



(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To amend the Food Security Act of 1985 to modernize the conservation reserve program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. FINSTAD introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Food Security Act of 1985 to modernize the conservation reserve program, 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 "Conservation Reserve  
5 Program Modernization Act".

6 **SEC. 2. DEFINITIONS.**

7 Subchapter B of chapter 1 of title XII of the Food  
8 Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended  
9 by inserting before section 1231 the following:

1 **“SEC. 1230. DEFINITIONS.**

2 “In this subchapter:

3 “(1) **CONSERVATION BUFFER.**—The term ‘con-  
4 servation buffer’ means a practice that, once estab-  
5 lished, provides a benefit to water quality or another  
6 resource concern, including—

7 “(A) a grass sod waterway;

8 “(B) a contour grass sod strip;

9 “(C) a prairie strip;

10 “(D) a filterstrip;

11 “(E) a field border;

12 “(F) a living snow fence;

13 “(G) a riparian buffer;

14 “(H) a shelterbelt or windbreak;

15 “(I) a wetland or a wetland buffer (includ-  
16 ing a buffer for prairie potholes, a playa, or a  
17 pocosin);

18 “(J) a saturated buffer;

19 “(K) a bioreactor;

20 “(L) a wellhead protection area; and

21 “(M) other similar practices, as determined  
22 by the Secretary.

23 “(2) **ELIGIBLE LAND.**—The term ‘eligible land’  
24 means land that is authorized to be included in the  
25 conservation reserve program under section 1231(b).

1           “(3) ELIGIBLE PARTNER.—The term ‘eligible  
2 partner’ means—

3           “(A) a State;

4           “(B) a political subdivision of a State;

5           “(C) an Indian Tribe; or

6           “(D) a nongovernmental organization.

7           “(4) LAND CAPABILITY CLASS.—The term ‘land  
8 capability class’ means a soil classification assigned  
9 using the land capability classification system in ef-  
10 fect on December 23, 1985.”.

11 **SEC. 3. ELIGIBLE LAND.**

12       Section 1231(b) of the Food Security Act of 1985  
13 (16 U.S.C. 3831(b)) is amended to read as follows:

14       “(b) ELIGIBLE LAND.—The Secretary may include in  
15 the conservation reserve program the following:

16           “(1) Cropland that—

17           “(A)(i) on a field level, consists of not less  
18 than 85 percent soils with a dryland cropland  
19 land capability class of III through VII; or

20           “(ii) cannot be farmed in accordance with  
21 a plan that complies with the requirements of  
22 subtitle B; and

23           “(B) the Secretary determines had a crop-  
24 ping history or was considered to be planted for  
25 not fewer than 4 of the 6 years preceding the

1 date of enactment of the Conservation Reserve  
2 Program Modernization Act.

3 “(2) Cropland (including prairie potholes,  
4 playas, and pecosins within cropland), grasslands,  
5 and marginal pasture land (including marginal  
6 pastureland converted to wetland or established as  
7 wildlife habitat) to be—

8 “(A) devoted to conservation buffers;

9 “(B) established to ecologically appropriate  
10 vegetation, including trees, in or near riparian  
11 areas, intermittent, seasonal, or perennial  
12 streams, wetlands (including prairie potholes,  
13 playas, and pecosins), or saline-impaired soils;  
14 or

15 “(C) devoted to similar water quality or  
16 wildlife habitat practices.

17 “(3) Grasslands that—

18 “(A) contain forbs or shrubland (including  
19 improved rangeland and pastureland) for which  
20 grazing is the predominant use;

21 “(B) are located in an area historically  
22 dominated by grasslands; and

23 “(C) could provide habitat for animal and  
24 plant populations of significant ecological value

1 if the land is retained in its current use or re-  
2 stored to a natural condition.

3 “(4) Land described in paragraph (1), (2), or  
4 (3) that will address significant water quality, water  
5 conservation, and wildlife habitat concerns, as pro-  
6 posed by an eligible partner and agreed to by the  
7 Secretary for purposes of section 1231A.

8 “(5) The portion of land in a field not enrolled  
9 in the conservation reserve in a case in which—

10 “(A) more than 50 percent of the land in  
11 the field is enrolled as a buffer or filterstrip, or  
12 more than 75 percent of the land in the field  
13 is enrolled as a conservation practice other than  
14 as a buffer or filterstrip; and

15 “(B) the Secretary determines that the re-  
16 mainder of the field is infeasible to farm.”.

