

104TH CONGRESS
1ST SESSION

H. R. 2542

To consolidate conservation cost-share assistance programs of the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1995

Mr. ALLARD (for himself and Mr. ROBERTS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To consolidate conservation cost-share assistance programs of the Department of Agriculture, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Conservation Consolidation and Regulatory Reform Act
6 of 1995”.

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

Sec. 1. Short title; table of contents.

TITLE I—REESTABLISHMENT OF SOIL CONSERVATION SERVICE

- Sec. 101. Reestablishment of Soil Conservation Service within Consolidated Farm Service Agency and designation of functions.
- Sec. 102. Role of Consolidated Farm Service Agency and Soil Conservation Service in administration of Agricultural Conservation Assistance Program and Livestock Water Quality Conservation Program.
- Sec. 103. Effect of reestablishment of Soil Conservation Service.

TITLE II—CONSOLIDATION OF CONSERVATION FINANCIAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE

Subtitle A—Agricultural Conservation Assistance Program

- Sec. 201. Purpose of title and definitions.
- Sec. 202. Provision of technical and financial assistance for structural practices to conserve and improve soil, water, and related natural resources.
- Sec. 203. Cost-share plans.
- Sec. 204. Financial assistance under contract.
- Sec. 205. Termination of contracts.
- Sec. 206. Authorization of appropriations.
- Sec. 207. Interim administration of Agricultural Conservation Assistance Program.

Subtitle B—Conforming Amendments

- Sec. 221. Repeal of great plains conservation program.
- Sec. 222. Repeal of critical lands resource conservation program in great plains area.
- Sec. 223. Repeal of agricultural conservation program.
- Sec. 224. Repeal of Colorado River basin salinity control program.
- Sec. 225. Repeal of rural environmental conservation program.
- Sec. 226. Repeal of water quality incentive projects.
- Sec. 227. Repeal of control of weeds and pests program.
- Sec. 228. Repeal of tree planting initiative.
- Sec. 229. Repeal of integrated farm management program option.
- Sec. 230. Repeal of special areas conservation program and reservoir sedimentation program.
- Sec. 231. Repeal of small watershed easement purchase authority.
- Sec. 232. Repeal of financial assistance programs under Cooperative Forestry Assistance Act of 1978.
- Sec. 233. Repeal of Water Bank Act.
- Sec. 234. Effect of repeals.

TITLE III—WATER QUALITY CONSERVATION PROGRAM FOR LIVESTOCK OPERATIONS

- Sec. 301. Purpose of title and definitions.
- Sec. 302. Provision of technical and financial assistance for water quality conservation for livestock operations.
- Sec. 303. Assistance under contract.
- Sec. 304. Priorities in evaluation of contract offers.
- Sec. 305. Water quality plans.

- Sec. 306. Modification and termination of contracts.
- Sec. 307. Use of funds of Commodity Credit Corporation.
- Sec. 308. Regulations.

TITLE IV—HIGHLY ERODIBLE CROPLAND CONSERVATION

- Sec. 401. Definitions applicable to highly erodible cropland conservation.
- Sec. 402. Development and implementation of conservation plans and conservation systems.
- Sec. 403. Expedited procedures for granting variances from conservation plans.
- Sec. 404. Good faith exemption.
- Sec. 405. Application of program ineligibility penalty.
- Sec. 406. Conservation reserve lands.
- Sec. 407. Investigation of possible compliance deficiencies.
- Sec. 408. Producer advisory committees.
- Sec. 409. Expiration of authority.

TITLE V—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM

- Sec. 501. Removal of authority to purchase easements to enroll lands in wetland reserve program.
- Sec. 502. Elimination of consultation requirements with Secretary of the Interior.
- Sec. 503. Repeal of environmental easement program.
- Sec. 504. Effect on existing easements.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Clarification of effect of resource planning on allocation or use of water.
- Sec. 602. Repeal of State technical committees.
- Sec. 603. Repeal of program regarding management of undesirable plants on Federal lands.
- Sec. 604. Repeal of composting research and extension program.
- Sec. 605. Repeal of Farms for the Future Act of 1990.
- Sec. 606. Administration of environmental programs.

1 TITLE I—REESTABLISHMENT OF 2 SOIL CONSERVATION SERVICE

3 SEC. 101. REESTABLISHMENT OF SOIL CONSERVATION 4 SERVICE WITHIN CONSOLIDATED FARM 5 SERVICE AGENCY AND DESIGNATION OF 6 FUNCTIONS.

7 (a) REPLACEMENT FOR NATURAL RESOURCES CON-
8 SERVATION SERVICE.—Section 246 of the Department of
9 Agriculture Reorganization Act of 1994 (7 U.S.C. 6962)

1 is amended by striking the section heading and sub-
2 sections (a), (b), and (c) and inserting the following:

3 **“SEC. 246. SOIL CONSERVATION SERVICE.**

4 “(a) ESTABLISHMENT.—The Secretary shall estab-
5 lish and maintain the Soil Conservation Service as an
6 agency within the Consolidated Farm Service Agency of
7 the Department.

8 “(b) FUNCTIONS GENERALLY.—The Soil Conserva-
9 tion Service established under subsection (a) shall have ju-
10 risdiction over—

11 “(1) all soil and water conservation programs
12 performed, as of October 12, 1994, by the Soil Con-
13 servation Service established by section 5 of the Soil
14 Conservation and Domestic Allotment Act (16
15 U.S.C. 590e); and

16 “(2) such other functions as the Secretary con-
17 siders appropriate, including functions assigned di-
18 rectly to the Consolidated Farm Service Agency.

19 “(c) SPECIFIC FUNCTIONS.—The functions assigned
20 to the Soil Conservation Service under subsection (a)(1)
21 shall not include any function repealed by title II of the
22 Conservation Consolidation and Regulatory Reform Act of
23 1995.”.

24 (b) USE OF FEDERAL AND NON-FEDERAL EMPLOY-
25 EES.—Subsection (d)(1) of such section is amended by

1 striking “Natural Resources Conservation Service” and
2 inserting “Soil Conservation Service”.

3 (c) SAVINGS PROVISION.—Subsection (e) of such sec-
4 tion is amended to read as follows:

5 “(e) SAVINGS PROVISION.—For purposes of this sec-
6 tion, a reference to the ‘Consolidated Farm Service Agen-
7 cy’ includes any other office, agency, or administrative
8 unit of the Department assigned all or most of the func-
9 tions authorized for the Consolidated Farm Service Agen-
10 cy under section 226.”.

11 (d) CONFORMING AMENDMENTS TO REFLECT POSI-
12 TION OF SCS WITHIN CONSOLIDATED FARM SERVICE
13 AGENCY.—Section 226 of such Act (7 U.S.C. 6932) is
14 amended—

15 (1) in subsection (b)—

16 (A) by redesignating paragraph (5) as
17 paragraph (6);

18 (B) by inserting after paragraph (4) the
19 following new paragraph:

20 “(5) Soil and water conservation programs per-
21 formed by the Soil Conservation Service established
22 within the Agency under section 246.”; and

23 (C) in paragraph (6) (as so redesignated),
24 by striking “, except for those programs as-
25 signed by the Secretary to the Natural Re-

1 sources Conservation Service or another agency
2 of the Department under section 246(b)”;

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

5 “(c) SPECIAL CONSULTATION REQUIREMENTS FOR
6 CERTAIN FUNCTIONS.—In carrying out the programs
7 specified in paragraphs (4) and (5) of subsection (b), the
8 Secretary shall—

9 “(1) acting on the recommendations of the Con-
10 solidated Farm Service Agency issue regulations to
11 carry out such programs; and

12 “(2) ensure that officials of county and area
13 committees established under section 8(b)(5) of the
14 Soil Conservation and Domestic Allotment Act (16
15 U.S.C. 590h(b)(5)) meet annually with officials of
16 Soil and Water Conservation Districts or similar or-
17 ganizations established under State law to consider
18 local conservation priorities and guidelines.”;

19 (3) in subsection (d)—

20 (A) in paragraph (2), by striking “, by rule
21 with the concurrence of the Natural Resources
22 Conservation Service,”; and

23 (B) by striking “Natural Resources Con-
24 servation Service” each place it appears and in-
25 serting “Soil Conservation Service”;

1 (4) in subsection (f), by striking “Natural Re-
2 sources Conservation Service” and inserting “Soil
3 Conservation Service”; and

4 (5) by striking subsection (g) and inserting the
5 following new subsection:

6 “(g) SAVINGS PROVISION.—For purposes of sub-
7 sections (c) through (f) of this section, a reference to the
8 ‘Consolidated Farm Service Agency’ includes any other of-
9 fice, agency, or administrative unit of the Department as-
10 signed the functions authorized for the Consolidated Farm
11 Service Agency under this section.”.

12 (e) CONFORMING AMENDMENT REGARDING NA-
13 TIONAL APPEALS DIVISION.—Section 271(2) of such Act
14 (7 U.S.C. 6991(2)) is amended by striking subparagraph
15 (F) and inserting the following new subparagraph:

16 “(F) The Soil Conservation Service.”.

17 (f) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Federal Crop Insurance Reform and
19 Department of Agriculture Reorganization Act of 1994
20 (Public Law 101–354; 108 Stat. 3178) is amended by
21 striking the item relating to section 246 and inserting the
22 following new item:

 “Sec. 246. Soil Conservation Service.”.

1 **SEC. 102. ROLE OF CONSOLIDATED FARM SERVICE AGENCY**
2 **AND SOIL CONSERVATION SERVICE IN AD-**
3 **MINISTRATION OF AGRICULTURAL CON-**
4 **SERVATION ASSISTANCE PROGRAM AND**
5 **LIVESTOCK WATER QUALITY CONSERVATION**
6 **PROGRAM.**

7 (a) **AUTHORITY TO USE CONSOLIDATED FARM**
8 **SERVICE AGENCY.**—Section 226(b) of the Department of
9 Agriculture Reorganization Act of 1994 (7 U.S.C.
10 6932(b)), as amended by section 101(d), is further amend-
11 ed by striking paragraph (4) and inserting the following
12 new paragraph:

13 “(4) Chapter 1 of subtitle D of title XII of the
14 Food Security Act of 1985 (16 U.S.C. 3830 et seq.)
15 and the provision of financial assistance under the
16 Agricultural Conservation Assistance Program estab-
17 lished under section 202 of the Conservation Con-
18 solidation and Regulatory Reform Act of 1995 and
19 the Livestock Water Quality Conservation Program
20 established under section 302 of such Act.”.

