



Food Agriculture Conservation and Trade Act of 1990

Pub. L. No. 101-624, 104 Stat. 3359

Part 4 of 11

Title XIV-Conservation (pp. 3568-3632)

Subtitle D—Miscellaneous

SEC. 1361. AMENDMENT TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT.

Section 3(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499c(b)) is amended—

- (1) by striking “: *Provided*, That the” and inserting the following: “. Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The”; and
- (2) by striking “: *Provided further*, That financial” and inserting “. Financial”.

SEC. 1362. WINE AND WINEGRAPE INDUSTRY STUDY.

(a) **STUDY.**—The Secretary of Agriculture shall conduct a study to determine how the Department of Agriculture might best work with and support the United States wine and winegrape industry. Such study shall—

- (1) be designed to determine whether existing Department of Agriculture programs could be improved to better assist and support the United States wine and winegrape industry;
- (2) be designed to determine whether new methods or programs implemented by the Department of Agriculture could enhance wine and winegrape production and processing and expand markets for United States wine and winegrapes;
- (3) be conducted in consultation with local, state, and national associations or organizations of wine and winegrape producers;
- (4) give special emphasis to States or other geographic areas that have not traditionally had a wine and winegrape industry.

(b) **REPORT.**—The Secretary of Agriculture shall submit a report detailing the determinations made in the study under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than December 31, 1991. Such report shall also include any recommendations to the Congress for legislation the Secretary determines may be necessary to implement the programs or methods specified under subsection (a).

Conservation
Program
Improvements
Act.
16 USC 3801
note.

TITLE XIV—CONSERVATION

SEC. 1401. SHORT TITLE.

This title may be cited as the “Conservation Program Improvements Act”.

Subtitle A—Highly Erodible Land Conservation

SEC. 1411. PROGRAM INELIGIBILITY.

Section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811) is amended—

(1) in the first sentence by inserting after “is predominate” the following: “, or designates land on which highly erodible land is predominate to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, as determined by the Secretary”;

(2) in paragraph (1)(D) by inserting before the semicolon “, under section 132 of the Disaster Assistance Act of 1989 (16 U.S.C. 1421 note), or under any similar provision enacted subsequent to August 14, 1989”;

(3) in paragraph (1)(E) by striking the final “or”;

(4) in paragraph (2) by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

“(3) during such crop year—

“(A) a payment made under section 8, section 12 or section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l or 590p(b));

“(B) a payment made under section 401 or section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 or 2202);

“(C) a payment under any contract entered into pursuant to section 1231;

“(D) a payment under chapter 2;

“(E) a payment under chapter 3; or

“(F) a payment, loan or other assistance under section 3 or section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 or 1006a).”.

SEC. 1412. EXEMPTIONS.

(a) CONSERVATION COMPLIANCE.—Section 1212(a) of the Food Security Act of 1985 (16 U.S.C. 3812(a)) is amended by adding at the end thereof the following new paragraphs:

“(3) Any person who owns or operates highly erodible land that was the subject of a contract entered into under subchapter B of chapter 1 of subtitle D shall, if the conservation plan established under this subtitle for such land requires structures to be constructed, have until 2 years after the expiration of such contract to comply with the conservation plan, or a longer period of time if the Secretary determines compliance is otherwise technically or economically not feasible, or such longer period is otherwise appropriate, before such person will be subject to program ineligibility with respect to such land under section 1211.

“(4) On the expiration of a contract entered into under subchapter B of chapter 1 of subtitle D, the provisions of this subtitle shall apply to the acreage that was the subject of such contract.”.

(b) INADVERTENT ACTIONS; REDUCTION IN CERTAIN PAYMENTS, LOANS, AND ASSISTANCE.—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended—

(1) in subsection (b)(1), by inserting “or” after the semicolon;

(2) in subsection (b)(2), by striking the semicolon and inserting a period;

(3) by redesignating subsection (c) as subsection (d);

(4) by redesignating the paragraphs (3) through (5) of subsection (b) as paragraphs (1) through (3), respectively, of subsection (c) and by inserting after subsection (b)(2) the following:

“(c) No person shall become ineligible under section 1211 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity or the designation of land to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity (hereafter in this subsection referred to as ‘set aside’)—”;

(5) in subsection (c)(1)(B), as amended by paragraph (4), by inserting “for the protection of highly erodible land that has been set aside or” after “adequate”; and

(6) in subsection (c)(2), as amended by paragraph (4)—

(A) by inserting “or set aside” after “that is planted”; and

(B) by inserting “or set aside” after “that was planted”.

(c) **TENANTS.**—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) (as amended by subsection (b) of this section) is amended by adding at the end the following new subsection:

“(e) If a tenant is determined to be ineligible for payments and other benefits under section 1211, the Secretary may limit such ineligibility only to the farm which is the basis for such ineligibility determination if—

“(1) the tenant has established to the satisfaction of the Secretary that—

“(A) the tenant has made a good faith effort to meet the requirements of this section, including enlisting the assistance of the Secretary to obtain a reasonable conservation compliance plan for such farm; and

“(B) the landlord on the farm refuses to comply with such plan on such farm; and

“(2) the Secretary determines that such lack of compliance is not a part of a scheme or device to avoid such compliance.

Reports.

The Secretary shall provide an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the ineligibility determinations limited during the previous 12-month period under this subsection.”.

(d) **GRADUATED SANCTIONS, HIGHLY ERODIBLE LAND CONSERVATION.**—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) (as amended by subsection (c) of this section) is further amended by adding at the end thereof the following new subsection:

“(f)(1) Except to the extent provided in paragraph (2), no person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of such person to actively apply a conservation plan that documents the decisions of such person with respect to location, land use, tillage systems, and conservation treatment measures and schedules prepared under subsection (a), if the Secretary determines that such person has—

“(A) not violated the provisions of section 1211 within the previous 5 years on a farm; and

“(B) acted in good faith and without the intent to violate the provisions of this subtitle.

“(2) If the Secretary determines that a person who has failed to comply with the provisions of section 1211 meets the requirements of paragraph (1), the Secretary shall, in lieu of applying the ineligibility provisions in section 1211, reduce by not less than \$500 nor more than \$5,000, depending on the seriousness of the violation as determined by the Secretary, program benefits described in section 1211 that such producer would otherwise be eligible to receive in a crop year.

“(3) Any person whose benefits are reduced in any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of such subsequent crop year, the Secretary determines that such person is actively applying a conservation plan prepared under subsection (a) according to the schedule set forth in such plan.

“(4) Notwithstanding any other provision of this subtitle, no person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of such person to actively apply a conservation plan that documents the decisions of such person with respect to location, land use, tillage systems, and conservation treatment measures and schedules prepared under subsection (a), if the Secretary—

“(A) determines that such failure results in a violation of section 1211 that is technical and minor in nature and that such violation has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which such violations has occurred;

“(B) determines that such failure is due to circumstances beyond the control of the person; or

“(C) grants the person a temporary variance from the practices specified in the plan for the purpose of handling a specific problem.

A determination or the granting of a variance by the Secretary under this paragraph shall not be counted as a violation for the purposes of paragraph (1)(A).”

(e) **INFORMATION.**—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) (as amended by subsection (d) of this section) is further amended by adding at the end thereof the following new subsection:

“(g) The Secretary, in providing assistance to an individual in the preparation or revision of a conservation plan under this section, shall provide such individual with information—

“(1) concerning cost effective and applicable erosion control measures that may be available to such individual to meet the requirements of this section; and

“(2) concerning crop flexibility, base adjustment, and conservation assistance options that may be available to such individual to meet the requirements of this section, including the provisions of titles X, XII, and XIII, of the Food, Agriculture, Conservation, and Trade Act of 1990 (or the amendments made by such titles).”

(f) **NONCOMMERCIAL PRODUCTION OF AGRICULTURAL COMMODITIES.**—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) (as amended by subsection (e) of this section) is further amended by adding at the end thereof the following new subsection:

“(h) Section 1211 shall not apply to the noncommercial production of agricultural commodities on a farm if such production is limited

to two acres or less and if the Secretary determines that such production is not intended to circumvent the conservation requirements otherwise applicable to lands under this subtitle.”.

Subtitle B—Wetland Conservation

SEC. 1421. WETLAND PROGRAM IMPROVEMENTS.

(a) **DEFINITION.**—Section 1201(a)(16) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(16)) is amended by amending the first sentence to read as follows:

“(16) The term ‘wetland’, except when such term is part of the term ‘converted wetland’, means land that—

“(A) has a predominance of hydric soils;

“(B) is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

“(C) under normal circumstances does support a prevalence of such vegetation.”.

(b) **WETLAND.**—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended—

(1) by striking “Except as provided” and inserting “(a) Except as provided”;

(2) in paragraph (1)(D), by inserting before the semicolon “, under section 132 of the Disaster Assistance Act of 1989 (16 U.S.C. 1421 note), or under any similar provision enacted subsequent to August 14, 1989”;

(3) in paragraph (1)(E), by striking the final “or”;

(4) in paragraph (2), by striking the period at the end and inserting a “; or”;

(5) by adding at the end the following:

“(3) during such crop year—

“(A) a payment made under section 8, section 12, or section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l or 590p(b));

“(B) a payment made under section 401 or section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 or 2202);

“(C) a payment under any contract entered into pursuant to section 1231;

“(D) a payment under chapter 2;

“(E) a payment under chapter 3; or

“(F) a payment, loan or other assistance under section 3 or section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 or 1006a).”; and

(6) by adding after subsection (a) (as designated by paragraph (1)), a new subsection (b) as follows:

“(b) Except as provided in section 1222 and notwithstanding any other provision of law, any person who in any crop year subsequent to the date of enactment of the Food, Agriculture, Conservation, and Trade Act of 1990 converts a wetland by draining, dredging, filling, leveling, or any other means for the purpose, or to have the effect, of making the production of an agricultural commodity possible on such converted wetland shall be ineligible for those payments, loans, or programs specified in subsections (a) (1) through (3) for that crop year and all subsequent crop years.”.

SEC. 1422. DELINEATION OF WETLAND; EXEMPTIONS.

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended to read as follows:

“SEC. 1222. DELINEATION OF WETLANDS; EXEMPTIONS.

“(a) DELINEATION OF WETLANDS.—

“(1) WETLAND DELINEATION MAPS.—The Secretary shall delineate wetlands on wetland delineation maps. The Secretary shall make a reasonable effort to make an on-site wetland determination whenever requested by an owner or operator, prior to such delineation.

“(2) CERTIFICATION.—Upon providing notice to affected owners or operators, the Secretary shall certify each such map as sufficient for the purpose of making determinations of ineligibility for program benefits under section 1221 and shall, in accordance with section 1243, provide an opportunity to appeal such delineations to the Secretary prior to making such certification final. In the case of an appeal, the Secretary shall review and certify the accuracy of the mapping of all lands subject to the appeal mapped prior to the date of enactment of the Food, Agriculture, Conservation, and Trade Act of 1990 for the purpose of wetland delineations to ensure that wetland on such lands has been accurately delineated. Prior to rendering a decision on any such appeal, the Secretary shall conduct an on-site inspection of the subject land. The Secretary shall not be required to provide an opportunity for an appeal of delineations completed prior to the enactment of this subsection that are not changed, and for which an appeal had already occurred and, in connection with such previous appeal, an on-site determination had been conducted.

“(3) PUBLIC LIST.—The Secretary shall maintain a public listing of all such certifications that have been completed.

“(4) PERIODIC REVIEW AND UPDATE.—The Secretary shall provide by regulation a process for the periodic review and update of such wetland delineations as the Secretary deems appropriate. No person shall be adversely affected because of having taken an action based on a previous determination by the Secretary.

Regulations.

“(b) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans, payments, and benefits—

“(1) as the result of the production of an agricultural commodity on—

“(A) converted wetland if the conversion of such wetland was commenced before December 23, 1985;

“(B) an artificial lake, pond, or wetland created by excavating or diking nonwetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control;

“(C) a wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation; or

“(D) wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where such production is possible as a result of a natural condition, such as drought, and is

without action by the producer that destroys a natural wetland characteristic; or

“(2) for the conversion of—

“(A) an artificial lake, pond, or wetland created by excavating or diking nonwetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control; or

“(B) a wet area created by a water delivery system, irrigation, irrigation system, or the application of water for irrigation.

“(c) ON-SITE INSPECTION REQUIREMENT.—No program loans, payments, or benefits shall be withheld from a person under this subtitle unless the Secretary has conducted an on-site visit of the subject land.

“(d) PRIOR LOANS.—Section 1221 shall not apply to a loan described in section 1221 made before December 23, 1985.

“(e) NONWETLANDS.—The Secretary shall exempt from the ineligibility provisions of section 1221 any action by a person upon lands in any case in which the Secretary determines that any one of the following does not apply with respect to such lands:

“(1) Such lands have a predominance of hydric soils.

“(2) Such lands are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

“(3) Such lands, under normal circumstances, support a prevalence of such vegetation.

“(f) MINIMAL EFFECT; MITIGATION.—The Secretary shall exempt a person from the ineligibility provisions of section 1221 for any action associated with the production of an agricultural commodity on a converted wetland, or the conversion of a wetland, if, as determined by the Secretary—

“(1) such action, individually and in connection with all other similar actions authorized by the Secretary in the area, will have a minimal effect on the functional hydrological and biological value of the wetland, including the value to waterfowl and wildlife;

“(2) such wetland has been frequently cropped prior to the date of such action and the wetland values, acreage, and functions are mitigated by the producer through the restoration of a converted wetland, the conversion of which occurred or was commenced prior to December 23, 1985, where such restoration is—

“(A) in accordance with a restoration plan;

“(B) in advance of, or concurrent with, such action;

“(C) not at the expense of the Federal Government;

“(D) on not greater than a one-for-one acreage basis unless more acreage is needed to provide equivalent functions and values that will be lost as a result of such wetland conversion to be mitigated;

“(E) on lands in the same general area of the local watershed as the converted wetland; and

“(F) with respect to such restored wetland, made subject to an easement to be recorded on public land records, and which shall remain in force for as long as the converted wetland for which the restoration is to mitigate remains in

agricultural use or is not returned to its original wetland classification with equivalent functions and values, and which easement prohibits making alterations to such restored wetland that lower the restored wetland's functions and values; or

“(3) such wetland was converted subsequent to December 23, 1985, but prior to the date of enactment of this section, and the wetland values, acreage, and functions are mitigated by the producer through the restoration of a converted wetland, the conversion of which occurred or was commenced prior to December 23, 1985, if such restoration meets the requirements of subparagraphs (A), (B), (C), (D), (E), and (F) of paragraph (2).

“(g) MITIGATION APPEALS.—A producer shall be afforded the right to appeal, under section 1243, the imposition of a mitigation agreement requiring greater than one-to-one acreage mitigation to which the producer is subject.

“(h) GOOD FAITH EXEMPTION; GRADUATED SANCTIONS.—

“(1) GOOD FAITH EXEMPTION.—A person's ineligibility under section 1221 for program loans, payments, and benefits as the result of the conversion of a wetland subsequent to the date of enactment of this subsection, or the production of an agricultural commodity on a converted wetland subsequent to December 23, 1985, may be reduced under paragraph (2) if—

“(A) such person is actively restoring the wetland under an agreement entered into with the Secretary to fully restore the characteristics of the converted wetland to its prior wetland state, or such person has previously restored the characteristics of the converted wetland to its prior wetland state as determined by the Secretary; and

“(B) the Secretary determines that—

“(i) the person has not otherwise violated the provisions of section 1221 in the previous 10-year period on a farm; and

“(ii) such person converted a wetland, or produced an agricultural commodity on a converted wetland, in good faith and without the intent to violate the provisions of section 1221.

“(2) GRADUATED SANCTIONS.—If the Secretary determines that a person who has violated the provisions of section 1221 meets the requirements of paragraph (1), the Secretary shall, in lieu of applying the ineligibility provisions in section 1221, reduce by not less than \$750 nor more than \$10,000, depending on the seriousness of the violation, program benefits described in section 1221 that such person would otherwise be eligible to receive in a crop year.

“(3) RELIEF.—The relief allowed by this subsection shall include the restoration of benefits withheld for violations that occurred prior to the date of enactment of this section.

“(i) RESTORATION.—Any person who is determined to be ineligible for program benefits under section 1221 for any crop year shall not be ineligible for such program benefits under such section for any subsequent crop year if, prior to the beginning of such subsequent crop year, the person has fully restored the characteristics of the converted wetland to its prior wetland state.

“(j) DETERMINATIONS; RESTORATION AND MITIGATION PLANS; REPORTING; MONITORING ACTIVITIES.—

Government
contracts.

“(1) **DETERMINATIONS; PLANS.**—Technical determinations and the development of restoration and mitigation plans under this section shall be made through the agreement of the local representative of the Soil Conservation Service and a representative of the Fish and Wildlife Service. If agreement cannot be reached at the local level under the preceding sentence, such determinations shall be referred to the State Conservationist, who in making a determination under this paragraph, shall consult with the Fish and Wildlife Service.

“(2) **REPORT OF DETERMINATIONS.**—The State Conservationist and a representative of the Fish and Wildlife Service shall report to their respective national offices concerning all determinations made under paragraph (1) at the State level as a result of an agreement not being reached at the local level.

