



**Conference Report to Accompany  
Food, Agriculture, Conservation, and Trade  
Act of 1990**

**H.R. Rep. No. 101-916 (1990)**

**Part 3 of 14**

**Title XII- State and Private Forestry** (pp. 171-210)  
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- (1) by striking "section 201(b) of this Act" and inserting "section 207"; and  
 (2) by striking "section 201(b)(2)(B)" and inserting "section 207(b)(2)".

## **Subtitle G—Effective Date**

### **SEC. 1171. EFFECTIVE DATE.**

(a) *IN GENERAL.*—Except as otherwise specifically provided in title I through this title, such titles and the amendments made by such titles shall become effective beginning with the 1991 crop of an agricultural commodity.

(b) *PRIOR CROPS.*—Except as otherwise specifically provided and notwithstanding any other provision of law, title I through this title, and the amendments made by such titles, shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1986 through 1990 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date prescribed by subsection (a).

## **TITLE XII—STATE AND PRIVATE FORESTRY**

### **SEC. 1201. SHORT TITLE.**

This title may be cited as the "Forest Stewardship Act of 1990".

## **Subtitle A—Cooperative Forestry Assistance Act of 1978**

### **SEC. 1211. REFERENCES.**

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.).

### **SEC. 1212. FINDINGS, PURPOSE, AND POLICY.**

Section 2 of the Act (16 U.S.C. 2101) is amended to read as follows:

#### **"SEC. 2. FINDINGS, PURPOSE, AND POLICY.**

**"(a) FINDINGS.**—Congress finds that—

"(1) most of the productive forest land of the United States is in private, State, and local governmental ownership, and the capacity of the United States to produce renewable forest resources is significantly dependent on such non-Federal forest lands;

"(2) adequate supplies of timber and other forest resources are essential to the United States, and adequate supplies are dependent on efficient methods for establishing, managing, and

harvesting trees and processing, marketing, and using wood and wood products;

"(3) nearly one-half of the wood supply of the United States comes from nonindustrial private timberlands and such percentage could rise with expanded assistance programs;

"(4) managed forest lands provide habitats for fish and wildlife, as well as aesthetics, outdoor recreation opportunities, and other forest resources;

"(5) the soil, water, and air quality of the United States can be maintained and improved through good stewardship of privately held forest resources;

"(6) insects and diseases affecting trees occur and sometimes create emergency conditions on all land, whether Federal or non-Federal, and efforts to prevent and control such insects and diseases often require coordinated action by both Federal and non-Federal land managers;

"(7) fires in rural areas threaten human lives, property, forests and other resources, and Federal-State cooperation in forest fire protection has proven effective and valuable;

"(8) trees and forests are of great environmental and economic value to urban areas;

"(9) managed forests contribute to improving the quality, quantity, and timing of water yields that are of broad benefit to society;

"(10) over half the forest lands of the United States are in need of some type of conservation treatment;

"(11) forest landowners are being faced with increased pressure to convert their forest land to development and other purposes;

"(12) increased population pressures and user demands are being placed on private, as well as public, landholders to provide a wide variety of products and services, including fish and wildlife habitat, aesthetic quality, and recreational opportunities;

"(13) stewardship of privately held forest resources requires a long-term commitment that can be fostered through local, State, and Federal governmental actions;

"(14) the Department of Agriculture, through the coordinated efforts of its agencies with forestry responsibilities, cooperating with other Federal agencies, State foresters, and State political subdivisions, has the expertise and experience to assist private landowners in achieving individual goals and public benefits regarding forestry;

"(15) the products and services resulting from nonindustrial private forest land stewardship provide income and employment that contribute to the economic health and diversity of rural communities; and

"(16) sustainable agroforestry systems and tree planting in semiarid lands can improve environmental quality and maintain farm yields and income.

"(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Agriculture (hereafter in this Act referred to as the 'Secretary'), with respect to non-Federal forest lands of the United States, to assist in—

"(1) the establishment of a coordinated and cooperative Federal, State, and local forest stewardship program for management of the non-Federal forest lands;

"(2) the encouragement of the production of timber;

"(3) the prevention and control of insects and diseases affecting trees and forests;

"(4) the prevention and control of rural fires;

"(5) the efficient utilization of wood and wood residues, including the recycling of wood fiber;

"(6) the improvement and maintenance of fish and wildlife habitat;

"(7) the planning and conduct of urban forestry programs;

"(8) broadening existing forest management, fire protection, and insect and disease protection programs on non-Federal forest lands to meet the multiple use objectives of landowners in an environmentally sensitive manner;

"(9) providing opportunities to private landowners to protect ecologically valuable and threatened non-Federal forest lands; and

"(10) strengthening educational, technical, and financial assistance programs that provide assistance to owners of non-Federal forest lands.

"(c) **POLICY.**—It is the policy of Congress that it is in the national interest for the Secretary to work through and in cooperation with State foresters, or equivalent State officials, nongovernmental organizations, and the private sector in implementing Federal programs affecting non-Federal forest lands.

"(d) **CONSTRUCTION.**—This Act shall be construed to complement the policies and direction under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)."

#### **SEC. 1213. RURAL FORESTRY ASSISTANCE.**

Section 3 of the Act (16 U.S.C. 2102) is amended to read as follows:

#### **"SEC. 3. RURAL FORESTRY ASSISTANCE.**

"(a) **ASSISTANCE TO FOREST LANDOWNERS AND OTHERS.**—The Secretary may provide financial, technical, educational, and related assistance to State foresters or equivalent State officials, and State extension directors, to enable such officials to provide technical information, advice, and related assistance to private forest land owners and managers, vendors, forest resource operators, forest resource professionals, public agencies, and individuals to enable such persons to carry out activities that are consistent with the purposes of this Act, including—

"(1) protecting, maintaining, enhancing, restoring, and preserving forest lands and the multiple values and uses that depend on such lands;

"(2) identifying, protecting, maintaining, enhancing, and preserving wildlife and fish species, including threatened and endangered species, and their habitats;

"(3) implementing forest management technologies;

"(4) selecting, producing, and marketing alternative forest crops, products and services from forest lands;

"(5) protecting forest land from damage caused by fire, insects, disease, and damaging weather;

"(6) managing the rural-land and urban-land interface to balance the use of forest resources in and adjacent to urban and community areas;

"(7) identifying and managing recreational forest land resources;

"(8) identifying and protecting the aesthetic character of forest lands;

"(9) protecting forest land from conversion to alternative uses; and

"(10) the management of resources of forest lands, including—

"(A) the harvesting, processing, and marketing of timber and other forest resources and the marketing and utilization of wood and wood products;

"(B) the conversion of wood to energy for domestic, industrial, municipal, and other uses;

"(C) the planning, management, and treatment of forest land, including site preparation, reforestation, thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of timber and other forest resources;

"(D) ensuring that forest regeneration or reforestation occurs if needed to sustain long-term resource productivity;

"(E) protecting and improving forest soil fertility and the quality, quantity, and timing of water yields; and

"(F) encouraging the investment of a portion of the proceeds from the sale of timber or other forest resources in stewardship activities that preserve, protect, maintain, and enhance their forest land.

"(b) **STATE FORESTRY ASSISTANCE.**—The Secretary is authorized to provide financial, technical, and related assistance to State foresters, or equivalent State officials, to—

"(1) develop genetically improved tree seeds;

"(2) develop and contract for the development of field arboreums, greenhouses, and tree nurseries, in cooperation with a State, to facilitate production and distribution of tree seeds and seedlings in States where the Secretary determines that there is an inadequate capacity to carry out present and future reforestation needs;

"(3) procure, produce, and distribute tree seeds and trees for the purpose of establishing forests, windbreaks, shelterbelts, woodlots, and other plantings;

"(4) plant tree seeds and seedlings on non-Federal forest lands that are suitable for the production of timber, recreation, and for other benefits associated with the growing of trees;

"(5) plan, organize, and implement measures on non-Federal forest lands, including thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of trees and other vegetation, fish and wildlife habitat, and water yielded therefrom; and

"(6) protect or improve soil fertility on non-Federal forest lands and the quality, quantity, and timing of water yields therefrom.

"(c) **IMPLEMENTATION.**—In implementing this section, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, universities and the private sector.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section."

#### **SEC. 1214. FOREST INCENTIVES PROGRAM.**

Section 4 of the Act (16 U.S.C. 2103) is amended by adding at the end the following new subsection:

"(k) The program developed by the Secretary under this section shall terminate on December 31, 1995."

#### **SEC. 1215. FOREST STEWARDSHIP PROGRAM.**

The Act (16 U.S.C. 2101 et seq.) is amended—

(1) by redesignating sections 5 through 15 as sections 8 through 18, respectively; and

(2) by inserting after section 4 the following new section:

#### **"SEC. 5. FOREST STEWARDSHIP PROGRAM.**

"(a) **ESTABLISHMENT.**—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a Forest Stewardship Program (hereafter referred to in this section as the 'Program') to encourage the long-term stewardship of nonindustrial private forest lands by assisting owners of such lands to more actively manage their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise and assistance programs.

"(b) **GOAL.**—The goal of the Program shall be to enter at least 25,000,000 acres of nonindustrial private forest lands in the Program by December 31, 1995.

"(c) **DEFINITION.**—For the purposes of this section, the term 'non-industrial private forest lands' means rural, as determined by the Secretary, lands with existing tree cover, or suitable for growing trees, and owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

"(d) **IMPLEMENTATION.**—In carrying out the Program the Secretary, in consultation with State Foresters or equivalent State officials, shall provide financial, technical, educational, and related assistance to State Foresters or equivalent State officials, including assistance to help such State Foresters or equivalent officials to provide financial assistance to other State and local natural resource entities, both public and private, and land-grant universities for the delivery of information and professional assistance to owners of nonindustrial private forest lands. Such information and assistance shall be directed to help such owners understand and evaluate alternative actions they might take, including—

"(1) managing and enhancing the productivity of timber, fish and wildlife habitat, water quality, wetlands, recreational resources, and the aesthetic value of forest lands;

"(2) investing in practices to protect, maintain, and enhance the resources identified in paragraph (1);

"(3) ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide the environmental benefits that result; and

"(4) protecting their forests from damage caused by fire, insects, disease, and damaging weather.

"(e) **ELIGIBILITY.**—All nonindustrial private forest lands that are not in management under Federal, State, or private sector financial and technical assistance programs existing on the date of enactment of this section are eligible for assistance under the Program. Nonindustrial private forest lands that are managed under such existing programs are eligible for assistance under the Program if forest management activities are expanded and enhanced and the landowner agrees to meet the requirements of this Act.

"(f) **DUTIES OF OWNERS.**—To enter forest land into the Program, landowners shall—

"(1) prepare and submit to the State forester or equivalent State official a forest stewardship plan that meets the requirements of this section and that—

"(A) is prepared by a professional resource manager;

"(B) identifies and describes actions to be taken by the landowner to protect soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife resources on such land in a manner that is compatible with the objectives of the landowner; and

"(C) is approved by the State forester, or equivalent State official; and

"(2) agree that all activities conducted on such land shall be consistent with the stewardship plan.

"(g) **STEWARDSHIP RECOGNITION.**—The Secretary, in consultation with State foresters or equivalent State officials, is encouraged to develop an appropriate recognition program for landowners who practice stewardship management on their lands, with an appropriate, special recognition symbol and title.

"(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated \$25,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section."

#### **SEC. 1216. STEWARDSHIP INCENTIVE PROGRAM.**

The Act (16 U.S.C. 2101 et seq.) is amended by inserting after section 5 (as added by section 1215 of this Act) the following new section:

#### **"SEC. 6. STEWARDSHIP INCENTIVE PROGRAM.**

"(a) **ESTABLISHMENT.**—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a program within the Forest Service, to be known as the 'Stewardship Incentive Program' (hereafter referred to in this section as the 'Program'), to meet the objectives and goals of section 5.

"(b) **ELIGIBILITY.**—

"(1) **IN GENERAL.**—Owners of nonindustrial private forest lands shall be eligible for cost-sharing assistance under the Program if such owners—

"(A) have developed an approved forest stewardship plan pursuant to section 5(f);

"(B) agree to implement approved activities pursuant to paragraph (4) in accordance with the plan for a period of not less than 10 years unless the State forester or equivalent State official approves a modification to such plan; and

"(C) own not more than 1,000 acres of nonindustrial private forest land, except that the Secretary may approve the provision of cost-sharing assistance to landowners that own more than 1,000 acres of such land if the Secretary determines that significant public benefits will accrue from such approval.

"(2) **LIMITATION.**—

"(A) **SECRETARY.**—The Secretary shall not approve of the provision of cost-sharing assistance to any landowner owning in excess of 5,000 acres of nonindustrial private forest land.

"(B) **LANDOWNER.**—A landowner shall not receive cost-share assistance for management on acreage under this section if such landowner receives cost-share assistance on the same acreage under section 4.

"(3) **STATE PRIORITIES.**—The Secretary in consultation with the State forester, or equivalent State official, other State natural resource management agencies, and the State Coordinating Committee established pursuant to section 19(b), may develop State priorities for cost sharing under this section that will promote unique forest management objectives in that State.

"(4) **APPROVED ACTIVITIES.**—

"(A) **DEVELOPMENT.**—The Secretary, in consultation with the State Coordinating Committees established pursuant to section 19(b), shall develop a list of approved forest activities and practices that will be eligible for cost-share assistance under the Program within each State.

"(B) **TYPE OF ACTIVITIES.**—The Secretary, in developing a list of approved activities and practices under subparagraph (A), shall attempt to achieve landowner and public purposes including—

"(i) the establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes;

"(ii) the sustainable growth and management of forests for timber production;

"(iii) the protection, restoration, and use of forest wetlands;

"(iv) the enhanced management and maintenance of native vegetation on other lands vital to water quality;

"(v) the growth and management of trees for energy conservation purposes;

"(vi) the management and maintenance of fish and wildlife habitat;



"(vii) the management of outdoor recreational opportunities; and

"(viii) other activities approved by the Secretary.

**"(c) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—**

"(1) **IN GENERAL.**—The Secretary shall share the cost of developing and carrying out the forest stewardship plan under section 5(f), and in implementing the approved activities that the Secretary determines are appropriate and in the public interest, with a landowner who has entered in an agreement to place the forest land of such owner into the Program.

"(2) **RATE.**—The Secretary, in consultation with the State forester, or equivalent State official, shall determine the appropriate reimbursement rate for cost-share payments under paragraph (1) and the schedule for making such payments.

"(3) **MAXIMUM.**—The Secretary shall not make cost-share payments under this subsection to a landowner in an amount in excess of 75 percent of the total cost to such landowner of developing the forest stewardship plan and implementing eligible activities under the plan. The maximum payments to any one landowner shall be determined by the Secretary.

**"(d) RECAPTURE.—**

"(1) **IN GENERAL.**—The Secretary shall establish and implement a mechanism to recapture payments made to a landowner in the event that the landowner fails to implement any approved activity specified in the forest stewardship plan for which such owner received cost-share payments.

"(2) **ADDITIONAL PROVISION.**—The provisions of paragraph (1) are in addition to any other provision available.

**"(e) DISTRIBUTION.**—The Secretary shall distribute funds available for cost sharing under this section among the States only after assessing the public benefit incident to such distribution and after giving appropriate consideration to—

"(1) the total acreage of nonindustrial private forest land in each State;

"(2) the potential productivity of such land;

"(3) the number of owners eligible for cost sharing in each State;

"(4) the need for reforestation in each State;

"(5) the opportunities to enhance nontimber resources on such forest lands; and

"(6) the anticipated demand for timber and nontimber resources in each State.

**"(f) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section."

**SEC. 1217. FOREST LEGACY PROGRAM.**

The Act (16 U.S.C. 2101 et seq.) is amended by inserting after section 6 (as added by section 1216 of this Act) the following new section:

**"SEC. 7. FOREST LEGACY PROGRAM.**

**"(a) ESTABLISHMENT AND PURPOSE.**—The Secretary shall establish a program, to be known as the Forest Legacy Program, in coopera-

tion with appropriate State, regional, and other units of government for the purposes of ascertaining and protecting environmentally important forest areas that are threatened by conversion to nonforest uses and, through the use of conservation easements and other mechanisms, for promoting forest land protection and other conservation opportunities. Such purposes shall also include the protection of important scenic, cultural, fish, wildlife, and recreational resources, riparian areas, and other ecological values.

**"(b) STATE AND REGIONAL FOREST LEGACY PROGRAMS.**—The Secretary shall exercise the authority under subsection (a) in conjunction with State or regional programs that the Secretary deems consistent with this section.