21 (b) **USE OF SOIL CONSERVATION SERVICE TO PRO-**
22 **VIDE TECHNICAL ASSISTANCE.**—Section 246(b) of such
23 Act (7 U.S.C. 6962(b)), as amended by section 101(a),
24 is further amended—

25 (1) by redesignating paragraph (2) as para-
26 graph (3); and

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

3 “(2) The provision of technical assistance under
4 the Agricultural Conservation Assistance Program
5 established under section 202 of the Conservation
6 Consolidation and Regulatory Reform Act of 1995
7 and the Livestock Water Quality Conservation Pro-
8 gram established under section 302 of such Act.”.

9 **SEC. 103. EFFECT OF REESTABLISHMENT OF SOIL CON-**
10 **SERVATION SERVICE.**

11 (a) INTERAGENCY TRANSFER OF RECORDS, PROP-
12 ERTY, PERSONNEL, AND FUNDS.—As part of the reestab-
13 lishment of the Soil Conservation Service under section
14 101 to replace the Natural Resources Conservation Serv-
15 ice, the Secretary of Agriculture shall transfer to the Soil
16 Conservation Service—

17 (1) all of the records, property, and personnel
18 of the Natural Resources Conservation Service; and

19 (2) the unexpended balances (available or to be
20 made available for use in connection with any func-
21 tion of the Natural Resources Conservation Service)
22 of appropriations, allocations, or other funds of the
23 Natural Resources Conservation Service.

1 (b) APPLICABLE LAW RELATING TO FUNDS TRANS-
2 FER.—Section 1531 of title 31, United States Code, shall
3 apply to any transfer of funds under subsection (a).

4 **TITLE II—CONSOLIDATION OF**
5 **CONSERVATION FINANCIAL**
6 **ASSISTANCE PROGRAMS OF**
7 **THE DEPARTMENT OF AGRI-**
8 **CULTURE**

9 **Subtitle A—Agricultural**
10 **Conservation Assistance Program**

11 **SEC. 201. PURPOSE OF TITLE AND DEFINITIONS.**

12 (a) PURPOSE.—It is the purpose of this title to con-
13 solidate into a single program all current authorities of
14 the Secretary of Agriculture with respect to conservation
15 programs under which the Secretary contributes to the
16 cost of conservation measures undertaken on private
17 lands.

18 (b) DEFINITIONS.—For purposes of this title:

19 (1) AGRICULTURAL CONSERVATION ASSISTANCE
20 PROGRAM.—The term “Agricultural Conservation
21 Assistance Program” means the program established
22 under section 202 to provide technical and financial
23 assistance to the owners and operators of private ag-
24 ricultural lands for conservation and improvement of
25 soil, water, and related natural resources.

1 (2) AGRICULTURAL COMMODITY.—The term
2 “agricultural commodity” means any annual or pe-
3 rennial crop (including forage or hay), aquaculture
4 product, nursery product, silviculture product, and
5 water-dependent crop (such as cranberries, taro, wa-
6 tercress, or rice).

7 (3) AGRICULTURAL LANDS.—The term “agri-
8 cultural lands” includes cropland, nonindustrial for-
9 est land, and other lands used to produce or support
10 the production of an agricultural commodity.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture.

13 (5) STRUCTURAL PRACTICE.—The term “struc-
14 tural practice” means the establishment of a terrace,
15 grassed waterway, contour grass strip, filterstrip,
16 shelterbelt, permanent wildlife habitat, or other ac-
17 tivity that the Secretary determines improves or pro-
18 tects soil, water, and related natural resources.

19 **SEC. 202. PROVISION OF TECHNICAL AND FINANCIAL AS-**
20 **SISTANCE FOR STRUCTURAL PRACTICES TO**
21 **CONSERVE AND IMPROVE SOIL, WATER, AND**
22 **RELATED NATURAL RESOURCES.**

23 (a) AGRICULTURAL CONSERVATION ASSISTANCE
24 PROGRAM.—The Secretary of Agriculture shall carry out
25 a program, to be known as the “Agricultural Conservation

1 Assistance Program'', to provide technical and financial
2 assistance to the owners and operators of private agricul-
3 tural lands who request such assistance to plan, develop,
4 and implement structural practices applicable to such
5 lands and intended to effectuate one or more of the follow-
6 ing purposes:

7 (1) Control of erosion and sedimentation from
8 such lands.

9 (2) Conservation of water resources on such
10 lands and promotion of water conservation practices.

11 (3) Improvement of water quality in rural
12 America.

13 (4) Control of salinity resulting from the use of
14 such lands.

15 (5) Enhancement, restoration, or creation of
16 wetlands and riparian areas.

17 (6) Improvement in the production and utiliza-
18 tion of timber.

19 (7) Improvement of wildlife habitat.

20 (b) CONTRACTS.—Subject to subsection (c), the Sec-
21 retary shall provide technical and financial assistance
22 under the Agricultural Conservation Assistance Program
23 on the basis of a contract between the Secretary and an
24 owner or operator of agricultural lands. The Secretary
25 may not enter into a contract with an operator who is not

1 also owner of the agricultural lands unless the actual
2 owner of the lands concurs in the contract. The contract
3 shall describe the structural practice for which the assist-
4 ance is being provided and specify the manner in which
5 the structural practice will be carried out consistent with
6 the cost-share plan developed under section 203.

7 (c) APPROVAL OF COUNTY OR AREA COMMITTEE.—
8 Each contract under the Agricultural Conservation Assist-
9 ance Program shall be subject to the approval of the coun-
10 ty or area committee established under section 8(b)(5) of
11 the Soil Conservation and Domestic Allotment Act (16
12 U.S.C. 590h(b)) for the county or area within which the
13 agricultural land subject to the contract is located.

14 (d) TERM OF CONTRACT.—The term of a contract
15 under the Agricultural Conservation Assistance Program
16 may not exceed five years, except that the Secretary may
17 enter into a longer contract on a case-by-case basis if the
18 Secretary determines that a longer contract term is essen-
19 tial to accomplish one of the purposes specified in sub-
20 section (a).

21 (e) OWNER AND OPERATOR RESPONSIBILITIES.—
22 Under the terms of a contract under the Agricultural Con-
23 servation Assistance Program, the owner or operator en-
24 tering into the contract shall agree to comply with the

1 terms and conditions of the applicable cost-share plan, as
2 approved by the Secretary under section 203.

3 **SEC. 203. COST-SHARE PLANS.**

4 (a) **COST-SHARE PLAN.**—To be eligible to enter into
5 a contract under the Agricultural Conservation Assistance
6 Program, an owner or operator must prepare and submit
7 to the Secretary of Agriculture for approval a plan of
8 farming operations or land use practices which incor-
9 porates such soil and water conservation practices and
10 principles as may be determined by the Secretary to be
11 practicable to achieve the purposes for which the assist-
12 ance is provided and outlines a schedule of proposed
13 changes in cropping systems or land use to be carried out
14 during the contract period. At the option of the owner or
15 operator, the owner or operator may rely on a conservation
16 plan developed pursuant to section 1212 of the Food Secu-
17 rity Act of 1985 (16 U.S.C. 3812) or any other conserva-
18 tion or natural resource plan required for participation in
19 any program within the jurisdiction of the Secretary so
20 long as the plan is approved by the Secretary for purposes
21 of the Agricultural Conservation Assistance Program.

22 (b) **CONSULTATION.**—In considering a cost-share
23 plan for approval, the Secretary shall consult with the Soil
24 Conservation Service and the local soil and water con-
25 servation district.

1 (c) REQUIREMENTS OF THE PLAN.—To be approved
2 by the Secretary, a cost-share plan must be approved by
3 the appropriate county or area committee as containing
4 sufficient details regarding the structural practice to be
5 carried out and any farming operations or land use prac-
6 tices to be implemented or used by the owner or operator
7 to advance one or more of the purposes specified in section
8 202(a).

9 **SEC. 204. FINANCIAL ASSISTANCE UNDER CONTRACT.**

10 (a) DETERMINATION OF AMOUNT.—Subject to sub-
11 sections (b) and (c), the amount of financial assistance
12 that may be provided under a contract under the Agricul-
13 tural Conservation Assistance Program shall be such por-
14 tion of the cost of planning, developing, or implemented
15 the structural practice described in the contract as the
16 Secretary of Agriculture determines to be necessary to
17 achieve the purposes for which the assistance is provided.
18 In determining the level of assistance, the Secretary shall
19 give consideration to—

20 (1) the amount of expected conservation or en-
21 vironmental benefit accruing to society;

22 (2) the total cost of carrying out the structural
23 practice;

24 (3) the degree to which appropriate structural
25 practices will be implemented in the absence of fi-

1 nancial assistance under the Agricultural Conserva-
2 tion Assistance Program; and

3 (4) in order to avoid duplication of assistance,
4 the degree to which the owner or operator benefits
5 from other public conservation programs.

6 (b) COST-SHARE REQUIREMENT.—The Federal
7 share of cost-sharing payments under a contract under the
8 Agricultural Conservation Assistance Program shall not
9 exceed 50 percent of the total cost of the structural prac-
10 tice covered by the contract, as determined by the Sec-
11 retary. However, the Secretary may exceed the percentage
12 limitation on a case-by-case basis if the Secretary deter-
13 mines that a larger Federal share is essential to accom-
14 plish one of the purposes specified in section 202(a), ex-
15 cept that in no case may the Federal share exceed 75 per-
16 cent.

17 (c) PER PERSON LIMITATION ON FINANCIAL ASSIST-
18 ANCE.—The total annual amount of payments to a person
19 under one or more contracts under the Agricultural Con-
20 servation Assistance Program may not exceed \$5,000.
21 However, the Secretary may exceed the limitation on the
22 annual amount of payments on a case-by-case basis if the
23 Secretary determines that a larger payment is essential
24 to accomplish one of the purposes specified in section
25 202(a).

1 (d) TIME FOR PAYMENT.—In the case of multiyear
2 contract under the Agricultural Conservation Assistance
3 Program, the Secretary may make the entire Federal pay-
4 ment under the contract in the first year of the contract
5 to advance implementation of the structural practice for
6 which the payment is being made. Payments may not be
7 made beyond the term of the contract.

8 (e) TREATMENT OF PAYMENTS.—Payments under
9 the Agricultural Conservation Assistance Program shall be
10 treated in the same manner as payments made under the
11 agricultural conservation program authorized by the Soil
12 Conservation and Domestic Allotment Act (16 U.S.C.
13 590a et seq.), as in effect on the day before the date of
14 the enactment of this Act.

15 **SEC. 205. TERMINATION OF CONTRACTS.**

16 (a) TERMINATION.—The Secretary may terminate a
17 contract entered into with an owner or operator under the
18 Agricultural Conservation Assistance Program if the
19 owner or operator agrees to such termination or the owner
20 or operator violates the terms and conditions of the con-
21 tract.

