

104TH CONGRESS
1ST SESSION

S. 1373

To amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 1995

Mr. DOLE (for himself, Mr. LUGAR, Mr. CRAIG, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Resources
5 Enhancement Act of 1995”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

1 (1) restore respect for private property rights
2 and the productive capacity of the agricultural sec-
3 tor;

4 (2) reduce unnecessary regulatory burdens on
5 farmers while maintaining basic environmental ob-
6 jectives; and

7 (3) recognize that conservation and environ-
8 mental objectives are best met with voluntary ef-
9 forts.

10 **SEC. 3. DEFINITIONS.**

11 (a) IN GENERAL.—Section 1201(a) of the Food Se-
12 curity Act of 1985 (16 U.S.C. 3801(a)) is amended—

13 (1) by redesignating paragraphs (2), (3), (4),
14 (5), and (6) through (16) as paragraphs (3), (5),
15 (6), (7), and (9) through (19), respectively;

16 (2) by inserting after paragraph (1) the follow-
17 ing:

18 “(2) ALTERNATIVE CONSERVATION SYSTEM.—
19 The term ‘alternative conservation system’ means a
20 conservation system that achieves a substantial re-
21 duction in soil erosion from the level of erosion that
22 existed prior to the application of the conservation
23 measures and practices provided for under the sys-
24 tem.”;

1 (3) by inserting after paragraph (3) (as so re-
2 designated) the following:

3 “(4) CONSERVATION SYSTEM.—The term ‘con-
4 servation system’ means the conservation measures
5 and practices that are approved for application by a
6 producer to a highly erodible field and that provide
7 for cost effective and practical erosion reduction on
8 the field based on local resource conditions and
9 standards contained in the Natural Resources Con-
10 servation Service field office technical guide.”;

11 (4) by inserting after paragraph (7) (as so re-
12 designated) the following:

13 “(8) FREQUENTLY CROPPED AGRICULTURAL
14 LAND.—The term ‘frequently cropped agricultural
15 land’ means agricultural land that—

16 “(A) exhibits wetland characteristics, as
17 determined by the Secretary; and

18 “(B) has been used for 6 of the 10 years
19 prior to January 1, 1996, for agricultural pro-
20 duction on the field, as determined by the Sec-
21 retary, or production of an annual or perennial
22 agricultural crop (including forage production
23 or hay), an aquaculture product, a nursery
24 product, or a wetland crop.”; and

1 (5) in paragraph (10) (as so redesignated), by
2 adding at the end the following:

3 “(C) PRODUCER-INITIATED REVIEW OF
4 HIGHLY ERODIBLE LAND DESIGNATION.—A
5 designation of highly erodible land on agricul-
6 tural land made under this title shall be valid
7 until an owner or operator requests a new des-
8 igation. The Secretary shall provide the des-
9 igation on the request of the owner or opera-
10 tor.

11 “(D) SCIENCE AND TECHNOLOGY.—A des-
12 igation of highly erodible land under this title
13 may be based on the most contemporary
14 science, method, or technology, as determined
15 by the Secretary, for determining soil erodibility
16 that accurately reflects the potential for soil
17 loss.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 363 of the Consolidated Farm and
20 Rural Development Act (7 U.S.C. 2006e) is amend-
21 ed by striking “section 1201(a)(16) of the Food Se-
22 curity Act of 1985 (16 U.S.C. 3801(a)(16))” and in-
23 serting “section 1201(a) of the Food Security Act of
24 1985 (16 U.S.C. 3801(a))”.

1 (2) Section 1257(c) of the Internal Revenue
2 Code of 1986 is amended—

3 (A) in paragraph (1), by striking “section
4 1201(4) of the Food Security Act of 1985 (16
5 U.S.C. 3801(4))” and inserting “section
6 1201(a) of the Food Security Act of 1985 (16
7 U.S.C. 3801(a))”; and

8 (B) in paragraph (2), by striking “section
9 1201(6) of the Food Security Act of 1985 (16
10 U.S.C. 3801(6))” and inserting “section
11 1201(a) of the Food Security Act of 1985 (16
12 U.S.C. 3801(a))”.

13 **SEC. 4. HIGHLY ERODIBLE LAND CONSERVATION.**

14 (a) PROGRAM INELIGIBILITY.—Section 1211 of the
15 Food Security Act of 1985 (16 U.S.C. 3811) is amended
16 to read as follows:

17 **“SEC. 1211. PROGRAM INELIGIBILITY.**

18 “(a) IN GENERAL.—Except as provided in section
19 1212 and notwithstanding any other provision of law, any
20 person who participates in an annual program under the
21 Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) after
22 January 1, 1996, and who in any crop year after that date
23 produces an agricultural commodity on a field on which
24 highly erodible land is predominate, as determined by the
25 Secretary, shall be—

1 “(1) in violation of this section; and

2 “(2) ineligible for loans or payments in an
3 amount determined by the Secretary to be propor-
4 tionate to the severity of the violation, taking into
5 account the intent of the person and the frequency
6 of the violations.

7 “(b) LOANS AND PAYMENTS.—If a person has been
8 determined to have committed a violation during a crop
9 year under subsection (a), the Secretary shall determine
10 which, and the amount, of the following loans and pay-
11 ments for which the person shall be ineligible:

12 “(1) Any type of price support or payment
13 made available under the Agricultural Act of 1949
14 (7 U.S.C. 1421 et seq.), the Commodity Credit Cor-
15 poration Charter Act (15 U.S.C. 714 et seq.), or any
16 other Act.

17 “(2) A farm storage facility loan made under
18 section 4(h) of the Commodity Credit Corporation
19 Charter Act (15 U.S.C. 714b(h)).

20 “(3) A loan made, insured, or guaranteed under
21 the Consolidated Farm and Rural Development Act
22 (7 U.S.C. 1921 et seq.) or any other provision of law
23 administered by the Consolidated Farm Service
24 Agency, if the Secretary determines that the pro-
25 ceeds of the loan will be used for a purpose that will

1 contribute to excessive erosion of highly erodible
2 land.

3 “(4) A payment under section 4 or 5 of the
4 Commodity Credit Corporation Charter Act (15
5 U.S.C. 714b and 714c) during the crop year for the
6 storage of an agricultural commodity acquired by
7 the Commodity Credit Corporation.

8 “(5) During the crop year:

9 “(A) A payment under section 8, 12, or
10 16(b) of the Soil Conservation and Domestic
11 Allotment Act (16 U.S.C. 590h, 590l, and
12 590p(b)).

13 “(B) A payment under section 401 or 402
14 of the Agricultural Credit Act of 1978 (16
15 U.S.C. 2201 and 2202).

16 “(C) A payment under subchapter B or C
17 of chapter 1 of subtitle D.

18 “(D) A payment under chapter 2 of sub-
19 title D.

20 “(E) A payment under chapter 3 of sub-
21 title D.

22 “(F) A payment, loan, or other assistance
23 under section 3 or 8 of the Watershed Protec-
24 tion and Flood Prevention Act (16 U.S.C. 1003
25 and 1006a).”.

