

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To direct the Secretary of Agriculture to establish an 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 that eligible producer, including
14 the measures described in subparagraphs (A)
15 through (D) of subsection (f)(2).

16 "(3) ELIGIBLE PRODUCER.—The term 'eligible
17 producer' means a dairy or livestock producer—

18 "(A) whose baseline manure management
19 practices prior to enrollment in the alternative
20 manure management program include the an-
21 aerobic decomposition of volatile solids stored in
22 a lagoon or other predominantly liquid anaer-
23 obic environment; and

24 "(B) in the case of a dairy or livestock
25 producer whose baseline manure management
26 practices prior to enrollment in the alternative

1 manure management program include an anaer-
2 obic system that captures methane emissions,
3 who can replace or complement that anaerobic
4 system with a covered management measure.

5 “(4) PASTURE-BASED MANAGEMENT.—The
6 term ‘pasture-based management’ means a dairy or
7 livestock production system—

8 “(A) that eliminates or reduces the quan-
9 tity of manure stored in anaerobic conditions;
10 and

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

15 “(5) SOLID SEPARATION SYSTEM.—The term
16 ‘solid separation system’ means a system that is de-
17 signed to separate liquid components of manure
18 from mineral and organic solid components of that
19 manure.

20 “(b) ESTABLISHMENT.—The Secretary shall estab-
21 lish an alternative manure management program to award
22 contracts to eligible producers to support carbon seques-
23 tration and greenhouse gas emissions reductions by imple-
24 menting covered management measures.

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

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

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

11 “(2) the Secretary allocates payments to each
12 eligible producer associated with that joint contract.

13 “(e) DUTIES OF THE SECRETARY.—

14 “(1) EVALUATION CRITERIA.—The Secretary
15 shall develop criteria for evaluating and ranking con-
16 tract offers to prioritize contract offers that will
17 maximize—

18 “(A) carbon sequestration;

19 “(B) greenhouse gas emissions reductions;

20 and

21 “(C) the overall environmental and public
22 health benefits.

23 “(2) PRIORITY.—In awarding contracts under
24 this section, the Secretary, using the criteria devel-
25 oped under paragraph (1), shall give priority to con-

1 tract offers that address air quality, water quality,
2 or other public health concerns associated with dairy
3 and livestock operations located near low-income or
4 underserved communities.

5 “(3) GROUPING OF CONTRACT OFFERS.—The
6 Secretary may group and evaluate contract offers
7 relative to other contract offers for similar farming
8 operations.

9 “(4) GEOGRAPHICAL DIVERSITY.—In awarding
10 contracts under this section, the Secretary shall en-
11 sure geographical diversity.

12 “(f) CONTRACT PROVISIONS.—

13 “(1) TERM.—A contract awarded under this
14 section shall have a term that does not exceed 3
15 years.

16 “(2) COVERED MANAGEMENT MEASURES.—
17 Each eligible producer requesting funding under the
18 alternative manure management program shall im-
19 plement at least one of the following:

20 “(A) With respect to pasture-based man-
21 agement—

22 “(i) adopting pasture-based manage-
23 ment;

1 “(ii) converting a non-pasture dairy or
2 livestock operation to pasture-based man-
3 agement;

4 “(iii) increasing the amount of time
5 livestock spend at pasture at an existing
6 pasture operation; or

7 “(iv) improving pasture-based man-
8 agement, including transitioning to man-
9 agement-intensive rotational grazing (as
10 defined in section 1240L(d)(1)).

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

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

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

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

20 “(C)(i)(I) Adopting a solid separation sys-
21 tem;

22 “(II) installing a new solid separation sys-
23 tem that has a significantly higher separation
24 efficiency than any existing solid separation sys-
25 tem; or

1 “(III) developing or retrofitting a manure
2 management system that primarily avoids wet
3 handling infrastructure; and

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

6 “(I) Open solar drying or composting
7 of manure onsite.

8 “(II) Solar drying in an enclosed envi-
9 ronment.

10 “(III) Forced evaporation with nat-
11 ural-gas fueled dryers.

12 “(IV) Storage of manure in
13 unconfined piles or stacks.

14 “(V) Composting in an enclosed ves-
15 sel, with forced aeration and continuous
16 mixing.

17 “(VI) Composting in piles with forced
18 aeration without mixing.

19 “(VII) Composting in intensive wind-
20 rows with regular turning for mixing and
21 aeration.

22 “(VIII) Composting in passive wind-
23 rows with infrequent turning for mixing
24 and aeration.

1 “(IX) Other similar management
2 measures, as determined by the Secretary.

3 “(D) Adopting scrape technologies, includ-
4 ing vacuum technologies, in conjunction with
5 one of the management measures listed in sub-
6 clauses (I) through (IX) of subparagraph
7 (C)(ii).

8 “(3) DUTIES OF ELIGIBLE PRODUCERS UNDER
9 CONTRACT.—To receive payments under the alter-
10 native manure management program, an eligible
11 producer shall—

12 “(A) implement one or more covered man-
13 agement measures;

14 “(B) supply information as required by the
15 Secretary to determine compliance with the re-
16 quirements of the alternative manure manage-
17 ment program; and

18 “(C) comply with such additional provi-
19 sions as the Secretary determines are necessary
20 to carry out the alternative manure manage-
21 ment program.

22 “(g) PAYMENTS TO ELIGIBLE PRODUCERS.—

23 “(1) IN GENERAL.—During the period of fiscal
24 years 2024 through 2029, the Secretary shall pro-
25 vide payments to eligible producers that enter into

1 contracts with the Secretary under the alternative
2 manure management program.