17 **SEC. 4. PAYMENTS.**

18 (a) **COST SHARING PAYMENTS.**—Section 1234(b)(1)  
19 of the Food Security Act of 1985 (16 U.S.C. 3834(b)(1))  
20 is amended to read as follows:

21 “(1) **IN GENERAL.**—In making cost-sharing  
22 payments to an owner or operator under a contract  
23 entered into under this subchapter, the Secretary  
24 shall pay 50 percent of the cost of, as the Secretary  
25 determines appropriate and in the public interest—

1           “(A) establishing permanent vegetation, in-  
2           cluding site preparation, cover, fertilizer, seed-  
3           ing, and planting;

4           “(B) carrying out erosion control practices  
5           necessary to stabilize the site for vegetation es-  
6           tablished under subparagraph (A);

7           “(C) installing fencing to protect riparian  
8           areas and buffers;

9           “(D) carrying out water development prac-  
10          tices associated with excluding livestock from  
11          protected riparian areas;

12          “(E) installing fencing and carrying out  
13          water development practices to facilitate transi-  
14          tion to livestock grazing on lands enrolled under  
15          the grasslands enrollment option;

16          “(F) conducting the necessary and appro-  
17          priate mid-contract management activities to  
18          maintain the permanent cover and associated  
19          benefits; and

20          “(G) carrying out other water quality con-  
21          servation measures and practices.”.

22          (b) ANNUAL RENTAL PAYMENTS.—

23                 (1) MULTIPLE ENROLLMENTS.—Section  
24                 1234(d)(2)(B) of the Food Security Act of 1985 (16

1 U.S.C. 3834(d)(2)(B)) is amended to read as fol-  
2 lows:

3 “(B) MULTIPLE ENROLLMENTS.—

4 “(i) IN GENERAL.—Notwithstanding  
5 subparagraph (A), if land subject to a con-  
6 tract entered into under this subchapter is  
7 reenrolled pursuant to section 1231(h), the  
8 annual rental payment shall be in an  
9 amount that is not more than the applica-  
10 ble percentage of the relevant county aver-  
11 age soil rental rate for the year in which  
12 the reenrollment occurs (as determined  
13 under paragraph (4)(E)).

14 “(ii) APPLICABLE PERCENTAGE.—For  
15 purposes of clause (i), the applicable per-  
16 centage shall be—

17 “(I) for the first reenrollment  
18 that occurs after the date of enact-  
19 ment the Conservation Reserve Pro-  
20 gram Modernization Act, 85 percent;  
21 and

22 “(II) for each subsequent re-  
23 enrollment, the percentage that is 10  
24 percentage points less than the per-

1                   centage that was applicable to the  
2                   preceding reenrollment.”.

3           (2) RENTAL RATE LIMITATION.—Section  
4           1234(d)(4)(E) of the Food Security Act of 1985 (16  
5           U.S.C. 3834(d)(4)(E)) is amended to read as fol-  
6           lows:

7                   “(E) RENTAL RATE LIMITATION.—The  
8                   county average soil rental rate (before any ad-  
9                   justments relating to specific practices, wellhead  
10                  protection, or soil productivity) shall not ex-  
11                  ceed—

12                   “(i) for eligible land consisting of soils  
13                   with a dryland cropland land capability  
14                   class of I or II that is enrolled under the  
15                   general enrollment option or the conserva-  
16                   tion reserve enhancement program, 85 per-  
17                   cent of the estimated rental rate deter-  
18                   mined under this paragraph;

19                   “(ii) for eligible land consisting of  
20                   soils with a dryland cropland land capa-  
21                   bility class of III that is enrolled under the  
22                   general enrollment option or the conserva-  
23                   tion reserve enhancement program, 100  
24                   percent of the estimated rental rate deter-  
25                   mined under this paragraph;

1           “(iii) for eligible land consisting of  
2           soils with a dryland cropland land capa-  
3           bility class of IV through VII that is en-  
4           rolled under the general enrollment option  
5           or the conservation reserve enhancement  
6           program, 115 percent of the estimated  
7           rental rate determined under this para-  
8           graph; and

9           “(iv) for eligible land enrolled under  
10          the continuous enrollment option, 100 per-  
11          cent of the estimated rental rate deter-  
12          mined under this paragraph, without re-  
13          gard to the land capability class of the  
14          soil.”.