

110TH CONGRESS  
2D SESSION

# H. R. 6849

To amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2008

Mr. ETHERIDGE (for himself and Mr. MORAN of Kansas) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, 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,*

1 **SECTION 1. AGGREGATION OF BASE ACRES AND RECON-**  
2 **STITUTION OF FARMS TO ENSURE ELIGI-**  
3 **BILITY FOR DIRECT PAYMENTS, COUNTER-**  
4 **CYCLICAL PAYMENTS, OR AVERAGE CROP**  
5 **REVENUE ELECTION PAYMENTS.**

6 Section 1101(d) of the Food, Conservation, and En-  
7 ergy Act of 2008 (7 U.S.C. 8711(d)) is amended—

8 (1) by striking paragraph (2);

9 (2) by redesignating paragraph (3) as para-  
10 graph (4); and

11 (3) by inserting after paragraph (1) the fol-  
12 lowing new paragraphs:

13 “(2) EXCEPTIONS.—Paragraph (1) shall not  
14 apply—

15 “(A) to a farm owned by a socially dis-  
16 advantaged farmer or rancher (as defined in  
17 section 355(e) of the Consolidated Farm and  
18 Rural Development Act (7 U.S.C. 2003(e)));

19 “(B) to a farm owned by a limited re-  
20 source farmer or rancher, as defined by the  
21 Secretary; or

22 “(C) when the aggregate total base acres  
23 of all farms of a producer are greater than 10  
24 acres, including farms—

25 “(i) owned by a producer; and

1                   “(ii) operated by a producer with the  
2                   concurrence of the owners of the farm, in-  
3                   cluding farms operated under a crop-share  
4                   lease arrangement.

5                   “(3) RECONSTITUTIONS.—In addition to other  
6                   actions the Secretary determines appropriate, the  
7                   Secretary shall permit a producer to reconstitute any  
8                   farms of the producer covered under paragraph  
9                   (2)(C) to exceed the 10 base acre minimum de-  
10                  scribed in paragraph (1) through consolidation of  
11                  the base acreage of the farms.”.

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