

104TH CONGRESS
1ST SESSION

H. R. 2793

To provide for the establishment and funding of a conservation incentives program to assist farmers and ranchers in developing and implementing conservation practices to protect soil, water, and related resources.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 1995

Mr. ROSE introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide for the establishment and funding of a conservation incentives program to assist farmers and ranchers in developing and implementing conservation practices to protect soil, water, and related resources.

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) SHORT TITLE.—This Act may be cited as the
5 “Conservation Incentives Program Act of 1995”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Establishment and administration of conservation incentive program.

- Sec. 4. Program priorities and coordination.
- Sec. 5. Duties of operators.
- Sec. 6. Duties of the secretary.
- Sec. 7. Eligible lands.
- Sec. 8. Funding.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION PRACTICE.—The term “con-
4 servation practice” means a structural practice, veg-
5 etative practice, or management practice that is used
6 to protect soil, water, and related resources and is
7 tailored to local resource conditions.

8 (2) STRUCTURAL PRACTICE.—The term “struc-
9 tural practice” means a practice or measure that is
10 constructed, such as a waste treatment lagoon,
11 waste storage structure, terrace, grassed waterway,
12 and such other structures as the Secretary considers
13 appropriate.

14 (3) VEGETATIVE PRACTICE.—The term “vege-
15 tative practice” means a practice or measure that
16 uses vegetation to protect soil, water, and related re-
17 sources, such as the use of crop rotation, cover
18 crops, wildlife plantings, and such other practices as
19 the Secretary considers appropriate.

20 (4) MANAGEMENT PRACTICE.—The term “man-
21 agement practice” means a practice or measure that
22 is used to manage crops, livestock, nutrients, or pes-

1 ticides, and such other practices as the Secretary
2 considers appropriate.

3 (5) PROGRAM PLAN.—The term “program
4 plan” means a plan that includes an evaluation of
5 the farm or ranch resources, a record of resource
6 management decision made by the farmer or ranch-
7 er, a schedule for implementing the plan compo-
8 nents, a list of conservation practices eligible for
9 cost-share and incentives, and an estimated total
10 cost of the plan.

11 (6) LARGE CONFINED LIVESTOCK OPER-
12 ATIONS.—The term “large confined livestock oper-
13 ation” means a farm or ranch that—

14 (A) is a confined animal feeding operation;

15 and

16 (B) has more than—

17 (i) 700 mature dairy cattle;

18 (ii) 1,000 beef cattle;

19 (iii) 100,000 laying hens or broilers;

20 (iv) 55,000 turkeys;

21 (v) 2,500 swine; or

22 (vi) 10,000 sheep or lambs.

23 (7) OPERATOR.—The term “operator” means a
24 person who is engaged in crop or livestock produc-
25 tion as defined by the Secretary.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 **SEC. 3. ESTABLISHMENT AND ADMINISTRATION OF CON-**
4 **SERVATION INCENTIVE PROGRAM.**

5 (a) ESTABLISHMENT.—During the fiscal years 1996
6 through 2005, the Secretary shall carry out a conservation
7 incentive program under this Act to provide technical as-
8 sistance, cost-sharing payments, and incentive payments
9 to operators who enter into contracts with the Secretary
10 to develop and implement conservation practices.

11 (b) PURPOSE.—It is the purpose of the conservation
12 incentive program—

13 (1) to carry out a conservation program that
14 uses incentives and technical assistance to solve lo-
15 cally identified resource problems from agricultural
16 activities and that provides—

17 (A) flexible technical and financial assist-
18 ance to operators that face the most serious
19 threats to soil, water, and related resources, in-
20 cluding grazing lands, wetlands, and wildlife
21 habitat;

22 (B) assistance to operators in complying
23 with Federal and State environmental laws, and
24 encourages long term agricultural sustain-
25 ability;

1 (C) assistance to operators in making ben-
2 efficient, cost-effective changes to cropping sys-
3 tems, grazing management, manure manage-
4 ment, nutrient, pest, or irrigation management,
5 land uses, or other measures needed to conserve
6 and improve soil, water, and related natural re-
7 sources; and

8 (D) simplification of the conservation plan-
9 ning process to reduce administrative burdens
10 on operators.