“(3) **MONITORING ACTIVITIES.**—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of the wetland restorations undertaken pursuant to this section.”.

SEC. 1423. CONSULTATION.

Section 1223 of the Food Security Act of 1985 (16 U.S.C. 3823) is amended—

- (1) in paragraph (2), by striking “and”;
- (2) in paragraph (3), by striking the period and inserting “; and”; and
- (3) by adding at the end the following:
 - “(4) mitigation; and
 - “(5) the restoration of wetland values and functions on converted wetland as required under this subtitle.”.

SEC. 1424. FAIRNESS OF COMPLIANCE.

Subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) is amended by adding at the end the following new section:

16 USC 3824.

“SEC. 1224. FAIRNESS OF COMPLIANCE.

“If the actions of an unrelated person or public entity, outside the control of, and without the prior approval of, the landowner or tenant result in a change in the characteristics of cropland that would cause the land to be determined to be a wetland, the affected land shall not be considered to be wetland for purposes of this subtitle.”.

Subtitle C—Agricultural Resources Conservation Program

SEC. 1431. AGRICULTURAL RESOURCES CONSERVATION PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 1231 et seq.) is amended—

- (1) in the subtitle heading, by striking “Conservation Reserve” and inserting “Agricultural Resources Conservation Program”; and
- (2) by inserting before section 1231 the following:

“CHAPTER 1—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM**“Subchapter A—General Provisions****“SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.**

Government
contracts.
16 USC 3830.

“(a) **ESTABLISHMENT.**—During the 1991 through 1995 calendar years, the Secretary shall, in accordance with this chapter, establish an Environmental Conservation Acreage Reserve Program and implement such program through contracts and the acquisition of easements to assist owners and operators of highly erodible lands, other fragile lands (including land with associated ground or surface water that may be vulnerable to contamination), and wetlands in conserving and improving the soil and water resources of the farms or ranches of such owners and operators.

“(b) **NUMBER OF ACRES.**—In carrying out the Environmental Conservation Acreage Reserve Program, the Secretary shall enter into contracts with owners and operators and acquire interests in lands through easements from owners as provided for in subchapters B and C to place in the Environmental Conservation Acreage Reserve Program during the 1986 through 1995 calendar years a total of not less than 40,000,000 nor more than 45,000,000 acres.

“(c) **IMPLEMENTATION.**—The Secretary shall carry out the Environmental Conservation Acreage Reserve Program established under subsection (a) through the conservation reserve program and the wetland reserve program established in subchapters B and C, respectively. Acreage enrolled into the conservation reserve under subchapter B prior to the date of enactment of this chapter shall be considered to be land placed in the Environmental Conservation Acreage Reserve Program for the purposes of this chapter.”.

SEC. 1432. CONSERVATION RESERVE PROGRAM.

Title XII of the Food Security Act of 1985 is amended—

(1) by inserting after section 1230 (as added by section 1431 of this Act) the following:

“Subchapter B—Conservation Reserve”; and

(2) by amending section 1231 (16 U.S.C. 3831) to read as follows:

“SEC. 1231. CONSERVATION RESERVE.

“(a) **IN GENERAL.**—Through the 1995 calendar year, the Secretary shall formulate and carry out the enrollment of lands in a conservation reserve program through the use of contracts to assist owners and operators of lands specified in subsection (b) to conserve and improve the soil and water resources of such lands.

Government
contracts.

“(b) **ELIGIBLE LANDS.**—The Secretary may include in the program established under this subchapter—

“(1) highly erodible croplands that—

“(A) if permitted to remain untreated could substantially reduce the production capability for future generations; or

“(B) can not be farmed in accordance with a plan under section 1212;

“(2) marginal pasture lands converted to wetland or established as wildlife habitat prior to the enactment of the Food, Agriculture, Conservation, and Trade Act of 1990;

“(3) marginal pasture lands to be devoted to trees in or near riparian areas or for similar water quality purposes, not to exceed 10 percent of the number of acres of land that is placed in the conservation reserve under this subchapter in each of the 1991 through 1995 calendar years;

“(4) croplands that are otherwise not eligible—

“(A) if the Secretary determines that (i) such lands contribute to the degradation of water quality or would pose an on-site or off-site environmental threat to water quality if permitted to remain in agricultural production, and (ii) water quality objectives with respect to such land cannot be achieved under the water quality incentives program established under chapter 2;

“(B) if such croplands are newly-created, permanent grass sod waterways, or are contour grass sod strips established and maintained as part of an approved conservation plan;

“(C) that will be devoted to, and made subject to an easement for the useful life of, newly established living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, or filterstrips devoted to trees or shrubs; or

“(D) if the Secretary determines that such lands pose an off-farm environmental threat, or pose a threat of continued degradation of productivity due to soil salinity, if permitted to remain in production.

“(c) CERTAIN LAND AFFECTED BY SECRETARIAL ACTION.—For purposes of determining the eligibility of land to be placed in the conservation reserve established under this subchapter, land shall be considered planted to an agricultural commodity during a crop year if an action of the Secretary prevented land from being planted to the commodity during the crop year.

“(d) MAXIMUM ENROLLMENT.—The Secretary may enter into contracts under this section to place in the conservation reserve the amount of acres specified in section 1230(b). In enrolling such acres, the Secretary shall reserve 1 million acres for enrollment under this section in each of calendar years 1994 and 1995.

“(e) DURATION OF CONTRACT.—

“(1) IN GENERAL.—For the purpose of carrying out this subchapter, the Secretary shall enter into contracts of not less than 10, nor more than 15, years.

“(2) CERTAIN LANDS.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subchapter after October 1, 1990, and land devoted to such uses under contracts modified under section 1235A, the owner or operator of such land may, within the limitations prescribed under this section, specify the duration of the contract. The Secretary may, in the case of land that is devoted to hardwood trees under a contract entered into under this subchapter prior to October 1, 1990, extend such contract for not to exceed 5 years, as agreed to by the owner or operator of such land and the Secretary.

“(f) CONSERVATION PRIORITY AREAS.—

“(1) DESIGNATION.—Upon application by the appropriate State agency, the Secretary shall designate watershed areas of the Chesapeake Bay Region (Pennsylvania, Maryland, and Vir-

State listing.

ginia), the Great Lakes Region, the Long Island Sound Region, and other areas of special environmental sensitivity as conservation priority areas.

“(2) **ELIGIBLE WATERSHEDS.**—Watersheds eligible for designation under this subsection shall include areas with actual and significant adverse water quality or habitat impacts related to agricultural production activities.

“(3) **EXPIRATION.**—Conservation priority area designation under this subsection shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw a watershed’s designation—

“(A) upon application by the appropriate State agency; or

“(B) in the case of areas specified in this subsection, if the Secretary finds that such areas no longer contain actual and significant adverse water quality or habitat impacts related to agricultural production activities.

“(4) **DUTY OF SECRETARY.**—In utilizing the authority granted under this subsection, the Secretary shall attempt to maximize water quality and habitat benefits in such watersheds by promoting a significant level of enrollment of lands within such watersheds in the program under this subchapter by whatever means the Secretary determines appropriate and consistent with the purposes of this subchapter.

“(g) **MULTI-YEAR GRASSES AND LEGUMES.**—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.” Alfalfa.

SEC. 1433. DUTIES OF OWNERS AND OPERATORS.

(a) **AGREEMENT PROVISIONS.**—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (1), by striking “highly erodible cropland” and inserting “eligible lands”;

(2) in paragraph (4)—

(A) by inserting “, or water cover for the enhancement of wildlife,” after “cover”; and

(B) by inserting “, except that such water cover shall not include ponds for the purpose of watering livestock, irrigating crops, or raising fish for commercial purposes” after “land”.

(3) in paragraph (5), by inserting “in addition to the remedies provided under section 1236(d),” before “on the violation”;

(4) in paragraph (6), by inserting before the semicolon at the end thereof “, or the transferee and the Secretary agree to modifications to such contract, where such modifications are consistent with the objectives of the program as determined by the Secretary;”;

(5) in paragraph (7), by inserting “, and the Secretary may permit limited fall and winter grazing on such land where such grazing is incidental to the gleaning of crop residues on the fields in which such land is located for an applicable reduction in rental payment” after “emergency”;

(6) in paragraph (9), by striking “and” at the end thereof;

(7) in paragraph (10), by striking the period and inserting “; and”; and

(8) by adding at the end thereof the following new paragraph:

“(11) with respect to any contract entered into after the date of enactment of this paragraph concerning highly erodible land in a county that has not reached the limitation established by section 1243(f)—

“(A) not to produce an agricultural commodity for the duration of the contract on any other highly erodible land that such owner or operator has purchased after the date of enactment of this paragraph and that does not have a history of being used to produce an agricultural commodity other than forage crops; and

“(B) on the violation of a contract described in subparagraph (A), to be subject to the sanctions described in paragraph (5).”

(b) ENVIRONMENTAL USE; ALLEY-CROPPING; FORECLOSURE.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by striking subsection (c) and adding the following new subsections:

“(c) ENVIRONMENTAL USE.—To the extent practicable, not less than one-eighth of land that is placed in the conservation reserve under this subchapter during the 1991 through 1995 calendar years shall be devoted to trees, or devoted to shrubs or other noncrop vegetation or water that may provide a permanent habitat for wildlife including migratory waterfowl.

“(d) ALLEY-CROPPING.—

“(1) The Secretary may permit alley cropping of agricultural commodities on land that is subject to contracts entered into under this subchapter, if—

“(A) such land is planted to hardwood trees;

“(B) such agricultural commodities will be produced in conjunction with, and in close proximity to, such hardwood trees; and

“(C) the owner or operator of such land agrees to implement appropriate conservation practices concerning such land.

“(2) The Secretary shall develop a bid system by which owners and operators may offer to reduce their annual rental payments in exchange for permission to produce agricultural commodities on such land in accordance with this subsection. The Secretary shall not accept offers under this paragraph that provide for less than a 50 percent reduction in such annual payments.

“(3) The Secretary shall ensure that the total annual rental payments over the term of any contract modified under this subsection are not in excess of that specified in the original contract.

“(4) For the purposes of this subsection, the term ‘alley cropping’ means the practice of planting rows of trees bordered on each side by a narrow strip of groundcover, alternated with wider strips of row crops or grain.

“(e) FORECLOSURE.—Notwithstanding any other provision of law, an owner or operator who is a party to a contract entered into under this subchapter may not be required to make repayments to the Secretary of amounts received under such contract if the land that is subject to such contract has been foreclosed upon and the Secretary determines that forgiving such repayments is appropriate in order to provide fair and equitable treatment. This subsection shall not void the responsibilities of such an owner or operator under the contract if such owner or operator resumes control over the property

Forests and
forest products.
Plants.

that is subject to the contract within the period specified in the contract. Upon the resumption of such control over the property by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.”.

SEC. 1434. PAYMENTS.

(a) **COST SHARE ASSISTANCE.**—Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended to read as follows:

“(b)(1) In making cost sharing payments to an owner or operator under a contract entered into under this subchapter, the Secretary shall pay 50 percent of the cost of establishing water quality and conservation measures and practices required under such contracts for which the Secretary determines that cost-sharing is appropriate and in the public interest.

Water pollution control.

“(2) The Secretary shall not make any payment under this subchapter to the extent that the total amount of cost sharing payments provided to such owners and operators from all sources would exceed 100 percent of the total establishment costs.

“(3) In the case of land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after the date of enactment of this section, or in the case of land converted to such production under section 1235A, the Secretary, in making cost share payments to an owner or operator of such land, shall pay 50 percent of the reasonable and necessary costs, as determined by the Secretary, incurred by such owner or operator for maintaining such plantings that are trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator), during not less than the 2-year, and not more than the 4-year, period beginning on the date of such plantings, as determined appropriate by the Secretary.

Forests and forest products. Plants.

“(4) The Secretary may permit owners or operators who contract to devote at least 10 acres of land to the production of hardwood trees under this subchapter to extend the planting of such trees over a 3-year period if at least one-third of such trees are planted in each of the first 2 years.

“(5) An owner or operator shall not be eligible to receive or retain cost share assistance under this subsection if such owner or operator receives any other Federal cost share assistance with respect to such land under any other provision of law.”.

(b) **ACCEPTABILITY OF OFFERS; CONTINUOUS SIGN-UP FOR HARDWOOD TREES.**—

(1) **ACCEPTABILITY OF OFFERS.**—Section 1234(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3834(c)(3)) is amended to read as follows:

“(3) In determining the acceptability of contract offers, the Secretary may—

“(A) take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, wildlife habitat, or provide other environmental benefits; and

“(B) establish different criteria in various States and regions of the United States based upon the extent to which water quality or wildlife habitat may be improved or erosion may be abated.”.

(2) **CONTINUOUS SIGN-UP FOR HARDWOOD TREES.**—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is

further amended by adding at the end thereof the following new paragraph:

“(4) In the case of acreage enrolled in the conservation reserve established under this subchapter that is to be devoted to hardwood trees, the Secretary may consider bids for contracts under this subsection on a continuous basis.”.

(c) **STATE PAYMENTS.**—Section 1234(d) of the Food Security Act of 1985 (16 U.S.C. 3834(d)) is amended by adding at the end the following new paragraph:

“(4) Payments to a producer under a special conservation reserve enhancement program described in subsection (f)(4) shall be in the form of cash only.”.

(d) **OTHER PAYMENTS.**—Section 1234(f)(3) of the Food Security Act of 1985 (16 U.S.C. 3834(f)(3)) is amended by inserting “, the Food, Agriculture, Conservation, and Trade Act of 1990,” after “this Act”.

(e) **EXEMPTION FROM SEQUESTRATION; OTHER STATE PAYMENTS.**—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended further by adding at the end the following new subsections:

“(g) Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 902) shall affect any payment under any contract entered into at any time that is subject to this subchapter, including contracts entered into prior to the date of enactment of this subsection.

“(h) In addition to any payment under this subchapter, an owner or operator may receive cost share assistance, rental payments, or tax benefits from a State or subdivision thereof for enrolling lands in the conservation reserve program.”.

SEC. 1435. CONVERSION OF LAND SUBJECT TO CONTRACT.

Subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1235 (16 U.S.C. 3835) the following new section:

16 USC 3835a.

“SEC. 1235A. CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.

“(a) **CONVERSION TO TREES.**—

“(1) **IN GENERAL.**—The Secretary shall permit an owner or operator who has entered into a contract under this subchapter that is in effect on the date of enactment of this section to convert areas of highly erodible cropland that are subject to such contract, and that are devoted to vegetative cover, from such use to hardwood trees, windbreaks, shelterbelts, or wildlife corridors.

“(2) **TERMS.**—

“(A) **EXTENSION OF CONTRACT.**—With respect to any contract on land to be devoted to hardwood trees, windbreaks, shelterbelts, or wildlife corridors under this section, if the original term of such contract was less than 15 years, the owner or operator may extend such contract to a term of not to exceed 15 years.

“(B) **EASEMENTS.**—If such areas are converted to windbreaks, shelterbelts, or wildlife corridors under this section, the owner of such land shall enter into an agreement to provide a conservation easement to the Secretary for the useful life of such plantings.

“(C) COST SHARE ASSISTANCE.—The Secretary shall pay 50 percent of the cost of establishing conservation measures and practices authorized under this subsection for which the Secretary determines the cost sharing is appropriate and in the public interest.

“(b) CONVERSION TO WETLANDS.—The Secretary shall permit an owner or operator who has entered into a contract under this subchapter that is in effect on the date of enactment of this section to restore areas of highly erodible cropland that are devoted to vegetative cover under such contract to wetlands if—

“(1) such areas are prior converted wetlands;

“(2) the owner or operator of such areas enters into an agreement to provide the Secretary with a long-term or permanent easement under subchapter C covering such areas;

“(3) there is a high probability that the prior converted area can be successfully restored to wetland status; and

“(4) the restoration of such areas otherwise meets the requirements of subchapter C.

“(c) LIMITATION.—The Secretary shall not incur, through a conversion under this section, any additional expense on such acres, including the expense involved in the original establishment of the vegetative cover, that would result in cost share for costs in excess of the costs that would have been subject to cost share for the new practice had that practice been the original practice.

“(d) CONDITION OF CONTRACT.—An owner or operator shall as a condition of entering into a contract under subsection (a) participate in the Forest Stewardship Program established under section 5 of the Cooperative Forestry Assistance Act of 1978 (as amended by section 1215 of the Food, Agriculture, Conservation, and Trade Act of 1990).”.

SEC. 1436. EXTENDED BASE PROTECTION.

Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsections: 16 USC 3836.

“(c) The Secretary shall offer the owner or operator of a farm or ranch an opportunity to extend the preservation of cropland base and allotment history pursuant to subsection (b) for such time as the Secretary determines to be appropriate after the expiration date of a contract under this subchapter at the request of such owner or operator. In return for such extension, the owner or operator shall agree to continue to abide by the terms and conditions of the original contract, except that—

“(1) such owner or operator shall receive no additional cost share, annual rental, or bonus payment; and

“(2) the Secretary may permit, subject to such terms and conditions as the Secretary may impose, haying and grazing of acreage subject to such agreement, except during any consecutive 5 month period that is established by the State committee. Each 5 month period shall be established during the period beginning April 1 and ending October 31 of a year. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage.

