

LEGISLATIVE SUMMARY FOR:**November 20, 2000**

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THIS WEEK

CONGRESS RECESSES - On November 14, 2000 the Congress passed H.J. Res. 125, the 16th Continuing Resolution this year. This Continuing Resolution will last until December 5, 2000. The Congress will be in recess until December 4, 2000. Only two appropriations bills remain to be passed, they are H.R. 4577, the Labor, Health and Human Services, and Education Appropriations, and H.R. 4516, the Legislative Branch Appropriations Bill. Congress is expected to address the last two spending bills when they return from recess.

LAST WEEK

PRESIDENT SIGNS WATERSHED REHABILITATION BILL - On November 9, 2000 the President signed H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000. Included in the legislation, are several other USDA authorization measures including H.R. 728, the Watershed Rehabilitation Amendments. The watershed rehabilitation language was amended to exclude language dealing with the Army Corps of Engineers and assessment of Works Progress Administration (WPA) dams. H. R. 4788 also contains provisions related to the Packers and Stockyards Act of 1921, transfer of electronic data, and rural energy costs.

NUTRIENT MANAGEMENT BRIEFING - Tom Christensen, Director, Animal Husbandry and Clean Water Programs, and Obie Ashford, National Leader for Animal Husbandry briefed the Senate Agriculture committee staff on Comprehensive Nutrient Management Plans Technical Guidance (CNMP) on November 9, 2000. Questions from the staff reflected interest in the Certification of Planners, the workload expectation, the impact of feed management, the role of States in the revision of NRCS technical standards, and the role of EPA in the process. A similar session was held for the House Agriculture Committee in October.

ESTUARY LEGISLATION - S.835, the Estuary and Clean Water Act of 2000 Conference Report was approved by the House and Senate and signed into law by the President on November 7, 2000. The law establishes a number of National Estuary Programs in specific estuaries throughout the nation. A Council will be established to approve project proposals. The Council will include the Secretary of Agriculture along with other Federal and State officials. NASA will monitor all projects. The Program is authorized at \$275 million for 5 years and is to be administered by the Army Corps of Engineers.

SUMMARY OF SESSION – Several legislative initiatives of interest to conservation were introduced during the course of 2000. A summary of some of these, and their status in the legislative process are as follows:

CROP INSURANCE - Two pieces of legislation were introduced to strengthen the safety net for agricultural producers. H.R. 2559, introduced by Rep. Larry Combest (R-TX) would provide greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program. S. 2251 introduced by Sen. Richard Lugar (R-IN) amends the Federal Crop Insurance Act to improve crop insurance coverage and provide agriculture producers with choices to manage risk. On March 23, 2000 the senate passed the companion measure, H.R. 2559, in lieu of S. 2251 by a vote of 95-5. The legislation would increase the federal share of crop insurance premiums in order to help the farm economy and end the reliance on disaster aid. The bill also includes provisions that will make a conservation plan a contingency for participation in the crop insurance program.

SHORT TERM CRP - Rep. Doug Bereuter (R-NE) introduced H.R. 3847 to amend the Agricultural Market Transition Act. The bill authorizes a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat. On March 20, 2000, the bill was referred to the House Subcommittee on General Farm Commodities Resource Conservation and Credit.

FREEDOM TO E-FILE - Senator Peter Fitzgerald (R-IL) introduced S. 777, the Freedom to E-File Act on April 13 1999. The bill passed by both the House and the Senate and was signed into law (P.L.106-222) by the President on June 21, 2000. The law requires the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically and to access public information regarding the programs administered by these agencies.

GROUNDWATER – Two bills were introduced in the second half of the 106th Congress that promote sustainable groundwater management of the southern Ogallala Aquifer. The bills H.R. 4726, introduced by Rep. Tom Udall (D-NM) and S. 2755, introduced by Sen. Jeff Bingaman (D-NM), both stalled in the committee process. The bills are similar in content and both aim to conserve water in the Ogallala Aquifer through various conservation practices. Both bills require that the Secretary of Agriculture create an incentive-based, cost-share program to encourage the conservation of the water supply in the High Plains. It is expected that new versions of the bills will be introduced in the 107th Congress.

