

118TH CONGRESS  
1ST SESSION

# H. R. 6821

To amend the Food Security Act of 1985 to establish a pilot program that focuses Department of Agriculture conservation funding on reducing the most problematic nutrients in the highest-impact areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2023

Ms. KAPTUR (for herself and Mr. GALLAGHER) introduced the following bill;  
which was referred to the Committee on Agriculture

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## A BILL

To amend the Food Security Act of 1985 to establish a pilot program that focuses Department of Agriculture conservation funding on reducing the most problematic nutrients in the highest-impact areas, 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 “Healthy Farms  
5 Healthy Watersheds Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) the Great Lakes, the Chesapeake Bay, and  
2 other water bodies of national significance are inte-  
3 gral to the health and wealth of millions of Ameri-  
4 cans;

5           (2) excessive loading of nutrients in these water  
6 bodies leads to eutrophication, harmful algal blooms,  
7 and dead zones that threaten human health and ad-  
8 versely impact fish and wildlife resources, tourism,  
9 and industry;

10          (3) the Federal Government, State and local  
11 governments, non-profit organizations, and private  
12 entities have expended billions of dollars to reduce  
13 nutrient loading in the Great Lakes, the Chesapeake  
14 Bay, and other water bodies of national significance;

15          (4) despite the investments described in para-  
16 graph (3), harmful algal blooms and dead zones con-  
17 tinue to occur in the Great Lakes, the Chesapeake  
18 Bay, and other water bodies of national significance;

19          (5) phosphorus, particularly dissolved reactive  
20 phosphorus, is a primary driver of eutrophication in  
21 the Great Lakes, the Chesapeake Bay tributaries,  
22 and other water bodies of national significance;

23          (6) targeted, strategic assistance to producers  
24 in agricultural sub-watersheds with high levels of  
25 dissolved reactive phosphorus loading has the poten-

1 tial to significantly improve water quality the Great  
2 Lakes, the Chesapeake Bay, and other water bodies  
3 of national significance; and

4 (7) the Natural Resources Conservation Service  
5 of the Department of Agriculture is well positioned  
6 to provide the targeted, strategic assistance de-  
7 scribed in paragraph (6) through its conservation  
8 programs.

9 **SEC. 3. HEALTHY FARMS HEALTHY WATERSHEDS ACTION**  
10 **PROGRAM.**

11 Subchapter A of chapter 4 of title XII of the Food  
12 Security Act of 1985 (16 U.S.C. 3839aa et seq.) is amend-  
13 ed by adding at the end the following:

14 **“SEC. 1240H-1. HEALTHY FARMS HEALTHY WATERSHEDS**  
15 **ACTION PROGRAM.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED AGREEMENT.—The term ‘cov-  
18 ered agreement’ means a contract or agreement  
19 under the program or a covered program entered  
20 into for purposes of the Healthy Farms Healthy Wa-  
21 tersheds Action Program carried out under this sec-  
22 tion.

23 “(2) COVERED PROGRAM.—The term ‘covered  
24 program’ means the following:

1           “(A) The agricultural conservation ease-  
2           ment program.

3           “(B) The regional conservation partnership  
4           program.

5           “(C) The conservation stewardship pro-  
6           gram, not including the grassland conservation  
7           initiative under section 1240L-1.

8           “(D) The conservation reserve program.

9           “(E) The programs established by the Sec-  
10          retary to carry out the Watershed Protection  
11          and Flood Prevention Act (16 U.S.C. 1001 et  
12          seq.), except for any program established by the  
13          Secretary to carry out section 14 (16 U.S.C.  
14          1012) of that Act.

15          “(3) ELIGIBLE ACTIVITY.—The term ‘eligible  
16          activity’ means a practice, activity, agreement, ease-  
17          ment, or related conservation measure that is avail-  
18          able under the statutory authority for the program  
19          or a covered program.

20          “(4) ELIGIBLE PARTNER.—The term ‘eligible  
21          partner’ means an eligible partner under the re-  
22          gional conservation partnership program established  
23          under subtitle I.

24          “(5) PRIORITY WATERSHED.—The term ‘pri-  
25          ority watershed’ means a watershed that is—

1           “(A) delineated at the hydrologic unit code  
2           level 12 in the Watershed Boundary Dataset  
3           managed by the United States Geological Sur-  
4           vey;

5           “(B) located in an area designated by the  
6           Secretary as a critical conservation area under  
7           section 1271F; and

8           “(C) designated by a Federal interagency  
9           task force or council, or other appropriate Fed-  
10          eral interagency group, as a watershed most in  
11          need of phosphorus reduction from agricultural  
12          activities to improve water quality in a large  
13          body of water of regional, national, or inter-  
14          national significance.

15          “(b) IN GENERAL.—The Secretary shall carry out a  
16          pilot program, to be known as the Healthy Farms Healthy  
17          Watersheds Action Program, to maximize reduction of dis-  
18          solved reactive phosphorus in priority watersheds through  
19          the implementation of eligible activities in such watersheds  
20          under the program and covered programs in fiscal years  
21          2025 through 2031.

