

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1947
OFFERED BY MR. BLUMENAUER OF OREGON**

Beginning on page 197, strike line 18 and all that follows through page 198, line 10 and insert the following:

1 SEC. 2201. PURPOSES.

2 Section 1240 of the Food Security Act of 1985 (16
3 U.S.C. 3839aa) is amended to read as follows:

4 “SEC. 1240. PURPOSES.

5 “The purpose of the environmental quality incentives
6 program established by this chapter is to assist producers
7 in implementing conservation systems, practices, and ac-
8 tivities on their operations in order to—

9 “(1) improve water quality, with special empha-
10 sis on reducing nutrient pollution and protecting
11 sources of drinking water;

12 “(2) avoid, to the maximum extent practicable,
13 the need for resource and regulatory programs by
14 assisting producers in protecting soil, water, air, and
15 related natural resources and meeting environmental
16 quality criteria established by Federal, State, tribal,
17 and local agencies;

1 “(3) conserve ground and surface water to sus-
2 tain or improve in-stream flows;

3 “(4) enhance soil quality;

4 “(5) control invasive species;

5 “(6) enhance critical aquatic and terrestrial
6 wildlife habitat for at-risk species;

7 “(7) reduce the amount and toxicity of pes-
8 ticides and other agricultural chemicals found on
9 food and in water or the air;

10 “(8) reduce the nontherapeutic use of medically
11 important antibiotics in food-producing animals in
12 order to preserve the effectiveness of antibiotics used
13 in the treatment of human and animal disease;

14 “(9) help producers adapt to a changing and
15 unpredictable climate and increase resiliency to cli-
16 mate change impacts, including rising temperatures
17 and extreme weather events, while reducing green-
18 house gas emissions; and

19 “(10) address additional priority resource con-
20 cerns, as determined by the Secretary.”.

Page 198, line 19, strike “10 years” and insert “5
years”.

Page 198, after line 19, insert the following:

1 (3) by amending subsection (c) to read as fol-
2 lows:

3 “(c) PRIORITY.—If the Secretary determines that the
4 environmental values of two or more applications for pay-
5 ments are comparable, the Secretary shall assign a higher
6 priority to a program application which will achieve the
7 environment and conservation values using practices and
8 systems the assessed cost of which is lower.”;

9 (4) by amending subsection (d)(3) to read as
10 follows:

11 “(3) INCREASED PAYMENTS FOR CERTAIN
12 PRACTICES.—The Secretary shall provide supple-
13 mental payments and enhanced technical assistance
14 to producers implementing land management and
15 vegetative practices at a level that, as determined by
16 the Secretary, results in highly cost-effective treat-
17 ment of priority resource concerns, including—

18 “(A) residue and tillage management;

19 “(B) contour farming;

20 “(C) cover cropping;

21 “(D) integrated pest management;

22 “(E) nutrient management;

23 “(F) stream corridor improvement;

24 “(G) invasive plant species control;

25 “(H) contour buffer strips;

- 1 “(I) riparian herbaceous and forest buff-
2 ers;
3 “(J) filterstrips;
4 “(K) stream habitat improvement and
5 management;
6 “(L) grassed waterways;
7 “(M) wetland restoration and enhance-
8 ment;
9 “(N) pollinator habitat; or
10 “(O) conservation crop rotation.”;

Page 199, after line 16, insert the following:

- 11 (4) by adding at the end of subsection (d) the
12 following new paragraph:
13 “(7) LIMITATION ON PAYMENTS FOR CERTAIN
14 PRACTICES.—A producer who owns or operates a
15 large confined animal feeding operation (as defined
16 by the Secretary) shall not be eligible for payments
17 under this chapter to construct an animal waste
18 management facility or any associated waste trans-
19 port or transfer device.”.

Page 199, line 21, strike “60 percent” and insert
“50 percent”.

Page 200, line 2, strike “5 percent” and insert “not
less than 10 percent”.

Page 200, line 17, strike “and” and insert the following:

1 (6) by amending subsection (h) to read as follows:
2

3 “(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—
4

5 “(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide payments under this subsection
6 to a producer for a water conservation or irrigation
7 practice that promotes ground and surface water
8 conservation on the agricultural operation of the
9 producer by—
10

11 “(A) improvements to irrigation systems;

12 “(B) enhancement of irrigation efficiencies;

13 “(C) conversion of the agricultural operation to—
14

15 “(i) the production of less water-intensive agricultural commodities; or
16

17 “(ii) dryland farming;

18 “(D) improvement of the storage and conservation of water through measures such as
19 water banking and groundwater recharge;
20

21 “(E) enhancement of fish and wildlife habitat associated with irrigation systems in-
22

1 including pivot corners and areas with irregular
2 boundaries;

3 “(F) enhancement of in-stream flows in as-
4 sociated rivers and streams; or

5 “(G) establishment of other measures, as
6 determined by the Secretary, that improve
7 groundwater and surface water conservation in
8 agricultural operations.

