

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Federal Crop Insurance Act and the Federal Agriculture Improvement and Reform Act of 1996 to make the native sod provisions applicable to the United States and to modify those provisions, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on

---

**A BILL**

To amend the Federal Crop Insurance Act and the Federal Agriculture Improvement and Reform Act of 1996 to make the native sod provisions applicable to the United States and to modify those provisions, 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 “American Prairie Con-  
5       servation Act”.

1 **SEC. 2. CROP PRODUCTION ON NATIVE SOD.**

2 (a) FEDERAL CROP INSURANCE.—Section 508(o) of  
3 the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is  
4 amended—

5 (1) in paragraph (2), by striking subparagraph  
6 (A) and inserting the following:

7 “(A) IN GENERAL.—

8 “(i) AGRICULTURAL ACT OF 2014.—

9 Native sod acreage that has been tilled for  
10 the production of an insurable crop during  
11 the period beginning on February 8, 2014,  
12 and ending on the date of enactment of the  
13 American Prairie Conservation Act shall be  
14 subject to 4 cumulative years of a reduc-  
15 tion in benefits under this subtitle as de-  
16 scribed in this paragraph.

17 “(ii) AMERICAN PRAIRIE CONSERVA-  
18 TION ACT.—

19 “(I) NON-HAY AND NON-FORAGE  
20 CROPS.—As determined by the Sec-  
21 retary, native sod acreage that has  
22 been tilled for the production of an in-  
23 surable crop other than a hay or for-  
24 age crop after the date of enactment  
25 of the American Prairie Conservation  
26 Act shall be subject to 4 cumulative

1 years of a reduction in benefits under  
2 this subtitle as described in this para-  
3 graph.

4 “(II) HAY AND FORAGE  
5 CROPS.—During each crop year of  
6 planting, as determined by the Sec-  
7 retary, native sod acreage that has  
8 been tilled for the production of an in-  
9 surable hay or forage crop after the  
10 date of enactment of the American  
11 Prairie Conservation Act shall be sub-  
12 ject to 4 cumulative years of a reduc-  
13 tion in benefits under this subtitle as  
14 described in this paragraph.”; and

15 (2) by striking paragraph (3) and inserting the  
16 following:

17 “(3) NATIVE SOD CONVERSION CERTIFI-  
18 CATION.—

19 “(A) CERTIFICATION.—As a condition on  
20 the receipt of benefits under this subtitle, a pro-  
21 ducer that has tilled native sod acreage for the  
22 production of an insurable crop as described in  
23 paragraph (2)(A) shall certify to the Secretary  
24 that acreage using—

1                   “(i) an acreage report form of the  
2                   Farm Service Agency (FSA-578 or any  
3                   successor form); and

4                   “(ii) 1 or more maps.

5                   “(B) CORRECTIONS.—Beginning on the  
6                   date on which a producer submits a certifi-  
7                   cation under subparagraph (A), as soon as  
8                   practicable after the producer discovers a  
9                   change in tilled native sod acreage described in  
10                  that subparagraph, the producer shall submit to  
11                  the Secretary any appropriate corrections to a  
12                  form or map described in clause (i) or (ii) of  
13                  that subparagraph.

14                  “(C) ANNUAL REPORTS.—Not later than  
15                  January 1, 2019, and each January 1 there-  
16                  after through January 1, 2023, the Secretary  
17                  shall submit to the Committee on Agriculture of  
18                  the House of Representatives and the Com-  
19                  mittee on Agriculture, Nutrition, and Forestry  
20                  of the Senate a report that describes the tilled  
21                  native sod acreage that has been certified under  
22                  subparagraph (A) in each county and State as  
23                  of the date of submission of the report.”.

24                  (b) NONINSURED CROP DISASTER ASSISTANCE.—  
25                  Section 196(a)(4) of the Federal Agriculture Improvement

1 and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amend-  
2 ed—

3 (1) in subparagraph (B), by striking clause (i)  
4 and inserting the following:

5 “(i) IN GENERAL.—

6 “(I) AGRICULTURAL ACT OF  
7 2014.—As determined by the Sec-  
8 retary, native sod acreage that has  
9 been tilled for the production of a cov-  
10 ered crop during the period beginning  
11 on February 8, 2014, and ending on  
12 the date of enactment of the Amer-  
13 ican Prairie Conservation Act shall be  
14 subject to 4 cumulative years of a re-  
15 duction in benefits under this section  
16 as described in this subparagraph.

17 “(II) AMERICAN PRAIRIE CON-  
18 SERVATION ACT.—

19 “(aa) NON-HAY AND NON-  
20 FORAGE CROPS.—During the  
21 first 4 crop years of planting, as  
22 determined by the Secretary, na-  
23 tive sod acreage that has been  
24 tilled for the production of a cov-  
25 ered crop other than a hay or

1 forage crop after the date of en-  
2 actment of the American Prairie  
3 Conservation Act shall be subject  
4 to 4 cumulative years of a reduc-  
5 tion in benefits under this section  
6 as described in this subpara-  
7 graph.

8 “(bb) HAY AND FORAGE  
9 CROPS.—During each crop year  
10 of planting, as determined by the  
11 Secretary, native sod acreage  
12 that has been tilled for the pro-  
13 duction of a hay or forage crop  
14 after the date of enactment of  
15 the American Prairie Conserva-  
16 tion Act shall be subject to 4 cu-  
17 mulative years of a reduction in  
18 benefits under this section as de-  
19 scribed in this subparagraph.”;  
20 and

21 (2) by striking subparagraph (C) and inserting  
22 the following:

23 “(C) NATIVE SOD CONVERSION CERTIFI-  
24 CATION.—

1           “(i) CERTIFICATION.—As a condition  
2           on the receipt of benefits under this sec-  
3           tion, a producer that has tilled native sod  
4           acreage for the production of an insurable  
5           crop as described in subparagraph (B)(i)  
6           shall certify to the Secretary that acreage  
7           using—

8                   “(I) an acreage report form of  
9                   the Farm Service Agency (FSA-578  
10                  or any successor form); and

11                  “(II) 1 or more maps.

12           “(ii) CORRECTIONS.—Beginning on  
13           the date on which a producer submits a  
14           certification under clause (i), as soon as  
15           practicable after the producer discovers a  
16           change in tilled native sod acreage de-  
17           scribed in that clause, the producer shall  
18           submit to the Secretary any appropriate  
19           corrections to a form or map described in  
20           subclause (I) or (II) of that clause.

21           “(iii) ANNUAL REPORTS.—Not later  
22           than January 1, 2019, and each January  
23           1 thereafter through January 1, 2023, the  
24           Secretary shall submit to the Committee  
25           on Agriculture of the House of Representa-

1                   tives and the Committee on Agriculture,  
2                   Nutrition, and Forestry of the Senate a re-  
3                   port that describes the tilled native sod  
4                   acreage that has been certified under  
5                   clause (i) in each county and State as of  
6                   the date of submission of the report.”.

7           (c) CROPLAND REPORT ANNUAL UPDATES.—Section  
8 11014(c)(2) of the Agricultural Act of 2014 (Public Law  
9 113–79; 128 Stat. 963) is amended in the matter pre-  
10 ceding subparagraph (A) by striking “2018” and inserting  
11 “2023”.