CONSERVATION AND REINVESTMENT ACT (C.A.R.A.) – C.A.R.A. utilizes revenues from off shore oil production and reinvests the funds into conservation programs, including the Farmland Protection Program (FPP). The funding averages to about \$3 billion a year and does not need to be appropriated. A greater percentage funding would go to states with historic off shore oil production.

Several versions of C.A.R.A. made noise in the 106th Congress. H.R. 701 and H.R. 4377, both introduced by Rep. Don Young (R-AK) gained wide support in this Congress. H.R. 701 eventually gathered 315 co-sponsors and passed the House on May 1, 2000 (315-102). The Senate versions of the bill also received wide support. S. 25, S. 2123, and S. 2567, introduced by Senator Mary Landrieu (D-LA) and Senator Barbara Boxer (D-CA) received considerable time for floor statements and debate. After passage in the House, H.R. 701 was sent to the Senate for consideration. The legislation was placed on the Senate Calendar on September 14, 2000. No floor action was taken on C.A.R.A. in the Senate. Instead, a scaled-back version of C.A.R.A. was inserted into H.R. 4578, the Department of Interior Appropriations Bill. This appeared to be a deal brokered by the Administration and Senate leadership to help facilitate the stalled appropriations process. Because of C.A.R.A.'s great popularity among members of the House and Senate it is likely that it will be reintroduced in the 107th Congress.

THE UPPER MISSISSIPPI RIVER BASIN CONSERVATION ACT OF 2000 – H.R. 4013, introduced by Rep. Ron Kind (D-WI), is a comprehensive piece of legislation that would help monitor nutrients and sedimentation in the Upper Mississippi River Basin. The bill also calls for increases in NRCS program funding and acreage caps for CRP, EQIP, WHIP, and WRP. On September 13, 2000, Deputy Chief for Programs, Tom Weber testified before the Subcommittee on General Farm Commodities, Resource Conservation and Credit (Chairman Barrett, R-NE) of the House Agriculture Committee. In his testimony Deputy Chief Weber expressed the Administration's support of the legislation and also recommended that funding and acreage increases be raised to meet the President's FY 2001 budget proposal. The Administration also questioned the regional approach taken by H.R. 4013 instead of a more sweeping national approach.

No floor action was taken on H.R. 4013. The bill did however, have bipartisan support. It is expected that this bill would be reintroduced in the 107th Congress.

CONSERVATION SECURITY PROGRAM (CSP) – In the last few days of the 106th Congress, a comprehensive conservation bill was introduced in the House and the Senate. The Conservation Security Program provides for a vast series of voluntary incentive-based programs for private landowners. Rep. David Minge (D-MN) introduced the House version, H.R. 5511, with 256 co-sponsors, the Senate version S. 3223, was introduced by Senator Tom Harkin (D-IA) and Senator Gordon Smith (R-OR). The legislation is seen as a starting point for the conservation title of the 2002 Farm Bill. No action was taken on either version of the bill in the 106th Congress, but it is expected that the legislation will be reintroduced in the 107th Congress. It is likely that this major piece of conservation legislation will receive considerable attention in the next Congress.

CARBON SEQUESTRATION – Two pieces of legislation were introduced in the Senate to promote understanding and encourage sequestration of carbon in cropland and grazing land. S.1066, introduced by Sen. Pat Roberts (R-KS), would authorize research into the effects of management and conservation on carbon storage, develop a soil carbon database and link it to soil survey maps at the county and state level; develop a carbon cycle remote sensing program and make payments to participating landowners. S. 2540, introduced by Sen. Sam Brownback (R-KS), would authorize a new 5 million-acre carbon sequestration program and permit owners and operators of land to enroll the land into the program at least 10 years. CRP land would not be eligible for enrollment and cost share payments could not be made for land receiving payments from other conservation programs. S.1066 was sent from the agriculture committee to the full Senate, but it did not come to a vote. S. 2540 never left the agriculture committee.

WETLAND RESERVE PROGRAM (WRP) REAUTHORIZATION – Two pieces of legislation were introduced to reauthorize WRP in the first session of the 106 Congress and carried over to the second session of the 106 Congress. S.1448, introduced by Sen. Tim Hutchinson (R-AR) would allow an annual enrollment of 250,000 acres into the program until the year 2005. H.R. 2066, introduced by Rep. Chip Pickering (R-MS), contains nearly identical provisions as the Senate bill. S.1448 currently has 21 cosponsors, and H.R. 2066 currently has 54 cosponsors. Neither bill received a hearing or markup by the agriculture committees during the second session of the 106 Congress.

