

115TH CONGRESS
2D SESSION

S. _____

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.

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 igned), 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 igned), 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 igned), by striking “the second sentence of
24 this subsection” and inserting “paragraph (4)”.