



Now Would Seem Like a Good Time to Think Seriously About the CRP

Jonathan Coppess

Department of Agricultural and Consumer Economics
University of Illinois

February 26, 2026

farmdoc daily (16): 32

Gardner Policy Series

Recommended citation format: Coppess. "[Now Would Seem Like a Good Time to Think Seriously About the CRP](https://farmdocdaily.illinois.edu/2026/02/now-would-seem-like-a-good-time-to-think-seriously-about-the-crp.html)" *farmdoc daily* (16): 32, Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, February 26, 2026.

Permalink: <https://farmdocdaily.illinois.edu/2026/02/now-would-seem-like-a-good-time-to-think-seriously-about-the-crp.html>

On Friday, February 20, 2025, the Supreme Court struck down the Administration's use of the International Economic Emergency Protection Act (IEEPA) to levy tariffs on nearly every country on Earth (*Learning Resources v. Trump*, [24-1287](#)). It was arguably the least surprising outcome because Congress did not authorize the use of tariffs in IEEPA. The Administration, moreover, has imposed tariffs in an arbitrary and chaotic manner. The Court noted early in the decision that "[s]ince imposing each set of tariffs, the President has issued several increases, reductions, and other modifications" with the rest of the page listing them (*Id.*, at 3).

The Constitution in Article I, Section 8 specifies that "Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises" ([U.S. Constitution](#)). Those are literally the first words in the section that enumerates the powers of Congress, and the Court opinion opened its decision with those words (*Learning Resources*, at 5). IEEPA, by contrast, is part of Title 50 of the United States Code for "War and National Defense" and is in Chapter 35, "International Economic Powers" (50 U.S.C. §§1701 et seq.). The authorities that Congress did provide to the President included "such regulations as he may prescribe" to "investigate, block during the pendency of an investigation, **regulate**, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, **importation** or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States" ([50 U.S.C. §1702\(a\)\(1\)\(B\)](#)) (emphasis added).

The President claimed that those two words, "regulate" and "importation," permitted him to assert "the independent power to impose tariffs on imports from any country, of any product, at any rate, for any amount of time" but the Court concluded that "[t]hose words cannot bear such weight" (*Learning Resources*, at 5). Tariffs, by comparison, are taxes on domestic consumers that are levied on imported goods and services (*Learning Resources*, at 6). The power to tax "involves the core power of the purse" and that "[w]hat common sense suggests, congressional practice confirms" because Congress has delegated tariff powers but only "in explicit terms, and subject to strict limits" and generally in provisions under Title 19, "Customs Duties" (*Learning Resources*, at 8-9). The Court added that "[a]gainst this

We request all readers, electronic media and others follow our citation guidelines when re-posting articles from farmdoc daily. Guidelines are available on our [citation policy page](#). The farmdoc daily website falls under University of Illinois copyright and intellectual property rights. For a detailed statement, please see the University of Illinois [Copyright Information and Policies](#).

backdrop of clear and limited delegations, the Government reads IEEPA to give the President power to unilaterally impose unbounded tariffs” (*Id.*, at 9). Finally, the Court concluded that the “President asserts the extraordinary power to unilaterally impose tariffs of unlimited amount, duration, and scope” under IEEPA which “contains no reference to tariffs or duties” and therefore “IEEPA does not authorize the President to impose tariffs” (*Id.*, at 20).

Why the Administration elected to try to squeeze unlimited power to impose import taxes under the provisions of IEEPA remains a mystery, especially given the history and purpose of that statute (see e.g., *farmdoc daily*, [November 20, 2025](#)). Between the Constitution and the law, the Supreme Court did not have much choice. This entirely predictable outcome provides little certainty, however, and more chaos can be expected in the wake of the decision (Swanson, [February 23, 2026](#); Romm and Swanson, [February 21, 2026](#); Bradsher et al., [February 20, 2026](#)).

Downstream from matters technical and legal, are the potential consequences for farmers getting ready to plant crops this spring. The tough realities that could unfold in the countryside should counsel against complacency or worse. Instead, the prudent path would be to take policy action soon to seek to head off the worst possibilities. In other words, now would seem to be a good time to think seriously about the Conservation Reserve Program (CRP). A few simple modifications might provide an important release valve for the pressures building up against row-crop farmers.

