

TO DIRECT THE SECRETARY OF AGRICULTURE TO PROVIDE ADDITIONAL PAYMENTS UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM FOR IMPLEMENTATION OF A NUTRIENT MANAGEMENT PRACTICE, AND FOR OTHER PURPOSES

JUNE 3, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAVID SCOTT of Georgia, from the Committee on Agriculture, submitted the following

## R E P O R T

[To accompany H.R. 7764]

The Committee on Agriculture, to whom was referred the bill (H.R. 7764) to direct the Secretary of Agriculture to provide additional payments under the environmental quality incentives program for implementation of a nutrient management practice, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### BRIEF EXPLANATION

This legislation, as reported out of Committee, allows for the adoption of nutrient management plans and practices. The bill provides authority to the Secretary of Agriculture to temporarily expand the cost-share for nutrient management as an EQIP practice. The bill authorizes additional funds for the purpose of expanding the use of nutrient management plans through the end of Fiscal Year 2023.

### PURPOSE AND NEED FOR LEGISLATION

Many nutrients applied to crops are necessary to increase yield and maximize farm profits. However, application of nutrients is not without challenges. For example, high levels of nitrogen and phosphorus run-off can cause eutrophication of water bodies. Excess nutrients can also cause harmful algal blooms that can be harmful to humans and wildlife.

During a time of high inflation and exceedingly high input costs, it is critical that producers have resources to lower their costs by using inputs in the most efficient manner available. Nutrient management utilizes the 4Rs, application of the right nutrient source at the right rate at the right time to maximize crop nutrient use

efficiency and minimize nutrient losses to the surface, air, and water. Within the Environmental Quality Incentives Program (EQIP), Practice Code 590 provides producers with technical and financial assistance to plan and implement nutrient management.

H.R. 7764 will support producers, address high input costs, and promote a healthy environment by providing the Secretary of Agriculture with the authority to increase the cost-share for nutrient management to 100 percent through Fiscal Year 2023. H.R. 7764 authorizes appropriations of \$750 million, 5 percent of which may be used for technical assistance.

H.R. 7764, TO DIRECT THE SECRETARY OF AGRICULTURE TO PROVIDE ADDITIONAL PAYMENTS UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM FOR IMPLEMENTATION OF A NUTRIENT MANAGEMENT PRACTICE, AND FOR OTHER PURPOSES.

#### SECTION-BY-SECTION

##### *Section 1. Additional nutrient management assistance*

Section 1 requires the Secretary of Agriculture to provide payments on the date enactment through September 30, 2023, to producers that have entered into contracts with the Secretary under the Environmental Quality Incentives Program to implement the nutrient management practice. The payments are not to exceed 100 percent of the cost of implementation.

Subsection (c) authorizes \$750 million for Fiscal Years 2022 and 2023 to the Secretary to carry out this section. The Secretary may use up to 5 percent of the funds to provide technical assistance.

Subsection (d) defines “Environmental Quality Incentives Program” to mean the Environmental Quality Incentives Program established under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985. This subsection also defines “nutrient management practice” to mean the practice described in the conservation practice standard for nutrient management established by NRCS, Code 590, dated May 2019.

#### COMMITTEE CONSIDERATION

##### I. Subcommittee

On May 12, 2021, the Subcommittee on Conservation and Forestry held a hearing entitled *Title II Conservation Programs: Exploring Climate-Smart Practices* where the following witnesses testified on the role of conservation programs, especially the Environmental Quality Incentives Program (EQIP) has in introducing farmers to conservation, especially as they relate to climate and agriculture:

- Charles Isbell, Jr, Farmer and Co-Owner, Keenbell Farm, Rockville, VA
- Kimberly Ratcliff, Owner, Caney Creek Ranch, Oakwood, TX
- Dr. Keith Paustian, Distinguished Professor, Dept. of Soil and Crop Science, Colorado State University; Senior Research Scientist, Natural Resource Ecology Laboratory, CSU
- Jamie Johansson, President, California Farm Bureau, Sacramento, CA

This hearing examined how Title II programs, including EQIP, enacted through the farm bill encourage conservation measures, like nutrient management, contribute to mitigating climate change, and allow for more efficient farm production. Studies have shown that conservation practices have helped farmers produce a greater annual crop yield and improve the health of surrounding soils and adjacent watersheds. Nutrient management methods reduce over-fertilization and runoff.

## II. Full Committee

On May 17, 2022, the Committee on Agriculture met pursuant to notice, with a quorum present to consider H.R. 7764, To direct the Secretary of Agriculture to provide additional payments under the environmental quality incentives program for implementation of a nutrient management practice, and for other purposes. Chairman Scott made an opening statement as did Ranking Member Thompson. Chairman Scott requested other Members submit their opening statements for the record. Without objection, H.R. 7764 was placed before the Committee for consideration, a first reading of the bill was waived.

Discussion occurred. Chairman Scott made a motion for unanimous consent to adopt and favorably report H.R. 7764 to the House. The motion for unanimous consent was adopted without objection.

The Committee recessed until May 18, 2022. At the conclusion of the meeting, Chairman Scott advised Members that pursuant to the Rules of the House of Representatives, Members had until May 20, 2022, at 12:00 p.m. to file any supplemental, additional, dissenting, or minority views with the Committee. Without objection, staff was given permission to make any necessary technical, clarifying, or conforming changes to reflect the intent of the Committee. Chairman Scott thanked all Members and adjourned the meeting.

### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 7764 was reported by unanimous consent with a majority quorum present.

### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

### COST OF LEGISLATION AND THE CONGRESSIONAL BUDGET ACT

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office,

should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Congressional Budget Office staff has informed the Committee on a preliminary, informal, nonbinding basis that there does not appear to be any revenue effects or direct spending associated with the bill.

#### CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the Constitutional authority for this legislation in Article I, section 8, clause 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the consideration of the United States or in any department or officer thereof.

#### PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the House of Representatives, the performance goals and objectives of this measure are to incentivize the adoption of nutrient management plans and practices by including such activities in existing programs and providing additional support.

#### ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

#### FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### EARMARK STATEMENT

This measure does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the House of Representatives.

#### DUPLICATION OF FEDERAL PROGRAMS

This measure does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from Government Accountability Office to Congress pursuant to section 21 of

Public Law 111-139, or a program related to a program in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee does not believe that the legislation directs an Executive Branch official to conduct any specific rule making proceedings within the meaning of 5 U.S.C. 551.

