

115TH CONGRESS  
1ST SESSION

# H. R. 3809

To amend the Food Security Act of 1985 to improve conservation compliance,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2017

Mr. BLUMENAUER introduced the following bill; which was referred to the  
Committee on Agriculture

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## A BILL

To amend the Food Security Act of 1985 to improve  
conservation compliance, 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 “Sustainable Farmland  
5 for the Future Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 1201(a) of the Food Security Act of 1985  
8 (16 U.S.C. 3801(a)) is amended—

9 (1) in paragraph (3)—

1 (A) in subparagraph (A), by striking  
2 “highly erodible” and inserting “covered”; and

3 (B) in subparagraph (B), by striking “the  
4 highly erodible” and inserting “covered”;

5 (2) in paragraph (4)—

6 (A) in subparagraph (A), by striking “;  
7 and” and inserting a semicolon;

8 (B) by amending subparagraph (B) to read  
9 as follows:

10 “(B) are designed to, in a cost effective  
11 and technically practicable manner—

12 “(i) achieve a substantial improve-  
13 ment in water quality;

14 “(ii) achieve a rate of soil erosion no  
15 greater than the soil loss tolerance level, as  
16 determined by the Natural Resources Con-  
17 servation Service;

18 “(iii) prevent ephemeral gully erosion;  
19 and

20 “(iv) establish and maintain a min-  
21 imum of 50 feet of perennial vegetation be-  
22 tween covered cropland and intermittent or  
23 perennial waterways; and”;

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

1           “(C) are based on the most recent and  
2           technically accurate soil erosion prediction mod-  
3           els to determine if soil erosion by wind and  
4           water exceed the Soil Loss Tolerance Level on  
5           covered cropland subject to subtitle B.”;

6           (3) in paragraph (6), by striking “highly erod-  
7           ible” and inserting “covered”;

8           (4) by amending paragraph (7)(A)(ii) to read  
9           as follows:

10           “(ii) before such action, such land was wet-  
11           land.”;

12           (5) in paragraph (9), by striking “Any highly  
13           erodible land on which an agricultural commodity is  
14           produced after December 23, 1985, and that is not  
15           exempt under section 1212, shall be considered as  
16           part of the field in which the land was included on  
17           December 23, 1985, unless the owner and Secretary  
18           agree to modification of the boundaries of the field  
19           to carry out this title.”; and

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

21           “(28) COVERED CROPLAND.—The term ‘cov-  
22           ered cropland’ means cropland, as defined in section  
23           718.2 of title 7, Code of Federal Regulations, that  
24           is planted to a row crop.”.

1 **SEC. 3. COVERED CROPLAND PROGRAM INELIGIBILITY.**

2 (a) IN GENERAL.—Section 1211 of the Food Security  
3 Act of 1985 (16 U.S.C. 3811) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph (1),  
6 by striking “a field on which highly erodible  
7 land” and all that follows through “shall be in-  
8 eligible for” and inserting “covered cropland  
9 shall be ineligible for”;

10 (B) in paragraph (1)(A)—

11 (i) by inserting “or income” after  
12 “any type of price”; and

13 (ii) by inserting “, including a pay-  
14 ment made under section 1116 or 1117 of  
15 the Agricultural Act of 2014” before the  
16 semicolon at the end; and

17 (C) in paragraph (1)(D), by striking “ex-  
18 cessive erosion of highly erodible land” and in-  
19 serting “substantial erosion or degradation of  
20 water quality”; and

21 (2) in the heading of subsection (b), by striking  
22 “HIGHLY ERODIBLE LAND” and inserting “COMPLI-  
23 ANCE DETERMINATION”.

24 (b) CONFORMING AMENDMENT.—Subtitle B of title  
25 XII of the Food Security Act of 1985 (16 U.S.C. 3811  
26 et seq.) is amended in the heading by striking “**Highly**

1 **Erodible Land**” and inserting **“Covered Crop-**  
2 **land**”.

3 **SEC. 4. EXEMPTIONS.**

4 Section 1212 of the Food Security Act of 1985 (16  
5 U.S.C. 3812) is amended—

6 (1) by amending subsection (a) to read as fol-  
7 lows:

8 “(a) **ELIGIBILITY BASED ON COMPLIANCE WITH**  
9 **CONSERVATION PLAN.**—

10 “(1) **IN GENERAL.**—If, as of January 1, 2023,  
11 or 2 years after the Natural Resources Conservation  
12 Service has completed a conservation plan for the  
13 farm, whichever is later, a person is actively apply-  
14 ing the approved conservation plan, such person  
15 shall have until January 1, 2028, to comply with the  
16 plan without being subject to program ineligibility.

17 “(2) **MINIMIZATION OF DOCUMENTATION.**—In  
18 carrying out this subsection, the Secretary, Natural  
19 Resources Conservation Service, and local soil con-  
20 servation districts shall minimize the quantity of  
21 documentation a person must submit to comply with  
22 this paragraph.