22          “(c) ACTION PLANS.—

23                 “(1) IN GENERAL.—Using funds made available  
24                 under this subchapter, the Secretary shall select pri-  
25                 ority watersheds for purposes of the Healthy Farms

1 Healthy Watersheds Action Program and prepare  
2 for each priority watershed so selected an action  
3 plan to maximize reduction of dissolved reactive  
4 phosphorus through implementation of eligible ac-  
5 tivities in the watershed under the program and cov-  
6 ered programs.

7 “(2) ELEMENTS.—An action plan prepared  
8 under paragraph (1) shall include—

9 “(A) an appraisal of the extent to which  
10 each eligible activity available for implementa-  
11 tion in the watershed under the program or a  
12 covered program is effective at reducing dis-  
13 solved reactive phosphorus, based on existing  
14 data and analysis;

15 “(B) identification of target implementa-  
16 tion goals for each eligible activity available for  
17 implementation in the watershed under the pro-  
18 gram or a covered program that is determined  
19 by the Secretary to be effective at reducing dis-  
20 solved reactive phosphorus;

21 “(C) a strategy to monitor and adaptively  
22 manage implementation of the action plan, in-  
23 cluding implementation of applicable eligible ac-  
24 tivities, that—

1           “(i) leverages, to the maximum extent  
2           practicable, ongoing water quality moni-  
3           toring activities carried out in the water-  
4           shed by non-profit organizations, colleges  
5           and universities, and Federal, State, and  
6           local government agencies; and

7           “(ii) provides for the development and  
8           validation of integrated, reliable, and easy-  
9           to-use models for predicting changes in  
10          dissolved reactive phosphorus arising from  
11          implementation of such eligible activities;  
12          and

13          “(D) a strategy for enhanced outreach to  
14          identify and recruit eligible partners and pro-  
15          ducers in the watershed to increase adoption of  
16          eligible activities determined to be effective by  
17          the Secretary under subparagraph (B).

18          “(d) PRIORITIZATION.—The Secretary shall prioritize  
19          entering into covered agreements to demonstrate—

20                 “(1) non-digester methods to transition from  
21                 wet manure handling and storage to dry manure  
22                 handling and storage, including open solar drying or  
23                 composting of manure onsite, conversion of dairy  
24                 and livestock operations to pasture-based manage-  
25                 ment, solid separation technologies, vermifiltration,

1 and scrape conversion, provided that such methods  
2 do not otherwise result in the discharge or runoff of  
3 wastewater with high dissolved phosphorus content  
4 into a watershed;

5 “(2) methods to reduce dissolved reactive phos-  
6 phorus inputs to a priority watershed from land  
7 characterized by phosphorus—

8 “(A) that has accumulated from prior agri-  
9 cultural land management activities; and

10 “(B) the levels of which exceed agronomic  
11 rates; and

12 “(3) strategies to overcome barriers to imple-  
13 mentation of methods to reduce dissolve reactive  
14 phosphorus inputs to priority watersheds on vacant  
15 and leased land.

16 “(e) INCENTIVE PAYMENTS.—Notwithstanding any  
17 otherwise applicable limitation on payments under the pro-  
18 gram or a covered program, during the period described  
19 in subsection (b), the Secretary is authorized to make pay-  
20 ments to producers and eligible partners under covered  
21 agreements in accordance with a graduated scale of pay-  
22 ment amounts based on measured, quantitative reductions  
23 in dissolved reactive phosphorus achieved through the im-  
24 plementation of eligible activities under the covered agree-  
25 ments.



1 “(f) INTERPRETATION.—Nothing in this subsection  
2 shall be construed to affect—

3 “(1) the duration authorized for a contract or  
4 agreement under the program or a covered program;

5 “(2) any contract or agreement entered into  
6 under the program or a covered program prior to  
7 the date of enactment of the Healthy Farms Healthy  
8 Watersheds Act of 2023, including the process or  
9 criteria for renewing or extending such a contract or  
10 agreement; or

11 “(3) any requirements relating to the program  
12 or a covered program for any other purpose for  
13 which the program or covered program is imple-  
14 mented.

15 “(g) COORDINATION AND CONSISTENCY.—

16 “(1) IN GENERAL.—In carrying out the  
17 Healthy Farms Healthy Watersheds Action Pro-  
18 gram, the Secretary shall coordinate with relevant  
19 Federal agencies and State and local governments.

20 “(2) ACTION PLANS.—The Secretary shall en-  
21 sure that any action plan prepared for a priority wa-  
22 tershed under subsection (c) is consistent to the  
23 maximum extent practicable with any State water  
24 quality management plan that includes the priority  
25 watershed.

1       “(h) SUPPLEMENT NOT SUPPLANT.—Assistance pro-  
2 vided under the Healthy Farms Healthy Watersheds Ac-  
3 tion Program shall supplement, not supplant, assistance  
4 provided to eligible partners or producers in a priority wa-  
5 tershed under the program or a covered program for pur-  
6 poses other than the purposes of the Healthy Farms  
7 Healthy Watersheds Action Program.

8       “(i) REPORTS.—The Secretary shall provide to the  
9 Committee on Agriculture of the House of Representatives  
10 and to the Committee on Agriculture, Nutrition, and For-  
11 estry of the Senate—

12               “(1) not later than January 1, 2027, an interim  
13 report on implementation of the Healthy Farms  
14 Healthy Watersheds Action Program; and

15               “(2) not later than June 1, 2032, a final report  
16 on implementation of the Healthy Farms Healthy  
17 Watersheds Action Program.”.

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