

106TH CONGRESS  
1ST SESSION

# H. R. 2793

To designate the Department of Agriculture as the lead Federal agency for national agricultural policy regarding conservation and the environment, including water quality research and modeling, water quality assessments and monitoring, and technical assistance for all agricultural activities conducted on agricultural lands, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. STENHOLM introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To designate the Department of Agriculture as the lead Federal agency for national agricultural policy regarding conservation and the environment, including water quality research and modeling, water quality assessments and monitoring, and technical assistance for all agricultural activities conducted on agricultural lands, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Agricultural Water Quality Policy Oversight Act of  
4 1999”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and definitions.
- Sec. 3. Interagency Agricultural Water Quality Policy Working Group.
- Sec. 4. Advisory committee to address agriculture-related water quality issues.
- Sec. 5. Other aspects of leadership role of Department of Agriculture.
- Sec. 6. Maintaining privacy of personal data received by Department of Agriculture and data gathering locations.
- Sec. 7. Agricultural water quality programs.

7 **SEC. 2. FINDINGS AND DEFINITIONS.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The Secretary of Agriculture must provide  
10 the leadership necessary to ensure that sound  
11 science is used to develop Federal policy decisions  
12 and rules regarding private agricultural lands and  
13 other rural lands.

14 (2) Public attention has gradually turned from  
15 the manufacturing industry toward agriculture as a  
16 source of water pollution.

17 (3) Various studies allege that agricultural pro-  
18 duction is a source of nutrients and other forms of  
19 non-point source pollution.

20 (4) Although many of these studies are based  
21 on erroneous or incomplete data, Federal agencies  
22 are continuing to increase the paperwork and finan-

1        cial burden on farmers and ranchers through regu-  
2        latory requirements based on these studies.

3            (5) Any Federal policy recommendations that  
4        may be issued by any Federal agency to address  
5        water pollution problems related to agricultural  
6        lands should be based on sound science, subject to  
7        adequate peer review, and should take into account  
8        the economic feasibility of implementing such rec-  
9        ommendations at the farm level.

10           (6) The majority of farmers and ranchers vol-  
11        untarily manage their land in ways that protect the  
12        productivity and quality of their soil.

13           (7) Federal, State, and local technical assist-  
14        ance efforts are ongoing to assist farmers and  
15        ranchers in implementing voluntary conservation  
16        measures to assess and reduce the risk of non-point  
17        source water pollution contributions from agricul-  
18        tural production.

19           (8) Farmers and ranchers seeking technical as-  
20        sistance from the Department of Agriculture share  
21        detailed data and information about their operations  
22        and trust that this information will be kept confiden-  
23        tial.

24        (b) DEFINITIONS.—In this Act:

1           (1) INTERAGENCY WORKING GROUP.—The term  
2           “Interagency Working Group” means the Inter-  
3           agency Agricultural Water Quality Policy Working  
4           Group established pursuant to section 3.

5           (2) ADVISORY COMMITTEE.—The term “advi-  
6           sory committee” means the advisory committee to  
7           address agriculture-related water quality issues es-  
8           tablished pursuant to section 4.

9           (3) SOUND SCIENCE.—The term “sound  
10          science” means technical or scientific information or  
11          techniques that have been subjected to independent  
12          peer review, publication in one or more scientific  
13          journals, or subjected to some other unbiased proc-  
14          ess which assures independent scholarly critique of  
15          research or field trial results and conclusions, includ-  
16          ing consideration of the accuracy of collection and  
17          analysis for all underlying data. In addition, in all  
18          cases where replication of research results is fea-  
19          sible, the term can be applied only to information or  
20          techniques that have demonstrated repeatable results  
21          in similar trials at other times or at multiple loca-  
22          tions.

1 **SEC. 3. INTERAGENCY AGRICULTURAL WATER QUALITY**  
2 **POLICY WORKING GROUP.**

3 (a) PURPOSE.—It is the purpose of this section to  
4 establish an executive branch working group, to be chaired  
5 by the Secretary of Agriculture, to—

6 (1) ensure that sound science is used to develop  
7 agricultural water quality policy; and

8 (2) provide advice and recommendations on the  
9 integration and coordination of Federal water qual-  
10 ity policy affecting private agricultural lands and  
11 other rural lands.

12 (b) ESTABLISHMENT.—There is established in the ex-  
13 ecutive branch a working group, to be known as the Inter-  
14 agency Agricultural Water Quality Policy Working Group.  
15 The Interagency Working Group shall include the fol-  
16 lowing members:

17 (1) The Secretary of Agriculture, or the des-  
18 ignee of the Secretary, who shall chair the Inter-  
19 agency Working Group.

20 (2) The Secretary of the Interior, or the des-  
21 ignee of the Secretary of the Interior. The designee  
22 of the Secretary of the Interior shall be an officer  
23 or employee of the Geological Survey.

24 (3) The Secretary of the Army, or the designee  
25 of the Secretary of the Army.

