

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 1947  
OFFERED BY MR. THOMPSON OF CALIFORNIA**

Page 260, line 11, strike the closed quotation mark and the final period.

Page 260, after line 11, insert the following:

1           “(3) PRIORITY.—

2                   “(A) IN GENERAL.—In the delivery of  
3           technical assistance under the Soil Conservation  
4           and Domestic Allotment Act (16 U.S.C. 590a et  
5           seq.), the Secretary shall give priority to pro-  
6           ducers who request technical assistance from  
7           the Secretary in order to comply for the first  
8           time with the requirements of subtitle B and  
9           subtitle C of this title as a result of the amend-  
10          ments made by section 2801 of the Federal Ag-  
11          riculture Reform and Risk Management Act of  
12          2013.

13                   “(B) REPORT.—Not later than 270 days  
14          after the date of enactment of the Federal Agri-  
15          culture Reform and Risk Management Act of  
16          2013, the Secretary shall submit to the Com-

1           committee on Agriculture of the House of Rep-  
2           resentatives and the Committee on Agriculture,  
3           Nutrition, and Forestry of the Senate a report  
4           regarding the extent to which the conservation  
5           compliance requirements contained in the  
6           amendments made by section 2801 of the Fed-  
7           eral Agriculture Reform and Risk Management  
8           Act of 2013 apply to and impact specialty crop  
9           growers, including national analysis and surveys  
10          to determine the extent of specialty crop acre-  
11          age on highly erodible land and wetlands.”.

Page 274, after line 18, insert the following:

12   **Subtitle H—Highly Erodible Land**  
13   **and Wetland Conservation for**  
14   **Crop Insurance**

15   **SEC. 2801. HIGHLY ERODIBLE LAND AND WETLAND CON-**  
16   **SERVATION FOR CROP INSURANCE.**

17   (a) HIGHLY ERODIBLE LAND PROGRAM INELIGI-  
18   BILITY.—

19           (1) IN GENERAL.—Section 1211(a)(1) of the  
20   Food Security Act of 1985 (16 U.S.C. 3811(a)(1))  
21   is amended—

22                   (A) in subparagraph (C), by striking “or”  
23                   at the end;

1 (B) in subparagraph (D), by adding “or”  
2 at the end; and

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

4 “(E) any portion of the premium paid by  
5 the Federal Crop Insurance Corporation for a  
6 policy or plan of insurance under the Federal  
7 Crop Insurance Act (7 U.S.C. 1501 et seq.), on  
8 the condition that if a person is determined to  
9 have committed a violation under this sub-  
10 section during a crop year, ineligibility under  
11 this subparagraph shall—

12 “(i) only apply to reinsurance years  
13 subsequent to the date of final determina-  
14 tion of a violation, including all adminis-  
15 trative appeals; and

16 “(ii) not apply to the existing reinsur-  
17 ance year or any reinsurance year prior to  
18 the date of final determination.”.

19 (2) EXEMPTIONS.—Section 1212(a)(2) of the  
20 Food Security Act of 1985 (16 U.S.C. 3812(a)(2))  
21 is amended—

22 (A) in the first sentence, by striking “(2)  
23 If,” and inserting the following:

24 “(2) ELIGIBILITY BASED ON COMPLIANCE WITH  
25 CONSERVATION PLAN.—

1                   “(A) IN GENERAL.—If,”;

2                   (B) in the second sentence, by striking “In  
3 carrying” and inserting the following:

4                   “(B) MINIMIZATION OF DOCUMENTA-  
5 TION.—In carrying”; and

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

7                   “(C) CROP INSURANCE.—

8                   “(i) IN GENERAL.—Notwithstanding  
9 section 1211(a)—

10                   “(I) in the case of a person that  
11 is subject to section 1211 for the first  
12 time after May 1, 2013, due to the  
13 amendment made by section 2801(a)  
14 of the Federal Agriculture Reform  
15 and Risk Management Act of 2013,  
16 any person who produces an agricul-  
17 tural commodity on the land that is  
18 the basis of the payments described in  
19 section 1211(a)(1)(E) shall have 5 re-  
20 insurance years after the date on  
21 which such payments become subject  
22 to section 1211 to develop and comply  
23 with an approved conservation plan so  
24 as to maintain eligibility for such pay-  
25 ments; and