3 “(2) AVAILABILITY OF PAYMENTS.—Payments
4 provided to an eligible producer under this section
5 may be used to implement one or more covered man-
6 agement measures.

7 “(3) PAYMENT AMOUNTS.—The Secretary may
8 provide a payment to an eligible producer under the
9 alternative manure management program for an
10 amount that is up to 100 percent of the costs associ-
11 ated with planning, design, materials, equipment, in-
12 stallation, labor, management, maintenance, and
13 training related to implementing a covered manage-
14 ment measure.

15 “(4) LIMITATION ON PAYMENTS.—A person or
16 legal entity (including a joint venture and a general
17 partnership) may not receive, directly or indirectly,
18 payments under the alternative manure management
19 program that exceed \$825,000 during any 5-year pe-
20 riod.

21 “(5) ADVANCED PAYMENTS.—The Secretary
22 shall provide at least 50 percent of the amount of
23 total payments to an eligible producer in advance for
24 all costs related to—

1 “(A) purchasing or contracting materials
2 and equipment; or

3 “(B) any technical assistance provided by
4 the Secretary.

5 “(h) MODIFICATION OR TERMINATION OF CON-
6 TRACTS.—

7 “(1) VOLUNTARY MODIFICATION OR TERMI-
8 NATION.—The Secretary may modify or terminate a
9 contract entered into with an eligible producer under
10 the alternative manure management program if—

11 “(A) that eligible producer agrees to that
12 modification or termination; and

13 “(B) the Secretary determines that the
14 modification or termination is in the public in-
15 terest.

16 “(2) INVOLUNTARY TERMINATION.—The Sec-
17 retary may terminate a contract under the alter-
18 native manure management program if the Sec-
19 retary determines that an eligible producer violated
20 that contract.

21 “(i) DUTIES OF THE SECRETARY.—The Secretary
22 shall—

23 “(1) determine and publish factors for esti-
24 mating the carbon sequestrations and greenhouse
25 gas emissions reductions for each covered manage-

1 ment measure, including the management measures
2 listed in subclauses (I) through (IX) of subsection
3 (f)(2)(C)(ii);

4 “(2) assist an eligible producer in achieving the
5 carbon sequestration, greenhouse gas emissions re-
6 duction, and other environmental and public health
7 goals of the alternative manure management pro-
8 gram by—

9 “(A) providing payments for developing
10 and implementing one or more covered manage-
11 ment measures, as appropriate; and

12 “(B) providing that eligible producer with
13 information, technical assistance, and training
14 to aid in implementation of the covered man-
15 agement measures; and

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

19 “(A) revise existing conservation practice
20 standards; and

21 “(B) develop new conservation practice
22 standards.

23 “(j) TECHNICAL ASSISTANCE.—In providing tech-
24 nical assistance under the alternative manure manage-

1 ment program, the Secretary shall apply sections 1241(c)
2 and 1242, except that the Secretary shall—

3 “(1) apportion not more than 15 percent of the
4 total funding available for the alternative manure
5 management program for the provision of technical
6 assistance; and

7 “(2) enter into cooperative agreements with
8 third-party providers with relevant expertise in the
9 covered management measures to ensure adequate
10 technical services are available to alternative manure
11 management program applicants.

12 “(k) FUNDING.—

13 “(1) IN GENERAL.—The Secretary shall use the
14 funds, facilities, and authorities of the Commodity
15 Credit Corporation to carry out the alternative ma-
16 nure management program (including the provision
17 of technical assistance described in subsection (j))
18 using \$1,500,000,000 for the period of fiscal years
19 2024 through 2028.

20 “(2) RESERVATIONS OF FUNDS.—The Sec-
21 retary shall use a majority of the funds made avail-
22 able by paragraph (1) for contract offers from small
23 and mid-sized dairy and livestock operations, includ-
24 ing—

25 “(A) beginning farmers or ranchers;

1 “(B) limited resource farmers and ranch-
2 ers; and

3 “(C) socially disadvantaged farmers and
4 ranchers.”.

5 **SEC. 3. ERODIBLE LAND AND WETLAND CONSERVATION**
6 **AND RESERVE PROGRAM.**

7 Section 1201(a) of the Food Security Act of 1985
8 (16 U.S.C. 3801(a)) is amended—

9 (1) by redesignating paragraphs (3) through
10 (27) as paragraphs (4) through (28), respectively;
11 and

12 (2) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) **COMPOSTING PRACTICE.**—The term
15 ‘composting practice’ means—

16 “(A) an activity (including an activity that
17 does not require the use of a composting facil-
18 ity) to produce compost from organic waste
19 that is—

20 “(i) generated on a farm; or

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

23 “(B) the use and active management of
24 compost on a farm to improve water retention
25 and soil health, subject to the condition that

1 such use shall be in compliance with applicable
2 Federal, State, and local laws.”.

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

4 Section 1240A(6)(A)(ii) of the Food Security Act of
5 1985 (16 U.S.C. 3839aa-1(6)(A)(ii)) is amended by in-
6 serting “and composting practices” before the semicolon.

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

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

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

13 Section 1242(h) of the Food Security Act of 1985
14 (16 U.S.C. 3842(h)) is amended by adding at the end the
15 following:

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

20 “(A) conduct a review of the composting
21 facilities practice standard and the soil carbon
22 amendment practice standard to determine
23 their adequacy in advancing alternative manure
24 management and on-farm composting genera-
25 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.”.