**"(c) INTERESTS IN LAND.**—In addition to the authorities granted under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), and section 11(a) of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 428a(a)), the Secretary may acquire from willing landowners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

**"(d) IMPLEMENTATION.**—

**"(1) IN GENERAL.**—Lands and interests therein acquired under subsection (c) may be held in perpetuity for program and easement administration purposes as the Secretary may provide. In administering lands and interests therein under the program, the Secretary shall identify the environmental values to be protected by entry of the lands into the program, management activities which are planned and the manner in which they may affect the values identified, and obtain from the landowner other information determined appropriate for administration and management purposes.

**"(2) INITIAL PROGRAMS.**—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a regional program in furtherance of the Northern Forest Lands Study in the States of New York, New Hampshire, Vermont, and Maine under Public Law 100-446. The Secretary shall establish additional programs in each of the Northeast, Midwest, South, and Western regions of the United States, and the Pacific Northwest (including the State of Washington), on the preparation of an assessment of the need for such programs.

**"(e) ELIGIBILITY.**—Within 1 year from the date of enactment of this section and in consultation with State Forest Stewardship Advisory Committees established under section 15(b) and similar regional organizations, the Secretary shall establish eligibility criteria for the designation of forest areas from which lands may be entered into the Forest Legacy Program and subsequently select such appropriate areas. To be eligible, such areas shall have significant environmental values or shall be threatened by present or future conversion to nonforest uses. Of land proposed to be included in the Forest Legacy Program, the Secretary shall give priority to lands which can be effectively protected and managed, and which have important scenic or recreational values; riparian areas; fish and wildlife values, including threatened and endangered species; or other ecological values.

**"(f) APPLICATION.**—For areas included in the Forest Legacy Program, an owner of lands or interests in lands who wishes to participate may prepare and submit an application at such time in such form and containing such information as the Secretary may prescribe. The Secretary shall give reasonable advance notice for the submission of all applications to the State forester, equivalent State official, or other appropriate State or regional natural resource management agency. If applications exceed the ability of the Secretary to fund them, priority shall be given to those forest areas having the greatest need for protection pursuant to the criteria described in subsection (d).

**"(g) STATE CONSENT.**—Where a State has not approved the acquisition of land under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), the Secretary shall not acquire lands or interests therein under authority granted by this section outside an area of that State designated as a part of a program established under subsection (b).

**"(h) FOREST MANAGEMENT ACTIVITIES.**—

**"(1) IN GENERAL.**—Conservation easements or deed reservations acquired or reserved pursuant to this section may allow forest management activities, including timber management, on areas entered in the Forest Legacy Program insofar as the Secretary deems such activities consistent with the purposes of this section.

**"(2) ASSIGNMENT OF RESPONSIBILITIES.**—For Forest Legacy Program areas, the Secretary may delegate or assign management and enforcement responsibilities over federally owned lands and interests in lands only to another governmental entity.

**"(i) DUTIES OF OWNERS.**—Under the terms of a conservation easement or other property interest acquired under subsection (b), the landowner shall be required to manage property in a manner that is consistent with the purposes for which the land was entered in the Forest Legacy Program and shall not convert such property to other uses. Hunting, fishing, hiking, and similar recreational uses shall not be considered inconsistent with the purposes of this program.

**"(j) COMPENSATION AND COST SHARING.**—

**"(1) COMPENSATION.**—The Secretary shall pay the fair market value of any property interest acquired under this section. Payments under this section shall be in accordance with Federal appraisal and acquisition standards and procedures.

**"(2) COST SHARING.**—In accordance with terms and conditions that the Secretary shall prescribe, costs for the acquisition of lands or interests therein or project costs shall be shared among participating entities including regional organizations, State and other governmental units, landowners, corporations, or private organizations. Such costs may include, but are not limited to, those associated with planning, administration, property acquisition, and property management. To the extent practicable, the Federal share of total program costs shall not exceed 75 percent, including any in-kind contribution.

**"(k) EASEMENTS.**—

**"(1) RESERVED INTEREST DEEDS.**—As used in this section, the term 'conservation easement' includes an easement utilizing a reserved interest deed where the grantee acquires all rights,

title, and interests in a property, except those rights, title, and interests that may run with the land that are expressly reserved by a grantor.

"(2) **PROHIBITIONS ON LIMITATIONS.**—Notwithstanding any provision of State law, no conservation easement held by the United States or its successors or assigns under this section shall be limited in duration or scope or be defeasible by—

"(A) the conservation easement being in gross or appurtenant;

"(B) the management of the conservation easement having been delegated or assigned to a non-Federal entity;

"(C) any requirement under State law for re-recording or renewal of the easement; or

"(D) any future disestablishment of a Forest Legacy Program area or other Federal project for which the conservation easement was originally acquired.

"(3) **CONSTRUCTION.**—Notwithstanding any provision of State law, conservation easements shall be construed to effect the Federal purposes for which they were acquired and, in interpreting their terms, there shall be no presumption favoring the conservation easement holder or fee owner.

"(l) **APPROPRIATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this section."

#### **SEC. 1218. FOREST HEALTH PROTECTION.**

Section 8 of the Act (as redesignated by section 1215 of this Act) (16 U.S.C. 2104) is amended to read as follows:

#### **"SEC. 8. FOREST HEALTH PROTECTION.**

"(a) **IN GENERAL.**—The Secretary may protect trees and forests and wood products, stored wood, and wood in use directly on the National Forest System and, in cooperation with others, on other lands in the United States, from natural and man-made causes, to—

"(1) enhance the growth and maintenance of trees and forests;

"(2) promote the stability of forest-related industries and employment associated therewith through the protection of forest resources;

"(3) aid in forest fire prevention and control;

"(4) conserve forest cover on watersheds, shelterbelts, and windbreaks;

"(5) protect outdoor recreation opportunities and other forest resources; and

"(6) extend timber supplies by protecting wood products, stored wood, and wood in use.

"(b) **ACTIVITIES.**—Subject to subsections (c), (d), and (e) and to such other conditions the Secretary may prescribe, the Secretary may, directly on the National Forest System, in cooperation with other Federal departments on other Federal lands, and in cooperation with State foresters, or equivalent State officials, subdivisions of States, agencies, institutions, organizations, or individuals on non-Federal lands—

"(1) conduct surveys to detect and appraise insect infestations and disease conditions and man-made stresses affecting trees and establish a monitoring system throughout the forests of the

United States to determine detrimental changes or improvements that occur over time, and report annually concerning such surveys and monitoring;

"(2) determine the biological, chemical, and mechanical measures necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease conditions affecting trees;

"(3) plan, organize, direct, and perform measures the Secretary determines necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease epidemics affecting trees;

"(4) provide technical information, advice, and related assistance on the various techniques available to maintain a healthy forest and in managing and coordinating the use of pesticides and other toxic substances applied to trees and other vegetation, and to wood products, stored wood, and wood in use;

"(5) develop applied technology and conduct pilot tests of research results prior to the full-scale application of such technology in affected forests;

"(6) promote the implementation of appropriate silvicultural or management techniques that may improve or protect the health of the forests of the United States; and

"(7) take any other actions the Secretary determines necessary to accomplish the objectives and purposes of this section.

"(c) **CONSENT OF ENTITY.**—Operations under this section to prevent, retard, control, or suppress insects or diseases affecting forests and trees on land not controlled or administered by the Secretary shall not be conducted without the consent, cooperation, and participation of the entity having ownership of or jurisdiction over the affected land.

"(d) **CONTRIBUTION BY ENTITY.**—No money appropriated to implement this section shall be expended to prevent, retard, control, or suppress insects or diseases affecting trees on non-Federal land until the entity having ownership of or jurisdiction over the affected land contributes, or agrees to contribute, to the work to be done in the amount and in the manner determined appropriate by the Secretary.

"(e) **ALLOTMENTS TO OTHER AGENCIES.**—The Secretary may, in the Secretary's discretion, and out of any money appropriated to implement this section, make allocations to Federal agencies having jurisdiction over lands held or owned by the United States in the amounts the Secretary determines necessary to prevent, retard, control, or suppress insect infestations and disease epidemics affecting trees on those lands.

"(f) **LIMITATION ON USE OF APPROPRIATIONS.**—

"(1) **REMOVING DEAD TREES.**—No amounts appropriated shall be used to—

"(A) pay the cost of felling and removing dead or dying trees unless the Secretary determines that such actions are necessary to prevent the spread of a major insect infestation or disease epidemic severely affecting trees; or

"(B) compensate for the value of any property injured, damaged, or destroyed by any cause.

"(2) **INSECTS AND DISEASES AFFECTING TREES.**—The Secretary may procure materials and equipment necessary to prevent,

retard, control, or suppress insects and diseases affecting trees without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), under whatever procedures the Secretary may prescribe, if the Secretary determines that such action is necessary and in the public interest.

"(g) **PARTNERSHIPS.**—The Secretary, by contract or cooperative agreement, may provide financial assistance through the Forest Service to State foresters or equivalent State officials, and private forestry and other organizations, to monitor forest health and protect the forest lands of the United States. The Secretary shall require contribution by the non-Federal entity in the amount and in the manner determined appropriate. Such non-Federal share may be in the form of cash, services, or equipment, as determined appropriate by the Secretary.

"(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated annually such sums as may be necessary to carry out subsections (a) through (g)."

"(i) **INTEGRATED PEST MANAGEMENT.**—

"(1) **IN GENERAL.**—Subject to the provisions of subsections (c) and (e), the Secretary shall, in cooperation with State foresters or equivalent State officials, subdivisions of States, or other entities on non-Federal lands (hereafter in this subsection referred to as the 'cooperator')—

"(A) provide cost-share assistance to such cooperators who have established an acceptable integrated pest management strategy, as determined by the Secretary, that will prevent, retard, control, or suppress gypsy moth, southern pine beetle, spruce budworm infestations, or other major insect infestations in an amount no less than 50 percent nor greater than 75 percent of the cost of implementing such strategy; and

"(B) upon request, assist the cooperator in the development of such integrated pest management strategy.

"(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated annually \$10,000,000 to implement this subsection."

#### **SEC. 1219. URBAN AND COMMUNITY FORESTRY ASSISTANCE.**

(a) **AMENDMENT TO COOPERATIVE FORESTRY ASSISTANCE ACT.**—Section 9 of the Act (16 U.S.C. 2105) (as redesignated by section 1215) is amended to read as follows:

#### **"SEC. 9. URBAN AND COMMUNITY FORESTRY ASSISTANCE.**

"(a) **FINDINGS.**—The Congress finds that—

"(1) the health of forests in urban areas and communities, including cities, their suburbs, and towns, in the United States is on the decline;

"(2) forest lands, shade trees, and open spaces in urban areas and communities improve the quality of life for residents;

"(3) forest lands and associated natural resources enhance the economic value of residential and commercial property in urban and community settings;

"(4) urban trees are 15 times more effective than forest trees at reducing the buildup of carbon dioxide and aid in promoting

energy conservation through mitigation of the heat island effect in urban areas;

"(5) tree plantings and ground covers such as low growing dense perennial turfgrass sod in urban areas and communities can aid in reducing carbon dioxide emissions, mitigating the heat island effect, and reducing energy consumption, thus contributing to efforts to reduce global warming trends;

"(6) efforts to encourage tree plantings and protect existing open spaces in urban areas and communities can contribute to the social well-being and promote a sense of community in these areas; and

"(7) strengthened research, education, technical assistance, and public information and participation in tree planting and maintenance programs for trees and complementary ground covers for urban and community forests are needed to provide for the protection and expansion of tree cover and open space in urban areas and communities.

"(b) **PURPOSES.**—The purposes of this section are to—

"(1) improve understanding of the benefits of preserving existing tree cover in urban areas and communities;

"(2) encourage owners of private residences and commercial properties to maintain trees and expand forest cover on their properties;

"(3) provide education programs and technical assistance to State and local organizations (including community associations and schools) in maintaining forested lands and individual trees in urban and community settings and identifying appropriate tree species and sites for expanding forest cover;

"(4) provide assistance through competitive matching grants awarded to local units of government, approved organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986, or other local community tree volunteer groups, for urban and community forestry projects;

"(5) implement a tree planting program to complement urban and community tree maintenance and open space programs and to reduce carbon dioxide emissions, conserve energy, and improve air quality in addition to providing other environmental benefits;

"(6) promote the establishment of demonstration projects in selected urban and community settings to illustrate the benefits of maintaining and creating forest cover and trees;

"(7) enhance the technical skills and understanding of sound tree maintenance and arboricultural practices including practices involving the cultivation of trees, shrubs and complementary ground covers, of individuals involved in the planning, development, and maintenance of urban and community forests and trees; and

"(8) expand existing research and educational efforts intended to improve understanding of—

"(A) tree growth and maintenance, tree physiology and morphology, species adaptations, and forest ecology,

"(B) the value of integrating trees and ground covers,

"(C) the economic, environmental, social, and psychological benefits of trees and forest cover in urban and community environments, and

"(D) the role of urban trees in conserving energy and mitigating the urban heat island.

"(c) **GENERAL AUTHORITY.**—The Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the purpose of encouraging States to provide information and technical assistance to units of local government and others that will encourage cooperative efforts to plan urban forestry programs and to plant, protect, and maintain, and utilize wood from, trees in open spaces, greenbelts, roadside screens, parks, woodlands, curb areas, and residential developments in urban areas. In providing such assistance, the Secretary is authorized to cooperate with interested members of the public, including nonprofit private organizations. The Secretary is also authorized to cooperate directly with units of local government and others in implementing this section whenever the Secretary and the affected State forester or equivalent State official agree that direct cooperation would better achieve the purposes of this section.

"(d) **PROGRAM OF EDUCATION AND TECHNICAL ASSISTANCE.**—The Secretary, in cooperation with State foresters and State extension directors or equivalent State officials and interested members of the public, including nonprofit private organizations, shall implement a program of education and technical assistance for urban and community forest resources. The program shall be designed to—

"(1) assist urban areas and communities in conducting inventories of their forest resources, including inventories of the species, number, location, and health of trees in urban areas and communities, identifying opportunities for the establishment of plantings for the purposes of conserving energy, and determining the status of related resources (including fish and wildlife habitat, water resources, and trails);

"(2) assist State and local organizations (including community associations and schools) in organizing and conducting urban and community forestry projects and programs;

"(3) improve education and technical support in—

"(A) selecting tree species appropriate for planting in urban and community environments and for promotion of energy conservation;

"(B) providing for proper tree planting, maintenance, and protection in urban areas and communities;

"(C) protecting individual trees and preserving existing open spaces with or without tree cover; and

"(D) identifying opportunities for expanding tree cover in urban areas and communities;

"(4) assist in the development of State and local management plans for trees and associated resources in urban areas and communities; and

"(5) increase public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community environments and expand knowledge of the ecological relationships and benefits of trees and related resources in these environments.



"(e) **PROCUREMENT OF PLANT MATERIALS.**—The Secretary, in cooperation with State foresters or equivalent State officials, shall assist in identifying sources of plant materials and may procure or otherwise obtain such plant materials from public or private sources and may make such plant materials available to urban areas and communities for the purpose of reforesting open spaces, replacing dead and dying urban trees, promoting energy conservation, and providing other environmental benefits through expanding tree cover in urban areas and communities.

"(f) **CHALLENGE COST-SHARE PROGRAM.**—

"(1) **IN GENERAL.**—The Secretary shall establish an urban and community forestry challenge cost-share program. Funds or other support shall be provided under such program to eligible communities and organizations, on a competitive basis, for urban and community forestry projects. The Secretary shall annually make awards under the program in accordance with criteria developed in consultation with, and after consideration of recommendations received from, the National Urban and Community Forestry Advisory Council established under subsection (g). Each State forester or equivalent State official may make recommendations to the Secretary for awards under the program for project proposals in their State which meet such criteria. Awards shall be consistent with the cost-share requirements of this section.

"(2) **COST-SHARING.**—The Federal share of support for a project provided under this subsection may not exceed 50 percent of the support for that project and shall be provided on a matching basis. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions.

"(g) **FORESTRY ADVISORY COUNCIL.**—

"(1) **ESTABLISHMENT AND PURPOSE.**—The Secretary shall establish a National Urban and Community Forestry Advisory Council (hereafter in this section referred to as the 'Council') for the purpose of—

"(A) developing a national urban and community forestry action plan;

"(B) evaluating the implementation of that plan; and

"(C) developing criteria for, and submitting recommendations with respect to, the urban and community forestry challenge cost-share program under subsection (e).

