

107TH CONGRESS  
1ST SESSION

# H. R. 1938

To extend and expand conservation programs administered by the Department of Agriculture.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2001

Mr. MORAN of Kansas (for himself, Mr. COOKSEY, Mr. HAYES, and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To extend and expand conservation programs administered by the Department of Agriculture.

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; TABLE OF CONTENTS.**

4 (a) This Act may be cited as the “Conservation En-  
5 hancement Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—EXTENSION AND ADDITIONAL FUNDING FOR CONSERVATION PROGRAMS

Sec. 101. Extension of conservation programs through 2012.

Sec. 102. Provision of additional funding.

## TITLE II—SUBSTANTIVE CHANGES TO CONSERVATION PROGRAMS

### Subtitle A—Environmental Quality Incentives Program

Sec. 201. Implementation of best management practices.

Sec. 202. Time for payments.

Sec. 203. Contract term.

Sec. 204. Federal share of cost-share payments.

Sec. 205. Carry over of unobligated amounts.

Sec. 206. Conservation priority areas and priority issues.

### Subtitle B—Wildlife Habitat Incentives Program

Sec. 211. Pilot programs to prevent listing of endangered species and preserve critical habitats.

### Subtitle C—Conservation Reserve Program

Sec. 221. Full enrollment of authorized acreage.

Sec. 222. Additional pilot program.

Sec. 223. Expanded haying and grazing.

Sec. 224. Protection of farm program base.

### Subtitle D—Wetlands Reserve Program

Sec. 231. Increase in authorized maximum enrollment.

Sec. 232. Enrollment methods.

### Subtitle E—Conservation Technical Assistance

Sec. 241. Sense of Congress concerning conservation technical assistance.

# **1 TITLE I—EXTENSION AND ADDI- 2 TIONAL FUNDING FOR CON- 3 SERVATION PROGRAMS**

## **4 SEC. 101. EXTENSION OF CONSERVATION PROGRAMS 5 THROUGH 2012.**

6 (a) ENVIRONMENTAL CONSERVATION ACREAGE RE-  
7 SERVE PROGRAM.—Section 1230(a)(1) of the Food Secu-  
8 rity Act of 1985 (16 U.S.C. 3830(a)(1)) is amended by  
9 striking “2002” and inserting “2012”.

10 (b) CONSERVATION RESERVE PROGRAM.—(1) Sec-  
11 tion 1231 of the Food Security Act of 1985 (16 U.S.C.

1 3831) is amended in subsections (a), (b)(3), and (d) by  
2 striking “2002” and inserting “2012”.

3 (2) Section 1232(c) of the Food Security Act of 1985  
4 (16 U.S.C. 3832(c)) is amended by striking “2002” and  
5 inserting “2012”.

6 (c) WETLAND RESERVE PROGRAM.—Section 1237(c)  
7 of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is  
8 amended by striking “2002” and inserting “2012”.

9 (d) ENVIRONMENTAL QUALITY INCENTIVES PRO-  
10 GRAM.—Section 1240B(a)(1) of the Food Security Act of  
11 1985 (16 U.S.C. 3839aa–2(a)(1)) is amended by striking  
12 “2002” and inserting “2012”.

13 (e) WILDLIFE HABITAT INCENTIVES PROGRAM.—  
14 Section 387(c) of the Federal Agriculture Improvement  
15 and Reform Act of 1996 (16 U.S.C. 3836a(c)) is amended  
16 by striking “1996 through 2002” and inserting “2003  
17 through 2012”.

18 **SEC. 102. PROVISION OF ADDITIONAL FUNDING.**

19 (a) ENVIRONMENTAL CONSERVATION ACREAGE RE-  
20 SERVE PROGRAM.—Section 1241 of the Food Security Act  
21 of 1985 (16 U.S.C. 3841) is amended—

22 (1) in subsection (a), by striking “2002” and  
23 inserting “2012”;

24 (2) in subsection (b)(1)—

25 (A) by striking “and” after “1996,”; and

1 (B) by inserting “and \$500,000,000 for  
 2 each of fiscal years 2003 through 2012,”; and  
 3 (3) in subsection (b)(2), by striking “2002”  
 4 and inserting “2012”.

