118TH CONGRESS  
1ST SESSION

S.______

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

__________

IN THE SENATE OF THE UNITED STATES

Mr. Brown introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Conservation Opportunity and Voluntary Environment Resilience Program Act of 2023” or the “COVER Act of 2023”.

SEC. 2. GOOD STEWARD COVER CROP PROGRAM.

The Federal Crop Insurance Act is amended by in-
serting after section 508D (7 U.S.C. 1508d) the following:
“SEC. 508E. GOOD STEWARD COVER CROP PROGRAM.

“(a) DEFINITIONS.—In this section:

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

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

“(3) QUALIFYING COVER CROP.—The term ‘qualifying cover crop’ means cereal or other grass, legume, brassica, nonlegume broadleaf, or any combination thereof that is planted for conservation purposes in accordance with—

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

“(B) any other expert guidance, as determined by the Secretary.

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

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Beginning with crop year 2023, the Secretary shall carry out a program, to be known as the ‘Good Steward Cover Crop program’, to provide additional premium subsidies to producers for each acre—
“(A) on which qualifying cover crops are planted during a crop year; and

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

“(i) plant crops other than the qualifying cover crops; and

“(ii) purchase insurance under a covered insurance program with respect to such planted crops.

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

“(c) PREMIUM SUBSIDY AMOUNT.—

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

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

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

“(i) $5; and
“(ii) the number of acres of the producer for which the additional premium subsidy is provided.

“(2) LIMITATION.—An additional premium subsidy under paragraph (1) for an acre described in subsection (b)(1) shall not exceed the amount of the premium owed by the producer with respect to that acre.

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

“(4) INCLUSION.—Participation by a producer in a State program that provides premium subsidies for conservation practices, including cover crops, shall not disqualify a producer from receiving assistance under this section.

“(d) OUTREACH.—

“(1) IN GENERAL.—The Secretary shall, in coordination with the Administrator of the Farm Service Agency and the Chief of the Natural Resources Conservation Service, conduct outreach to producers, including underserved producers, to provide information on—
“(A) the program, including eligibility for
the program; and
“(B) qualifying cover crops under the pro-
gram.
“(2) COOPERATIVE AGREEMENTS.—The Sec-
etary shall enter into 1 or more cooperative agree-
ments with organizations capable of assisting with
the outreach described in paragraph (1)—
“(A) to carry out such outreach; and
“(B) to coordinate with soil and water con-
servation districts to encourage the adoption of
qualifying cover crop practices.
“(e) REPORTS.—
“(1) IN GENERAL.—Not later than 1 year after
the date of enactment of this section, and annually
thereafter, the Secretary shall, in coordination with
the Administrator of the Risk Management Agency,
the Administrator of the Farm Service Agency, and
the Chief of the Natural Resources Conservation
Service, submit to Congress a report that includes—
“(A) a summary of the activities carried
out under the program, including—
“(i) the number and amount of pre-
mium subsidies provided to producers
under the program;
“(ii) the number of acres of cover crops planted for which a premium subsidy was received; and
“(iii) the outreach carried out under subsection (d); and
“(B) recommendations to increase the number of producers that qualify for additional premium subsidies under the program.
“(2) STUDY; REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall, in coordination with the Administrator of the Risk Management Agency, the Administrator of the Farm Service Agency, and the Chief of the Natural Resources Conservation Service, carry out, and submit to Congress a report on the results of, a study that examines whether planting qualifying cover crops in accordance with this section results in decreased crop insurance payments and stabilized yields compared to crop insurance payments and yields for acres not utilizing cover crops.
“(f) FUNDING.—
“(1) MANDATORY FUNDING.—Of the funds of the Corporation, the Secretary shall use the following amounts to carry out this section:
“(A) $60,000,000 for fiscal year 2024.
“(B) $66,000,000 for fiscal year 2025.
“(C) $72,000,000 for fiscal year 2026.
“(D) $78,000,000 for fiscal year 2027.
“(E) $84,000,000 for fiscal year 2028.

“(2) UNOBLIGATED FUNDS.—Funds made available under paragraph (1) that are not expended by the end of the applicable fiscal year may be made available for use to carry out this section in the following fiscal year.

“(3) RESERVATION FOR TECHNICAL ASSISTANCE, OUTREACH, AND PROGRAM SUPPORT.—Of the amounts made available under paragraph (1) for a fiscal year, the Secretary shall use not more than $5,000,000 to carry out technical assistance, outreach, and program support with respect to the program.”.

SEC. 3. SOIL HEALTH PILOT PROGRAM.

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

“(j) SOIL HEALTH PILOT PROGRAM.—

“(1) IN GENERAL.—In addition to any other authority of the Corporation, as soon as practicable after the date of enactment of this subsection, the Corporation shall establish and carry out a pilot pro-
gram (referred to in this subsection as the ‘pilot program’) under which a producer that uses innovative soil health practices, as determined by the Secretary, including conservation crop rotations, may receive additional premium subsidies on crop insurance.

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

“(A) be offered through reinsurance arrangements with private insurance companies;

“(B) be actuarially sound; and

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

“(3) LOCATION.—The Corporation shall conduct the pilot program in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the risk management tools evaluated in the pilot program.”.