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

IN THE SENATE OF THE UNITED STATES

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on _____________

A BILL

To amend the Food Security Act of 1985 to improve the conservation reserve program, 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 “Conservation Reserve Program Improvement and Rural Water Systems Access Act of 2018”.
SEC. 2. IMPROVEMENTS TO CONSERVATION RESERVE PROGRAM.

(a) Extension.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking “2018” and inserting “2023”.

(b) Species of Economic Significance.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (f)—

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

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

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

“(1) Definition of species of economic significance.—In this subsection, the term ‘species of economic significance’ means a wildlife species—

“(A) the conservation reserve program is critical to maintain the habitat of which, as determined by the Secretary; and

“(B) that the Governor of a State verifies to the Secretary as providing more than $150,000,000 for each year to the economy of the State from hunting the wildlife species and
other related activities (such as hunting supplies, lodging, and food sales), as determined by the Secretary.”;

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

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

“(B) areas”;

(E) in paragraph (3) (as so redesignated), by striking the paragraph designation and heading and all that follows through “subsection” and inserting the following:

“(3) ELIGIBLE AREAS.—Areas eligible for designation under—

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

“(B) paragraph (2)(B)”;

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

“(A) actual and significant declining habitat for species of economic significance; or

“(B) actual”; and
(G) in paragraph (5) (as so redesignated), by striking “maximize water quality and habitat benefits in the watersheds described in paragraph (1)” and inserting “maximize, as applicable, significant declining habitat for species of economic significance or water quality and habitat benefits in the areas designated under subparagraph (A) or (B), respectively, of paragraph (2)”; and

(2) in subsection (i)—

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

(B) by striking “habitat.” and inserting “habitat, including wildlife habitat for species of economic significance (as defined in subsection (f)(1)).”.

(c) Cost-Share for Fencing and Water Distribution.—Section 1233(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3833(a)(1)) is amended by striking “interest;” and inserting “interest, including the cost of fencing and water distribution practices, if applicable;”.

(d) Harvesting and Grazing.—Section 1233 of the Food Security Act of 1985 (16 U.S.C. 3833) is amended—

(1) in subsection (b)—
(A) by striking paragraph (1);
(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (5), and (6), respectively;
(C) in paragraph (1) (as so redesignated)—
   (i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;
   (ii) in the matter preceding clause (i) (as so designated), by striking “in permitting those activities” and inserting the following: “in permitting—
    “(A) those activities”; 
   (iii) in subparagraph (A)(ii) (as so designated), by adding “and” at the end; and 
   (iv) by adding at the end the following:
    “(B) those activities and the activities described in paragraph (3), not more than 1⁄3 of the acres covered by the contract may be harvested during any year;”;
(D) in subparagraph (B) of paragraph (2) (as so redesignated), in the matter preceding
clause (i), by striking “grazing,” the first place it appears and inserting “grazing outside the normal grazing period described in paragraph (4),”;

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

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

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

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

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

“(A) the grazing shall be at 25 percent of the normal carrying capacity determined under that subclause; and
“(B) the annual rental rate for the acres harvested during a year shall be reduced by 25 percent;”; and

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

(2) by adding at the end the following:

“(e) HARVESTING AND GRAZING.—

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

“(2) EXCEPTION.—The Secretary, in coordination with the applicable State Technical Committee established under section 1265(a), may determine for any year that harvesting or grazing described in paragraph (1) shall not be permitted on land subject to a contract under the conservation reserve program in a particular county if harvesting or grazing for that year would cause long-term damage to vegetative cover on that land.”.

SEC. 3. RIGHT-OF-WAY.

Section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)) is amended—
(1) by striking “(g) The holder” and inserting the following:

“(g) RIGHT-OF-WAY.—

“(1) IN GENERAL.—The holder”;

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

“(2) PAYMENT.—The Secretary”;

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

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

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

“(4) REIMBURSEMENT OF COSTS.—

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

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

(A) in subparagraph (A) (as so designated), in the first sentence—

(i) by striking “incurred in processing” and inserting the following: “incurred—

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

“(ii) in inspection”; and

(iii) in clause (ii) (as so designated), by striking “right-of-way: Provided, however, That the Secretary” and inserting the following: “right-of-way.

“(B) EXCEPTION.—In carrying out subparagraph (A), the Secretary”; and

(B) in subparagraph (B) (as so designated), in the second sentence, by striking “Rights-of-way may be granted” and inserting the following:

“(C) USE OF REIMBURSED MONEY.—The moneys received for reimbursement of reasonable costs under subparagraph (A) shall be deposited with the Treasury in a special account and are authorized to be appropriated and made available until expended.

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

(6) in paragraph (5) (as so designated)—
(A) in the first sentence, by striking “to a Federal” and inserting the following: “to—

“(A) a Federal”;

(B) in subparagraph (A) (as so designated), by striking “thereof, to nonprofit” and inserting the following: “thereof;

“(B) nonprofit”;

(C) in subparagraph (B) (as so designated), by striking “enterprises, or to a holder where he” and inserting the following: “enterprises;

“(C) a holder where the holder”;

(D) in subparagraph (C) (as so designated), by striking “concerned, or to a holder” and inserting the following: “concerned; and

“(D) a holder”; and

(E) in subparagraph (D) (as so designated), by striking “Such rights-of-way” and inserting the following:

“(6) ASSIGNMENT OF RIGHTS-OF-WAY.—

Rights-of-way”;

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

“(A) Electric and telephone facilities.—Rights-of-way shall be granted”; and (8) in paragraph (7) (as so designated)—

(A) in subparagraph (A) (as so designated), by striking “facilities: Provided, That nothing in this sentence” and inserting the following: “facilities.

“(B) Rural water pipelines.—Rights-of-way shall be granted, issued, or renewed, without rental fees—

“(i) to a rural water district or association; and

“(ii) for—

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

“(II) any appurtenance to a pipeline described in subclause (I).

“(C) Authority to require reimbursement.—Nothing in this paragraph”; and (B) in subparagraph (C) (as so designated), by striking “the second sentence of this subsection” and inserting “paragraph (4)”.

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