11 (2) to complement other Federal and State pro-
12 grams to provide—

13 (A) optimum and effective use of available
14 Federal and State programs at the local level
15 where resource problems exist;

16 (B) coordination of the Federal and State
17 programs through the State technical commit-
18 tees established under section 1261 of the Food
19 Security Act of 1985 (16 U.S.C. 3861); and

20 (C) development of a performance meas-
21 urement process for each local resource problem
22 area that reflects progress in program imple-
23 mentation and resolution of the resource prob-
24 lem.

25 (c) TYPES OF ASSISTANCE.—

1 (1) TECHNICAL ASSISTANCE.—The Secretary
2 shall use conservation incentive program funds to
3 provide operators with technical assistance to de-
4 velop a program plan and design program plan com-
5 ponents. An operator who develops and implements
6 a program plan approved by the Natural Resources
7 Conservation Service and the local conservation dis-
8 trict shall be eligible for additional technical assist-
9 ance from conservation incentive program funds, in-
10 cluding assistance in laying out the program plan
11 components on the farm or ranch, training on oper-
12 ation and maintenance of the plan components, and
13 assistance in evaluating program plan performance.

14 (2) COST-SHARE.—Structural practices and
15 vegetative practices shall be eligible for cost-share
16 payments or technical assistance, or both, as deter-
17 mined by the Secretary.

18 (3) INCENTIVE PAYMENTS.—Management prac-
19 tices shall be eligible for incentive payments or tech-
20 nical assistance, or both, as determined by the Sec-
21 retary.

22 (d) CONTRACTS.—

23 (1) TERM AND CONDITIONS.—A contract be-
24 tween an operator and the Secretary under the con-
25 servation incentives program may—

1 (A) apply to 1 or more conservation prac-
2 tices;

3 (B) have a term of not more than 10
4 years, as determined appropriate by the Sec-
5 retary, depending on the conservation practice
6 or practices covered by the contract; and

7 (C) provide cost-share and incentive pay-
8 ments.

9 (2) CONCURRENCE OF OWNER.—If the operator
10 is a tenant, the operator shall obtain the concur-
11 rence of the owner of the land before the conserva-
12 tion incentive program contract is accepted by the
13 Secretary.

14 (e) PROVISION OF ASSISTANCE.—

15 (1) LIMITATIONS ON AMOUNT OF PAYMENTS.—
16 The total amount of cost-share and incentive pay-
17 ments paid to a person under the conservation in-
18 centives program may not exceed—

19 (A) \$10,000 for any fiscal year for one
20 year contract; or

21 (B) \$75,000 for any multiyear contract.

22 (2) PAYMENT INCREMENTS.—The Secretary
23 shall make payments for multiyear contracts in an-
24 nual increments. The entire contract obligation may
25 be paid in one year when the operator is required to

1 make a major initial investment based on the con-
2 tract, as determined by the Secretary.

3 (3) FEDERAL SHARE OF COST-SHARE PAY-
4 MENTS.—The Federal share of cost-share payments
5 to an operator proposing to implement 1 or more
6 structural or vegetative practices, or both, as part of
7 an approved program plan shall not receive more
8 than 75 percent of the projected cost of the practice,
9 as determined by the Secretary.

10 (4) SPECIAL RULE FOR LIVESTOCK OPER-
11 ATIONS.—An operator of a large confined livestock
12 operation shall not be eligible for cost-sharing on
13 structural and vegetative practices to construct an
14 animal waste management facility, but shall be eligi-
15 ble for incentive payments and technical assistance.
16 An operator of a confined livestock operation, re-
17 gardless of size, that has been in operation for less
18 than 5 years shall not be eligible for cost-share on
19 structural and vegetative practices to construct an
20 animal waste management facility, but shall be eligi-
21 ble of technical assistance.

