

107TH CONGRESS
1ST SESSION

H. R. 1689

To amend the Food Security Act of 1985, to establish a grassland reserve program to assist owners in restoring and conserving grassland.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2001

Mr. SCHAFFER (for himself, Mr. THOMPSON of California, Mr. DEAL of Georgia, Mr. CLEMENT, Mr. MCINNIS, Mr. SESSIONS, Mr. DOOLEY of California, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. SHOWS, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Mr. BOUCHER, Mr. SIMPSON, Mr. OTTER, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985, to establish a grassland reserve program to assist owners in restoring and conserving grassland.

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 “Grassland Reserve
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Vast grassland once provided critical habi-
2 tat for complex plant and animal communities
3 throughout much of North America.

4 (2) Today, grassland areas have been largely
5 converted to other uses, threatening and eliminating
6 plant and animal communities unique to North
7 America.

8 (3) A significant portion of the remaining
9 grassland is on working ranches.

10 (4) Ranchers have an economic interest in pre-
11 serving the remaining grassland as forage for their
12 livestock.

13 (5) Many ranchers are also concerned about
14 losing the open spaces and “big sky” central to the
15 ranching way of life.

16 (6) Apart from the loss of grassland, ranches
17 themselves have steadily disappeared through the
18 years and are likely to disappear at a faster rate in
19 the immediate decade as a generation of ranchers
20 reach retirement age.

21 (7) Ranch land provides important open-space
22 buffers for animal and plant habitat.

23 (8) Ranching forms the economic backbone for
24 much of the rural area of the western United States.

1 (9) Currently, there are no Federal programs
 2 that conserve grassland, ranch land, or other land
 3 with comparable high resource value, other than wet-
 4 land, on a national scale.

5 (10) A grassland reserve program would pro-
 6 vide important economic assistance to ranchers and
 7 other agricultural producers who may be struggling
 8 financially and who may voluntarily decide that par-
 9 ticipating in the program would be to their advan-
 10 tage.

11 **SEC. 3. GRASSLAND RESERVE PROGRAM.**

12 Chapter 1 of subtitle D of title XII of the Food Secu-
 13 rity Act of 1985 (16 U.S.C. 3830 et seq.) is amended by
 14 adding at the end the following new subchapter:

15 **“Subchapter D—Grassland Reserve Program**

16 **“SEC. 1238. GRASSLAND RESERVE PROGRAM.**

17 “(a) ESTABLISHMENT.—The Secretary, acting
 18 through the Natural Resource Conservation Service, shall
 19 establish a grassland reserve program (referred to in this
 20 subchapter as the ‘program’) to assist owners in restoring
 21 and conserving eligible land described in subsection (c).

22 “(b) ENROLLMENT CONDITIONS.—

23 “(1) MAXIMUM ENROLLMENT.—The total num-
 24 ber of acres enrolled in the program shall not exceed
 25 1,000,000 acres.

1 “(2) METHODS OF ENROLLMENT.—The Sec-
2 retary shall enroll in the program for a willing owner
3 not less than 100 contiguous acres of land west of
4 the 90th meridian or not less than 50 contiguous
5 acres of land east of the 90th meridian through—

6 “(A) permanent easements or 30-year
7 easements; or

8 “(B) in a State that imposes a maximum
9 duration for such an easement, an easement for
10 the maximum duration allowed under State law.

11 “(c) ELIGIBLE LAND.—Land shall be eligible to be
12 enrolled in the program if the Secretary determines that
13 the land is—

14 “(1) natural grass or shrubland;

15 “(2) land that—

16 “(A) is located in an area that has been
17 historically dominated by natural grass or
18 shrubland; and

19 “(B) has potential to serve as habitat for
20 animal or plant populations of significant eco-
21 logical value if the land is restored to natural
22 grass or shrubland; or

23 “(3) land that is incidental to land described in
24 paragraph (1) or (2), if that incidental land is deter-

1 mined by the Secretary to be necessary for the effi-
2 cient administration of the easement.