22 (b) REPAYMENT.—On the violation of a term or con-
23 dition of the contract under the Agricultural Conservation
24 Assistance Program at any time by the owner or operator,
25 the owner or operator shall refund any cost-sharing pay-

1 ment already received under section 204 and forfeit any
2 future payments under the contract. On the transfer of
3 the right and interest of an owner in land subject to the
4 contract, the owner shall refund all cost-sharing payments
5 received by the owner under the contract unless the trans-
6 feree of the right and interest agrees to assume all obliga-
7 tions of the owner under the contract.

8 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this subtitle during each
11 of the fiscal years 1996 through 2002.

12 **SEC. 207. INTERIM ADMINISTRATION OF AGRICULTURAL**
13 **CONSERVATION ASSISTANCE PROGRAM.**

14 (a) INTERIM ADMINISTRATION PENDING IMPLEMEN-
15 TATION OF AGRICULTURAL CONSERVATION ASSISTANCE
16 PROGRAM.—

17 (1) IN GENERAL.—During the period beginning
18 on the date of the enactment of this Act and ending
19 on the later of the dates specified in paragraph (2),
20 to ensure that technical assistance and cost-sharing
21 payments continue to be administered in an orderly
22 manner until such time as assistance can be pro-
23 vided through final regulations issued to implement
24 the Agricultural Conservation Assistance Program,
25 the Secretary shall continue to provide technical as-

1 sistance and cost-sharing payments under the terms
2 and conditions of the authorities repealed by subtitle
3 B to the extent the terms and conditions of such au-
4 thorities are consistent with the Agricultural Con-
5 servation Assistance Program.

6 (2) EXPIRATION OF AUTHORITY.—The author-
7 ity of the Secretary to carry out paragraph (1) shall
8 terminate on the later of—

9 (A) the date that is 180 days after the
10 date of the enactment of this Act; or

11 (B) March 31, 1996.

12 (b) FINAL REGULATIONS.—Not later than 180 days
13 after the date of the enactment of this Act, the Secretary
14 shall issue regulations to implement the Agricultural Con-
15 servation Assistance Program.

16 **Subtitle B—Conforming** 17 **Amendments**

18 **SEC. 221. REPEAL OF GREAT PLAINS CONSERVATION PRO-** 19 **GRAM.**

20 (a) REPEAL.—Section 16 of the Soil Conservation
21 and Domestic Allotment Act (16 U.S.C. 590p) is repealed.

22 (b) CONFORMING AMENDMENTS.—(1) Section
23 1271(c)(3)(C) of the Food, Agriculture, Conservation, and
24 Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(C)) is amended
25 by striking “and the Agricultural Conservation Program

1 established under section 16(b) of the Soil Conservation
2 and Domestic Allotment Act (16 U.S.C. 590p(b)),”.

3 (2) Subparagraph (A) of section 1211(3) of the Food
4 Security Act of 1985 (16 U.S.C. 3811(3)) is amended to
5 read as follows:

6 “(A) a payment made pursuant to a con-
7 tract entered into under the Agricultural Con-
8 servation Assistance Program established under
9 section 202 of the Conservation Consolidation
10 and Regulatory Reform Act of 1995 or the
11 Water Quality Conservation Program estab-
12 lished under section 442 of such Act;”.

13 (3) Subparagraph (A) of section 1221(a)(3) of the
14 Food Security Act of 1985 (16 U.S.C. 3821(a)(3)) is
15 amended to read as follows:

16 “(A) a payment made pursuant to a con-
17 tract entered into under the Agricultural Con-
18 servation Assistance Program established under
19 section 202 of the Conservation Consolidation
20 and Regulatory Reform Act of 1995 or the
21 Water Quality Conservation Program estab-
22 lished under section 442 of such Act;”.

23 (4) The Agricultural Adjustment Act of 1938 is
24 amended—

1 (A) in section 344(f)(8) (7 U.S.C. 1344(f)(8),
2 by striking “, Great Plains program,”; and

3 (B) in section 377 (7 U.S.C. 1377), by striking
4 “or the Great Plains program”.

5 **SEC. 222. REPEAL OF CRITICAL LANDS RESOURCE CON-**
6 **SERVATION PROGRAM IN GREAT PLAINS**
7 **AREA.**

8 Section 1511 of the Food and Agriculture Act of
9 1977 (16 U.S.C. 590q-3) is repealed.

10 **SEC. 223. REPEAL OF AGRICULTURAL CONSERVATION PRO-**
11 **GRAM.**

12 (a) REPEAL.—The Soil Conservation and Domestic
13 Allotment Act (16 U.S.C. 590a et seq.) is repealed, except
14 for sections 1, 2, 8(b)(5) and 17(b) of such Act (16 U.S.C.
15 590a, 590b, 590h(b)(5), and 590q(b)).

16 (b) CONFORMING AMENDMENTS.—(1) Section 22(a)
17 of the Agricultural Adjustment Act (7 U.S.C. 624(a)), re-
18 enacted with amendments by the Agricultural Marketing
19 Agreement Act of 1937, is amended by striking “or the
20 Soil Conservation and Domestic Allotment Act, as amend-
21 ed,”.

22 (2) The Agricultural Adjustment Act of 1938 is
23 amended—

24 (A) by striking section 2 (7 U.S.C. 1282);

1 (B) in section 202 (7 U.S.C. 1292), by striking
2 “, or section 15 of the Soil Conservation and Do-
3 mestic Allotment Act, as amended,” in subsections
4 (d) and (f);

5 (C) in section 364 (7 U.S.C. 1364), by striking
6 “committee utilized for the purposes of the Soil Con-
7 servation and Domestic Allotment Act, as amended”
8 and inserting “committees established under section
9 8(b) of the Soil Conservation and Domestic Allot-
10 ment Act”;

11 (D) in section 385 (7 U.S.C. 1385), by striking
12 “Soil Conservation Act payment” and inserting
13 “payment made under the Agricultural Conservation
14 Assistance Program established under section 202 of
15 the Conservation Consolidation and Regulatory Re-
16 form Act of 1995”;

17 (E) in section 388 (7 U.S.C. 1388)—

18 (i) by striking subsection (a) and inserting
19 the following new subsection:

20 “(a) Section 8(b) of the Soil Conservation and Do-
21 mestic Allotment Act, relating to the utilization of State,
22 county, area, and local committees, the extension service,
23 and other approved agencies, and to recognition and en-
24 couragement of cooperative associations, shall apply in the
25 administration of this Act. The Secretary shall, for such

1 purposes, utilize the same local, area, county, and State
2 committees as are established under such section. The
3 local administrative areas designated under such section
4 for the administration of programs under that Act and
5 the local administrative areas designated for the adminis-
6 tration of this Act shall be the same.”; and

7 (ii) in subsection (b), by striking “the Soil
8 Conservation Act payments,”;

9 (F) in section 390 (7 U.S.C. 1390), by striking
10 “, and the provisions of the Soil Conservation and
11 Domestic Allotment Act, as amended,”;

12 (G) in section 391 (7 U.S.C. 1391)—

13 (i) in subsection (a), by striking “, in addi-
14 tion to any amount made available pursuant to
15 section 15 of the Soil Conservation and Domes-
16 tic Allotment Act, as amended”;

17 (ii) in the first sentence of subsection (c),
18 by striking “and to make advances pursuant to
19 the applicable provisions of sections 8 and 12 of
20 the Soil Conservation and Domestic Allotment
21 Act, as amended,”; and

22 (iii) by striking the second sentence of sub-
23 section (c); and

24 (H) in section 392 (7 U.S.C. 1392), by striking
25 “and sections 7 to 17, inclusive, of the Soil Con-

1 servation and Domestic Allotment Act, as amended,”
2 both places it appears and inserting “section 8(b) of
3 the Soil Conservation and Domestic Allotment Act”.

4 (3) Section 6(b) of the Department of Agriculture
5 Organic Act of 1956 (16 U.S.C. 590h-4) is repealed.

6 (4) Section 2 of the Act of December 20, 1944 (12
7 U.S.C. 1150a) is amended by striking “sections 7 to 17
8 of the Soil Conservation and Domestic Allotment Act;”.

9 **SEC. 224. REPEAL OF COLORADO RIVER BASIN SALINITY**

10 **CONTROL PROGRAM.**

11 Section 202 of the Colorado River Basin Salinity
12 Control Act (43 U.S.C. 1592) is amended by striking sub-
13 section (c).

14 **SEC. 225. REPEAL OF RURAL ENVIRONMENTAL CONSERVA-**

15 **TION PROGRAM.**

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

18 **SEC. 226. REPEAL OF WATER QUALITY INCENTIVE**

19 **PROJECTS.**

20 (a) REPEAL.—Chapter 2 of subtitle D of title XII
21 of the Food Security Act of 1985 (16 U.S.C. 3838–
22 3838F) is repealed.

23 (b) CONFORMING AMENDMENTS.—Such title is fur-
24 ther amended—

1 (1) in section 1211(3) (16 U.S.C. 3811(3)), by
2 striking subparagraph (D);

3 (2) in section 1221(a)(3) (16 U.S.C.
4 3821(a)(3)), by striking subparagraph (D);

5 (3) in section 1231(b)(4)(A) (16 U.S.C.
6 3831(b)(4)(A)), by striking “the water quality incen-
7 tives program established under chapter 2” and in-
8 sserting “a contract entered into under the Agricul-
9 tural Conservation Assistance Program established
10 under section 202 of the Conservation Consolidation
11 and Regulatory Reform Act of 1995”; and

12 (4) in section 1245 (16 U.S.C. 3845)—

13 (A) in subsection (a), by striking “chapters
14 1 and 2 of subtitle D.” and the second sentence
15 and inserting “chapter 1 of subtitle D.”; and

16 (B) in subsection (b), by striking “chapters
17 1 and 2 of subtitle D” and inserting “chapter
18 1 of subtitle D”.

19 **SEC. 227. REPEAL OF CONTROL OF WEEDS AND PESTS PRO-**
20 **GRAM.**

21 Section 1247 of the Food Security Act of 1985 (16
22 U.S.C. 3847) is repealed.

23 **SEC. 228. REPEAL OF TREE PLANTING INITIATIVE.**

24 Section 1256 of the Food Security Act of 1985 (Pub-
25 lic Law 99–198; 16 U.S.C. 2101 note) is repealed.

1 **SEC. 229. REPEAL OF INTEGRATED FARM MANAGEMENT**
2 **PROGRAM OPTION.**

3 Section 1451 of the Food, Agriculture, Conservation,
4 and Trade Act of 1990 (7 U.S.C. 5822) is repealed.

5 **SEC. 230. REPEAL OF SPECIAL AREAS CONSERVATION PRO-**
6 **GRAM AND RESERVOIR SEDIMENTATION**
7 **PROGRAM.**

8 Subtitles A, B, and F and section 1552 of title XV
9 of the Agriculture and Food Act of 1981 (16 U.S.C.
10 3401–3420, 3441–3445, 3471) are repealed.

