

118TH CONGRESS
1ST SESSION

H. R. 4327

To direct the Secretary of Agriculture to establish the alternative manure management program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2023

Mr. COSTA (for himself, Ms. PINGREE, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To direct the Secretary of Agriculture to establish the alternative manure management 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 “Converting Our Waste
5 Sustainably (COWS) Act of 2023”.

6 **SEC. 2. ALTERNATIVE MANURE MANAGEMENT PROGRAM.**

7 Chapter 5 of subtitle D of title XII of the Food Secu-
8 rity Act of 1985 (16 U.S.C. 3839bb et seq.) is amended
9 by adding at the end the following:

1 **“SEC. 1240S. ALTERNATIVE MANURE MANAGEMENT PRO-**
2 **GRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ALTERNATIVE MANURE MANAGEMENT
5 PROGRAM.—The term ‘alternative manure manage-
6 ment program’ means the program established under
7 subsection (b).

8 “(2) COVERED MANAGEMENT MEASURE.—The
9 term ‘covered management measure’ means a dairy
10 or livestock operation method that is used by an eli-
11 gible producer to reduce baseline methane emissions
12 and, where applicable, improve carbon sequestration
13 on the operation of such eligible producer, including
14 the measures described in subparagraphs (A)
15 through (D) in subsection (f)(2).

16 “(3) ELIGIBLE PRODUCER.—The term ‘eligible
17 producer’ means a dairy or livestock producer—

18 “(A) who agrees to reduce greenhouse gas
19 emissions by adopting at least 1 covered man-
20 agement measure as an alternative or com-
21 plement to anaerobic systems that capture
22 methane emissions;

23 “(B) whose baseline manure management
24 practices prior to enrollment in the alternative
25 manure management program include the an-
26 aerobic decomposition of volatile solids stored in

1 a lagoon or other predominantly liquid anaerobic environment; or

2
3 “(C) in the case of a dairy or livestock producer whose baseline manure management
4 practices prior to enrollment in the alternative
5 manure management program includes an anaerobic system that captures methane emissions,
6 that can replace or complement such an aerobic system with a covered management
7 measure.

8
9 “(4) PASTURE-BASED MANAGEMENT.—The
10 term ‘pasture-based management’ means a dairy or
11 livestock production system—

12 “(A) that eliminates or reduces the quantity of manure stored in anaerobic conditions;
13 and

14 “(B) in which the livestock spend all or a
15 substantial portion of time grazing on fields in
16 which some or all of the manure is deposited
17 and left in the field to decompose aerobically.

18 “(5) SOLID SEPARATION SYSTEM.—The term
19 ‘solid separation system’ means a system that is designed to separate liquid components of manure
20 from mineral and organic solid components of such
21 manure.

1 “(b) ESTABLISHMENT.—The Secretary shall estab-
2 lish an alternative manure management program to award
3 contracts to eligible producers to support carbon seques-
4 tration and greenhouse gas emissions reductions by imple-
5 menting covered management measures.

6 “(c) SUBMISSION OF INDIVIDUAL CONTRACT OF-
7 FERS.—To be eligible to participate in the alternative ma-
8 nure management program, an eligible producer shall sub-
9 mit to the Secretary a contract offer that details any cov-
10 ered management measure to be used on the operation of
11 such eligible producer.

12 “(d) CLUSTER CONTRACT OFFERS.—The Secretary
13 shall establish procedures under which—

14 “(1) a group of producers may submit a joint
15 contract offer for a shared composting facility; and

16 “(2) the Secretary will allocate payments to
17 each eligible producer associated with such joint con-
18 tract.

19 “(e) DUTIES OF SECRETARY.—

20 “(1) EVALUATION CRITERIA.—The Secretary
21 shall develop criteria for evaluating and ranking con-
22 tract offers to prioritize contract offers that will
23 maximize—

24 “(A) carbon sequestration;

1 “(B) greenhouse gas emissions reductions;
2 and

3 “(C) the overall environmental and public
4 health benefits.

5 “(2) PRIORITY.—In awarding contracts under
6 this section, the Secretary, using the criteria devel-
7 oped under paragraph (1), shall give priority to con-
8 tract offers that address air quality, water quality,
9 or other public health concerns associated with dairy
10 and livestock operations located near low-income or
11 underserved communities.

12 “(3) GROUPING OF CONTRACT OFFERS.—The
13 Secretary may group and evaluate contract offers
14 relative to other contract offers for similar farming
15 operations.

16 “(4) GEOGRAPHICAL DIVERSITY.—In awarding
17 contracts under this section, the Secretary shall en-
18 sure geographical diversity.

19 “(f) CONTRACT PROVISIONS.—

20 “(1) TERM.—A contract awarded under this
21 section shall have a term that does not exceed 3
22 years.

