benefits for which the landlord would otherwise be eligible with respect to commodities produced on lands other than those operated by the tenant or sharecropper. (Sec. 1202(b).)

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision.

*(5) Exemptions with respect to highly erodible land (Sec. 1212)*

The *House* bill exempts highly erodible land that was set aside, diverted, or otherwise not cultivated under provisions of a Department of Agriculture program for any of the 1981 through 1985 crops to reduce production of an agricultural commodity, except as otherwise provided under the conservation reserve provisions, from the program ineligibility provisions of section 1202. (Sec. 1203(2)(1).)

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision.

*(6) Ineligibility of exempted highly erodible land (Sec. 1212)*

The *House* bill provides that the exemption from the program ineligibility provisions of section 1202 (relating to highly erodible



lishing requirements for measures to be included in conservation plans prepared under this provision.

*(7) Exemption for wetland (Sec. 1222)*

(a) The *House* bill exempts converted wetland from the program ineligibility provision of section 1202 if the land became converted wetland before the date of enactment of the bill. (Sec. 1203(a)(6).)

The *Senate* amendment exempts converted wetland if the conversion of the wetland was commenced before the date of enactment of the bill. (Sec. 1622(a)(1).)

The *Conference* substitute adopts the *Senate* amendment. The Conferees intend that conversion of wetland is considered to be "commenced" when a person has obligated funds or begun actual modification of the wetland.

(b) The *House* bill exempts from the program ineligibility provisions of section 1202 production of an agricultural commodity on converted wetland (A) within a conservation district, in accordance with a wetland conservation plan that has been approved by the conservation district under regulations prescribed by the Secretary of Agriculture in consultation with the Secretary of the Interior acting through the United States Fish and Wildlife Service; or (B) not within a conservation district, in accordance with a wetland conservation plan that has been approved by the Secretary under regulations prescribed by the Secretary in consultation with the Secretary of the Interior acting through the United States Fish and Wildlife Service. (Sec. 1203(a)(7).)

The *Senate* amendment contains no comparable provisions.

The *Conference* substitute deletes the *House* provision.

(c) The *Senate* amendment provides that the Secretary may exempt a person from the program ineligibility provision relating to wetland for any action associated with the production of an agricultural commodity on converted wetland if the effect of such action, individually and in connection with all other similar actions authorized by the Secretary in the area, on the hydrological and biological aspect of wetland, is minimal. (Sec. 1622(b).)

The *House* bill contains a similar provision in the "converted wetland" definition but refers to actions of the producer whose cumulative and individual effect on the hydrological and biological values of the wetlands is minimal. (Sec. 1201(4)(B)(iv).)

The *Conference* substitute adopts the *Senate* amendment.

(d) The *House* bill defines converted wetland to exclude artificial lakes and ponds, wetland created by irrigation and for fish production and other similar purposes. (Sec. 1201(4).)

The *Senate* amendment exempts from the ineligibility provisions of section 1621 relating to wetland any person who produces an agricultural commodity on land converted to artificial wetland as described in the *House* bill except that the reference in the *Senate* amendment to irrigation specifically includes subsurface irrigation. (Sec. 1622(a)(2).)

The *Conference* substitute adopts the *Senate* amendment.

*(8) Appeal procedure (Sec. 1243)*

The *House* bill requires the Secretary of Agriculture to establish by regulation an appeal procedure for adverse determinations

made under the subtitle (including those under the conservation reserve). (Sec. 1206(c).)

The *Senate* amendment contains a comparable provision except that it does not apply to the conservation acreage reserve. However, it also requires the Secretary to establish, by regulations, an appeal procedure under which a person may seek review of a determination relating to classification of land or that the land is converted wetland. (Secs. 1616 and 1615(b)(1).)

The *Conference* substitute adopts the *House* provision.

The Conferees intend that the appeal procedure established by the Secretary be applicable to any adverse determinations made under all conservation programs established under this title.

*(9) Consultation with Interior (Sec. 1223)*

The *House* bill requires the Secretary of Agriculture to issue regulations, in consultation with the Secretary of the Interior, relating to determinations of minimal effect of producer actions on wetland and production of agricultural commodities on converted wetland in accordance with an approved wetland conservation plan. (Secs. 1201(4) and 1203(a)(7).)

The *Senate* amendment requires the Secretary to consult with the Secretary of the Interior on determinations and actions to carry out the wetland provisions, including the identification of wetland, determination of exemptions, and issuance of regulations. (Sec. 1623.)

The *Conference* substitute adopts the *Senate* amendment.

CONSERVATION RESERVE

*(10) Eligible land (Sec. 1231)*

(a) The *House* bill requires the Secretary of Agriculture to carry out a Conservation Reserve (CR) program with owners of "highly erodible land" that is in cropland uses. (Secs. 1205(a), 1201(a)(7).)

The *Senate* amendment uses the term "eligible erosion-prone land" for land eligible for inclusion in the CR program (CR). (Sec. 1631(a).)

The definitions of these two terms are similar, but the *Senate* amendment specifies the land must have been devoted, or considered devoted, to the production of an agricultural commodity during at least 2 of the last 3 consecutive crop years preceding January 1, 1986. (Secs. 1601(a)(5) and 1631(a).)

The *Conference* substitute adopts the *House* provision.

(b) The *House* bill provides that the Secretary shall consider for inclusion in the CR those lands not highly erodible that pose an off-farm environmental threat or, if permitted to remain in production, pose a threat of continued degradation of productivity due to soil salinity. (Sec. 1205(o).)

The *Senate* amendment contains no comparable provision.

The *Conference* substitute adopts the *House* provision with an amendment to delete the word "shall" and insert in lieu the word "may."