“(d) In addition to any other remedy prescribed by law, the Secretary may reduce or terminate the amount of cropland base and allotment history preserved pursuant to subsection (c) for acreage with respect to which a violation of a term or condition occurs.”.

16 USC 3831
note.

SEC. 1437. STUDY OF LAND USE FOR EXPIRING CONTRACTS AND EXTENSION OF AUTHORITY.

(a) **IN GENERAL.**—The Secretary of Agriculture shall conduct a study of cropland subject to expiring conservation reserve contracts entered into prior to the date of enactment of this Act under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.). Such study shall include the consideration of—

- (1) the environmental benefits of such lands that remain out of crop production as compared to the economic benefits that would result from returning such lands to production under adequate stewardship and management;
- (2) the renewal of the contracts in a manner that allows for certain sustainable economic uses of cropland in return for lower rental payments;
- (3) the purchase of permanent easements permitting specified economic uses of cropland subject to the contracts;
- (4) the purchase of the cropland subject to the contracts;
- (5) the preservation of crop acreage bases associated with cropland subject to the contracts if the owner or operator continues to devote the cropland to conserving uses;
- (6) the purchase of crop acreage bases associated with cropland subject to the contracts; and
- (7) the expiration of the contracts.

(b) **REPORT.**—Not later than December 31, 1993, the Secretary of Agriculture shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report concerning the results of the study conducted under subsection (a) and recommendations concerning the treatment of lands subject to expiring contracts under subtitle D of title XII of the Food Security Act of 1985, proposed legislation addressing the treatment of such lands, and the projected cost of such treatment.

(c) **EXTENSIONS.**—During the 1996 through 2000 calendar years, the Secretary of Agriculture may—

- (1) extend up to 10 years contracts entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831) prior to the date of enactment of this Act; or

- (2) purchase long-term or permanent easements as provided for in chapter 3;

at the option of the owner or operator on land that the Secretary has determined under the study conducted under subsection (a) should remain in conserving uses.

SEC. 1438. WETLANDS RESERVE PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended by adding after section 1236 the following new subchapter:

“Subchapter C—Wetlands Reserve Program

16 USC 3837.

“SEC. 1237. WETLANDS RESERVE PROGRAM.

“(a) **ESTABLISHMENT.**—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

“(b) **NUMBER OF ACRES.**—To the extent practicable, the Secretary shall attempt to enroll into the wetlands reserve program, 1,000,000 acres of land during the 1991 through 1995 calendar years; except that the Secretary may not enroll more than 200,000 acres in 1991, 400,000 acres in the 1991 to 1992 period, 600,000 acres in the 1991 to 1993 period, 800,000 acres in the 1991 to 1994 period, and 1,000,000 acres in the 1991 to 1995 period.

“(c) **ELIGIBILITY.**—For purposes of enrolling land in the wetland reserve established under this subchapter during the 1991 through 1995 calendar years, land shall be eligible to be placed into such reserve if the Secretary, in consultation with the Secretary of the Interior at the local level, determines that—

“(1) such land is farmed wetland or converted wetland, together with adjacent lands that are functionally dependent on such wetlands, except that converted wetlands where the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; and

“(2) the likelihood of the successful restoration of such land and the resultant wetland values merit inclusion of such land in the program taking into consideration the cost of such restoration.

“(d) **OTHER ELIGIBLE LAND.**—The Secretary may include in the wetland reserve established under this subchapter, together with land that is eligible under subsection (d)—

“(1) farmed wetland and adjoining lands, enrolled in the conservation reserve, with the highest wetland functions and values, and that are likely to return to production after they leave the conservation reserve;

“(2) other wetland of an owner that would not otherwise be eligible if the Secretary determines that the inclusion of such wetland in such easement would significantly add to the functional value of the easement; and

“(3) riparian areas that link wetlands that are protected by easements or some other device or circumstance that achieves the same purpose as an easement.

“(e) **INELIGIBLE LAND.**—The Secretary may not acquire easements on—

“(1) land that contains timber stands established under the conservation reserve under subchapter B; or

“(2) pasture land established to trees under the conservation reserve under subchapter B.

“(f) **TERMINATION OF EXISTING CONTRACT.**—The Secretary may terminate or modify an existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program established by this subchapter.

“(g) **EASEMENTS.**—The Secretary shall enroll lands in the wetland reserve through the purchase of easements as provided for in section 1237A.

“SEC. 1237A. EASEMENTS.

16 USC 3837a.

“(a) **IN GENERAL.**—To be eligible to place land into the wetland reserve under this subchapter, the owner of such land shall enter into an agreement with the Secretary—

Government contracts.

“(1) to grant an easement on such land to the Secretary;

“(2) to implement a wetland easement conservation plan as provided for in this section;

Records.

“(3) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to under this subchapter with respect to such lands; and

“(4) to provide a written statement of consent to such easement signed by those holding a security interest in the land.

“(b) TERMS OF EASEMENT.—An owner granting an easement under subsection (a) shall be required to provide for the restoration and protection of the functional values of wetland pursuant to a wetland easement conservation plan that—

“(1) permits—

“(A) repairs, improvements, and inspections on such land that are necessary to maintain existing public drainage systems if such land is subsequently restored to the condition required by the terms of the easement; and

“(B) landowners to control public access on the easement areas while identifying access routes to be used for wetland restoration activities and management and easement monitoring;

“(2) prohibits—

“(A) the alteration of wildlife habitat and other natural features of such land, unless specifically permitted by the plan;

“(B) the spraying of such land with chemicals or the mowing of such land, except where such spraying or mowing is permitted by the plan or is necessary—

“(i) to comply with Federal or State noxious weed control laws; or

“(ii) to comply with a Federal or State emergency pest treatment program; and

“(C) any activities to be carried out on such participating landowner's or successor's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land; and

“(D) the adoption of any other practice that would tend to defeat the purposes of this subchapter, as determined by the Secretary;

“(3) provides for the efficient and effective restoration of the functional values of wetlands; and

“(4) includes such additional provisions as the Secretary determines are desirable to carry out this subchapter or to facilitate the practical administration thereof.

“(c) RESTORATION PLANS.—

“(1) PLANS.—The development of restoration plans under this section shall be made through the agreement of the local representative of the Soil Conservation Service and a representative of the Fish and Wildlife Service. If agreement cannot be reached at the local level under the preceding sentence within a reasonable period of time, such plans shall be referred to the State Conservationist, who in developing such plans under this paragraph, shall consult with the Fish and Wildlife Service.

“(2) REPORT.—The State Conservationist and a representative of the Fish and Wildlife Service shall report to their respective national offices concerning all plans developed under paragraph (1) at the State level as a result of an agreement not being reached at the local level.

“(d) COMPATIBLE USES.—Wetland reserve program lands may be used for compatible economic uses, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is specifically permitted by the plan and consistent with the long-term protection and enhancement of the wetlands resources for which the easement was established.

“(e) TYPE AND LENGTH OF EASEMENT.—A conservation easement granted under this section—

“(1) shall be in a recordable form; and

Records.

“(2) shall be for 30 years, permanent, or the maximum duration allowed under applicable State laws.

“(f) COMPENSATION.—Compensation for easements acquired by the Secretary under this subchapter shall be made in cash in such amount as is agreed to and specified in the easement agreement, but not to exceed the fair market value of the land less the fair market value of such land encumbered by the easement. Lands may be enrolled through the submission of bids under a procedure established by the Secretary. Compensation may be provided in not less than 5 nor more than 20 annual payments of either equal or unequal size, except in the case of a permanent easement, a single lump-sum payment may be provided, as agreed on by the owner and the Secretary.

“(g) VIOLATION.—On the violation of the terms or conditions of the easement or related agreement entered into under subsection (a), the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, together with interest thereon as determined appropriate by the Secretary.

“SEC. 1237B. DUTIES OF OWNERS.

16 USC 3837b.

“Under the terms of an agreement entered into under this subchapter, an owner and operator of the land that is subject to an easement under this subchapter shall agree to comply with the terms of the easement and related agreements and shall agree to the permanent retirement of any existing cropland base and allotment history for such land under any program administered by the Secretary.

“SEC. 1237C. DUTIES OF THE SECRETARY.

16 USC 3837c.

“(a) IN GENERAL.—In return for the granting of an easement by an owner under this subchapter, the Secretary shall—

“(1) share the cost of carrying out the establishment of conservation measures and practices, and the protection of the wetland functions and values, as set forth in the plan to the extent that the Secretary determines that cost sharing is appropriate and in the public interest; and

“(2) provide necessary technical assistance to assist owners in complying with the terms and conditions of the easement and the plan.

Technical assistance.

“(b) COST SHARE ASSISTANCE.—In making cost share payments under subsection (a)(1), the Secretary shall pay the owner an amount that is not less than 50 percent but not more than 75 percent of eligible costs with respect to an easement which is not permanent, and not less than 75 percent but not more than 100 percent of eligible costs with respect to a permanent easement.

“(c) ACCEPTABILITY OF OFFERS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

“(1) the extent to which the purposes of the easement program would be achieved on the land;

“(2) the productivity of the land; and

“(3) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.

“(d) EASEMENT PRIORITY.—In carrying out this subchapter, to the extent practicable, taking into consideration costs and future agricultural and food needs, the Secretary shall give priority to obtaining permanent conservation easements before shorter term conservation easements and, in consultation with the Secretary of the Interior, shall place priority on acquiring easements based on the value of the easement for protecting and enhancing habitat for migratory birds and other wildlife.

16 USC 3837d.

“SEC. 1237D. PAYMENTS.

“(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under this subchapter—

“(1) with respect to any cost sharing obligation as soon as possible after the obligation is incurred; and

“(2) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

Regulations.

“(b) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“(c) PAYMENT LIMITATION.—

“(1) IN GENERAL.—The total amount of easement payments made to a person under this subchapter for any year may not exceed \$50,000, except such limitation shall not apply with respect to payments for perpetual easements.

“(2) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

“(3) OTHER PAYMENTS.—Easement payments received by an owner shall be in addition to, and not affect, the total amount of payments that such owner is otherwise eligible to receive under this Act, the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(4) STATE WETLAND AND ENVIRONMENTAL ENHANCEMENT.—The provisions of this subsection that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note), shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special wetland and environmental easement enhancement program carried out by that entity that has been approved by the Secretary. The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies thereof that the Secretary determines will advance the purposes of this subchapter.

“(d) **EXEMPTION FROM AUTOMATIC SEQUESTER.**—Notwithstanding any other provision of law, no order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 902) shall affect any payment under this subchapter.

“SEC. 1237E. **CHANGES IN OWNERSHIP; AGREEMENT MODIFICATION; TERMINATION.** 16 USC 3837e.

“(a) **LIMITATIONS.**—No easement shall be created under this subchapter on land that has changed ownership in the preceding 12 months unless—

“(1) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(2) the new ownership was acquired before January 1, 1990; or

“(3) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program established by this subchapter.

“(b) **MODIFICATION; TERMINATION.**—

“(1) **MODIFICATION.**—The Secretary may modify an easement acquired from, or a related agreement with, an owner under this subchapter if—

“(A) the current owner agrees to such modification; and

“(B) the Secretary determines that such modification is desirable—

“(i) to carry out this subchapter;

“(ii) to facilitate the practical administration of this subchapter; or

“(iii) to achieve such other goals as the Secretary determines are appropriate and consistent with this subchapter.

“(2) **TERMINATION.**—

“(A) **IN GENERAL.**—The Secretary may terminate an easement created with an owner under this subchapter if—

“(i) the current owner agrees to such termination; and

“(ii) the Secretary determines that such termination would be in the public interest.

“(B) **NOTICE.**—At least 90 days before taking any action to terminate under paragraph (A) all easements entered into under this subchapter, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“SEC. 1237F. **ADMINISTRATION, AND FUNDING.**

16 USC 3837f.

“(a) **DELEGATION OF EASEMENT ADMINISTRATION.**—The Secretary may delegate any of the easement management, monitoring, and enforcement responsibilities of the Secretary to Federal or State agencies that have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities.

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

SEC. 1439. AGRICULTURAL WATER QUALITY INCENTIVES.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) (as amended by section 1438) is further amended by adding after section 1237F the following new chapter:

“CHAPTER 2—AGRICULTURAL WATER QUALITY INCENTIVES**16 USC 3838. “SEC. 1238. POLICY.**

“The policy of Congress is that water quality protection, including source reduction of agricultural pollutants, henceforth shall be an important goal of the programs and policies of the Department of Agriculture. Furthermore, agricultural producers in environmentally sensitive areas should request assistance to develop and implement on-farm water quality protection plans in order to assist in compliance with State and Federal environmental laws and to enhance the environment.

16 USC 3838a. “SEC. 1238A. DEFINITIONS.

“As used in this chapter—

“(1) **AGRICULTURAL WATER QUALITY PROTECTION PRACTICE.**—The term ‘agricultural water quality protection practice’ means a farm-level practice or a system of practices designed to protect water quality by mitigating or reducing the release of agricultural pollutants, including nutrients, pesticides, animal waste, sediment, salts, biological contaminants, and other materials, into the environment.

“(2) **SOURCE REDUCTION.**—The term ‘source reduction’ means minimizing the generation, emission, or discharge of agricultural pollutants or wastes through the modification of agricultural production systems and practices.

16 USC 3838b. “SEC. 1238B. AGRICULTURAL WATER QUALITY PROTECTION PROGRAM.

“(a) **INCENTIVES.**—

“(1) **IN GENERAL.**—During the 1991 through 1995 calendar years, the Secretary shall formulate and carry out a voluntary incentive program, in accordance with this chapter, through agreements to assist owners and operators of a farm in developing and implementing a water quality protection plan pursuant to this section.

“(2) **AGREEMENTS.**—The Secretary shall enter into agreements of 3 to 5 years upon the request of owners and operators of farms in eligible areas but shall not enter into any such agreements after December 31, 1995.

“(3) **DUTIES OF OWNERS AND OPERATORS.**—In order to receive annual incentive payments, an owner or operator of a farm must agree—

“(A) to implement a water quality protection plan approved by the Secretary subject to the agreement established under this chapter;

“(B) not to conduct any practices on the farm that would tend to defeat the purposes of this chapter;

“(C) to comply with such additional provisions as the Secretary determines are desirable and are included in the agreement to carry out the water quality protection plan or to facilitate the practical administration of the program;

“(D) on the violation of a term or condition of the agreement at any time the owner or operator has control of the land to refund any incentive or cost share payment received with interest and forfeit any such future payments as determined by the Secretary;

“(E) on the transfer of the right and interest of the owner or operator in land subject to the agreement, unless the transferee of such right and interest agrees with the Secretary to assume all obligations of the agreement, to refund any such cost share and incentive payments received under this chapter, as determined by the Secretary;

“(F) to accurately report nutrient, pesticide and animal waste materials usage rates on management areas for three previous years; and

“(G) to supply production evidence, well test results, soil tests, tissue tests, nutrient application levels, pesticide application levels, and animal waste material usage levels, to the Soil Conservation Service or another designee of the Secretary including the local conservation district for each year of the agreement, as determined necessary by the Secretary.

“(4) WETLAND OR WILDLIFE HABITAT OPTIONS.—

“(A) COST SHARE ASSISTANCE.—Owners and operators who voluntarily agree to develop and implement agricultural production practices, in concert with their water quality protection plan, that preserve and enhance wetland or wildlife habitat, shall also be eligible to receive cost share assistance for the implementation of such practices. The Secretary shall develop procedures for approving such agricultural practices, as a part of and consistent with the objectives of the water quality protection plan, that qualify for cost share assistance.

“(B) WETLAND PRESERVATION AND WILDLIFE HABITAT IMPROVEMENT OPTIONS.—

“(i) WETLAND PRESERVATION.—The Secretary shall encourage owners and operators who choose the wetland preservation option to implement, improve and maintain agricultural production practices, in concert with their water quality protection plan, that are designed to preserve and enhance existing wetland.

“(ii) WILDLIFE HABITAT IMPROVEMENT.—The Secretary shall encourage owners and operators who choose the wildlife habitat improvement option to implement, improve and maintain agricultural production practices, in concert with their water quality protection plan, that are designed to improve on-farm wildlife habitat, including the establishment of perennial cover, the protection of riparian areas, wildlife corridors, and areas of critical habitat for endangered species.

“(5) DUTIES OF THE SECRETARY.—In return for an incentive agreement voluntarily entered into under this chapter, the Secretary shall assist the owner or operator in the protection and improvement of surface and groundwater quality and related resources by—

“(A) providing an eligibility assessment of the farming operation as a basis for developing the water quality protection plan and any options associated with such plan;

Technical
assistance.

“(B) providing technical assistance in developing and implementing agricultural water quality protection plans;

“(C) providing an annual incentive payment for developing and implementing agricultural production practices in accordance with an approved water quality protection plan submitted by the owner or operator;

“(D) providing cost share assistance for implementing the wetland preservation or wildlife habitat improvement options;

“(E) providing participants with information, education, and training to aid in implementation of a plan; and

“(F) encouraging the owner or operator to obtain cost share assistance under other Federal, State, or local cost share programs.

“(6) PAYMENTS.—

“(A) TERMS.—Payments shall be made under this section for a period of not less than 3 nor more than 5 years, as determined appropriate by the Secretary, and as specified in the contract entered into under the program established under this chapter.