5 (b) WILDLIFE HABITAT INCENTIVES PROGRAM.—  
 6 Section 387(c) of the Federal Agriculture Improvement  
 7 and Reform Act of 1996 (16 U.S.C. 3836a(c)) is amended  
 8 by striking “\$50,000,000” and inserting “\$200,000,000”.

9 **TITLE II—SUBSTANTIVE**  
 10 **CHANGES TO CONSERVATION**  
 11 **PROGRAMS**

12 **Subtitle A—Environmental Quality**  
 13 **Incentives Program**

14 **SEC. 201. IMPLEMENTATION OF BEST MANAGEMENT PRAC-**  
 15 **TICES.**

16 Section 1240A(2) of the Food Security Act of 1985  
 17 (16 U.S.C. 3839aa–1(2)) is amended by adding at the end  
 18 the following new sentence: “The term includes best man-  
 19 agement practices approved for use in agricultural produc-  
 20 tion by the Secretary.”.

21 **SEC. 202. TIME FOR PAYMENTS.**

22 Section 1240G of the Food Security Act of 1985 (16  
 23 U.S.C. 3839aa–7) is amended by striking subsection (c)  
 24 and inserting the following new subsection:

1       “(c) TIMING OF PAYMENTS.—The Secretary shall  
 2       make cost-share payments and incentive payments under  
 3       this chapter as soon as possible after the contract between  
 4       the producer and the Secretary is executed.”.

5       **SEC. 203. CONTRACT TERM.**

6       Section 1240B(b)(2) of the Food Security Act of  
 7       1985 (16 U.S.C. 3839aa–2(b)(2)) is amended by striking  
 8       “5” and inserting “3”.

9       **SEC. 204. FEDERAL SHARE OF COST-SHARE PAYMENTS.**

10       Section 1240B(e)(1)(A) of the Food Security Act of  
 11       1985 (16 U.S.C. 3839aa–2(e)(1)(A)) is amended by strik-  
 12       ing “not more than” and inserting “equal to”.

13       **SEC. 205. CARRY OVER OF UNOBLIGATED AMOUNTS.**

14       Section 1241 of the Food Security Act of 1985 (16  
 15       U.S.C. 3841) is amended by adding at the end the fol-  
 16       lowing new paragraph:

17               “(3) MULTI-YEAR AVAILABILITY OF FUNDS.—  
 18       Funds made available under paragraph (1) for a fis-  
 19       cal year shall remain available until expended.”.

20       **SEC. 206. CONSERVATION PRIORITY AREAS AND PRIORITY**  
 21               **ISSUES.**

22       (a) REPEAL OF LIMITATION ON ASSISTANCE FOR  
 23       CONFINED ANIMAL FEEDING OPERATIONS.—Section  
 24       1240B(e)(1) of the Food Security Act of 1985 (16 U.S.C.  
 25       3839aa–2(e)(1)) is amended—

1 (1) by striking subparagraph (B); and

2 (2) by redesignating subparagraph (C) as sub-  
3 paragraph (B).

4 (b) RESERVATION OF FUNDS FOR CONSERVATION  
5 PRIORITY AREAS.—Section 1240C of the Food Security  
6 Act of 1985 (16 U.S.C. 3839aa–3) is amended—

7 (1) by inserting “(a) PRIORITIES.—” before “In  
8 providing”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(b) LIMITATION.—Notwithstanding subsection  
12 (a)(1), the total amount of funds obligated under this  
13 chapter in a fiscal year for land management practices and  
14 structural practices to be implemented, or previously im-  
15 plemented, in conservation priority areas may not exceed  
16 50 percent of total amount of funds available under sec-  
17 tion 1241(b) for that fiscal year.”.

18 (c) ADDITIONAL PRIORITY.—Section 1240C of the  
19 Food Security Act of 1985 (16 U.S.C. 3839aa–3) is  
20 amended by inserting after subsection (b), as added by  
21 subsection (a) of this section, the following new sub-  
22 section:

23 “(c) PRIORITY FUNDING FOR CONFINED LIVESTOCK  
24 FEEDING OPERATIONS.—In addition to the priorities es-  
25 tablished in subsection (a), it is the sense of the Congress

1 that the Secretary should accord priority to the implemen-  
 2 tation of land management practices and structural prac-  
 3 tices by producers who own or operate confined animal  
 4 feeding operations. The priority so accorded to confined  
 5 animal feeding operations should not depend on the size  
 6 of the operation.”.

