

107TH CONGRESS
1ST SESSION

H. R. 1321

To amend the conservation provisions of the Food Security Act of 1985 to establish a voluntary, incentive-based conservation security program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2001

Mr. THUNE (for himself, Mr. HINCHEY, Ms. KAPTUR, Mr. COOKSEY, Mr. WYNN, and Mr. BOSWELL) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the conservation provisions of the Food Security Act of 1985 to establish a voluntary, incentive-based conservation security program.

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 “Conservation Security
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In addition to producing food and fiber, ag-
9 ricultural producers can contribute to the public

1 good by providing improved soil productivity, clean
2 air and water, wildlife habitat, landscape and rec-
3 reational amenities, and other natural resources and
4 environmental benefits.

5 (2) Agricultural producers in the United States
6 have a long history of embracing environmentally
7 friendly conservation practices and desire to con-
8 tinue those practices and engage in new and addi-
9 tional conservation practices.

10 (3) Agricultural producers that engage in con-
11 servation practices—

12 (A) may not receive economic rewards for
13 implementing such conservation practices;

14 (B) should be encouraged to engage in
15 good stewardship; and

16 (C) should be rewarded for doing so.

17 (4) Despite significant progress in recent years,
18 significant environmental challenges on agricultural
19 land remain.

20 (5) Since the 1930's, when agricultural con-
21 servation became a national priority, Federal re-
22 sources for conservation assistance have declined
23 over 50 percent, when adjusted for inflation.

1 (6) Existing conservation programs do not pro-
2 vide opportunities for all interested agricultural pro-
3 ducers to participate.

4 (7) A voluntary, incentive-based conservation
5 program open to all agricultural producers that
6 qualify and desire to participate would—

7 (A) encourage greater improvement of nat-
8 ural resources and the environment;

9 (B) address the economic implications of
10 conservation practices in a manner consistent
11 with international obligations of the United
12 States; and

13 (C) enable United States farmers and
14 ranchers to produce food for a growing world
15 population.

16 (8) Total farm conservation planning can help
17 producers increase profitability, enhance resource
18 protection, and improve quality of life.

19 (9) On-farm practices may help deter invasive
20 species that jeopardize native species or impair agri-
21 cultural land of the United States.

22 (10) A conservation program that meets the cri-
23 teria described in paragraph (7) would help achieve
24 a better balance between Federal payments sup-
25 porting conservation on land used for agricultural

1 production and Federal payments for the purpose of
2 retiring agricultural land from production.

3 **SEC. 3. CONSERVATION SECURITY PROGRAM.**

4 (a) IN GENERAL.—Subtitle D of title XII of the Food
5 Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended
6 by adding at the end the following:

7 **“CHAPTER 6—CONSERVATION SECURITY**
8 **PROGRAM**

9 **“SEC. 1240P. DEFINITIONS.**

10 “In this chapter:

11 “(1) CONSERVATION PRACTICE.—The term
12 ‘conservation practice’ means a land-based farming
13 technique that—

14 “(A) requires planning, implementation,
15 management, and maintenance; and

16 “(B) promotes one or more of the purposes
17 described in section 1240Q(a).

18 “(2) CONSERVATION SECURITY CONTRACT.—
19 The term ‘conservation security contract’ means a
20 contract described in section 1240Q(e).

21 “(3) CONSERVATION SECURITY PLAN.—The
22 term ‘conservation security plan’ means a plan de-
23 scribed in section 1240Q(e).

1 “(4) CONSERVATION SECURITY PROGRAM.—The
2 term ‘conservation security program’ means the pro-
3 gram established under section 1240Q(a).

4 “(5) NUTRIENT MANAGEMENT.—The term ‘nu-
5 trient management’ means management of the quan-
6 tity, source, placement, form, and timing of the land
7 application of nutrients and other additions to soil—

8 “(A) to achieve or maintain adequate soil
9 fertility for agricultural production; and

10 “(B) to minimize the potential for loss of
11 environmental quality, including soil, water, and
12 air quality impairment.