“(B) AMOUNTS.—

“(i) INCENTIVE.—In determining the amount of incentive payment to be made to a participant under this chapter, the Secretary shall consider, among other things, the amount necessary on a per acre basis to encourage producers to participate, additional costs incurred by the producer, and the production values forgone, if any, in implementing the practices.

“(ii) LIMITATION.—Cost share payments shall be made in an amount not to exceed 50 percent of the cost of the eligible practice.

“(C) LIMITATIONS.—Payments to a participant agreeing to implement a plan on acres devoted to the production of an agricultural commodity under this chapter shall not exceed—

“(i) \$3500 per person per year in the form of incentive payments; and

“(ii) not more than an additional \$1500 per person per contract in the form of cost share assistance.

“(D) MANNER.—The Secretary may make a lump sum payment to an owner or operator of the total incentive payments required under a contract entered into under this chapter, as reduced to present value, if such lump sum payment is necessary to enable the producer to pay the initial costs of implementing a practice required under such contract.

“(E) OTHER PROGRAMS.—Payments received by an owner or operator under this chapter shall be in addition to, and not affect, the total amount of payments that such owner or operator is otherwise eligible to receive under this Act, the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), except that payments for a practice or practices shall not be made under this chapter if payments or assistance is provided for such practice under any other Federal program.

“(7) MODIFICATIONS.—The Secretary may modify an agreement entered into with a participant under this chapter if the

participant agrees to such modification and the Secretary determines such modifications are desirable—

“(A) to carry out this chapter;

“(B) if natural causes prevent the implementation, improvement or maintenance of practices as required under such contract;

“(C) if the contract cannot be carried out without economic losses that threaten the viability of the farming operation;

“(D) if the owner or operator and the Secretary agree on contract modifications that will not compromise the water quality goals and objectives in the existing contract and that will be no less effective or timely in achieving such goals and objectives than the existing contract;

“(E) to facilitate the practical administration of this chapter; or

“(F) to achieve such other goals as the Secretary determines are appropriate, consistent with this chapter.

“(8) **TERMINATION.**—The Secretary may terminate an agreement entered into with a participant under this chapter if—

“(A)(i) the producer agrees to such termination; or

“(ii) the producer violates the terms and conditions of the agreement; and

“(B) the Secretary determines that such termination would be in the public interest.

“(9) **REFUNDS.**—The Secretary shall obtain refunds of incentive and cost share payments with interest, to the extent determined by the Secretary to be in the public interest, if an agreement is terminated or violated.

“(10) **BASE AND YIELD PROTECTION.**—An owner or operator agreeing to implement an approved water quality protection plan pursuant to this chapter shall, by regulations established by the Secretary, receive program payment yield and base protection on the farm during the agreement period.

Regulations.

“(11) **ACREAGE LEVELS.**—The Secretary shall, to the extent practicable, seek to enter into agreements with participants to place into the program a total of 10 million acres during the 1991 through 1995 calendar years.

Government contracts.

“(b) **CONTENT OF PLANS.**—Agricultural water quality protection plans should include as applicable—

“(1) a description of the prevailing farm enterprises, cropping patterns, and cultural practices, and other information that may be relevant to protecting water quality on the farm;

“(2) a description of farm resources, including soil characteristics, proximity to water bodies, and other relevant characteristics of the farm related to water quality;

“(3) to the extent practicable, specific, quantitative water quality protection goals and objectives that will minimize contamination or degradation of surface or ground water;

“(4) water quality protection practices that will, if implemented by a producer, assist such producer in complying with State and Federal environmental laws, and where appropriate, will complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

“(5) the specific agricultural production practices that will be implemented, improved and maintained, including practices

that ensure continued farm productivity and profitability by promoting the efficient use of fertilizers, other crop nutrients, and pesticides, as well as management practices that are to be avoided, in order to carry out and achieve the water quality goals and objectives of the producer;

“(6) to the extent practicable, water quality protection practices for safe storage, mixing and loading of pesticides and fertilizers, and storage and handling of animal waste;

“(7) the timing and sequence for implementing such practices that will assist the producer in complying with State and Federal environmental laws, taking into consideration schedules that may be established in such laws;

“(8) information that will enable evaluation of the effectiveness of the plan in protecting water quality; and

“(9) recommendations of application rates and disposal methods of nutrients, pesticides, and animal waste materials as recommended by the Secretary.

“(c) **PLAN DEVELOPMENT.**—The Secretary, acting through the Assistant Secretary for Natural Resources and Environment, shall establish a procedure to enable agricultural producers to develop agricultural water quality protection plans pursuant to this section.

“(d) **PROTECTION OF CONFIDENTIALITY.**—The Secretary shall protect the confidentiality of the information contained in these plans to the extent confidentiality is provided under current law to information contained in conservation plans under section 1212. The Secretary shall provide notice to producers that information contained in the plans developed under this subsection will be available to the public upon request.

“(e) **ACCEPTANCE OF CONTRACTS.**—The Secretary shall begin accepting contracts within one year after the date of enactment of this chapter.

“(f) **FEDERAL OR STATE PROVISIONS.**—Acceptance of an agreement under this section or receipt of assistance pursuant to section 1238D shall not be deemed to satisfy the requirements of any State or Federal law.

Public
information.

16 USC 3838c.

“SEC. 1238C. ELIGIBLE LANDS.

“(a) **ELIGIBLE LANDS.**—Lands eligible for enrollment in the program pursuant to section 1238B or for technical assistance pursuant to section 1238D shall include—

“(1) areas that are not more than 1,000 feet from a public well unless a larger wellhead area is deemed desirable for inclusion by the Secretary in consultation with the Environmental Protection Agency and the State agency responsible for the State's operations under the Safe Drinking Water Act (42 U.S.C. 300h-7);

“(2) areas that are in shallow Karst topography areas where sinkholes convey runoff water directly into ground water;

“(3) areas that are considered to be critical cropland areas within hydrologic units identified in a plan submitted by the State under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) as having priority problems that result from agricultural nonpoint sources of pollution;

“(4) areas where agricultural nonpoint sources have been determined to pose a significant threat to habitat utilized by threatened and endangered species;

“(5) areas recommended by State lead agencies for environmental protection as designated by a Governor of a State;

“(6) in consultation with the Secretary, other areas recommended by the Administrator of the Environmental Protection Agency or the Secretary of the Interior;

“(7) lands that are not located within the designated or approved areas but that are located such that if permitted to continue to operate under existing management practices would defeat the purpose of the program as determined by the Secretary; or

“(8) areas contributing to identified water quality problems in areas designated by the Secretary.

“(b) **PRIORITY LANDS.**—In accepting agreements pursuant to this section and providing assistance pursuant to section 1238D, the Secretary shall give priority to lands on which agricultural production has been determined to contribute to, or creates, the potential for failure to meet applicable water quality standards or the goals and requirements of Federal or State laws governing surface and ground water quality, in consultation with State officials having responsibility for monitoring and protecting water quality, the management of which provide the greatest public benefit as determined by the Secretary.

“**SEC. 1238D. TECHNICAL ASSISTANCE FOR WATER QUALITY PROTECTION.** 16 USC 3838d.

“(a) **IN GENERAL.**—Upon request, the Secretary shall provide technical assistance to agricultural producers on eligible lands to assist such producers in developing and implementing agricultural water quality protection plans.

“(b) **FIELD OFFICE TECHNICAL GUIDANCE FOR WATER QUALITY PROTECTION.**—

“(1) **DEVELOPMENT.**—The Secretary shall develop guidance materials describing a process to assist agricultural producers in preparing and implementing on-farm agricultural water quality protection plans necessary to assist in complying with State and Federal environmental laws, and to implement the agricultural water quality protection policy established by this chapter.

“(2) **CONTENT.**—The guidance materials required under this subsection shall reflect local agronomic, economic and ecological conditions to the extent practicable, and include and describe in detail—

“(A) procedures to identify potential sources of pollution on a farm;

“(B) to the extent practicable, a range of water quality protection practices, and their economic cost and benefit, that is suitable to local ecological characteristics and prevailing farm enterprises and that complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

“(C) storage, mixing, and loading practices for on-farm pesticide and fertilizer use to protect water quality;

“(D) information regarding relevant State and Federal environmental laws that may impact upon the producer;

“(E) criteria to evaluate the effectiveness of on-farm plans in protecting water quality and provide aggregate data to aid in evaluating compliance with State and Federal environmental laws; and

“(F) means to evaluate the economic costs and benefits of agricultural water quality protection practices, including source reduction practices.

“(3) DEADLINE.—Local guidance materials shall be developed no later than two years after the date of enactment of this chapter and up-dated periodically, but not less than every two years.

“(4) CONSULTATION.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and relevant State agencies in developing guidance materials under this section to ensure that such materials contain accurate and up-to-date technical information on practices designed to protect water quality.

Technical
assistance.

“(c) PERSONNEL.—The Secretary shall designate the Soil Conservation Service as the lead agency for purposes of providing technical assistance in connection with implementing this chapter, and shall assign such personnel from the Extension Service, Agricultural Research Service, and other agencies as are necessary to fulfill the purposes of this chapter. The Secretary may request the services of the State water quality agencies, State fish and wildlife agencies, State forestry agencies, or any other source deemed appropriate to assist in providing the technical assistance necessary for the development and implementation of the water quality protection plans.

“(d) LIMITATION OF LIABILITY.—No person shall be permitted to bring or pursue any claim or action against any official or entity based upon or resulting from any technical assistance provided to assist in complying with State or Federal environmental laws under subsection (b)(1) of this section.

16 USC 3838e.

“SEC. 1238E. DEMONSTRATION AND PILOT PROGRAMS.

“(a) DEMONSTRATION AND MODEL FARM PROGRAMS.—To the extent practicable and consistent with the requirements of the program established under this chapter and the priority described in section 1238C(b), the Secretary may enter into contracts under this chapter with owners and operators to facilitate the participation by such owners or operators in demonstration or model farm programs that are sponsored by governmental or private nonprofit entities and are designed to provide education on, disseminate information about, and demonstrate the practical application of agricultural production practices that reduce the potential for contamination or degradation of surface water or ground water while emphasizing practices that enhance profitability and productivity.

“(b) PILOT PROGRAMS.—To complement and enhance the effectiveness of the program established under this chapter, the Secretary may establish pilot programs, for implementation in areas determined to be priority areas under section 1238C(b), that shall be designed to provide assistance to address a wide range of farming operations and production conditions that enhance the efficient use of farm inputs and reduce waste.”.

16 USC 3838f.

“SEC. 1238F. REPORT TO CONGRESS.

“Not later than September 30, 1992, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report describing the degree of participation in the planning process and program established in this subtitle, including the number of plans that have been prepared, information

on the number of plans that are in implementation, including the number and acreage of farms engaged in planning by type of environmentally sensitive area, information relevant for evaluating the effectiveness of agricultural water quality plans in protecting water quality, and other information pertinent to implementation of this chapter. A final report shall be submitted no later than September 30, 1994.”

SEC. 1440. ENVIRONMENTAL EASEMENT PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) (as amended by section 1439) is further amended by adding after section 1238F the following new chapter:

“CHAPTER 3—ENVIRONMENTAL EASEMENT PROGRAM

“SEC. 1239. ENVIRONMENTAL EASEMENT PROGRAM.

16 USC 3839.

“(a) **ESTABLISHMENT.**—The Secretary shall, during the 1991 through 1995 calendar years, formulate and carry out an environmental easement program (hereafter in this chapter referred to as the ‘easement program’) in accordance with this chapter, through the acquisition of permanent easements or easements for the maximum term permitted under applicable State law from willing owners of eligible farms or ranches in order to ensure the continued long-term protection of environmentally sensitive lands or reduction in the degradation of water quality on such farms or ranches through the continued conservation and improvement of soil and water resources.

“(b) **ELIGIBILITY; TERMINATION.**—

“(1) **IN GENERAL.**—The Secretary may acquire easements under this section on land placed in the conservation reserve under this subtitle (other than such land that is likely to continue to remain out of production and that does not pose an off-farm environmental threat), land under the Water Bank Act (16 U.S.C. 1301), or other cropland that—

“(A) contains riparian corridors,

“(B) is an area of critical habitat for wildlife, especially threatened or endangered species; or

“(C) contains other environmentally sensitive areas, as determined by the Secretary, that would prevent a producer from complying with other Federal, State, or local environmental goals if commodities were to be produced on such land.

“(2) **INELIGIBLE LAND.**—The Secretary may not acquire easements on—

“(A) land that contains timber stands established under the conservation reserve under subtitle D; or

“(B) pasture land established to trees under the conservation reserve under subtitle D.

“(3) **TERMINATION OF EXISTING CONTRACT.**—The Secretary may terminate or modify any existing contract entered into under section 1231(a) if eligible land that is subject to such contract is transferred into the program established by this chapter.

“SEC. 1239A. DUTIES OF OWNERS; COMPONENTS OF PLAN.

16 USC 3839a.

“(a) **DUTIES OF OWNERS.**—

“(1) **PLAN.**—In conjunction with the creation of an easement on any lands under this chapter, the owner of the farm or ranch

wherein such lands are located must agree to implement a natural resource conservation management plan under subsection (b) approved by the Secretary in consultation with the Secretary of the Interior.

“(2) AGREEMENT.—In return for the creation of an easement on any lands under this chapter, the owner of the farm or ranch wherein such lands are located must agree to the following:

“(A) To the creation and recordation of an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to under this chapter with respect to such lands.

“(B) To provide a written statement of consent to such easement signed by those holding a security interest in the land.

“(C) To comply with such additional provisions as the Secretary determines are desirable and are included in the easement to carry out this chapter or to facilitate the practical administration thereof.

“(D) To specify the location of any timber harvesting on land subject to the easement. Harvesting and commercial sales of Christmas trees and nuts shall be prohibited on such land, except that no such easement or related agreement shall prohibit activities consistent with customary forestry practices, such as pruning, thinning, or tree stand improvement on lands converted to forestry uses.

“(E) To limit the production of any agricultural commodity on such lands only to production for the benefit of wildlife.

“(F) Not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the easement unless specifically provided for in the easement or related agreement.

“(G) Not to adopt any other practice that would tend to defeat the purposes of this chapter, as determined by the Secretary.

“(3) VIOLATION.—On the violation of the terms or conditions of the easement or related agreement entered into under this section, the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under this chapter, together with interest thereon as determined appropriate by the Secretary.

“(b) COMPONENTS OF PLAN.—The natural resource conservation management plan referred to in subsection (a)(1) (hereafter referred to as the ‘plan’)—

“(1) shall set forth—

“(A) the conservation measures and practices to be carried out by the owner of the land subject to the easement; and

“(B) the commercial use, if any, to be permitted on such land during the term of the easement; and

“(2) shall provide for the permanent retirement of any existing cropland base and allotment history for such land under any program administered by the Secretary.

Forests and
forest products.
Nuts.

16 USC 3839b.

“SEC. 1239B. DUTIES OF THE SECRETARY.

“In return for the granting of an easement by an owner under this chapter, the Secretary shall—

“(1) share the cost of carrying out the establishment of conservation measures and practices set forth in the plan for which the Secretary determines that cost sharing is appropriate and in the public interest;

“(2) pay for a period not to exceed 10 years annual easement payments in the aggregate not to exceed the lesser of—

“(A) \$250,000; or

“(B) the difference in the value of the land with and without an easement;

“(3) provide necessary technical assistance to assist owners in complying with the terms and conditions of the easement and the plan; and

Technical assistance.

“(4) permit the land to be used for wildlife activities, including hunting and fishing, if such use is permitted by the owner.

Hunting.
Fishing.

“SEC. 1239C. PAYMENTS.

16 USC 3839c.

“(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under this chapter—

“(1) with respect to any cost sharing obligation as soon as possible after the obligation is incurred; and

“(2) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

“(b) COST SHARING PAYMENTS.—In making cost sharing payments to owners under this chapter, the Secretary may pay up to 100 percent of the cost of establishing conservation measures and practices pursuant to this chapter.

“(c) EASEMENT PAYMENTS; ACCEPTABILITY OF OFFERS.—

“(1) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount payable to owners in the form of easement payments under this chapter, and in making such determination may consider, among other things, the amount necessary to encourage owners to participate in the easement program.

“(2) ACCEPTABILITY OF OFFERS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

“(A) the extent to which the purposes of the easement program would be achieved on the land;

“(B) the productivity of the land; and

“(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.

“(d) FORM OF PAYMENT.—Except as otherwise provided in this section, payments under this chapter—

“(1) shall be made in cash in such amount and at such time as is agreed on and specified in the easement or related agreement; and

“(2) may be made in advance of a determination of performance.

“(e) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this chapter dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

“(f) PAYMENT LIMITATION.—

“(1) IN GENERAL.—The total amount of easement payments made to a person under this chapter for any year may not exceed \$50,000.

“(2) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

“(3) OTHER PAYMENTS.—Easement payments received by an owner shall be in addition to, and not affect, the total amount of payments that such owner is otherwise eligible to receive under this Act, the Food, Agriculture, Conservation, and Trade Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(4) STATE ENVIRONMENTAL ENHANCEMENT.—The provisions of this subsection that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note), shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under an environmental easement enhancement program carried out by that entity that has been approved by the Secretary. The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies thereof that the Secretary determines will advance the purposes of this chapter.