"(2) **COMPOSITION AND OPERATION.**—

"(A) **COMPOSITION.**—The Council shall be composed of 15 members appointed by the Secretary, as follows:

"(i) 2 members representing national nonprofit forestry and conservation citizen organizations,

"(ii) 3 members, 1 each representing State, county, and city and town governments,

"(iii) 1 member representing the forest products, nursery, or related industries,

"(iv) 1 member representing urban forestry, landscape, or design consultants,

"(v) 2 members representing academic institutions with an expertise in urban and community forestry activities,

"(vi) 1 member representing State forestry agencies or equivalent State agencies,

"(vii) 1 member representing a professional renewable natural resource or arboricultural society,

"(viii) 1 member from the Extension Service,

"(ix) 1 member from the Forest Service, and

"(x) 2 members who are not officers or employees of any governmental body, 1 of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

"(B) VACANCY.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

"(C) CHAIRPERSON.—The Secretary shall select 1 member, from members appointed to the Council, who is not an officer or employee of the United States nor any State, county, city, or town government, who shall serve as the chairperson of the Council.

"(D) TERMS.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii) of this paragraph, members shall be appointed for terms of 3 years, and no member may serve more than 2 consecutive terms on the Council.

"(ii) STAGGERED TERMS.—Of the members first appointed—

"(I) 5, including the chairperson and 2 governmental employees, shall be appointed for a term of 3 years,

"(II) 5, including 2 governmental employees, shall be appointed for a term of 2 years, and

"(III) 5, including 2 governmental employees, shall be appointed for a term of 1 year, as designated by the Secretary at the time of appointment.

"(iii) CONTINUATION.—Any member appointed to fill a vacancy occurring before the expiration of the term of the member's predecessor shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the member's successor has taken office.

"(E) COMPENSATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), members of the Council shall serve without pay, but may be reimbursed for reasonable costs incurred while in the actual performance of duties vested in the Council.

"(ii) FEDERAL OFFICERS AND EMPLOYEES.—Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

"(iii) *FINANCIAL AND ADMINISTRATIVE SUPPORT.*—The Secretary shall provide financial and administrative support for the Council.

"(3) *URBAN AND COMMUNITY FORESTRY ACTION PLAN.*—Within 1 year after the date of enactment of this subsection and every 10 years thereafter, the Council shall prepare a National Urban and Community Forestry Action Plan. The plan shall include (but not be limited to) the following:

"(A) An assessment of the current status of urban forest resources in the United States.

"(B) A review of urban and community forestry programs and activities in the United States, including education and technical assistance activities conducted by the Department of Agriculture, and other Federal agencies, the State forestry organizations, private industry, private nonprofit organizations, community and civic organizations and interested others.

"(C) Recommendations for improving the status of the Nation's urban and community forest resources, including education and technical assistance and modifications required in existing programs and policies of relevant Federal agencies.

"(D) A review of urban and community forestry research, including—

"(i) a review of all ongoing research associated with urban and community forests, arboricultural practices, and the economic, social, and psychological benefits of trees and forest cover in urban and community environments being conducted by the Forest Service, other Federal agencies, and associated land grant colleges and universities;

"(ii) recommendations for new and expanded research efforts directed toward urban and community forestry concerns; and

"(iii) a summary of research priorities and an estimate of the funds needed to implement such research, on an annual basis, for the next 10 years.

"(E) Proposed criteria for evaluating proposed projects under the urban and community forestry challenge cost share program under subsection (e), with special emphasis given to projects that would demonstrate the benefits of improved forest management (including the maintenance and establishment of forest cover and trees) in urban areas and communities.

"(F) An estimate of the resources needed to implement the National Urban and Community Forestry Action Plan for the succeeding 10 fiscal years.

"(4) *AMENDMENT OF THE PLAN.*—The plan may be amended by a majority of the Council members. Such amendments shall be incorporated into the Council's annual review of the plan submitted to the Secretary pursuant to paragraph (5) of this subsection.

"(5) *REVIEW OF THE PLAN.*—The Council shall submit the plan to the Secretary and the Committee on Agriculture of the

House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate upon its completion. Beginning no later than one year after the plan is submitted and annually thereafter, the Council shall submit a review of the plan to the Secretary no later than December 31. The review shall consist of—

"(A) the Council's assessment of prior year accomplishments in research, education, technical assistance, and related activities in urban and community forestry;

"(B) the Council's recommendations for research, education, technical assistance, and related activities in the succeeding year; and

"(C) the Council's recommendations for the urban and community forestry challenge cost share projects to be funded during the succeeding year.

The review submitted to the Secretary shall be incorporated into the annual report required under section 3(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)).

"(6) **DETAIL OF PERSONNEL.**—Upon request of the Council, the Secretary is authorized to detail, on a reimbursable basis, any of the personnel of the Department of Agriculture to the Council to assist the Council in carrying out its duties under this Act.

"(h) **DEFINITIONS.**—For the purposes of this section—

"(1) the term 'Council' means the National Urban and Community Forestry Advisory Council established under subsection (f);

"(2) the term 'plan' means the National Urban and Community Forestry Action Plan developed under subsection (f)(3); and

"(3) the term 'urban and community area' includes cities, their suburbs, and towns.

"(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated \$30,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary for each fiscal year thereafter, for the implementation of this section."

(b) **AMENDMENT TO RENEWABLE RESOURCES EXTENSION ACT.**—

(1) **PROMOTION OF PUBLIC UNDERSTANDING.**—Section 3(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1672(a)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

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

"(9) in cooperation with State foresters or equivalent State officials, promote public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community area environments and expand knowledge of the ecological relationships and benefits of trees and related resources in urban and community environments."

(2) **URBAN AND COMMUNITY FORESTRY.**—Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674(a)) is

amended in the final sentence by striking "for planting and management of trees and forests in urban areas," and inserting "for urban and community forestry activities,".

**SEC. 1220. FIREFIGHTING PREPAREDNESS AND MOBILIZATION ASSISTANCE.**

(a) **ASSISTANCE TO STATE FORESTERS.**—Section 10(b) of the Act (16 U.S.C. 2106(b)) (as redesignated by section 1215 of this Act) is amended—

- (1) by striking "and" at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) provide financial, technical, and related assistance to State foresters or equivalent State officials, and through them to other agencies and individuals, including rural volunteer fire departments, to conduct preparedness and mobilization activities, including training, equipping, and otherwise enabling State and local firefighting agencies to respond to requests for fire suppression assistance."

(b) **APPROPRIATIONS.**—Section 10(e) of the Act (16 U.S.C. 2106(e)) is amended—

- (1) by striking "(e)" and inserting "(e)(1)"; and
- (2) in paragraph (1) (as so redesignated), by inserting "paragraphs (1), (2), and (3) of" after "implement"; and
- (3) by adding at the end thereof the following:

"(2)(A) There are hereby authorized to be appropriated annually \$70,000,000 to carry out subsection (b)(4). Of the total amount appropriated to carry out subsection (b)(4)—

"(i) one-half shall be available only for State foresters or equivalent State officials, and through them to other agencies and individuals, of which not less than \$100,000 shall be made available to each State; and

"(ii) one-half shall be available only for rural volunteer fire departments.

"(B) The Federal share of the cost of any activity carried out with funds made available pursuant to this paragraph may not exceed 50 percent of the cost of that activity. The non-Federal share for such activity may be in the form of cash, services, or in kind contributions."

(c) **DEFINITIONS.**—Section 10 of the Act (16 U.S.C. 2106) (as amended by section 1215) is amended by adding at the end the following:

"(g) As used in this section—

"(1) the term 'rural volunteer fire department' means any organized, not for profit, fire protection organization that provides service primarily to a community or city with a population of 10,000 or less or to a rural area, as defined by the Secretary, whose firefighting personnel is 80 percent or more volunteer, and that is recognized as a fire department by the laws of the State; and

"(2) the term 'mobilization' means any activity in which one fire fighting organization assists another that has requested assistance."

**SEC. 1221. STATEMENT OF LIMITATION.**

Section 14 of the Act (16 U.S.C. 2110) (as redesignated by section 1215 of this Act) is amended to read as follows:

**"SEC. 14. STATEMENT OF LIMITATION.**

"This Act shall not authorize the Federal Government to regulate the use of private land or to deprive owners of land of their rights to property or to income from the sale of property, unless such property rights are voluntarily conveyed or limited by contract or other agreement. This Act does not diminish in any way the rights and responsibilities of the States and political subdivisions of States."

**SEC. 1222. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.**

The Act (16 U.S.C. 2101 et seq.) (as amended by section 1215 of this Act) is further amended by adding at the end thereof the following new section:

**"SEC. 19. FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.****"(a) DEPARTMENT OF AGRICULTURE COORDINATING COMMITTEE.—**

"(1) **ESTABLISHMENT.**—The Secretary shall establish an intradepartmental committee, to be known as the 'Forest Resource Coordinating Committee' (hereafter referred to in this section as the 'Coordinating Committee'), to coordinate forestry activities.

"(2) **COMPOSITION.**—The Coordinating Committee shall be composed of representatives, appointed by the Secretary, from the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service.

"(3) **CHAIRPERSON.**—The Secretary shall designate the Chief of the Forest Service as chairperson.

**"(4) DUTIES.**—The Coordinating Committee shall—

"(A) provide assistance in directing and coordinating actions of the Department of Agriculture that relate to educational, technical, and financial assistance concerning forest land to private landowners;

"(B) clarify individual agency responsibilities concerning forest land of each agency represented on the Committee; and

"(C) advise the Secretary of intradepartmental differences regarding the implementation of this Act, and any other Act related to the authority of the Secretary concerning non-Federal forest lands.

**"(b) STATE COORDINATING COMMITTEES.—****"(1) ESTABLISHMENT.—**

"(A) **IN GENERAL.**—The Secretary, in consultation with the State forester or equivalent State official of each State, shall establish a State Forest Stewardship Coordinating Committee (hereafter referred to in this section as the 'State Coordinating Committee') for each such State.

"(B) **COMPOSITION.**—The State Coordinating Committee shall be chaired and administered by the State Forester, or equivalent State official, or the designee thereof, and shall be composed, to the extent practicable, of—

"(i) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Extension Service;

"(ii) representatives, to be appointed by the State forester or equivalent State official, representative of—

"(I) local government;

"(II) consulting foresters;

"(III) environmental organizations;

"(IV) forest products industry;

"(V) forest land owners;

"(VI) land-trust organizations, if applicable in the State;

"(VII) conservation organizations; and

"(VIII) the State fish and wildlife agency; and

"(iii) any other individuals determined appropriate by the Secretary.

"(C) TERMS.—The members of the State Coordinating Committee appointed under subparagraph (B)(ii) shall serve 3-year terms, with the initial members serving staggered terms as determined by the State forester or equivalent State official, and may be reappointed for consecutive terms.

"(D) EXISTING COMMITTEES.—Existing State forestry committees may be used to complement, formulate, or replace the State Coordinating Committees to avoid duplication of efforts if such existing committees are made up of membership that is similar to that described in subparagraph (B)(ii), and if such existing committees include landowners and the general public in their memberships.

"(2) DUTIES.—A State Coordinating Committee shall—

"(A) consult with other Department of Agriculture and State committees that address State and private forestry issues;

"(B) make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of this Act by the various Federal and State forest management agencies that take into consideration the mandates of each such agency;

"(C) make recommendations to the State Forester or equivalent State official concerning the development of a Forest Stewardship Plan under paragraph (3); and

"(D) make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program established pursuant to section 7.

"(3) FOREST STEWARDSHIP PLAN.—The State forester or equivalent State official of each State, in consultation with the State Coordinating Committee of such State, shall develop a Forest Stewardship Plan that shall—

"(A) provide baseline data on the forest resources of the State;

"(B) outline threats to the forest resources of the State;

"(C) describe economic and environmental opportunities that are linked with the forest resources of the State;

"(D) address management problems, opportunities, and objectives associated with intermingled Federal, State, and private land ownership patterns within the State; and

"(E) make planning recommendations for Federal, State, and local implementation of this Act.

"(4) **OTHER PLANS.**—Other State forest management plans may be used as the basis for or in lieu of establishing a plan for the State under paragraph (3) if such plans fully conform to the objectives of this section.

"(5) **TERMINATION.**—The State Coordinating Committees shall not terminate.

"(6) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to compel action by any State official."

#### **SEC. 1223. ADMINISTRATION.**

The Act (16 U.S.C. 2101 et seq.) (as amended by section 1222 of this Act) is further amended by adding at the end thereof the following new section:

#### **"SEC. 20. ADMINISTRATION.**

"(a) **IN GENERAL.**—The Secretary shall administer this Act in accordance with regulations that the Secretary shall develop.

"(b) **GUIDELINES.**—The regulations promulgated under this Act shall include guidelines for the administration of this Act at the Federal and State levels and shall identify the measures and activities that are eligible for cost sharing under this Act.

"(c) **EXISTING MECHANISMS.**—Existing mechanisms shall be used to the extent possible to make payments and deliver services to the landowner under this Act.

"(d) **LAND GRANT UNIVERSITIES.**—The Secretary, in consultation with State foresters or equivalent State officials, may provide assistance directly to other State and local natural resource management agencies and land grant universities in implementing this Act in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies."

#### **SEC. 1224. CONFORMING AMENDMENTS.**

The Act is amended—

(1) in subsections (d) and (f) of section 4 (16 U.S.C. 2103 (d) and (f)), by striking "10(c)" each place that such occurs and inserting "13(c)";

(2) in section 12(f) (as redesignated by section 1215 of this Act) (16 U.S.C. 2108(f)) by striking "13" in subsection (f) and inserting "16"; and

(3) in section 13(g) (as redesignated by section 1215 of this Act) (16 U.S.C. 2109(g)), by striking "13" and inserting "16".

## **Subtitle B—Research and Education**

### **CHAPTER 1—GENERAL RESEARCH PROGRAMS**

#### **SEC. 1231. MCINTIRE-STENNIS RESEARCH PROGRAM.**

It is the sense of Congress to reaffirm the importance of Public Law 87-788 (16 U.S.C. 582a et seq.) commonly known as the McIntire-Stennis Cooperative Forestry Act.



**SEC. 1232. COMPETITIVE FORESTRY, NATURAL RESOURCES, AND ENVIRONMENTAL GRANTS PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary of Agriculture (hereafter referred to in this section as the "Secretary") shall establish a competitive forestry, natural resources, and environmental grant program to award grants for the conduct of research as described in subsection (c).

(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a State agricultural experiment station, a college or university, a research institution or organization, a Federal agency, a private organization, or a corporation that has a demonstrable capacity to conduct forestry, natural resources, and environmental research as determined by the Secretary; and

(2) prepare and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including the proposed use of the amounts that may be received under a grant.

(c) **USE.**—In awarding the initial grants under subsection (a) the Secretary shall give priority to applicants who will use such grants for research concerning—

(1) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

(2) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

(3) wood as a raw material, including forest products and harvesting;

(4) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

(5) international trade, competition, and cooperation related to forest products;

(6) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

(7) viable economic production and marketing systems for alternative natural resource products and services;

(8) economic and environmental benefits of various conservation practices on forest lands;

(9) genetic tree improvement; and

(10) market expansion.

(d) **FACILITIES AND EQUIPMENT.**—

(1) **AUTHORITY.**—Grants made under this section may be used to update research facilities and equipment available to facilitate the conduct of state-of-the-art research in forestry, natural resources, and the environment.

(2) **PRIORITIES AND CRITERIA.**—The Secretary, in consultation with the Cooperative Forestry Research Council appointed under section 5(b) of Public Law 87-788 (16 U.S.C. 582e(b)), may develop criteria and priorities for the awarding of grants for use under paragraph (1).

(e) **RECOMMENDATIONS.**—The Secretary shall request the Cooperative Forestry Research Council referred to in subsection (d)(2) to provide recommendations regarding grant priorities.

(f) **TERM.**—The Secretary may make grants under this section for periods of not to exceed 5 years.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

## CHAPTER 2—SPECIALIZED RESEARCH

### SEC. 1241. RESEARCH AND UTILIZATION.

(a) **REFORESTATION RESEARCH; APPROPRIATIONS; PRIVATE FORESTRY.**—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended—

(1) in subsection (a)(1) by inserting after "energy conservation, and other purposes" the following: ", including activities for encouraging improved reforestation of forest lands from which timber has been harvested";

(2) in subsection (b) by—

(A) inserting "(1)" immediately prior to the words "To ensure the availability,"; and

(B) adding at the end the following:

"(2) In implementing this subsection, the Secretary is authorized to develop and implement improved methods of survey and analysis of forest inventory information, for which purposes there are hereby authorized to be appropriated annually \$10,000,000."; and

(3) by adding at the end the following:

"(d) The Secretary is authorized to conduct, support, and cooperate in studies and other activities the Secretary deems necessary to—

"(1) evaluate renewable resource management problems associated with urban-forest interface;

"(2) assess effects of changes in Federal revenue codes on private forest management and investment; and

"(3) develop improved delivery systems for information and technical assistance provided to private landowners.".

