

2 Congress finds that—

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

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

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

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

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

25 (6) targeted, strategic assistance to producers
26 in agricultural sub-watersheds with high levels of

1 dissolved reactive phosphorus loading has the poten-
2 tial to significantly improve water quality the Great
3 Lakes, the Chesapeake Bay, and other water bodies
4 of national significance; and

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

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

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

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

17 **“(a) DEFINITIONS.—**In this section:

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

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

“(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—

5

“(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
2
3
4
5
6
7
8
9
10
11
12
13
7

“(i) leverages, to the maximum extent practicable, ongoing water quality monitoring activities carried out in the watershed by non-profit organizations, colleges and universities, and Federal, State, and local government agencies; and

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

“(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,

g:\VF\120523\F120523.008.xml (901490|5)
December 5, 2023 (11:37 a.m.)

G:\M\18\KAPTUR\KAPTUR_017.XML

8

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.

g:\VF\120523\F120523.008.xml (901490|5)
December 5, 2023 (11:37 a.m.)

G:\M\18\KAPTUR\KAPTUR_017.XML

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.

g:\VF\120523\F120523.008.xml (901490|5)
December 5, 2023 (11:37 a.m.)

G:\M\18\KAPTUR\KAPTUR_017.XML

10

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.”.

g:\VF\120523\F120523.008.xml (901490|5)
December 5, 2023 (11:37 a.m.)