

112TH CONGRESS  
2D SESSION

# H. R. 5879

To amend the Federal Crop Insurance Act to modify the ineligibility requirements for producers that produce an annual crop on native sod, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2012

Mrs. NOEM (for herself and Mr. WALZ of Minnesota) introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To amend the Federal Crop Insurance Act to modify the ineligibility requirements for producers that produce an annual crop on native sod, and for other purposes.

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 “Protect our Prairies  
5 Act”.

6 **SEC. 2. CROP PRODUCTION ON NATIVE SOD.**

7 (a) FEDERAL CROP INSURANCE.—Section 508(o) of  
8 the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is  
9 amended—

1           (1) in paragraph (1)(B), by inserting “, or the  
2 producer cannot substantiate that the ground has  
3 ever been tilled,” after “tilled”;

4           (2) in paragraph (2)(A), by striking “for bene-  
5 fits under—” and all that follows through the period  
6 at the end and inserting “for—

7                   “(i) a portion of crop insurance pre-  
8 mium subsidies under this subtitle in ac-  
9 cordance with paragraph (3);

10                   “(ii) benefits under section 196 of the  
11 Federal Agriculture Improvement and Re-  
12 form Act of 1996 (7 U.S.C. 7333); and

13                   “(iii) payments described in sub-  
14 section (b) or (c) of section 1001 of the  
15 Food Security Act of 1985 (7 U.S.C.  
16 1308).”; and

17           (3) by striking paragraph (3) and inserting the  
18 following:

19                   “(3) ADMINISTRATION.—

20                   “(A) IN GENERAL.—During the first 4  
21 crop years of planting on native sod acreage by  
22 a producer described in paragraph (2)—

23                   “(i) paragraph (2) shall apply to 65  
24 percent of the transitional yield of the pro-  
25 ducer; and

1                   “(ii) the crop insurance premium sub-  
2                   sidy provided for the producer under this  
3                   subtitle shall be 50 percentage points less  
4                   than the premium subsidy that would oth-  
5                   erwise apply.

6                   “(B) YIELD SUBSTITUTION.—During the  
7                   period native sod acreage is covered by this sub-  
8                   section, a producer may not substitute yields  
9                   for the native sod acreage.”.

10           (b) NONINSURED CROP DISASTER ASSISTANCE.—  
11 Section 196(a)(4) of the Federal Agriculture Improvement  
12 and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amend-  
13 ed—

14                   (1) in subparagraph (A)(i), by inserting “, or  
15                   the producer cannot substantiate that the ground  
16                   has ever been tilled,” after “tilled”;

17                   (2) in subparagraph (B)(i), by striking “for  
18                   benefits under—” and all that follows through the  
19                   period at the end and inserting “for—

20                                   “(I) benefits under this section;

21                                   “(II) a portion of crop insurance  
22                                   premium subsidies under the Federal  
23                                   Crop Insurance Act (7 U.S.C. 1501 et  
24                                   seq.) in accordance with subparagraph  
25                                   (C); and

1                   “(III) payments described in sub-  
2                   section (b) or (c) of section 1001 of  
3                   the Food Security Act of 1985 (7  
4                   U.S.C. 1308).”; and

5                   (3) by striking subparagraph (C) and inserting  
6                   the following:

7                   “(C) ADMINISTRATION.—

8                   “(i) IN GENERAL.—During the first 4  
9                   crop years of planting on native sod acre-  
10                  age by a producer described in subpara-  
11                  graph (B)—

12                  “(I) subparagraph (B) shall  
13                  apply to 65 percent of the transitional  
14                  yield of the producer; and

15                  “(II) the crop insurance premium  
16                  subsidy provided for the producer  
17                  under the Federal Crop Insurance Act  
18                  (7 U.S.C. 1501 et seq.) shall be 50  
19                  percentage points less than the pre-  
20                  mium subsidy that would otherwise  
21                  apply.

22                  “(ii) YIELD SUBSTITUTION.—During  
23                  the period native sod acreage is covered by  
24                  this paragraph, a producer may not sub-  
25                  stitute yields for the native sod acreage.”.

1 (c) CROPLAND REPORT.—

2 (1) BASELINE.—Not later than 180 days after  
3 the date of enactment of this Act, the Secretary of  
4 Agriculture shall submit to the Committee on Agri-  
5 culture of the House of Representatives and the  
6 Committee on Agriculture, Nutrition, and Forestry  
7 of the Senate a report that describes the cropland  
8 acreage in each county and State, and the change in  
9 cropland acreage from the preceding year in each  
10 county and State, beginning with calendar year  
11 2000 and including that information for the most  
12 recent year for which that information is available.

13 (2) ANNUAL UPDATES.—Not later than Janu-  
14 ary 1, 2014, and each January 1 thereafter through  
15 January 1, 2017, the Secretary of Agriculture shall  
16 submit to the Committee on Agriculture of the  
17 House of Representatives and the Committee on Ag-  
18 riculture, Nutrition, and Forestry of the Senate a  
19 report that describes—

20 (A) the cropland acreage in each county  
21 and State as of the date of submission of the  
22 report; and

23 (B) the change in cropland acreage from  
24 the preceding year in each county and State.

○