“(g) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 902) shall affect any payment under this chapter.

16 USC 3839d.

“SEC. 1239D. CHANGES IN OWNERSHIP; MODIFICATION OF EASEMENT.

“(a) LIMITATIONS.—No easement shall be created under this chapter on land that has changed ownership in the preceding 12 months unless—

“(1) the new ownership was acquired by will or succession as a result of the death of the previous owner;

“(2) the new ownership was acquired before January 1, 1990;

or

“(3) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program established by this chapter.

“(b) MODIFICATION; TERMINATION.—

“(1) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner under this chapter if—

“(A) the current owner of the land agrees to such modification; and

“(B) the Secretary determines that such modification is desirable—

“(i) to carry out this chapter;

“(ii) to facilitate the practical administration of this chapter; or

“(iii) to achieve such other goals as the Secretary determines are appropriate and consistent with this chapter.

“(2) TERMINATION.—

“(A) IN GENERAL.—The Secretary may terminate an easement created with an owner under this chapter if—

“(i) the current owner of the land agrees to such termination; and

“(ii) the Secretary determines that such termination would be in the public interest.

“(B) NOTICE.—At least 90 days before taking any action to terminate under subparagraph (A) all easements entered into under this chapter, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.”.

SEC. 1441. TREE PLANTING INITIATIVE.

(a) TREE PLANTING INITIATIVE.—Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end of subtitle F the following new section:

“SEC. 1256. TREE PLANTING INITIATIVE.

16 USC 2101
note.

“(a) MAINTENANCE, AFFORESTATION, AND REFORESTATION OF FOREST LANDS.—

“(1) POLICY.—It is the policy of the United States to—

“(A) promote the retention and management of lands currently in forest cover as forested lands;

“(B) provide for the reforestation of Federal, State, and private nonindustrial forest lands following timber harvest or loss of cover due to fire, insect damage, disease or damaging weather;

“(C) encourage the reforestation of previously forested lands and the afforestation of marginal agricultural lands; and

“(D) promote the planting of trees and the proper management of existing forest lands to reduce soil erosion, improve water quality, enhance fish and wildlife habitat, and provide for the sustained production of the commodity and noncommodity resources that these lands can provide to meet the Nation's needs.

“(2) IMPLEMENTATION OF POLICY.—The Secretary is encouraged to use the following programs to accomplish the policy identified in subsection (a)(1):

“(A) The conservation reserve established under subchapter B of chapter 1.

“(B) The agricultural conservation program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590(g) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510).

“(C) The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).

“(D) The provisions of title XII of the Food, Agriculture, Conservation, and Trade Act of 1990.

“(b) AGREEMENTS WITH STATE FORESTRY AGENCIES.—The Secretary shall encourage owners and operators of cropland who enter into agreements in accordance with this section to enlist the cooperative assistance of the State Forester or equivalent State official in obtaining technical and financial assistance for tree planting and

maintenance activities in accordance with the provisions of title XII of the Food, Agriculture, Conservation, and Trade Act of 1990.”.

SEC. 1442. ADMINISTRATION OF CONSERVATION PROGRAMS.

Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is amended by adding at the end the following new subsections:

“(d) In making determinations under this title and in conducting appeals from any determination made under this title, the Secretary shall act as expeditiously as possible but shall provide adequate safeguards to protect the interests of the persons involved in such determination.

Records.

“(e) The Secretary shall maintain data concerning the number and status of appeals pending in excess of 120 days or resolved under this title.

“(f)(1) The Secretary shall not enroll more than a total of 25 percent of the cropland in any county into the Environmental Conservation Acreage Reserve Program under chapter 1 and the Environmental Easement Program under chapter 3, and not more than 10 percent of such cropland may be subject to an easement acquired under those chapters. The Secretary may exceed these limitations in a county to the extent that the Secretary determines that—

“(A) such action would not adversely affect the local economy of such county; and

“(B) producers in such county are having difficulties complying with conservation plans or other environmental requirements.

“(2) The limitations established under this subsection shall not apply to cropland that is subject to an easement under chapter 1 or chapter 3 that is used for the establishment of shelterbelts and windbreaks.

“(3) In making a determination under this subsection, the Secretary shall not require the written consent of a member of Congress.”.

SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

Section 1245 of the Food Security Act of 1985 (16 U.S.C. 3845) is amended to read as follows:

“SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

“(a) **ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM AND WATER QUALITY INCENTIVE PROGRAM.**—There is authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out chapters 1 and 2 of subtitle D. Amounts available to carry out subtitle D before the date of enactment of this section shall remain available to carry out such chapters.

“(b) **OTHER CONSERVATION MATTERS.**—In addition to subsection (a), there is authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out subtitles (A) through (G), other than chapters 1 and 2 of subtitle D.”.

SEC. 1444. MONITORING AND EVALUATION.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is further amended by adding after section 1245 the following new section:

"SEC. 1246. MONITORING AND EVALUATION.

16 USC 3846.

"(a) **IN GENERAL.**—Not later than June 30, 1993, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a comprehensive report that evaluates, in accordance with subsection (b), the programs and policies established and operated under this title.

Reports.

"(b) **REQUIREMENTS.**—In conducting the evaluations required under subsection (a), the Secretary shall—

"(1) assess the progress made toward the national objective of nondegradation of the soil resources through the implementation of the relevant provisions of this title, identify obstacles to the attainment of such goal, and recommend ways in which to overcome such obstacles;

"(2) perform on-site evaluations of 5 percent, or such reasonable amount as necessary to produce a statistically valid survey, of all affected acreage of—

"(A) conservation practices on highly erodible lands;

"(B) estimates of erosion reductions that may result from the implementation of conservation plans; and

"(C) the technical adequacy and feasibility of such plans;

"(3) collect data concerning the social and economic impacts, violations, appeals, and such other matters under this title as the Secretary determines to be necessary to assess the overall impact of this title, which data collection shall not impose an additional recordkeeping or reporting requirement on the producer; and

"(4) assess the contribution toward the national objectives of wetlands preservation, wildlife and waterfowl habitat improvement, and water quality improvement through the implementation of the relevant provisions of this title, identify obstacles to furthering progress toward such objectives, and recommend ways in which to overcome such obstacles."

SEC. 1445. ASSISTANCE FOR CONTROL OF THE SPREAD OF WEEDS AND PESTS.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) (as amended by section 1444) is further amended by inserting after section 1246 the following new section:

"SEC. 1247. ASSISTANCE FOR CONTROL OF THE SPREAD OF WEEDS AND PESTS.

16 USC 3847.

"(a) **IN GENERAL.**—The Secretary, in consultation with State experiment stations, the Administrator of the Extension Service, the Chief of the Soil Conservation Service, and State pest and weed control boards, shall make available to owners and operators of land that is subject to a contract under subtitle D, weed and pest control technical information and materials that—

"(1) address common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve; and

"(2) are otherwise consistent with maintaining the conservation and environmental objectives of the conservation reserve.

"(b) **CONSERVATION MEASURE.**—At the Secretary's discretion, the control of insect pests on conservation reserve acreage that is most likely to incur a crop pest infestation that adversely affects

surrounding commercial land may be considered a conservation measure or practice for the purposes of subsection 1234(b).”.

SEC. 1446. STATE TECHNICAL COMMITTEE.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle G—State Technical Committees

16 USC 3861.

“SEC. 1261. ESTABLISHMENT.

“(a) **IN GENERAL.**—The Secretary shall establish in each State a technical committee to assist the Secretary in the technical considerations relating to implementation of the conservation provisions under this title.

“(b) **STANDARDS.**—Not later than 180 days after enactment of this section, the Secretary shall develop standards to be used by the State technical committee in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

“(c) **COMPOSITION.**—Each State technical committee established under subsection (a) shall be composed of professional resource managers that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. Such committee shall include such representatives as may serve from among—

- “(1) the Soil Conservation Service;
- “(2) the Agricultural Stabilization and Conservation Service;
- “(3) the Forest Service;
- “(4) the Extension Service;
- “(5) the Farmers Home Administration;
- “(6) the Fish and Wildlife Service;
- “(7) State departments and agencies which the Secretary deems appropriate, including:
 - “(A) the State fish and wildlife agency;
 - “(B) the State forester or equivalent State official;
 - “(C) the State water resources agency;
 - “(D) the State department of agriculture; and
 - “(E) the State association of soil and water conservation districts; and
- “(8) other agency personnel with expertise in soil, water, wetland, and wildlife management as the Secretary determines appropriate.

16 USC 3862.

“SEC. 1262. RESPONSIBILITIES.

“(a) **IN GENERAL.**—Each Committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title. Such information, analysis, and recommendations shall be provided in a manner that will assist the Department of Agriculture in determining matters of fact, technical merit, or scientific question. Data, analysis, and recommendations shall be provided in writing and shall reflect the best professional information and judgment of the Committee. The Secretary shall coordinate activities conducted under this section with those conducted under section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990.

“(b) WETLAND AND WILDLIFE HABITAT PROTECTION GUIDELINES.—

“(1) DEVELOPMENT OF TECHNICAL GUIDES.—Not later than one year after the date of enactment of this section each State technical committee shall develop technical guides for the implementation of the wetland preservation and wildlife habitat improvement options of the agricultural water quality protection program under section 1238B.

“(2) CONTENT OF GUIDES.—

“(A) IN GENERAL.—The technical guides required under this subsection shall include detailed information on the selection of crops and crop-plant varieties, cover crops, rotation practices, tillage systems, nutrient management, biological control practices (including biologically intensive integrated pest management practices), soil, water, and natural resource conservation, and other practices useful in developing practices pursuant to such option.

“(B) STANDARDS AND INSTRUCTIONS.—The technical guides required under subsection (a) shall provide standards and practical instructions for implementation of wetland protection and wildlife habitat improvement practices based on existing scientific and technical knowledge.

“(C) CONTRACTS.—The Secretary may enter into contracts to assist in the development and periodic revision of the technical guides described in this subsection.

“(c) OTHER DUTIES.—Each technical committee shall provide assistance and offer recommendations with respect to the technical aspects of—

Technical assistance.

“(1) wetland protection, restoration, and mitigation requirements;

“(2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the conservation reserve program;

“(3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;

“(4) highly erodible lands exemptions and appeals;

“(5) wetland and conservation compliance exemptions and appeals;

“(6) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program;

“(7) guidelines for planting perennial cover for water quality and wildlife habitat improvement on set-aside lands; and

“(8) other matters determined appropriate by the Secretary.

“(d) AUTHORITY.—Each Committee established under section 1261 is advisory and shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such Committees in administering the programs under this title, and to the factual, technical, or scientific findings and recommendations under the Committee’s responsibility.”.

SEC. 1447. TECHNICAL AND CONFORMING AMENDMENTS.

(a) FOOD SECURITY ACT.—Subtitle D of title XII of such Act (16 U.S.C. 3831 et seq.) as such subtitle existed prior to the date of enactment of this Act, is amended by striking the term “this subtitle” each place that such term occurs and inserting “this subchapter”.

16 USC
3831-3836.

99 Stat. 1354.

(b) TABLE OF CONTENTS.—

(1) WETLAND CONSERVATION.—Section 2 of the Food Security Act of 1985 is amended—

(A) by striking the item relating to section 1222 and insert the following:

“Sec. 1222. Delineation of wetlands; exemptions.”;

(B) by inserting after the item relating to section 1223 the following new item:

“Sec. 1224. Fairness of compliance.”;

(2) CONSERVATION RESERVE.—Section 2 of such Act is amended by striking the heading and the items relating to subtitle D of title XII and inserting the following:

“Subtitle D—Agricultural Resources Conservation Program”

“CHAPTER 1—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM

“Subchapter A—General Provisions

“Sec. 1230. Environmental Conservation Acreage Reserve Program.

“Subchapter B—Conservation Reserve

“Sec. 1231. Conservation reserve.

“Sec. 1232. Duties of owners and operators.

“Sec. 1233. Duties of the Secretary.

“Sec. 1234. Payments.

“Sec. 1235. Contracts.

“Sec. 1235A. Conversion of land subject to contract to other conserving uses.

“Sec. 1236. Base history.

“Subchapter C—Wetlands Reserve Program

“Sec. 1237. Wetlands Reserve Program.

“Sec. 1237A. Easements.

“Sec. 1237B. Duties of owners.

“Sec. 1237C. Duties of the Secretary.

“Sec. 1237D. Payments.

“Sec. 1237E. Changes in ownership; agreement modification; termination.

“Sec. 1237F. Administration, and funding.

“CHAPTER 2—AGRICULTURAL WATER QUALITY INCENTIVES

“Sec. 1238. Policy.

“Sec. 1238A. Definitions.

“Sec. 1238B. Agricultural Water Quality Protection Program.

“Sec. 1238C. Eligible lands.

“Sec. 1238D. Technical assistance for water quality protection.

“Sec. 1238E. Demonstration and pilot programs.

“Sec. 1238F. Report to Congress.

“CHAPTER 3—ENVIRONMENTAL EASEMENT PROGRAM

“Sec. 1239. Environmental Easement Program.

“Sec. 1239A. Duties of owners; components of plan.

“Sec. 1239B. Duties of the Secretary.

“Sec. 1239C. Payments.

“Sec. 1239D. Changes in ownership; modification of easement.”.

(3) ADMINISTRATION.—Section 2 of such Act is further amended by striking the item relating to section 1245 and inserting the following new items:

“Sec. 1245. Authorization of appropriations.

“Sec. 1246. Monitoring and evaluation.

“Sec. 1247. Assistance for control of the spread of weeds and pests.”.

(4) TREE PLANTING INITIATIVE.—Section 2 of such Act is further amended by inserting after the item relating to section 1254 the following new item:

"Sec. 1256. Tree planting initiative."

(5) **STATE TECHNICAL COMMITTEES.**—Section 2 of such Act is further amended by inserting after the items relating to subtitle F of title XII the following new items:

"SUBTITLE G—STATE TECHNICAL COMMITTEES

"Sec. 1261. Establishment.

"Sec. 1262. Responsibilities."

Subtitle D—OTHER CONSERVATION MEASURES

SEC. 1451. INTEGRATED FARM MANAGEMENT PROGRAM OPTION.

7 USC 5822.

Regulations.

(a) **ESTABLISHMENT.**—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall, by regulation, establish a voluntary program, to be known as the "Integrated Farm Management Program Option" (hereafter referred to in this section as the "program"), designed to assist producers of agricultural commodities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship practices and systems.

(b) **DEFINITIONS.**—

(1) **IN GENERAL.**—For purposes of this section—

(A) The term "resource-conserving crop" means legumes, legume-grass mixtures, legume-small grain mixtures, legume-grass-small grain mixtures, and alternative crops.

(B) The term "resource-conserving crop rotation" means a crop rotation that includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility and tilth, interrupts pest cycles, or conserves water.

(C) The term "farming operations and practices" includes the integration of crops and crop-plant variety selection, rotation practices, tillage systems, soil conserving and soil building practices, nutrient management strategies, biological control and integrated pest management strategies, livestock production and management systems, animal waste management systems, water and energy conservation measures, and health and safety considerations.

(D) The term "integrated farm management plan" means a comprehensive, multiyear, site-specific plan that meets the requirements of subsection (e).

(2) **CROPS.**—For purposes of paragraph (1)(A)—

(A) The term "grass" means perennial grasses commonly used for haying or grazing.

(B) The term "legume" means forage legumes (such as alfalfa or clover) or any legume grown for use as a forage or green manure, but not including any bean crop from which the seeds are harvested.

(C) The term "small grain" shall not include malting barley or wheat, except for wheat interplanted with other small grain crops for nonhuman consumption.

(D) The term "alternative crops" means experimental and industrial crops grown in arid and semiarid regions that conserve soil and water.

(c) **ELIGIBILITY.**—To be eligible to participate in the program established by this section, a producer must—

(1) prepare and submit to the Secretary for approval an integrated farm management plan (hereafter referred to in this section as the “plan”);

(2) actively apply the terms and conditions of the plan, as approved by the Secretary;

(3) devote to a resource-conserving crop, on the average through the life of the contract, not less than 20 percent of the crop acreage bases enrolled under such program;

(4) comply with the terms and conditions of any annual acreage limitation program in effect for the crop acreage bases contracted under the terms of this subsection; and

(5) keep such records as the Secretary may reasonably require.

(d) **ACREAGE.**—In accepting contracts for the program, the Secretary, to the extent practicable, shall enroll not more than 3,000,000, nor more than 5,000,000, acres of cropland in the calendar years 1991 through 1995.

(e) **CONTRACTS.**—The Secretary shall enter into contracts with producers to enroll acreage in the program. Such contracts shall be for a period of not less than 3 years, but may, at the producer's option, be for a longer period of time (up to 5 years) and may be renewed upon mutual agreement between the Secretary and the producer.

(f) **REQUIREMENTS OF THE PLANS.**—Each plan approved by the Secretary shall—

(1) specify the acreage and the crop acreage bases to be enrolled in the program;

(2) describe the resource-conserving crop rotation to be implemented and maintained on such acreage during the contract period to fulfill the purposes of the program;

(3) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation described in the plan;

(4) describe the farming operations and practices to be implemented on such acreage and how such operations and practices could reasonably be expected to result in—

(A) the maintenance or enhancement of the overall productivity and profitability of the farm;

(B) the prevention of the degradation of farmland soils, the long-term improvement of the fertility and physical properties of such soils; and

(C) the protection of water supplies from contamination by managing or minimizing agricultural pollutants if their management or minimization results in positive economic and environmental benefits;

(5) assisting the producer to comply with all Federal, State, and local requirements designed to protect soil, wetland, wildlife habitat, and the quality of groundwater and surface water; and

(6) contain such other terms as the Secretary may, by regulation, require.