(b) **RECYCLING RESEARCH.**—Section 9 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended to read as follows:

#### "SEC. 9. RECYCLING RESEARCH.

"(a) **FINDINGS.**—Congress finds that—

"(1) the United States is amassing vast amounts of solid wastes, which is presenting an increasing problem for municipalities in locating suitable disposal sites;

"(2) a large proportion of these wastes consists of paper and other wood wastes;

"(3) less than one-third of these paper and wood wastes are recycled;

"(4) additional recycling would result in reduced solid waste landfill disposal and would contribute to a reduced rate of removal of standing timber from forest lands; and

"(5) additional research is needed to develop technological advances to address barriers to increased recycling of paper and

wood wastes and utilization of products consisting of recycled materials.

**"(b) RECYCLING RESEARCH PROGRAM.**—The Secretary is authorized to conduct, support, and cooperate in an expanded wood fiber recycling research program, including the acquisition of necessary equipment. The Secretary shall seek to ensure that the program includes the cooperation and support of private industry and that program goals include the application of such research to industry and consumer needs.

**"(c) AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other funds made available to implement section 3 of this Act, for the 5-year period beginning on October 1, 1990, there are authorized to be appropriated annually \$10,000,000 to implement this section."

**(c) MODERN TIMBER BRIDGE INITIATIVE.**—

**(1) IN GENERAL.**—The Secretary of Agriculture is authorized to continue the Modern Timber Bridge Initiative to provide Federal funds, on a cost share basis as determined by the Secretary, for the construction of demonstration bridges, modern bridge technology transfer projects, and conferences.

**(2) APPROPRIATIONS.**—There are hereby authorized to be appropriated annually \$5,000,000 to carry out this subsection.

**(d) FORESTRY RESEARCH NEEDS ASSESSMENTS.**—Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that responds to the recommendations contained in the report of the National Research Council entitled "Forestry Research: A Mandate for Change". The report shall include—

**(1)** an assessment of the capability of current forestry research programs to address research areas specified in the report, including research on ecosystem functions and management;

**(2)** an evaluation of alternatives to current organizational frameworks for providing guidance to forestry research programs and establishing research priorities, including the establishment of a National Forestry Research Council; and

**(3)** recommendations for changes in current forestry research programs, including levels of research funding, that may be needed to address existing deficiencies.

#### **SEC. 1242. SOUTHERN FOREST REGENERATION PROGRAM.**

**(a) ESTABLISHMENT.**—The Secretary of Agriculture shall make a grant to a State for the establishment, within such State, of a center, to be known as the "Southern Forest Regeneration Center" (hereafter referred to in this section as the "Center"), to study forest regeneration problems and forest productivity in the southern region of the United States.

**(b) DUTIES OF CENTER.**—The Center shall study forest regeneration problems and forest productivity in the southern region of the United States, including—

**(1)** nursery management concerns that will lead to improved seedling quality;

**(2)** forest management practices that account for environmental stresses; and

(3) the development of low-cost forest regeneration methods that provide options for wood products, species diversity, wildlife habitat, and production of clean air and water.

(c) **ESTABLISHMENT OF OTHER PROGRAMS.**—The Secretary of Agriculture may establish other programs in other regions of the United States, or a comprehensive National program, to carry out the purposes of this section as the Secretary determines appropriate.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### **SEC. 1243. SEMIARID AGROFORESTRY RESEARCH CENTER.**

(a) **SEMIARID AGROFORESTRY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.**—The Secretary of Agriculture shall establish at the Forestry Sciences Laboratory of the United States Forest Service, in Lincoln, Nebraska, a Semi-arid Agroforestry Research, Development, and Demonstration Center (hereafter referred to in this section as the "Center") and appoint a Director to manage and coordinate the program established at the Center under subsection (b).

(b) **PROGRAM.**—The Secretary shall establish a program at the Center and seek the participation of Federal or State governmental entities, land-grant colleges or universities, State agricultural experiment stations, State and private foresters, the National Arbor Day Foundation, and other nonprofit foundations in such program to conduct or assist research, investigations, studies, and surveys to—

(1) develop sustainable agroforestry systems on semiarid lands that minimize topsoil loss and water contamination and stabilize or enhance crop productivity;

(2) adapt, demonstrate, document, and model the effectiveness of agroforestry systems under different farming systems and soil or climate conditions;

(3) develop dual use agroforestry systems compatible with paragraphs (1) and (2) which would provide high-value forestry products for commercial sale from semiarid land;

(4) develop and improve the drought and pest resistance characteristics of trees for conservation forestry and agroforestry applications in semiarid regions, including the introduction and breeding of trees suited for the Great Plains region of the United States;

(5) develop technology transfer programs that increase farmer and public acceptance of sustainable agroforestry systems;

(6) develop improved windbreak and shelterbelt technologies for drought preparedness, soil and water conservation, environmental quality, and biological diversity on semiarid lands;

(7) develop technical and economic concepts for sustainable agroforestry on semiarid lands, including the conduct of economic analyses of the costs and benefits of agroforestry systems and the development of models to predict the economic benefits under soil or climate conditions;

(8) provide international leadership in the development and exchange of agroforestry practices on semiarid lands worldwide;

(9) support research on the effects of agroforestry systems on semiarid lands in mitigating nonpoint source water pollution;

(10) support research on the design, establishment, and maintenance of tree and shrub plantings to regulate the deposition of snow along roadways; and

(11) conduct sociological, demographic, and economic studies as needed to develop strategies for increasing the use of forestry conservation and agroforestry practices.

(c) **INFORMATION COLLECTION AND DISSEMINATION.**—The Secretary shall establish at the Center a program, to be known as the National Clearinghouse on Agroforestry Conservation and Promotion to—

(1) collect, analyze, and disseminate information on agroforestry conservation technologies and practices; and

(2) promote the use of such information by landowners and those organizations associated with forestry and tree promotion.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 annually to carry out this section.

#### **SEC. 1244. FOREST LAND PROTECTION.**

(a) **NORTHERN FOREST LANDS.**—In furtherance of Public Law 100-446, the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") is authorized to continue support for the study of changing land ownership and management patterns in the northern forest lands of Maine, New Hampshire, Vermont, and New York.

(b) **NEW YORK-NEW JERSEY HIGHLANDS.**—

(1) **IN GENERAL.**—The Secretary is authorized to conduct a study of the region known as the New York-New Jersey Highlands, located in the States of New York, New Jersey, and Pennsylvania, including the Sterling Forest in Orange County, New York.

(2) **SCOPE OF STUDY.**—The study authorized under this subsection (hereafter in this subsection referred to as the "study") shall include an identification and assessment of—

(A) the physiographic boundaries of the region referred to in this subsection (hereafter in this subsection referred to as the "region");

(B) forest resources of the region, including (but not limited to) timber and other forest products, fish and wildlife, lakes and rivers, and recreation;

(C) historical land ownership patterns in the region and projected future land ownership, management, and use, including future recreational demands and deficits and the potential economic benefits of recreation to the region;

(D) the likely impacts of changes in land and resource ownership, management, and use on traditional land use patterns in the region, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and

(E) alternative conservation strategies to protect the long-term integrity and traditional uses of lands within the region.

(3) **ALTERNATIVE CONSERVATION STRATEGIES.**—The alternative conservation strategies referred to in paragraph (2)(E) shall include a consideration of—

(A) sustained flow of renewable resources in a combination that will meet the present and future needs of society;

- (B) public access for recreation;
- (C) protection of fish and wildlife habitat;
- (D) preservation of biological diversity and critical natural areas; and
- (E) new local, State, or Federal designations.

(4) **PUBLIC PARTICIPATION.**—In conducting the study, the Secretary shall provide an opportunity for public participation.

(5) **APPROPRIATIONS.**—There are hereby authorized to be appropriated \$250,000 to carry out this subsection.

#### **SEC. 1245. PRESIDENTIAL COMMISSION ON STATE AND PRIVATE FORESTS.**

(a) **ESTABLISHMENT.**—The President shall establish a Commission on State and Private Forests (hereafter in this section referred to as the "Commission") which shall assess the status of the State and private forest lands of the United States, the problems affecting these lands, and the potential contribution of these lands to the renewable natural resource needs of the United States associated with their improved management and protection.

(b) **COMPOSITION.**—The Commission shall be composed of 25 members to be appointed by the President, including Federal, State, and local officials, timber industry representatives, nonindustrial private forest landowners, conservationists, and community leaders. No more than five members shall be appointed from any one State. Not fewer than 20 members shall be appointed by the President from nominations submitted by the following Members of Congress:

(1) The chairman of the Committee on Agriculture of the House of Representatives.

(2) The ranking minority member of the Committee on Agriculture of the House of Representatives.

(3) The chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(4) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) **VACANCY.**—A vacancy on the Commission shall be filled by appointment by the President in the manner provided in subsection (b).

(d) **CHAIRPERSON.**—The Commission shall elect a chairperson from among the members of the Commission by a majority vote.

(e) **MEETINGS.**—The Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(f) **DUTIES.**—

(1) **STUDY.**—The Commission shall conduct a study that shall include—

(A) an assessment using existing inventories of the current status of the State and private forest lands of the United States, including—

- (i) ownership status and past and future trends;
- (ii) the production of timber and nontimber resources from such lands; and
- (iii) landowner attitudes toward the protection and management of these lands;

(B) a review of the problems affecting the State and private forest lands of the United States, including—

- (i) resource losses to insects, disease, fire, and damaging weather;

- (ii) inadequate reforestation;
- (iii) fragmentation and conversion of the forest land base; and
- (iv) management options;

(C) constraints on, and opportunities for, providing multiresource outputs from forest lands;

(D) administrative and legislative recommendations for addressing the problems and capitalizing on the potential of these lands for contributing to the renewable natural resource needs of the United States.

(2) **FINDINGS AND RECOMMENDATIONS.**—On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President with respect to the future demands placed on State and private forests in meeting both commodity and noncommodity needs of the United States in anticipation of impending changes in the management of the national forests, especially with regard to timber harvest. This assessment should focus on the role of State and private forest lands and help to identify means of improving their contribution to meeting the timber and nontimber needs of the United States.

(3) **REPORT.**—The Commission shall submit to the President, not later than December 1, 1992, a report containing its findings and recommendations. The President shall submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the report is authorized to be printed as a House Document.

**(g) OPERATIONS IN GENERAL.**—

(1) **AGENCY COOPERATION.**—The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office shall cooperate with the Commission.

(2) **COMPENSATION.**—Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

(3) **DIRECTOR.**—To the extent there are sufficient funds available to the Commission and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

(A) appoint and fix the compensation of a director; and

(B) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

(4) **STAFF AND SERVICES.**—On the request of the Commission, the heads of executive agencies, the Comptroller General, and the Director of the Office Technology Assessment may furnish the Commission with such office, personnel or support services as the head of the agency, or office, and the chairperson of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not be required to pay, or reimburse, any agency for office, personnel or support services provided by this subsection.

(5) **EXEMPTIONS.**—

(A) **FACA.**—The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2, 1 et seq.).

(B) **TITLE 5.**—The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

(h) **AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as are necessary to implement this section.

(2) **SPENDING AUTHORITY.**—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(i) **TERMINATION.**—The Presidential Commission on State and Private Forests shall cease to exist 90 days following the submission of its report to the President.

**SEC. 1246. BLUE MOUNTAIN NATURAL RESOURCE INSTITUTE.**

(a) **FINDINGS.**—The Congress finds that—

(1) the forests and rangelands in the States of Washington and Oregon east of the Cascade Crest do not yield their productive capacity of multiple products, services and benefits, yet these forests and rangelands are expected to yield more;

(2) these forests are among the most insect infested and disease infected in North America due to previous management practices, including the exclusion of fire and past management treatments, which have allowed these forests to become overstocked or to succeed to pest-susceptible forest types;

(3) forage productivity of these forests and rangelands is reduced due to the spread of nonactive grasses, juniper, and noxious weeds;

(4) the unprecedented build-up of fuel loads in these forests places them under continual threat of catastrophic fire;

(5) losses due to insects, disease, and fire and reduced productivity of these forests and rangelands have far reaching environmental and economic consequences to local communities and a region entirely dependent on land-based resources; and

(6) concerns over global climate change, water quality and quantity, air quality, fish and wildlife habitat, biodiversity, long-term forest and rangeland health and productivity, welfare of resource-dependent communities and regional economies, cat-



astrophic fire, and scenic quality of landscapes set the dimensions of multifaceted resources issued which are straining the effectiveness of policy makers and land managers.

(b) **ESTABLISHMENT OF RESEARCH AND DEMONSTRATION PROGRAM.**—The Secretary of Agriculture shall establish, plan, and initiate a research, development, and application program for the forests and rangelands of the States of Oregon and Washington located east of the Cascade Crest which shall address research, development, and application needs of the Blue Mountain area in Washington and Oregon. The program, through research, technology development and application, and public involvement, shall—

(1) compile and develop basic biological and ecological information to improve forest and rangeland health and vigor;

(2) focus research on joint management and production of timber, wildlife, grazing, fish, water quality, and recreation;

(3) stimulate cooperative research between universities and Federal and State agencies;

(4) identify and evaluate opportunities to enhance the long-term economic and social benefits derived from the region's forest and rangeland resources in concert with county and regional economic strategies;

(5) convert results of research into technology development products and apply new information in a timely manner;

(6) develop technology to guide intensive multiresource management and policy decisions for sustaining long-term productivity and ecological values into the early decades of the 21st century;

(7) develop new technologies that will enable forest and range managers to maximize multiresource benefits and minimize the hazards of fire, insect, and disease outbreaks;

(8) develop forest management practices for use by land managers and landowners that are appropriate at the wildland-urban interface and in concert with public values for these areas;

(9) demonstrate the application of technology and resource knowledge on specific management areas; and

(10) establish mutually beneficial relations with the public to inform them regarding research and technology development and new management directions and to obtain feedback.

(c) **PARTNERSHIP.**—The Secretary of Agriculture shall establish and carry out the program under subsection (b) in consultation and cooperation with Federal, State, and local agencies, universities, and the private sector. In addition, the Secretary of Agriculture shall establish an advisory committee representing broad interests and perspectives to assist in the formulation of plans for implementing the program.

#### **SEC. 1247. INTERNATIONAL FOREST PRODUCTS TRADE INSTITUTE.**

(a) **ESTABLISHMENT.**—The Secretary of Agriculture may establish an International Forest Products Trade Institute (hereafter in this section referred to in this section as the "Institute").

(b) **MISSION.**—The mission of the Institute will be to increase the competitive position of the forest industries of the northeastern United States as major producers of international forest products in

order to increase domestic employment and stimulate rural development, and to provide a knowledgeable, objective analysis of global forest resource problems.

(c) **FUNCTIONS.**—The Institute shall—

(1) emphasize the application of existing knowledge to the manufacturing and international marketing of forest products as well as conduct new research related to the competitiveness of the northeastern forest products industry;

(2) study and evaluate domestic and international forest, forest sector, agroforestry, development, economic, and trade policies;

(3) design, analyze and test technologically appropriate manufacturing, processing and marketing systems which are supportive of and consistent with forest policy and management strategies formulated by the Institute and which enhance opportunities for markets in forest products; and

(4) formulate and test management strategies for—

(A) United States forests, and

(B) manufacturing facilities that promote ecologically sustainable use, and long-term management, of international forests.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

### CHAPTER 3—EDUCATION

#### SEC. 1251. EXTENSION.

(a) **EXPANSION OF PROGRAMS.**—The Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.) is amended by inserting after section 5 the following new section:

#### “SEC. 5A. EXPANDED PROGRAMS.

“(a) **IN GENERAL.**—The Secretary, acting through the Extension Service and the State cooperative extension services, and in consultation with State foresters or equivalent State officials, school boards, and universities, shall expand forestry and natural resources education programs conducted under this Act for private forest owners and managers, public officials, youth, and the general public, and shall include guidelines for the transfer of technology.

#### “(b) **ACTIVITIES.**—

“(1) **IN GENERAL.**—In expanding the programs conducted under this Act, the Secretary shall ensure that activities are undertaken to promote policies and practices that enhance the health, vitality, productivity, economic value, and environmental attributes of the forest lands of the United States.

