

115TH CONGRESS  
2D SESSION

# S. 2614

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

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IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Food Security Act of 1985 to improve 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 Improvement and Rural Water Systems Access  
6 Act of 2018”.

1 **SEC. 2. IMPROVEMENTS TO CONSERVATION RESERVE PRO-**  
2 **GRAM.**

3 (a) EXTENSION.—Section 1231(a) of the Food Secu-  
4 rity Act of 1985 (16 U.S.C. 3831(a)) is amended by strik-  
5 ing “2018” and inserting “2023”.

6 (b) SPECIES OF ECONOMIC SIGNIFICANCE.—Section  
7 1231 of the Food Security Act of 1985 (16 U.S.C. 3831)  
8 is amended—

9 (1) in subsection (f)—

10 (A) in the subsection heading, by inserting  
11 “AND ECONOMIC” after “CONSERVATION”;

12 (B) by redesignating paragraphs (1)  
13 through (4) as paragraphs (2) through (5), re-  
14 spectively;

15 (C) by inserting before paragraph (2) (as  
16 so redesignated) the following:

17 “(1) DEFINITION OF SPECIES OF ECONOMIC  
18 SIGNIFICANCE.—In this subsection, the term ‘species  
19 of economic significance’ means a wildlife species—

20 “(A) the conservation reserve program is  
21 critical to maintain the habitat of which, as de-  
22 termined by the Secretary; and

23 “(B) that the Governor of a State verifies  
24 to the Secretary as providing more than  
25 \$150,000,000 for each year to the economy of  
26 the State from hunting the wildlife species and

1 other related activities (such as hunting sup-  
2 plies, lodging, and food sales), as determined by  
3 the Secretary.”;

4 (D) in paragraph (2) (as so redesignated),  
5 by striking “designate areas” and inserting the  
6 following: “designate—

7 “(A) areas of special economic sensitivity  
8 as economic priority areas; and

9 “(B) areas”;

10 (E) in paragraph (3) (as so redesignated),  
11 by striking the paragraph designation and  
12 heading and all that follows through “sub-  
13 section” and inserting the following:

14 “(3) ELIGIBLE AREAS.—Areas eligible for des-  
15 ignation under—

16 “(A) paragraph (2)(A) shall include areas  
17 with actual and significant declining habitat for  
18 species of economic significance; and

19 “(B) paragraph (2)(B)”;

20 (F) in paragraph (4) (as so redesignated),  
21 by striking “contains actual” and inserting the  
22 following: “contains, as applicable—

23 “(A) actual and significant declining habi-  
24 tat for species of economic significance; or

25 “(B) actual”; and

1 (G) in paragraph (5) (as so redesignated),  
2 by striking “maximize water quality and habitat  
3 benefits in the watersheds described in para-  
4 graph (1)” and inserting “maximize, as applica-  
5 ble, significant declining habitat for species of  
6 economic significance or water quality and habi-  
7 tat benefits in the areas designated under sub-  
8 paragraph (A) or (B), respectively, of para-  
9 graph (2)”; and  
10 (2) in subsection (i)—

11 (A) by inserting “and economic purposes”  
12 after “conservation purposes”; and

13 (B) by striking “habitat.” and inserting  
14 “habitat, including wildlife habitat for species  
15 of economic significance (as defined in sub-  
16 section (f)(1)).”.

17 (c) COST-SHARE FOR FENCING AND WATER DIS-  
18 TRIBUTION.—Section 1233(a)(1) of the Food Security Act  
19 of 1985 (16 U.S.C. 3833(a)(1)) is amended by striking  
20 “interest;” and inserting “interest, including the cost of  
21 fencing and water distribution practices, if applicable;”.