9 “(2) PRIORITY.—In providing payments to a
10 producer for a water conservation or irrigation prac-
11 tice, the Secretary shall give priority to applications
12 in which—

13 “(A) consistent with the law of the State
14 in which the eligible land of the producer is lo-
15 cated, there is a reduction in water use in the
16 operation of the producer; and

17 “(B) the practice reduces the amount of
18 water consumed in a producer’s operation or re-
19 duces the amount of water diverted without in-
20 creasing the water consumed.

21 “(3) DUTY OF PRODUCERS.—The Secretary
22 may not provide payments to a producer for a water
23 conservation or irrigation practice under this chapter
24 unless the producer agrees not to use any associated
25 water savings to bring new land, other than inci-

1 dental land needed for efficient operations, under ir-
2 rrigated production, unless the producer is partici-
3 pating in a watershed-wide project that will effec-
4 tively conserve water, as determined by the Sec-
5 retary.”;

6 (7) in subsection (i)—

7 (A) in paragraph (1), by striking “sub-
8 section” and inserting “chapter”;

9 (B) by amending paragraph (2) to read as
10 follows:

11 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
12 tion for receiving payments under this chapter, a
13 producer shall agree to develop and implement con-
14 servation practices for certified organic production
15 that are consistent with the regulations promulgated
16 under the Organic Foods Production Act of 1990 (7
17 U.S.C. 6501 et seq.) and the purposes of this chap-
18 ter.”;

19 (C) by striking paragraph (3) and redesign-
20 ating paragraphs (4) and (5) as paragraphs
21 (5) and (6), respectively; and

22 (D) by inserting after paragraph (2) the
23 following new paragraphs:

24 “(3) COORDINATION WITH ORGANIC CERTIFI-
25 CATION.—The Secretary shall establish a trans-

1 parent means by which producers may initiate or-
2 ganic certification under the Organic Foods Produc-
3 tion Act of 1990 (7 U.S.C. 6501 et seq.) while par-
4 ticipating in a contract under this chapter.

5 “(4) PLANNING.—

6 “(A) IN GENERAL.—The Secretary shall
7 provide planning assistance to producers
8 transitioning to certified organic production
9 consistent with the requirements of the Organic
10 Foods Production Act of 1990 (7 U.S.C. 6501
11 et seq.) and the purposes of this chapter.

12 “(B) AVOIDANCE OF DUPLICATION.—The
13 Secretary shall, to the maximum extent prac-
14 ticable, eliminate duplication of planning activi-
15 ties for a producer participating in a contract
16 under this chapter and initiating or maintaining
17 organic certification consistent with the Organic
18 Foods Production Act of 1990 (7 U.S.C. 6501
19 et seq.).”; and

Page 201, line 8, strike the closed quotation mark
and the final period.

Page 201, after line 8, insert the following:

20 “(k) PAYMENTS FOR CONSERVATION PRACTICES RE-
21 LATED TO ANTIBIOTIC USE.—

1 “(1) PAYMENTS AUTHORIZED.—The Secretary
2 shall provide payments under this chapter to live-
3 stock producers for three years, to assist in a transi-
4 tion to modified animal management and production
5 systems, for practices leading to the reduction in the
6 need for antibiotics, including modification of sys-
7 tems and spaces to—

8 “(A) improve sanitation;

9 “(B) improve ventilation; or

10 “(C) support the implementation of im-
11 proved animal management techniques at the
12 operation.

13 “(2) DUTY OF PRODUCER.—The Secretary shall
14 not make payments under this chapter for practices
15 related to antibiotic use unless the producer agrees
16 to provide information to the Secretary documenting
17 the resulting reduction in antibiotic use in the oper-
18 ation of the producer.

19 “(1) COMPREHENSIVE CONSERVATION PLANNING.—
20 The Secretary shall provide technical and financial assist-
21 ance to producers under the program to develop a com-
22 prehensive conservation plan for the agricultural operation
23 of the producer.”.

Page 201, strike lines 9 through 17 and insert the
following:

1 **SEC. 2203. EVALUATION OF APPLICATIONS.**

2 (a) **EVALUATION CRITERIA.**—Section 1240C(a) of
3 the Food Security Act of 1985 (16 U.S.C. 3839aa–3(a))
4 is amended by striking “, national, State, and local con-
5 servation priorities” and inserting “priority resource con-
6 cerns identified under subsection (d)”.

7 (b) **PRIORITIZATION OF APPLICATIONS.**—Section
8 1240C(b) of the Food Security Act of 1985 (16 U.S.C.
9 3839aa–3(b)) is amended—

10 (1) in paragraph (1), by striking “achieving the
11 anticipated environmental benefits of the project”
12 and inserting “priority resource concerns identified
13 under subsection (d)”;

14 (2) in paragraph (2), by striking “designated
15 resource concern or resource concerns” and inserting
16 “priority resource concerns identified under sub-
17 section (d), including, in the case of applications
18 from nutrient-impacted watersheds, the degree to
19 which nutrient loadings would be reduced as a result
20 of the proposed project”; and

21 (3) in paragraph (3), by striking “purpose of
22 the environmental quality incentives program speci-
23 fied in section 1240(1)” and inserting “purposes of
24 the program”.