“(2) **TYPES.**—The activities referred to in paragraph (1) shall include—

“(A) demonstrating and teaching landowners and forest managers the concepts of multiple-use and sustainable natural resource management;

“(B) conducting comprehensive environmental education programs that assist citizens to participate in environmentally positive activities such as tree planting, recycling, erosion prevention, and waste management; and

"(C) educational programs and materials that will improve the capacity of schools, local governments and resource agencies to deliver forestry and natural resources information to young people, environmentally concerned citizens, and action groups."

(b) **PROGRAM AUTHORIZATIONS.**—Section 3(a) of such Act (16 U.S.C. 1672(a)) is amended—

- (1) in paragraph (7), by striking "and" at the end thereof;
- (2) in paragraph (8), by striking the period and inserting "and"; and
- (3) by adding at the end thereof the following new paragraph:  
 "(9) conduct a comprehensive natural resource and environmental education program for landowners and managers, public officials, and the public, with particular emphasis on youth."

(c) **EXTENSION PROGRAM PLAN.**—Section 5(a) of such Act (16 U.S.C. 1674(a)) is amended by inserting before the period at the end thereof the following: "and give special attention to water quality protection and natural resource and environmental education for landowners and managers, public officials, and the public".

#### **SEC. 1252. FORESTRY STUDENT GRANT PROGRAM.**

The Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended by adding at the end thereof the following new section:

##### **"SEC. 10. FORESTRY STUDENT GRANT PROGRAM.**

"(a) **ESTABLISHMENT.**—The Secretary shall establish a program, to be known as the 'Forestry Student Grant Program' (hereafter referred to in this section as the 'Program'), to provide assistance to expand the professional education of forestry, natural resources, and environmental scientists.

"(b) **STUDENT GRANTS.**—Under the Program the Secretary shall provide assistance for the establishment of a competitive grant fellowship program to assist graduate, and undergraduate minority and female, students attending institutions having programs in forestry and natural resources.

"(c) **ELIGIBILITY.**—The Secretary shall ensure that students concentrating in the following studies shall be eligible for assistance under subsection (b):

- "(1) Forestry.
- "(2) Biology and forest organisms.
- "(3) Ecosystem function and management.
- "(4) Human-forest interaction.
- "(5) International trade, competition, and cooperation.
- "(6) Wood as a raw material.
- "(7) Economics and policy.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section."

## Subtitle C—America the Beautiful

### SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "America the Beautiful Act of 1990".

### SEC. 1262. FINDINGS.

Congress finds that—

(1) trees and forests provide beauty and diversity to both rural and urban landscapes;

(2) trees and forests protect the United States's soil, water, and wetland resources by filtering runoff and preventing erosion;

(3) trees and forests provide food and cover for many species of wildlife;

(4) trees and forests provide shade, block winds, and add moisture to the air, thereby mitigating the urban "heat island" effect and significantly reducing energy use;

(5) trees and forests make important contributions to the environmental, social, and economic well-being of both rural and urban areas across the United States; and

(6) stewardship of trees and forests could be significantly enhanced by encouraging, promoting, and supporting partnerships and community service projects involving individuals, youth groups, organizations, businesses and governments at all levels.

### SEC. 1263. PURPOSES.

The purposes of this subtitle are to—

(1) authorize the President to designate a private nonprofit foundation as eligible for a one-time grant from the Secretary of Agriculture, to be used for promoting public awareness and a spirit of volunteerism, soliciting private sector contributions, and overseeing the use of these contributions to encourage tree planting projects in communities and urban areas;

(2) promote the principles of basic forest stewardship through the nationwide planting, improvement, and maintenance of trees in order to increase reforestation, enhance the environmental and aesthetic qualities of the United States's rural and urban areas, and reduce global carbon dioxide levels;

(3) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others, and enter into cost-sharing agreements with individuals, for the purpose of encouraging owners of nonindustrial private lands to plant and maintain trees and improve forests in rural areas; and

(4) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others for the purpose of encouraging units of local government, civic groups, and individuals to plant and maintain trees and improve forests in communities and urban areas.

### SEC. 1264. TREE PLANTING FOUNDATION.

(a) PURPOSE.—The purpose of this section is to authorize the President to designate a private nonprofit Foundation as eligible to receive a grant from the Department of Agriculture to be used—

(1) to provide grants, including matching grants, to qualifying nonprofit organizations (including youth groups), municipalities, counties, towns and townships for the implementation of programs to promote public awareness and a spirit of volunteerism in support of tree planting, maintenance, management, protection, and cultivation projects in rural areas, communities and urban areas throughout the United States;

(2) to solicit public and private sector contributions through the mobilization of individuals, businesses, governments, and community organizations with the goal of increasing the number of trees planted, maintained, managed, and protected in rural areas, communities and urban environments;

(3) to accept and administer public and private gifts and make grants, including matching grants, to encourage local participation, for the planting, maintenance, management, protection, and cultivation of trees; and

(4) to ensure that our descendants will be able to share their ancestors' pride when referring to their land as "America the Beautiful".

(b) **AUTHORITY.**—The President is authorized to designate a private nonprofit organization (hereafter in this section referred to as the "Foundation") as eligible to receive funds pursuant to subsections (d) and (e) upon determining that such organization can, consistent with its charter, carry out the purposes stated in subsection (a), and that the officers of such organization have the experience and expertise necessary to direct the activities of the organization. Nothing in this section shall be construed to make officers, employees, or members of the board of directors of the Foundation officers or employees of the United States. The Foundation shall be a private and nonprofit organization and not an agency or establishment of the United States.

(c) **IMPLEMENTATION.**—The Foundation shall carry out this section in accordance with the purposes stated in subsection (a).

(d) **FUNDING.**—For fiscal year 1991, the Secretary is authorized to make a grant of not to exceed \$25,000,000 to the Foundation.

(e) **USE OF FUNDS.**—Funds made available pursuant to subsection (d) shall be granted to the Foundation by the Secretary to enable the Foundation to carry out the purposes specified in subsection (a).

(f) **INTEREST.**—Notwithstanding any other provision of law, the Foundation may hold funds made available pursuant to subsection (e) in interest-bearing accounts prior to the disbursement of the funds for purposes specified in subsection (a) and may retain to carry out such purposes any interest earned on the deposits.

(g) **LIMITATIONS ON USES OF FUNDS.**—

(1) **IN GENERAL.**—The Foundation may use funds provided by this section only for making grants to qualified organizations, municipalities, counties, towns and townships for the implementation of projects and activities that are consistent with the purposes specified in subsection (a).

(2) **QUALIFIED ORGANIZATIONS.**—For the purposes of this section, qualified organizations shall consist of those organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and have demonstrat-

ed a capability to implement the project or activity for which the Foundation funds will be used.

(h) **COMPENSATION FROM OUTSIDE SOURCES.**—An officer or employee of the Foundation may not receive any salary or other compensation for services rendered to the Foundation from any source other than the Foundation.

(i) **STOCK AND DIVIDENDS.**—The Foundation shall not issue any shares of stock or declare or pay any dividends.

(j) **LOBBYING.**—The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(k) **SALARY; TRAVEL AND EXPENSES; CONFLICTS OF INTEREST.**—

(1) **PERSONAL BENEFIT FROM FUNDS.**—No part of the funds of the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses.

(2) **TRAVEL AND EXPENSE REIMBURSEMENT.**—Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses.

(3) **CONFLICTS OF INTEREST.**—No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

(B) the interests of any corporation, partnership, entity, or organization in which such director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(l) **RECORDS; AUDITS.**—The Foundation shall ensure that—

(1) each recipient of assistance provided through the Foundation under this section maintains, for at least 5 years after the receipt of the assistance, separate accounts with respect to the assistance and such records as may be reasonably necessary to disclose fully—

(A) the amount and the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used;

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(D) such other records as will facilitate an effective audit; and

(2) the Foundation and any duly authorized representative of the Foundation shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this section.

(m) **AUDITS.**—

(1) **INDEPENDENT AUDITS.**—For the fiscal year in which the Foundation receives the grant awarded under subsection (e), and for the succeeding 5 fiscal years, the accounts of the Foundation shall be audited annually in accordance with generally

accepted auditing standards by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (n).

(2) **AGENCY AUDITS.**—For the fiscal year in which the Foundation receives the grant awarded under subsection (d), and for the succeeding 5 fiscal years, the financial transactions undertaken pursuant to this section by the Foundation may be audited by any agency designated by the President.

**(n) ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 3 months after the conclusion of each fiscal year, the Foundation shall publish an annual report that includes a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Foundation under this Act during the fiscal year.

(2) **TERMINATION.**—The obligation of the Foundation to publish annual reports pursuant to this subsection shall terminate after publication of the report incorporating the findings of the final audit in accordance with procedures required by subsection (l).

(o) **PROHIBITION ON COMMERCIAL HARVEST.**—Trees planted pursuant to a program receiving funds under this section may not be commercially harvested and sold for Christmas trees.

(p) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 to be granted by the Secretary of Agriculture to the Foundation. All funds appropriated under this section may remain available until expended.

**SEC. 1265. RURAL TREE PLANTING AND FOREST MANAGEMENT PROGRAM.**

The Secretary of Agriculture is authorized to establish a rural tree planting and forest management program as a special component of the forest stewardship program and the stewardship incentive program established under sections 5 and 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2102) (as amended by subtitle A). Such program shall terminate on December 31, 2001.

**SEC. 1266. COMMUNITY TREE PLANTING AND IMPROVEMENT PROGRAM.**

The Secretary of Agriculture is authorized to establish a community tree planting and improvement program as a special component of the urban and community forestry assistance program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) (as amended by section 1219). Such program shall terminate on December 31, 2001.

## **Subtitle D—Miscellaneous Provisions**

**SEC. 1271. EMERGENCY REFORESTATION ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire.

(b) **FORM OF ASSISTANCE.**—The assistance, if any, provided by the Secretary under this section shall consist of either—

(1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition, or wildfire in excess of 35 percent mortality; or

(2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

(c) **CONDITIONS.**—

(1) **LIMITATION ON ASSISTANCE.**—No person may receive an amount in excess of \$25,000 in any fiscal year, or an equivalent value in tree seedlings, under this section.

(2) **INELIGIBILITY.**—A person who has qualifying gross revenues in excess of \$2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this section.

(3) **IMPLEMENTATION.**—In implementing this section, the Secretary shall issue regulations—

(A) defining the term "person" for the purposes of this section that shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308);

(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection; and

(C) ensuring that no person receives duplicative payments or assistance under this section, the Cooperative Forestry Assistance Act of 1978, and the Agricultural Conservation Program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p), or other Federal program.

(d) **DEFINITIONS.**—As used in this section—

(1) the term "damaging weather" includes drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof;

(2) the term "eligible landowner" means a person who—

(A) produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees;

(B) owns 1,000 acres or less of private forest land; or

(C) owns more than 1,000 acres but less than 5,000 acres of private forest land if the Secretary, in the Secretary's discretion, determines the person eligible;

(3) the term "qualifying gross revenues" means—

(A) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(B) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources;

(4) the term "related condition" includes insect infestations, disease, or other deterioration of a tree stand that is accelerated or exacerbated by damaging weather;

(5) the term "reestablish" includes site preparation, reforestation of a damaged stand, and timber stand improvement prac-



tics, including thinning, prescribed burning, and other practices approved by the Secretary for reforestation;

(6) the term "Secretary" means the Secretary of Agriculture; and

(7) the term "wildfire" means any forest or range fire.

(e) **RETROACTIVE ASSISTANCE.**—The Secretary shall use funds provided under this section to reimburse landowners for approved reforestation practices that were implemented before the date of enactment of this section. The Secretary shall not make reimbursements for reforestation practices that were implemented prior to September 1, 1989.

#### **SEC. 1272. TALLADEGA NATIONAL FOREST EXPANSION.**

The boundaries of the Talladega National Forest are hereby modified to include all lands depicted on a map entitled "Talladega Forest Expansion" and dated October 1990, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (Chapter 186, 36 Stat. 961), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes. It is the intent of the Congress that, to the extent practicable, private lands be acquired on a willing seller basis without undue delay.

## **TITLE XIII—FRUITS, VEGETABLES, AND MARKETING**

### **Subtitle A—Fruits and Vegetables**

#### **SEC. 1301. FINDINGS.**

Congress finds that—

(1) fruits, vegetables, and specialty crops are a vital and important source of nutrition for the general health and welfare of the people of the United States; and

(2) fruits and vegetables are recommended as an essential part of a healthy, nutritious diet by numerous health officials and organizations including the Surgeon General of the United States; the National Institutes of Health; the National Cancer Institute; the American Heart Association; the Committee on Diet, Nutrition and Cancer of the National Academy of Sciences; the Department of Agriculture; and the Department of Health and Human Services.

#### **SEC. 1302. PURPOSES.**

The purposes of this subtitle are to—

(1) improve the Nation's dietary and nutritional standards by promoting domestically produced wholesome and nutritious fruit and vegetable products;

(2) increase the public awareness as to the difficulties domestic producers experience regarding the production, harvesting, and marketing of these products; and

(3) aid in the development of new technology and techniques that will assist domestic producers in meeting the challenges of increased demands for fruit and vegetable products in the future.

#### **SEC. 1303. DECLARATION.**

Congress declares that the domestic production of fruits and vegetables is an integral part of this Nation's farm policy.

#### **SEC. 1304. STUDY OF THE FRUIT AND VEGETABLE INDUSTRY.**

##### **(a) STUDY.—**

(1) **IN GENERAL.**—The Secretary of Agriculture shall conduct a study to determine the state of the domestic fruit and vegetable industry. In conducting such study, the Secretary of Agriculture shall consult with such agencies or departments, as determined necessary by the Secretary of Agriculture, including the Environmental Protection Agency, the Department of Health and Human Services, the Department of Commerce, the Department of Labor, and the Department of Education.

(2) **CONTENTS.**—The study conducted under paragraph (1) shall include—

(A) a review of the availability of an adequate labor supply for maintaining and harvesting of fruits and vegetables;

(B) a review of the availability of crop insurance or disaster assistance for fruit and vegetable producers;

(C) a review of scientific and technological advances in the areas of genetics, biotechnology, integrated pest management, post harvest protection, and other scientific developments related to the production and marketing of fruits and vegetables;

(D) an examination of the availability of safe and effective chemicals for use in the production of fruits and vegetables, and an evaluation of the value of national uniformity to both consumers and producers;

(E) a review of the requirements and cost of labeling fruits and vegetables in the industry, and the benefits that would result from the labeling of such products; and

(F) a review of Federal educational programs that teach the importance of fruits and vegetables to a proper diet.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this title, the Secretary of Agriculture shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the results of the study described in subsection (a). Such report shall include—

(1) the recommendations of the Secretary concerning the manner in which producers of domestic fruit and vegetable commodities that are not receiving assistance under the programs that provide market enhancement assistance (such as the export enhancement program under subtitle B of title XI of the Food Security Act of 1985 (7 U.S.C. 1736p et seq.) to producers of domestic fruit and vegetable commodities, could participate in such programs; and

(2) the recommendations to the Secretary concerning the establishment of additional programs of the type described in paragraph (1) to assist producers of domestic fruit and vegetable commodities in increasing their production and in expanding domestic and foreign markets for the products of such producers.

#### SEC. 1305. COUNTRY OF ORIGIN LABELING PROGRAMS.

(a) **GROWN IN THE U.S. PROGRAM.**—The Secretary of Agriculture (hereafter referred to in this section as the "Secretary") shall implement a program defining the conditions under which non-perishable agricultural products may be designated as "grown in the U.S."

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall implement a 2-year pilot program during which time perishable agricultural products (fresh fruits and vegetables) are labeled or marked as to their country of origin. This program shall be conducted nationwide. After the 2-year period, the Secretary shall conduct a study to determine the results of the program. The Secretary shall submit to the Congress the results of the study within 18 months from the date of completion of the program.

(2) **DETAILS OF THE PILOT PROGRAM.**—

(A) **DESIGNATION OF COUNTRY OF ORIGIN.**—The program shall require that the country of origin of perishable agricultural products be indicated on any such products or on the package, display, holding unit, or bin by means of a label, stamp, mark, placard, or other clear and visible indication at the point of sale by any commission merchant, dealer, broker, or grocer. A sign near the products shall be an acceptable indication of the country of origin.

(B) **APPLICATION OF PROGRAM.**—

(i) **IMPORTED AND DOMESTIC PRODUCTS.**—The program shall apply to imported and domestic perishable agricultural products (including fresh fruits and vegetables).

(ii) **IMPORTED PERISHABLE AGRICULTURAL PRODUCTS.**—The labeling program shall apply to imported perishable agricultural products that enter the United States marked as to the country of origin and that are in compliance with section 304(a) of the Tariff Act of 1930.