22 (5) FEDERAL SHARE OF INCENTIVE PAY-
23 MENTS.—The Secretary shall make incentive pay-
24 ments in an amount and at a rate determined by the
25 Secretary to be necessary to encourage an operator

1 to perform 1 or more management practices, when
2 necessary to attain the purposes of the conservation
3 incentives program and in the public interest as de-
4 termined by the Secretary.

5 (6) FUNDING FOR TECHNICAL ASSISTANCE.—

6 The Secretary shall allocate funding for the provi-
7 sion of technical assistance according to the purpose
8 and projected cost for which the technical assistance
9 is provided in a fiscal year. The receipt of technical
10 assistance under the conservation incentives program
11 shall not affect the eligibility of the operator to re-
12 ceive technical assistance under other authorities of
13 law available to the Secretary.

14 (f) MODIFICATION OR TERMINATION OF CON-
15 TRACTS.—

16 (1) VOLUNTARY MODIFICATION OR TERMI-
17 NATION.—The Secretary may modify or terminate a
18 contract entered into with an operator under the
19 conservation incentives program if—

20 (A) the operator agrees to the modification
21 or termination; and

22 (B) the Secretary determines that the
23 modification or termination is in the public in-
24 terest.

1 (2) INVOLUNTARY TERMINATION.—The Sec-
2 retary may terminate a contract under the conserva-
3 tion incentives program if the Secretary determines
4 that the operator violated the contract.

5 (g) NON-FEDERAL ASSISTANCE.—The Secretary
6 may request the services of a State water quality agency,
7 State fish and wildlife agency, State forestry agency, or
8 any other governmental or private resource considered ap-
9 propriate to assist in providing the technical assistance
10 necessary for the development and implementation of a
11 conservation practice.

12 (h) REGULATIONS.—Within 180 days after the date
13 of the enactment of this Act, the Secretary shall issue reg-
14 ulations to administrator of the conservation incentive pro-
15 gram.

16 **SEC. 4. PROGRAM PRIORITIES AND COORDINATION.**

17 (a) PRIORITIES.—The Secretary shall provide tech-
18 nical assistance, cost-share payments, and incentive pay-
19 ments to operators in a region, watershed, or conservation
20 priority area under the conservation incentives program
21 based on the significance of the soil, water, and related
22 natural resource problems in the region, watershed, or
23 area.

24 (b) COORDINATION OF PRIORITIES.—The Secretary
25 shall coordinate the establishment of priorities within a

1 State or multiple States for large interstate regions with
2 other Federal and State programs through the State tech-
3 nical Committee established under section 1261 of the
4 Food Security Act of 1985 (16 U.S.C. 3861) to optimize
5 program effectiveness and maximize environmental bene-
6 fits for per dollar of expenditures.

7 (c) PRIORITY CRITERIA.—The Secretary shall estab-
8 lish national criteria for selecting priority areas.

9 (d) STATE AND LOCAL CONTRIBUTIONS.—The Sec-
10 retary shall accord a higher priority to operations located
11 within watersheds, regions, or conservation priority areas
12 in which State or local governments have provided or will
13 provide, financial or technical assistance to the operators
14 for the same conservation or environmental purposes.

15 (e) PRIORITY LANDS.—The Secretary shall accord a
16 higher priority to installing conservation practices on
17 lands on which agricultural production has been deter-
18 mined to contribute to, or create, the potential for failure
19 to meet applicable water quality standards or other envi-
20 ronmental objectives of Federal and State law.

21 **SEC. 5. DUTIES OF OPERATORS.**

22 To receive technical assistance, cost-sharing pay-
23 ments, or incentives payments under the conservation in-
24 centives program, an operator shall agree—

1 (1) to implement a program plan that describes
2 conservation and environmental goals to be achieved
3 through one or more conservation practices approved
4 by the Secretary;

5 (2) not to conduct any practices on the farm or
6 ranch that would tend to defeat the purpose of the
7 conservation incentives program;

8 (3) on the violation of a term or condition of
9 the contract at any time the operator has control of
10 the land, to refund any cost-sharing or incentive
11 payment received with interest, and forfeit any fu-
12 ture payments under the conservation incentives pro-
13 gram, as determined by the Secretary;