1 (b) EXEMPTIONS.—Section 1212 of the Act (16
2 U.S.C. 3812) is amended—

3 (1) in subsection (a)(3), by striking “shall, if”
4 and inserting “shall—

5 “(A) be required to apply a conservation plan
6 that is—

7 “(i)(I) based on and conforms to practices,
8 technologies, and schedules contained in a local
9 Natural Resources Conservation Service field
10 office technical guide; or

11 “(II) based on an alternative conservation
12 system that is not described in the technical
13 guide but is determined by the Secretary to be
14 an acceptable alternative;

15 “(ii) consistent with section 1214; and

16 “(iii) not based on a higher erodibility
17 standard than other highly erodible land located
18 within the same area, as determined by the Sec-
19 retary; and

20 “(B) if”;

21 (2) by redesignating subsections (f) through (h)
22 as subsections (g) through (i), respectively;

23 (3) by inserting after subsection (e) the follow-
24 ing:

1 “(f) EFFECT ON LANDLORDS.—Ineligibility of a ten-
 2 ant or sharecropper for benefits under section 1211 shall
 3 not cause a landlord to be ineligible for the benefits for
 4 which the landlord would otherwise be eligible with respect
 5 to a commodity produced on land other than the land op-
 6 erated by the tenant or sharecropper.”; and

7 (4) in subsection (g) (as so redesignated)—

8 (A) by striking “(g)(1) Except to the ex-
 9 tent provided in paragraph (2), no” and insert-
 10 ing the following:

11 “(g) GOOD FAITH EXEMPTION.—

12 “(1) CONTINUED ELIGIBILITY.—No”;

13 (B) by striking “has—” and all that fol-
 14 lows through “(B) acted” and inserting “has
 15 acted”;

16 (C) in paragraph (2)—

17 (i) by striking “Secretary shall, in
 18 lieu” and all that follows through “crop
 19 year” and inserting “person shall not be
 20 ineligible for loans or payments under sec-
 21 tion 1211”; and

22 (ii) by adding at the end the follow-
 23 ing: “A person who the Secretary deter-
 24 mines has acted in good faith and without
 25 intent to violate this subtitle shall be al-

1 lowed a period of 1 year during which to
 2 implement the measures and practices nec-
 3 essary to be considered to be actively ap-
 4 plying a conservation plan.”;

5 (D) by striking paragraph (3);

6 (E) by redesignating paragraph (4) as
 7 paragraph (3); and

8 (F) by adding at the end the following:

9 “(4) FAILURE TO APPLY CONSERVATION
 10 PLAN.—If a person fails to actively apply a con-
 11 servation plan that documents the decisions of the
 12 person with respect to location, land use, tillage sys-
 13 tems, and conservation treatment measures and
 14 schedules of the conservation plan by the date that
 15 is 1 year after the good faith violation, the Secretary
 16 shall make a determination concerning the ineligibil-
 17 ity of the person under section 1211.”.

18 (c) DEVELOPMENT AND IMPLEMENTATION OF CON-
 19 SERVATION PLANS AND SYSTEMS.—Subtitle B of title XII
 20 of the Act (16 U.S.C. 3811 et seq.) is amended by adding
 21 at the end the following:

22 **“SEC. 1214. DEVELOPMENT AND IMPLEMENTATION OF CON-**
 23 **SERVATION PLANS AND SYSTEMS.**

24 “(a) TECHNICAL REQUIREMENTS.—The Secretary
 25 shall ensure that the standards and guidelines contained

1 in a local Natural Resources Conservation Service field of-
2 fice technical guide applicable to a conservation plan re-
3 quired under this subtitle—

4 “(1) allow a person to use an alternative con-
5 servation system as a means of meeting the require-
6 ments, and achieving the goals, of this subtitle with
7 respect to a highly erodible field that has been used
8 in the production of an agricultural commodity after
9 December 23, 1985; and

10 “(2) provide for conservation measures and
11 practices that—

12 “(A) are technically and economically fea-
13 sible;

14 “(B) are based on local resource conditions
15 and available conservation technology;

16 “(C) are cost-effective; and

17 “(D) do not cause undue economic hard-
18 ship to the person applying the plan or system.

19 “(b) EROSION MEASUREMENT.—For the purpose of
20 determining compliance with this subtitle, the measure-
21 ment of erosion reduction achieved through a conservation
22 plan shall be based on the level of erosion at the time of
23 the measurement compared to the level of erosion that was
24 present prior to the implementation of the conservation

1 measures and practices provided for in the conservation
2 plan.

3 “(c) CROP RESIDUE MEASUREMENTS.—

4 “(1) CERTIFICATION OF COMPLIANCE.—

5 “(A) IN GENERAL.—For the purpose of
6 determining the compliance of a person with the
7 conservation plan on a farm, a third party ap-
8 proved by the Secretary may certify that the
9 person is in compliance if the person is actively
10 applying an approved conservation system or al-
11 ternative conservation system at the time appli-
12 cation for the loans or payments specified in
13 section 1211 is made.

14 “(B) STATUS REVIEWS.—If a person ob-
15 tains a variance, the Secretary shall not be re-
16 quired to carry out a review of the status of
17 compliance of the person with the conservation
18 plan under which the conservation system is
19 being applied if the sole reason for the review
20 is the fact that the person received the vari-
21 ance.

22 “(2) RESIDUE MEASUREMENTS PROVIDED BY
23 PERSONS.—If a status review is carried out, annual
24 crop residue measurements supplied by a person and
25 certified by a third party approved by the Secretary

1 shall be taken into consideration by the Secretary
2 for the purpose of determining compliance if the
3 measurements demonstrate that, on the basis of a 5-
4 year average of the residue level on the field (as de-
5 termined by the Secretary), the crop residue level for
6 a field meets the level required under the conserva-
7 tion plan.

8 “(d) REVISIONS.—

9 “(1) CONSERVATION PLANS.—

10 “(A) REVISIONS BY PERSON OBTAINING
11 CERTIFICATION.—A person that obtains a con-
12 servation plan under section 1212(a)(2) may re-
13 vise the plan by substituting practices described
14 in the local Natural Resources Conservation
15 Service technical guide, if the revised plan
16 achieves an equivalent amount of soil erosion
17 reduction as the original plan, as determined by
18 the Secretary.

19 “(B) NO REVISION BY THE SECRETARY.—

20 The conservation plan of a person who obtains
21 a certification under subsection (c) shall not be
22 subject to revision by the Secretary, unless—

23 “(i) the person concurs with the revi-
24 sion; or

1 “(ii) the person has been determined
2 by the Secretary, within the most recent 1-
3 year period, to be ineligible under section
4 1211 for program loans and payments.

5 “(C) APPROVAL OF ALTERNATIVE CON-
6 SERVATION SYSTEM.—The Secretary shall ap-
7 prove or disapprove an alternative conservation
8 system proposed by a producer not later than
9 30 days after the date the system is proposed.

10 “(D) LOCAL FIELD OFFICE TECHNICAL
11 GUIDE.—If the alternative conservation system
12 is approved by the Secretary and is appropriate
13 to an area, the Secretary shall add the ap-
14 proved alternative conservation system to the
15 local Natural Resources Conservation Service
16 field office technical guide for the area.

17 “(2) CONSERVATION SYSTEMS.—The Secretary
18 may revise under paragraph (1) the conservation
19 system of a person who obtains a certification, sub-
20 ject to subsection (a), if there is substantial evidence
21 as determined by the Secretary that a revision is
22 necessary to carry out this subtitle.

23 “(3) UPDATING LOCAL FIELD OFFICE TECH-
24 NICAL GUIDES.—The Secretary shall regularly revise
25 local Natural Resources Conservation Service field

1 office technical guides to include new conservation
2 systems that the Secretary determines will reduce
3 soil erosion in a cost-effective manner.

4 “(e) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide technical assistance to a person throughout the de-
6 velopment, revision, and application of a conservation plan
7 or conservation system.