(g) **ADMINISTRATION; CERTIFICATION; TERMINATION.**—

(1) **ADMINISTRATION; TECHNICAL ASSISTANCE; FLEXIBILITY; IMPLEMENTATION; DISPLACEMENT.**—

(A) **ADMINISTRATION.**—The program shall be administered by the Secretary.

(B) **TECHNICAL ASSISTANCE.**—In administering the program, the Secretary, in consultation with the local conservation districts, and any State or local authorities deemed appropriate by the Secretary, shall provide technical assistance to producers in developing and implementing plans, evaluating the effectiveness of plans, and assessing the costs and benefits of farming operations and practices. The plans may draw on handbooks and technical guides and may also include other practices appropriate to the particular circumstances of the producer and the purposes of the program.

(C) **FLEXIBILITY.**—In administering the program, the Secretary shall provide sufficient flexibility for a producer to adjust or modify the producer's plan consistent with this section, except that such adjustments or modifications must be approved by the Secretary.

(D) **MINIMIZATION OF ADVERSE EFFECT.**—

(i) **IN GENERAL.**—Notwithstanding any other provision of this section, the Secretary shall implement this section in such a manner as to minimize any adverse economic effect on the agribusinesses and other agriculturally related economic interests within any county, State, or region that may result from a decrease of harvested acres due to the operation of this section. In carrying out this section, the Secretary may restrict the total amount of crop acreage that may be removed from production, taking into consideration the total amount of crop acreage that has, or will be, removed from production under other price support, production adjustment, or conservation program activities.

(ii) **MAXIMIZE CONSERVATION GOALS.**—The Secretary shall, to the greatest extent practicable, permit producers on a farm that desire to participate in the program authorized under this section to enroll acreage adequate to maximize conservation goals on such farm and ensure economic effectiveness of the program in each individual application.

(E) **DISPLACEMENT.**—The Secretary shall not approve any plan that will result in the involuntary displacement of farm tenants or lessees by landowners through the removal of substantial portions of the farm from production of a commodity. In the case of any tenant or lessee who has rented or leased the farm (with or without a written option for annual renewal or periodic renewals) for a period of two or more of the immediately preceding years, the Secretary shall consider the refusal by a landlord, without reasonable cause other than simply for the purpose of enrollment in the program, to renew such rental or lease as an involuntary displacement in the absence of a written consent to such nonrenewal by the tenant or lessee.

(2) **CERTIFICATION.**—The Secretary shall certify compliance by producers with the terms and conditions of the plans.

(3) **TERMINATION.**—The Secretary may terminate a contract entered into with a producer under this program if—

- (A) the producer agrees to such termination, or
- (B) the producer violates the terms and conditions of such contract.

(h) PROGRAM RULES.—

(1) BASE AND YIELD PROTECTION.—Notwithstanding any other provision of law, the Secretary shall not, except as provided in paragraph (6), reduce crop acreage bases, or farm program payment yields, as a result of the planting of a resource-conserving crop as part of a resource-conserving crop rotation.

(2) RESOURCE-CONSERVING CROPS ON REDUCED ACREAGE.—Notwithstanding the provisions of title I of the Agricultural Act of 1949, acreage devoted to resource-conserving crops as part of a resource-conserving crop rotation under this program may also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program and up to 50 percent of the acreage so designated shall be without restrictions on haying and grazing, except as provided in paragraph (5)(B), except that such acreage that is devoted to perennial cover on which cost-share assistance for the establishment of the perennial cover has been provided, shall not be credited towards the producer's resource-conserving crop requirement under a contract under this section.

(3) BARLEY, OATS, AND WHEAT.—Notwithstanding any other provisions of this section, barley, oats, or wheat planted as part of a resource-conserving crop on reduced acreage may not be harvested in kernel form.

(4) PAYMENT ACRES.—Notwithstanding any other provision of this Act, the Secretary shall not reduce farm program payments of participants in this program as a result of the planting a resource-conserving crop as part of a resource-conserving crop rotation on payment acres.

(5) HAYING AND GRAZING RESTRICTION.—

(A) IN GENERAL.—The Secretary shall not make any program payments to a producer who is otherwise eligible to receive with respect to acreage enrolled in the program if such producer hays or grazes such acreage (excluding acreage designated as conservation use acreage) during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under the provisions of the Agricultural Act of 1949, or, if the crop planted on such acreage includes a small grain, before the producer harvests the small grain crop in kernel form.

(B) LIMITATION ON PERMITTED HAYING AND GRAZING.—Notwithstanding any other provision of this section, if the Secretary determines that implementation of this section will result in a significant adverse economic impact on hay or livestock prices in a particular geographic area, the Secretary may limit the quantity of hay that can be harvested or grazed from that area. Such limit may include restrictions on the number of times that hay may be harvested or grazed from the acres per year, the timing of such harvesting and grazing, or the number of years that such land may remain in the same hay stand, or a prohibition on the harvesting or grazing of hay from acres on which a small grain was not originally interplanted with the hay crop and harvested for grain.

(6) **BASE ACRE ADJUSTMENTS.**—The Secretary, only for the purpose of establishing a producer's crop acreage base under the Agricultural Act of 1949, may make such adjustments as the Secretary determines to be fair and equitable to reflect resource-conserving crop rotation practices that were maintained by producers prior to participation in the program and to reflect such other factors as the Secretary determines should be considered, except that the total of such adjustments in any year shall not exceed the total farm program savings in the same year that would result from the implementation of plans.

(7) **PAYMENT ACREAGE LIMITATION.**—

(A) **IN GENERAL.**—No producers enrolled in a resource-conserving crop rotation shall not be eligible to receive payments under farm programs for wheat, feed grains, cotton, or rice under the Agricultural Act of 1949 on acreage equal to the average number of traditionally underplanted acres for the three years prior to enrolling in this program.

(B) **DEFINITION.**—

(i) **IN GENERAL.**—Subject to clause (ii), for the purposes of this paragraph the term “traditionally underplanted acreage” means the difference in a particular year between the acreage that is part of a producer's crop acreage base that is not planted to the program crop and the part of the crop acreage base subject to an acreage limitation program or required to be set aside. In no case shall such acreage be less than zero.

(ii) **EXCEPTION.**—In the case of a producer participating in a particular year in a program authorized under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B) of the Agricultural Act of 1949, the term “traditionally underplanted acreage” means 8 percent of the producer's permitted acreage for such year.

SEC. 1452. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) **ELIGIBILITY.**—Section 1536 of the Agriculture and Food Act of 1981 (16 U.S.C. 3459) is amended by striking “two hundred and twenty-five” and inserting “450”.

(b) **AUTHORIZATION.**—Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking “for each of the five fiscal years beginning October 1, 1982, and ending September 30, 1987,” and inserting “for each of the fiscal years 1991 through 1995”.

SEC. 1453. AMENDMENT TO THE NOXIOUS WEED ACT.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end the following:

“SEC. 15. MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS. 7 USC 2814.

“(a) DUTIES OF AGENCIES.—Each Federal agency shall—

“(1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;

Government
contracts.

“(2) establish and adequately fund an undesirable plants management program through the agency’s budgetary process;

“(3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency’s jurisdiction; and

“(4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

“(b) ENVIRONMENTAL IMPACT STATEMENTS.—In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement plant control agreements, Federal agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

“(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

“(1) IN GENERAL.—Federal agencies, as appropriate, shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

“(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

“(A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

“(B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

“(C) detail the means of implementing the integrated management system, define the duties of the Federal agency and the State agency in prosecuting that method, and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

“(d) EXCEPTION.—A Federal agency is not required under this section to carry out programs on Federal lands unless similar programs are being implemented generally on State or private lands in the same area.

“(e) DEFINITIONS.—As used in this section:

“(1) COOPERATIVE AGREEMENT.—The term ‘cooperative agreement’ means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

“(2) FEDERAL AGENCY.—The term ‘Federal agency’ means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

“(3) FEDERAL LANDS.—The term ‘Federal lands’ means lands managed by or under the jurisdiction of the Federal Government.

“(4) INTEGRATED MANAGEMENT SYSTEM.—The term ‘integrated management systems’ means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including—

“(A) education;

“(B) preventive measures;

“(C) physical or mechanical methods;

- “(D) biological agents;
- “(E) herbicide methods;
- “(F) cultural methods; and

“(G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

“(5) **INTERDISCIPLINARY APPROACH.**—The term ‘interdisciplinary approach’ means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which—

“(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

“(B) includes consideration of—

“(i) the most efficient and effective method of containing or controlling the undesirable plant species;

“(ii) scientific evidence and current technology;

“(iii) the physiology and habitat of a plant species; and

“(iv) the economic, social, and ecological consequences of implementing the program.

“(6) **STATE AGENCIES.**—The term ‘State agency’ means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

“(7) **UNDESIRABLE PLANT SPECIES.**—The term ‘undesirable plants’ means plant species that are classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. Species listed as endangered by the Endangered Species Act of 1973 shall not be designated as undesirable plants under this section and shall not include plants indigenous to an area where control measures are to be taken under this section.

“(f) **COORDINATION.**—

“(1) **IN GENERAL.**—The Secretary of Agriculture and the Secretary of the Interior shall take such actions as may be necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

“(2) **DUTIES.**—The Secretary, in consultation with the Secretary of the Interior, shall—

“(A) identify regional priorities for noxious weed control;

“(B) incorporate into existing technical guides regionally appropriate technical information; and

“(C) disseminate such technical information to interested State, local, and private entities.

“(3) **COST SHARE ASSISTANCE.**—The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in that area agree to participate in a noxious weed management program.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary in each of fiscal years 1991 through 1995 to carry out this section.”.

SEC. 1454. IDENTIFYING THE EFFECTS OF FEDERAL PROGRAMS.

Section 1541(b) of the Farmland Protection Policy Act (7 U.S.C. 4202(b)) is amended by inserting "to identify the quantity of farmland actually converted by Federal programs, and" after "of this section,".

SEC. 1455. GREAT PLAINS CONSERVATION PROGRAM.

(a) **CONTRACTS.**—Section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)) is amended—

- (1) in paragraph (1), by striking "1991" and inserting "2001"; and
- (2) in paragraph (7), by striking "\$600,000,000" and inserting "\$1,000,000,000".

(b) **DESIGN OF SYSTEMS AND DATA.**—Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is amended by adding at the end thereof the following new subsections:

"(j) In the design and preparation of resource management systems under this section, the Secretary shall, where practicable, substitute more intensive management measures for structural measures.

"(k) The Secretary shall collect and maintain data on a national and State by State basis concerning the resource, environmental and economic consequences of the assistance and applications provided under this section."

Research.
Inter-
governmental
relations.

Public
information.
7 USC 3130.

SEC. 1456. COMPOSTING RESEARCH AND EXTENSION PROGRAM.

(a) **PURPOSE.**—It is the purpose of this section to require the Secretary of Agriculture to identify and compile appropriate methods of composting agricultural wastes and the potential uses for such compost, and to make such information available to the appropriate Federal, State, or other private authorities and the general public.

(b) **COMPOSTING INFORMATION.**—

(1) **SECRETARY.**—The Secretary shall identify and compile information on—

(A) the composting of agricultural wastes, including information on the composting of wastes from the production, processing, and distribution of food, fiber, forestry, livestock, and fish products, and the potential uses of such compost; and

(B) laws, rules, and programs adopted by State and local governments and foreign governments that establish definitions and set standards for the processing, handling, and use of compost.

(2) **CONSULTATION.**—In identifying and compiling such information, the Secretary may consult with representatives of other Federal departments and such other persons as the Secretary determines appropriate.

(c) **RESEARCH.**—The Secretary shall conduct research on the potential uses for compost derived from animal wastes, and from other waste streams as appropriate, and identify uses for such compost, including the potential for marketing such product. Such research shall also include evaluation of the application of compost derived from agricultural wastes on soil, plants, and food and fiber crops.

(d) **COMPOSTING EXTENSION PROGRAM.**—Beginning not later than one year after the date of the enactment of this Act, the Secretary

shall initiate extension efforts to inform the agricultural community and the general public regarding—

- (1) the desirability and safety of compost derived from agricultural wastes;
- (2) on-farm and other composting techniques; and
- (3) procedures for using compost.

(e) **FARM CONSERVATION PRACTICE.**—The Secretary shall consider designating composting as a farm conservation practice eligible for cost-sharing.

Subtitle E—Watershed Protection and Flood Prevention Act; Farmland Protection

CHAPTER 1—WATERSHED PROTECTION AND FLOOD PREVENTION

SEC. 1461. RELATION OF BENEFITS TO AGRICULTURE.

The Watershed Protection and Flood Prevention Act of 1954 is amended in the third sentence of section 2 (16 U.S.C. 1002)—

- (1) by striking “Each such project” and all that follows through “1987,” and inserting “Each project”; and
- (2) by inserting after “agriculture” the following: “, including rural communities,”.

SEC. 1462. COST SHARE ASSISTANCE.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by inserting after section 3 the following new section:

“SEC. 3A. COST SHARE ASSISTANCE.

16 USC 1003a.

“(a) **EASEMENTS.**—The Secretary may provide cost share assistance to project sponsors to enable such sponsors to acquire perpetual wetland or floodplain conservation easements to perpetuate, restore and enhance the natural capability of wetlands and floodplains to retain excessive floodwaters, improve water quality and quantity, and provide habitat for fish and wildlife.

“(b) **AMOUNT.**—The Secretary shall require that project sponsors of watershed projects provide up to 50 percent of the cost of acquiring easements under subsection (a).”.

SEC. 1463. DATA.

The Watershed Protection and Flood Prevention Act of 1954 (16 U.S.C. 1001 et seq.) is amended by adding at the end thereof the following new section:

“SEC. 13. DATA.

“The Secretary shall collect and maintain data on a national and State by State basis concerning—

- “(1) expenditures for the individual flood control and conservation measures for which assistance is provided under this Act; and

- “(2) the expected flood control or environmental (including soil erosion) benefits that will result from the implementation of such measures.”.

Research
Inter-
governmental
relations.
16 USC 1010.

SEC. 1464. AMENDMENT TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT.

Section 3(6) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003(6)) is amended by inserting "and enhance the water quality of" after "recreation resources of".

Farms for the
Future Act of
1990.
7 USC 4201 note.

CHAPTER 2—FARMLAND PROTECTION

SEC. 1465. SHORT TITLE, PURPOSE, AND DEFINITION.

(a) **SHORT TITLE.**—This chapter may be cited as the "Farms for the Future Act of 1990".

(b) **PURPOSE.**—It is the purpose of this chapter to promote a national farmland protection effort to preserve our vital farmland resources for future generations.

(c) **DEFINITIONS.**—As used in this chapter:

(1) **ALLOWABLE INTEREST RATE.**—The term "allowable interest rate" refers to an interest rate which shall be the current average rate of interest that each State pays on 10-year notes or other similar obligations of the State, or a comparable interest rate as determined by the Secretary.

(2) **ELIGIBLE LOAN.**—The term "eligible loan" means the 10-year loans made by lending institutions to State trust funds to further the purposes of this chapter. No principal payments shall be due on such eligible loans for the first 10 years after such loan is made and the principal amount shall be paid by the State trust fund at the end of the 10th year. For each such eligible loan, each State trust fund shall be entitled to receive an interest rate subsidy from the Secretary as set forth in section 1466(b).

(3) **ELIGIBLE STATE.**—The term "eligible State" means—

(A) the State of Vermont; and

(B) at the option of the Secretary and subject to appropriations, any State that on or before August 1, 1991—

(i) operates or administers a land preservation fund that invests funds in the protection or preservation of farmland for agricultural purposes; and

(ii) works in coordination with the governing bodies of counties, towns, townships, villages, or other units of general government below the State level, or with private nonprofit or public organizations, to assist in the preservation of farmland for agricultural purposes.

(4) **LENDING INSTITUTION.**—The term "lending institution" means any Federal or State chartered bank, savings and loan associations, cooperative lending agencies, or other legally organized lending agencies.

(5) **PROGRAM.**—The term "program" means the farmland preservation program established under this chapter to be known as the "Agricultural Resource Conservation Demonstration Program".

(6) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(7) **STATE.**—The term "State" means any State of the United States, Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

(8) **STATE TRUST FUND.**—The term "State trust fund" means a trust fund or an account established by an eligible State,

approved to participate by the Secretary in the program, in which Federal funds received under this chapter are deposited for use by such trust fund.

SEC. 1466. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) **PURPOSE.**—The Secretary, acting through the Farmers Home Administration, shall establish and implement a program, to be known as the “Agricultural Resource Conservation Demonstration Program”, to provide Federal guarantees and interest rate assistance for loans made by lending institutions to State trust funds.

Loan programs.
Inter-
governmental
relations.