11 **SEC. 231. REPEAL OF SMALL WATERSHED EASEMENT PUR-**
12 **CHASE AUTHORITY.**

13 Section 3A of the Watershed Protection and Flood
14 Prevention Act (16 U.S.C. 1003a) is repealed.

15 **SEC. 232. REPEAL OF FINANCIAL ASSISTANCE PROGRAMS**
16 **UNDER COOPERATIVE FORESTRY ASSIST-**
17 **ANCE ACT OF 1978.**

18 (a) REPEALS.—Sections 4, 5, 6, and 7 of the Cooper-
19 ative Forestry Assistance Act of 1978 (16 U.S.C. 2103–
20 2103c) are repealed.

21 (b) CONFORMING AMENDMENTS.—The Cooperative
22 Forestry Assistance Act of 1978 is further amended—

23 (1) in section 12(a) (16 U.S.C. 2108(a)), by
24 striking “money appropriated under section 4 of this
25 Act or”; and

1 (2) in section 19(b)(2) (16 U.S.C.
2 2113(b)(2))—

3 (A) by inserting “and” after the semicolon
4 in subparagraph (B);

5 (B) by striking “; and” at the end of sub-
6 paragraph (C) and inserting a period; and

7 (C) by striking subparagraph (D).

8 **SEC. 233. REPEAL OF WATER BANK ACT.**

9 The Water Bank Act (16 U.S.C. 1301–1311) is re-
10 pealed.

11 **SEC. 234. EFFECT OF REPEALS.**

12 The amendments made by this subtitle shall not af-
13 fect the validity of any contract or agreement, or the terms
14 and conditions of such a contract or agreement, entered
15 into before the date of the enactment of this subtitle under
16 a provision of law repealed by this subtitle.

17 **TITLE III—WATER QUALITY CON-**
18 **SERVATION PROGRAM FOR**
19 **LIVESTOCK OPERATIONS**

20 **SEC. 301. PURPOSE OF TITLE AND DEFINITIONS.**

21 (a) PURPOSE.—It is the purpose of this title to estab-
22 lish a program under section 302 that, in a manner maxi-
23 mizing environmental benefits per dollar expended, pro-
24 vides to the owners and operators of livestock operations—

1 (1) flexible technical and financial assistance to
2 address the most serious threats to water quality;

3 (2) assistance in complying with title XII of the
4 Food Security Act of 1985 (16 U.S.C. 3801 et seq.)
5 and Federal and State environmental laws, and to
6 encourage environmental enhancement; and

7 (3) a consolidated and simplified conservation
8 planning process to reduce administrative burdens
9 on the owners and operators of livestock operations.

10 (b) DEFINITIONS.—For purposes of this title:

11 (1) LIVESTOCK WATER QUALITY CONSERVATION
12 PROGRAM.—The term “Livestock Water Quality
13 Conservation Program” means the program estab-
14 lished under section 302 to provide technical and fi-
15 nancial assistance to the owners and operators of
16 livestock operations to protect or improve water
17 quality and enhance environmental protection.

18 (2) LIVESTOCK.—The term “livestock” means
19 dairy or beef cattle, laying hens, broilers, turkeys,
20 swine, sheep, lambs, and such other animals as the
21 Secretary of Agriculture considers appropriate.

22 (3) LIVESTOCK OPERATION.—The term “live-
23 stock operation” means a farm, ranch, or other fa-
24 cility used for the purpose of livestock production.

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

3 (5) STRUCTURAL PRACTICE.—The term “struc-
4 tural practice” means the establishment of an ani-
5 mal waste management facility, terrace, grassed wa-
6 terway, contour grass strip, filterstrip, permanent
7 wildlife habitat, or other activity that the Secretary
8 determines improves or protects water quality in a
9 cost effective manner.

10 **SEC. 302. PROVISION OF TECHNICAL AND FINANCIAL AS-**
11 **SISTANCE FOR WATER QUALITY CONSERVA-**
12 **TION FOR LIVESTOCK OPERATIONS.**

13 (a) LIVESTOCK WATER QUALITY CONSERVATION
14 PROGRAM.—During fiscal years 1996 through 2002, the
15 Secretary of Agriculture shall carry out a program, to be
16 known as the “Livestock Water Quality Conservation Pro-
17 gram”, to provide technical and financial assistance to the
18 owners and operators of livestock operations who request
19 such assistance to plan, develop, and implement structural
20 practices in connection with such livestock operations in-
21 tended to protect or improve water quality and enhance
22 environmental protection.

23 (b) CONTRACTS.—Subject to subsection (e), the Sec-
24 retary shall provide assistance under the Livestock Water
25 Quality Conservation Program on the basis of a contract

1 between the Secretary and an owner or operator of a live-
2 stock operation. The Secretary may not enter into a con-
3 tract with an operator who is not also owner of the live-
4 stock operation unless the actual owner concurs in the
5 contract. To be eligible to enter into a contract, the owner
6 or operator must have an approved water quality plan
7 under section 305.

8 (c) TYPES OF ASSISTANCE.—Under a contract en-
9 tered into under subsection (b), the Secretary may provide
10 the owner or operator of a livestock operation who imple-
11 ments a structural practice with technical assistance and
12 cost-sharing payments.

13 (d) APPLICATION AND TERM.—A contract entered
14 into under subsection (b) may apply to one or more struc-
15 tural practices. The contract shall have a term of not less
16 than five, nor more than 10, years, as determined appro-
17 priate by the Secretary, depending on the structural prac-
18 tice or practices that are the basis of the contract.

19 (e) CONTRACTING PROCESS.—

20 (1) APPROVAL OF COUNTY OR AREA COMMIT-
21 TEE.—Each contract under subsection (b) shall be
22 subject to the approval of the county or area com-
23 mittee established under section 8(b)(5) of the Soil
24 Conservation and Domestic Allotment Act (16
25 U.S.C. 590h(b)) for the county or area within which

1 the livestock operation subject to the contract is lo-
2 cated.

3 (2) COMPETITIVE OFFER FOR STRUCTURAL
4 PRACTICES.—The Secretary shall administer a com-
5 petitive offer system for owners and operators of
6 livestock operations proposing to receive cost-sharing
7 payments in exchange for the implementation of one
8 or more structural practices. The competitive offer
9 system shall consist of—

10 (A) the submission of a competitive offer
11 by the owner or operator in such manner as the
12 Secretary may prescribe; and

13 (B) evaluation of the offer in light of the
14 priorities established in section 304 and the
15 projected cost of the structural practice, as de-
16 termined by the Secretary.

17 (f) OWNER AND OPERATOR RESPONSIBILITIES.—
18 Under the terms of a contract under the Livestock Water
19 Quality Conservation Program, the owner or operator en-
20 tering into the contract shall agree to actively comply with
21 the terms and conditions of the water quality plan, as ap-
22 proved by the Secretary under section 305.

23 **SEC. 303. ASSISTANCE UNDER CONTRACT.**

24 (a) COST-SHARING PAYMENTS.—The Federal share
25 of cost-sharing payments under a contract under the Live-

1 stock Water Quality Conservation Program to implement
2 one or more structural practices shall not exceed 50 per-
3 cent of the total cost of the practice or practices, as deter-
4 mined by the Secretary of Agriculture. The Secretary may
5 further reduce the Federal share on account of payments
6 received by the owner or operator from a State or local
7 government for the same structural practice.

8 (b) EFFECT OF OTHER PAYMENTS.—An owner or
9 operator of a livestock operation shall not be eligible for
10 cost-sharing payments for structural practices under the
11 Livestock Water Quality Conservation Program if the
12 owner or operator receives cost-sharing payments or other
13 benefits for land covered by the livestock operation under
14 subtitle D of title XII of the Food Security Act of 1985
15 (16 U.S.C. 3830 et seq.).

16 (c) TECHNICAL ASSISTANCE.—

17 (1) FUNDING.—The Secretary shall allocate
18 funding under this title for the provision of technical
19 assistance according to the purpose and projected
20 cost for which the technical assistance is provided in
21 a fiscal year. The allocated amount may vary accord-
22 ing to the type of expertise required, quantity of
23 time involved, and other factors as determined ap-
24 propriate by the Secretary. Funding shall not exceed

1 the projected cost to the Secretary of the technical
2 assistance provided in a fiscal year.

3 (2) OTHER AUTHORITIES.—The receipt of tech-
4 nical assistance under this title shall not affect the
5 eligibility of an owner or operator of a livestock op-
6 eration to receive technical assistance under other
7 authorities of law available to the Secretary.

8 (d) NON-FEDERAL ASSISTANCE.—

9 (1) IN GENERAL.—The Secretary may request
10 the services of a State water quality agency, State
11 fish and wildlife agency, State forestry agency, or
12 any other governmental or private resource consid-
13 ered appropriate to assist in providing the technical
14 assistance necessary for the development and imple-
15 mentation of a structural practice.

16 (2) LIMITATION ON LIABILITY.—No person
17 shall be permitted to bring or pursue any claim or
18 action against any official or entity based on or re-
19 sulting from any technical assistance provided under
20 this title to assist in complying with a Federal or
21 State environmental law.

22 (e) LIMITATIONS ON PAYMENTS.—The total amount
23 of cost-sharing payments made to a person under the
24 Livestock Water Quality Conservation Program may not
25 exceed—

1 (1) \$10,000 for any fiscal year; or

2 (2) \$50,000 for any multiyear contract.

3 (f) TREATMENT OF PAYMENTS.—Payments under
4 the Livestock Water Quality Conservation Program shall
5 be treated in the same manner as payments made under
6 the agricultural conservation program authorized by the
7 Soil Conservation and Domestic Allotment Act (16 U.S.C.
8 590a et seq.), as in effect on the day before the date of
9 the enactment of this Act.

10 **SEC. 304. PRIORITIES IN EVALUATION OF CONTRACT OF-**
11 **FERS.**

12 (a) REGIONAL PRIORITIES.—The Secretary of Agri-
13 culture shall provide assistance under the Livestock Water
14 Quality Conservation Program to owners and operators of
15 livestock operations in a region, watershed, or conserva-
16 tion priority area based on the significance of the water
17 quality needs in the region, watershed, or area, and the
18 structural practices that best address the needs, as deter-
19 mined by the Secretary.