8 “(f) VIOLATIONS.—

9 “(1) NOTIFICATION.—An employee of the Nat-
10 ural Resources Conservation Service who observes a
11 possible compliance deficiency or other violation of
12 this subtitle while providing on-site technical assist-
13 ance to a person shall—

14 “(A) not later than 45 days after making
15 the observation, notify the person of any actions
16 that are necessary to correct the deficiency or
17 violation; and

18 “(B) permit the person to correct the defi-
19 ciency or violation within the 1-year period be-
20 ginning on the date of the notification.

21 “(2) CORRECTION OF COMPLIANCE DEFI-
22 CIENCIES.—A person that receives a notification
23 under paragraph (1) shall attempt to correct the de-
24 ficiency as soon as practicable.

1 “(3) STATUS REVIEW.—Not later than 1 year
2 after the date of a notification under paragraph (1),
3 the Secretary shall carry out a review of the status
4 of compliance of the person with the conservation
5 plan under which the conservation system is being
6 applied.

7 “(4) FAILURE TO CORRECT COMPLIANCE DEFICI-
8 CIENCY.—If a person fails to correct a deficiency or
9 violation by the date that is 1 year after the date of
10 a notification under paragraph (1), the Secretary
11 shall make a determination concerning the ineligibil-
12 ity of the person under section 1211.

13 “(g) EXPEDITED VARIANCES.—

14 “(1) PROCEDURES.—The Secretary shall estab-
15 lish expedited procedures, in consultation with local
16 conservation districts, for the consideration and
17 granting of temporary variances to allow for the use
18 of practices and measures to address problems relat-
19 ed to pests, disease, nutrient management, and
20 weather conditions (including drought, hail, and ex-
21 cessive moisture) or for such other purposes as the
22 Secretary considers appropriate.

23 “(2) RESPONSE WITHIN 15 DAYS.—The Sec-
24 retary shall grant or deny a request for a variance

1 described in paragraph (1) not later than 15 days
2 after receiving the request.”.

3 (d) **AFFILIATED PERSONS.**—Subtitle B of title XII
4 of the Act (16 U.S.C. 3811 et seq.) (as amended by sub-
5 section (c)) is further amended by adding at the end the
6 following:

7 **“SEC. 1215. AFFILIATED PERSONS.**

8 “If a person is affected by a reduction in benefits
9 under section 1211 and the affected person is affiliated
10 with other persons for the purpose of receiving the bene-
11 fits, the benefits of each affiliated person shall be reduced
12 under section 1211 in proportion to the interest held by
13 the affiliated person.”.

14 (e) **APPLICABILITY.**—Subtitle B of title XII of the
15 Act (16 U.S.C. 3811 et seq.) (as amended by subsection
16 (d)) is further amended by adding at the end the following:

17 **“SEC. 1216. APPLICABILITY.**

18 “This subtitle shall be effective during the period be-
19 ginning January 1, 1996, and ending December 31,
20 2002.”.

21 **SEC. 5. WETLANDS REFORM.**

22 (a) **PROGRAM INELIGIBILITY.**—Section 1221 of the
23 Food Security Act of 1985 (16 U.S.C. 3821) is amend-
24 ed—

1 (1) by redesignating subsection (b) as sub-
2 section (c);

3 (2) by striking the section heading and all that
4 follows through the end of subsection (a) and insert-
5 ing the following:

6 **“SEC. 1221. PROGRAM INELIGIBILITY.**

7 “(a) IN GENERAL.—Except as provided in section
8 1222 and notwithstanding any other provision of law, any
9 person who participates in an annual program under the
10 Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) after
11 January 1, 1996, and who in any crop year after that date
12 produces an agricultural commodity on converted wetland,
13 as determined by the Secretary, shall be—

14 “(1) in violation of this section; and

15 “(2) ineligible for loans or payments in an
16 amount determined by the Secretary to be propor-
17 tionate to the severity of the violation.

18 “(b) LOANS AND PAYMENTS.—If a person has been
19 determined to have committed a violation during a crop
20 year under subsection (a), the Secretary shall determine
21 which, and the amount, of the following loans and pay-
22 ments for which the person shall be ineligible:

23 “(1) Any type of price support or payment
24 made available under the Agricultural Act of 1949
25 (7 U.S.C. 1421 et seq.), the Commodity Credit Cor-

1 poration Charter Act (15 U.S.C. 714 et seq.), or any
2 other Act.

3 “(2) A farm storage facility loan made under
4 section 4(h) of the Commodity Credit Corporation
5 Charter Act (15 U.S.C. 714b(h)).

6 “(3) A loan made, insured, or guaranteed under
7 the Consolidated Farm and Rural Development Act
8 (7 U.S.C. 1921 et seq.) or any other provision of law
9 administered by the Consolidated Farm Service
10 Agency, if the Secretary determines that the pro-
11 ceeds of the loan will be used for a purpose that will
12 contribute to conversion of a wetland (other than as
13 provided in this subtitle) to produce an agricultural
14 commodity.

15 “(4) A payment under section 4 or 5 of the
16 Commodity Credit Corporation Charter Act (15
17 U.S.C. 714b and 714c) during the crop year for the
18 storage of an agricultural commodity acquired by
19 the Commodity Credit Corporation.

20 “(5) During the crop year:

21 “(A) A payment under section 8, 12, or
22 16(b) of the Soil Conservation and Domestic
23 Allotment Act (16 U.S.C. 590h, 590l, and
24 590p(b)).

1 “(B) A payment under section 401 or 402
2 of the Agricultural Credit Act of 1978 (16
3 U.S.C. 2201 and 2202).

4 “(C) A payment under subchapter B or C
5 of chapter 1 of subtitle D.

6 “(D) A payment under chapter 2 of sub-
7 title D.

8 “(E) A payment under chapter 3 of sub-
9 title D.

10 “(F) A payment, loan, or other assistance
11 under section 3 or 8 of the Watershed Protec-
12 tion and Flood Prevention Act (16 U.S.C. 1003
13 and 1006a).”; and

14 (3) in subsection (c) (as so redesignated)—

15 (A) by striking “Except” and inserting
16 “WETLAND CONVERSION.—Except”; and

17 (B) by striking “subsections (a) (1)
18 through (3)” and inserting “subsection (b)”.

19 (b) DELINEATION OF WETLAND; EXEMPTIONS.—

20 Section 1222 of the Act (16 U.S.C. 3822) is amended—

21 (1) by striking subsection (a) and inserting the
22 following:

23 “(a) DELINEATION BY THE SECRETARY.—

1 “(1) IN GENERAL.—The Secretary shall, sub-
2 ject to subsection (b), delineate, determine, and cer-
3 tify all wetlands located on subject land on a farm.

4 “(2) WETLAND DELINEATION MAPS.—The Sec-
5 retary shall delineate wetlands on wetland delinea-
6 tion maps. On the request of an owner or operator,
7 the Secretary shall make a reasonable effort to make
8 an on-site wetland determination prior to delinea-
9 tion.

10 “(3) CERTIFICATION.—

11 “(A) IN GENERAL.—On providing notice to
12 affected owners or operators, the Secretary
13 shall—

14 “(i) certify whether a map is suffi-
15 cient for the purpose of making a deter-
16 mination of ineligibility for program bene-
17 fits under section 1221; and

18 “(ii) provide an opportunity to appeal
19 the certification prior to the certification
20 becoming final.

21 “(B) REVIEW OF MAPPING.—In the case of
22 an appeal, the Secretary shall review and certify
23 the accuracy of the mapping of all land subject
24 to the appeal to ensure that the subject land
25 has been accurately delineated.