14 (4) on the transfer of the right and interest of
15 the operator in land subject to the contract, unless
16 the transferee of the right and interest agrees with
17 the Secretary to assume all obligations of the con-
18 tract, to refund all cost-sharing payments and incen-
19 tive payments received under the conservation incen-
20 tives program, as determined by the Secretary;

21 (5) to supply information as required by the
22 Secretary to determine compliance with the program
23 plan and requirements of the conservation incentives
24 program; and

1 (6) to comply with such additional provisions as
2 the Secretary determines are necessary to carry out
3 the conservation incentives program.

4 **SEC. 6. DUTIES OF THE SECRETARY.**

5 To the extent appropriate, the Secretary shall assist
6 an operator in achieving the conservation and environ-
7 mental goals of a program plan—

8 (1) by providing an eligibility assessment of the
9 farming or ranching operation of the operator as a
10 basis for developing the program plan;

11 (2) by providing technical assistance in develop-
12 ing and implementing the program plan;

13 (3) by providing technical assistance, cost-shar-
14 ing payments, or incentive payments for developing
15 and implementing conservation practices as provided
16 in section 3;

17 (4) providing the operator with information,
18 education, and training to aid in implementation of
19 the program plan; and

20 (5) encouraging the operator to obtain technical
21 assistance, cost-sharing payments, or grants from
22 other Federal, State, local, or private sources.

23 **SEC. 7. ELIGIBLE LANDS.**

24 Agricultural land on which one or more conservation
25 practice shall be eligible for technical assistance, cost-shar-

1 ing payments, or incentive payments under the conserva-
2 tion incentives program include—

3 (1) agricultural land (including cropland, range-
4 land, pasture, and other land on which crops or live-
5 stock are produced) that the Secretary determines
6 poses a serious threat to soil, water, or related re-
7 sources by reason of the soil types, terrain, climatic,
8 soil, topographic, flood, or shine characteristics, or
9 other factors or natural hazards;

10 (2) an area that is considered to be critical ag-
11 ricultural land on which either crop or livestock pro-
12 duction is carried out, as identified in a plan submit-
13 ted by the State under section 319 of the Federal
14 Water Pollution Control Act (33 U.S.C. 1329) as
15 having priority problems that result from an agricul-
16 tural nonpoint source of pollution;

17 (3) an area recommended by the State lead
18 agency for protection of soil, water, and related re-
19 sources and designated by a Governor of a State; and

20 (4) land that is not located within a designated
21 or approve area, but that if permitted to continue to
22 be operated under existing management practices,
23 would defeat the purpose of the conservation incen-
24 tives program, as determined by the Secretary.

1 **SEC. 8. FUNDING.**

2 (a) MANDATORY EXPENSES.—Secretary shall use the
3 funds of the Commodity Credit Corporation for each of
4 the fiscal years 1996 through 2005 to carry out the con-
5 servation incentive program, including cost-sharing pay-
6 ments, incentives payments, and technical assistance
7 costs.

8 (b) FUNDING LIMITATIONS.—Funding for the con-
9 servation incentives program from the Commodity Credit
10 Corporation shall be limited to \$100,000,000 for fiscal
11 year 1996 and \$300,000,000 for each of fiscal years 1997
12 through 2005.

13 (c) DISTRIBUTION OF PAYMENTS.—

14 (1) LIVESTOCK PRODUCTION.—Not less than
15 50 percent of the funding for technical assistance,
16 cost-sharing payments, and incentive payments
17 under the conservation incentive program shall be
18 for conservation practices relating to livestock pro-
19 duction.

20 (2) LIMITATION.—The Secretary may allocate
21 less than 50 percent of the total program funding
22 level for a fiscal year for conservation practices re-
23 lating to livestock production, but in no case less
24 than 35 percent, if the Secretary determines that
25 the 50 percent funding level is not reasonable based

- 1 on need and demand as expressed by conservation
- 2 incentives program participants.

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