13 “(6) RESOURCE-CONSERVING CROP.—The term
14 ‘resource-conserving crop’ means—

15 “(A) a perennial grass;

16 “(B) a legume grown for use as forage or
17 green manure;

18 “(C) a legume-grass mixture;

19 “(D) a small grain grown in combination
20 with a grass or legume, whether interseeded or
21 planted in succession; and

22 “(E) such other plantings, including trees,
23 as the Secretary considers appropriate for a
24 particular area.

1 “(7) RESOURCE-CONSERVING CROP ROTA-
2 TION.—The term ‘resource-conserving crop rotation’
3 means a crop rotation that—

4 “(A) includes at least one resource-con-
5 serving crop;

6 “(B) reduces erosion;

7 “(C) improves soil fertility and tilth; and

8 “(D) interrupts pest cycles.

9 “(8) RESOURCE MANAGEMENT SYSTEM.—The
10 term ‘resource management system’ means a system
11 of conservation practices and management relating
12 to land or water use that is designed to prevent re-
13 source degradation and permit sustained use of the
14 land and water.

15 **“SEC. 1240Q. CONSERVATION SECURITY PROGRAM.**

16 “(a) IN GENERAL.—The Secretary shall establish a
17 conservation security program to assist owners and opera-
18 tors of agricultural operations to promote, as is applicable
19 for each operation—

20 “(1) conservation of soil, water, energy, and
21 other related resources;

22 “(2) soil quality protection and improvement;

23 “(3) water quality protection and improvement;

24 “(4) air quality protection and improvement;

1 “(5) soil, plant, or animal health and well-
2 being;

3 “(6) diversity of flora and fauna;

4 “(7) on-farm conservation and regeneration of
5 biological resources, including plant and animal
6 germplasm;

7 “(8) wetland restoration, conservation, and en-
8 hancement;

9 “(9) wildlife habitat restoration, conservation,
10 and enhancement;

11 “(10) reduction of greenhouse gas emissions
12 and enhancement of carbon sequestration;

13 “(11) protection of human health and safety;

14 “(12) environmentally sound management of
15 invasive species; or

16 “(13) any similar conservation purpose (as de-
17 termined by the Secretary).

18 “(b) ELIGIBILITY.—

19 “(1) IN GENERAL.—To be eligible to participate
20 in the conservation security program (other than to
21 receive technical assistance under subsection (h)(6)
22 for the development of conservation security con-
23 tracts), an owner or operator shall—

24 “(A) develop and submit to the Secretary,
25 and obtain the approval of the Secretary of, a

1 conservation security plan that meets the re-
2 quirements of subsection (c); and

3 “(B) enter into a conservation security
4 contract with the Secretary to carry out the
5 conservation security plan.

6 “(2) INELIGIBLE LAND.—Land enrolled in the
7 conservation reserve program under subchapter B of
8 chapter I shall not be eligible for enrollment in the
9 conservation security program except for land en-
10 rolled in partial field conservation practice enroll-
11 ment options.

12 “(c) CONSERVATION SECURITY PLANS.—

13 “(1) IN GENERAL.—A conservation security
14 plan shall—

15 “(A) identify the resources and designated
16 land to be conserved under the conservation se-
17 curity plan;

18 “(B) describe the tier of conservation prac-
19 tices, and the particular conservation practices
20 to be implemented, maintained, or improved, in
21 accordance with subsection (d) on the land that
22 will be enrolled in the conservation security pro-
23 gram covered by the conservation security con-
24 tract for the specified term;

1 “(C) contain a schedule for the implemen-
2 tation, maintenance, or improvement of the con-
3 servation practices described in the conservation
4 security plan during the term of the conserva-
5 tion security contract;

6 “(D) meet the requirements of the highly
7 erodible land and wetland conservation require-
8 ments of subtitles B and C; and

9 “(E) contain such other terms as the Sec-
10 retary determines to be appropriate.

11 “(2) COMPREHENSIVE PLANNING.—The Sec-
12 retary shall encourage owners and operators that
13 enter into conservation security contracts—

14 “(A) to undertake a comprehensive exam-
15 ination of the opportunities for conserving nat-
16 ural resources and improving the profitability,
17 environmental health, and quality of life in rela-
18 tion to their entire agricultural operations;

19 “(B) to develop a long-term strategy for
20 implementing, monitoring, and evaluating con-
21 servation practices and environmental results in
22 the entire agricultural operation;

23 “(C) to participate in other Federal con-
24 servation programs; and

1 “(D) to maintain the agricultural integrity
2 of the land.