1 “(C) INSPECTION OF LAND.—Prior to ren-
2 dering a decision on the appeal, the Secretary
3 shall conduct an on-site inspection of the sub-
4 ject land on a farm.”;

5 (2) by redesignating subsections (b) through (j)
6 as subsections (c) through (k), respectively;

7 (3) by inserting after subsection (a) the follow-
8 ing:

9 “(b) REQUESTS FOR DELINEATION.—

10 “(1) IN GENERAL.—Any delineation or deter-
11 mination of the presence of wetland on subject land
12 on a farm made under this subtitle shall be valid
13 until such time as the owner or operator of the land
14 requests a new delineation or determination.

15 “(2) CHANGE IN DELINEATION.—In the case of
16 a change in a delineation or determination, the Sec-
17 retary shall promptly notify the owner or operator of
18 the subject land on a farm that is affected by the
19 change.

20 “(3) RELIANCE ON PRIOR DELINEATION.—Any
21 action taken with respect to subject land on a farm
22 by an owner or operator in reliance on a prior wet-
23 land delineation or determination by the Secretary
24 shall not be subject to a subsequent wetland delinea-
25 tion or determination by the Secretary.”;

1 (4) by striking subsection (c) (as so redesignated) and inserting the following:

2 “(c) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans or payments—

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

4 “(A) was manipulated prior to December 23, 1985;

5 “(B) is a wetland that is less than 1 acre in size;

6 “(C) is a nontidal drainage or irrigation ditch excavated in upland;

7 “(D) is an artificially irrigated area that would revert to upland if the irrigation ceased;

8 “(E) is land in Alaska identified as having a high potential for agricultural development and with a predominance of permafrost soils;

9 “(F) is an artificial lake or pond created by excavating or diking land that is not a wetland to collect and retain water and is used primarily for livestock watering, fish production, irrigation, wildlife, fire control, flood control, cranberry growing, or rice production, or as a settling pond;

1 “(G) is a wetland that is temporarily or in-
2 cidentally created as a result of adjacent devel-
3 opment activity; or

4 “(H) is frequently cropped agricultural
5 land; or

6 “(2) for the conversion of—

7 “(A) an artificial lake or pond created by
8 excavating or diking land that is not a wetland
9 to collect and retain water and that is used pri-
10 marily for livestock watering, fish production,
11 irrigation, wildlife, fire control, flood control,
12 cranberry growing, rice production, or as a set-
13 tling pond; or

14 “(B) a wetland that is temporarily or inci-
15 dentally created as a result of adjacent develop-
16 ment activity.”;

17 (5) in subsection (g)(2) (as so redesignated)—

18 (A) by striking “where such restoration”
19 and inserting “through the enhancement of an
20 existing wetland or through the creation of a
21 new wetland, and the restoration, enhancement,
22 or creation”;

23 (B) in subparagraph (A), by inserting
24 “, enhancement, or creation” after “restora-
25 tion”;

1 (C) in subparagraph (D), by inserting “in
2 the case of enhancement and restoration of wet-
3 lands,” after “(D)”;

4 (D) by redesignating subparagraphs (E)
5 and (F) as subparagraphs (F) and (G), respec-
6 tively;

7 (E) by inserting after subparagraph (D)
8 the following:

9 “(E) in the case of creation of wetlands, on
10 greater than a 1-for-1 acreage basis if more
11 acreage is needed to provide equivalent func-
12 tions and values that will be lost as a result of
13 the wetland conversion that is mitigated;” and

14 (F) in subparagraph (F)—

15 (i) by striking “restored” each place it
16 appears and inserting “restored, enhanced,
17 or created”; and

18 (ii) by striking “restoration” and in-
19 serting “restoration, enhancement, or cre-
20 ation”;

21 (6) in subsection (i) (as so redesignated)—

22 (A) in paragraph (1), by striking “Decem-
23 ber 23, 1985,” and all that follows through the
24 period at the end of the paragraph and insert-
25 ing “January 1, 1996, shall be waived by the

1 Secretary if the Secretary determines that the
2 person has acted in good faith and without in-
3 tent to violate this subtitle.”; and

4 (B) by striking paragraphs (2) and (3) and
5 inserting the following:

6 “(2) PERIOD FOR COMPLIANCE.—A person who
7 the Secretary determines has acted in good faith and
8 without intent to violate this subtitle shall be allowed
9 a period of 1 year during which to implement the
10 measures and practices necessary to be considered to
11 actively restoring the subject wetland.”;

12 (7) in subsection (k) (as so redesignated)—

13 (A) in paragraph (1)—

14 (i) in the first sentence, by striking
15 “and a representative of the Fish and
16 Wildlife Service”; and

17 (ii) in the second sentence, by striking
18 “, who in” and all that follows through
19 “Service”; and

20 (B) in paragraph (2), by striking “and a
21 representative” and all that follows through
22 “national offices” and inserting “shall report to
23 the Natural Resources Conservation Service”;
24 and

25 (8) by adding at the end the following:

1 “(1) MITIGATION BANKING.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish a pilot program (to be carried out during a 1-
4 year period) for mitigation banking of wetlands to
5 assist owners and operators in complying with the
6 wetland conservation requirements of this subtitle.

7 “(2) REPORT.—Not later than 1 year after the
8 effective date of this paragraph, the Secretary shall
9 report to the Committee on Agriculture of the House
10 of Representatives and the Committee on Agri-
11 culture, Nutrition, and Forestry of the Senate on
12 the progress in carrying out the pilot program estab-
13 lished under paragraph (1).”

14 (c) CONSULTATION WITH THE SECRETARY OF THE
15 INTERIOR.—Subtitle C of title XII of the Act is amend-
16 ed—

17 (1) by striking section 1223 (16 U.S.C. 3823);

18 and

19 (2) by redesignating section 1224 (16 U.S.C.
20 3824) as section 1223.

21 (d) AFFILIATED PERSONS.—Subtitle C of title XII
22 of the Act (as amended by subsection (c)) is further
23 amended by adding at the end the following:

1 **“SEC. 1224. AFFILIATED PERSONS.**

2 “If a person is affected by a reduction in benefits
3 under section 1221 and the affected person is affiliated
4 with other persons for the purpose of receiving the bene-
5 fits, the benefits of each affiliated person shall be reduced
6 under section 1221 in proportion to the interest held by
7 the affiliated person.”.

8 (e) **APPLICABILITY.**—Subtitle C of title XII of the
9 Act (as amended by subsection (d)) is further amended
10 by adding at the end the following:

11 **“SEC. 1225. APPLICABILITY.**

12 “This subtitle shall be effective during the period be-
13 ginning January 1, 1996, and ending December 31,
14 2002.”.

15 (f) **EASEMENTS ON INVENTORY PROPERTY.**—Section
16 335 of the Consolidated Farm and Rural Development Act
17 (7 U.S.C. 1985) is amended by striking subsection (g) and
18 inserting the following:

19 “(g) **EASEMENTS ON INVENTORY PROPERTY.**—The
20 Secretary may not place a permanent wetland conserva-
21 tion or floodplain easement on any farm property after
22 January 1, 1996.”.

23 (g) **AGRICULTURAL LAND.**—Section 404 of the Fed-
24 eral Water Pollution Control Act (33 U.S.C. 1344) is
25 amended—

1 (1) in subsection (d), by striking “The term”
2 and inserting “Except as otherwise provided in this
3 section, the term”; and

4 (2) by adding at the end the following:

5 “(u) AGRICULTURAL LAND.—

6 “(1) DEFINITION OF AGRICULTURAL LAND.—In
7 this subsection, the term ‘agricultural land’ means
8 cropland, pastureland, native pasture, rangeland, an
9 orchard, a vineyard, an area that supports a wetland
10 crop (including cranberries, taro, watercress, or
11 rice), and any other land that is used to produce or
12 support the production of an annual or perennial ag-
13 ricultural crop (including forage production or hay),
14 an aquaculture product, a nursery product, or a wet-
15 land crop.