1                   “(II) in the case of a person that  
2                   the Secretary determines would have  
3                   been in violation of section 1211(a) if  
4                   the person had continued participation  
5                   in the programs requiring compliance  
6                   at any time after the date of enact-  
7                   ment of the Food, Conservation, and  
8                   Energy Act of 2008 (7 U.S.C. 8701  
9                   et seq.) and is currently in violation of  
10                  section 1211(a), the person shall have  
11                  2 reinsurance years after the date on  
12                  which the payments described in sec-  
13                  tion 1211(a)(1)(E) become subject to  
14                  section 1211 to develop and comply  
15                  with an approved conservation plan,  
16                  as determined by the Secretary, so as  
17                  to maintain eligibility for such pay-  
18                  ments.

19                  “(ii) CERTIFICATION.—

20                  “(I) IN GENERAL.—Beginning  
21                  with the first full reinsurance year im-  
22                  mediately following the date of enact-  
23                  ment of this subparagraph, all persons  
24                  seeking eligibility for the payment of a  
25                  portion of the premium paid by the

1 Federal Crop Insurance Corporation  
2 for a policy or plan of insurance under  
3 the Federal Crop Insurance Act (7  
4 U.S.C. 1501 et seq.) shall provide cer-  
5 tification of compliance with section  
6 1211(a), as determined by the Sec-  
7 retary.

8 “(II) TIMELY EVALUATION.—The  
9 Secretary shall evaluate the certifi-  
10 cation in a timely manner and—

11 “(aa) a person who has  
12 properly complied with certifi-  
13 cation shall be held harmless  
14 with regard to eligibility during  
15 the period of evaluation; and

16 “(bb) if the Secretary fails  
17 to evaluate the certification in a  
18 timely manner and the person is  
19 subsequently found to be in viola-  
20 tion of section 1211(a), ineligi-  
21 bility shall not apply to the per-  
22 son for that violation.

23 “(III) EQUITABLE CONTRIBU-  
24 TION.—

1                   “(aa) IN GENERAL.—If a  
2 person fails to provide certifi-  
3 cation of compliance to the Sec-  
4 retary as required and is subse-  
5 quently found in violation of sec-  
6 tion 1211(a), the Secretary shall  
7 determine the amount of an equi-  
8 table contribution to conservation  
9 in accordance with section  
10 1241(e) by the person for the  
11 violation.

12                   “(bb) LIMITATION.—The  
13 contribution shall not exceed the  
14 total of the portion of the pre-  
15 mium paid by the Federal Crop  
16 Insurance Corporation for a pol-  
17 icy or plan of insurance for all  
18 years the person is determined to  
19 have been in violation subsequent  
20 to the date on which certification  
21 was first required under this  
22 clause.”.

23           (b) WETLAND CONSERVATION PROGRAM INELIGI-  
24 BILITY.—Section 1221 of the Food Security Act of 1985  
25 (16 U.S.C. 3821) is amended—

1           (1) in subsection (b), by adding at the end the  
2 following:

3           “(4) CROP INSURANCE.—

4                   “(A) IN GENERAL.—Except as provided in  
5 this paragraph, a person subject to a final de-  
6 termination, including all administrative ap-  
7 peals, of a violation of subsection (c) shall have  
8 1 reinsurance year to initiate a conservation  
9 plan to remedy the violation, as determined by  
10 the Secretary, before becoming ineligible under  
11 that subsection in the following reinsurance  
12 year to receive any payment of any portion of  
13 the premium paid by the Federal Crop Insur-  
14 ance Corporation for a policy or plan of insur-  
15 ance under the Federal Crop Insurance Act (7  
16 U.S.C. 1501 et seq.).