1           (4) The Secretary of Commerce, or the designee  
2 of the Secretary of Commerce. The designee of the  
3 Secretary of Commerce shall be an officer or em-  
4 ployee of the National Oceanic and Atmospheric Ad-  
5 ministration.

6           (5) The Administrator of the Environmental  
7 Protection Agency or the designee of the Adminis-  
8 trator.

9           (6) The heads of such other Federal agencies or  
10 other Executive Offices as the Secretary of Agri-  
11 culture considers appropriate or their designees.

12       (c) MEETINGS.—

13           (1) INITIAL MEETING.—Not later than 120  
14 days after the date of the enactment of this Act, the  
15 Interagency Working Group shall hold its first meet-  
16 ing.

17           (2) TIME FOR MEETINGS.—The Interagency  
18 Working Group shall meet at the call of the chair,  
19 but at least annually.

20           (3) QUORUM.—A majority of the members of  
21 the Interagency Working Group shall constitute a  
22 quorum to conduct business pursuant to this Act,  
23 but a lesser number of members may hold hearings  
24 to receive testimony.

1 (d) AGRICULTURE-RELATED WATER QUALITY POL-  
2 ICY CLEARANCE.—After the establishment of the Inter-  
3 agency Working Group, all new Federal water quality pol-  
4 icy affecting agricultural lands and other rural lands shall  
5 be subject to approval by the Interagency Working Group.

6 (e) ANALYSIS OF CURRENT POLICIES.—The Inter-  
7 agency Working Group shall conduct a thorough analysis  
8 of national water quality policy in effect as of the date  
9 of the enactment of this Act and affecting agricultural and  
10 rural lands. In conducting the study, the Interagency  
11 Working Group shall—

12 (1) review all existing Federal laws and pro-  
13 grams relating to agricultural water quality policy;

14 (2) review State, local, and tribal laws and pro-  
15 grams relating to agricultural water quality policy  
16 that the Interagency Working Group finds pertinent;

17 (3) review recent agricultural water quality pol-  
18 icy activities by Federal agencies and determine if  
19 these policies are backed by research and sound  
20 science;

21 (4) prepare recommendations on mechanisms to  
22 ensure that sound science is the foundation of agri-  
23 cultural water quality policy adopted after the date  
24 of the enactment of this Act;

1           (5) consult with State Governors and prepare  
2 recommendations on how Federal agricultural water  
3 quality policies and programs can be better inte-  
4 grated with ongoing State, local, and tribal pro-  
5 grams into a comprehensive national policy.

6           (f) SUBMISSION OF REPORT.—

7           (1) IN GENERAL.—Not later than 18 months  
8 after the date of the enactment of this Act, the  
9 Interagency Working Group shall submit a report to  
10 the President and Congress containing a detailed  
11 statement of the findings and conclusions of the  
12 Interagency Working Group derived from the study  
13 conducted by the Interagency Working Group under  
14 subsection (e), together with recommendations for  
15 such legislation and administrative actions as the  
16 Interagency Working Group considers appropriate.

17           (2) APPROVAL OF REPORT.—Before submission  
18 of the report, the contents of the report shall be ap-  
19 proved by majority vote of the Interagency Working  
20 Group. Members voting not to approve the contents  
21 shall be given the opportunity to submit dissenting  
22 views with the report.

23           (g) MISCELLANEOUS POWERS.—

24           (1) HEARINGS.—The Interagency Working  
25 Group may hold such hearings, sit and act at such

1 times and places, take such testimony, and receive  
2 such evidence as the Interagency Working Group  
3 considers necessary to carry out the duties of the  
4 Interagency Working Group.

5 (2) INFORMATION FROM FEDERAL AGENCIES.—

6 The Interagency Working Group may secure directly  
7 from any Federal agency such information as the  
8 Interagency Working Group considers necessary to  
9 carry out its duties. Upon request of the chair of the  
10 Interagency Working Group, the head of such agen-  
11 cy shall furnish such information to the Interagency  
12 Working Group.

13 **SEC. 4. ADVISORY COMMITTEE TO ADDRESS AGRI-**  
14 **CULTURE-RELATED WATER QUALITY ISSUES.**

15 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

16 The Secretary of Agriculture shall establish an advisory  
17 committee to address agriculture-related water quality  
18 issues, including research and modeling, agricultural  
19 water quality inventorying and monitoring activities, and  
20 the availability of conservation technical assistance for im-  
21 plementing agriculture-related water quality programs.

22 (b) COMPOSITION.—The advisory committee shall be  
23 comprised of representatives of the agriculture industry,  
24 agricultural producers, employees of the Department of  
25 Agriculture, research scientists from colleges and univer-

1 sities, and other experts in the fields of agriculture and  
2 water quality.

