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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2017

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

A BILL

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

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sustainable Farmland for the Future Act”.

SEC. 2. DEFINITIONS.

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

(1) in paragraph (3)—
(A) in subparagraph (A), by striking “highly erodible” and inserting “covered”; and
(B) in subparagraph (B), by striking “the highly erodible” and inserting “covered”;

(2) in paragraph (4)—
(A) in subparagraph (A), by striking “; and” and inserting a semicolon;
(B) by amending subparagraph (B) to read as follows:
“(B) are designed to, in a cost effective and technically practicable manner—

“(i) achieve a substantial improvement in water quality;
“(ii) achieve a rate of soil erosion no greater than the soil loss tolerance level, as determined by the Natural Resources Conservation Service;
“(iii) prevent ephemeral gully erosion;

and
“(iv) establish and maintain a minimum of 50 feet of perennial vegetation between covered cropland and intermittent or perennial waterways; and’’; and

(C) by adding at the end the following:
“(C) are based on the most recent and technically accurate soil erosion prediction models to determine if soil erosion by wind and water exceed the Soil Loss Tolerance Level on covered cropland subject to subtitle B.”;

(3) in paragraph (6), by striking “highly erodible” and inserting “covered”;

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

“(ii) before such action, such land was wetland.”;

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

(6) by adding at the end the following:

“(28) COVERED CROPLAND.—The term ‘covered cropland’ means cropland, as defined in section 718.2 of title 7, Code of Federal Regulations, that is planted to a row crop.”.
SEC. 3. COVERED CROPLAND PROGRAM INELIGIBILITY.

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

(1) in subsection (a)—

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

(B) in paragraph (1)(A)—

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

(ii) by inserting “, including a payment made under section 1116 or 1117 of the Agricultural Act of 2014” before the semicolon at the end; and

(C) in paragraph (1)(D), by striking “excessive erosion of highly erodible land” and inserting “substantial erosion or degradation of water quality”; and

(2) in the heading of subsection (b), by striking “HIGHLY ERODIBLE LAND” and inserting “COMPLIANCE DETERMINATION”.

(b) CONFORMING AMENDMENT.—Subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) is amended in the heading by striking “Highly
Erodible Land” and inserting “Covered Crop-
land”.

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

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

“(a) Eligibility Based on Compliance With
Conservation Plan.—

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

“(2) Minimization of documentation.—In
carrying out this subsection, the Secretary, Natural
Resources Conservation Service, and local soil con-
servation districts shall minimize the quantity of
documentation a person must submit to comply with
this paragraph.

“(3) Expiration.—On the expiration of a con-
tract entered into under subchapter B of chapter 1
of subtitle D, the provisions of this subtitle shall
apply to the acreage that was the subject of such contract.”;

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

(3) by redesignating subsections (e), (f), (g), and (h) as subsections (b), (c), (d), and (e), respectively; and

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

“(i) a person has failed to comply with section 1211, and has acted in good faith and without an intent to violate section 1211; or”.

SEC. 5. DEVELOPMENT AND IMPLEMENTATION OF CONSERVATION PLANS AND CONSERVATION SYSTEMS.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking “and economically”; and

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

(2) by striking subsection (b) and redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;
(3) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (2)—

(i) by striking “If a person makes a certification under paragraph (1), the Secretary shall not be required to” and inserting “The Secretary shall annually”; and

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

(B) in paragraph (3), by striking the last sentence and inserting “The Secretary may revise the person’s conservation plan if the Secretary determines the conservation plan is not meeting the standards in section 1201(a)(4).”;

and

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

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

“(1) provide technical assistance to a person throughout the development, revision, and application of the conservation plan and any conservation system of the person; and
“(2) make available annually an amount equal to 0.02 percent of the funding otherwise provided for programs specified in section 1211(a), not to exceed $350 million, to provide technical assistance, conduct status reviews and other tasks required to fully implement the provisions of this subtitle.”.

SEC. 6. WETLAND PROGRAM INELIGIBILITY.

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

(1) in subsection (b)(1), by inserting “, including payments made under section 1116 or 1117 of the Agricultural Act of 2014” before the period at the end; and

(2) in subsection (e)—

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

“(B) NEW CONVERSIONS.—In the case of a wetland that the Secretary determines was converted after the date of enactment of the Agricultural Act of 2014, the person shall be ineligible to receive crop insurance premium subsidies in subsequent reinsurance years unless the Secretary determines that an exemption pursuant to section 1222 applies.”;
(B) in paragraph (3), by striking subparagraph (E); and

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

“(D) FUNDING.—The Secretary shall make available annually an amount equal to 0.01 percent of the funding otherwise made available for programs specified in 1221(b), not to exceed $200 million, to provide technical assistance, conduct status reviews and carry out other tasks needed to fully implement the provisions of this subtitle.

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

SEC. 7. DELINEATION OF WETLANDS; EXEMPTIONS.

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

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

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (D) and (E), respectively.