16 “(2) DETERMINATIONS ON AGRICULTURAL
17 LAND.—The Secretary of Agriculture shall make all
18 determinations concerning the presence of a wetland
19 on agricultural land under this section and deter-
20 minations regarding the discharge or dredge of fill
21 material from normal farming and ranching activi-
22 ties, as provided in subsection (f)(1)(A). Determina-
23 tions concerning the presence of a wetland, and nor-
24 mal farming and ranching practices, on agricultural
25 land shall be made pursuant to this section.”.

1 **SEC. 6. ENVIRONMENTAL CONSERVATION ACREAGE RE-**
2 **SERVE PROGRAM.**

3 Section 1230 of the Food Security Act of 1985 (16
4 U.S.C. 3830) is amended to read as follows:

5 **“SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE**
6 **RESERVE PROGRAM.**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—During the 1996 through
9 2002 calendar years, the Secretary shall establish an
10 environmental conservation acreage reserve program
11 (referred to in this section as ‘ECARP’) to be imple-
12 mented through contracts and the acquisition of
13 easements to assist owners and operators of farms
14 and ranches to conserve and enhance soil, water,
15 and related natural resources, including grazing
16 land, wetland, and wildlife habitat.

17 “(2) MEANS.—The Secretary shall carry out
18 the ECARP by—

19 “(A) providing for the long-term protection
20 of environmentally sensitive land; and

21 “(B) providing technical and financial as-
22 sistance to farmers and ranchers to—

23 “(i) improve the management and op-
24 eration of the farms and ranches; and

1 “(ii) reconcile productivity and profit-
2 ability with protection and enhancement of
3 the environment.

4 “(3) PROGRAMS.—The ECARP shall consist
5 of—

6 “(A) the conservation reserve program es-
7 tablished under subchapter B;

8 “(B) the wetlands reserve program estab-
9 lished under subchapter C; and

10 “(C) the environmental quality incentive
11 program established under chapter 2.

12 “(b) ADMINISTRATION.—

13 “(1) IN GENERAL.—In carrying out the
14 ECARP, the Secretary shall enter into contracts
15 with owners and operators and acquire interests in
16 land through easements from owners, as provided in
17 this chapter and chapter 2.

18 “(2) PRIOR ENROLLMENTS.—Acreage enrolled
19 in the conservation reserve or wetlands reserve pro-
20 gram prior to the effective date of this paragraph
21 shall be considered to be placed into the ECARP.

22 “(c) CONSERVATION PRIORITY AREAS.—

23 “(1) DESIGNATION.—

24 “(A) IN GENERAL.—The Secretary shall
25 designate watersheds or regions of special envi-

1 ronmental sensitivity, including the Chesapeake
2 Bay Region (consisting of Pennsylvania, Mary-
3 land, and Virginia), the Great Lakes Region,
4 and the Long Island Sound Region, as con-
5 servation priority areas that are eligible for en-
6 hanced assistance through the programs estab-
7 lished under this chapter and chapter 2.

8 “(B) APPLICATION.—A designation shall
9 be made under this paragraph if agricultural
10 practices on land within the watershed or re-
11 gion pose a significant threat to soil, water, and
12 related natural resources, as determined by the
13 Secretary, and an application is made by—

14 “(i) a State agency in consultation
15 with the State technical committee estab-
16 lished under section 1261; or

17 “(ii) State agencies from several
18 States that agree to form an interstate
19 conservation priority area.

20 “(C) ASSISTANCE.—The Secretary shall
21 designate a watershed or region of special envi-
22 ronmental sensitivity as a conservation priority
23 area to assist, to the maximum extent prac-
24 ticable, agricultural producers within the water-
25 shed or region to comply with nonpoint source

1 pollution requirements under the Federal Water
2 Pollution Control Act (33 U.S.C. 1251 et seq.)
3 and other Federal and State environmental
4 laws.

5 “(2) APPLICABILITY.—The Secretary shall des-
6 ignate a watershed or region of special environ-
7 mental sensitivity as a conservation priority area in
8 a manner that conforms, to the maximum extent
9 practicable, to the functions and purposes of the
10 conservation reserve, wetlands reserve, and environ-
11 mental quality incentives programs, as applicable, if
12 participation in the program or programs is likely to
13 result in the resolution or amelioration of significant
14 soil, water, and related natural resource problems
15 related to agricultural production activities within
16 the watershed or region.

17 “(3) TERMINATION.—A conservation priority
18 area designation shall terminate on the date that is
19 5 years after the date of the designation, except that
20 the Secretary may—

21 “(A) redesignate the area as a conserva-
22 tion priority area; or

23 “(B) withdraw the designation of a water-
24 shed or region if the Secretary determines the
25 area is no longer affected by significant soil,

1 water, and related natural resource impacts re-
2 lated to agricultural production activities.”.

3 **SEC. 7. CONSERVATION RESERVE PROGRAM.**

4 (a) PURPOSE AND GOALS.—Section 1231(a) of the
5 Food Security Act of 1985 (16 U.S.C. 3831(a)) is amend-
6 ed—

7 (1) by striking “(a) IN GENERAL.—Through”
8 and inserting the following:

9 “(a) IN GENERAL.—

10 “(1) PURPOSE.—Through”;

11 (2) by striking “1995” and inserting “2002”;

12 and

13 (3) by adding at the end the following:

14 “(2) GOALS.—The goals of the conservation re-
15 serve program shall be to—

16 “(A) idle land only on a voluntary basis;

17 “(B) conserve the environment, including
18 soil, water, and air;

19 “(C) ensure respect for private property
20 rights; and

21 “(D) enhance wildlife and wildlife habi-
22 tat.”.

23 (b) ELIGIBLE LANDS.—Section 1231 of the Act (16
24 U.S.C. 3831) is amended by striking subsection (b) and
25 inserting the following:

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

3 “(1) highly erodible cropland that—

4 “(A) if permitted to remain untreated
5 could substantially impair soil, water, or related
6 natural resources;

7 “(B) cannot be farmed in accordance with
8 a conservation plan established under section
9 1212; and

10 “(C) meets or exceeds an erodibility index
11 of 8;

12 “(2) marginal pasture land converted to wet-
13 land;

14 “(3) cropland or pasture land in or near ripar-
15 ian areas that could enhance water quality;

16 “(4) frequently cropped agricultural land; and

17 “(5) cropland or pasture land to be devoted to
18 windbreaks, shelterbelts, or wildlife corridors.”.

19 (c) ENROLLMENT PRIORITIES.—Section 1231 of the
20 Act (16 U.S.C. 3831) is amended by striking subsection
21 (d) and inserting the following:

22 “(d) ENROLLMENT.—

23 “(1) LIMITATIONS.—Enrollments in the con-
24 servation reserve (including acreage subject to con-
25 tracts extended by the Secretary pursuant to section

1 1437 of the Food, Agriculture, Conservation, and
2 Trade Act of 1990 (Public Law 101–624; 16 U.S.C.
3 3831 note)) during the 1986 through 2002 calendar
4 years may not exceed 36,400,000 acres.

5 “(2) SPENDING LIMITATION.—Total spending
6 for enrollments under paragraph (1) may not exceed
7 the spending limitations established under section
8 1241(e).