25 (c) **GROUPING OF APPLICATIONS.**—Section 1240C(c)
26 of the Food Security Act of 1985 (16 U.S.C. 3839aa–3(c))

1 is amended by striking “for evaluation purposes or other-
2 wise evaluate applications relative to other applications for
3 similar farming operations” and inserting “proposing to
4 address the same priority resource concerns for evaluation
5 purposes”.

6 (d) PRIORITY RESOURCE CONCERNS.—Section
7 1240C of the Food Security Act of 1985 (16 U.S.C.
8 3839aa–3) is amended by adding at the end the following
9 new subsection:

10 “(d) PRIORITY RESOURCE CONCERNS.—For the pur-
11 poses of this section, the Secretary shall identify priority
12 resource concerns in a particular watershed or other ap-
13 propriate region or area within a State.”.

Beginning on page 201, strike line 22 and all that
follows through page 202, line 8 and insert the following:

14 **SEC. 2205. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
15 **GRAM PLAN.**

16 (a) PLAN OF OPERATIONS.—Section 1240E(a) of the
17 Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is
18 amended to read as follows:

19 “(a) PLAN OF OPERATIONS.—To be eligible to re-
20 ceive payments under the program, a producer shall sub-
21 mit to the Secretary for approval a plan of operations
22 that—

1 “(1) specifies the priority resource concerns to
2 be addressed;

3 “(2) specifies the type, number, and sequencing
4 of conservation systems, practices, or activities to be
5 implemented to address the priority resource con-
6 cerns;

7 “(3) includes such terms and conditions as the
8 Secretary considers necessary to carry out the pro-
9 gram, including a description of the purposes to be
10 met by the implementation of the plan and a state-
11 ment of how the plan will achieve or take significant
12 steps toward achieving the relevant resource man-
13 agement system quality criteria;

14 “(4) in the case of a confined livestock feeding
15 operation, provides for development and implementa-
16 tion of a comprehensive nutrient management plan,
17 if applicable;

18 “(5) in the case of a producer located within a
19 nutrient-impacted watershed, identifies methods by
20 which the producer will limit nutrient loss; and

21 “(6) in the case of forest land, is consistent
22 with the provisions of a forest management plan
23 that is approved by the Secretary, which may in-
24 clude—

1 “(A) a forest stewardship plan described in
2 section 5 of the Cooperative Forestry Assist-
3 ance Act of 1978 (16 U.S.C. 2103a);

4 “(B) another practice plan approved by the
5 State forester; or

6 “(C) another plan determined appropriate
7 by the Secretary.”.

8 (b) AVOIDANCE OF DUPLICATION.—Section
9 1240E(b)(1) of the Food Security Act of 1985 (16 U.S.C.
10 3839aa–5(b)(1))) is amended by striking “plan of oper-
11 ations” and inserting “resource management system
12 plan”.

13 **SEC. 2206. DUTIES OF THE SECRETARY.**

14 Section 1240F(2) of the Food Security Act of 1985
15 (16 U.S.C. 3839aa–6(2)) is amended by striking “infor-
16 mation” and inserting “technical assistance, informa-
17 tion,”.

18 **SEC. 2207. LIMITATION ON PAYMENTS.**

19 Section 1240G of the Food Security Act of 1985 (16
20 U.S.C. 3839aa–7) is amended to read as follows:

21 **“SEC. 1240G. LIMITATION ON PAYMENTS.**

22 “(a) LIMITATION ON TOTAL PAYMENTS.—Subject to
23 subsection (b), a person or legal entity may not receive,
24 directly or indirectly, cost-share or incentive payments
25 under this chapter, in the aggregate, for all contracts en-

1 tered into under this chapter by the person or entity (ex-
2 cluding funding arrangements with federally recognized
3 Native American Indian Tribes or Alaska Native Corpora-
4 tions under section 1240B(h)), regardless of the number
5 of contracts entered into under this chapter by the person
6 or entity, that—

7 “(1) during any fiscal year exceed \$30,000; and

8 “(2) during any five-year period exceed
9 \$150,000.

10 “(b) WAIVER AUTHORITY.—In the case of contracts
11 under this chapter for projects of special environmental
12 significance, as determined by the Secretary, the Secretary
13 may waive the limitation otherwise applicable under sub-
14 section (a)(1).

15 “(c) PREVENTION OF DUPLICATION.—The Secretary
16 shall not approve a contract or provide payments to any
17 individual for a practice that has already been paid for
18 as part of a previously approved and completed contract
19 for any particular parcel of land.”.