20 (b) MAXIMIZATION OF ENVIRONMENTAL BENE-
21 FITS.—

22 (1) IN GENERAL.—In providing assistance
23 under the Livestock Water Quality Conservation
24 Program, the Secretary shall accord a higher prior-

1 ity to assistance and payments that maximize envi-
2 ronmental benefits per dollar expended.

3 (2) NATIONAL AND REGIONAL PRIORITY.—The
4 prioritization under paragraph (1) shall be done na-
5 tionally as well as within the conservation priority
6 area, region, or watershed in which a livestock oper-
7 ation is located.

8 (3) CRITERIA.—To carry out this subsection,
9 the Secretary shall establish criteria for implement-
10 ing structural practices that best achieve water qual-
11 ity conservation goals for a region, watershed, or
12 conservation priority area, as determined by the Sec-
13 retary.

14 (c) STATE OR LOCAL CONTRIBUTIONS.—The Sec-
15 retary shall accord a higher priority to owners or operators
16 of livestock operations located within watersheds, regions,
17 or conservation priority areas in which State or local gov-
18 ernments have provided, or will provide, financial or tech-
19 nical assistance for the same conservation or environ-
20 mental purposes.

21 (d) PRIORITY LANDS.—The Secretary shall accord a
22 higher priority to structural practices for lands on which
23 livestock production has been determined to contribute to,
24 or create, the potential for failure to meet applicable water

1 quality standards or other environmental objectives of a
2 Federal or State law.

3 **SEC. 305. WATER QUALITY PLANS.**

4 (a) WATER QUALITY PLAN REQUIRED.—To be eligi-
5 ble to enter into a contract under the Livestock Water
6 Quality Conservation Program, an owner or operator of
7 a livestock operation must prepare and submit to the Sec-
8 retary of Agriculture for approval a plan of livestock oper-
9 ations that incorporates such water quality conservation
10 practices and principles as may be determined by the Sec-
11 retary to be practicable to achieve the purposes for which
12 the assistance is provided and outlines a schedule of pro-
13 posed changes in land use to be carried out during the
14 contract period. At the option of the owner or operator,
15 the owner or operator may rely on a conservation plan
16 developed pursuant to section 1212 of the Food Security
17 Act of 1985 (16 U.S.C. 3812) or any other conservation
18 or natural resource plan required for participation in any
19 program within the jurisdiction of the Secretary so long
20 as the plan is approved by the Secretary for purposes of
21 the Livestock Water Quality Conservation Program.

22 (b) CONSULTATION.—In considering a water quality
23 plan for approval, the Secretary shall consult with the
24 Natural Resources Conservation Service and the local soil
25 and water conservation district.

1 (c) REQUIREMENTS OF PLAN.—To be approved by
2 the Secretary, a water quality plan must be approved by
3 the appropriate county or area committee as containing
4 sufficient details regarding the livestock operation and the
5 structural practices to be implemented or used by the
6 landowner to advance the purposes for which assistance
7 is to be provided.

8 **SEC. 306. MODIFICATION AND TERMINATION OF CON-**
9 **TRACTS.**

10 (a) TERMINATION FOR VIOLATION.—The Secretary
11 of Agriculture may terminate a contract entered into with
12 an owner or operator of a livestock operation under the
13 Livestock Water Quality Conservation Program if the
14 owner or operator violates the terms and conditions of the
15 contract.

16 (b) VOLUNTARY MODIFICATION OR TERMINATION.—
17 The Secretary may modify or terminate a contract entered
18 into with a owner or operator under the Livestock Water
19 Quality Conservation Program if—

20 (1) the owner or operator agrees to the modi-
21 fication or termination; and

22 (2) the Secretary determines that the modifica-
23 tion or termination is in the public interest.

24 (c) REPAYMENT.—On the violation of a term or con-
25 dition of the contract under the Livestock Water Quality

1 Conservation Program at any time by the owner or opera-
2 tor of a livestock operation, the owner or operator shall
3 refund any financial assistance received under section 304
4 and forfeit any future payments under the contract. On
5 the transfer of the right and interest of an owner in land
6 subject to the contract, the owner shall refund all financial
7 assistance received by the owner under the contract unless
8 the transferee of the right and interest agrees to assume
9 all obligations of the owner under the contract.

10 **SEC. 307. USE OF FUNDS OF COMMODITY CREDIT COR-**
11 **PORATION.**

12 (a) AVAILABILITY OF FUNDS.—Notwithstanding any
13 other law, the Secretary of Agriculture shall allocate
14 \$380,000,000 of the funds of the Commodity Credit Cor-
15 poration for the seven-fiscal year period beginning on Oc-
16 tober 1, 1995, to carry out the Livestock Water Quality
17 Conservation Program.

18 (b) PRORATION OF PAYMENTS.—If for any fiscal
19 year the Secretary has incurred total contractual obliga-
20 tions to make payments under the Livestock Water Qual-
21 ity Conservation Program that would exceed the amount
22 specified in subsection (a), the Secretary shall prorate all
23 payments owed under the program for that fiscal year to
24 ensure that actual payments for the fiscal year do not ex-
25 ceed that amount.

1 **SEC. 308. REGULATIONS.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of Agriculture shall issue
4 regulations to implement the Livestock Water Quality
5 Conservation Program.

6 **TITLE IV—HIGHLY ERODIBLE**
7 **CROPLAND CONSERVATION**

8 **SEC. 401. DEFINITIONS APPLICABLE TO HIGHLY ERODIBLE**
9 **CROPLAND CONSERVATION.**

10 (a) CONSERVATION PLAN AND CONSERVATION SYS-
11 TEM.—Section 1201(a) of the Food Security Act of 1985
12 (16 U.S.C. 3801(a)) is amended—

13 (1) by redesignating paragraphs (2) through
14 (16) as paragraphs (4) through (18), respectively;
15 and

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

18 “(2) CONSERVATION PLAN.—The term ‘con-
19 servation plan’ means the document that—

20 “(A) applies to highly erodible cropland;

21 “(B) implements the conservation system
22 applicable to such highly erodible cropland and
23 contains the decisions of the person with re-
24 spect to location, land use, tillage systems, and
25 conservation treatment measures and schedule;
26 and

1 “(C) is approved by the local soil conserva-
2 tion district, in consultation with the local com-
3 mittees established under section 8(b) of the
4 Soil Conservation and Domestic Allotment Act
5 (16 U.S.C. 590h(b)) and the Secretary, or by
6 the Secretary.

7 “(3) CONSERVATION SYSTEM.—The term ‘con-
8 servation system’ means a combination of one or
9 more conservation measures or management prac-
10 tices that—

11 “(A) are based upon local resource condi-
12 tions, available conservation technology, and the
13 standards and guidelines contained in the Soil
14 Conservation Service field office technical
15 guides; and

16 “(B) are designed to achieve, in a cost ef-
17 fective and technically practicable manner, a
18 substantial reduction in soil erosion or a sub-
19 stantial improvement in soil conditions on a
20 field or group of fields containing highly erod-
21 ible cropland when compared to the level of ero-
22 sion or soil conditions that existed before the
23 application of the conservation measures and
24 management practices.”.

1 (b) FIELD.—Paragraph (7) of such section, as reded-
2 igned by subsection (a)(1), is amended to read as fol-
3 lows:

4 “(7) FIELD.—The term ‘field’ means a part of
5 a farm which is separated from the balance of the
6 farm by permanent boundaries such as fences,
7 roads, permanent waterways, or other similar fea-
8 tures. At the option of the owner or operator of the
9 farm, croplines may also be used to delineate a field
10 if farming practices make it probable that such
11 croplines are not subject to change. Any highly erod-
12 ible land on which an agricultural commodity is pro-
13 duced after December 23, 1985, and that is not ex-
14 empt under section 1212 shall be considered as part
15 of the field in which such land was included on De-
16 cember 23, 1985, unless the Secretary permits modi-
17 fication of the boundaries of the field to carry out
18 subtitles A through E.”.

19 (c) HIGHLY ERODIBLE LAND.—Paragraph (9) of
20 such section, as redesignated by subsection (a)(1), is
21 amended by adding at the end the following new subpara-
22 graph:

23 “(C) Not later than 60 days after the date of
24 the enactment of this subparagraph, the Secretary
25 shall publish in the Federal Register the universal

1 soil loss equation and wind erosion equation used by
2 the Department of Agriculture as of that date. The
3 Secretary may not change such equations after that
4 date except following notice and comment in a man-
5 ner consistent with section 553 of title 5, United
6 States Code.”.

7 (d) CONFORMING AMENDMENTS.—Section 1212 of
8 such Act (16 U.S.C. 3812) is amended—

9 (1) in subsection (a)(2), by striking “that docu-
10 ments the decisions of the person with respect to lo-
11 cation, land use, tillage systems, and conservation
12 treatment measures and schedule and that is based
13 on the local Soil Conservation Service technical
14 guide and approved by the local soil conservation
15 district, in consultation with the local committees es-
16 tablished under section 8(b) of the Soil Conservation
17 and Domestic Allotment Act (16 U.S.C. 590h(b))
18 and the Secretary, or by the Secretary”;

19 (2) in subsection (c)(3), by striking “based on
20 the local Soil Conservation Service technical guide
21 and approved by the local soil conservation district,
22 in consultation with the local committees established
23 under section 8(b) of the Soil Conservation and Do-
24 mestic Allotment Act (16 U.S.C. 590h(b)) and the
25 Secretary”;

1 (3) in subsection (e)(1)(A), by striking “con-
2 servation compliance plan” and inserting “conserva-
3 tion plan”;

4 (4) in subsection (f)(1), by striking “that docu-
5 ments the decisions of such person with respect to
6 location, land use, tillage systems, and conservation
7 treatment measures and schedules prepared under
8 subsection (a)”;

9 (5) in subsection (f)(3), by striking “prepared
10 under subsection (a)”;

11 (6) in subsection (f)(4), by striking “that docu-
12 ments the decisions of such person with respect to
13 location, land use, tillage systems, and conservation
14 treatment measures and schedules prepared under
15 subsection (a)”.