23 “(2) COVERED MANAGEMENT MEASURES.—
24 Each eligible producer requesting funding under the

1 alternative manure management program shall im-
2 plement at least one of the following:

3 “(A) With respect to pasture-based man-
4 agement—

5 “(i) adopting pasture-based manage-
6 ment;

7 “(ii) converting a non-pasture dairy or
8 livestock operation to pasture-based man-
9 agement;

10 “(iii) increasing the amount of time
11 livestock spend at pasture at an existing
12 pasture operation; or

13 “(iv) improving pasture-based man-
14 agement, including transitioning to man-
15 agement-intensive rotational grazing, as
16 defined in section 1240L(d).

17 “(B) Adopting alternative manure treat-
18 ment and storage practices, including—

19 “(i) the installation of a compost-bed-
20 ded pack barn that composts manure;

21 “(ii) the installation of a slatted floor
22 pit storage manure collection that is
23 cleaned out at least once a month; or

24 “(iii) other similar practices, as deter-
25 mined by the Secretary.

1 “(C) Adopting a solid separation system—

2 “(i) or—

3 “(I) installing a new solid separa-
4 tion system that has a significantly
5 higher separation efficiency than any
6 existing solid separation system; or

7 “(II) developing or retrofitting a
8 manure management system that pri-
9 marily avoids wet handling infrastruc-
10 ture; and

11 “(ii) in conjunction with one or more
12 of the following management measures:

13 “(I) Open solar drying or
14 composting of manure onsite.

15 “(II) Solar drying in an enclosed
16 environment.

17 “(III) Forced evaporation with
18 natural-gas fueled dryers.

19 “(IV) Storage of manure in
20 unconfined piles or stacks.

21 “(V) Composting in an enclosed
22 vessel, with forced aeration and con-
23 tinuous mixing.

24 “(VI) Composting in piles with
25 forced aeration without mixing.

1 “(VII) Composting in intensive
2 windrows with regular turning for
3 mixing and aeration.

4 “(VIII) Composting in passive
5 windrows with infrequent turning for
6 mixing and aeration.

7 “(IX) Vermiculture or
8 Vermifiltration.

9 “(X) Other similar management
10 measures, as determined by the Sec-
11 retary.

12 “(D) Adopting scrape technologies, includ-
13 ing vacuum technologies, in conjunction with
14 one of the management measures listed in sub-
15 clauses (I) through (IX) of subparagraph
16 (C)(ii).

17 “(3) DUTIES OF ELIGIBLE PRODUCERS UNDER
18 CONTRACT.—To receive payments under the alter-
19 native manure management program, an eligible
20 producer shall—

21 “(A) implement one or more covered man-
22 agement measures;

23 “(B) supply information as required by the
24 Secretary to determine compliance with the re-

1 quirements of the alternative manure manage-
2 ment program; and

3 “(C) comply with such additional provi-
4 sions as the Secretary determines are necessary
5 to carry out the alternative manure manage-
6 ment program.

7 “(g) PAYMENTS TO ELIGIBLE PRODUCERS.—

8 “(1) IN GENERAL.—During the fiscal years
9 2024 through 2029, the Secretary shall provide pay-
10 ments to eligible producers that enter into contracts
11 with the Secretary under the alternative manure
12 management program.

13 “(2) AVAILABILITY OF PAYMENTS.—Payments
14 provided to an eligible producer under this section
15 may be used to implement one or more covered man-
16 agement measures.

17 “(3) COST-SHARING.—

18 “(A) FEDERAL SHARE.—The Federal
19 share of the costs associated with planning, de-
20 sign, materials, equipment, installation, labor,
21 management, maintenance, and training related
22 to implementing a covered management meas-
23 ure under the alternative manure management
24 program shall not exceed 90 percent.

1 “(B) NON-FEDERAL SHARE.—The non-
2 Federal share of the costs described in subpara-
3 graph (A) may include in-kind contributions
4 from eligible producers that enter into a con-
5 tract under the alternative manure management
6 program.

7 “(4) LIMITATION ON PAYMENTS.—A person or
8 legal entity (including a joint venture and a general
9 partnership) may not receive, directly or indirectly,
10 payments under the alternative manure management
11 program that exceed \$825,000 during any 5-year pe-
12 riod.

13 “(5) ADVANCED PAYMENTS.—The Secretary
14 shall provide at least 50 percent of the amount of
15 total payments to an eligible producer in advance for
16 all costs related to—

17 “(A) purchasing or contracting materials
18 and equipment; or

19 “(B) any technical assistance provided by
20 the Secretary.

21 “(h) MODIFICATION OR TERMINATION OF CON-
22 TRACTS.—

23 “(1) VOLUNTARY MODIFICATION OR TERMI-
24 NATION.—The Secretary may modify or terminate a

1 contract entered into with an eligible producer under
2 the alternative manure management program if—

3 “(A) such eligible producer agrees to such
4 modification or termination; and

5 “(B) the Secretary determines that such
6 modification or termination is in the public in-
7 terest.

