

115TH CONGRESS
1ST SESSION

H. R. 3939

To amend the Federal Crop Insurance Act and the Federal Agriculture Improvement and Reform Act of 1996 to make the native sod provisions applicable to the United States and to modify those provisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2017

Mrs. NOEM (for herself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Crop Insurance Act and the Federal Agriculture Improvement and Reform Act of 1996 to make the native sod provisions applicable to the United States and to modify those provisions, 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 “American Prairie Con-
5 servation Act”.

1 **SEC. 2. CROP PRODUCTION ON NATIVE SOD.**

2 (a) FEDERAL CROP INSURANCE.—Section 508(o) of
3 the Federal Crop Insurance Act (7 U.S.C. 1508(o)) is
4 amended—

5 (1) in paragraph (2), by striking subparagraph
6 (A) and inserting the following:

7 “(A) IN GENERAL.—

8 “(i) AGRICULTURAL ACT OF 2014.—

9 Native sod acreage that has been tilled for
10 the production of an insurable crop during
11 the period beginning on February 8, 2014,
12 and ending on the date of enactment of the
13 American Prairie Conservation Act shall be
14 subject to 4 cumulative years of a reduc-
15 tion in benefits under this subtitle as de-
16 scribed in this paragraph.

17 “(ii) AMERICAN PRAIRIE CONSERVA-
18 TION ACT.—

19 “(I) NON-HAY AND NON-FORAGE
20 CROPS.—As determined by the Sec-

21 retary, native sod acreage that has
22 been tilled for the production of an in-
23 surable crop other than a hay or for-
24 age crop after the date of enactment
25 of the American Prairie Conservation
26 Act shall be subject to 4 cumulative

1 years of a reduction in benefits under
2 this subtitle as described in this para-
3 graph.

4 “(II) HAY AND FORAGE
5 CROPS.—During each crop year of
6 planting, as determined by the Sec-
7 retary, native sod acreage that has
8 been tilled for the production of an in-
9 surable hay or forage crop after the
10 date of enactment of the American
11 Prairie Conservation Act shall be sub-
12 ject to 4 cumulative years of a reduc-
13 tion in benefits under this subtitle as
14 described in this paragraph.”; and

15 (2) by striking paragraph (3) and inserting the
16 following:

17 “(3) NATIVE SOD CONVERSION CERTIFI-
18 CATION.—

19 “(A) CERTIFICATION.—As a condition on
20 the receipt of benefits under this subtitle, a pro-
21 ducer that has tilled native sod acreage for the
22 production of an insurable crop as described in
23 paragraph (2)(A) shall certify to the Secretary
24 that acreage using—

1 “(i) an acreage report form of the
2 Farm Service Agency (FSA-578 or any
3 successor form); and

4 “(ii) one or more maps.

5 “(B) CORRECTIONS.—Beginning on the
6 date on which a producer submits a certifi-
7 cation under subparagraph (A), as soon as
8 practicable after the producer discovers a
9 change in tilled native sod acreage described in
10 that subparagraph, the producer shall submit to
11 the Secretary any appropriate corrections to a
12 form or map described in clause (i) or (ii) of
13 that subparagraph.

14 “(C) ANNUAL REPORTS.—Not later than
15 January 1, 2019, and each January 1 there-
16 after through January 1, 2023, the Secretary
17 shall submit to the Committee on Agriculture of
18 the House of Representatives and the Com-
19 mittee on Agriculture, Nutrition, and Forestry
20 of the Senate a report that describes the tilled
21 native sod acreage that has been certified under
22 subparagraph (A) in each county and State as
23 of the date of submission of the report.”.

24 (b) NONINSURED CROP DISASTER ASSISTANCE.—
25 Section 196(a)(4) of the Federal Agriculture Improvement

1 and Reform Act of 1996 (7 U.S.C. 7333(a)(4)) is amend-
2 ed—

3 (1) in subparagraph (B), by striking clause (i)
4 and inserting the following:

5 “(i) IN GENERAL.—

6 “(I) AGRICULTURAL ACT OF
7 2014.—As determined by the Sec-
8 retary, native sod acreage that has
9 been tilled for the production of a cov-
10 ered crop during the period beginning
11 on February 8, 2014, and ending on
12 the date of enactment of the Amer-
13 ican Prairie Conservation Act shall be
14 subject to 4 cumulative years of a re-
15 duction in benefits under this section
16 as described in this subparagraph.

17 “(II) AMERICAN PRAIRIE CON-
18 SERVATION ACT.—

19 “(aa) NON-HAY AND NON-
20 FORAGE CROPS.—During the
21 first 4 crop years of planting, as
22 determined by the Secretary, na-
23 tive sod acreage that has been
24 tilled for the production of a cov-
25 ered crop other than a hay or

1 forage crop after the date of en-
2 actment of the American Prairie
3 Conservation Act shall be subject
4 to 4 cumulative years of a reduc-
5 tion in benefits under this section
6 as described in this subpara-
7 graph.

8 “(bb) HAY AND FORAGE
9 CROPS.—During each crop year
10 of planting, as determined by the
11 Secretary, native sod acreage
12 that has been tilled for the pro-
13 duction of a hay or forage crop
14 after the date of enactment of
15 the American Prairie Conserva-
16 tion Act shall be subject to 4 cu-
17 mulative years of a reduction in
18 benefits under this section as de-
19 scribed in this subparagraph.”;
20 and

21 (2) by striking subparagraph (C) and inserting
22 the following:

23 “(C) NATIVE SOD CONVERSION CERTIFI-
24 CATION.—

1 “(i) CERTIFICATION.—As a condition
2 on the receipt of benefits under this sec-
3 tion, a producer that has tilled native sod
4 acreage for the production of an insurable
5 crop as described in subparagraph (B)(i)
6 shall certify to the Secretary that acreage
7 using—

8 “(I) an acreage report form of
9 the Farm Service Agency (FSA-578
10 or any successor form); and

11 “(II) one or more maps.

12 “(ii) CORRECTIONS.—Beginning on
13 the date on which a producer submits a
14 certification under clause (i), as soon as
15 practicable after the producer discovers a
16 change in tilled native sod acreage de-
17 scribed in that clause, the producer shall
18 submit to the Secretary any appropriate
19 corrections to a form or map described in
20 subclause (I) or (II) of that clause.

21 “(iii) ANNUAL REPORTS.—Not later
22 than January 1, 2019, and each January
23 1 thereafter through January 1, 2023, the
24 Secretary shall submit to the Committee
25 on Agriculture of the House of Representa-

1 tives and the Committee on Agriculture,
2 Nutrition, and Forestry of the Senate a re-
3 port that describes the tilled native sod
4 acreage that has been certified under
5 clause (i) in each county and State as of
6 the date of submission of the report.”.

7 (c) CROPLAND REPORT ANNUAL UPDATES.—Section
8 11014(c)(2) of the Agricultural Act of 2014 (Public Law
9 113–79; 128 Stat. 963) is amended in the matter pre-
10 ceding subparagraph (A) by striking “2018” and inserting
11 “2023”.

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