17                   “(B) APPLICABILITY.—In the case of a  
18 person that is subject to this subsection or sub-  
19 section (d) for the first time due to the amend-  
20 ment made by section 2801(b) of the Federal  
21 Agriculture Reform and Risk Management Act  
22 of 2013, the person shall have 2 reinsurance  
23 years after the date of final determination, in-  
24 cluding all administrative appeals, to take such  
25 steps as the Secretary determines appropriate



1 to remedy or mitigate the violation in accord-  
2 ance with subsection (c).

3 “(C) GOOD FAITH.—If the Secretary de-  
4 termines that a person subject to a final deter-  
5 mination, including all administrative appeals,  
6 of a violation of subsection (c) acted in good  
7 faith and without intent to violate this section  
8 as described in section 1222(h), the Secretary  
9 shall give the person 1 reinsurance year to  
10 begin mitigation, restoration, or such other  
11 steps as are determined necessary by the Sec-  
12 retary.

13 “(D) TENANT RELIEF.—

14 “(i) IN GENERAL.—If a tenant is de-  
15 termined to be ineligible for payments and  
16 other benefits under this section, the Sec-  
17 retary may limit the ineligibility only to the  
18 farm that is the basis for the ineligibility  
19 determination if the tenant has estab-  
20 lished, to the satisfaction of the Secretary  
21 that—

22 “(I) the tenant has made a good  
23 faith effort to meet the requirements  
24 of this section, including enlisting the  
25 assistance of the Secretary to obtain a

1 reasonable conservation plan for res-  
2 toration or mitigation for the farm;

3 “(II) the landlord on the farm re-  
4 fuses to comply with the plan on the  
5 farm; and

6 “(III) the Secretary determines  
7 that the lack of compliance is not a  
8 part of a scheme or device to avoid  
9 the compliance.

10 “(ii) REPORT.—The Secretary shall  
11 provide an annual report to the Committee  
12 on Agriculture of the House of Representa-  
13 tives and the Committee on Agriculture,  
14 Nutrition, and Forestry of the Senate con-  
15 cerning the ineligibility determinations lim-  
16 ited during the previous 12-month period  
17 under this subparagraph.

18 “(E) CERTIFICATION.—

19 “(i) IN GENERAL.—Beginning with  
20 the first full reinsurance year immediately  
21 following the date of enactment of this  
22 paragraph, all persons seeking eligibility  
23 for the payment of a portion of the pre-  
24 mium paid by the Federal Crop Insurance  
25 Corporation for a policy or plan of insur-

1                   ance under the Federal Crop Insurance  
2                   Act (7 U.S.C. 1501 et seq.) shall provide  
3                   certification of compliance with this section  
4                   as determined by the Secretary.

5                   “(ii) **TIMELY EVALUATION.**—The Sec-  
6                   retary shall evaluate the certification in a  
7                   timely manner and—

8                   “(I) a person who has properly  
9                   complied with certification shall be  
10                  held harmless with regard to eligibility  
11                  during the period of evaluation; and

12                  “(II) if the Secretary fails to  
13                  evaluate the certification in a timely  
14                  manner and the person is subse-  
15                  quently found to be in violation of  
16                  subsection (c), ineligibility shall not  
17                  apply to the person for that violation.

18                  “(iii) **EQUITABLE CONTRIBUTION.**—

19                  “(I) **IN GENERAL.**—If a person  
20                  fails to provide certification of compli-  
21                  ance to the Secretary as required and  
22                  is subsequently found in violation of  
23                  subsection (c), the Secretary shall de-  
24                  termine the amount of an equitable  
25                  contribution to conservation in accord-

1                   ance with section 1241(e) by the per-  
2                   son for the violation.

