

117TH CONGRESS
1ST SESSION

S. 1458

To amend the Federal Crop Insurance Act to encourage the planting of cover crops following prevented planting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2021

Mr. THUNE (for himself, Ms. STABENOW, Mr. CASEY, Mr. ROUNDS, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Crop Insurance Act to encourage the planting of cover crops following prevented planting, 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 “Cover Crop Flexibility
5 Act of 2021”.

6 **SEC. 2. COVER CROPS PLANTED DUE TO PREVENTED**
7 **PLANTING.**

8 (a) IN GENERAL.—Section 508A of the Federal Crop
9 Insurance Act (7 U.S.C. 1508a) is amended—

1 (1) in subsection (c)—

2 (A) in paragraph (1)(B)(ii)—

3 (i) by striking “collect an indemnity”

4 and inserting the following: “collect—

5 “(I) an indemnity”;

6 (ii) in subclause (I) (as so des-

7 ignated), by striking the period at the end

8 and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(II) an indemnity payment that

12 is equal to the prevented planting

13 guarantee for the acreage for the first

14 crop, if the second crop—

15 “(aa) is an approved cover

16 crop that—

17 “(AA) will be planted

18 for use as animal feed or

19 bedding that is hayed,

20 grazed (rotationally, adapt-

21 ively, or at equal to or less

22 than the carrying capacity),

23 or chopped outside of the

24 primary nesting season; or

1 “(BB) will not be har-
 2 vested, such as a crop with
 3 an intended use of being left
 4 standing or cover; and

5 “(bb) cannot be harvested
 6 for grain or other uses unrelated
 7 to livestock forage or conserva-
 8 tion, as determined by the Cor-
 9 poration.”; and

10 (B) in paragraph (3)—

11 (i) by inserting “a second crop de-
 12 scribed in item (aa) or (bb) of paragraph
 13 (1)(B)(ii)(II), or” before “double crop-
 14 ping”; and

15 (ii) by striking “make an election
 16 under paragraph (1)(B)” and inserting
 17 “makes an election under paragraph
 18 (1)(B)(ii)(I)”; and

19 (2) by inserting at the end the following:

20 “(f) PREVENTED PLANTING COVERAGE FACTORS.—
 21 For producers that plant cover crops following prevented
 22 planting, the Corporation may provide separate prevented
 23 planting coverage factors that include preplanting costs
 24 and the cost of cover crop seed.”.

1 (b) RESEARCH AND DEVELOPMENT.—Section 522(c)
2 of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) is
3 amended by adding at the end the following:

4 “(20) COVER CROPS.—

5 “(A) IN GENERAL.—The Corporation shall
6 carry out research and development, or offer to
7 enter into 1 or more contracts with 1 or more
8 qualified persons to carry out research and de-
9 velopment, regarding a policy to insure crops on
10 fields that regularly utilize cover crops.

11 “(B) REQUIREMENTS.—Research and de-
12 velopment under subparagraph (A) shall in-
13 clude—

14 “(i) a review of prevented planting
15 coverage factors described in section
16 508A(f) and an evaluation of whether to
17 include cover crop seed costs and costs re-
18 lated to grazing in the calculation of a fac-
19 tor;

20 “(ii) the extent to which cover crops
21 reduce the risk of subsequent prevented
22 planting;

23 “(iii) the extent to which cover crops
24 make crops more resilient to or otherwise

1 reduce the risk of loss resulting from nat-
2 ural disasters such as drought;

3 “(iv) the extent to which increased
4 regularity of using cover crops or inter-
5 actions with other practices such as tillage
6 or rotation affects risk reduction;

7 “(v) whether rotational, adaptive, or
8 other prescribed grazing of cover crops can
9 maintain or improve risk reduction; and

10 “(vi) how best to account for any re-
11 duced risk and provide a benefit to pro-
12 ducers using cover crops through a sepa-
13 rate plan or policy of insurance.

14 “(C) REPORT.—Not later than 18 months
15 after the date of enactment of this paragraph,
16 the Corporation shall make available on the
17 website of the Corporation, and submit to the
18 Committee on Agriculture of the House of Rep-
19 resentatives and the Committee on Agriculture,
20 Nutrition, and Forestry of the Senate, a report
21 that—

22 “(i) describes the results of the re-
23 search and development carried out under
24 subparagraph (A); and

1 “(ii) includes any recommendations
2 with respect to those results.”.

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