3 (c) DUTIES.—The advisory committee shall advise  
4 the Secretary of Agriculture on all major agriculture-re-  
5 lated water quality issues. The advisory committee shall  
6 initially report on—

7 (1) the role of the Department of Agriculture  
8 for providing oversight and coordination related to  
9 agricultural water quality and this Act;

10 (2) mechanisms to ensure sound science is uti-  
11 lized in agricultural water quality policy;

12 (3) options to ensure the financial burden of  
13 agriculture-related water quality regulations on indi-  
14 vidual farmers and ranchers is considered; and

15 (4) how best to provide assistance to priority  
16 watersheds as designated by States in the Unified  
17 Watershed Assessments completed as a part of the  
18 Clean Water Action Plan mandate.

19 (d) MEETINGS.—The advisory committee shall meet  
20 at such times as the Secretary of Agriculture may require  
21 in order to provide recommendations to the Secretary on  
22 all major agriculture-related water quality issues as policy  
23 is developed.

1 **SEC. 5. OTHER ASPECTS OF LEADERSHIP ROLE OF DE-**  
2 **PARTMENT OF AGRICULTURE.**

3 (a) **PROMOTION OF RESEARCH COOPERATION.**—The  
4 Secretary of Agriculture shall ensure cooperation between  
5 the Department of Agriculture and other Federal agencies  
6 in research activities regarding agriculture-related water  
7 quality in order to coordinate the activities and avoid du-  
8 plication.

9 (b) **OVERSIGHT OF RESEARCH RESULTS.**—The Sec-  
10 retary of Agriculture shall ensure, to the maximum extent  
11 possible, that the results of any agriculture-related water  
12 quality research conducted by Federal agencies be based  
13 on sound science and not report any erroneous data with  
14 respect to agriculture-related water quality. The Secretary  
15 shall ensure that sound science is available to all Federal  
16 agencies during the promulgation or revision of rules after  
17 the date of the enactment of this Act.

18 (c) **PAPERWORK BURDEN.**—To the maximum extent  
19 practicable, the Secretary of Agriculture shall review ef-  
20 forts by other Federal agencies to issue rules regarding  
21 agriculture-related water quality and make recommenda-  
22 tions designed to ensure that any required paperwork is  
23 minimized and does not impede the flow of normal agricul-  
24 tural activities.

1 **SEC. 6. MAINTAINING PRIVACY OF PERSONAL DATA RE-**  
2 **CEIVED BY DEPARTMENT OF AGRICULTURE**  
3 **AND DATA GATHERING LOCATIONS.**

4 (a) **PERSONAL DATA.**—Information or data provided  
5 to the Department of Agriculture by a person for the pur-  
6 pose of receiving technical advice or other assistance shall  
7 remain confidential to the agency providing the advice or  
8 assistance, including any local, State, or Federal agency  
9 cooperating with the Department of Agriculture in pro-  
10 viding such advice or assistance. Natural resource con-  
11 servation plans developed by or for a landowner or oper-  
12 ator under an education or natural resource conservation  
13 program or authority administered by the Secretary of Ag-  
14 riculture shall not be released by any person or agency  
15 to any other person, organization, or agency, except for  
16 local, State, or Federal agencies cooperating with the De-  
17 partment of Agriculture in providing technical advice or  
18 other assistance. This information and data are deemed  
19 to be commercial or financial information that is privileged  
20 or confidential.

21 (b) **INVENTORY, MONITORING AND SITE SPECIFIC**  
22 **DATA.**—In order to maintain the personal privacy, con-  
23 fidentiality, and cooperation of land-owners and operators,  
24 and to maintain the integrity of sample sites, the geo-  
25 graphic locations of Natural Resources Inventory of the  
26 Department of Agriculture data gathering sites are not

1 public information. Natural Resources Inventory and  
2 other inventory and monitoring site specific data are not  
3 to be released to the public unless they have been trans-  
4 formed into a statistical or aggregate form that does not  
5 allow identification of the individual landowner, operator  
6 or specific data gathering site.

7 (c) THIRD PARTY DATA COLLECTION.—Any data  
8 collected by a third party on private lands as a result of  
9 an agreement with the Department of Agriculture or using  
10 Department funds to collect information, produce a plan,  
11 or monitor sites is considered private and covered under  
12 subsection (a) and (b).

13 **SEC. 7. AGRICULTURAL WATER QUALITY PROGRAMS.**

14 Section 208(j) of the Federal Water Pollution Control  
15 Act (33 U.S.C. 1288) is amended—

16 (1) in paragraph (1)—

17 (A) by striking “Soil Conservation Service”  
18 and inserting “Natural Resources Conservation  
19 Service”;

20 (B) by striking “Such contracts may be  
21 entered into during the period ending not later  
22 than September 31, 1988.”; and

23 (2) by striking paragraphs (8) and (9) and in-  
24 serting the following new paragraph:

1       “(8) There are hereby authorized to be appropriated  
2 to the Secretary of Agriculture such sums as may be nec-  
3 essary to carry out this subsection for fiscal years 2000  
4 through 2010. Such sums shall remain available until ex-  
5 pended.”.

○