3 **“SEC. 1238A. EASEMENTS AND AGREEMENTS.**

4 “(a) REQUIREMENTS OF LANDOWNER.—To be eligi-
5 ble to enroll land in the program, the owner of the land
6 shall—

7 “(1) grant an easement that runs with the land
8 to the Secretary;

9 “(2) create and record an appropriate deed re-
10 striction in accordance with applicable State law to
11 reflect the easement;

12 “(3) provide a written statement of consent to
13 the easement signed by persons holding a security
14 interest or any vested interest in the land;

15 “(4) provide proof of unencumbered title to the
16 underlying fee interest in the land that is the subject
17 of the easement;

18 “(5) agree to comply with the terms of the
19 easement and related restoration agreements; and

20 “(6) agree to the permanent retirement of any
21 existing cropland base and allotment history for the
22 land under any program administered by the Sec-
23 retary.

24 “(b) TERMS OF EASEMENT.—An easement under
25 subsection (a) shall—

1 “(1) permit—

2 “(A) common grazing practices on the land
3 in a manner that is consistent with maintaining
4 the viability of natural grass and shrub species
5 indigenous to that locality;

6 “(B) haying, mowing, or haying for seed
7 production, except that such uses shall not be
8 permitted until after the end of the nesting sea-
9 son for birds in the local area which are in sig-
10 nificant decline or are conserved pursuant to
11 State or Federal law, as determined by the Nat-
12 ural Resources Conservation Service State con-
13 servationist; and

14 “(C) construction of fire breaks and
15 fences, including placement of the posts nec-
16 essary for fences;

17 “(2) prohibit—

18 “(A) the production of row-crops, fruit
19 trees, vineyards, or any other agricultural com-
20 modity that requires breaking the soil surface;
21 and

22 “(B) the conduct of any other activities
23 that would disturb the surface of the land cov-
24 ered by the easement, including—

25 “(i) plowing; and

1 “(ii) disking; and

2 “(3) include such additional provisions as the
3 Secretary determines are appropriate to carry out or
4 facilitate the administration of this subchapter.

5 “(c) RANKING EASEMENT APPLICATIONS.—

6 “(1) ESTABLISHMENT OF CRITERIA.—The Sec-
7 retary, in conjunction with State technical commit-
8 tees, shall establish criteria to evaluate and rank ap-
9 plications for easements under this subchapter.

10 “(2) EMPHASIS.—In establishing the criteria,
11 the Secretary shall emphasize support for native
12 grass and shrubland, grazing operations, and plant
13 and animal biodiversity.

14 “(d) RESTORATION AGREEMENTS.—The Secretary
15 shall prescribe the terms by which grassland that is sub-
16 ject to an easement under the program shall be restored.
17 The agreement shall include duties of the land owner and
18 the Secretary, including the Federal share of restoration
19 payments and technical assistance.

20 “(e) VIOLATIONS.—

21 “(1) IN GENERAL.—On the violation of the
22 terms or conditions of an easement or restoration
23 agreement entered into under this section—

24 “(A) the easement shall remain in force;
25 and

1 “(B) the Secretary may require the owner
2 to refund all or part of any payments received
3 by the owner under this subchapter, with inter-
4 est on the payments as determined appropriate
5 by the Secretary.

6 “(2) PERIODIC INSPECTIONS.—The Secretary
7 shall conduct periodic inspections of land subject to
8 easements under this subchapter to ensure that the
9 terms of the easements and restoration agreements
10 are being met, after providing the landowner ade-
11 quate notice of inspections. The Secretary may not
12 prohibit the landowner or a representative of the
13 landowner from being present during inspections.

14 **“SEC. 1238B. DUTIES OF SECRETARY.**

15 “(a) IN GENERAL.—In return for the granting of an
16 easement by an owner under this subchapter, the Sec-
17 retary shall make easement payments and payments of the
18 Federal share of restoration and provide technical assist-
19 ance to the owner in accordance with this section.

