

118TH CONGRESS  
1ST SESSION

# S. 1690

To amend the Federal Crop Insurance Act to establish a Good Steward Cover Crop program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. BROWN 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 Federal Crop Insurance Act to establish a Good Steward Cover Crop 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 Oppor-  
5 tunity and Voluntary Environment Resilience Program  
6 Act of 2023” or the “COVER Act of 2023”.

7 **SEC. 2. GOOD STEWARD COVER CROP PROGRAM.**

8 The Federal Crop Insurance Act is amended by in-  
9 serting after section 508D (7 U.S.C. 1508d) the following:

1 **“SEC. 508E. GOOD STEWARD COVER CROP PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COVERED INSURANCE PROGRAM.—The  
4 term ‘covered insurance program’ means a plan of  
5 insurance offered by the Corporation.

6 “(2) PROGRAM.—The term ‘program’ means  
7 the Good Steward Cover Crop program established  
8 under subsection (b)(1).

9 “(3) QUALIFYING COVER CROP.—The term  
10 ‘qualifying cover crop’ means cereal or other grass,  
11 legume, brassica, nonlegume broadleaf, or any com-  
12 bination thereof that is planted for conservation pur-  
13 poses in accordance with—

14 “(A) guidance of the Natural Resources  
15 Conservation Service; and

16 “(B) any other expert guidance, as deter-  
17 mined by the Secretary.

18 “(4) UNDERSERVED PRODUCER.—The term  
19 ‘underserved producer’ has the meaning given the  
20 term in section 508(a)(7)(A).

21 “(b) ESTABLISHMENT.—

22 “(1) IN GENERAL.—Beginning with crop year  
23 2023, the Secretary shall carry out a program, to be  
24 known as the ‘Good Steward Cover Crop program’,  
25 to provide additional premium subsidies to producers  
26 for each acre—

1           “(A) on which qualifying cover crops are  
2           planted during a crop year; and

3           “(B) for which the producers, during such  
4           crop year—

5                   “(i) plant crops other than the quali-  
6                   fying cover crops; and

7                   “(ii) purchase insurance under a cov-  
8                   ered insurance program with respect to  
9                   such planted crops.

10           “(2) REPORT.—For each acre described in  
11           paragraph (1), for each crop year, a producer shall  
12           be required to submit to the Secretary a report of  
13           acreage form.

14           “(c) PREMIUM SUBSIDY AMOUNT.—

15                   “(1) IN GENERAL.—Subject to paragraphs (2)  
16                   and (3), an additional premium subsidy provided to  
17                   a producer under the program shall—

18                           “(A) be calculated on a common land unit  
19                           basis or an equivalent or more precise basis;  
20                           and

21                           “(B) be in an amount equal to the product  
22                           obtained by multiplying—

23                                   “(i) \$5; and

1                   “(ii) the number of acres of the pro-  
2                   ducer for which the additional premium  
3                   subsidy is provided.

4                   “(2) LIMITATION.—An additional premium sub-  
5                   sidy under paragraph (1) for an acre described in  
6                   subsection (b)(1) shall not exceed the amount of the  
7                   premium owed by the producer with respect to that  
8                   acre.

9                   “(3) RULE WITH RESPECT TO A PRODUCER-  
10                  SHARE.—An additional premium subsidy under  
11                  paragraph (1) shall be modified to reflect the indi-  
12                  vidual producer share of such acres.

13                  “(4) INCLUSION.—Participation by a producer  
14                  in a State program that provides premium subsidies  
15                  for conservation practices, including cover crops,  
16                  shall not disqualify a producer from receiving assist-  
17                  ance under this section.

18                  “(d) OUTREACH.—

19                  “(1) IN GENERAL.—The Secretary shall, in co-  
20                  ordination with the Administrator of the Farm Serv-  
21                  ice Agency and the Chief of the Natural Resources  
22                  Conservation Service, conduct outreach to producers,  
23                  including underserved producers, to provide informa-  
24                  tion on—

1           “(A) the program, including eligibility for  
2           the program; and

3           “(B) qualifying cover crops under the pro-  
4           gram.