FY 2001 AGRICULTURE APPROPRIATIONS - Here are several provisions that will impact NRCS programs:

- **Farmable Wetland Pilot** - Establishes a two-year program capped at 500,000 acres in CRP for a wetland and buffer pilot program in the states of MN, IA, ND, SD, MT, and NE. Requires an impact report about the pilot program by 2003.
- **Grazing** - A modification for incidental grazing on CRP land is added for all time except May 1 - August 1 for a reduced payment.

- **Good Faith Reliance** - Provisions are provided relief for owners/operators attempting to comply with terms of contract and enrollment requirements.
- **Cooperative Agreements** - Enables cooperative agreements to be used for the acquisition of goods and services, including personal services for all programs.
- **Wetland Reserve Program** - 100,000 additional acres are added raising the cap to 1,075,000 acres.
- **Wildlife Habitat Enhancement Program** - A portion of the funds provided in the Crop Insurance Act could be used to implement this program.
- **Conservation Reserve Program** - \$35 million is added for technical assistance.
- **Congressional Earmarks** - Over \$97 million is directed by House, Senate and Conference Reports in many programs including Conservation Operations, Emergency Watershed, and Farmland Protection to support specific projects or activities.
- **Aging Watersheds** - Authorization is provided to rehabilitate watersheds in MS, WI, NM, and OH using Emergency Watershed Protection funds, including \$8,000,000 in funding.
- **Common Computing Environment** - \$59,500,000 was allocated to implementing this effort with an emphasis to integrate geographic information systems. Other funding that is of interest to NRCS includes \$80,000,000 for Emergency Conservation Program, \$5 million for rural partnerships grants through Rural Development, \$3,000,000 for outreach to disadvantaged farmers, and \$9,250,000 for sustainable agriculture grants through the S.A.R.E. Program.
- **FY 2000 Supplemental Appropriations** - H.R. 3908 introduced by Skeen (R-NM) provided supplemental funding that would address technical assistance for CRP. The House passed the bill. The Senate incorporated the provisions for funding into the FY 2001 Agricultural Appropriations Conference Report and the Crop Insurance Act of 2000.

- **Farmland Protection** H.R.1950 was introduced by Rep. Farr (D-CA) and two similar bills in the Senate, S. 333 introduced by Sen. Leahy (D-VT) and S. 598 introduced by Sen. Santorum (R-PA). All the bills authorized new funding of \$50-55 million for the Farmland Protection Program and expanded eligible recipients to include non-profits. Although none of the bills left committee, a field hearing was held in Pennsylvania by the Senate Agriculture Subcommittee on Forestry, Conservation, and Rural Revitalization. Associate Chief Danny Sells and State Conservationist Janet Oertly presented testimony at the hearing.
- **Fishable Waters** - H.R. 4278 introduced by Rep. Tanner (D-TN) and 15 co-sponsors and a companion bill, S. 2441 sponsored by Sen. Bond (R-MO) would provide a cost-share program through the Secretary of Agriculture for watershed councils. The bill was not reported out of committee in either the House or Senate.
- **Total Maximum Daily Loads (TMDL)** Rep. Combest (R-TX) and Rep. Stenholm (D-TX) introduced H.R. 4502 with 97 co-sponsors. Sen. Crapo (R-ID) in the Senate introduced a companion bill, S. 2417. The bills authorize up to \$500 million for Section 319 grants; establishes a cost-sharing program for landowners with a 90% federal share; initiates a National Academy of Sciences study of non-point pollution; establishes a pilot watershed program for states with EPA approved non-point management plans that address TMDLs. On October 10, 2000 the Senate passed the bill under unanimous consent. The House has not taken action on the bill.

OTHER LEGISLATIVE INITIATIVES

NRCS Legislative Affairs staff will continue to track these and other issues and report on them as the 107th session begins. However, more information can always be found by logging on to the Library of Congress legislative resource homepage at:

<http://Thomas.loc.gov/>

WEEKLY SUMMARY STATUS – The NRCS Weekly Legislative Summary will resume when Congress reconvenes in January, 2001.

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