

107TH CONGRESS
1ST SESSION

H. R. 2480

To reauthorize, improve, and expand conservation programs administered
by the Department of Agriculture.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2001

Mr. LUCAS of Oklahoma introduced the following bill; which was referred to
the Committee on Agriculture

A BILL

To reauthorize, improve, 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.**

4 This Act may be cited as the “Conservation Invest-
5 ment Act of 2001”.

6 **SEC. 2. INCREASE IN MAXIMUM NUMBER OF ACRES AU-**
7 **THORIZED TO BE ENROLLED IN THE CON-**
8 **SERVATION RESERVE PROGRAM.**

9 Section 1231(d) of the Food Security Act of 1985
10 (16 U.S.C. 3831(d)) is amended—

1 (1) by striking “36,400,000” and inserting
2 “40,000,000”; and

3 (2) by striking “2002” and inserting “2011”.

4 **SEC. 3. GRASSLAND RESERVE PROGRAM.**

5 (a) IN GENERAL.—Chapter 1 of subtitle D of title
6 XII of the Food Security Act of 1985 (16 U.S.C. 3830
7 et seq.) is amended by adding at the end the following
8 new subchapter:

9 **“Subchapter D—Grassland Reserve Program**

10 **“SEC. 1238. GRASSLAND RESERVE PROGRAM.**

11 “(a) ESTABLISHMENT.—The Secretary, acting
12 through the Farm Service Agency, shall establish a grass-
13 land reserve program (referred to in this subchapter as
14 the ‘program’) to assist owners in restoring and con-
15 serving eligible land described in subsection (c).

16 “(b) ENROLLMENT CONDITIONS.—

17 “(1) MAXIMUM ENROLLMENT.—The total num-
18 ber of acres enrolled in the program shall not exceed
19 3,000,000 acres, not more than 1,500,000 of which
20 shall be restored grassland, and not more than
21 1,500,000 of which shall be virgin (never cultivated)
22 grassland.

23 “(2) METHODS OF ENROLLMENT.—The Sec-
24 retary shall enroll in the program for a willing owner
25 not less than 100 contiguous acres of land west of

1 the 90th meridian or not less than 50 contiguous
2 acres of land east of the 90th meridian through 10-
3 year, 15-year, or 20-year easements.

4 “(c) ELIGIBLE LAND.—Land shall be eligible to be
5 enrolled in the program if the Secretary determines that
6 the land is—

7 “(1) natural grass or shrubland;

8 “(2) land that—

9 “(A) is located in an area that has been
10 historically dominated by natural grass or
11 shrubland; and

12 “(B) has potential to serve as habitat for
13 animal or plant populations of significant eco-
14 logical value if the land is restored to natural
15 grass or shrubland; or

16 “(3) land that is incidental to land described in
17 paragraph (1) or (2), if that incidental land is deter-
18 mined by the Secretary to be necessary for the effi-
19 cient administration of the easement.

20 **“SEC. 1238A. EASEMENTS AND AGREEMENTS.**

21 “(a) REQUIREMENTS OF LANDOWNER.—To be eligi-
22 ble to enroll land in the program, the owner of the land
23 shall—

24 “(1) grant an easement that runs with the land
25 to the Secretary;

1 “(2) create and record an appropriate deed re-
2 striction in accordance with applicable State law to
3 reflect the easement;

4 “(3) provide a written statement of consent to
5 the easement signed by persons holding a security
6 interest or any vested interest in the land;

7 “(4) provide proof of unencumbered title to the
8 underlying fee interest in the land that is the subject
9 of the easement;

10 “(5) agree to comply with the terms of the
11 easement and related restoration agreements;

12 “(6) subject to paragraph (7), agree to the per-
13 manent retirement of any existing cropland base and
14 allotment history for the land under any program
15 administered by the Secretary; and

16 “(7) agree that the Secretary shall have the
17 right to suspend or terminate the easement during
18 any time of war, extreme drought, or famine, and,
19 in the event of such a suspension or termination,
20 agree to accept such adjustment of payments under
21 section 1238B as the Secretary may make in accord-
22 ance with regulations.

23 “(b) TERMS OF EASEMENT.—An easement under
24 subsection (a) shall—

25 “(1) permit—

1 “(A) common grazing practices on the land
2 in a manner that is consistent with maintaining
3 the viability of natural grass and shrub species
4 indigenous to that locality;

5 “(B) haying, mowing, or haying for seed
6 production, except that such uses shall not be
7 permitted until after the end of the nesting sea-
8 son for birds in the local area which are in sig-
9 nificant decline or are conserved pursuant to
10 State or Federal law, as determined by the Nat-
11 ural Resources Conservation Service State con-
12 servationalist; and

13 “(C) construction of fire breaks and
14 fences, including placement of the posts nec-
15 essary for fences;

16 “(2) prohibit—

17 “(A) the production of row-crops, fruit
18 trees, vineyards, or any other agricultural com-
19 modity that requires breaking the soil surface;
20 and

21 “(B) the conduct of any other activities
22 that would disturb the surface of the land cov-
23 ered by the easement, including—

24 “(i) plowing; and

25 “(ii) disking; and

1 “(3) include such additional provisions as the
2 Secretary determines are appropriate to carry out or
3 facilitate the administration of this subchapter.