(2) **ASSISTANCE.**—Under the program, the Secretary shall guarantee the timely payment of the principal amount and interest due on eligible loans made by lending institutions to State trust funds and shall subsidize the interest on such loans at the allowable interest rate for the first 5 years after such loan is made, and at no less than three percentage points for the second 5 years under procedures described in subsection (b). Each State trust fund shall pay the rate of interest, and the principal at the end of the 10th year, as provided for in the loan agreement regarding each eligible loan.

(b) MANDATORY ASSISTANCE TO EACH ELIGIBLE STATE TRUST FUND.—The Secretary shall—

(1) fully guarantee each eligible loan made by lending institutions to each State trust fund under regulations promulgated by the Secretary;

Regulations.

(2) annually pay to each State trust fund an amount calculated by applying the allowable interest rate to the amount of each loan the State trust fund receives, as determined under procedures developed by the Secretary, during each of the first 5 years after the date on which each such loan is made; and

(3) annually pay to each State trust fund, for each year during the second 5-year period after each such eligible loan is made, an amount calculated by applying the interest rate difference, between the rate of interest charged to borrowers of direct loans as described in section 316(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)(2)) and the allowable interest rate, to the amount of each loan the State trust fund receives from any given lending institution, as determined under procedures issued by the Secretary.

(c) FUNDING PROVIDED BY THE SECRETARY OF THE TREASURY.—The Secretary of Agriculture is required to make and issue stock, in the same manner as notes are issued under section 309(c) or 309A(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(c) or 1929a(d)), to the Secretary of the Treasury for the purpose of obtaining Funds from the Secretary of the Treasury that are necessary for discharging the obligations of the Secretary of Agriculture under this chapter. Such stock shall not pay dividends and shall not be redeemable.

Securities.

(d) REQUIRED PURCHASES OF STOCK.—The Secretary shall promptly notify, in writing, the Secretary of the Treasury each time an application of an eligible State is approved by the Secretary under this chapter. The Secretary of the Treasury shall purchase stock offered by the Secretary under subsection (c) on the day offered and the Secretary of Agriculture shall deposit the proceeds from each such sale of stock in accounts created to administer this program.

(e) **ENTITLEMENTS.**—The Secretary is entitled to receive funds, and shall receive funds, from the Secretary of the Treasury in an amount equal to the total par-value of the stock issued to the Secretary of the Treasury. Each State trust fund is entitled to receive, and the Secretary of Agriculture shall promptly pay to each such trust fund, amounts calculated under procedures described in section (b).

(f) **REGULATIONS.**—The Secretary shall promulgate proposed and final regulations, under the prior public comment provisions of section 553 of title 5, United States Code, setting forth—

- (1) the application procedures for eligible States;
- (2) the factors to be used in approving applicants;
- (3) procedures for the prompt payment of the obligations of the Secretary under section (b);
- (4) recordkeeping requirements for approved State trust funds;
- (5) requirements to prevent program abuse and procedures to recover improperly obtained funds;
- (6) rules permitting State trust funds to act as revolving funds or to otherwise accumulate additional capital, based on investments, to be subsequently used to promote the purposes of this chapter; and
- (7) any other rules necessary and appropriate to carry out this program.

(g) **DURATION OF PROGRAM.**—The program established under this chapter shall expire on September 30, 1996, except that any financial obligations of the Secretary shall continue to be met as required by this chapter.

SEC. 1467. FEDERAL ACCOUNTS.

To carry out the purposes of this chapter, the Secretary may establish in the Treasury of the United States an account, to be known as the "Agricultural Resource Conservation Revolving Fund" (hereinafter referred to in this chapter as the "Fund"), for the use by the Secretary to meet the obligations of the Secretary under this chapter.

SEC. 1468. APPLICATIONS AND ADMINISTRATION.

(a) **APPLICATIONS.**—In applying for assistance under this chapter an eligible State shall—

- (1) prepare and submit, to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require;
- (2) agree that the State trust fund will use any Funds provided by the Secretary under this chapter in a manner which is consistent with the chapter and the regulations promulgated by the Secretary; and
- (3) agree to comply with any other requirements set forth in agreements with the Secretary or as the Secretary may prescribe by regulation.

(b) **ANNUAL APPLICATIONS.**—Eligible States may apply for Federal assistance under this chapter on an annual basis.

(c) **MATCH AND MAXIMUM AMOUNT.**—The total amount of any guarantees provided by the Secretary under this program shall not exceed an amount that is equal to double the amount that each eligible State shall make available for acquiring interests in land to protect and preserve important farmlands for future agricultural

Reporting and
recordkeeping
requirements.

use but in no event shall the total Federal share exceed \$10,000,000 in any fiscal year for any given State.

SEC. 1469. REPORT.

Not later than September 30, 1992, and annually thereafter, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning the operation of the program established under this chapter.

SEC. 1470. IMPLEMENTATION AND EFFECTIVE DATE.

This chapter shall become effective on October 1, 1990. Not later than December 30, 1990, the Secretary shall enter into an agreement with the State of Vermont to provide Federal assistance under this chapter to the State.

Government
contracts.
Vermont.

Subtitle F—Administration of Environmental Programs

SEC. 1471. ESTABLISHMENT OF THE AGRICULTURAL COUNCIL ON ENVIRONMENTAL QUALITY. 7 USC 5401.

(a) **ESTABLISHMENT.**—The Secretary shall establish an Agricultural Council on Environmental Quality in the Department of Agriculture (hereafter in this subtitle referred to as the “Council”). The Council shall be under the direct authority of the Secretary, and shall be responsible for carrying out the provisions of this subtitle, and for coordination and direction of all environmental policies and programs of the Department.

(b) **MEMBERSHIP.**—Membership of the Council shall consist of the Secretary, the Deputy Secretary, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Science and Education, other under and assistant secretaries as may be designated by the Secretary, and the Director of the Office of Agricultural Environmental Quality, established in section 1472, who shall serve as the Executive Director of the Council. The Secretary shall designate a member of the Council, other than the Executive Director, as chair of the Council.

SEC. 1472. OFFICE OF AGRICULTURAL ENVIRONMENTAL QUALITY.

7 USC 5402.

(a) **ESTABLISHMENT.**—The Secretary shall establish an Office of Agricultural Environmental Quality in the Department of Agriculture (hereafter in this subtitle referred to as the “Office”).

(b) **DIRECTOR.**—The Office shall be administered by a director who shall be appointed by the Secretary. The Director shall be an individual who has demonstrated technical expertise and experience in agricultural and environmental matters.

(c) **STAFF.**—

(1) **APPOINTMENTS.**—The Director may appoint such employees as may be necessary to assist the Director in carrying out this section. Such employees shall include individuals who have professional expertise in matters related to environmental quality, including (but not limited to) agricultural production, water quality, wetland, wildlife conservation, soil conservation, and agricultural chemical usage.

(2) **LIAISONS.**—The Administrator of the Environmental Protection Agency and the Secretary of the Interior shall detail to the Office upon request of the Secretary, on a reimbursable basis, at least one employee, respectively, with expertise in matters related to agriculture and environmental quality. Such detailed employees shall serve as a liaison for their respective agencies with the Department of Agriculture to assist the Director in carrying out the provisions of this section. The term of the detail shall not exceed 3 years.

(3) **ADDITIONAL STAFF.**—Upon request of the Secretary, the head of any Federal agency is authorized to detail, on a reimbursable basis, employees of such agency to the Office to assist the Director.

(d) **DUTIES OF THE DIRECTOR.**—

(1) **IN GENERAL.**—The Director shall assist the Council in developing a departmental and agency-specific environmental quality policy statement and implementation plan and an annual agricultural environmental quality report, as specified in section 1473. The Director shall coordinate and monitor the activities of the Department regarding initiatives and programs related to environmental quality and the interpretation of departmental policies affecting environmental quality. The Director shall serve as a member of the Council and as its Executive Director.

(2) **ADDITIONAL DUTIES.**—The Director shall also be responsible for—

(A) recommending to the Council environmental protection goals and specific programs, initiatives, and policies that will balance the needs of production agriculture with environmental concerns;

(B) providing advice to the Council on the development, implementation, and review of activities of agencies of the Department to ensure consistency with the Department's environmental protection goals;

(C) coordinating environmental policy within the Department through the program managers, and between the Department and other Federal agencies, regional authorities, State and local governments, land-grant and other colleges and universities, and nonprofit and commercial organizations, regarding programs and actions relating to environmental quality;

(D) serving as a coordinator for the Department's data, information, programs, and initiatives dealing with environmental quality;

(E) developing the plans and reports required as specified by this subtitle; and

(F) providing such staff as may be necessary to support the activities of the Council.

7 USC 5403.

SEC. 1473. ENVIRONMENTAL QUALITY POLICY STATEMENT.

(a) **ENVIRONMENTAL QUALITY POLICY STATEMENT, IMPLEMENTATION PLAN, AND ANNUAL REPORT.**—

(1) **POLICY STATEMENT.**—The Council shall develop an Environmental Quality Policy Statement that identifies goals and objectives for addressing the effects of agriculture on environmental quality. The policy statement shall be based upon an assessment, in accordance with subparagraph (B), of

the current status and level of effort, in terms of staff and funding, of programs at the Department of Agriculture to evaluate, prevent, and mitigate environmental problems that may result from agricultural production. The policy statement shall be revised at least every 5 years.

(2) **ASSESSMENT.**—The assessment under subparagraph (A) shall include:

(A) Detailed descriptions of the roles of the involved Departmental agencies.

(B) A description of current efforts to coordinate the individual activities of each of the involved departmental agencies.

(C) Recommendations for precluding any undesirable duplication of efforts within the Department and among the Department and other Federal and State programs.

(D) Specific recommendations for new initiatives in monitoring, research, extension, and technical assistance efforts to address present and potential environmental quality problems.

The assessment may incorporate existing documents and planning processes within the Department.

(b) **IMPLEMENTATION PLAN.**—The Director, subject to the approval of the Council, shall prepare a plan to implement the Environmental Quality Policy Statement. The plan shall include an assessment of the activities of each departmental agency to mitigate or reduce any negative effects on environmental quality of agricultural policies, programs, and practices under their respective jurisdictions and shall describe in detail new departmental and agency-specific initiatives intended to achieve the goals and objectives of the policy statement. The plan shall be revised at least every 5 years.

(c) **ANNUAL ENVIRONMENTAL QUALITY REPORT.**—Not later than January 31, 1992, and annually thereafter, the Council, through the Director, shall prepare and submit an annual report to the Congress, other appropriate Federal and State agencies, and the public on the progress being made toward the goals and objectives established in the Environmental Quality Policy Statement. The report shall also include—

(1) a review of the environmental activities and initiatives of the Department during the preceding year;

(2) specific action taken to coordinate the environmental programs of the Department with programs of other Federal agencies and related State programs; and

(3) such recommendations as the Secretary considers appropriate regarding current or additional environmental protection programs, initiatives, or policies that will balance the needs of production agriculture while addressing environmental concerns.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated annually not to exceed \$2,000,000 to carry out this subtitle.

Agriculture and
Water Policy
Coordination
Act.

Subtitle G—Water Quality Research, Education, and Coordination

7 USC 5501.

SEC. 1481. SHORT TITLE, PURPOSE, DEFINITIONS, AND AUTHORIZATION OF APPROPRIATIONS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Agriculture and Water Policy Coordination Act”.

(b) **PURPOSE.**—It is the purpose of this subtitle to ensure—

(1) that the Department of Agriculture develops, implements, and sustains a coordinated, integrated, and comprehensive intra-agency program to protect waters from contamination from agricultural chemicals and production practices; and

(2) increased efforts by the Department of Agriculture in extension, technical assistance, and research on the relations between agricultural production and the contamination of water.

(c) **DEFINITIONS.**—For purpose of this subtitle—

(1) The term “contaminant” means any matter which, in its original form or as a metabolite, degradation, or waste product, as a constituent of water may impair the quality of water or may have a potential adverse effect on human health or the environment.

(2) The term “Department” means the United States Department of Agriculture.

(3) The term “food and agricultural councils” means those councils established by the policy of the Secretary in each State and made up of the leaders of programs within each State that represent agriculture.

(4) The term “soil and water conservation committees” refers to the committees established within the respective States by State law and which include the leaders of appropriate State agencies that address soil and water conservation.

(5) The term “Secretary” means the Secretary of Agriculture.

(6) The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and federally recognized Indian tribes.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 1991 through 1995 to carry out this subtitle.

7 USC 5502.

SEC. 1482. SOIL AND WATER ACTIVITIES.

(a) **PURPOSE.**—The Congress declares that an additional purpose of the Soil Conservation Service and the Extension Service is to aid in protecting and improving the quality of water.

(b) **CONSERVATION PLANS.**—The Secretary, when reviewing conservation plans for compliance certification, shall determine the impact that such plans may have on agriculture and water quality planning. The Soil Conservation Service shall complete this determination by January 1, 2000.

(c) **ACQUISITION OF WATER INFORMATION THROUGH THE NATIONAL RESOURCES INVENTORY.**—The Secretary shall determine within six months after the date of the enactment of this Act whether the national resources inventory can be modified to acquire useful

information on water conditions and surface conditions that affect water quality and supply. In making this determination, the Secretary shall consider—

(1) the costs, limitations, opportunities, and capability of expanding the inventory to include water matters; and

(2) whether the natural resources inventory can be integrated with alternative sources of data on water from Federal and State agencies.

(d) **ANNUAL REPORT.**—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate in conjunction with the report required under section 1473(c). The report shall specify the—

(1) activities and accomplishments of the Soil Conservation Service during the preceding year, including measures taken to enhance the ability of the Service to address water contamination problems;

(2) plans of the Secretary for the subsequent year, concerning measures expected to be taken to enhance the ability of the Service to address water contamination problems; and

(3) progress made in carrying out the purpose stated in subsection (a).

SEC. 1483. STATE WATER QUALITY COORDINATION PROGRAM.

7 USC 5503.

(a) **ESTABLISHMENT.**—The Secretary shall require the establishment of a water quality coordination program within each State. To the greatest extent possible, the Secretary shall use the expertise of the food and agricultural councils.

(b) **MEMBERSHIP.**—Each State water quality coordination program shall involve those departmental agencies specified in subsection (c) that are operating within the State. For the purpose of coordination, the State water quality coordination program shall include, should they choose to participate, those State agencies with complementary water program authorities and programs. These State agency members should include the State agencies that are members of the respective State's soil and water conservation committees. The program shall also include the education program coordinator designated under section 1629(b).

(c) **AGENCIES.**—The agencies referred to in subsection (b) are: the Agricultural Research Service; the Agricultural Stabilization and Conservation Service; the Animal Plant Health Inspection Service; the Cooperative State Research Service in conjunction with the system of State agricultural experiment stations; the Economic Research Service; the Extension Service, in conjunction with State and county cooperative extension services; the Forest Service; the National Agricultural Library; the National Agricultural Statistics Service; the Soil Conservation Service; and other agencies within the Department deemed appropriate by the Secretary.

(d) **PROGRAM LEADER.**—The program leader of the State water quality coordination program shall be designated by the Secretary from among the Federal agency representatives in subsection (b).

(e) **PURPOSE.**—The water quality coordination program within each State shall serve as the focal point for coordinating the Department's water programs with agencies of that State. In addition to other actions, each water quality coordination program shall—

(1) serve as the focal point within the State for the coordination of Department-supported agricultural water programs with

the water programs being conducted by other Federal agencies within the State;

(2) coordinate departmental activities with other Federal activities, within the State with water quality plans developed by that State in accordance with applicable Federal and State laws;

(3) review progress being made on identification and mapping of hydrologic units within that State; and

(4) review the needs of that State to assess the Federal assistance required for State programs to address agricultural sources of water contamination.

(f) **ADVISORY PANELS.**—The chair of the water quality coordination program in each State may establish an ad hoc advisory panel that shall include farmers, representatives of conservation groups, and advocates of sustainable agricultural practices, agribusiness, chemical and fertilizer industries, agricultural commodities, lending institutions, and trade organizations.

(g) **STATE AND REGIONAL RESEARCH PRIORITIES.**—The water quality coordination program for each State shall request appropriate representative scientists from the Agricultural Research Service, the State agricultural experiment stations and the agricultural departments of the land-grant universities, to work with the water quality coordination program to establish a prioritized agriculture and water research agenda for the State. This agenda shall address the research topics identified in section 1484 and the concerns or findings established by the activities described in subsection (e)(4). The State research priorities identified under this subsection shall be compiled and reviewed by the appropriate regional and area divisions of the Cooperative State Research Service and the Agricultural Research Service to develop coordinated regional research priorities.

7 USC 5504.

SEC. 1484. WATER QUALITY AND NUTRIENT MANAGEMENT RESEARCH.

(a) **PURPOSES.**—It is the purpose of this section to establish a coordinated water quality and nutrient management research program at the Department of Agriculture. In carrying out this section, the Secretary shall undertake efforts to—

(1) reduce the sources of contaminants of surface and ground water resources through the development of farm systems which replace or conserve the use of such contaminants while maintaining farm profitability;

(2) develop information and technologies needed to formulate integrated farm chemical and plant nutrient and animal waste management strategies which avoid contamination of surface and ground water, especially in areas identified by State and Federal monitoring or regulatory efforts as having current or potential water quality problems; and

(3) monitor and better evaluate the extent of water contamination caused by farm chemicals, plant nutrients, and animal wastes.