## 7 **Subtitle B—Wildlife Habitat** 8 **Incentives Program**

### 9 **SEC. 211. PILOT PROGRAMS TO PREVENT LISTING OF EN-** 10 **DANGERED SPECIES AND PRESERVE CRIT-** 11 **ICAL HABITATS.**

12 Section 387 of the Federal Agriculture Improvement  
 13 and Reform Act of 1996 (16 U.S.C. 3836a) is amended—

14 (1) by redesignating subsection (c) as sub-  
 15 section (e); and

16 (2) by inserting after subsection (b) the fol-  
 17 lowing new subsections:

18 “(c) PILOT PROGRAMS TO PREVENT LISTING OF EN-  
 19 DANGERED SPECIES AND PRESERVE CRITICAL HABI-  
 20 TATS.—Of the total amount made available under sub-  
 21 section (e) for fiscal years 2003 through 2012, the Sec-  
 22 retary shall use \$40,000,000 to support pilot programs in-  
 23 volving local initiatives to prevent the listing of a fish,  
 24 wildlife, or plant species as a threatened species or endan-  
 25 gered species under the Endangered Species Act of 1973

1 (16 U.S.C. 1531 et seq.) through the preservation or de-  
 2 velopment of critical habitat for such species. No more  
 3 than two pilot programs may be supported under this sub-  
 4 section in any region of the United States.

5 “(d) EFFECT OF PARTICIPATION.—A person receiv-  
 6 ing cost-share payments under subsection (b) or partici-  
 7 pating in a pilot program funded under subsection (c)  
 8 shall not be penalized or subject to increased land use reg-  
 9 ulations if, as a result of the activities undertaken with  
 10 the funds provided under this section, a threatened species  
 11 or endangered species locates on the preserved or devel-  
 12 oped wildlife habitat. Participation in the program, includ-  
 13 ing a pilot program funded under subsection (c), is vol-  
 14 untary, and a participant shall not lose any rights to con-  
 15 trol access to private property on account of the receipt  
 16 of a payment under this section.”.

## 17 **Subtitle C—Conservation Reserve** 18 **Program**

### 19 **SEC. 221. FULL ENROLLMENT OF AUTHORIZED ACREAGE.**

20 Section 1231(d) of the Food Security Act of 1985  
 21 (16 U.S.C. 3831(d)) is amended by adding at the end the  
 22 following new sentence: “If, as of the date of the enact-  
 23 ment of the \_\_\_\_ Act of 2001, the maximum authorized  
 24 acreage is not yet enrolled, the Secretary shall encourage



1 additional enrollments so as to achieve enrollment of the  
2 maximum authorized acreage.”.

3 **SEC. 222. ADDITIONAL PILOT PROGRAM.**

4 Section 1231(b) of the Food Security Act of 1985  
5 (16 U.S.C. 3831(b)) is amended by adding at the end the  
6 following new subsection:

7 “(i) PILOT PROGRAM TO ADDRESS LOCAL AND RE-  
8 GIONAL CONSERVATION ISSUES.—

9 “(1) AUTHORIZED ACREAGE.—The Secretary  
10 may enroll in the conservation reserve under this  
11 subsection up to 10,000,000 acres. Any acreage en-  
12 rolled under this subsection shall not be counted to-  
13 ward maximum enrollment limitation specified in  
14 subsection (d).

15 “(2) PILOT PROGRAMS AUTHORIZED.—The Sec-  
16 retary shall carry out pilot programs to evaluate the  
17 feasibility of using the conservation reserve program  
18 to support local and regional efforts to preserve  
19 croplands and pasture lands and address conserva-  
20 tion issues. The Secretary may make grants to, or  
21 enter into agreements with, public and private enti-  
22 ties that operate farmland protection programs and  
23 that offer to undertake the enrollment of acreage  
24 under the pilot program.