(C) **EXEMPTIONS.**—The Secretary may provide for exemptions for products that are exempted, under section 304(a)(3)(J) of the Tariff Act of 1930, from the country of origin marking requirements of that Act.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 1306. ENFORCEMENT OF HANDLER ASSESSMENTS.

Section 8c(14) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(14)) is amended—

(1) in subparagraph (A) by—

(A) striking "(other than a provision calling for payment of a pro rata share of expenses)"; and

(B) striking “: Provided, That if” and inserting “. If”; and

(2) in subparagraph (B) by striking “(other than a provision calling for payment of a pro rata share of expenses)”.

#### SEC. 1307. KIWIFRUIT AND OTHER FRUIT.

The first sentence of section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking “or eggplants” and inserting “eggplants, kiwifruit, nectarines, plums, pistachios, or apples”.

#### SEC. 1308. MARKETING ORDERS.

Section 8e of the Agricultural Adjustment Act (7 U.S.C. 608e-1), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by—

(1) striking “(a) Notwithstanding any other provision of law,” in the first sentence, and inserting in its place “(a) Subject to the provisions of subsections (c) and (d) and notwithstanding any other provision of law,”;

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

“(c) Prior to any import prohibition or regulation under this section being made effective with respect to any commodity—

“(1) the Secretary of Agriculture shall notify the United States Trade Representative of such import prohibition or regulation; and

“(2) the United States Trade Representative shall advise the Secretary of Agriculture, within 60 days of the notification under paragraph (1), to ensure that the application of the grade, size, quality, and maturity provisions of the relevant marketing order, or comparable restrictions, to imports is not inconsistent with United States international obligations under any trade agreement, including the General Agreement on Tariffs and Trade.

“(d) The Secretary may proceed with the proposed prohibition or regulation if the Secretary receives the advice and concurrence of the United States Trade Representative within 60 days of the notification under subsection (c)(1).”.

#### SEC. 1309. PRODUCTS PRODUCED IN DISTINCT GEOGRAPHIC AREAS.

(a) IN GENERAL.—In the case of a perishable agricultural commodity (as defined under the Perishable Agricultural Commodity Act (7 U.S.C. 499a(4))—

(1) subject to a Federal marketing order under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.);

(2) traditionally identified as being produced in a distinct geographic area, State, or region; and

(3) the unique identity, based on such distinct geographic area, of which has been promoted with funds collected through producer contributions pursuant to such marketing order,

no person may use the unique name or geographical designation of such commodity to promote the sale of a similar commodity produced outside such area, State, or region.

(b) **PENALTIES.**—A violation of this section shall be considered a violation of paragraphs (4) and (5) of section 2 of the Perishable Agricultural Commodities Act (7 U.S.C. 499b(4) and (5)).

(c) **REIMBURSEMENT.**—A person bringing a complaint under this section shall reimburse the Secretary of Agriculture for any and all costs associated with the enforcement of this section.

(d) **PROHIBITION.**—The Secretary of Agriculture shall not increase any fees charged under the Perishable Agricultural Commodities Act (7 U.S.C. 499 et seq.) to offset costs associated with the operation of this section.

(e) **REGULATIONS.**—The Secretary shall promulgate regulations to carry out this section.

## **Subtitle B—National Laboratory Accreditation**

### **SEC. 1321. DEFINITIONS.**

As used in this subtitle:

(1) **AGRICULTURAL PRODUCT.**—The term “agricultural product” means any fresh fruit or vegetable or any commodity or product derived from livestock or fowl, that is marketed in the United States for human consumption.

(2) **CERTIFICATE.**—The term “certificate” means a certificate of accreditation issued under this subtitle.

(3) **LABORATORY.**—The term “laboratory” means any facility or vehicle that is owned by an individual or a public or private entity and is equipped and operated for the purpose of carrying out pesticide residue analysis on agricultural products for commercial purposes.

(4) **PESTICIDE.**—The term “pesticide” means any substance that alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).

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

### **SEC. 1322. NATIONAL LABORATORY ACCREDITATION PROGRAM.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall administer a National Laboratory Accreditation Program under which laboratories that request accreditation and conduct residue testing of agricultural products, or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products, shall be determined to meet certain minimum quality and reliability standards.

(b) **STANDARDS.**—The Secretary of Health and Human Services, after consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish, through regulations, standards for the National Laboratory Accreditation program that shall include—

(1) standards applicable to laboratories;

(2) qualifications for directors and other personnel; and

(3) standards and procedures for quality assurance programs.

(c) **ACCREDITING BODIES.**—The Secretary of Health and Human Services shall approve State agencies or private, nonprofit entities as accrediting bodies to act on behalf of such Secretary in implementing the certification and quality assurance programs in accordance with the requirements of this section. In making such approvals the Secretary of Health and Human Services shall—

(1) oversee and review the performance of any accrediting body acting on behalf of the Secretary to ensure that such accrediting body is in compliance with the requirements of the certification program under this section; and

(2) have the right to obtain from an accrediting body acting on behalf of the Secretary and from any laboratory that may be certified by such a body all records and materials that may be necessary for the oversight and review required by paragraph (1).

(d) **REQUIREMENTS.**—To be accredited under this subtitle, a laboratory shall—

(1) prepare and submit an application for accreditation to the Secretary; and

(2) comply with such terms and conditions as are determined necessary by the Secretary and the Secretary of Health and Human Services.

(e) **EXCEPTIONS.**—This subtitle shall not apply to—

(1) a laboratory operated by a government agency;

(2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;

(3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or

(4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of a person who is initiating the analysis.

#### **SEC. 1323. ACCREDITATION.**

(a) **IN GENERAL.**—The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this subtitle, as determined by the Secretary.

(b) **REQUIREMENTS FOR ACCREDITATION.**—To receive accreditation under this subtitle, a laboratory shall prepare and submit an application for accreditation to the Secretary and shall complete such required tests, and meet such standards as established under section 1322.

(c) **FAILURE TO MEET ACCREDITATION STANDARDS.**—The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that fails to meet the requirements for accreditation under this subtitle.

(d) **LIMITED ACCREDITATION.**—The Secretary may issue certificates of accreditation to laboratories that are limited to specific fields of testing.

## SEC. 1324. SAMPLES.

### (a) PERFORMANCE EVALUATION SAMPLES.—

(1) *PROVIDED BY SECRETARY.*—The Secretary shall ensure that performance evaluation samples are provided to any laboratory that has applied for accreditation under this subtitle.

(2) *ANALYSIS BY LABORATORY.*—A laboratory described in paragraph (1) shall analyze such performance evaluation samples and submit the results of such analysis to the Secretary, as provided for in section 1322.

(3) *TESTING METHODS.*—Samples shall be tested by the laboratory according to methods specifically approved for such purpose by alternate methods of demonstrated adequacy or equivalence, as determined in regulations established under this subtitle.

### (b) RESULTS OF TESTING.—

(1) *SUBMISSION OF RESULTS.*—The laboratory shall submit the results of the tests conducted under subsection (a) to the Secretary on forms provided by the Secretary, on or before the date determined by the Secretary.

(2) *EVALUATION OF TESTS.*—The Secretary shall evaluate the results of such tests achieved by the laboratory and shall determine whether such laboratory is capable of undertaking an accurate analysis of chemical residues in agricultural products.

(c) *REVIEW OF ACCREDITATION.*—The Secretary shall ensure that performance evaluation samples for analysis are provided to laboratories accredited under this subtitle not less than two times a year.

## SEC. 1325. APPLICATION.

(a) *CONTENTS OF APPLICATION.*—An application for accreditation under this subtitle shall be prepared and submitted to the Secretary and shall include—

(1) the name and address of the laboratory;

(2) the name and address of the owners and managers of such laboratory;

(3) a statement concerning the type of analysis the laboratory intends to conduct;

(4) a brief history of the laboratory and its previous operations; and

(5) such other information as may be required by the Secretary.

(b) *RESTRICTIONS ON SUBMISSION OF APPLICATION.*—A laboratory that has been denied, or has lost, accreditation under this subtitle shall not reapply for accreditation until the expiration of at least 6 months after such denial or loss of accreditation. Corrective actions taken by the laboratory to address deficiencies upon which the denial or loss of accreditation was based must accompany the reapplication.

## SEC. 1326. REPORTING.

(a) *IN GENERAL.*—Each laboratory or individual that performs, brokers, or otherwise arranges for the performance of a pesticide chemical analysis of food shall prepare and submit a report, simultaneously to the Secretary, the Secretary of Health and Human Services, and to the owner of such food, that shall contain any finding of pesticide chemical residues in such food—

(1) for which no chemical residue tolerance or exemption has been established;

(2) that is in excess of residue tolerances; or

(3) for which the chemical residue tolerance has been revoked or the chemical residue is otherwise not permitted by the Environmental Protection Agency.

(b) **TIMING OF REPORT.**—A laboratory shall submit the report required under subsection (a) to the Secretary, the Secretary of Health and Human Services, and the owner of such food as soon as practicable after the completion of the analysis of such food.

(c) **GUIDELINES.**—The Secretary shall adopt standardized reporting guidelines to be applied to laboratories under this section and shall provide such guidelines to laboratories accredited under this subtitle, as well as other sources of information regarding applicable pesticide chemical tolerances.

#### **SEC. 1327. FEES.**

(a) **IN GENERAL.**—At the time that an application for accreditation is received by the Secretary, and annually thereafter, a laboratory seeking such accreditation under this subtitle shall pay a non-refundable accreditation fee.

(b) **AMOUNT OF FEE.**—The fee required under subsection (a) shall be established by the Secretary in an amount that will offset the cost of the program established by this subtitle.

(c) **REIMBURSEMENT OF EXPENSES.**—Each laboratory that is accredited under this subtitle or that has applied for accreditation under this subtitle shall reimburse the Secretary for reasonable travel and other expenses necessary to perform onsite inspections of such laboratory.

(d) **ADJUSTMENT OF FEES.**—The Secretary may, on an annual basis, adjust the fees imposed under this section as necessary to support the full costs of the program established by this subtitle.

#### **SEC. 1328. PUBLIC DISCLOSURE.**

The results of the evaluations of laboratories conducted by the Secretary under this subtitle shall be made available to the Secretary of Health and Human Services and to the public on request.

#### **SEC. 1329. REGULATIONS.**

The Secretary shall promulgate regulations to carry out this subtitle.

#### **SEC. 1330. EFFECT OF OTHER LAWS.**

Nothing in this subtitle shall alter the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

## **Subtitle C—Cosmetic Appearance**

#### **SEC. 1351. DEFINITION.**

As used in this subtitle, the term "cosmetic appearance" means the exterior appearance of an agricultural commodity, including changes to that appearance resulting from superficial damage or other alteration that do not significantly affect yield, taste, or nutritional value.



# SEC. 1352. RESEARCH.

(a) **REQUIREMENT.**—The Secretary of Agriculture shall conduct research to examine the effects, to the extent listed in subsection (b), of grade standards and other regulations, as developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), and other statutes governing cosmetic appearance.

(b) **SCOPE OF RESEARCH.**—The primary goal of this research is to investigate the extent to which grade standards and other regulations governing cosmetic appearance affect pesticide use in the production of perishable commodities. The research shall also—

(1) determine pesticide application levels for United States perishable commodity production and assess trends, and factors influencing those trends, of pesticide application levels since 1975;

(2) determine the extent to which Federal grade standards and other regulations affect pesticide use in agriculture for cosmetic appearance;

(3) determine the effect of reducing emphasis on cosmetic appearance in grade standards and other regulations on—

(A) the application and availability of pesticides in agriculture;

(B) the adoption of agricultural practices that result in reduced pesticide use;

(C) production and marketing costs;

(D) domestic and international markets and trade for perishable commodities;

(4) determine the extent to which grade standards and other regulations reflect consumer preferences;

(5) develop options for implementation of food marketing policies and practices that will remove obstacles that may exist to pesticide use reduction, based on the findings of research conducted under this section.

(c) **FIELD RESEARCH.**—

(1) **LENGTH OF PROJECTS.**—The Secretary of Agriculture shall implement, not later than 12 months after the date of enactment of this Act, a minimum of three, 2-year market research projects, in at least three States, to demonstrate and evaluate the feasibility of consumer education and information programs.

(2) **SCOPE OF FIELD RESEARCH.**—Research under paragraph (1) shall be conducted to evaluate programs designed to—

(A) offer consumers choices among perishable commodities produced with different production practices;

(B) provide consumers with information about agricultural practices used in the production of perishable commodities; or

(C) educate the public about the relationship, as determined in the research conducted under this subtitle, between the cosmetic appearance of perishable commodities and pesticide use.

(d) **DISSEMINATION OF RESULTS.**—The Secretary of Agriculture shall disseminate to concerned parties the results obtained from prior scientifically valid research concerning Federal marketing policies and practices described in this section to avoid any duplica-

tion of effort and to ensure that current knowledge concerning such policies and practices is enhanced.

**(e) ADVISORY COMMITTEE.—**

(1) **ESTABLISHMENT.**—The Secretary of Agriculture shall establish an advisory committee for the purpose of providing ongoing review of the implementation of the requirements in this section and providing the Secretary of Agriculture with recommendations regarding the implementation of those requirements.

(2) **MEMBERSHIP.**—The Advisory Committee shall consist of 12 members comprised of three representatives from not-for-profit consumer organizations, three representatives from not-for-profit environmental organizations, three representatives from production agriculture and the perishable commodity grower and shipper community, and three representatives from the food retailing sector, each with experience in the policy issues discussed in this section.

**(f) REPORT.**—The Secretary of Agriculture shall report to Congress on the research conducted under this section no later than September 30, 1992. The Secretary shall report on the research conducted under subsection (c) no later than September 30, 1993.

**SEC. 1353. CHANGES IN PROCEDURAL REGULATIONS.**

With regard to Federal grade standards developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq), the Secretary of Agriculture shall:

(1) Take into account the impact of those standards on the ability of perishable commodity growers to reduce the use of pesticides.

(2) Provide for citizens outside of the perishable commodity industry fair and reasonable opportunity to formally petition a change in grade standards.

(3) Provide for a comment period after a formal petition to change grade standards has been made to enable all interested parties to submit information. The Secretary of Agriculture shall evaluate the information and consider it in the revision process.

(4) Provide interested parties with annual status reports during the period 1992 through 1994, updated upon request, on all pending grade standard changes the Department of Agriculture is considering.

**SEC. 1354. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the activities required under this subtitle, \$4,000,000 for each fiscal year.

## **Subtitle D—Miscellaneous**

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

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

(1) by striking “: Provided, That the” and inserting the following: “: Any reserve funds in the Perishable Agricultural

Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The"; and

(2) by striking "Provided further, That financial" and inserting ". Financial".

#### **SEC. 1362. WINE AND WINEGRAPE INDUSTRY STUDY.**

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

(1) be designed to determine whether existing Department of Agriculture programs could be improved to better assist and support the United States wine and winegrape industry;

(2) be designed to determine whether new methods or programs implemented by the Department of Agriculture could enhance wine and winegrape production and processing and expand markets for United States wine and winegrapes;

(3) be conducted in consultation with local, state, and national associations or organizations of wine and winegrape producers;

(4) give special emphasis to States or other geographic areas that have not traditionally had a wine and winegrape industry.

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

## **TITLE XIV—CONSERVATION**

#### **SEC. 1401. SHORT TITLE.**

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

### **Subtitle A—Highly Erodible Land Conservation**

#### **SEC. 1411. PROGRAM INELIGIBILITY.**

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

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

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

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

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

(5) by adding at the end the following:

“(3) during such crop year—

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

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

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

“(D) a payment under chapter 2;

“(E) a payment under chapter 3; or

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

#### **SEC. 1412. EXEMPTIONS.**

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

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

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

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

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

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

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

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

“(c) No person shall become ineligible under section 1211 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity or the designation of land to be set aside, diverted, devoted to conservation uses, or otherwise not

cultivated under a program administered by the Secretary to reduce production of an agricultural commodity (hereafter in this subsection referred to as 'set aside')—";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that such producer would otherwise be eligible to receive in a crop year.

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

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

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

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

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

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

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

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

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

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

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

"(h) Section 1211 shall not apply to the noncommercial production of agricultural commodities on a farm if such production is limited to two acres or less and if the Secretary determines that such pro-

duction is not intended to circumvent the conservation requirements otherwise applicable to lands under this subtitle."