23 “(3) **EXPIRATION.**—On the expiration of a con-  
24 tract entered into under subchapter B of chapter 1  
25 of subtitle D, the provisions of this subtitle shall

1 apply to the acreage that was the subject of such  
2 contract.”;

3 (2) by striking subsections (b), (c), and (d);

4 (3) by redesignating subsections (e), (f), (g),  
5 and (h) as subsections (b), (c), (d), and (e), respec-  
6 tively; and

7 (4) in subsection (c), as so redesignated, by  
8 amending paragraph (4)(A)(i) to read as follows:

9 “(i) a person has failed to comply  
10 with section 1211, and has acted in good  
11 faith and without an intent to violate sec-  
12 tion 1211; or”.

13 **SEC. 5. DEVELOPMENT AND IMPLEMENTATION OF CON-**  
14 **SERVATION PLANS AND CONSERVATION SYS-**  
15 **TEMS.**

16 Section 1213 of the Food Security Act of 1985 (16  
17 U.S.C. 3812a) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “and eco-  
20 nomically”; and

21 (B) in paragraph (4), by striking “undue”  
22 and inserting “serious”;

23 (2) by striking subsection (b) and redesignating  
24 subsections (c), (d), (e), and (f) as subsections (b),  
25 (c), (d), and (e), respectively;

1           (3) in subsection (c) (as redesignated by para-  
2 graph (2))—

3           (A) in paragraph (2)—

4                 (i) by striking “If a person makes a  
5 certification under paragraph (1), the Sec-  
6 retary shall not be required to” and insert-  
7 ing “The Secretary shall annually”; and

8                 (ii) by inserting “on not less than 5  
9 percent of the covered cropland subject to  
10 this subtitle” after “being applied”; and

11           (B) in paragraph (3), by striking the last  
12 sentence and inserting “The Secretary may re-  
13 vise the person’s conservation plan if the Sec-  
14 retary determines the conservation plan is not  
15 meeting the standards in section 1201(a)(4).”;  
16 and

17           (4) by amending subsection (d) (as redesignated  
18 by paragraph (2)) to read as follows:

19           “(d) TECHNICAL ASSISTANCE.—The Secretary  
20 shall—

21                 “(1) provide technical assistance to a person  
22 throughout the development, revision, and applica-  
23 tion of the conservation plan and any conservation  
24 system of the person; and

1           “(2) make available annually an amount equal  
2           to 0.02 percent of the funding otherwise provided for  
3           programs specified in section 1211(a), not to exceed  
4           \$350 million, to provide technical assistance, con-  
5           duct status reviews and other tasks required to fully  
6           implement the provisions of this subtitle.”.

7 **SEC. 6. WETLAND PROGRAM INELIGIBILITY.**

8           Section 1221 of the Food Security Act of 1985 (16  
9 U.S.C. 3821) is amended—

10           (1) in subsection (b)(1), by inserting “, includ-  
11           ing payments made under section 1116 or 1117 of  
12           the Agricultural Act of 2014” before the period at  
13           the end; and

14           (2) in subsection (c)—

15           (A) by amending paragraph (2)(B) to read  
16           as follows:

17           “(B) NEW CONVERSIONS.—In the case of  
18           a wetland that the Secretary determines was  
19           converted after the date of enactment of the  
20           Agricultural Act of 2014, the person shall be  
21           ineligible to receive crop insurance premium  
22           subsidies in subsequent reinsurance years un-  
23           less the Secretary determines that an exemption  
24           pursuant to section 1222 applies.”;

1 (B) in paragraph (3), by striking subpara-  
2 graph (E); and

3 (C) in paragraph (4), by inserting at the  
4 end the following:

5 “(D) FUNDING.—The Secretary shall  
6 make available annually an amount equal to  
7 0.01 percent of the funding otherwise made  
8 available for programs specified in 1221(b), not  
9 to exceed \$200 million, to provide technical as-  
10 sistance, conduct status reviews and carry out  
11 other tasks needed to fully implement the provi-  
12 sions of this subtitle.

13 “(E) STATUS REVIEWS.—The Secretary  
14 shall annually carry out a review of the status  
15 of compliance of the person with the conserva-  
16 tion plan under which the conservation system  
17 is being applied on no less than 5 percent of the  
18 covered cropland subject to this subtitle.”.

19 **SEC. 7. DELINEATION OF WETLANDS; EXEMPTIONS.**

20 Section 1222 of the Food Security Act of 1985 (16  
21 U.S.C. 3822) is amended in subsection (f)(2)—

22 (1) by striking subparagraphs (D) and (E); and

23 (2) by redesignating subparagraphs (F) and

24 (G) as subparagraphs (D) and (E), respectively.

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