



AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify conservation reserve program provisions.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 2

To **AMENDMENT N^o 3134** cultural

By Thune culture

To: _____

Re H.R. 2 and

9

Page(s)

AMENDMENT intended by GPO: 2016 22-945 (mac) by
 _____ to the amendment (No.
 _____) proposed by _____

Viz:

1 In section 2103, strike subsections (b) and (c) and
 2 insert the following:

3 (b) SPECIFIED ACTIVITIES PERMITTED.—Section
 4 1233(b) of the Food Security Act of 1985 (16 U.S.C.
 5 3833(b)) is amended—

6 (1) by striking paragraphs (1), (2), (3), and
 7 (5);

8 (2) by redesignating paragraph (4) as subpara-
 9 graph (C) and indenting appropriately;

10 (3) by inserting before subparagraph (C) (as so
 11 redesignated) the following:

1 “(B) harvesting, grazing, or other commer-
2 cial use of the forage, without any reduction in
3 the rental rate, in response to—

4 “(i) drought;

5 “(ii) flooding;

6 “(iii) a state of emergency caused by
7 drought or wildfire that—

8 “(I) that is declared by the Gov-
9 ernor, in consultation with the State
10 Committee of the Farm Service Agen-
11 cy, of the State in which the land that
12 is subject to a contract under the con-
13 servation reserve program is located;

14 “(II) that covers any part of the
15 State or the entire State; and

16 “(III) the declaration of which
17 under subclause (I) is not objected to
18 by the Secretary during the 5 busi-
19 ness days after the date of declara-
20 tion; or

21 “(iv) any other emergency, as deter-
22 mined by the Secretary;”;

23 (4) in the matter preceding subparagraph (B)
24 (as so designated), by striking “The Secretary” and
25 inserting the following:

1 “(1) IN GENERAL.—The Secretary”;
2 (5) in paragraph (1) (as so designated)—
3 (A) by inserting before subparagraph (B)
4 (as so designated) the following:

5 “(A) consistent with the conservation of
6 soil, water quality, and wildlife habitat—

7 “(i) managed harvesting and other
8 commercial use (including the managed
9 harvesting of biomass), in exchange for a
10 reduction in the annual rental rate of 25
11 percent for the acres covered by the activ-
12 ity, except that in permitting those activi-
13 ties, the Secretary, in consultation with the
14 State technical committee established
15 under section 1261(a) for the applicable
16 State, shall—

17 “(I) develop appropriate vegeta-
18 tion management requirements;

19 “(II) subject harvesting to re-
20 strictions during the primary nesting
21 season for birds in the area, as deter-
22 mined by the Secretary, in consulta-
23 tion with the State technical com-
24 mittee;

1 “(III) not allow harvesting to
2 occur more frequently than once every
3 3 years on the same land; and

4 “(IV) not allow more than $\frac{1}{3}$ of
5 the acres covered by all of the con-
6 servation reserve program contracts of
7 the owner or operator to be harvested
8 during any year; and

9 “(ii) grazing, in exchange for a reduc-
10 tion in the annual rental rate of 25 percent
11 for the acres covered by the activity, except
12 that in permitting that grazing, the Sec-
13 retary, in consultation with the State tech-
14 nical committee established under section
15 1261(a) for the applicable State, shall—

16 “(I) develop appropriate vegeta-
17 tion management requirements and
18 stocking rates, based on stocking
19 rates under the livestock forage dis-
20 aster program established under sec-
21 tion 1501(c) of the Agricultural Act of
22 2014 (7 U.S.C. 9081(c)) (referred to
23 in this subsection as the ‘livestock for-
24 age disaster program’), for the land

1 that are suitable for continued graz-
2 ing;

3 “(II) identify the periods during
4 which grazing may be conducted, tak-
5 ing into consideration regional dif-
6 ferences, such as—

7 “(aa) climate, soil type, and
8 natural resources;

9 “(bb) the appropriate fre-
10 quency and duration of grazing
11 activities; and

12 “(cc) how often during a
13 year in which grazing is per-
14 mitted that grazing should be al-
15 lowed to occur;