## Subtitle B—Wetland Conservation

### SEC. 1421. WETLAND PROGRAM IMPROVEMENTS.

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

"(16) The term 'wetland', except when such term is part of the term 'converted wetland', means land that—

"(A) has a predominance of hydric soils;

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

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

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

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

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

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

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

(5) by adding at the end the following:

"(3) during such crop year—

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

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

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

"(D) a payment under chapter 2;

"(E) a payment under chapter 3; or

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

(6) by adding after subsection (a) (as designated by paragraph

(1)), a new subsection (b) as follows:

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

or programs specified in subsections (a) (1) through (3) for that crop year and all subsequent crop years.”

**SEC. 1422. DELINEATION OF WETLAND; EXEMPTIONS.**

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

**“SEC. 1222. DELINEATION OF WETLANDS; EXEMPTIONS.**

**“(a) DELINEATION OF WETLANDS.—**

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

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

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

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

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

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

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

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

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



"(D) wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where such production is possible as a result of a natural condition, such as drought, and is without action by the producer that destroys a natural wetland characteristic; or

"(2) for the conversion of—

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

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

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

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

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

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

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

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

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

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

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

"(A) in accordance with a restoration plan;

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

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

"(D) on not greater than a one-for-one acreage basis unless more acreage is needed to provide equivalent func-

tions and values that will be lost as a result of such wetland conversion to be mitigated;

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

"(F) with respect to such restored wetland, made subject to an easement to be recorded on public land records, and which shall remain in force for as long as the converted wetland for which the restoration is to mitigate remains in agricultural use or is not returned to its original wetland classification with equivalent functions and values, and which easement prohibits making alterations to such restored wetland that lower the restored wetland's functions and values; or

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

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

"(h) **GOOD FAITH EXEMPTION; GRADUATED SANCTIONS.**—

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

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

"(B) the Secretary determines that—

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

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

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

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

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

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

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

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

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

#### **SEC. 1423. CONSULTATION.**

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

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

#### **SEC. 1424. FAIRNESS OF COMPLIANCE.**

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

##### **"SEC. 1224. FAIRNESS OF COMPLIANCE.**

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

## **Subtitle C—Agricultural Resources Conservation Program**

### **SEC. 1431. AGRICULTURAL RESOURCES CONSERVATION PROGRAM.**

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

(1) in the subtitle heading, by striking "Conservation Reserve" and inserting "Agricultural Resources Conservation Program"; and

(2) by inserting before section 1231 the following:

### **"CHAPTER 1—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM**

#### **"Subchapter A—General Provisions**

### **"SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.**

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

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

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

### **SEC. 1432. CONSERVATION RESERVE PROGRAM.**

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

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

#### **"Subchapter B—Conservation Reserve"; and**

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

**"SEC. 1231. CONSERVATION RESERVE.**

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

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

**"(1) highly erodible croplands that—**

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

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

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

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

**"(4) croplands that are otherwise not eligible—**

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

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

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

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

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

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

**"(e) DURATION OF CONTRACT.**—

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

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

"(f) **CONSERVATION PRIORITY AREAS.**—

"(1) **DESIGNATION.**—Upon application by the appropriate State agency, the Secretary shall designate watershed areas of the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia), the Great Lakes Region, the Long Island Sound Region, and other areas of special environmental sensitivity as conservation priority areas.

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

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

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

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

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

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

**SEC. 1433. DUTIES OF OWNERS AND OPERATORS.**

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

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

(2) in paragraph (4)—

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

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

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

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

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

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

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

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

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

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

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

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

“(d) **ALLEY-CROPPING.**—

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

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

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

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

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

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

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

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

#### SEC. 1434. PAYMENTS.

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

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

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

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



than the 4-year, period beginning on the date of such plantings, as determined appropriate by the Secretary.

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

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

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

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

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

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

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

(2) **CONTINUOUS SIGN-UP FOR HARDWOOD TREES.**—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is further amended by adding at the end thereof the following new paragraph:

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

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

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

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

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

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

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

**SEC. 1435. CONVERSION OF LAND SUBJECT TO CONTRACT.**

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

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

**"(a) CONVERSION TO TREES.—**

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

**"(2) TERMS.—**

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

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

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

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

"(1) such areas are prior converted wetlands;

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

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

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

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

the costs that would have been subject to cost share for the new practice had that practice been the original practice.

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

#### **SEC. 1436. EXTENDED BASE PROTECTION.**

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

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

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

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

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

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

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

(1) the environmental benefits of such lands that remain out of crop production as compared to the economic benefits that would result from returning such lands to production under adequate stewardship and management;

(2) the renewal of the contracts in a manner that allows for certain sustainable economic uses of cropland in return for lower rental payments;

(3) the purchase of permanent easements permitting specified economic uses of cropland subject to the contracts;

(4) the purchase of the cropland subject to the contracts;

(5) the preservation of crop acreage bases associated with cropland subject to the contracts if the owner or operator continues to devote the cropland to conserving uses;

(6) the purchase of crop acreage bases associated with cropland subject to the contracts; and

(7) the expiration of the contracts.

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

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

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

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

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

#### **SEC. 1438. WETLANDS RESERVE PROGRAM.**

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

#### **“Subchapter C—Wetlands Reserve Program**

##### **“SEC. 1237. WETLANDS RESERVE PROGRAM.**

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

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

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

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

“(2) the likelihood of the successful restoration of such land and the resultant wetland values merit inclusion of such land

in the program taking into consideration the cost of such restoration.

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

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

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

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

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

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

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

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

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

#### "SEC. 1237A. EASEMENTS.

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

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

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

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

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

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

"(1) permits—

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

"(B) landowners to control public access on the easement areas while identifying access routes to be used for wetland

restoration activities and management and easement monitoring;

"(2) prohibits—

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

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

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

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

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

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

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

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

"(c) RESTORATION PLANS.—

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

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

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

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

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

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

"(f) COMPENSATION.—Compensation for easements acquired by the Secretary under this subchapter shall be made in cash in such

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

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

#### "SEC. 1237B. DUTIES OF OWNERS.

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

#### "SEC. 1237C. DUTIES OF THE SECRETARY.

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

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

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

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

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

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

"(2) the productivity of the land; and

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

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

*the easement for protecting and enhancing habitat for migratory birds and other wildlife.*

**"SEC. 1237D. PAYMENTS.**

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

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

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

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

**"(c) PAYMENT LIMITATION.**—

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

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

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

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

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



**"SEC. 1237E. CHANGES IN OWNERSHIP; AGREEMENT MODIFICATION; TERMINATION.**

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

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

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

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

**"(b) MODIFICATION; TERMINATION.**—

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

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

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

"(i) to carry out this subchapter;

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

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

**"(2) TERMINATION.**—

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

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

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

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

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

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

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

**SEC. 1439. AGRICULTURAL WATER QUALITY INCENTIVES.**

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

## **"CHAPTER 2—AGRICULTURAL WATER QUALITY INCENTIVES**

### **"SEC. 1238. POLICY.**

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

### **"SEC. 1238A. DEFINITIONS.**

*"As used in this chapter—*

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

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

### **"SEC. 1238B. AGRICULTURAL WATER QUALITY PROTECTION PROGRAM.**

*"(a) INCENTIVES.—*

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

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

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

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

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

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

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

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

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

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

"(4) **WETLAND OR WILDLIFE HABITAT OPTIONS.**—

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

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

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

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

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

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

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

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

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

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

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

**"(6) PAYMENTS.—**

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

**"(B) AMOUNTS.—**

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

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

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

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

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

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

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

**"(7) MODIFICATIONS.**—The Secretary may modify an agreement entered into with a participant under this chapter if the participant agrees to such modification and the Secretary determines such modifications are desirable—

"(A) to carry out this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(4) water quality protection practices that will, if implemented by a producer, assist such producer in complying with State and Federal environmental laws, and where appropriate, will

complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

"(5) the specific agricultural production practices that will be implemented, improved and maintained, including practices that ensure continued farm productivity and profitability by promoting the efficient use of fertilizers, other crop nutrients, and pesticides, as well as management practices that are to be avoided, in order to carry out and achieve the water quality goals and objectives of the producer;

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

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

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

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

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

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

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

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

#### "SEC. 1238C. ELIGIBLE LANDS.

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

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

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

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

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

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

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

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

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

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

**"SEC. 1238D. TECHNICAL ASSISTANCE FOR WATER QUALITY PROTECTION.**

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

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

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

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

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

"(B) to the extent practicable, a range of water quality protection practices, and their economic cost and benefit, that is suitable to local ecological characteristics and pre-

vailing farm enterprises and that complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

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

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

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

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

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

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

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

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

#### "SEC. 1238E. DEMONSTRATION AND PILOT PROGRAMS.

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

"(b) **PILOT PROGRAMS.**—To complement and enhance the effectiveness of the program established under this chapter, the Secretary



may establish pilot programs, for implementation in areas determined to be priority areas under section 1238C(b), that shall be designed to provide assistance to address a wide range of farming operations and production conditions that enhance the efficient use of farm inputs and reduce waste.”

**“SEC. 1238F. REPORT TO CONGRESS.**

“Not later than September 30, 1992, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report describing the degree of participation in the planning process and program established in this subtitle, including the number of plans that have been prepared, information on the number of plans that are in implementation, including the number and acreage of farms engaged in planning by type of environmentally sensitive area, information relevant for evaluating the effectiveness of agricultural water quality plans in protecting water quality, and other information pertinent to implementation of this chapter. A final report shall be submitted no later than September 30, 1994.”

**SEC. 1440. ENVIRONMENTAL EASEMENT PROGRAM.**

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

**“CHAPTER 3—ENVIRONMENTAL EASEMENT PROGRAM**

**“SEC. 1239. ENVIRONMENTAL EASEMENT PROGRAM.**

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

“(b) **ELIGIBILITY; TERMINATION.**—

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

“(A) contains riparian corridors,

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

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

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

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

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

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

**"SEC. 1239A. DUTIES OF OWNERS; COMPONENTS OF PLAN.**

"(a) **DUTIES OF OWNERS.**—

"(1) **PLAN.**—In conjunction with the creation of an easement on any lands under this chapter, the owner of the farm or ranch wherein such lands are located must agree to implement a natural resource conservation management plan under subsection (b) approved by the Secretary in consultation with the Secretary of the Interior.

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

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

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

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

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

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

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

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

"(3) **VIOLATION.**—On the violation of the terms or conditions of the easement or related agreement entered into under this

section, the easement shall remain in force and the Secretary may require the owner to refund all or part of any payments received by the owner under this chapter, together with interest thereon as determined appropriate by the Secretary.

"(b) **COMPONENTS OF PLAN.**—The natural resource conservation management plan referred to in subsection (a)(1), (hereafter referred to as the 'plan')—

"(1) shall set forth—

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

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

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

**"SEC. 1239B. DUTIES OF THE SECRETARY.**

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

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

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

"(A) \$250,000; or

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

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

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

**"SEC. 1239C. PAYMENTS.**

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

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

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

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

"(c) **EASEMENT PAYMENTS; ACCEPTABILITY OF OFFERS.**—

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

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

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

"(B) the productivity of the land; and

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

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

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

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

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

"(f) **PAYMENT LIMITATION.**—

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

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

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

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

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

**"SEC. 1239D. CHANGES IN OWNERSHIP; MODIFICATION OF EASEMENT.**

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

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

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

or

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

**"(b) MODIFICATION; TERMINATION.—**

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

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

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

"(i) to carry out this chapter;

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

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

**"(2) TERMINATION.—**

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

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

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

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

**SEC. 144I. TREE PLANTING INITIATIVE.**

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

**"SEC. 1256. TREE PLANTING INITIATIVE.**

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

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

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

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

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

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

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

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

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

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

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

"(b) **AGREEMENTS WITH STATE FORESTRY AGENCIES.**—The Secretary shall encourage owners and operators of cropland who enter into agreements in accordance with this section to enlist the cooperative assistance of the State Forester or equivalent State official in obtaining technical and financial assistance for tree planting and maintenance activities in accordance with the provisions title XII of the Food, Agriculture, Conservation, and Trade Act of 1990."

#### **SEC. 1442. ADMINISTRATION OF CONSERVATION PROGRAMS.**

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

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

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

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

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

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

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

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

#### SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

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

#### "SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

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

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

#### SEC. 1444. MONITORING AND EVALUATION.

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

#### "SEC. 1246. MONITORING AND EVALUATION.

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

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

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

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

"(A) conservation practices on highly erodible lands;

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

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

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

additional recordkeeping or reporting requirement on the producer; and

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

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

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

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

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

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

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

**"(b) CONSERVATION MEASURE.**—At the Secretary's discretion, the control of insect pests on conservation reserve acreage that is most likely to incur a crop pest infestation that adversely affects surrounding commercial land may be considered a conservation measure or practice for the purposes of subsection 1234(b)."

**SEC. 1446. STATE TECHNICAL COMMITTEE.**

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

**"Subtitle G—State Technical Committees**

**"SEC. 1261. ESTABLISHMENT.**

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

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

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



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

#### **"SEC. 1262. RESPONSIBILITIES.**

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

#### **"(b) WETLAND AND WILDLIFE HABITAT PROTECTION GUIDELINES.—**

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

#### **"(2) CONTENT OF GUIDES.—**

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

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

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

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

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

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

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

"(4) highly erodible lands exemptions and appeals;

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

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

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

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

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

#### **SEC. 1447. TECHNICAL AND CONFORMING AMENDMENTS.**

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

(b) **TABLE OF CONTENTS.**—

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

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

"Sec. 1222. Delineation of wetlands; exemptions.";

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

"Sec. 1224. Fairness of compliance.";

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

"Subtitle D—Agricultural Resources Conservation Program"

"CHAPTER 1—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM

"Subchapter A—General Provisions

"Sec. 1230. Environmental Conservation Acreage Reserve Program.

*"Subchapter B—Conservation Reserve*

- "Sec. 1231. Conservation reserve.*
- "Sec. 1232. Duties of owners and operators.*
- "Sec. 1233. Duties of the Secretary.*
- "Sec. 1234. Payments.*
- "Sec. 1235. Contracts*
- "Sec. 1235A. Conversion of land subject to contract to other conserving uses.*
- "Sec. 1236. Base history.*

*"Subchapter C—Wetlands Reserve Program*

- "Sec. 1237. Wetlands Reserve Program.*
- "Sec. 1237A. Easements.*
- "Sec. 1237B. Duties of owners.*
- "Sec. 1237C. Duties of the Secretary.*
- "Sec. 1237D. Payments.*
- "Sec. 1237E. Changes in ownership; agreement modification; termination.*
- "Sec. 1237F. Administration and funding.*

*"CHAPTER 2—AGRICULTURAL WATER QUALITY INCENTIVES*

- "Sec. 1238. Policy.*
- "Sec. 1238A. Definitions.*
- "Sec. 1238B. Agricultural Water Quality Protection Program.*
- "Sec. 1238C. Eligible lands.*
- "Sec. 1238D. Technical assistance for water quality protection.*
- "Sec. 1238E. Demonstration and pilot programs.*
- "Sec. 1238F. Report to Congress.*

*"CHAPTER 3—ENVIRONMENTAL EASEMENT PROGRAM*

- "Sec. 1239. Environmental Easement Program.*
- "Sec. 1239A. Duties of owners; components of plan.*
- "Sec. 1239B. Duties of the Secretary.*
- "Sec. 1239C. Payments.*
- "Sec. 1239D. Changes in ownership; modification of easement."*

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

- "Sec. 1245. Authorization of appropriations.*
- "Sec. 1246. Monitoring and evaluation.*
- "Sec. 1247. Assistance for control of the spread of weeds and pests."*

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

- "Sec. 1256. Tree planting initiative."*

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

*"SUBTITLE G—STATE TECHNICAL COMMITTEES*

- "Sec. 1261. Establishment.*
- "Sec. 1262. Responsibilities."*

**Subtitle D—Other Conservation Measures****SEC. 1451. INTEGRATED FARM MANAGEMENT PROGRAM OPTION.**

*(a) ESTABLISHMENT.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall, by regulation, establish a voluntary program, to be known as the "Integrated Farm Management Program Option" (hereafter referred to in this section as the "program"), designed to assist producers of agricultural com-*

modities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship practices and systems.

(b) **DEFINITIONS.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the producer agrees to such termination, or

(B) the producer violates the terms and conditions of such contract.

**(h) PROGRAM RULES.—**

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

(2) **RESOURCE-CONSERVING CROPS ON REDUCED ACREAGE.**—Notwithstanding the provisions of title I of the Agricultural Act of 1949, acreage devoted to resource-conserving crops as part of a resource-conserving crop rotation under this program may also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program and up to 50 percent of the acreage so

designated shall be without restrictions on haying and grazing, except as provided in paragraph (5)(B), except that such acreage that is devoted to perennial cover on which cost-share assistance for the establishment of the perennial cover has been provided, shall not be credited towards the producer's resource-conserving crop requirement under a contract under this section.