4 “(c) RANKING EASEMENT APPLICATIONS.—

5 “(1) ESTABLISHMENT OF CRITERIA.—The Sec-
6 retary shall establish criteria to evaluate and rank
7 applications for easements under this subchapter.

8 “(2) EMPHASIS.—In establishing the criteria,
9 the Secretary shall emphasize support for native
10 grass and shrubland, grazing operations, and plant
11 and animal biodiversity.

12 “(d) RESTORATION AGREEMENTS.—The Secretary
13 shall prescribe the terms by which grassland that is sub-
14 ject to an easement under the program shall be restored.
15 The agreement shall include duties of the land owner and
16 the Secretary, including the Federal share of restoration
17 payments and technical assistance.

18 “(e) VIOLATIONS.—

19 “(1) IN GENERAL.—On the violation of the
20 terms or conditions of an easement or restoration
21 agreement entered into under this section—

22 “(A) the easement shall remain in force;
23 and

24 “(B) the Secretary may require the owner
25 to refund all or part of any payments received

1 by the owner under this subchapter, with inter-
2 est on the payments as determined appropriate
3 by the Secretary.

4 “(2) PERIODIC INSPECTIONS.—The Secretary
5 shall conduct periodic inspections of land subject to
6 easements under this subchapter to ensure that the
7 terms of the easements and restoration agreements
8 are being met, after providing the landowner ade-
9 quate notice of inspections. The Secretary may not
10 prohibit the landowner or a representative of the
11 landowner from being present during inspections.

12 **“SEC. 1238B. DUTIES OF SECRETARY.**

13 “(a) IN GENERAL.—In return for the granting of an
14 easement by an owner under this subchapter, the Sec-
15 retary shall make easement payments and payments of the
16 Federal share of restoration and provide technical assist-
17 ance to the owner in accordance with this section.

18 “(b) EASEMENT PAYMENTS.—In return for the
19 granting of an easement by an owner under this sub-
20 chapter, the Secretary shall make annual easement pay-
21 ments to the owner in an amount equal to the grazing
22 value of the land for the period that the land is encum-
23 bered by the easement.

1 “(c) FEDERAL SHARE OF RESTORATION.—The Sec-
2 retary shall make payments to the owner of not more
3 than—

4 “(1) in the case of virgin (never cultivated)
5 grassland, 90 percent of the costs of carrying out
6 measures and practices necessary to restore grass-
7 land functions and values; or

8 “(2) in the case of restored grassland, 75 per-
9 cent of such costs.

10 “(d) TECHNICAL ASSISTANCE.—

11 “(1) IN GENERAL.—The Secretary shall provide
12 owners with technical assistance to execute easement
13 documents and restore the grassland.

14 “(2) REIMBURSEMENT BY COMMODITY CREDIT
15 CORPORATION.—The Commodity Credit Corporation
16 shall reimburse the Secretary, acting through the
17 Farm Service Agency, for not more than 10 percent
18 of the cost of acquisition of easement and the Fed-
19 eral share of the restoration payments obligated for
20 that fiscal year.

21 “(e) PAYMENTS TO OTHERS.—If an owner who is en-
22 titled to a payment under this subchapter dies, becomes
23 incompetent, is otherwise unable to receive the payment,
24 or is succeeded by another person who renders or com-
25 pletes the required performance, the Secretary shall make

1 the payment, in accordance with regulations promulgated
2 by the Secretary and without regard to any other provision
3 of law, in such manner as the Secretary determines is fair
4 and reasonable in light of all the circumstances.

5 “(f) OTHER PAYMENTS.—Easement payments re-
6 ceived by an owner under this subchapter shall be in addi-
7 tion to, and not affect, the total amount of payments that
8 the owner is otherwise eligible to receive under other Fed-
9 eral laws.

10 **“SEC. 1238C. ADMINISTRATION.**

11 “(a) DELEGATION TO PRIVATE ORGANIZATIONS OR
12 STATE AGENCIES.—

13 “(1) IN GENERAL.—The Secretary shall permit
14 a private conservation or land trust organization or
15 a State agency to hold and enforce an easement
16 under this subchapter, in lieu of the Secretary, if—

17 “(A) the Secretary determines that grant-
18 ing such permission is likely to promote grass-
19 land conservation; and

20 “(B) the landowner agrees to allow the pri-
21 vate conservation or land trust organization or
22 a State agency to hold and enforce the ease-
23 ment.