1           “(3) MAXIMUM PROGRAM ENROLLMENT.—The  
2       Secretary shall conduct at least 10 pilot programs  
3       under the authority of this section, and not more  
4       than 1,000,000 acres may be enrolled through a sin-  
5       gle pilot program.

6           “(4) ELIGIBLE LANDS.—The following lands  
7       are eligible for enrollment under the pilot program:

8           “(A) Lands described in subsection (b).

9           “(B) Croplands or pasture lands that are  
10       not otherwise eligible for enrollment, but that  
11       contain habitat suitable for a fish, wildlife, or  
12       plant species that is listed, being considered for  
13       listing, or may be considered for listing as a  
14       threatened species or endangered species under  
15       the Endangered Species Act of 1973 (16 U.S.C.  
16       1531 et seq.).

17           “(5) CONTINUATION OF AGRICULTURAL USE.—  
18       Lands used before enrollment for the production of  
19       an agricultural commodity or the grazing of livestock  
20       may remain in production after enrollment.”.

21 **SEC. 223. EXPANDED HAYING AND GRAZING.**

22       Section 1232(a)(7)(A) of the Food Security Act of  
23       1985 (16 U.S.C. 3832(a)(7)(A)) is amended—

24           (1) by striking “and” at the end of clauses (i)  
25       and (ii);

1           (2) by adding at the end the following new  
2 clauses:

3                   “(iii) harvesting or grazing according  
4 to approved stocking rates or other com-  
5 mercial use of the forage on such land if  
6 the Secretary determines that the har-  
7 vesting or grazing or other commercial use  
8 of the forage will enhance the quality of  
9 the vegetative cover and the harvesting or  
10 grazing or other commercial use of the for-  
11 age is conducted no more frequently than  
12 authorized for other maintenance options;  
13 and

14                   “(iv) grazing on land that is subject  
15 to a contract entered into under the Sec-  
16 retary’s continuous signup authority when  
17 the grazing is incidental to the grazing of  
18 a growing winter-seeded crop; and”.

19 **SEC. 224. PROTECTION OF FARM PROGRAM BASE.**

20       Section 1236 of the Food Security Act of 1985 (16  
21 U.S.C. 3836) is amended—

22           (1) by striking subsection (a); and

23           (2) in subsection (b), by striking “may provide”  
24 and inserting “shall provide”.

1       **Subtitle D—Wetlands Reserve**  
2                               **Program**

3   **SEC. 231. INCREASE IN AUTHORIZED MAXIMUM ENROLL-**  
4                               **MENT.**

5       (a) INCREASE.—Section 1237(b)(1) of the Food Se-  
6   curity Act of 1985 (16 U.S.C. 3837(b)(1)) is amended by  
7   striking “975,000” and inserting “2,500,000”.

8       (b) CONFORMING REPEAL.—Section 808 of the Agri-  
9   culture, Rural Development, Food and Drug Administra-  
10   tion, and Related Agencies Appropriations Act, 2001 (as  
11   enacted by Public Law 106–387; 114 Stat. 1549A–52),  
12   is repealed.

13   **SEC. 232. ENROLLMENT METHODS.**

14       Section 1237(b) of the Food Security Act of 1985  
15   (16 U.S.C. 3837(b)) is amended by striking paragraph (2)  
16   and inserting the following new paragraph:

17               “(2) METHODS OF ENROLLMENT.—The Sec-  
18   retary may enroll up to 1,000,000 acres of eligible  
19   lands into the wetlands reserve program using per-  
20   manent easements, with the remaining authorized  
21   acreage enrolled into 30-year easements or restora-  
22   tion cost-share agreements.”.

1 **Subtitle E—Conservation Technical**  
2 **Assistance**

3 **SEC. 241. SENSE OF CONGRESS CONCERNING CONSERVA-**  
4 **TION TECHNICAL ASSISTANCE.**

5       It is the sense of Congress that not less than  
6 \$1,000,000,000 should be appropriated the Secretary of  
7 Agriculture each fiscal year to restore staffing and tech-  
8 nical assistance levels for the Natural Resources Conserva-  
9 tion Service to pre-1985 levels since Natural Resources  
10 Conservation Service personnel are the key component  
11 necessary to deliver current and expanded conservation  
12 programs and to assist producers in planning and imple-  
13 menting successful conservation initiatives.

