

118TH CONGRESS
2D SESSION

H. R. 8270

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

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2024

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

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 pocosins 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 pocosins), 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. MULTIPLE ENROLLMENTS.**

18 Section 1234(d)(2)(B) of the Food Security Act of
19 1985 (16 U.S.C. 3834(d)(2)(B)) is amended to read as
20 follows:

21 “(B) MULTIPLE ENROLLMENTS.—

22 “(i) IN GENERAL.—Notwithstanding
23 subparagraph (A), if land subject to a con-
24 tract entered into under this subchapter is
25 reenrolled pursuant to section 1231(g), the

1 annual rental payment shall be in an
2 amount that is not more than the applica-
3 ble percentage of the relevant county aver-
4 age soil rental rate for the year in which
5 the reenrollment occurs (as determined
6 under paragraph (4)(E)).

7 “(ii) APPLICABLE PERCENTAGE.—For
8 purposes of clause (i), the applicable per-
9 centage shall be—

10 “(I) for the first reenrollment
11 that occurs after the date of enact-
12 ment, 85 percent; and

13 “(II) for each subsequent
14 reenrollment, the percentage that is
15 10 percentage points less than the
16 percentage that was applicable to the
17 preceding reenrollment.”.

18 **SEC. 5. RENTAL RATES.**

19 Section 1234(d)(4)(E) of the Food Security Act of
20 1985 (16 U.S.C. 3834(d)(4)(E)) is amended to read as
21 follows:

22 “(E) RENTAL RATE LIMITATION.—The
23 county average soil rental rate (before any ad-
24 justments relating to specific practices, wellhead

1 protection, or soil productivity) shall not ex-
2 ceed—

3 “(i) for eligible land consisting of soils
4 with a dryland cropland land capability
5 class of I or II that is enrolled under the
6 general enrollment option or the conserva-
7 tion reserve enhancement program, 85 per-
8 cent of the estimated rental rate deter-
9 mined under this paragraph;

10 “(ii) for eligible land consisting of
11 soils with a dryland cropland land capa-
12 bility class of III that is enrolled under the
13 general enrollment option or the conserva-
14 tion reserve enhancement program, 100
15 percent of the estimated rental rate deter-
16 mined under this paragraph;

17 “(iii) for eligible land consisting of
18 soils with a dryland cropland land capa-
19 bility class of IV through VII that is en-
20 rolled under the general enrollment option
21 or the conservation reserve enhancement
22 program, 115 percent of the estimated
23 rental rate determined under this para-
24 graph; and

1 “(iv) for eligible land enrolled under
2 the continuous enrollment option, 100 per-
3 cent of the estimated rental rate deter-
4 mined under this paragraph, without re-
5 gard to the land capability class of the
6 soil.”.

7 **SEC. 6. COST-SHARING PAYMENTS.**

8 Section 1234(b)(1) of the Food Security Act of 1985
9 (16 U.S.C. 3834(b)(1)) is amended to read as follows:

10 “(1) IN GENERAL.—In making cost-sharing
11 payments to an owner or operator under a contract
12 entered into under this subchapter, the Secretary
13 shall pay 50 percent of the cost of, as the Secretary
14 determines appropriate and in the public interest—

15 “(A) establishing permanent vegetation, in-
16 cluding site preparation, cover, fertilizer, seed-
17 ing, and planting;

18 “(B) carrying out erosion control practices
19 necessary to stabilize the site for vegetation es-
20 tablished under subparagraph (A);

21 “(C) installing fencing to protect riparian
22 areas and buffers;

23 “(D) carrying out water development prac-
24 tices associated with excluding livestock from
25 protected riparian areas;

1 “(E) installing fencing and carrying out
2 water development practices to facilitate transi-
3 tion to livestock grazing on lands enrolled under
4 the grasslands enrollment option;

5 “(F) conducting the necessary and appro-
6 priate mid-contract management activities to
7 maintain the permanent cover and associated
8 benefits; and

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

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