22 (d) HARVESTING AND GRAZING.—Section 1233 of  
23 the Food Security Act of 1985 (16 U.S.C. 3833) is  
24 amended—

25 (1) in subsection (b)—

1 (A) by striking paragraph (1);

2 (B) by redesignating paragraphs (2), (3),  
3 (4), and (5) as paragraphs (1), (2), (5), and  
4 (6), respectively;

5 (C) in paragraph (1) (as so redesign-  
6 nated)—

7 (i) by redesignating subparagraphs  
8 (A) and (B) as clauses (i) and (ii), respec-  
9 tively, and indenting appropriately;

10 (ii) in the matter preceding clause (i)  
11 (as so designated), by striking “in permit-  
12 ting those activities” and inserting the fol-  
13 lowing: “in permitting—  
14 “(A) those activities”;

15 (iii) in subparagraph (A)(ii) (as so  
16 designated), by adding “and” at the end;  
17 and

18 (iv) by adding at the end the fol-  
19 lowing:

20 “(B) those activities and the activities de-  
21 scribed in paragraph (3), not more than  $\frac{1}{3}$  of  
22 the acres covered by the contract may be har-  
23 vested during any year;”;

24 (D) in subparagraph (B) of paragraph (2)  
25 (as so redesignated), in the matter preceding

1 clause (i), by striking “grazing,” the first place  
2 it appears and inserting “grazing outside the  
3 normal grazing period described in paragraph  
4 (4),”;

5 (E) by inserting after paragraph (2) (as so  
6 redesignated) the following:

7 “(3) mechanical harvesting of vegetative cover,  
8 without any restriction on the use of the vegetative  
9 cover harvested (except harvesting the vegetative  
10 cover for seed), subject to the conditions that—

11 “(A) the harvesting may not occur more  
12 frequently than once every 3 years; and

13 “(B) the annual rental rate for the acres  
14 harvested during a year shall be reduced by 25  
15 percent;

16 “(4) grazing during the applicable normal graz-  
17 ing period determined under subclause (I) of section  
18 1501(c)(3)(D)(i) of the Agricultural Act of 2014 (7  
19 U.S.C. 9081(c)(3)(D)(i)), without any restriction on  
20 grazing during the primary nesting period, subject  
21 to the conditions that—

22 “(A) the grazing shall be at 25 percent of  
23 the normal carrying capacity determined under  
24 that subclause; and

1           “(B) the annual rental rate for the acres  
2           harvested during a year shall be reduced by 25  
3           percent;” and

4           (F) in subparagraph (C) of paragraph (6)  
5           (as so redesignated), by striking “(3)” and in-  
6           serting “(2)”; and

7           (2) by adding at the end the following:

8           “(e) HARVESTING AND GRAZING.—

9           “(1) IN GENERAL.—Except as provided in para-  
10          graph (2), the Secretary shall permit harvesting and  
11          grazing in accordance with paragraphs (1) through  
12          (4) and (6) of subsection (b) on any land subject to  
13          a contract under the conservation reserve program.

14          “(2) EXCEPTION.—The Secretary, in coordina-  
15          tion with the applicable State Technical Committee  
16          established under section 1265(a), may determine  
17          for any year that harvesting or grazing described in  
18          paragraph (1) shall not be permitted on land subject  
19          to a contract under the conservation reserve pro-  
20          gram in a particular county if harvesting or grazing  
21          for that year would cause long-term damage to vege-  
22          tative cover on that land.”.

23 **SEC. 3. RIGHT-OF-WAY.**

24          Section 504(g) of the Federal Land Policy and Man-  
25          agement Act of 1976 (43 U.S.C. 1764(g)) is amended—

1 (1) by striking “(g) The holder” and inserting  
2 the following:

3 “(g) RIGHT-OF-WAY.—

4 “(1) IN GENERAL.—The holder”;

5 (2) in paragraph (1) (as so designated), in the  
6 second sentence, by striking “The Secretary” and  
7 inserting the following:

8 “(2) PAYMENT.—The Secretary”;

9 (3) in paragraph (2) (as so designated), in the  
10 second sentence, by striking “The Secretary” and  
11 inserting the following:

12 “(3) WAIVER OF RENTALS.—The Secretary”;

13 (4) in paragraph (3) (as so designated), in the  
14 second sentence, by striking “The Secretary” and  
15 inserting the following:

16 “(4) REIMBURSEMENT OF COSTS.—

17 “(A) IN GENERAL.—Except as provided in  
18 subparagraph (B), the Secretary”;

19 (5) in paragraph (4) (as so designated)—

20 (A) in subparagraph (A) (as so des-  
21 ignated), in the first sentence—

22 (i) by striking “incurred in proc-  
23 essing” and inserting the following: “in-  
24 curred—

25 “(i) in processing”;



1 (ii) in clause (i) (as so designated), by  
2 striking “right-of-way and in inspection”  
3 and inserting the following: “right-of-way;  
4 and

5 “(ii) in inspection”; and

6 (iii) in clause (ii) (as so designated),  
7 by striking “right-of-way: Provided, how-  
8 ever, That the Secretary” and inserting  
9 the following: “right-of-way.

10 “(B) EXCEPTION.—In carrying out sub-  
11 paragraph (A), the Secretary”; and

12 (B) in subparagraph (B) (as so des-  
13 ignated), in the second sentence, by striking  
14 “Rights-of-way may be granted” and inserting  
15 the following:

16 “(C) USE OF REIMBURSED MONEY.—The  
17 moneys received for reimbursement of reason-  
18 able costs under subparagraph (A) shall be de-  
19 posited with the Treasury in a special account  
20 and are authorized to be appropriated and  
21 made available until expended.

22 “(5) HOLDERS OF RIGHTS-OF-WAY.—Rights-of-  
23 way may be granted”;

24 (6) in paragraph (5) (as so designated)—

1 (A) in the first sentence, by striking “to a  
2 Federal” and inserting the following: “to—

3 “(A) a Federal”;

4 (B) in subparagraph (A) (as so des-  
5 igned), by striking “thereof, to nonprofit”  
6 and inserting the following: “thereof;

7 “(B) nonprofit”;

8 (C) in subparagraph (B) (as so des-  
9 igned), by striking “enterprises, or to a holder  
10 where he” and inserting the following: “enter-  
11 prises;

12 “(C) a holder where the holder”;

13 (D) in subparagraph (C) (as so des-  
14 igned), by striking “concerned, or to a hold-  
15 er” and inserting the following: “concerned; and

16 “(D) a holder”; and

17 (E) in subparagraph (D) (as so des-  
18 igned), by striking “Such rights-of-way” and  
19 inserting the following:

20 “(6) ASSIGNMENT OF RIGHTS-OF-WAY.—  
21 Rights-of-way”;

22 (7) in paragraph (6), by striking “The moneys  
23 received” in the second sentence and all that follows  
24 through “Rights-of-way shall be granted” in the  
25 third sentence and inserting the following:

1 “(7) RENTAL FEES.—

2 “(A) ELECTRIC AND TELEPHONE FACILI-  
3 TIES.—Rights-of-way shall be granted”; and

4 (8) in paragraph (7) (as so designated)—

5 (A) in subparagraph (A) (as so des-  
6 ignated), by striking “facilities: Provided, That  
7 nothing in this sentence” and inserting the fol-  
8 lowing: “facilities.

9 “(B) RURAL WATER PIPELINES.—Rights-  
10 of-way shall be granted, issued, or renewed,  
11 without rental fees—

12 “(i) to a rural water district or asso-  
13 ciation; and

14 “(ii) for—

15 “(I) a rural water pipeline that  
16 crosses National Forest System land;  
17 and

18 “(II) any appurtenance to a pipe-  
19 line described in subclause (I).

20 “(C) AUTHORITY TO REQUIRE REIMBURSE-  
21 MENT.—Nothing in this paragraph”; and

22 (B) in subparagraph (C) (as so des-  
23 ignated), by striking “the second sentence of  
24 this subsection” and inserting “paragraph (4)”.  
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