

104TH CONGRESS
1ST SESSION

S. 1407

To amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1995

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

A BILL

To amend the Food Security Act of 1985 and the Agricultural Act of 1949 to permit the harvesting of energy crops on conservation reserve land and conservation use acreage for the purpose of generating electric power and other energy products, 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 “Energy Crop Produc-
5 tion Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that energy crops—

1 (1) provide many of the soil and water con-
2 servation and wildlife habitat benefits associated
3 with cover already planted on land enrolled in the
4 conservation reserve program;

5 (2) can be harvested using best management
6 practices without compromising the conservation
7 benefits being achieved by the conservation reserve
8 program;

9 (3) can maintain and enhance farm income
10 while allowing land to remain in the conservation re-
11 serve program at a reduced cost to the Federal gov-
12 ernment;

13 (4) can supply a significant proportion of the
14 energy needs of the United States using domestic re-
15 sources that are renewable, sustainable, and environ-
16 mentally beneficial; and

17 (5) can effectively trap carbon from the atmos-
18 phere and provide air quality benefits.

19 **SEC. 3. HARVESTING OF ENERGY CROPS ON CONSERVA-**
20 **TION RESERVE LAND.**

21 Section 1232 of the Food Security Act of 1985 (16
22 U.S.C. 3832) is amended by adding at the end the follow-
23 ing:

24 “(f) ENERGY CROPS.—

1 “(1) DEFINITION OF ENERGY CROP.—In this
2 subsection, the term ‘energy crop’ means a herba-
3 ceous perennial grass, a short rotation woody
4 coppice species of tree, or other crop, that may be
5 used to generate electric power or other energy prod-
6 uct, as determined by the Secretary in consultation
7 with the State technical committee for a State estab-
8 lished under section 1261.

9 “(2) HARVESTING OF ENERGY CROPS IN DES-
10 IGNATED DEMONSTRATION AREAS.—In not more
11 than 10 demonstration project areas not exceeding a
12 total of 1,000,000 acres (based on an evaluation by
13 the Secretary of joint industry and landowner pro-
14 posals to designate areas as demonstration project
15 areas), the Secretary shall permit an owner or oper-
16 ator of land, located within a demonstration project
17 area, that is subject to a contract entered into under
18 this subtitle to harvest an energy crop on the land
19 if the owner or operator—

20 “(A) carries out appropriate conservation
21 measures and practices on the land;

22 “(B) harvests energy crops in accordance
23 with this subsection on not more than 75 per-
24 cent of the land that is subject to the contract,
25 in accordance with a conservation plan and in

1 a manner and at times of the year that ensure
2 that soil, water, and wildlife habitat subject to
3 the conservation reserve program as a whole are
4 not compromised;

5 “(C) if harvesting of energy crops on the
6 land is discontinued, maintains grasses or trees
7 on the land for the duration of the contract;
8 and

9 “(D) submits a bid under paragraph (3)
10 that is accepted by the Secretary.

11 “(3) BIDS.—To carry out this subsection, the
12 Secretary shall establish a bid system under which
13 an owner or operator of land that is subject to a
14 contract entered into under this subtitle may offer to
15 reduce the rental payments that would otherwise be
16 payable under the contract in exchange for permis-
17 sion to harvest an energy crop on the land.

18 “(4) COST-SHARING.—The Secretary shall pay
19 an owner or operator of land described in paragraph
20 (2) 50 percent of the cost of converting land under
21 the contract that is planted to grasses not identified
22 as an energy crop to the production of an energy
23 crop.

24 “(5) DURATION.—The Secretary shall permit
25 an owner or operator described in paragraph (2)—

1 “(A) to extend a contract entered into
2 under this subtitle for not to exceed 5 years;
3 and

4 “(B) on expiration of a contract entered
5 into under this subtitle, obtain a priority, at an
6 appropriate rental rate, for reenrollment of the
7 land subject to the contract.”.

8 **SEC. 4. HARVESTING OF ENERGY CROPS ON CONSERVA-**
9 **TION USE ACREAGE.**

10 Section 503 of the Agricultural Act of 1949 (7 U.S.C.
11 1463) is amended—

12 (1) in subsection (c)—

13 (A) in paragraph (7), by striking “and” at
14 the end;

15 (B) in paragraph (8), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(9) any acreage on the farm that is planted to
19 an energy crop in accordance with subsection (i).”;
20 and

21 (2) by adding at the end the following:

22 “(i) ENERGY CROPS.—

23 “(1) DEFINITION OF ENERGY CROP.—In this
24 subsection, the term ‘energy crop’ means a herba-
25 ceous perennial grass, a short rotation woody

1 coppice species of tree, or other crop, that may be
2 used to generate electric power or other energy prod-
3 uct, as determined by the Secretary in consultation
4 with the State technical committee for a State estab-
5 lished under section 1261 of the Food Security Act
6 of 1985 (16 U.S.C. 3861).

7 “(2) PLANTING OF ENERGY CROPS.—For pur-
8 poses of this Act, acreage on a farm that is planted
9 to an energy crop shall be considered devoted to con-
10 servation uses if the producers on the farm carry out
11 appropriate conservation measures and practices on
12 the acreage, in accordance with a conservation plan
13 that is approved by the Secretary.

14 “(3) COST SHARING.—The Secretary shall pay
15 the producers on a farm 50 percent of the cost of
16 establishing an energy crop if the producers agree to
17 maintain the crop for at least 3 crop years.”.

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