The Conservation Reserve Program (CRP) has been the cornerstone of agricultural conservation policy since it was enacted in the landmark 1985 Farm Bill (P.L. [99-198](#); Malone, [1986](#); *farmdoc daily*, [May 4, 2017](#); [March 24, 2022](#)). Congress designed the policy to rent farmland out of production that was environmentally sensitive or otherwise a concern. While it was a conservation program, CRP also had the dual purpose of providing some relief for oversupplied commodities markets. The legislative history provides plenty of support that CRP was for both general conservation purposes—addressing soil erosion problems that had developed out of expanded acres in the Seventies—and market stabilization as a place to divert excess acres and reserve them from production.

For example, the House Agriculture Committee included a goal to “[c]urb production of surplus commodities” and “[p]rovide some much-needed income support for farmers” (*H. Rept.*, 99-271, at 81-82). The Committee went on to further explain that:

“From a national perspective, a long-term reserve would assist the transition of the farm sector as a whole to a more sustainable pattern of farming and one that helps balance supply with demand for major crops” and that the “Conservation Reserve Program would link resource conservation objectives with commodity adjustment objectives by reducing production of surplus crops and by reducing soil erosion on the most vulnerable acres. This has been an objective of the Soil and Water Resources Conservation Act of 1977, and the National Conservation Program developed under that Act” (*Id.*, at 82).

The Senate Committee on Agriculture, Nutrition, and Forestry (ANF) added that the potential that “cost savings to the commodity programs for loan outlays and deficiency payments resulting from removal of this land from crop production will offset part of the conservation reserve payments” (*S. Rept.*, 99-145, at 556). The Senate ANF reported a CRP with an enrollment cap of between 25 and 30 million acres (*Id.*, at 305). House Agriculture reported a bill with an enrollment cap of 25 million acres (*H. Rept.* 99-271, at 5). The Conference Committee went with a much higher enrollment cap of 45 million acres (*H. Rept.* 99-447, at 163-64).

Notably, the enrollment cap increased substantially in the debate on the Senate floor, to 45 million acres. The higher enrollment cap was added as part of the comprehensive amendment negotiated by Senate Majority Leader Robert Dole (R-KS) during the difficult floor debate (*Congressional Record*, November 23, 1985, at 33495 and 33545). The 440-page substitute amendment was agreed to by unanimous consent (*Id.*, at 33478). Senator Sam Nunn (D-GA) explained that the new enrollment cap was “included in the Dole compromise” and argued for it based on the “current commodity surpluses depressing farm prices, I believe such an expansion of the conservation reserve would be beneficial not only for soil protection but also would be one of the most economical methods for removing marginal acres from production” (*Congressional Record*, November 23, 1985, at 33463-64). The conference committee accepted the Senate’s version of the higher enrollment cap of 45 million acres (*H. Rept.* 99-447, at 462).

History teaches that farmers under economic and market stress tend towards overproduction, usually at the worst possible time. The primary reason for this is the reality that each individual farmer is motivated to maximize production and push the operation to make ends meet, often to pay bills and mortgages; those individual decisions create major problems in the aggregate, and usually in the form of oversupplying markets which drives down prices. It is here that CRP could be particularly useful and beneficial in these uncertain, chaotic times. It could provide an off-ramp from the downhill descent of overproduction. One problem, however, the program is currently limited by an arbitrary 27-million acreage enrollment cap and is likely at or very near that limit.

The acreage enrollment cap has always been arbitrary, and it has been revised multiple times throughout CRP's history. Today, as established in the 2018 Farm Bill, that limit is nearly as low as the initial acreage caps reported by the Agriculture Committees in 1985 and replaced with the enrollment cap of 45 million acres. There was little justification for, or explanation of, the acreage cap. The Senate ANF Committee acknowledged "the difficulty of establishing a long-term program when future land and production needs are virtually unpredictable" (*S. Rept.*, 99-145, at 307). Both committees noted concerns about the potential consequences for the livestock sector and input industries. The Senate reported "much testimony from witnesses who were concerned about the adverse economic impact to fertilizer and implement dealers that might occur if participation in the conservation acreage reserve was particularly large in localized regions" (*Id.*, at 307). The House Ag Committee also noted the need to consider the potential "impact on the private sector especially the livestock industry, seed and fertilizer businesses" (*H. Rept.*, 99-271, at 84).