20 “(b) EASEMENT PAYMENTS.—

21 “(1) IN GENERAL.—In return for the granting
22 of an easement by an owner under this subchapter,
23 the Secretary shall make easement payments to the
24 owner in an amount equal to—

1 “(A) in the case of a permanent easement,
2 the fair market value of the land less the graz-
3 ing value of the land encumbered by the ease-
4 ment; and

5 “(B) in the case of a 30-year easement or
6 an easement for the maximum duration allowed
7 under applicable State law, 30 percent of the
8 fair market value of the land less the grazing
9 value of the land for the period that the land
10 is encumbered by the easement.

11 “(2) PAYMENT SCHEDULE.—Easement pay-
12 ments may be provided in not less than one payment
13 nor more than 10 annual payments of equal or un-
14 equal amount, as agreed to by the Secretary and the
15 owner.

16 “(c) FEDERAL SHARE OF RESTORATION.—The Sec-
17 retary shall make payments to the owner of not more than
18 75 percent of the costs of carrying out measures and prac-
19 tices necessary to restore grassland functions and values.

20 “(d) TECHNICAL ASSISTANCE.—

21 “(1) IN GENERAL.—The Secretary shall provide
22 owners with technical assistance to execute easement
23 documents and restore the grassland.

24 “(2) REIMBURSEMENT BY COMMODITY CREDIT
25 CORPORATION.—The Commodity Credit Corporation

1 shall reimburse the Secretary, acting through the
2 Natural Resources Conservation Service, for not
3 more than 10 percent of the cost of acquisition of
4 easement and the Federal share of the restoration
5 payments obligated for that fiscal year.

6 “(e) PAYMENTS TO OTHERS.—If an owner who is en-
7 titled to a payment under this subchapter dies, becomes
8 incompetent, is otherwise unable to receive the payment,
9 or is succeeded by another person who renders or com-
10 pletes the required performance, the Secretary shall make
11 the payment, in accordance with regulations promulgated
12 by the Secretary and without regard to any other provision
13 of law, in such manner as the Secretary determines is fair
14 and reasonable in light of all the circumstances.

15 “(f) OTHER PAYMENTS.—Easement payments re-
16 ceived by an owner under this subchapter shall be in addi-
17 tion to, and not affect, the total amount of payments that
18 the owner is otherwise eligible to receive under other Fed-
19 eral laws.

20 **“SEC. 1238C. ADMINISTRATION.**

21 “(a) DELEGATION TO PRIVATE ORGANIZATIONS OR
22 STATE AGENCIES.—

23 “(1) IN GENERAL.—The Secretary shall permit
24 a private conservation or land trust organization or

1 a State agency to hold and enforce an easement
2 under this subchapter, in lieu of the Secretary, if—

3 “(A) the Secretary determines that grant-
4 ing such permission is likely to promote grass-
5 land conservation; and

6 “(B) the landowner agrees to allow the pri-
7 vate conservation or land trust organization or
8 a State agency to hold and enforce the ease-
9 ment.

10 “(2) APPLICATION.—An organization that de-
11 sires to hold an easement under this subchapter
12 shall apply to the Secretary for approval.

13 “(3) APPROVAL BY SECRETARY.—The Sec-
14 retary shall approve an organization under this sub-
15 chapter that is constituted for conservation or
16 ranching purposes and is competent to administer
17 grassland easements.

18 “(4) REASSIGNMENT.—If an organization hold-
19 ing an easement on land under this subchapter
20 terminates—

21 “(A) the owner of the land shall reassign
22 the easement to another organization described
23 in paragraph (1) or to the Secretary; and

1 “(B) the owner and the new organization
2 shall notify the Secretary in writing that a reas-
3 signment for termination has been made.

4 “(b) REGULATIONS.—Not later than 180 days after
5 the date of enactment of this subchapter, the Secretary
6 shall issue such regulations as are necessary to carry out
7 this subchapter.”.

8 **SEC. 4. FUNDING.**

9 Section 1241(a)(2) of the Food Security Act of 1985
10 (16 U.S.C. 3841(a)(2)) is amended by striking “sub-
11 chapter C” and inserting “subchapters C and D”.

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