16 **SEC. 402. DEVELOPMENT AND IMPLEMENTATION OF CON-**
17 **SERVATION PLANS AND CONSERVATION SYS-**
18 **TEMS.**

19 (a) DEVELOPMENT AND IMPLEMENTATION.—The
20 Food Security Act of 1985 is amended—

21 (1) by redesignating section 1213 (16 U.S.C.
22 3813) as section 1214; and

23 (2) by inserting after section 1212 (16 U.S.C.
24 3812) the following new section:

1 **“SEC. 1213. DEVELOPMENT AND IMPLEMENTATION OF CON-**
2 **SERVATION PLANS AND CONSERVATION SYS-**
3 **TEMS.**

4 “(a) TECHNICAL REQUIREMENTS.—In connection
5 with the standards and guidelines contained in Soil Con-
6 servation Service field office technical guides applicable to
7 the development and use of conservation measures and
8 management practices as part of a conservation system,
9 the Secretary shall ensure that such standards and guide-
10 lines permit a person to use a conservation system that—

11 “(1) is technically and economically feasible;

12 “(2) is based on local resource conditions and
13 available conservation technology;

14 “(3) is cost-effective; and

15 “(4) does not cause undue economic hardship
16 on the person applying the conservation system
17 under the person’s conservation plan.

18 “(b) MEASUREMENT OF EROSION REDUCTION.—For
19 the purpose of determining whether there is a substantial
20 reduction in soil erosion on a field containing highly erod-
21 ible cropland, the measurement of erosion reduction
22 achieved by the application of a conservation system under
23 a person’s conservation plan shall be based upon the level
24 of erosion at the time of the measurement compared to
25 the level of erosion that existed before the implementation

1 of the conservation measures and management practices
2 provided for in the conservation system.

3 “(c) RESIDUE MEASUREMENT.—

4 “(1) RESPONSIBILITIES OF THE SECRETARY.—

5 For the purpose of measuring the level of residue on
6 a field, the Secretary shall—

7 “(A) take into account any residue incor-
8 porated into the top two inches of soil, as well
9 as the growing crop, in such measurement; and

10 “(B) provide for the acceptance and use of
11 information and data voluntarily provided by
12 the producer regarding the field.

13 “(2) ACCEPTANCE OF PRODUCER MEASURE-
14 MENTS.—Annual residue measurements supplied by
15 a producer, and certified by a third person approved
16 by the Secretary, shall be used by the Secretary if
17 such measurements indicate that, on the basis of a
18 5-year average, the residue level for the field meets
19 the level required in the conservation plan.

20 “(d) CERTIFICATION OF COMPLIANCE.—

21 “(1) IN GENERAL.—For the purpose of deter-
22 mining the eligibility of a person for program bene-
23 fits specified in section 1211, the person may certify
24 that the person is complying with the person’s con-
25 servation plan if that person is actively applying the

1 conservation plan at the time application is made for
2 such benefits.

3 “(2) STATUS REVIEWS.—If a person makes a
4 certification under paragraph (1), the Secretary
5 shall not be required to carry out a review of the
6 status of compliance of the person with the con-
7 servation plan under which such conservation system
8 is being applied.

9 “(3) REVISIONS AND MODIFICATIONS.—The
10 Secretary shall permit a person who makes a certifi-
11 cation under paragraph (1) with respect to a con-
12 servation plan to revise the conservation plan in any
13 manner, so long as the same level of conservation
14 treatment provided for by the conservation system
15 under the person’s conservation plan is maintained.
16 The Secretary may revise the person’s conservation
17 plan with the concurrence of the person.

18 “(e) TECHNICAL ASSISTANCE.—The Secretary shall
19 provide technical assistance to a person throughout the de-
20 velopment, revision, and application of a person’s con-
21 servation plan and conservation system. At the request of
22 the person, the Secretary may provide technical assistance
23 regarding conservation measures and management prac-
24 tices for other lands of the person that do not contain
25 highly erodible cropland.

1 “(f) ENCOURAGEMENT OF ON-FARM RESEARCH.—In
2 order to encourage on-farm conservation research, the
3 Secretary shall allow a person to include in the person’s
4 conservation plan or a conservation system under the plan,
5 on a field trial basis, practices that are not currently ap-
6 proved but that the Secretary considers have a reasonable
7 likelihood of success.”.

8 (b) TREATMENT OF TECHNICAL DETERMINA-
9 TIONS.—Section 226(d)(1) of the Department of Agri-
10 culture Reorganization Act of 1994 (7 U.S.C. 6932(d)(1))
11 is amended by adding at the end the following new sen-
12 tence: “In the case of a technical determination of the Soil
13 Conservation Service regarding use of a conservation sys-
14 tem under subtitle B of title XII of the Food Security
15 Act of 1985 (16 U.S.C. 3811 et seq.), the Consolidated
16 Farm Services Agency may overrule the determination if
17 the Agency determines that strict application of the deter-
18 mination causes undue economic hardship on the person
19 using the conservation system.”.

20 (c) PROVISION OF TECHNICAL ASSISTANCE BY
21 OTHER SOURCES.—Section 1243 of the Food Security Act
22 for 1985 (16 U.S.C. 3843) is amended by adding at the
23 end the following new subsection:

24 “(g) The Secretary shall permit persons to secure
25 technical assistance from sources other than the Soil Con-

1 servation Service in the preparation and application of a
2 conservation compliance plan under subtitle B or similar
3 plan required as a condition for assistance from the De-
4 partment of Agriculture. If the Secretary rejects a tech-
5 nical determination made by a source other than the Soil
6 Conservation Service, the basis of Secretary’s determina-
7 tion must be supported by clear and convincing evidence.”.

8 **SEC. 403. EXPEDITED PROCEDURES FOR GRANTING**
9 **VARIANCES FROM CONSERVATION PLANS.**

10 Section 1212(f) of the Food Security Act of 1985 (16
11 U.S.C. 3812(f)(4)) is amended—

12 (1) in paragraph (4)(C), by striking “problem”
13 and inserting “problem, including pest and disease
14 problems”; and

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

17 “(5) After consultation with local conservation
18 districts, the Secretary shall establish expedited pro-
19 cedures for the consideration and granting of tem-
20 porary variances under paragraph (4)(C). If the re-
21 quest for a temporary variance under such para-
22 graph involves the use of practices or measures to
23 control pests or disease problems, the Secretary shall
24 make a decision on whether to grant the variance
25 within 30 days of receiving the request. If the Sec-

1 retary fails to render a decision within that time pe-
2 riod, the temporary variance shall be deemed to have
3 been granted.”.

4 **SEC. 404. GOOD FAITH EXEMPTION.**

5 (a) GRACE PERIOD TO RESUME CONSERVATION
6 COMPLIANCE.—Paragraph (1) of section 1212(f) of the
7 Food Security Act of 1985 (16 U.S.C. 3812(f)) is amend-
8 ed—

9 (1) by striking “Except to the extent provided
10 in paragraph (2), no” and inserting “No”; and

11 (2) by striking “such person has—” and all
12 that follows through the period at the end of sub-
13 paragraph (B) and inserting the following: “such
14 person has acted in good faith and without the in-
15 tent to violate the provisions of this subtitle. A per-
16 son who meets the requirements of this paragraph
17 shall be allowed a period of one year in which to im-
18 plement the measures and practices necessary to be
19 considered to be actively applying the person’s con-
20 servation plan.”.

21 (b) SPECIAL PENALTIES REGARDING CERTAIN
22 HIGHLY ERODIBLE CROPLAND.—Paragraph (2) of such
23 section is amended by striking “meets the requirements
24 of paragraph (1)” and inserting “with respect to highly
25 erodible cropland that was not in production prior to De-

1 cember 23, 1985, has acted in good faith and without the
2 intent to violate such provisions”.

3 (c) CONFORMING AMENDMENT.—Paragraph (4) of
4 such section is amended by striking the last sentence.

5 **SEC. 405. APPLICATION OF PROGRAM INELIGIBILITY PEN-**
6 **ALTY.**

7 (a) EXTENT OF INELIGIBILITY.—Section 1211 of the
8 Food Security Act of 1985 (16 U.S.C. 3812(f)) is amend-
9 ed—

10 (1) by striking the section heading and “SEC.
11 1211.” and inserting the following:

12 **“SEC. 1211. PROGRAM INELIGIBILITY.**

13 “(a) LIST OF PROGRAMS AND PAYMENTS.—”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(b) EXTENT OF PROGRAM INELIGIBILITY FOR
17 PRICE SUPPORT.—If a person is determined to be ineli-
18 gible for program benefits specified in subsection (a) as
19 a result of the failure of the person to actively apply or
20 comply with the person’s conservation plan, the extent of
21 the ineligibility of the person with respect to benefits speci-
22 fied in subsection (a)(1)(A) shall be limited to those bene-
23 fits that relate to agricultural commodities produced on
24 the field that is the basis for such ineligibility determina-
25 tion. In the case of egregious and repetitive violations by

1 a person, the Secretary may expand the ineligibility of the
2 person for such benefits to include such benefits with re-
3 spect to agricultural commodities produced on fields other
4 than the field that is the basis for the ineligibility deter-
5 mination, as determined appropriate by the Secretary.”.

6 (b) INAPPLICABILITY TO NONPAID ACRES.—Such
7 section is further amended by inserting after subsection
8 (b), as added by subsection (a)(2), the following new sub-
9 section:

10 “(c) INAPPLICABILITY TO NONPAID ACRES.—Not-
11 withstanding any other provision of this subtitle, no per-
12 son shall be ineligible for program benefits under sub-
13 section (a) as a result of the failure of the person to ac-
14 tively apply or comply with the person’s conservation plan
15 with respect to acreage that is not eligible for the type
16 of benefits listed under subsection (a)(1)(A).”.

17 (c) REMOVAL OF INELIGIBILITY FOR CROP INSUR-
18 ANCE.—Subsection (a)(1) of such section, as designated
19 by subsection (a)(1) of this section, is amended—

- 20 (1) by striking subparagraph (C); and
21 (2) by redesignating subparagraphs (D) and
22 (E) as subparagraphs (C) and (D), respectively.

23 **SEC. 406. CONSERVATION RESERVE LANDS.**

24 Section 1212(a)(3) of the Food Security Act of 1985
25 (16 U.S.C. 3812(a)(3)) is amended by striking “shall, if

1 the conservation plan established under this subtitle for
2 such land requires structures to be constructed,” and in-
3 serting “shall only be required to apply a conservation
4 plan established under this subtitle. The person shall not
5 be required to meet a higher conservation standard than
6 the standard applied to other highly erodible cropland lo-
7 cated within the same area. If the person’s conservation
8 plan requires structures to be constructed, the person
9 shall”.

