

118TH CONGRESS
1ST SESSION

H. R. 5764

To amend the Food Security Act of 1985 to increase payments for drought-resilient or water-saving practices and to provide additional payments for perennial production systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Ms. LEGER FERNANDEZ (for herself, Mr. VALADAO, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985 to increase payments for drought-resilient or water-saving practices and to provide additional payments for perennial production systems, 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 “Support Water-Effi-
5 cient Strategies and Technologies Act of 2023”.

1 **SEC. 2. SUPPORT FOR DROUGHT-RESILIENT AND WATER-**
2 **SAVING PRACTICES.**

3 (a) INCREASED PAYMENTS FOR DROUGHT-RESIL-
4 IENT OR WATER-SAVING PRACTICES.—Section 1240B(d)
5 of the Food Security Act of 1985 (16 U.S.C. 3839aa-
6 2(d)) is amended by adding at the end the following:

7 “(8) INCREASED PAYMENTS FOR DROUGHT-RE-
8 SILIENT OR WATER-SAVING PRACTICES.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (2), in the case of a practice described in
11 subparagraph (B), the Secretary may increase
12 the amount that would otherwise be provided
13 for a practice under this subsection to not more
14 than 85 percent of the costs associated with
15 planning, design, materials, equipment, installa-
16 tion, labor, management, maintenance, or train-
17 ing.

18 “(B) PRACTICES.—The practices eligible
19 for increased payment amounts under subpara-
20 graph (A) are the following:

21 “(i) Drought-resilient practices that
22 have the capacity to develop and produce
23 on water-deficient environments on eligible
24 lands, as determined by the Secretary.

25 “(ii) Water-conserving practices
26 that—

1 “(I) conserve surface water or
2 groundwater that result in a reduction
3 of water use in the agricultural oper-
4 ation of an eligible land; or

5 “(II) offer support to reduce run-
6 off and increase the absorption of rain
7 on eligible land.”.

8 **SEC. 3. SUPPLEMENTAL PAYMENTS FOR RESOURCE-CON-**
9 **SERVING MANAGEMENT.**

10 (a) CONSERVATION STEWARDSHIP PAYMENTS.—Sec-
11 tion 1240L(c) of the Food Security Act of 1985 (16
12 U.S.C. 3839aa–24(c)) is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A), by inserting “on
15 1 or more land uses covered by the contract”
16 after “activities”; and

17 (B) in subparagraph (B), by striking “im-
18 proving, maintaining, and managing” and in-
19 serting “maintaining, actively managing, and
20 improving”; and

21 (2) in paragraph (2)—

22 (A) by amending subparagraph (B) to read
23 as follows:

24 “(B) Income forgone by the producer, in-
25 cluding amounts that reflect—

1 “(i) increased economic risk; and

2 “(ii) loss in revenue due to—

3 “(I) production changes;

4 “(II) anticipated reductions in
5 yield;

6 “(III) transitions to a resource-
7 conserving cropping or grazing, or pe-
8 rennial production systems; or

9 “(IV) acreage converted to con-
10 serving uses.”; and

11 (B) in subparagraph (E), by inserting “,
12 actively managed, and, where applicable, im-
13 proved” after “maintained”.

14 (b) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
15 CONSERVING CROP ROTATIONS AND ADVANCED GRAZING
16 MANAGEMENT.—Section 1240L(d) of the Food Security
17 Act of 1985 (16 U.S.C. 3839aa–24(d)) is amended—

18 (1) in the subsection heading, by inserting “,
19 PERENNIAL PRODUCTION SYSTEMS,” after “ROTA-
20 TIONS”;

21 (2) in paragraph (1)—

22 (A) by redesignating subparagraph (C) as
23 subparagraph (D); and

24 (B) by inserting after subparagraph (B)
25 the following:

1 “(C) PERENNIAL PRODUCTION SYSTEM.—

2 The term ‘perennial production system’
3 means—

4 “(i) the use of cropland for agro-
5 forestry, including alley cropping,
6 silvopasture, and related perennial produc-
7 tion systems, as determined by the Sec-
8 retary;

9 “(ii) the use of woodland acres for
10 agroforestry, including forest farming,
11 multi-story cropping, and related perennial
12 production systems, as determined by the
13 Secretary; and

14 “(iii) the use of cropland for perennial
15 forages or perennial grain crops.”;

16 (3) in paragraph (2)—

17 (A) in subparagraph (A), by striking “or”
18 at the end;

19 (B) by redesignating subparagraph (B) as
20 subparagraph (C); and

21 (C) by inserting after subparagraph (A)
22 the following:

23 “(B) perennial production systems; or”;

24 and

1 (4) in paragraph (3), by inserting “, perennial
2 production systems,” after “rotations”.

3 (c) PAYMENT LIMITATIONS.—Section 1240L(f) of
4 the Food Security Act of 1985 (16 U.S.C. 3839aa–24(f))
5 is amended to read as follows:

6 “(f) PAYMENT LIMITATIONS.—A person or legal enti-
7 ty (including a joint venture and general partnership) may
8 not receive, directly or indirectly, payments under the pro-
9 gram that, in the aggregate, exceed \$200,000 under all
10 contracts entered into during any consecutive 5-year pe-
11 riod, excluding funding arrangements with Indian tribes,
12 regardless of the number of contracts entered into under
13 the program by the person or legal entity.”.

14 (d) SOIL HEALTH.—Section 1240L(k) of the Food
15 Security Act of 1985 (16 U.S.C. 3839aa–24(k)) is amend-
16 ed to read as follows:

17 “(k) SOIL HEALTH.—To the maximum extent fea-
18 sible, the Secretary shall manage the program to enhance
19 soil health, including by—

20 “(1) conducting outreach to encourage the use
21 of contracts to improve soil health and sequester
22 carbon in the soil; and

23 “(2) offering payments for soil testing to pro-
24 vide participants and the Secretary with information

- 1 on the soil health and carbon sequestration impacts
- 2 of conservation activities.”.

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