1 “(2) APPLICATION.—An organization that de-
2 sires to hold an easement under this subchapter
3 shall apply to the Secretary for approval.

4 “(3) APPROVAL BY SECRETARY.—The Sec-
5 retary shall approve an organization under this sub-
6 chapter that is constituted for conservation or
7 ranching purposes and is competent to administer
8 grassland easements.

9 “(4) REASSIGNMENT.—If an organization hold-
10 ing an easement on land under this subchapter
11 terminates—

12 “(A) the owner of the land shall reassign
13 the easement to another organization described
14 in paragraph (1) or to the Secretary; and

15 “(B) the owner and the new organization
16 shall notify the Secretary in writing that a reas-
17 signment for termination has been made.

18 “(b) REGULATIONS.—Not later than 180 days after
19 the date of enactment of this subchapter, the Secretary
20 shall issue such regulations as are necessary to carry out
21 this subchapter.”.

22 (b) FUNDING.—Section 1241(a)(2) of such Act (16
23 U.S.C. 3841(a)(2)) is amended by striking “subchapter
24 C” and inserting “subchapters C and D”.

1 **SEC. 4. INCREASE IN MAXIMUM NUMBER OF ACRES AU-**
2 **THORIZED TO BE ENROLLED IN THE WET-**
3 **LANDS RESERVE PROGRAM.**

4 Section 1237(b)(1) of the Food Security Act of 1985
5 (16 U.S.C. 3837(b)(1)) is amended to read as follows:

6 “(1) MAXIMUM ENROLLMENT.—The total num-
7 ber of acres enrolled in the wetlands reserve pro-
8 gram shall not exceed—

9 “(A) 1,225,000 acres during fiscal year
10 2002;

11 “(B) 1,375,000 acres during fiscal year
12 2003;

13 “(C) 1,525,000 acres during fiscal year
14 2004;

15 “(D) 1,675,000 acres during fiscal year
16 2005;

17 “(E) 1,825,000 acres during fiscal year
18 2006;

19 “(F) 1,975,000 acres during fiscal year
20 2007;

21 “(G) 2,125,000 acres during fiscal year
22 2008;

23 “(H) 2,275,000 acres during fiscal year
24 2009;

25 “(I) 2,425,000 acres during fiscal year
26 2010; or

1 “(J) 2,575,000 acres during fiscal year
2 2011.”.

3 **SEC. 5. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**

4 (a) FUNDING INCREASE.—Section 1241(b)(1) of the
5 Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is
6 amended—

7 (1) by striking “and” the first place it appears;
8 and

9 (2) by striking “2002,” and inserting “2001,
10 \$1,400,000,000 for fiscal year 2002, and
11 \$1,200,000,000 for each of fiscal years 2003
12 through 2011,”.

13 (b) TERM OF CONTRACTS.—Section 1240B(b)(2) of
14 such Act (16 U.S.C. 3839aa–2(b)(2)) is amended by strik-
15 ing “5, nor more than 10,” and inserting “1 year nor more
16 than 10”.

17 (c) REPEAL OF PAYMENT LIMITATIONS.—Section
18 1240G of such Act (16 U.S.C. 3839aa–7) is repealed.

19 **SEC. 6. FUNDING OF WILDLIFE HABITAT INCENTIVES PRO-**
20 **GRAM.**

21 Section 387(c) of the Federal Agriculture Improve-
22 ment and Reform Act of 1996 (16 U.S.C. 3836a(c)) is
23 amended to read as follows:

24 “(c) FUNDING.—To carry out this section, there shall
25 be made available \$70,000,000 for fiscal year 2002, and

1 \$50,000,000 for each of fiscal years 2003 through 2011,
2 from funds made available to carry out subchapter B of
3 chapter 1 of subtitle D of title XII of the Food Security
4 Act of 1985 (16 U.S.C. 3831 et seq.).”.

5 **SEC. 7. FUNDING OF FARMLAND PROTECTION PROGRAM.**

6 Section 388(c) of the Federal Agriculture Improve-
7 ment and Reform Act of 1996 (16 U.S.C. 3830 note) is
8 amended to read as follows:

9 “(c) FUNDING.—In each of fiscal years 2002 through
10 2011, the Secretary shall use not more than \$50,000,000
11 of the funds of the Commodity Credit Corporation to carry
12 out this section.”.

13 **SEC. 8. SMALL WATERSHED REHABILITATION AMEND-**
14 **MENTS OF 2000.**

15 Section 14(h) of the Watershed Protection and Flood
16 Prevention Act (16 U.S.C. 1010(h)) is amended—

17 (1) by adding “and” at the end of paragraph
18 (1); and

19 (2) by striking paragraphs (2) through (5) and
20 inserting the following:

21 “(2) \$60,000,000 for each of fiscal years 2002
22 through 2011.”.

1 **SEC. 9. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on October 1, 2001.

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