16 “(III) not allow grazing to occur
17 more frequently than once every 3
18 years on the same land;

19 “(IV)(aa) in the case of a con-
20 servation reserve program contract
21 that covers more than 20 acres, not
22 allow more than $\frac{1}{3}$ of the acres cov-
23 ered by all of the conservation reserve
24 program contracts of the owner or op-

erator to be grazed during any year;

or

“(bb) in the case of a conservation reserve program contract that covers less than or equal to 20 acres, allow grazing on all of the land covered by the contract at 25 percent of the stocking rate permitted under the livestock forage disaster program; and

“(V) allow a veteran or beginning farmer or rancher to graze livestock without any reduction in the rental rate; and”; and

(B) in subparagraph (C) (as so redesignated), by striking “; and” and inserting a period; and

(6) by adding at the end the following:

“(2) RESTRICTIONS AND CONDITIONS.—Paragraph (1)(A) shall be subject to the following restrictions and conditions:

“(A) SEVERE OR HIGHER INTENSITY DROUGHT.—Land located in a county that has been rated by the United States Drought Mon-

1 itor as having a D2 (severe drought) or greater
2 intensity for not less than 1 month during the
3 normal grazing period established under the
4 livestock forage disaster program for the 3 pre-
5 vious consecutive years shall be ineligible for
6 harvesting or grazing under paragraph (1)(A)
7 for that year.

8 “(B) DAMAGE TO VEGETATIVE COVER.—
9 The Secretary, in coordination with the applica-
10 ble State technical committee established under
11 section 1265(a), may determine for any year
12 that harvesting or grazing under paragraph
13 (1)(A) shall not be permitted on land subject to
14 a contract under the conservation reserve pro-
15 gram in a particular county if harvesting or
16 grazing for that year would cause long-term
17 damage to the vegetative cover on that land.

18 “(C) STATE ACRES FOR WILDLIFE EN-
19 HANCEMENT.—The Secretary, in consultation
20 with the State technical committee established
21 under section 1261(a) for the applicable State,
22 may allow grazing or harvesting in accordance
23 with paragraph (1)(A) on land covered by a
24 contract enrolled under the State acres for wild-
25 life enhancement program established by the

1 Secretary or established under section 1231(j)
2 through the duration of that contract, if graz-
3 ing or harvesting is specifically permitted under
4 the applicable State acres for wildlife enhance-
5 ment program agreement for that contract.

6 “(D) CONSERVATION RESERVE ENHANCE-
7 MENT PROGRAM.—The Secretary, in consulta-
8 tion with the State technical committee estab-
9 lished under section 1261(a) for the applicable
10 State, may allow grazing or harvesting under
11 paragraph (1)(A) to be conducted on land cov-
12 ered by a contract enrolled under the conserva-
13 tion reserve enhancement program established
14 by the Secretary under this subchapter or
15 under section 1231A, if grazing or harvesting is
16 specifically permitted under the applicable con-
17 servation reserve enhancement program agree-
18 ment for that contract.”.

19 (c) HARVESTING AND GRAZING.—Section 1233 of
20 the Food Security Act of 1985 (16 U.S.C. 3833) is
21 amended by adding at the end the following:

22 “(e) HARVESTING AND GRAZING.—

23 “(1) IN GENERAL.—The Secretary, in consulta-
24 tion with the State technical committee established
25 under section 1261(a) for the applicable State, may

1 permit harvesting and grazing in accordance with
2 subsection (b) on any land subject to a contract
3 under the conservation reserve program.

4 “(2) EXCEPTION.—The Secretary, in coordina-
5 tion with the applicable State technical committee
6 established under section 1261(a), may determine
7 for any year that harvesting or grazing described in
8 paragraph (1) shall not be permitted on land subject
9 to a contract under the conservation reserve pro-
10 gram in a particular county, or under a particular
11 practice, if harvesting or grazing for that year in
12 that county or under that practice, as applicable,
13 would cause long-term damage to vegetative cover on
14 that land.”.