

109TH CONGRESS
1ST SESSION

S. 1038

To amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2005

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 Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

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 2005”.

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

4 Section 1101 of the Farm Security and Rural Invest-
 5 ment Act of 2002 (7 U.S.C. 7911) is amended by adding
 6 at the end the following:

7 “(i) PRODUCTION OF FRUITS OR VEGETABLES FOR
 8 PROCESSING.—

9 “(1) IN GENERAL.—Subject to paragraphs (2)
 10 and (3), the producers on a farm, with the consent
 11 of the owner of and any other producers on the
 12 farm, may reduce the base acres for a covered com-
 13 modity for the farm if the reduced acres are used for
 14 the planting and production of fruits or vegetables
 15 for processing.

16 “(2) REVERSION TO BASE ACRES FOR COVERED
 17 COMMODITY.—Any reduced acres of a farm devoted
 18 to the planting and production of fruits or vegeta-
 19 bles during a crop year under paragraph (1) shall be
 20 included in base acres for the covered commodity for
 21 the subsequent crop year, unless the producers on
 22 the farm make the election described in paragraph
 23 (1) for the subsequent crop year.

24 “(3) RECALCULATION OF BASE ACRES.—

25 “(A) IN GENERAL.—Subject to subpara-
 26 graph (B), if the Secretary recalculates base

1 acres for a farm, the planting and production of
2 fruits or vegetables for processing under para-
3 graph (1) shall be considered to be the same as
4 the planting, prevented planting, or production
5 of the covered commodity.

6 “(B) AUTHORITY.—Nothing in this sub-
7 section provides authority for the Secretary to
8 recalculate base acres for a farm.”.

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