9 “(3) PRIORITIES.—The Secretary shall, to the
10 maximum extent practicable, with each periodic en-
11 rollment (including acreage subject to contracts ex-
12 tended by the Secretary pursuant to section 1437 of
13 the Food, Agriculture, Conservation, and Trade Act
14 of 1990), enroll acreage in the conservation reserve
15 that meets the priority criteria for water quality,
16 wetland, soil erosion, and wildlife habitat as provided
17 in subsection (e) and, to the maximum extent prac-
18 ticable, maximize multiple environmental benefits.”.

19 (d) PRIORITY FUNCTIONS.—Section 1231 of the Act
20 (7 U.S.C. 3831) is amended—

21 (1) by redesignating subsections (e) through (g)
22 as subsections (f) through (h); respectively; and

23 (2) by inserting after subsection (d) the follow-
24 ing:

25 “(e) PRIORITY FUNCTIONS.—

1 “(1) IN GENERAL.—During all periodic enroll-
2 ments of acreage (including acreage subject to con-
3 tracts extended by the Secretary pursuant to section
4 1437 of the Food, Agriculture, Conservation, and
5 Trade Act of 1990 (Public Law 101–624; 16 U.S.C.
6 3831 note)), the Secretary shall evaluate all offers to
7 enter into contracts under this subchapter in light of
8 the priority criteria specified in paragraphs (2), (3),
9 (4), and (5), and accept only the offers that meet
10 the criteria specified in paragraph (2), (3), or (4),
11 maximize the benefits specified in paragraph (5),
12 and maximize environmental benefits per dollar ex-
13 pended. If an offer meets the criteria specified in
14 paragraph (5) and paragraph (2), (3), or (4), the
15 offer shall receive higher priority, as determined by
16 the Secretary.

17 “(2) WATER QUALITY.—

18 “(A) TARGETED LAND.—Not later than
19 December 31, 2000, the Secretary shall enroll
20 in the conservation reserve program at least
21 1,500,000 acres of cropland or pasture land
22 that are contiguous or proximate to—

23 “(i) permanent bodies of water;

24 “(ii) tributaries or smaller streams; or

1 “(iii) intermittent streams that the
2 Secretary determines significantly contrib-
3 ute to downstream water quality degrada-
4 tion.

5 “(B) PURPOSES.—The land may be en-
6 rolled by the Secretary in the conservation re-
7 serve to establish—

8 “(i) filterstrips;

9 “(ii) contour grass strips;

10 “(iii) grassed waterways; and

11 “(iv) other equivalent conservation
12 measures that have a high potential to
13 ameliorate pollution from crop and live-
14 stock production.

15 “(C) PARTIAL AND WHOLE FIELDS.—En-
16 rollments under this paragraph may include
17 partial and whole fields, except that the Sec-
18 retary shall provide a higher priority to partial
19 field enrollments.

20 “(3) WETLANDS.—

21 “(A) IN GENERAL.—The Secretary shall
22 accept offers to enroll up to 1,500,000 acres of
23 frequently cropped agricultural land, including
24 such land enrolled (as of the effective date of
25 this subparagraph) in the conservation reserve

1 and subsequently subject to a contract exten-
2 sion under section 1437 of the Food, Agri-
3 culture, Conservation, and Trade Act of 1990
4 (Public Law 101–624; 16 U.S.C. 3831 note), as
5 determined by the Secretary.

6 “(B) FUNCTIONS AND VALUES.—In enroll-
7 ing land under subparagraph (A), the Secretary
8 shall give a priority to enrolling frequently
9 cropped agricultural land that the Secretary de-
10 termines maximizes preservation of wetland
11 functions and values.

12 “(4) SOIL EROSION.—

13 “(A) IN GENERAL.—The Secretary shall
14 accept offers to enroll a field containing highly
15 erodible land if—

16 “(i) a predominance of land on the
17 field is qualifying highly erodible land that
18 has an erodibility index of at least 8;

19 “(ii) a predominance of at least 80
20 percent of the field consists of qualifying
21 highly erodible land; and

22 “(iii) the part of the field that does
23 not have an erodibility index of at least 8
24 cannot be cultivated in a cost-effective
25 manner if separated from the qualifying

1 highly erodible land, as determined by the
2 Secretary.

3 “(B) PARTIAL FIELD ENROLLMENTS.—A
4 portion of a field containing qualifying highly
5 erodible land under this paragraph shall be eli-
6 gible for enrollment if the partial field segment
7 would provide a significant reduction in soil ero-
8 sion.

9 “(5) WILDLIFE HABITAT BENEFITS.—

10 “(A) IN GENERAL.—The Secretary shall,
11 to the maximum extent practicable, ensure that
12 offers to enroll acreage under paragraph (2),
13 (3), or (4) are accepted so as to maximize wild-
14 life habitat benefits.

15 “(B) MAXIMIZING BENEFITS.—For pur-
16 poses of this paragraph, the Secretary shall, to
17 the maximum extent practicable, maximize wild-
18 life habitat benefits by—

19 “(i) consulting with State technical
20 committees established under section 1261
21 as to the relative habitat benefits of each
22 offer, and accepting offers that maximize
23 benefits; and

24 “(ii) providing higher priority to of-
25 fers that would be contiguous to—

- 1 “(I) other enrolled acreage;
2 “(II) designated wildlife habitat;
3 or
4 “(III) a wetland.

5 “(C) COVER CROP INFORMATION.—The
6 Secretary shall provide information to owners
7 or operators about cover crops that are best
8 suited for area wildlife.”.

9 (e) DURATION OF CONTRACT.—Section 1231(f) of
10 the Act (as so redesignated) is amended—

11 (1) in paragraph (1)—

12 (A) by inserting before the period at the
13 end the following: “, as determined by the
14 owner or operator of the land”; and

15 (B) by adding at the end the following: “A
16 contract extended by the Secretary pursuant to
17 section 1437 of the Food, Agriculture, Con-
18 servation, and Trade Act of 1990 (Public Law
19 101–624; 16 U.S.C. 3831 note) may have a
20 term of 5, 10, or 15 years, as determined by
21 the owner or operator of the land.”; and

22 (2) by adding at the end the following:

23 “(3) EARLY OUT.—The Secretary shall allow an
24 owner or operator who (on the effective date of this
25 paragraph) is covered by a contract entered into

1 under this subchapter to terminate the contract not
2 later than April 15, 1996. Land subject to an early
3 termination of a contract under this paragraph may
4 not include filterstrips, waterways, strips adjacent to
5 riparian areas, windbreaks, shelterbelts, and other
6 areas of high environmental value as determined by
7 the Secretary.”.

8 (f) CONFORMING AMENDMENTS.—Section 1231 of
9 the Act (as amended by subsection (d)(1)) is further
10 amended—

11 (1) by striking subsection (g); and

12 (2) by redesignating subsection (h) as sub-
13 section (g).

14 (g) INCIDENTAL GRAZING.—Section 1232(a)(7) of
15 the Act (16 U.S.C. 3832(a)(7)) is amended—

16 (1) by striking “except that the Secretary may”
17 and inserting “except that the Secretary—

18 “(A) may”;

19 (2) by striking “emergency, and the Secretary
20 may” and inserting the following: “emergency;

21 “(B) may”;

22 (3) by adding “and” after the semicolon at the
23 end; and

24 (4) by adding at the end the following:

1 “(C) shall allow incidental grazing during
2 the nongrowing season on filter strips and other
3 partial field enrollments within the borders of
4 an active field;”.

