

115TH CONGRESS  
1ST SESSION

# S. 499

To amend the Food Security Act of 1985 to address needs in the agriculture sector by establishing a voluntary, short-term conserving use program for participating farmers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. THUNE 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 address needs in the agriculture sector by establishing a voluntary, short-term conserving use program for participating farmers, 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 “Soil Health and In-  
5 come Protection Program Act of 2017” or the “SHIPP  
6 Act of 2017”.

1 **SEC. 2. SOIL HEALTH AND INCOME PROTECTION PRO-**  
 2 **GRAM.**

3 (a) IN GENERAL.—Chapter 5 of subtitle D of title  
 4 XII of the Food Security Act of 1985 is amended by in-  
 5 serting after section 1240M (16 U.S.C. 3839bb) the fol-  
 6 lowing:

7 **“SEC. 1240N. SOIL HEALTH AND INCOME PROTECTION PRO-**  
 8 **GRAM.**

9 “(a) DEFINITION OF ELIGIBLE LAND.—In this sec-  
 10 tion:

11 “(1) IN GENERAL.—The term ‘eligible land’  
 12 means land that—

13 “(A) is selected by the owner or operator  
 14 of the land for proposed enrollment in the pro-  
 15 gram under this section; and

16 “(B) as determined by the Secretary—

17 “(i) had a cropping history or was  
 18 considered to be planted during the 3 crop  
 19 years preceding the crop year described in  
 20 subsection (b)(2); and

21 “(ii) is verified to be less-productive  
 22 land, as compared to other land on the ap-  
 23 plicable farm.

24 “(2) EXCLUSION.—The term ‘eligible land’ does  
 25 not include any land covered by a conservation re-  
 26 serve program contract under subchapter B of chap-

1 ter 1 that expires during the crop year described in  
2 subsection (b)(2).

3 “(b) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary shall estab-  
5 lish a voluntary soil health and income protection  
6 program under which eligible land is enrolled  
7 through the use of agreements to assist owners and  
8 operators of eligible land to conserve and improve  
9 the soil, water, and wildlife resources of the eligible  
10 land.

11 “(2) DEADLINE FOR PARTICIPATION.—Eligible  
12 land may be enrolled in the program under this sec-  
13 tion only during the first crop year beginning after  
14 the date of enactment of this section.

15 “(c) AGREEMENTS.—

16 “(1) REQUIREMENTS.—An agreement described  
17 in subsection (b) shall—

18 “(A) be entered into by the Secretary, the  
19 owner of the eligible land, and (if applicable)  
20 the operator of the eligible land; and

21 “(B) provide that, during the term of the  
22 agreement—

23 “(i) the lowest practicable cost peren-  
24 nial conserving use cover crop for the eligi-  
25 ble land, as determined by the applicable

1 State conservationist after considering the  
2 advice of the applicable State technical  
3 committee, shall be planted on the eligible  
4 land;

5 “(ii) except as provided in paragraph  
6 (5), the owner or operator of the eligible  
7 land shall pay the cost of planting the con-  
8 serving use cover crop under clause (i);

9 “(iii) subject to paragraph (6), the eli-  
10 gible land may be harvested for seed,  
11 hayed, or grazed outside the nesting and  
12 brood-rearing period established for the ap-  
13 plicable county;

14 “(iv) the eligible land may be eligible  
15 for a walk-in access program of the appli-  
16 cable State, if any; and

17 “(v) a nonprofit wildlife organization  
18 may provide to the owner or operator of  
19 the eligible land a payment in exchange for  
20 an agreement by the owner or operator not  
21 to harvest the conserving use cover.

22 “(2) PAYMENTS.—Except as provided in para-  
23 graphs (5) and (6)(B)(ii), the annual rental rate for  
24 a payment under an agreement described in sub-  
25 section (b) shall be equal to 50 percent of the aver-

1       age rental rate for the applicable county under sec-  
2       tion 1234(d), as determined by the Secretary.

3           “(3) LIMITATION ON ENROLLED LAND.—Not  
4       more than 15 percent of the eligible land on a farm  
5       may be enrolled in the program under this section.

6           “(4) TERM.—

7           “(A) IN GENERAL.—Except as provided in  
8       subparagraph (B), each agreement described in  
9       subsection (b) shall be for a term of 3, 4, or 5  
10      years, as determined by the parties to the  
11      agreement.

12          “(B) EARLY TERMINATION.—

13          “(i) SECRETARY.—The Secretary may  
14      terminate an agreement described in sub-  
15      section (b) before the end of the term de-  
16      scribed in subparagraph (A) if the Sec-  
17      retary determines that the early termi-  
18      nation of the agreement is necessary.