The evolution of the CRP since 1985 has arguably eroded those concerns (Hellerstein, [2017](#); *farmdoc daily*, [February 17, 2022](#)). In the most recent report on CRP, more than half of the acres enrolled are for continuous practices, which do not remove entire fields from production but merely portions of a field such as for grassed waterways, buffer strips, field borders, etc. (USDA-FSA, [July 2025](#)). Out of the reported 25.8 million acres enrolled, 8.4 million are enrolled in continuous practices and another 9.7 million are enrolled in grasslands, which can be used for grazing; only 7.75 million are enrolled in the whole field general signup that could even arguably be of concern to other industries—an issue that should not be accepted at face value and needs further analysis, especially when input costs are painfully high for farmers.

The predominance of partial field enrollment, which has converted most of CRP into a working lands program, largely eviscerates whatever justification for the acreage cap originally existed. More importantly, it offers the potential for a simple change that could benefit farmers if Congress were at all interested in working on solutions to the worsening situation. For example, Congress could increase the total acreage cap. Another option with greater potential would be to apply the current limit to only general or whole field signups. A third simple option would be to design different enrollment limits for general and continuous enrollments.

The most likely response to these minor innovations in CRP would be that they are expensive. The Congressional Budget Office (CBO) is likely to project significant costs for each of those options. This misses or ignores the real point, however. Ad hoc and supplemental payments will much more expensive, as will the farm program payments that could result from a downward spiral in the markets that lasts many years. More importantly than the potential for spiraling costs, would be the damage done to many farmers and rural communities that could result from a failure to try and prevent going over the overproduction cliff that awaits.

Revising the acreage enrollment limits is just one of multiple options for deploying the CRP at this particularly challenging moment for farmers. What is needed most is the political will to get ahead of the problems. Congress does not appear all that interested in addressing these real problems, however, as evidenced by the legislation being considered by the House Agriculture Committee next week ([Farm, Food, and National Security Act of 2026](#)). The House legislation would reauthorize CRP through fiscal year 2031 but continue the arbitrary acreage cap of 27 million acres. Because current enrollments are near the cap, this allows almost no flexibility to respond to whatever potential problems might result from the trade, tariff, and market chaos.

The consequences of missing this opportunity could be dire for many farmers, while also ultimately very expensive for the American taxpayer. The lessons from history are clear. The results of inaction are likely

to be painful and produce long lasting damage. It remains a question of whether anyone in a position to do something about it cares enough to try.

References

- Bradsher, Keith, Meaghan Tobin, Eshe Nelson, Alexandra Stevenson, River Akira Davis, Alex Travelli, Choe Sang-Hun, Matina Stevis-Gridneff, and Emiliano Rodríguez Mega. "What Happens to All These Trade Deals Now?" *The New York Times*. February 20, 2026. <https://www.nytimes.com/2026/02/20/business/economy/what-happens-to-all-these-trade-deals-now.html>.
- Coppess, J. "[Historical Background on the Conservation Reserve Program](#)." *farmdoc daily* (7):82, Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, May 4, 2017.
- Coppess, J. and C. Laingen. "[Mapping the Farm Bill: Reviewing the CRP; Law, Land & History](#)." *farmdoc daily* (12):39, Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, March 24, 2022.
- Hellerstein, Daniel M. "The US Conservation Reserve Program: The Evolution of an Enrollment Mechanism." *Land Use Policy* 63 (2017): 601-610. <https://doi.org/10.1016/j.landusepol.2015.07.017>.
- Hockenberry, A., J. Coppess and B. Endres. "[Legislative History of the International Emergency Economic Powers Act](#)." *farmdoc daily* (15):215, Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, November 20, 2025.
- Malone, Linda A. "A Historical Essay on the Conservation Provisions of the 1985 Farm Bill: Sodbusting, Swampbusting, and the Conservation Reserve." *U. Kan. L. Rev.* 34 (1985): 577. <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1604&context=facpubs>.
- Romm, Tony and Ana Swanson. "Trump Says He Will Raise Global Tariff to 15 Percent." *The New York Times*. February 21, 2026. <https://www.nytimes.com/2026/02/21/business/trump-tariffs.html>.
- Swanson, Ana. "Trump Administration Scrambles to Pick Up the Pieces of Broken Tariffs." *The New York Times*. February 23, 2026. <https://www.nytimes.com/2026/02/23/us/politics/trump-tariffs-supreme-court.html>.
- Zulauf, C., N. Paulson, K. Swanson and G. Schnitkey. "[Conservation Reserve Program's Evolving Mission](#)." *farmdoc daily* (12):22, Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, February 17, 2022.