5 (h) ANNUAL RENTAL PAYMENTS.—Section 1234 of
6 the Act (16 U.S.C. 3834) is amended by striking sub-
7 section (c) and inserting the following:

8 “(c) ANNUAL RENTAL PAYMENTS.—

9 “(1) IN GENERAL.—In determining the amount
10 of annual rental payments to be paid to owners and
11 operators for converting eligible cropland normally
12 devoted to the production of an agricultural com-
13 modity to a less intensive use, the Secretary may
14 consider, among other factors, the amount necessary
15 to encourage owners or operators of eligible cropland
16 to participate in the program established by this
17 subchapter.

18 “(2) AMOUNT.—

19 “(A) IN GENERAL.—The amounts payable
20 to owners or operators as rental payments
21 under contracts entered into under this sub-
22 chapter shall be determined by the Secretary
23 through—

24 “(i) the submission of offers for the
25 contracts by owners and operators in such

1 manner as the Secretary may prescribe;
2 and

3 “(ii) determination of the rental value
4 for the land through a productivity adjust-
5 ment formula established by the Secretary.

6 “(B) MAXIMUM RENTAL RATES.—

7 “(i) IN GENERAL.—Except as pro-
8 vided in clauses (ii) and (iii), rental rates
9 may not exceed the productivity adjusted
10 rental rate, as determined by the Sec-
11 retary.

12 “(ii) PARTIAL FIELD ENROLL-
13 MENTS.—Rental rates for partial field en-
14 rollments for water quality, soil erosion, or
15 wetland priority functions under section
16 1231(e) may not exceed 125 percent of the
17 rental rate for the land, as determined by
18 the Secretary based on a productivity ad-
19 justment formula.

20 “(iii) CONSERVATION PRIORITY
21 AREAS.—Rental rates for partial field en-
22 rollments in conservation priority areas
23 under section 1230(c) may not exceed 150
24 percent of the rental rate for the land, as

1 determined by the Secretary based on a
2 productivity adjustment formula.

3 “(C) MINIMUM RENTAL RATES.—Rental
4 rates for land subject to a contract extended by
5 the Secretary pursuant to section 1437 of the
6 Food, Agriculture, Conservation, and Trade Act
7 of 1990 (Public Law 101–624; 16 U.S.C. 3831
8 note) may not be less than 80 percent of the
9 average rental rate for all contracts in force in
10 the county at the time of the extension.

11 “(3) TREES.—In the case of acreage enrolled in
12 the conservation reserve that is to be devoted to
13 trees, the Secretary may consider offers for con-
14 tracts under this subsection on a continuous basis.”.

15 (i) OWNERSHIP AND OPERATION REQUIREMENTS.—
16 Section 1235(a) of the Act (16 U.S.C. 3835(a)) is amend-
17 ed—

18 (1) in paragraph (1)(B), by striking “1985”
19 and inserting “1996”; and

20 (2) in paragraph (2)(B)(i), by striking “1985”
21 and inserting “1996”.

22 (j) CONFORMING AMENDMENT.—Section
23 1235A(b)(2) of the Act (16 U.S.C. 3835a(b)(2)) is
24 amended by striking “or permanent”.

1 **SEC. 8. WETLANDS RESERVE PROGRAM.**

2 (a) PURPOSES.—Section 1237(a) of the Food Secu-
3 rity Act of 1985 (16 U.S.C. 3837(a)) is amended by strik-
4 ing “to assist owners of eligible lands in restoring and pro-
5 tecting wetlands” and inserting “to protect wetlands for
6 purposes of enhancing water quality and providing wildlife
7 benefits while recognizing landowner rights”.

8 (b) MINIMUM ENROLLMENT.—Section 1237(b) of the
9 Act (16 U.S.C. 3837(b)) is amended by striking “pro-
10 gram” and all that follows through “2000” and inserting
11 “program a total of not more than 975,000 acres during
12 the 1991 through 2002”.

13 (c) ELIGIBILITY.—Section 1237(c) of the Act (16
14 U.S.C. 3837(c)) is amended—

15 (1) by striking “2000” and inserting “2002”;

16 (2) by striking “Secretary of the Interior at the
17 local level” and inserting “State technical commit-
18 tee”;

19 (3) by inserting “the land maximizes wildlife
20 benefits and wetland values and functions and” after
21 “determines that”;

22 (4) in paragraph (1)—

23 (A) by striking “December 23, 1985” and
24 inserting “January 1, 1996”; and

25 (B) by striking “and” at the end;

1 (5) by redesignating paragraph (2) as para-
2 graph (3);

3 (6) by inserting after paragraph (1) the follow-
4 ing:

5 “(2) enrollment of the land meets water quality
6 goals through—

7 “(A) creation of tailwater pits or settle-
8 ment ponds; or

9 “(B) enrollment of land that was enrolled
10 (on the day before the effective date of this sub-
11 paragraph) in the water bank program estab-
12 lished under the Water Bank Act (16 U.S.C.
13 1301 et seq.) at a rate not to exceed the rates
14 in effect under the program;”;

15 (7) in paragraph (3) (as so redesignated), by
16 striking the period at the end and inserting “; and”;
17 and

18 (8) by adding at the end the following:

19 “(4) enrollment of the land maintains or im-
20 proves wildlife habitat.”.

21 (d) OTHER ELIGIBLE LANDS.—Section 1237(d) (16
22 U.S.C. 3837(d)) is amended by inserting after “subsection
23 (c)” the following “, land that maximizes wildlife benefits
24 and that is”.

1 (e) EASEMENTS.—Section 1237A of the Act (16
2 U.S.C. 3837a) is amended—

3 (1) by striking subsection (c) and inserting the
4 following:

5 “(c) RESTORATION PLANS.—The development of a
6 restoration plan, including any compatible use, under this
7 section shall be made through the local Natural Resources
8 Conservation Service representative, in consultation with
9 the State technical committee.”;

10 (2) by striking subsection (e) and inserting the
11 following:

12 “(e) TYPE AND LENGTH OF EASEMENT.—A con-
13 servation easement granted under this section—

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

15 “(2) shall be for 20 or 30 years; and

16 “(3) shall not exceed the maximum duration al-
17 lowed under applicable State law.”; and

18 (3) in subsection (f), by striking the third sen-
19 tence and inserting the following: “Compensation
20 may be provided in not less than 5, nor more than
21 30, annual payments of equal or unequal size, as
22 agreed to by the owner and the Secretary.”.

23 (f) DUTIES OF THE SECRETARY.—Section 1237C(d)
24 of the Act (16 U.S.C. 3837c(d)) is amended by striking

1 “, in consultation” and all that follows through “Inte-
2 rior,”.

3 **SEC. 9. CONSERVATION FUNDING.**

4 (a) IN GENERAL.—Subtitle E of title XII of the Food
5 Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended
6 to read as follows:

7 **“Subtitle E—Funding**

8 **“SEC. 1241. FUNDING.**

9 “(a) MANDATORY EXPENSES.—For each of fiscal
10 years 1996 through 2002, the Secretary shall use the
11 funds of the Commodity Credit Corporation to carry out
12 the programs authorized by—

13 “(1) subchapter B of chapter 1 of subtitle D
14 (including contracts extended by the Secretary pur-
15 suant to section 1437 of the Food, Agriculture, Con-
16 servation, and Trade Act of 1990 (Public Law 101–
17 624; 16 U.S.C. 3831 note));

18 “(2) subchapter C of chapter 1 of subtitle D;
19 and

20 “(3) chapter 2 of subtitle D for practices relat-
21 ed to livestock production.