19          “(ii) OWNERS AND OPERATORS.—An  
20      owner and (if applicable) an operator of el-  
21      igible land enrolled in the program under  
22      this section may terminate an agreement  
23      described in subsection (b) before the end  
24      of the term described in subparagraph (A)

1 if the owner and (if applicable) the oper-  
2 ator pay—

3 “(I) to the Secretary an amount  
4 equal to the amount of rental pay-  
5 ments received under the agreement;  
6 and

7 “(II) if applicable, to the Federal  
8 Crop Insurance Corporation the  
9 amount of the increase in premium  
10 discounts provided under subpara-  
11 graph (B) of section 508(d)(3) of the  
12 Federal Crop Insurance Act (7 U.S.C.  
13 1508(d)(3)).

14 “(5) BEGINNING, SMALL, SOCIALLY DISADVAN-  
15 TAGED, YOUNG, OR VETERAN FARMERS AND RANCH-  
16 ERS.—With respect to a beginning, small, socially  
17 disadvantaged, young, or veteran farmer or rancher,  
18 as determined by the Secretary—

19 “(A) an agreement described in subsection  
20 (b) shall provide that, during the term of the  
21 agreement, the beginning, underserved, or  
22 young farmer or rancher shall pay 50 percent  
23 of the cost of planting the conserving use cover  
24 crop under paragraph (1)(B)(i); and

1           “(B) the annual rental rate for a payment  
2           under an agreement described in subsection (b)  
3           shall be equal to 75 percent of the average rent-  
4           al rate for the applicable county under section  
5           1234(d), as determined by the Secretary.

6           “(6) HARVESTING, HAYING, AND GRAZING OUT-  
7           SIDE APPLICABLE PERIOD.—The harvesting for  
8           seed, haying, or grazing of eligible land under para-  
9           graph (1)(B)(iii) outside of the nesting and brood-  
10          rearing period established for the applicable county  
11          shall be subject to the conditions that—

12                 “(A) with respect to eligible land that is so  
13                 hayed or grazed, adequate stubble height shall  
14                 be maintained to protect the soil on the eligible  
15                 land, as determined by the applicable State con-  
16                 servationist after considering the advice of the  
17                 applicable State technical committee; and

18                 “(B) with respect to eligible land that is so  
19                 harvested for seed—

20                         “(i) the eligible land shall not be eligi-  
21                         ble to be insured or reinsured under the  
22                         Federal Crop Insurance Act (7 U.S.C.  
23                         1501 et seq.); and

1                   “(ii) the rental payment otherwise ap-  
2                   plicable to the eligible land under this sub-  
3                   section shall be reduced by 25 percent.

4           “(d) FUNDING.—There are authorized to be appro-  
5           priated such sums as are necessary to carry out this sec-  
6           tion.”.

7           (b) ADJUSTMENT OF BASE ACRES.—Section  
8           1112(b)(1) of the Agricultural Act of 2014 (7 U.S.C.  
9           9012(b)(1)) is amended by adding at the end the fol-  
10          lowing:

11                   “(D) A soil health and income protection  
12                   program agreement entered into under section  
13                   1240N of the Food Security Act of 1985 with  
14                   respect to the farm expires or is terminated.”.

15          (c) CROP INSURANCE.—Section 508(d)(3) of the  
16          Federal Crop Insurance Act (7 U.S.C. 1508(d)(3)) is  
17          amended—

18                   (1) by striking “The Corporation” and insert-  
19                   ing the following:

20                           “(A) IN GENERAL.—The Corporation”;  
21                           and

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

23                           “(B) INCREASE FOR PARTICIPATION IN  
24                           SOIL HEALTH AND INCOME PROTECTION PRO-  
25                           GRAM.—



1           “(i) IN GENERAL.—Subject to clause  
2           (ii), the Corporation may increase the  
3           amount of a premium discount provided  
4           under this paragraph by not more than 2  
5           percent (or not more than 3 percent with  
6           respect to a beginning, small, socially dis-  
7           advantaged, young, or veteran farmer or  
8           rancher described in subsection (c)(5) of  
9           section 1240N of the Food Security Act of  
10          1985) for any agricultural commodity  
11          planted in an insurable unit that contains  
12          any eligible land (as defined in subsection  
13          (a) of that section) that is enrolled in the  
14          soil health and income protection program  
15          under that section.

16          “(ii) APPLICABILITY.—An increase in  
17          the amount of a premium discount pro-  
18          vided pursuant to clause (i)—

19                  “(I) shall apply only for a pre-  
20                  mium discount equal to less than 80  
21                  percent; and

22                  “(II) shall not apply to a cata-  
23                  strophic risk protection plan provided  
24                  under subsection (b).

1                   “(iii) MULTIPLE INSURABLE UNITS.—  
2                   With respect to an agricultural producer  
3                   that owns or operates multiple insurable  
4                   units on 1 farm, at least 1 insurable unit  
5                   of which contains eligible land (as defined  
6                   in subsection (a) of section 1240N of the  
7                   Food Security Act of 1985) that is enrolled  
8                   in the soil health and income protection  
9                   program under that section, an increase in  
10                  the amount of a premium discount under  
11                  this subparagraph shall apply to all insur-  
12                  able units of the agricultural producer on  
13                  the farm.”.

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