10 **SEC. 407. INVESTIGATION OF POSSIBLE COMPLIANCE DEFICIENCIES.**
11

12 Subtitle B of title XII of the Food Security Act of
13 1985 is amended by adding at the end the following new
14 section:

15 **“SEC. 1215. INVESTIGATION OF POSSIBLE COMPLIANCE DEFICIENCIES.**
16

17 “(a) SPECIAL RULE DURING PROVISION OF ON-SITE
18 TECHNICAL ASSISTANCE.—Employees of the Department
19 of Agriculture who observe possible compliance defi-
20 ciencies or other potential violations of a conservation plan
21 or provision of this subtitle while providing on-site tech-
22 nical assistance shall provide to the responsible persons,
23 within 45 days, information regarding those actions need-
24 ed in order to come into compliance. The employees shall
25 provide this information in lieu of reporting the observa-

1 tions as compliance violations. The person shall attempt
2 to correct such deficiencies as soon as practicable. If such
3 corrective action is not fully implemented within 1 year,
4 a review of the status of compliance of the person with
5 the conservation plan may then be conducted.

6 “(b) NOTICE OF POSSIBLE VIOLATIONS.—Any inter-
7 ested person (other than an employee of an agency of the
8 Department of Agriculture administering this Act) may
9 file, in accordance with rules prescribed by the Secretary,
10 a written notification of possible compliance deficiencies
11 or other potential violations of a conservation plan or pro-
12 vision of this subtitle. The identity of any person filing
13 a written notification under this subsection shall be con-
14 sidered to be confidential information. The identity of such
15 person, and any portion of the notification to the extent
16 that it would indicate the identity of such person, are spe-
17 cifically exempt from disclosure under section 552 of title
18 5, United States Code (commonly known as the Freedom
19 of Information Act), as provided in subsection (b)(3) of
20 such section. The Secretary may not accept anonymous
21 complaints or allegations.

22 “(c) INVESTIGATION OF NOTIFICATIONS.—

23 “(1) COMMENCING OR EXPANDING AN INVES-
24 TIGATION.—If there appears to be, in the opinion of
25 the Secretary, reasonable grounds for investigating a

1 written notification made under subsection (b), the
2 Secretary may commence an investigation of the al-
3 leged violation of a conservation plan or provision of
4 this subtitle specified in the notification. In the
5 course of the investigation, if the Secretary deter-
6 mines that violations are indicated other than the al-
7 leged violations specified in the notification, the Sec-
8 retary may expand the investigation to include such
9 additional violations.

10 “(2) ISSUANCE OF COMPLAINT BY SECRETARY;
11 PROCESS.—In the opinion of the Secretary, if an in-
12 vestigation under this subsection substantiates the
13 existence of violations of a conservation plan or pro-
14 vision of this subtitle, the Secretary may cause a
15 complaint to be issued. The Secretary shall have the
16 complaint served by registered mail or certified mail
17 or otherwise on the person concerned and afford
18 such person an opportunity for a hearing on the
19 complaint.

20 “(d) NOTIFICATION REQUIREMENTS REGARDING
21 SUBJECT OF COMPLAINT.—Whenever the Secretary initi-
22 ates an investigation on the basis of a written notification
23 made under subsection (b) or expands such an investiga-
24 tion, the Secretary shall promptly notify the subject of the
25 investigation of the existence of the investigation and the

1 nature of the alleged violations of this subtitle to be inves-
2 tigated. Not later than 180 days after providing the initial
3 notification, the Secretary shall provide the subject of the
4 investigation with notice of the status of the investigation,
5 including whether the Secretary intends to issue a com-
6 plaint under paragraph (2), terminate the investigation,
7 or continue or expand the investigation. The Secretary
8 shall provide additional status reports at the request of
9 the subject of the investigation and shall promptly notify
10 the subject of the investigation whenever the Secretary
11 terminates the investigation.”.

12 **SEC. 408. PRODUCER ADVISORY COMMITTEES.**

13 Subtitle B of title XII of the Food Security Act of
14 1985 is amended by inserting after section 1215, as added
15 by section 407, the following new section:

16 **“SEC. 1216. PRODUCER ADVISORY COMMITTEES.**

17 “At the request of a committee established for a
18 county or an area under section 8(b) of the Soil Conserva-
19 tion and Domestic Allotment Act (16 U.S.C. 590h(b)), the
20 Secretary may establish a producer advisory committee in
21 such county or area for the purpose of consulting with
22 such county or area committee, conservation district
23 board, Soil Conservation Service field office, and State
24 conservationist in the development of reasonable and prac-
25 tical solutions to resource management goals and the es-

1 tablishment of conservation systems, measures, and prac-
2 tices that meet the criteria set forth in section 1213(a).
3 The members of the producer advisory committee shall be
4 appointed by the Secretary from nominees submitted by
5 the county or area committee making the request.”.

6 **SEC. 409. EXPIRATION OF AUTHORITY.**

7 Subtitle B of title XII of the Food Security Act of
8 1985 is amended by inserting after section 1216, as added
9 by section 408, the following new section:

10 **“SEC. 1217. EXPIRATION OF SUBTITLE.**

11 “The authorities and requirements contained in this
12 subtitle shall not apply after December 31, 2002, and any
13 program ineligibility in effect under section 1211 as of
14 that date shall expire on that date.”.

15 **TITLE V—ENVIRONMENTAL CON-**
16 **SERVATION ACREAGE RE-**
17 **SERVE PROGRAM**

18 **SEC. 501. REMOVAL OF AUTHORITY TO PURCHASE EASE-**
19 **MENTS TO ENROLL LANDS IN WETLAND RE-**
20 **SERVE PROGRAM.**

21 (a) USE OF ENROLLMENT CONTRACTS IN LIEU OF
22 EASEMENTS.—Section 1237A of the Food Security Act of
23 1985 (16 U.S.C. 3837a) is amended to read as follows:

1 **“SEC. 1237A. WETLAND RESERVE CONTRACTS.**

2 “(a) CONTRACT REQUIRED.—To be eligible to place
3 land into the wetland reserve under this subchapter, the
4 owner of such land shall enter into a contract with the
5 Secretary to implement a wetland conservation plan for
6 the restoration and protection of the functional wetland
7 values of the land placed in the wetland reserve.

8 “(b) TERMS OF WETLAND CONSERVATION PLAN.—

9 “(1) RESTORATION OF WETLAND VALUES.—
10 The wetland conservation plan for land placed into
11 the wetland reserve shall provide for the efficient
12 and effective restoration of the functional values of
13 wetlands.

14 “(2) PERMITTED ACTIVITIES.—The wetland
15 conservation plan for land placed into the wetland
16 reserve shall permit the following activities:

17 “(A) Repairs, improvements, and inspec-
18 tions on such land that are necessary to main-
19 tain existing public drainage systems if such
20 land is subsequently restored to the condition
21 required by the terms of the contract.

22 “(B) The landowner to control public ac-
23 cess on such land while identifying access
24 routes to be used for wetland restoration activi-
25 ties, management, and monitoring.

1 “(3) PROHIBITIONS.—The wetland conservation
2 plan for land placed into the wetland reserve shall
3 prohibit the following activities:

4 “(A) The alteration of wildlife habitat and
5 other natural features of such land, unless spe-
6 cifically permitted by the plan.

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

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

13 “(ii) to comply with a Federal or
14 State emergency pest treatment program.

15 “(C) Any activities to be carried out on
16 such participating landowner’s or successor’s
17 land that is immediately adjacent to, and func-
18 tionally related to, the land that is placed in the
19 wetland reserve if such activities will alter, de-
20 grade, or otherwise diminish the functional
21 value of the eligible land.

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

1 “(4) ADDITIONAL PROVISIONS.—The Secretary
2 may require such additional provisions in a wetland
3 conservation plan as the Secretary determines are
4 desirable to carry out this subchapter or to facilitate
5 the practical administration of this subchapter.

6 “(c) DEVELOPMENT OF WETLAND CONSERVATION
7 PLAN.—The development of a wetland conservation plan
8 under this section shall be made through the local offices
9 of the Natural Resources Conservation Service.

10 “(d) DUTIES OF OWNERS AND OPERATORS.—Under
11 the terms of a contract entered into under this section,
12 the owner or operator of the land placed in the wetland
13 reserve shall agree to comply with the terms of the con-
14 tract and the wetland conservation plan and shall agree
15 to the retirement, during the term of the contract, of any
16 existing cropland base and allotment history for such land
17 under any program administered by the Secretary.

18 “(e) COMPATIBLE USES.—Wetland reserve program
19 lands may be used for compatible economic uses, including
20 such activities as hunting and fishing, managed timber
21 harvest, or periodic haying or grazing, if such use is spe-
22 cifically permitted by the wetland conservation plan and
23 consistent with the long-term protection and enhancement
24 of the functional wetland values of the land placed in the
25 wetland reserve.

1 “(f) PERIOD OF CONTRACT.—The term of a contract
2 to place land into the wetland reserve under this sub-
3 chapter may not exceed 15 years.

4 “(g) PAYMENTS UNDER CONTRACT.—Payments
5 under a contract entered into under this section shall be
6 made annually during the term of the contract in such
7 an annual amount as is agreed to and specified in the con-
8 tract, but not to exceed the fair market rental value of
9 the land. Lands may be enrolled through the submission
10 of bids under a procedure established by the Secretary.

11 “(h) VIOLATION.—On the violation of the terms or
12 conditions of the contract or wetland conservation plan for
13 land placed in the wetland reserve under this subchapter,
14 the Secretary may require the owner to refund all or part
15 of any payments received by the owner under the contract,
16 together with interest thereon as determined appropriate
17 by the Secretary.”.

18 (b) AMOUNT OF COST SHARE ASSISTANCE.—Sub-
19 section (b) of section 1237C of the Food Security Act of
20 1985 (16 U.S.C. 3837c) is amended to read as follows:

21 “(b) COST SHARE ASSISTANCE.—In making cost
22 share payments under subsection (a)(1), the Secretary
23 shall pay the owner an amount that is equal to 50 percent
24 of the cost of carrying out the conservation and wetland

1 measures and practices for which the assistance is pro-
2 vided under such subsection.”.