8 “(2) INVOLUNTARY TERMINATION.—The Sec-
9 retary may terminate a contract under the alter-
10 native manure management program if the Sec-
11 retary determines that an eligible producer violated
12 such contract.

13 “(i) DUTIES OF THE SECRETARY.—The Secretary
14 shall—

15 “(1) determine and publish factors for esti-
16 mating the carbon sequestrations and greenhouse
17 gas emissions reductions for each covered manage-
18 ment measure, including the management measures
19 listed in subclauses (I) through (IX) in subsection
20 (f)(2)(C)(ii);

21 “(2) assist an eligible producer in achieving the
22 carbon sequestration, greenhouse gas emissions re-
23 duction, and other environmental and public health
24 goals of the alternative manure management pro-
25 gram by—

1 “(A) providing payments for developing
2 and implementing one or more covered manage-
3 ment measures, as appropriate; and

4 “(B) providing such eligible producer with
5 information, technical assistance, and training
6 to aid in implementation of the covered man-
7 agement measures; and

8 “(3) review the adequacy of existing conserva-
9 tion practice standards for supporting the covered
10 management measures and, if necessary—

11 “(A) revise existing conservation practice
12 standards; and

13 “(B) develop new conservation practice
14 standards.

15 “(j) TECHNICAL ASSISTANCE.—In providing tech-
16 nical assistance under the alternative manure manage-
17 ment program, the Secretary shall apply the provisions in
18 subsection (c) of section 1241 and section 1242, except
19 that the Secretary shall—

20 “(1) apportion not more than 15 percent of the
21 total funding available for the alternative manure
22 management program for the provision of technical
23 assistance; and

24 “(2) enter into cooperative agreements with
25 third-party providers with relevant expertise in the

1 covered management measures to ensure adequate
2 technical services are available to alternative manure
3 management program applicants.

4 “(k) FUNDING.—

5 “(1) IN GENERAL.—The Secretary shall use the
6 funds, facilities, and authorities of the Commodity
7 Credit Corporation to carry out the alternative ma-
8 nure management program (including the provision
9 of technical assistance described in subsection (i))
10 using \$1,500,000,000 for the period of fiscal years
11 2024 through 2028.

12 “(2) RESERVATION OF FUNDS.—The Secretary
13 shall reserve a majority of the funds made available
14 by paragraph (1) for —

15 “(A) beginning farmers or ranchers;

16 “(B) limited resource farmers and ranch-
17 ers;

18 “(C) socially disadvantaged farmers and
19 ranchers; and

20 “(D) farmers and ranchers that continue
21 to transition towards enhanced methods of se-
22 questering carbon dioxide, methane, or nitrous
23 oxide emissions.”.

1 **SEC. 3. ERODIBLE LAND AND WETLAND CONSERVATION**
2 **AND RESERVE PROGRAM.**

3 Section 1201(a) of the Food Security Act of 1985
4 (16 U.S.C. 3801(a)) is amended—

5 (1) by redesignating paragraphs (3) through
6 (27) as paragraphs (4) through (28), respectively;
7 and

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) COMPOSTING PRACTICE.—The term
11 ‘composting practice’ means—

12 “(A) an activity (including an activity that
13 does not require the use of a composting facil-
14 ity) to produce compost from organic waste
15 that is—

16 “(i) generated on a farm; or

17 “(ii) brought to a farm from the near-
18 by community; and

19 “(B) the use and active management of
20 compost on a farm to improve water retention
21 and soil health, subject to the condition that
22 such use shall be in compliance with applicable
23 Federal, State, and local laws.”.

1 **SEC. 4. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**

2 Section 1240A(6)(A)(ii) of the Food Security Act of
3 1985 (16 U.S.C. 3839aa–1(6)(A)(ii)) is amended by in-
4 serting “and composting practices” before the semicolon.

5 **SEC. 5. CONSERVATION STEWARDSHIP PROGRAM.**

6 Section 1240I(2)(B)(i) of the Food Security Act of
7 1985 (16 U.S.C. 3839aa–21(2)(B)(i)) is amended by in-
8 serting “and composting practices” after “drainage man-
9 agement systems”.

10 **SEC. 6. DELIVERY OF TECHNICAL ASSISTANCE.**

11 Section 1242(h) of the Food Security Act of 1985
12 (16 U.S.C. 3842(h)) is amended by adding at the end the
13 following:

14 “(5) DEVELOPMENT OF COMPOSTING PRACTICE
15 STANDARD.—Not later than one year after the date
16 of enactment of this paragraph, the Secretary
17 shall—

18 “(A) conduct a review of the composting
19 facilities practice standard and the soil carbon
20 amendment practice standard to determine
21 their adequacy in advancing alternative manure
22 management and on-farm composting genera-
23 tion and utilization; and

1 “(B) develop and implement a new con-
2 servation practice standard for the on-farm pro-
3 duction of compost.”.

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