22 “(b) ADVANCE APPROPRIATIONS TO CCC.—The Sec-
23 retary may use the funds of the Commodity Credit Cor-
24 poration to carry out chapter 3 of subtitle D, except that
25 the Secretary may not use the funds of the Corporation

1 unless the Corporation has received funds to cover the ex-
2 penditures from appropriations made available to carry
3 out chapter 3 of subtitle D.

4 “(c) ENVIRONMENTAL QUALITY INCENTIVES PRO-
5 GRAM.—For each of fiscal years 1996 through 2002,
6 \$100,000,000 of the funds of the Commodity Credit Cor-
7 poration shall be available for providing technical assist-
8 ance, cost-sharing payments, and incentive payments for
9 practices relating to livestock production under the envi-
10 ronmental quality incentives program.

11 “(d) WETLANDS RESERVE PROGRAM.—Spending to
12 carry out the wetlands reserve program under subchapter
13 C of chapter 1 of subtitle D shall be not greater than
14 \$614,000,000 for fiscal years 1996 through 2002.

15 “(e) CONSERVATION RESERVE PROGRAM.—Spending
16 for the conservation reserve program (including contracts
17 extended by the Secretary pursuant to section 1437 of the
18 Food, Agriculture, Conservation, and Trade Act of 1990
19 (Public Law 101–624; 16 U.S.C. 3831 note)) shall be not
20 greater than—

21 “(1) \$1,787,000,000 for fiscal year 1996;

22 “(2) \$1,784,000,000 for fiscal year 1997;

23 “(3) \$1,445,000,000 for fiscal year 1998;

24 “(4) \$1,246,000,000 for fiscal year 1999;

25 “(5) \$1,101,000,000 for fiscal year 2000;

1 “(6) \$999,000,000 for fiscal year 2001; and

2 “(7) \$974,000,000 for fiscal year 2002.

3 **“SEC. 1242. ADMINISTRATION.**

4 “(a) PLANS.—The Secretary shall, to the extent prac-
5 ticable, avoid duplication in—

6 “(1) the conservation plans required for—

7 “(A) highly erodible land conservation
8 under subtitle B;

9 “(B) the conservation reserve program es-
10 tablished under subchapter B of chapter 1 of
11 subtitle D; and

12 “(C) the wetlands reserve program estab-
13 lished under subchapter C of chapter 1 of sub-
14 title D; and

15 “(2) the environmental quality incentives pro-
16 gram plan established under chapter 2 of subtitle D.

17 “(b) ACREAGE LIMITATION.—

18 “(1) IN GENERAL.—The Secretary shall not en-
19 roll more than 25 percent of the cropland in any
20 county in the programs administered under the con-
21 servation reserve and wetlands reserve programs es-
22 tablished under subchapters B and C, respectively,
23 of chapter 1 of subtitle D. Not more than 10 percent
24 of the cropland in a county may be subject to an
25 easement acquired under the subchapters.

1 “(2) EXCEPTION.—The Secretary may exceed
2 the limitations in paragraph (1) if the Secretary de-
3 termines that—

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

6 “(B) operators in the county are having
7 difficulties complying with conservation plans
8 implemented under section 1212.

9 “(3) SHELTERBELTS AND WINDBREAKS.—The
10 limitations established under this subsection shall
11 not apply to cropland that is subject to an easement
12 under chapter 1 or 3 of subtitle D that is used for
13 the establishment of shelterbelts and windbreaks.

14 “(c) TENANT PROTECTION.—Except for a person
15 who is a tenant on land that is subject to a conservation
16 reserve contract that has been extended by the Secretary,
17 the Secretary shall provide adequate safeguards to protect
18 the interests of tenants and sharecroppers, including pro-
19 vision for sharing, on a fair and equitable basis, in pay-
20 ments under the programs established under subtitles B
21 through D.

22 “(d) REGULATIONS.—Not later than 90 days after
23 the effective date of this subsection, the Secretary shall
24 issue regulations to implement the conservation reserve

1 and wetlands reserve programs established under chapter
2 1 of subtitle D.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) The first sentence of the matter under the
5 heading “COMMODITY CREDIT CORPORATION” of
6 Public Law 99–263 (100 Stat. 59; 16 U.S.C. 3841
7 note) is amended by striking “: *Provided further,*”
8 and all that follows through “Acts”.

9 (2) Section 1232(a)(11) of the Food Security
10 Act of 1985 (16 U.S.C. 3832(a)(11)) is amended by
11 striking “in a county that has not reached the limi-
12 tation established by section 1243(f)”.

13 **SEC. 10. CONFORMING AMENDMENTS.**

14 (a) RURAL ENVIRONMENTAL CONSERVATION PRO-
15 GRAM.—

16 (1) ELIMINATION.—Title X of the Agricultural
17 Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

18 (2) CONFORMING AMENDMENTS.—Section
19 246(b) of the Department of Agriculture Reorga-
20 nization Act of 1994 (7 U.S.C. 6962(b)) is amend-
21 ed—

22 (A) by striking paragraph (1); and

23 (B) by redesignating paragraphs (2)
24 through (8) as paragraphs (1) through (7), re-
25 spectively.

1 (b) OTHER CONSERVATION PROVISIONS.—Subtitle F
2 of title XII of the Food Security Act of 1985 (16 U.S.C.
3 2005a and 2101 note) is repealed.

4 (c) COMMODITY CREDIT CORPORATION CHARTER
5 ACT.—Section 5(g) of the Commodity Credit Corporation
6 Charter Act (15 U.S.C. 714c(g)) is amended to read as
7 follows:

8 “(g) Carry out conservation functions and pro-
9 grams.”.

10 (d) RESOURCE CONSERVATION.—

11 (1) ELIMINATION.—Subtitles A, B, D, E, F, G,
12 and J of title XV of the Agriculture and Food Act
13 of 1981 (95 Stat. 1328; 16 U.S.C. 3401 et seq.) are
14 repealed.

15 (2) CONFORMING AMENDMENT.—Section 739
16 of the Agriculture, Rural Development, Food and
17 Drug Administration, and Related Agencies Appro-
18 priations Act, 1982 (7 U.S.C. 2272a), is repealed.

19 (e) ENVIRONMENTAL EASEMENT PROGRAM.—Sec-
20 tion 1239(a) of the Food Security Act of 1985 (16 U.S.C.
21 3839(a)) is amended by striking “1991 through 1995”
22 and inserting “1996 through 2002”.

23 (f) RESOURCE CONSERVATION AND DEVELOPMENT
24 PROGRAM.—Section 1538 of the Agriculture and Food
25 Act of 1981 (16 U.S.C. 3461) is amended by striking

1 “1991 through 1995” and inserting “1996 through
2 2002”.

3 **SEC. 11. WILDLIFE BENEFITS.**

4 In carrying out conservation programs, the Secretary
5 of Agriculture is encouraged to promote wildlife benefits
6 to the extent practicable and to the extent that the action
7 does not conflict with the requirements or purposes of the
8 programs.

9 **SEC. 12. EFFECTIVE DATE.**

10 (a) IN GENERAL.—This Act and the amendments
11 made by this Act shall become effective on the later of—

12 (1) the date of enactment of this Act; or

13 (2) January 1, 1996.

14 (b) TRANSITION PROVISIONS.—Notwithstanding any
15 other provision of law, this Act and the amendments made
16 by this Act shall not affect the authority of the Secretary
17 of Agriculture to carry out a program for any of the 1991
18 through 1995 calendar years under a provision of law in
19 effect immediately before the effective date required under
20 subsection (a).

○

S 1373 IS—2

S 1373 IS—3

S 1373 IS—4