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

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

(5) **HAYING AND GRAZING RESTRICTION.**—

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

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

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

(7) **PAYMENT ACREAGE LIMITATION.**—

(A) **IN GENERAL.**—No producers enrolled in a resource-conserving crop rotation shall be eligible to receive payments under farm programs for wheat, feed grains, cotton,

or rice under the Agricultural Act of 1949 on acreage equal to the average number of traditionally underplanted acres for the three years prior to enrolling in this program.

**(B) DEFINITION.—**

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

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

**SEC. 1452. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.**

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

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

**SEC. 1453. AMENDMENT TO THE NOXIOUS WEED ACT.**

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

**“SEC. 15. MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS.**

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

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

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

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

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

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



year after the requirement for such assessment or statement is ascertained.

**"(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—**

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

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

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

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

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

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

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

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

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

**"(3) FEDERAL LANDS.—**The term 'Federal lands' means lands managed by or under the jurisdiction of the Federal Government.

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

**"(A)** education;

**"(B)** preventive measures;

**"(C)** physical or mechanical methods;

**"(D)** biological agents;

**"(E)** herbicide methods;

**"(F)** cultural methods; and

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

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

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

"(B) includes consideration of—

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

"(ii) scientific evidence and current technology;

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

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

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

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

"(f) COORDINATION.—

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

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

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

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

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

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

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

#### SEC. 1454. IDENTIFYING THE EFFECTS OF FEDERAL PROGRAMS.

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

#### SEC. 1455. GREAT PLAINS CONSERVATION PROGRAM.

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

(1) in paragraph (1), by striking "1991" and inserting "2001"; and

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

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

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

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

#### **SEC. 1456. COMPOSTING RESEARCH AND EXTENSION PROGRAM.**

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

(b) **COMPOSTING INFORMATION.**—

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

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

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

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

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

(d) **COMPOSTING EXTENSION PROGRAM.**—Beginning not later than one year after the date of the enactment of this Act, the Secretary shall initiate extension efforts to inform the agricultural community and the general public regarding—

(1) the desirability and safety of compost derived from agricultural wastes;

(2) on-farm and other composting techniques; and

(3) procedures for using compost.

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

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

### **CHAPTER 1—WATERSHED PROTECTION AND FLOOD PREVENTION**

#### **SEC. 1461. RELATION OF BENEFITS TO AGRICULTURE.**

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

(1) by striking "Each such project" and all that follows through "1987," and inserting "Each project"; and

(2) by inserting after "agriculture" the following: ", including rural communities,".

#### **SEC. 1462. COST SHARE ASSISTANCE.**

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

##### **"SEC. 3A. COST SHARE ASSISTANCE.**

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

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

#### **SEC. 1463. DATA.**

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

##### **"SEC. 13. DATA.**

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

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

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

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

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

## CHAPTER 2—FARMLAND PROTECTION

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

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

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

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

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

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

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

(A) the State of Vermont; and

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

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

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

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

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

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

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

(8) **STATE TRUST FUND.**—The term “State trust fund” means a trust fund or an account established by an eligible State, approved to participate by the Secretary in the program, in which Federal funds received under this chapter are deposited for use by such trust fund.

## SEC. 1466. ESTABLISHMENT OF PROGRAM.

## (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

#### **SEC. 1467. FEDERAL ACCOUNTS.**

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

#### **SEC. 1468. APPLICATIONS AND ADMINISTRATION.**

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

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

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

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

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

**SEC. 1469. REPORT.**

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

**SEC. 1470. IMPLEMENTATION AND EFFECTIVE DATE.**

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

## **Subtitle F—Administration of Environmental Programs**

**SEC. 1471. ESTABLISHMENT OF THE AGRICULTURAL COUNCIL ON ENVIRONMENTAL QUALITY.**

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

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

**SEC. 1472. OFFICE OF AGRICULTURAL ENVIRONMENTAL QUALITY.**

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

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

(c) **STAFF.**—

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



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

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

(d) **DUTIES OF THE DIRECTOR.**—

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

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

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

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

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

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

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

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

**SEC. 1473. ENVIRONMENTAL QUALITY POLICY STATEMENT.**

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

(1) **POLICY STATEMENT.**—The Council shall develop an Environmental Quality Policy Statement that identifies goals and

objectives for addressing the effects of agriculture on environmental quality. The policy statement shall be based upon an assessment, in accordance with subparagraph (B), of the current status and level of effort, in terms of staff and funding, of programs at the Department of Agriculture to evaluate, prevent, and mitigate environmental problems that may result from agricultural production. The policy statement shall be revised at least every 5 years.

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

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

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

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

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

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

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

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

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

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

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

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

## **Subtitle G—Water Quality Research, Education, and Coordination**

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

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

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

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

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

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

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

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

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

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

(5) The term "Secretary" means the Secretary of Agriculture.

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

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

### **SEC. 1482. SOIL AND WATER ACTIVITIES.**

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

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

(c) **ACQUISITION OF WATER INFORMATION THROUGH THE NATIONAL RESOURCES INVENTORY.**—The Secretary shall determine within six months after the date of the enactment of this Act whether the na-

tional resources inventory can be modified to acquire useful information on water conditions and surface conditions that affect water quality and supply. In making this determination, the Secretary shall consider—

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

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

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

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

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

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

#### **SEC. 1483. STATE WATER QUALITY COORDINATION PROGRAM.**

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

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

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

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

(e) **PURPOSE.**—The water quality coordination program within each State shall serve as the focal point for coordinating the Depart-

ment's water programs with agencies of that State. In addition to other actions, each water quality coordination program shall—

(1) serve as the focal point within the State for the coordination of Department-supported agricultural water programs with the water programs being conducted by other Federal agencies within the State;

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

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

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

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

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

#### **SEC. 1484. WATER QUALITY AND NUTRIENT MANAGEMENT RESEARCH.**

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

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

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

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

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

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

(1) develop farming systems and practices which can prevent water contamination while maintaining and improving profitability, including—

(A) integrated crop management systems;

(B) sustainable agricultural practices;

(C) best management practices for use of plant nutrients and animal wastes;

(D) alternative methods of pest and disease control designed to integrate biological, cultural, host-resistance, and judicious use of pesticides; and

(E) improved methods for the storage, use, and safe disposal of potential contaminants;

(2) improve the understanding of the fate and transport of farm chemicals, plant nutrients, and animal wastes which can contaminate water and cause adverse human or environmental effects;

(3) develop integrated crop production systems which are more productive, use inputs more efficiently, and are more protective of the environment, including research on—

(A) nutrient management and use efficiency;

(B) soil and tissue testing and nutrient availability interactions with specific cropping systems;

(C) plant nutrient needs for nitrogen and elements in intensively managed cropping systems;

(D) enhancement of soil productivity;

(E) varietal and hybrid interactions with plant nutrient requirements and overall crop management;

(F) the relationship of soil microbial activity to nutrient management;

(G) suitability of cover crops in soil protection and nutrient conservation;

(H) the role of crop rotations in intensively managed cropping systems;

(I) legume management for nutrient conservation and environmental protection;

(J) interactions of improved nutrient use efficiency and efficient water use;

(K) nutrient availability interactions with soil physical conditions;

(L) nutrient balance effects on improved nitrogen use efficiency and lowered nitrate carryover in soils; and

(M) the importance of subsoil fertility in improved plant yields and nutrient use efficiency;

(4) monitor and evaluate the extent of water contamination from agricultural production methods;

(5) improve the understanding of the relationships between water use and the availability and quality of water;

- (6) improve the accuracy of yield and nutrient advisories;
- (7) improve the understanding of the ecological and biological aspects of agricultural production;
- (8) demonstrate the results of research conducted with funds provided under this section, undertaken in cooperation with the Extension Service, the Soil Conservation Service, and other entities;
- (9) reduce water contamination and improve water quality relating to the production of cut roses and other fresh cut flowers; and
- (10) meet other critical water quality research needs, as determined by the Secretary.

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

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

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

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

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

(b) **RESEARCH DATA BASE.**—

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

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

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

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

(2) **CONSULTATION.**—In preparing the report, the Secretary shall consult as appropriate with the Economic Research Service, the Extension Service, the Cooperative State Research Serv-

ice, the National Agricultural Statistics Service, the Soil Conservation Service, the United States Geological Survey, the Environmental Protection Agency, such other public and private persons as the Secretary determines appropriate.

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

## **Subtitle H—Pesticides**

### **SEC. 1491. PESTICIDE RECORDKEEPING.**

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

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

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

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

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



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

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

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

(f) **SURVEYS AND REPORTS.**—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall survey the records maintained under subsection (a) to develop and maintain a data base that is sufficient to enable the Secretary and the Administrator to publish annual comprehensive reports concerning agricultural and nonagricultural pesticide use. The Secretary and Administrator shall enter into a memorandum of understanding to define their respective responsibilities under this subsection in order to avoid duplication of effort. Such reports shall be transmitted to Congress not later than April 1 of each year.

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

#### **SEC. 1492. DATA IN SUPPORT OF REGISTRATION.**

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

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

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

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

#### **SEC. 1494. VOLUNTARY CANCELLATION.**

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

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

"(1) **VOLUNTARY CANCELLATION.**—

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

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

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

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

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

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

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

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

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

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

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

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

# **SEC. 1495. PEST CONTROL.**

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

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

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

"(b) PEST CONTROL AVAILABILITY.—

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

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

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

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

"(2) REPORT.—The Secretary of Agriculture shall, not later than 180 days after the date of enactment of this subsection and annually thereafter, prepare a report and send the report to the Administrator. The report shall—

"(A) contain the information described in paragraph (1) and the information required by section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990;

"(B) identify the crucial pest control needs where a shortage of control methods is indicated by the information described in paragraph (1); and

"(C) describe in detail research and extension efforts designed to address the needs identified in subparagraph (B).

"(c) INTEGRATED PEST MANAGEMENT.—The Administrator, in cooperation with the Secretary of Agriculture, shall develop approaches to the control of pests based on integrated pest management that respond to the needs of producers, with a special emphasis on minor pests."

# **SEC. 1496. CONFORMING AMENDMENTS TO TABLE OF CONTENTS.**

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended—

(1) by striking out the item relating to section 6(f)(1) and inserting in lieu thereof the following new item:

"(1) Voluntary cancellation.";

(2) by adding at the end of the item relating to section 6(f) the following new item:

"(3) Transfer of registration of pesticides registered for minor agricultural uses."; and

(3) by striking the items relating to section 28 and inserting the following new items:

"Sec. 28. Identification of pests; cooperation with Department of Agriculture's program.

"(a) In general.

"(b) Pest control availability.

"(1) In general.

"(2) Report.

"(c) Integrated pest management."

**SEC. 1497. INTER-REGIONAL RESEARCH PROJECT NUMBER 4 (IR-4 PROGRAM).**

Section 2 of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively;

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this section as the 'IR-4 Program') to assist in the collection of residue and efficacy data in support of—

"(A) the registration or reregistration of minor use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

"(B) tolerances for residues of minor use chemicals in or on raw agricultural commodities under sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a, 348).

"(2) The Secretary shall carry out the IR-4 program in cooperation with the Administrator of the Environmental Protection Agency, State agricultural experiment stations, colleges and universities, extension services, private industry, and other interested parties.

"(3) In carrying out the IR-4 program, the Secretary shall give priority to registrations, reregistrations, and tolerances for pesticide uses related to the production of agricultural crops for food use.

"(4) As part of carrying out the IR-4 program, the Secretary shall—

"(A) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use;

"(B) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods; and

"(C) coordinate with other programs within the Department of Agriculture and the Environmental Protection Agency designed to develop and promote biological and other alternative control measures.

"(5) The Secretary shall prepare and submit, to appropriate Committees of Congress, a report on an annual basis that contains—

"(A) a listing of all registrations, reregistrations, and tolerances for which data has been collected in the preceding year;

"(B) a listing of all registration, reregistrations, and tolerances for which data collection is scheduled to occur in the following year, with an explanation of the priority system used to develop this list;

"(C) a listing of all activities the IR-4 program has carried out pursuant to paragraph (4).

"(6) The Secretary shall submit to Congress within one year of the date of the enactment of this paragraph a report detailing the feasibility of requiring recoupment of the costs of developing residue data for registrations, reregistrations or tolerances under this program. Such recoupment shall only apply to those registrants which make a profit on such registration, reregistration, or tolerance subse-

quent to residue data development under this program. Such report shall include:

"(A) an analysis of possible benefits to the IR-4 program of such a recoupment;

"(B) an analysis of the impact of such a payment on the availability of registrants to pursue registrations or reregistrations of minor use pesticides; and

"(C) recommendations for implementation of such a recoupment policy.

"(7) There are authorized to be appropriated \$25,000,000 for fiscal year 1991, and such sums as are necessary for subsequent fiscal years to carry out this section."; and

(3) by inserting in subsection (g) following "subsection (b)" the following: "and subsection (e)".

#### **SEC. 1498. BIOLOGICAL PESTICIDE HANDLING STUDY.**

(a) **STUDY.**—Not later than September 30, 1992, the National Academy of Sciences shall conduct a study of the biological control programs and registration procedures utilized by the Food and Drug Administration, the Animal and Plant Health Inspection Service, and the Environmental Protection Agency.

(b) **DEVELOPMENT OF PROCEDURES.**—Not later than 1 year after the completion of the study under subsection (a), the agencies and offices described in such subsection shall develop and implement a common process for reviewing and approving biological control applications that are submitted to such agencies and offices that shall be based on the study conducted under such subsection and the recommendation of the National Academy of Sciences, and other public comment.

#### **SEC. 1499. WATER POLICY WITH RESPECT TO AGRICHEMICALS.**

(a) **AUTHORITY.**—The Department of Agriculture shall be the principal Federal agency responsible and accountable for the development and delivery of educational programs, technical assistance, and research programs for the users and dealers of agrichemicals to insure that—

(1) the use, storage, and disposal of agrichemicals by users is prudent, economical, and environmentally sound; and

(2) agrichemical users, dealers, and the general public understand the implications of their actions and the potential effects on water.

The Secretary is authorized to undertake such programs and assistance in cooperation with other Federal, State, and local governments and agencies, and appropriate nonprofit organizations. The Secretary shall disseminate the results of efforts in extension, technical assistance, research, and related activities. The Secretary shall undertake activities under this subtitle in coordination with the Office of Environmental Quality in section 1612 of this Act.

(b) **AFFECT ON EXISTING AUTHORITY.**—The authority granted in subsection (a) does not alter or effect the responsibility of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(c) **PARTICIPATION.**—The following agencies shall participate in the Department's water program: the Agricultural Research Service; the Agricultural Stabilization and Conservation Service; the

*Animal Plant Health Inspection Service; the Cooperative State Research Service in conjunction with the system of State agricultural experiment stations; the Economic Research Service; the Extension Service, in conjunction with State and county cooperative extension services; the Forest Service; the National Agricultural Library; the National Agricultural Statistics Service; the Soil Conservation Service; and other agencies within the Department deemed appropriate by the Secretary.*

## **TITLE XV—AGRICULTURAL TRADE**

### **SEC. 1501. SHORT TITLE.**

*This title may be cited as the "Agricultural Development and Trade Act of 1990".*

### **Subtitle A—Agricultural Trade Development and Assistance Act of 1954**

### **SEC. 1511. SHORT TITLE.**

*This subtitle may be cited as the "Mickey Leland Food for Peace Act".*

### **SEC. 1512. AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.**

*The Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended to read as follows:*

#### **"SECTION 1. SHORT TITLE.**

*"This Act may be cited as the 'Agricultural Trade Development and Assistance Act of 1954'.*

#### **"SEC. 2. UNITED STATES POLICY.**

*"It is the policy of the United States to use its abundant agricultural productivity to promote the foreign policy of the United States by enhancing the food security of the developing world through the use of agricultural commodities and local currencies accruing under this Act to—*

*"(1) combat world hunger and malnutrition and their causes;*

*"(2) promote broad-based, equitable, and sustainable development, including agricultural development;*

*"(3) expand international trade;*

*"(4) develop and expand export markets for United States agricultural commodities; and*

*"(5) foster and encourage the development of private enterprise and democratic participation in developing countries.*

#### **"SEC. 3. GLOBAL FOOD AID NEEDS.**

*"In view of the principal findings of the National Research Council of the National Academy of Sciences that doubling food aid above 1990 levels of about 10,000,000 metric tons per year would be necessary to meet projected global food needs throughout the decade of the nineties, it is the sense of Congress that the President should—*