

113TH CONGRESS
1ST SESSION

H. R. 349

To amend the Food Security Act of 1985 with respect to maximum enrollment and eligible land in the conservation reserve program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2013

Mrs. ROBY (for herself, Mr. BONNER, Mr. BACHUS, and Ms. SEWELL of Alabama) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985 with respect to maximum enrollment and eligible land in the conservation reserve program.

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 “Preserving Marginal
5 Lands and Protecting Farming Act of 2013”.

6 **SEC. 2. MAXIMUM ENROLLMENT.**

7 Section 1231(d) of the Food Security Act of 1985
8 (16 U.S.C. 3831(d)) is amended to read as follows:

1 “(d) MAXIMUM ENROLLMENT.—The Secretary may
2 maintain in the conservation reserve at any 1 time, not
3 more than—

4 “(1) during fiscal year 2013, 29,000,000 acres;

5 “(2) during fiscal year 2014, 26,000,000 acres;

6 and

7 “(3) during each of fiscal years 2015 through
8 2018, 24,000,000 acres.”.

9 **SEC. 3. INELIGIBLE LAND.**

10 Section 1231 of the Food Security Act of 1985 (16
11 U.S.C. 3831) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(j) INELIGIBLE LAND.—Notwithstanding any other
14 provision of this section, after the date of enactment of
15 this subsection, the Secretary may not enroll land in the
16 conservation reserve that is classified as class I or class
17 II land under the land capability classification system pub-
18 lished in the National Soil Survey Handbook of the Nat-
19 ural Resources Conservation Service, unless such land is
20 enrolled as a buffer, filterstrip, or strip adjacent to a ri-
21 parian area.”.

22 **SEC. 4. CONTRACT REQUIREMENTS.**

23 (a) EARLY TERMINATION BY OWNER OR OPER-
24 ATOR.—Section 1235(e) of the Food Security Act of 1985
25 (16 U.S.C. 3835(e)) is amended—

1 (1) in paragraph (1)(A)—

2 (A) by striking “The Secretary” and in-
3 serting “During fiscal year 2014, the Sec-
4 retary”; and

5 (B) by striking “before January 1, 1995,”;

6 (2) in paragraph (2), by striking subparagraph
7 (C) and inserting the following:

8 “(C) Land devoted to hardwood trees.

9 “(D) Wildlife habitat, duck nesting habi-
10 tat, pollinator habitat, upland bird habitat buff-
11 er, wildlife food plots, State acres for wildlife
12 enhancement, shallow water areas for wildlife,
13 and rare and declining habitat.

14 “(E) Farmable wetland and restored wet-
15 land.

16 “(F) Land that contains diversions, ero-
17 sion control structures, flood control structures,
18 contour grass strips, living snow fences, salinity
19 reducing vegetation, cross wind trap strips, and
20 sediment retention structures.

21 “(G) Land located within a federally-des-
22 ignated wellhead protection area.

23 “(H) Land that is covered by an easement
24 under the conservation reserve program.

1 “(I) Land located within an average width,
2 according to the applicable Natural Resources
3 Conservation Service field office technical guide,
4 of a perennial stream or permanent water
5 body.”; and

6 (3) in paragraph (3), by striking “60 days after
7 the date on which the owner or operator submits the
8 notice required under paragraph (1)(C)” and insert-
9 ing “upon approval by the Secretary”.

10 (b) TRANSITION OPTION FOR CERTAIN FARMERS OR
11 RANCHERS.—Section 1235(f) of the Food Security Act of
12 1985 (16 U.S.C. 3835(f)) is amended—

13 (1) in paragraph (1)—

14 (A) in the matter preceding subparagraph
15 (A), by striking “DUTIES” and all that follows
16 through “a beginning farmer” and inserting
17 “TRANSITION TO COVERED FARMER OR RANCH-
18 ER.—In the case of a contract modification ap-
19 proved in order to facilitate the transfer of land
20 subject to a contract from a retired farmer or
21 rancher to a beginning farmer”;

22 (B) in subparagraph (A)(i), by inserting “,
23 including preparing to plant an agricultural
24 crop” after “improvements”;

1 (C) in subparagraph (D), by striking “the
2 farmer or rancher” and inserting “the covered
3 farmer or rancher”; and

4 (D) in subparagraph (E), by striking “sec-
5 tion 1001A(b)(3)(B)” and inserting “section
6 1001(a)”; and

7 (2) in paragraph (2), by striking “requirement
8 of section 1231(h)(4)(B)” and inserting “option pur-
9 suant to section 1231(h)”.

10 (c) FINAL YEAR CONTRACT.—Section 1235 of the
11 Food Security Act of 1985 (16 U.S.C. 3835) is amended
12 by adding at the end the following new subsection:

13 “(g) FINAL YEAR OF CONTRACT.—The Secretary
14 shall not consider an owner or operator to be in violation
15 of a term or condition of the conservation reserve contract
16 if—

17 “(1) during the year prior to expiration of the
18 contract, the land is enrolled in the conservation
19 stewardship program; and

20 “(2) the activity required under the conserva-
21 tion stewardship program pursuant to such enroll-
22 ment is consistent with this subchapter.”.

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