(b) **COORDINATION.**—In carrying out this section, the Secretary shall ensure that all activities undertaken are coordinated with other programs within the Department of Agriculture, other Federal agencies, and with State governments.

(c) **RESEARCH.**—Research projects on water quality funded in whole or in part by the Secretary under this section shall include research to help—

- (1) develop farming systems and practices which can prevent water contamination while maintaining and improving profitability, including—
 - (A) integrated crop management systems;
 - (B) sustainable agricultural practices;
 - (C) best management practices for use of plant nutrients and animal wastes;
 - (D) alternative methods of pest and disease control designed to integrate biological, cultural, host-resistance, and judicious use of pesticides; and
 - (E) improved methods for the storage, use, and safe disposal of potential contaminants;
- (2) improve the understanding of the fate and transport of farm chemicals, plant nutrients, and animal wastes which can contaminate water and cause adverse human or environmental effects;
- (3) develop integrated crop production systems which are more productive, use inputs more efficiently, and are more protective of the environment, including research on—
 - (A) nutrient management and use efficiency;
 - (B) soil and tissue testing and nutrient availability interactions with specific cropping systems;
 - (C) plant nutrient needs for nitrogen and elements in intensively managed cropping systems;
 - (D) enhancement of soil productivity;
 - (E) varietal and hybrid interactions with plant nutrient requirements and overall crop management;
 - (F) the relationship of soil microbial activity to nutrient management;
 - (G) suitability of cover crops in soil protection and nutrient conservation;
 - (H) the role of crop rotations in intensively managed cropping systems;
 - (I) legume management for nutrient conservation and environmental protection;
 - (J) interactions of improved nutrient use efficiency and efficient water use;
 - (K) nutrient availability interactions with soil physical conditions;
 - (L) nutrient balance effects on improved nitrogen use efficiency and lowered nitrate carryover in soils; and
 - (M) the importance of subsoil fertility in improved plant yields and nutrient use efficiency;
- (4) monitor and evaluate the extent of water contamination from agricultural production methods;
- (5) improve the understanding of the relationships between water use and the availability and quality of water;
- (6) improve the accuracy of yield and nutrient advisories;
- (7) improve the understanding of the ecological and biological aspects of agricultural production;
- (8) demonstrate the results of research conducted with funds provided under this section, undertaken in cooperation with the Extension Service, the Soil Conservation Service, and other entities;
- (9) reduce water contamination and improve water quality relating to the production of cut roses and other fresh cut flowers; and

(10) meet other critical water quality research needs, as determined by the Secretary.

Reports.
7 USC 5505.

SEC. 1485. REPOSITORY OF AGRICULTURE AND GROUND WATER QUALITY PLANNING INFORMATION.

(a) **REPOSITORY.**—The Secretary, acting through the Administrator of the National Agricultural Library, shall establish at such Library, a repository for all reports prepared and submitted, in accordance with this subtitle, to the Director, the Secretary, or Committees of Congress. The Administrator of the Library, in administering such repository, shall—

(1) compile other planning documents concerning agriculture and ground water protection that are produced by the Secretary and other Federal, regional, and State agencies;

(2) compile and catalog all Federal statutes relevant to the protection of ground water from agricultural production; and

(3) identify, list, and provide information concerning access to data bases and informational sources relating to ground water and agricultural production that are available through the Secretary, the United States Geological Survey, the Environmental Protection Agency, the Department of Commerce, the National Oceanic and Atmospheric Agency, the Tennessee Valley Authority, private industry, nonprofit organizations, and other sources.

(b) **RESEARCH DATA BASE.**—

(1) **REPORT.**—Within 270 days after the date of enactment of this Act, the Secretary shall prepare and submit a report to the Congress on the measures necessary to develop an interactive, descriptive national data base to contain information on agricultural practices and water resources (including research results, monitoring and survey data, pesticide and nutrient use data, and other relevant data bases and information sources relevant to water protection), to be located at the National Agricultural Library. In preparing this report, the Secretary shall—

(A) identify the information required for the development of such an agriculture and water data base and identify the extent to which such information is now collected either publicly or privately;

(B) determine the extent to which such information can be integrated into one data base; and

(C) develop a plan for implementing the development of such a data base.

(2) **CONSULTATION.**—In preparing the report, the Secretary shall consult as appropriate with the Economic Research Service, the Extension Service, the Cooperative State Research Service, the National Agricultural Statistics Service, the Soil Conservation Service, the United States Geological Survey, the Environmental Protection Agency, such other public and private persons as the Secretary determines appropriate.

(3) **DEVELOPMENT.**—Ninety days after the date on which the report is submitted under subsection (a), the Secretary shall initiate the development of the data base in accordance with such report.

Subtitle H—Pesticides

SEC. 1491. PESTICIDE RECORDKEEPING.

Business and
industry.
7 USC 136i-1.

(a) **REQUIREMENTS.**—(1) The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, shall require certified applicators of restricted use pesticides (of the type described under section 3(d)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)(1)(C)) to maintain records comparable to records maintained by commercial applicators of pesticides in each State. If there is no State requirement for the maintenance of records, such applicator shall maintain records that contain the product name, amount, approximate date of application, and location of application of each such pesticide used for a 2-year period after such use.

(2) Within 30 days of a pesticide application, a commercial certified applicator shall provide a copy of records maintained under paragraph (1) to the person for whom such application was provided.

(b) **ACCESS.**—Records maintained under subsection (a) shall be made available to any Federal or State agency that deals with pesticide use or any health or environmental issue related to the use of pesticides, on the request of such agency. Each such Federal agency shall conduct surveys and record the data from individual applicators to facilitate statistical analysis for environmental and agronomic purposes, but in no case may a government agency release data, including the location from which the data was derived, that would directly or indirectly reveal the identity of individual producers. In the case of Federal agencies, such access to records maintained under subsection (a) shall be through the Secretary of Agriculture, or the Secretary's designee. State agency requests for access to records maintained under subsection (a) shall be through the lead State agency so designated by the State.

(c) **HEALTH CARE PERSONNEL.**—When a health professional determines that pesticide information maintained under this section is necessary to provide medical treatment or first aid to an individual who may have been exposed to pesticides for which the information is maintained, upon request persons required to maintain records under subsection (a) shall promptly provide record and available label information to that health professional. In the case of an emergency, such record information shall be provided immediately.

(d) **PENALTY.**—The Secretary of Agriculture shall be responsible for the enforcement of subsections (a), (b), and (c). A violation of such subsection shall—

(1) in the case of the first offense, be subject to a fine not more than \$500; and

(2) in the case of subsequent offenses, be subject to a fine of not less than \$1,000 for each violation, except that the penalty shall be less than \$1,000 if the Secretary determines that the person made a good faith effort to comply with such subsection.

(e) **FEDERAL OR STATE PROVISIONS.**—The requirements of this section shall not affect provisions of other Federal or State laws.

(f) **SURVEYS AND REPORTS.**—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall survey the records maintained under subsection (a) to develop and maintain a data base that is sufficient to enable the Secretary and the Administrator to publish annual comprehensive reports concerning agricultural and nonagricultural pesticide use. The

Secretary and Administrator shall enter into a memorandum of understanding to define their respective responsibilities under this subsection in order to avoid duplication of effort. Such reports shall be transmitted to Congress not later than April 1 of each year.

(g) **REGULATIONS.**—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall promulgate regulations on their respective areas of responsibility implementing this section within 180 days after the date of the enactment of this Act.

SEC. 1492. DATA IN SUPPORT OF REGISTRATION.

Section 3(c)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(2)(A)) is amended by inserting after the third sentence the following new sentence: "The Administrator shall not require a person to submit, in relation to a registration or reregistration of a pesticide for minor agricultural use under this Act, any field residue data from a geographic area where the pesticide will not be registered for such use."

SEC. 1493. REDUCTION OR WAIVER OF FEES FOR PESTICIDES REGISTERED FOR MINOR AGRICULTURAL USES.

Section 4(i)(5)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(A)) is amended by adding at the end thereof the following:

"In the case of a pesticide that is registered for a minor agricultural use, the Administrator may reduce or waive the payment of the fee imposed under this subparagraph if the Administrator determines that the fee would significantly reduce the availability of the pesticide for the use."

SEC. 1494. VOLUNTARY CANCELLATION.

Section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(f)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) **VOLUNTARY CANCELLATION.**—

"(A) A registrant may, at any time, request that a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses.

"(B) Before acting on a request under subparagraph (A), the Administrator shall publish in the Federal Register a notice of the receipt of the request and provide for a 30-day period in which the public may comment.

"(C) In the case of a pesticide that is registered for a minor agricultural use, if the Administrator determines that the cancellation or termination of uses would adversely affect the availability of the pesticide for use, the Administrator—

"(i) shall publish in the Federal Register a notice of the receipt of the request and make reasonable efforts to inform persons who so use the pesticide of the request; and

"(ii) may not approve or reject the request until the termination of the 90-day period beginning on the date of publication of the notice in the Federal Register, except that the Administrator may waive the 90-day period upon the request of the registrant or if the Administrator determines that the continued use of the

Federal
Register,
publication.

Federal
Register,
publication.

pesticide would pose an unreasonable adverse effect on the environment.

“(D) Subject to paragraph (3)(B), after complying with this paragraph, the Administrator may approve or deny the request.”; and

(2) by adding at the end the following new paragraph:

“(3) **TRANSFER OF REGISTRATION OF PESTICIDES REGISTERED FOR MINOR AGRICULTURAL USES.**—In the case of a pesticide that is registered for a minor agricultural use:

“(A) During the 90-day period referred to in paragraph (1)(C)(ii), the registrant of the pesticide may notify the Administrator of an agreement between the registrant and a person or persons (including persons who so use the pesticide) to transfer the registration of the pesticide, in lieu of canceling or amending the registration to terminate the use.

“(B) An application for transfer of registration, in conformance with any regulations the Administrator may adopt with respect to the transfer of the pesticide registrations, must be submitted to the Administrator within 30 days of the date of notification provided pursuant to subparagraph (A). If such an application is submitted, the Administrator shall approve the transfer and shall not approve the request for voluntary cancellation or amendment to terminate use unless the Administrator determines that the continued use of the pesticide would cause an unreasonable adverse effect on the environment.

“(C) If the Administrator approves the transfer and the registrant transfers the registration of the pesticide, the Administrator shall not cancel or amend the registration to delete the use or rescind the transfer of the registration, during the 180-day period beginning on the date of the approval of the transfer unless the Administrator determines that the continued use of the pesticide would cause an unreasonable adverse effect on the environment.

“(D) The new registrant of the pesticide shall assume the outstanding data and other requirements for the pesticide that are pending at the time of the transfer.”.

SEC. 1495. PEST CONTROL.

Section 28 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-3) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “The Administrator,”; and

(2) by adding at the end thereof the following new subsections:

“(b) **PEST CONTROL AVAILABILITY.**—

“(1) **IN GENERAL.**—The Administrator, in cooperation with the Secretary of Agriculture, shall identify—

“(A) available methods of pest control by crop or animal;

“(B) minor pest control problems, both in minor crops and minor or localized problems in major crops; and

“(C) factors limiting the availability of specific pest control methods, such as resistance to control methods and regulatory actions limiting the availability of control methods.

“(2) **REPORT.**—The Secretary of Agriculture shall, not later than 180 days after the date of enactment of this subsection and

annually thereafter, prepare a report and send the report to the Administrator. The report shall—

“(A) contain the information described in paragraph (1) and the information required by section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990;

“(B) identify the crucial pest control needs where a shortage of control methods is indicated by the information described in paragraph (1); and

“(C) describe in detail research and extension efforts designed to address the needs identified in subparagraph (B).

“(c) **INTEGRATED PEST MANAGEMENT.**—The Administrator, in cooperation with the Secretary of Agriculture, shall develop approaches to the control of pests based on integrated pest management that respond to the needs of producers, with a special emphasis on minor pests.”.

SEC. 1496. CONFORMING AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended—

(1) by striking out the item relating to section 6(f)(1) and inserting in lieu thereof the following new item:

“(1) Voluntary cancellation.”;

(2) by adding at the end of the item relating to section 6(f) the following new item:

“(3) Transfer of registration of pesticides registered for minor agricultural uses.”;

and

(3) by striking the items relating to section 28 and inserting the following new items:

“Sec. 28. Identification of pests; cooperation with Department of Agriculture’s program.

“(a) In general.

“(b) Pest control availability.

“(1) In general.

“(2) Report.

“(c) Integrated pest management.”.

SEC. 1497. INTER-REGIONAL RESEARCH PROJECT NUMBER 4 (IR-4 PROGRAM).

Section 2 of the Act entitled “An Act to facilitate the work of the Department of Agriculture, and for other purposes”, approved August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively;

(2) by inserting after subsection (d) the following new subsection:

“(e)(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this section as the ‘IR-4 Program’) to assist in the collection of residue and efficacy data in support of—

“(A) the registration or reregistration of minor use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

“(B) tolerances for residues of minor use chemicals in or on raw agricultural commodities under sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a, 348).

“(2) The Secretary shall carry out the IR-4 program in cooperation with the Administrator of the Environmental Protection Agency, State agricultural experiment stations, colleges and universities, extension services, private industry, and other interested parties.

“(3) In carrying out the IR-4 program, the Secretary shall give priority to registrations, reregistrations, and tolerances for pesticide uses related to the production of agricultural crops for food use.

“(4) As part of carrying out the IR-4 program, the Secretary shall—

“(A) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use;

“(B) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods; and

“(C) coordinate with other programs within the Department of Agriculture and the Environmental Protection Agency designed to develop and promote biological and other alternative control measures.

“(5) The Secretary shall prepare and submit, to appropriate Committees of Congress, a report on an annual basis that contains— Reports.

“(A) a listing of all registrations, reregistrations, and tolerances for which data has been collected in the preceding year;

“(B) a listing of all registration, reregistrations, and tolerances for which data collection is scheduled to occur in the following year, with an explanation of the priority system used to develop this list;

“(C) a listing of all activities the IR-4 program has carried out pursuant to paragraph (4).

“(6) The Secretary shall submit to Congress within one year of the date of the enactment of this paragraph a report detailing the feasibility of requiring recoupment of the costs of developing residue data for registrations, reregistrations or tolerances under this program. Such recoupment shall only apply to those registrants which make a profit on such registration, reregistration, or tolerance subsequent to residue data development under this program. Such report shall include: Reports.

“(A) an analysis of possible benefits to the IR-4 program of such a recoupment;

“(B) an analysis of the impact of such a payment on the availability of registrants to pursue registrations or reregistrations of minor use pesticides; and

“(C) recommendations for implementation of such a recoupment policy.

“(7) There are authorized to be appropriated \$25,000,000 for fiscal year 1991, and such sums as are necessary for subsequent fiscal years to carry out this section.”; and Appropriation authorization.

(3) by inserting in subsection (g) following “subsection (b)” the following: “and subsection (e)”.

SEC. 1498. BIOLOGICAL PESTICIDE HANDLING STUDY.

7 USC 136a note.

(a) STUDY.—Not later than September 30, 1992, the National Academy of Sciences shall conduct a study of the biological control programs and registration procedures utilized by the Food and Drug

Administration, the Animal and Plant Health Inspection Service, and the Environmental Protection Agency.

(b) **DEVELOPMENT OF PROCEDURES.**—Not later than 1 year after the completion of the study under subsection (a), the agencies and offices described in such subsection shall develop and implement a common process for reviewing and approving biological control applications that are submitted to such agencies and offices that shall be based on the study conducted under such subsection and the recommendation of the National Academy of Sciences, and other public comment.

Educational
programs.
Technical
assistance.
Research.
7 USC 5506.

SEC. 1499. WATER POLICY WITH RESPECT TO AGRICHEMICALS.

(a) **AUTHORITY.**—The Department of Agriculture shall be the principal Federal agency responsible and accountable for the development and delivery of educational programs, technical assistance, and research programs for the users and dealers of agrichemicals to insure that—

(1) the use, storage, and disposal of agrichemicals by users is prudent, economical, and environmentally sound; and

(2) agrichemical users, dealers, and the general public understand the implications of their actions and the potential effects on water.

Inter-
governmental
relations.
Nonprofit
organizations.

The Secretary is authorized to undertake such programs and assistance in cooperation with other Federal, State, and local governments and agencies, and appropriate nonprofit organizations. The Secretary shall disseminate the results of efforts in extension, technical assistance, research, and related activities. The Secretary shall undertake activities under this subtitle in coordination with the Office of Environmental Quality in section 1612 of this Act.

(b) **AFFECT ON EXISTING AUTHORITY.**—The authority granted in subsection (a) does not alter or effect the responsibility of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(c) **PARTICIPATION.**—The following agencies shall participate in the Department's water program: the Agricultural Research Service; the Agricultural Stabilization and Conservation Service; the Animal Plant Health Inspection Service; the Cooperative State Research Service in conjunction with the system of State agricultural experiment stations; the Economic Research Service; the Extension Service, in conjunction with State and county cooperative extension services; the Forest Service; the National Agricultural Library; the National Agricultural Statistics Service; the Soil Conservation Service; and other agencies within the Department deemed appropriate by the Secretary.

Agricultural
Development
and Trade Act of
1990.
7 USC 1691 note.

TITLE XV—AGRICULTURAL TRADE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Agricultural Development and Trade Act of 1990".