3                   “(II) LIMITATION.—The con-  
4                   tribution shall not exceed the total of  
5                   the portion of the premium paid by  
6                   the Federal Crop Insurance Corpora-  
7                   tion for a policy or plan of insurance  
8                   for all years the person is determined  
9                   to have been in violation subsequent  
10                  to the date on which certification was  
11                  first required under this subpara-  
12                  graph.”;

13                  (2) by redesignating subsections (c), (d), and  
14                  (e) as subsections (d), (e), and (f), respectively; and

15                  (3) by inserting after subsection (b) the fol-  
16                  lowing:

17                  “(c) INELIGIBILITY FOR CROP INSURANCE PREMIUM  
18 ASSISTANCE.—

19                  “(1) IN GENERAL.—If a person is determined  
20                  to have committed a violation under subsection (a)  
21                  or (d) during a crop year, the person shall be ineli-  
22                  gible to receive any payment of any portion of the  
23                  premium paid by the Federal Crop Insurance Cor-  
24                  poration for a policy or plan of insurance under the  
25                  Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

1           “(2) APPLICABILITY.—Ineligibility under this  
2 subsection shall—

3           “(A) only apply to reinsurance years subse-  
4 quent to the date of final determination of a  
5 violation, including all administrative appeals;  
6 and

7           “(B) not apply to—

8           “(i) the existing reinsurance year; or

9           “(ii) any reinsurance year prior to the  
10 date of final determination.

11           “(3) DATE OF CONVERSION.—Notwithstanding  
12 subsection (d), ineligibility for crop insurance pre-  
13 mium assistance shall apply as follows:

14           “(A) In the case of wetland that the Sec-  
15 retary determines was converted after the date  
16 of enactment of the Food, Conservation and  
17 Energy Act of 2008 (7 U.S.C. 8701 et seq.) but  
18 on or before May 1, 2013, and continues to be  
19 in violation, the person shall have 2 reinsurance  
20 years after the date on which this subsection  
21 applies, to begin the mitigation process, as de-  
22 termined by the Secretary.

23           “(B) In the case of wetland that the Sec-  
24 retary determines was converted after May 1,  
25 2013—

1           “(i) subject to clause (ii), the person  
2           shall be ineligible to receive crop insurance  
3           premium subsidies in subsequent reinsur-  
4           ance years unless section 1222(b) applies;  
5           and

6           “(ii) for any violation that the Sec-  
7           retary determines impacts less than 5  
8           acres of the entire farm, the person may  
9           pay a contribution in accordance with sec-  
10          tion 1241(e) in an amount equal to 150  
11          percent of the cost of mitigation, as deter-  
12          mined by the Secretary, for wetland res-  
13          toration in lieu of ineligibility to receive  
14          crop insurance premium assistance.

15          “(C) In the case of a wetland that the Sec-  
16          retary determines was converted prior to the  
17          date of enactment of the Food, Conservation,  
18          and Energy Act of 2008 (7 U.S.C. 8701 et  
19          seq.), ineligibility under this subsection shall  
20          not apply.

21          “(D) In the case of an agricultural com-  
22          modity for which an individual policy or plan of  
23          insurance is available for the first time to the  
24          person after the date of enactment of the Fed-

1           eral Agriculture Reform and Risk Management  
2           Act of 2013—

3                   “(i) ineligibility shall apply only to  
4                   conversions that take place after the date  
5                   on which the policy or plan of insurance  
6                   first becomes available to the person; and

7                   “(ii) the person shall take such steps  
8                   as the Secretary determines appropriate to  
9                   mitigate any prior conversion in a timely  
10                  manner but not to exceed 2 calendar years.

11           “(4) CERTIFICATION.—

12                   “(A) IN GENERAL.—In enforcing eligibility  
13                   under this subsection, the Secretary shall use  
14                   existing processes and procedures for certifying  
15                   compliance.

16                   “(B) RESPONSIBILITY.—The Secretary,  
17                   acting through the agencies of the Department  
18                   of Agriculture, shall be solely responsible for de-  
19                   termining whether a producer is eligible to re-  
20                   ceive crop insurance premium subsidies in ac-  
21                   cordance with this subsection.

22                   “(C) LIMITATION.—The Secretary shall  
23                   ensure that no agent, approved insurance pro-  
24                   vider, or employee or contractor of an agency or  
25                   approved insurance provider, bears responsi-

1            bility or liability for the eligibility of an insured  
2            producer under this subsection, other than in  
3            cases of misrepresentation, fraud, or a scheme  
4            or device to avoid compliance.”.

