

115TH CONGRESS
2D SESSION

S. 2624

To amend the Food Security Act of 1985 to make adjustments to the environmental quality incentives program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

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

A BILL

To amend the Food Security Act of 1985 to make adjustments to the environmental quality incentives program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EQIP Improvement
5 Act of 2018”.

6 **SEC. 2. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**
7 **REFORMS.**

8 (a) IN GENERAL.—Section 1240B of the Food Secu-
9 rity Act of 1985 (16 U.S.C. 3839aa–2) is amended—

1 (1) in subsection (d), by striking paragraph (2)
 2 and inserting the following:

3 “(2) LIMITATION ON PAYMENTS.—A payment
 4 to a producer for performing a practice may not ex-
 5 ceed, as determined by the Secretary—

6 “(A) except as provided in subparagraphs
 7 (B) through (D), 75 percent of the costs associ-
 8 ated with planning, design, materials, equip-
 9 ment, installation, labor, management, mainte-
 10 nance, or training;

11 “(B) 40 percent of the costs associated
 12 with planning, design, materials, equipment, in-
 13 stallation, labor, management, maintenance, or
 14 training for—

15 “(i) an access road;

16 “(ii) an animal mortality facility;

17 “(iii) an aquaculture pond;

18 “(iv) clearing and snagging;

19 “(v) a dam;

20 “(vi) a dam using a diversion;

21 “(vii) a dike;

22 “(viii) a diversion;

23 “(ix) a fish raceway or tank;

24 “(x) an irrigation pipeline;

25 “(xi) an irrigation reservoir;

- 1 “(xii) land clearing;
- 2 “(xiii) land smoothing;
- 3 “(xiv) a livestock pipeline;
- 4 “(xv) obstruction removal;
- 5 “(xvi) a pond;
- 6 “(xvii) a pumping plant;
- 7 “(xviii) spoil spreading;
- 8 “(xix) a surface drain using a field
- 9 ditch;
- 10 “(xx) a main or lateral surface drain;
- 11 “(xxi) a vertical drain;
- 12 “(xxii) a waste facility closure;
- 13 “(xxiii) a waste storage facility;
- 14 “(xxiv) waste transfer; or
- 15 “(xxv) a waste treatment lagoon;
- 16 “(C) 100 percent of income foregone by
- 17 the producer; or
- 18 “(D) in the case of a practice that includes
- 19 one or more elements described in subpara-
- 20 graphs (A) through (C)—
- 21 “(i) 75 percent of the costs incurred
- 22 with respect to any elements described in
- 23 subparagraph (A);

1 “(ii) 40 percent of the costs incurred
 2 with respect to any elements described in
 3 subparagraph (B); and

4 “(iii) 100 percent of the income for-
 5 gone with respect to any elements de-
 6 scribed in subparagraph (C).”; and

7 (2) in subsection (f), by striking the subsection
 8 designation and heading and all that follows through
 9 “For each” in paragraph (2) and inserting the fol-
 10 lowing:

11 “(f) ALLOCATION OF FUNDING FOR WILDLIFE HABI-
 12 TAT.—For each”.

13 (b) LIMITATION ON PAYMENTS.—Section 1240G of
 14 the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is
 15 amended by striking “\$450,000” and inserting
 16 “\$150,000”.

17 (c) PROGRAM REFORMS.—Section 1240F of the Food
 18 Security Act of 1985 (16 U.S.C. 3839aa–6) is amended—

19 (1) in the matter preceding paragraph (1), by
 20 striking “To the extent” and inserting the following:

21 “(a) PRODUCER ASSISTANCE.—To the extent”; and

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

23 “(b) PROGRAM REFORMS.—Not later than 180 days
 24 after the date of enactment of this subsection, the Sec-
 25 retary shall—

1 “(1) coordinate the program with the conserva-
 2 tion effects assessments carried out by the Sec-
 3 retary—

4 “(A) to ensure that the conservation ef-
 5 fects assessments consider the practical limita-
 6 tions and costs and benefits encountered by the
 7 Secretary in implementing the program; and

8 “(B) to use information collected through
 9 conservation effects assessments carried out by
 10 the Secretary to direct funds of the program to
 11 contracts that will optimize environmental bene-
 12 fits; and

13 “(2) revise guidance issued to States with re-
 14 gards to allocation processes of program funds with-
 15 in the States to provide that, in determining the al-
 16 location of program funds within a State, the State
 17 should use data regarding environmental concerns, if
 18 available, as a primary factor to prioritize projects.”.

19 (d) HIGH-PRIORITY PRACTICES.—

20 (1) DEFINITION OF HIGH-PRIORITY PRAC-
 21 TICE.—Section 1240A of the Food Security Act of
 22 1985 (16 U.S.C. 3839aa–1) is amended—

23 (A) by redesignating paragraphs (2)
 24 through (5) as paragraphs (3) through (6), re-
 25 spectively; and

1 (B) by inserting after paragraph (1) the
 2 following:

3 “(2) HIGH-PRIORITY PRACTICE.—

4 “(A) IN GENERAL.—The term ‘high-pri-
 5 ority practice’ means a land management prac-
 6 tice or vegetative practice that, as determined
 7 by the Secretary, is a cost-effective means of
 8 addressing the most pressing specific impair-
 9 ments that threaten to degrade or impair—

10 “(i) water quality;

11 “(ii) water quantity;

12 “(iii) soil or related natural resources
 13 within a local watershed; or

14 “(iv) a specific natural resource
 15 boundary.

16 “(B) INCLUSIONS.—The term ‘high-pri-
 17 ority practice’ includes the planning, design,
 18 materials, equipment, installation, labor, man-
 19 agement, maintenance, or training for—

20 “(i) conservation cover;

21 “(ii) conservation crop rotation;

22 “(iii) cover crops;

23 “(iv) critical area planting;

24 “(v) a filter strip;

25 “(vi) nutrient management;

- 1 “(vii) prescribed grazing;
- 2 “(viii) residue and tillage management
- 3 using no till;
- 4 “(ix) a riparian forest buffer;
- 5 “(x) a riparian herbaceous cover; and
- 6 “(xi) tree and shrub establishment.”.

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

10 (A) by redesignating paragraphs (1)
 11 through (4) as paragraphs (2) through (5), re-
 12 spectively; and

13 (B) by inserting before paragraph (2) (as
 14 redesignated by subparagraph (A)) the fol-
 15 lowing—

16 “(1) that consist only of the performance of one
 17 or more high-priority practices;”.

18 (e) REPORT TO CONGRESS.—Section 1240B of the
 19 Food Security Act of 1985 (16 U.S.C. 3839aa–2) is
 20 amended by adding at the end the following:

21 “(j) ANNUAL REPORT TO CONGRESS.—Not less fre-
 22 quently than once each year, the Secretary shall submit
 23 to Congress a report describing—

1 “(1) the amount obligated under the program
2 with respect to each category of practice, with infor-
3 mation categorized by fiscal year and State; and

4 “(2) the amount obligated under the program
5 in each State, with information categorized by fiscal
6 year and the size of the operation of each pro-
7 ducer.”.

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