

118TH CONGRESS  
1ST SESSION

# S. 1224

To amend the Food Security Act of 1985 to modify the conservation reserve enhancement program.

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IN THE SENATE OF THE UNITED STATES

APRIL 20, 2023

Mr. BENNET (for himself, Mr. MARSHALL, Mr. MORAN, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Food Security Act of 1985 to modify the conservation reserve enhancement program.

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 Enhancement Program Improvement Act of 2023”.

6 **SEC. 2. CONSERVATION RESERVE ENHANCEMENT PRO-**  
7 **GRAM.**

8 (a) IN GENERAL.—Section 1231A of the Food Secu-  
9 rity Act of 1985 (16 U.S.C. 3831a) is amended—

1           (1) in subsection (a)(4), in the matter pre-  
2           ceding subparagraph (A), by inserting “(other than  
3           an agreement described in subsection (e))” after  
4           “this subchapter”;

5           (2) in subsection (b)(2)(A)(vi), by inserting “or  
6           other appropriate practices, such as dryland agricul-  
7           tural uses and grazing,” after “conservation prac-  
8           tices”;

9           (3) in subsection (c), by adding at the end the  
10          following:

11           “(5) VARIABLE ALLOCATION.—An owner or op-  
12          erator may elect to determine the amounts of annual  
13          payments under this section allocated to each year  
14          of the agreement under subsection (b)(1).

15           “(6) DROUGHT AND WATER CONSERVATION  
16          AGREEMENTS.—

17           “(A) RETIREMENT OF WATER RIGHTS.—In  
18          the case of an agreement described in sub-  
19          section (e) that includes a permanent retire-  
20          ment of water rights, the payment rates for an-  
21          nual payments shall be equal to the irrigated  
22          acre payment rates determined by the Sec-  
23          retary.

24           “(B) DRYLAND AGRICULTURAL USES.—

1           “(i) IN GENERAL.—In the case of an  
 2           agreement described in subsection (e) that  
 3           permits dryland agricultural uses pursuant  
 4           to paragraph (2) of that subsection, the  
 5           payment rates for annual payments shall  
 6           be equal to the difference between—

7                       “(I) the irrigated acre payment  
 8                       rates determined by the Secretary;  
 9                       and

10                      “(II) the dryland acre payment  
 11                      rates determined by the Secretary.

12           “(ii) RETROACTIVE APPLICATION.—In  
 13           the case of an agreement covered by clause  
 14           (i) entered into before the date of enact-  
 15           ment of this paragraph under which the  
 16           payment rate is lower than the payment  
 17           rate that would be calculated for the agree-  
 18           ment under that clause, the Secretary shall  
 19           modify the agreement by calculating the  
 20           payment rate in accordance with that  
 21           clause.”; and

22           (4) in subsection (e)—

23                       (A) in the matter preceding paragraph (1),  
 24                       by striking “may—” and inserting “shall—”;

1 (B) in paragraph (1), by inserting “(in-  
2 cluding agricultural land on which a continuous  
3 crop or crop rotation is maintained)” after “ag-  
4 ricultural land”;

5 (C) in paragraph (2), by striking “with the  
6 adoption of best management practices on” and  
7 inserting “in accordance with a conservation  
8 plan adopted with respect to”; and

9 (D) in paragraph (3), by inserting “subject  
10 to subsection (c)(6),” before “calculate”.

11 (b) EXEMPTION FROM PAYMENT LIMITATION.—Sec-  
12 tion 1234(g) of the Food Security Act of 1985 (16 U.S.C.  
13 3834(g)) is amended—

14 (1) in paragraph (1), by striking “paragraph  
15 (2)” and inserting “paragraphs (2) and (3)”; and

16 (2) by adding at the end the following:

17 “(3) CONSERVATION RESERVE ENHANCEMENT  
18 PROGRAM.—Paragraph (1) shall not apply to rental  
19 payments received under agreements entered into  
20 under section 1231A.”.

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