3 (c) CONFORMING AMENDMENTS REGARDING REF-
4 ERENCES TO EASEMENTS.—Subtitle D of title XII of the
5 Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is
6 amended—

7 (1) in section 1230 (16 U.S.C. 3830)—

8 (A) in subsection (a), by striking “and the
9 acquisition of easements”; and

10 (B) in subsection (b), by striking “and ac-
11 quire interests in lands through easements from
12 owners”;

13 (2) in section 1235A(b)(2) (16 U.S.C.
14 3835a(b)(2)), by striking “an agreement to provide
15 the Secretary with a long-term or permanent ease-
16 ment” and inserting “a contract”;

17 (3) in section 1237 (16 U.S.C. 3837)—

18 (A) in subsection (d), by striking para-
19 graphs (2) and (3) and inserting the following
20 new paragraphs:

21 “(2) other wetland of an owner that would not
22 otherwise be eligible if the Secretary determines that
23 the inclusion of such wetland in a contract under
24 section 1237 would significantly add to the func-
25 tional value of the wetland; and

1 “(3) riparian areas that link wetlands that are
2 protected by contracts under such section.”; and

3 (B) in subsection (g), by striking “pur-
4 chase of easements as provided for in ” and in-
5 serting “use of contracts under”;

6 (4) by striking section 1237B (16 U.S.C.
7 3837b);

8 (5) in section 1237C (16 U.S.C. 3837c)—

9 (A) in subsection (a)—

10 (i) by striking “In return for the
11 granting of an easement by an owner
12 under this subchapter” and inserting
13 “Under a contract entered into by the Sec-
14 retary under section 1237A”; and

15 (ii) in paragraph (2), by striking
16 “easement” and inserting “contract”;

17 (B) in subsection (c), by striking “ease-
18 ment” both places it appears; and

19 (C) by striking subsection (d);

20 (6) in section 1237D (16 U.S.C. 3837d)—

21 (A) in subsection (a)(2), by striking “ease-
22 ment”;

23 (B) in subsection (c)(1)—

24 (i) by striking “easement payments”
25 and inserting “contract payments”; and

1 (ii) by striking “, except such limita-
2 tion shall not apply with respect to pay-
3 ments for perpetual easements”; and

4 (C) in subsection (c)(3), by striking “Ease-
5 ment payments” and inserting “Contract pay-
6 ments”;

7 (7) in section 1237E (16 U.S.C. 3837e)—

8 (A) in subsection (a), by striking “No
9 easement shall be created under this subchapter
10 on” and inserting “The Secretary may not
11 enter into a contract under section 1237A re-
12 garding”;

13 (B) in subsection (b)(1), by striking “an
14 easement acquired from, or a related agreement
15 with,” and inserting “a contract entered into
16 with”;

17 (C) in subsection (b)(2)(A), by striking
18 “an easement created” and inserting “a con-
19 tract entered into”; and

20 (D) in subsection (b)(2)(B), by striking
21 “easements” and inserting “contracts”; and

22 (8) in section 1237F(a) (16 U.S.C. 3837f(a))—

23 (A) by striking “EASEMENT” in the sub-
24 section heading; and

1 (B) by striking “easement” and inserting
2 “contract”.

3 **SEC. 502. ELIMINATION OF CONSULTATION REQUIRE-**
4 **MENTS WITH SECRETARY OF THE INTERIOR.**

5 (a) PRIOR TO ENROLLMENT OF LANDS.—Section
6 1237(c) of the Food Security Act of 1985 (16 U.S.C.
7 3837(c)) is amended by striking “, in consultation with
8 the Secretary of the Interior at the local level,”.

9 (b) OTHER CONSULTATION REQUIREMENTS.—Sec-
10 tion 1242 of such Act (16 U.S.C. 3842) is amended—

11 (1) by striking “(a)” before “In carrying out”;

12 and

13 (2) by striking subsection (b).

14 **SEC. 503. REPEAL OF ENVIRONMENTAL EASEMENT PRO-**
15 **GRAM.**

16 (a) REPEAL.—Chapter 3 of subtitle D of title XII
17 of the Food Security Act (16 U.S.C. 3839–3839d) is re-
18 pealed.

19 (b) CONFORMING AMENDMENTS.—(1) Such title is
20 further amended—

21 (A) in section 1211(3) (16 U.S.C. 3811(3)), by
22 striking subparagraph (E);

23 (B) in section 1221(a)(3) (16 U.S.C.
24 3821(a)(3)), by striking subparagraph (E); and

25 (C) in section 1243(f) (16 U.S.C. 3843(f))—

1 (i) in paragraph (1), by striking “ and the
2 Environmental Easement Program under chap-
3 ter 3, and not more than 10 percent of such
4 cropland may be subject to an easement ac-
5 quired under those chapters”; and

6 (ii) by striking paragraph (2).

7 (2) Subsection (c) of section 1437 of the Food, Agri-
8 culture, Conservation, and Trade Act of 1990 (Public Law
9 101–624; 16 U.S.C. 3831 note) is amended to read as
10 follows:

11 “(c) EXTENSION AUTHORITY.—During the 1996
12 through 2000 calendar years, the Secretary of Agriculture
13 may extend up to 10 years contracts entered into before
14 November 28, 1990, under subchapter B of chapter 1 of
15 subtitle D of title XII of the Food Security Act of 1985
16 (16 U.S.C. 3831 et seq.) at the option of the owner or
17 operator on land that the Secretary has determined under
18 the study conducted under subsection (a) should remain
19 in conserving uses.”.

20 **SEC. 504. EFFECT ON EXISTING EASEMENTS.**

21 The amendments made by this title shall not affect
22 the validity or terms of any easements acquired by the
23 Secretary of Agriculture under subchapter C of chapter
24 1 of subtitle D of title XII of the Food Security Act of
25 1985 (16 U.S.C. 3837 et seq.) or under chapter 3 of such

1 subtitle (16 U.S.C. 3839 et seq.) before the date of the
2 enactment of this Act or any payments required to be
3 made in connection with such easements.

4 **TITLE VI—MISCELLANEOUS** 5 **PROVISIONS**

6 **SEC. 601. CLARIFICATION OF EFFECT OF RESOURCE PLAN-** 7 **NING ON ALLOCATION OR USE OF WATER.**

8 (a) **FOREST SERVICE AUTHORITIES.**—Section 6 of
9 the Forest and Rangeland Renewable Resources Planning
10 Act of 1974 (16 U.S.C. 1604) is amended by adding at
11 the end the following new subsection:

12 “(n) **LIMITATION ON AUTHORITY.**—Nothing in this
13 section shall be construed to supersede, abrogate or other-
14 wise impair any right or authority of a State to allocate
15 quantities of water (including boundary waters). Nothing
16 in this section shall be implemented, enforced, or con-
17 strued to allow any officer or agency of the United States
18 to utilize directly or indirectly the authorities established
19 under this section to impose any requirement not imposed
20 by the State which would supersede, abrogate, or other-
21 wise impair rights to the use of water resources allocated
22 under State law, interstate water compact, or Supreme
23 Court decree, or held by the United States for use by a
24 State, its political subdivisions, or its citizens. No water

1 rights arise in the United States or any other person
2 under the provisions of this Act.”.

3 (b) BUREAU OF LAND MANAGEMENT AUTHORI-
4 TIES.—

5 (1) LAND USE PLANNING.—Section 202 of the
6 Federal Land Policy and Management Act of 1976
7 (43 U.S.C. 1712) is amended by adding at the end
8 the following new subsection:

9 “(g) LIMITATION ON AUTHORITY.—Nothing in this
10 section shall be construed to supersede, abrogate, or other-
11 wise impair any right or authority of a State to allocate
12 quantities of water (including boundary waters). Nothing
13 in this section shall be implemented, enforced, or con-
14 strued to allow any officer or agency of the United States
15 to utilize directly or indirectly the authorities established
16 under this section to impose any requirement not imposed
17 by the State which would supersede, abrogate, or other-
18 wise impair rights to the use of water resources allocated
19 under State law, interstate water compact, or Supreme
20 Court decree, or held by the United States for use by a
21 State, its political subdivisions, or its citizens. No water
22 rights arise in the United States or any other person
23 under the provisions of this Act.”.

24 (2) RIGHTS-OF-WAY.—Section 501 of such Act
25 (43 U.S.C. 1761) is amended—

1 (A) in subsection (c)(1)—

2 (i) by striking subparagraph (B);

3 (ii) in subparagraph (D), by striking
4 “originally constructed”;

5 (iii) in subparagraph (G), by striking
6 “1996” and inserting “1998”; and

7 (iv) by redesignating subparagraphs
8 (C) through (G) as subparagraphs (B)
9 through (F), respectively;

10 (B) in subsection (c)(3)(A), by striking the
11 second and third sentences; and

12 (C) by adding at the end the following new
13 subsection:

14 “(e) EFFECT ON VALID EXISTING RIGHTS.—Not-
15 withstanding any provision of this section, no Federal
16 agency may require, as a condition of, or in connection
17 with, the granting, issuance, or renewal of a right-of-way
18 under this section, a restriction or limitation on the oper-
19 ation, use, repair, or replacement of an existing water sup-
20 ply facility which is located on or above National Forest
21 lands or the exercise and use of existing water rights, if
22 such condition would reduce the quantity of water which
23 would otherwise be made available for use by the owner
24 of such facility or water rights, or cause an increase in
25 the cost of the water supply provided from such facility.”.

1 **SEC. 602. REPEAL OF STATE TECHNICAL COMMITTEES.**

2 (a) REPEAL.—Subtitle G of title XII of the Food Se-
3 curity Act of 1985 (16 U.S.C. 1261 and 3862) is repealed.

4 (b) CONFORMING AMENDMENT.—Section 1628 of the
5 Food, Agriculture, Conservation, and Trade Act of 1990
6 (7 U.S.C. 5831) is amended by striking “, subtitle G of
7 title XIV” both places it appears.

8 **SEC. 603. REPEAL OF PROGRAM REGARDING MANAGEMENT**
9 **OF UNDESIRABLE PLANTS ON FEDERAL**
10 **LANDS.**

11 Section 15 of the Federal Noxious Weed Act of 1974
12 (7 U.S.C. 2814) is repealed.

13 **SEC. 604. REPEAL OF COMPOSTING RESEARCH AND EXTEN-**
14 **SION PROGRAM.**

15 Section 1456 of the Food, Agriculture, Conservation,
16 and Trade Act of 1990 (7 U.S.C. 3130) is repealed.

17 **SEC. 605. REPEAL OF FARMS FOR THE FUTURE ACT OF**
18 **1990.**

19 The Farms for the Future Act of 1990 (chapter 2
20 of subtitle E of title XIX of Public Law 101–624; 7 U.S.C.
21 4201 note) is repealed.

22 **SEC. 606. ADMINISTRATION OF ENVIRONMENTAL PRO-**
23 **GRAMS.**

24 (a) REPEAL.—Subtitle F of the Food, Agriculture,
25 Conservation, and Trade Act of 1990 (7 U.S.C. 5401–
26 5403) is repealed.

1 (b) CONFORMING AMENDMENTS.—Such Act is fur-
2 ther amended—

3 (1) in section 1482(d) (7 U.S.C. 5502(d)), by
4 striking “in conjunction with the report required
5 under section 1473(c). The report” and inserting “,
6 which”; and

7 (2) in section 1499(a) (7 U.S.C. 5506(a)), by
8 striking the last sentence.



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