5           “(2) COOPERATIVE AGREEMENTS.—The Sec-  
6           retary shall enter into 1 or more cooperative agree-  
7           ments with organizations capable of assisting with  
8           the outreach described in paragraph (1)—

9           “(A) to carry out such outreach; and

10           “(B) to coordinate with soil and water con-  
11           servation districts to encourage the adoption of  
12           qualifying cover crop practices.

13           “(e) REPORTS.—

14           “(1) IN GENERAL.—Not later than 1 year after  
15           the date of enactment of this section, and annually  
16           thereafter, the Secretary shall, in coordination with  
17           the Administrator of the Risk Management Agency,  
18           the Administrator of the Farm Service Agency, and  
19           the Chief of the Natural Resources Conservation  
20           Service, submit to Congress a report that includes—

21           “(A) a summary of the activities carried  
22           out under the program, including—

23           “(i) the number and amount of pre-  
24           mium subsidies provided to producers  
25           under the program;

1           “(ii) the number of acres of cover  
2           crops planted for which a premium subsidy  
3           was received; and

4           “(iii) the outreach carried out under  
5           subsection (d); and

6           “(B) recommendations to increase the  
7           number of producers that qualify for additional  
8           premium subsidies under the program.

9           “(2) STUDY; REPORT.—Not later than 4 years  
10          after the date of enactment of this section, the Sec-  
11          retary shall, in coordination with the Administrator  
12          of the Risk Management Agency, the Administrator  
13          of the Farm Service Agency, and the Chief of the  
14          Natural Resources Conservation Service, carry out,  
15          and submit to Congress a report on the results of,  
16          a study that examines whether planting qualifying  
17          cover crops in accordance with this section results in  
18          decreased crop insurance payments and stabilized  
19          yields compared to crop insurance payments and  
20          yields for acres not utilizing cover crops.

21          “(f) FUNDING.—

22                 “(1) MANDATORY FUNDING.—Of the funds of  
23          the Corporation, the Secretary shall use the fol-  
24          lowing amounts to carry out this section:

25                         “(A) \$60,000,000 for fiscal year 2024.

1 “(B) \$66,000,000 for fiscal year 2025.

2 “(C) \$72,000,000 for fiscal year 2026.

3 “(D) \$78,000,000 for fiscal year 2027.

4 “(E) \$84,000,000 for fiscal year 2028.

5 “(2) UNOBLIGATED FUNDS.—Funds made  
6 available under paragraph (1) that are not expended  
7 by the end of the applicable fiscal year may be made  
8 available for use to carry out this section in the fol-  
9 lowing fiscal year.

10 “(3) RESERVATION FOR TECHNICAL ASSIST-  
11 ANCE, OUTREACH, AND PROGRAM SUPPORT.—Of the  
12 amounts made available under paragraph (1) for a  
13 fiscal year, the Secretary shall use not more than  
14 \$5,000,000 to carry out technical assistance, out-  
15 reach, and program support with respect to the pro-  
16 gram.”.

17 **SEC. 3. SOIL HEALTH PILOT PROGRAM.**

18 Section 523 of the Federal Crop Insurance Act (7  
19 U.S.C. 1523) is amended by adding at the end the fol-  
20 lowing:

21 “(j) SOIL HEALTH PILOT PROGRAM.—

22 “(1) IN GENERAL.—In addition to any other  
23 authority of the Corporation, as soon as practicable  
24 after the date of enactment of this subsection, the  
25 Corporation shall establish and carry out a pilot pro-

1       gram (referred to in this subsection as the ‘pilot pro-  
2       gram’) under which a producer that uses innovative  
3       soil health practices, as determined by the Secretary,  
4       including conservation crop rotations, may receive  
5       additional premium subsidies on crop insurance.

6               “(2) TERMS AND CONDITIONS.—The additional  
7       premium subsidies offered under the pilot program  
8       shall—

9                       “(A) be offered through reinsurance ar-  
10                      rangements with private insurance companies;

11                     “(B) be actuarially sound; and

12                     “(C) require the payment of premiums and  
13                      administrative fees by the producer obtaining  
14                      the insurance.

15               “(3) LOCATION.—The Corporation shall con-  
16       duct the pilot program in a number of counties that  
17       is determined by the Corporation to be adequate to  
18       provide a comprehensive evaluation of the feasibility,  
19       effectiveness, and demand among producers for the  
20       risk management tools evaluated in the pilot pro-  
21       gram.”.

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