3 “(3) STATE AND LOCAL CONSERVATION PRIOR-
4 ITIES.—To the maximum extent practicable and in
5 a manner consistent with the conservation security
6 program, each conservation security plan shall ad-
7 dress the conservation priorities of the State and lo-
8 cality in which the agricultural operation is located
9 (as determined by the State conservationist in con-
10 sultation with the State technical committee estab-
11 lished under subtitle G and the local working groups
12 of the State technical committee).

13 “(d) CONSERVATION PRACTICES.—

14 “(1) IN GENERAL.—

15 “(A) ESTABLISHMENT OF TIERS.—The
16 Secretary shall establish 3 tiers of conservation
17 practices that are eligible for payment under a
18 conservation security contract.

19 “(B) CONSERVATION PRACTICE STAND-
20 ARDS.—To the maximum extent practicable, the
21 Secretary shall establish guidance standards for
22 implementation of eligible conservation prac-
23 tices that shall include measurable goals for en-
24 hancing and preventing degradation of re-
25 sources.

1 “(2) SUSTAINABLE ECONOMIC USES.—With re-
2 spect to land enrolled in the conservation security
3 program, including land use adjustment activities
4 specified under Tier II, the Secretary shall permit
5 economic uses of the land that—

6 “(A) maintain the agricultural nature of
7 land;

8 “(B) achieve the natural resource and en-
9 vironmental benefits of the plan; and

10 “(C) are approved as part of the conserva-
11 tion security plan.

12 “(3) ON-FARM RESEARCH AND DEMONSTRA-
13 TION.—With respect to land enrolled in the con-
14 servation security program that will be maintained
15 using a Tier II or Tier III conservation practice es-
16 tablished under paragraph (5), the Secretary may
17 approve a conservation security plan that includes
18 on-farm research and demonstration activities, in-
19 cluding innovative approaches to—

20 “(A) total farm planning;

21 “(B) total resource management;

22 “(C) integrated farming systems;

23 “(D) germplasm conservation and regen-
24 eration;

25 “(E) carbon sequestration;

1 “(F) agro-ecological restoration and wild-
2 life habitat restoration;

3 “(G) agro-forestry;

4 “(H) invasive species control; or

5 “(I) farm and environmental results moni-
6 toring and evaluation.

7 “(4) USE OF HANDBOOK AND GUIDES.—

8 “(A) IN GENERAL.—In determining eligible
9 conservation practices under the conservation
10 security program, the Secretary shall use the
11 National Handbook of Conservation Practices
12 and the field office technical guides of the Nat-
13 ural Resources Conservation Service.

14 “(B) ADJUSTMENTS.—After providing no-
15 tice and an opportunity for public participation,
16 the Secretary shall make such adjustments to
17 the National Handbook of Conservation Prac-
18 tices as are necessary to carry out this chapter.

19 “(C) PILOT TESTING.—

20 “(i) IN GENERAL.—Under any of the
21 three tiers of conservation practices estab-
22 lished under paragraph (5), the Secretary
23 may approve requests by an owner or oper-
24 ator for pilot testing of new technologies

1 and innovative conservation practices and
2 systems.

3 “(ii) INCORPORATION INTO STAND-
4 ARDS.—After evaluation by the Secretary
5 and provision of notice and an opportunity
6 for public participation, the Secretary may
7 incorporate new technologies and innova-
8 tive conservation practices and systems
9 into the standards for implementation of
10 conservation practices established under
11 paragraph (1)(B).

12 “(5) TIERS.—To carry out this subsection, the
13 Secretary shall establish the following three tiers of
14 conservation practices:

15 “(A) TIER I.—

16 “(i) IN GENERAL.—A conservation se-
17 curity plan for land enrolled in the con-
18 servation security program that will be
19 maintained using Tier I conservation prac-
20 tices shall—

21 “(I) address priority resource
22 concerns for the particular agricul-
23 tural operation;

1 “(II) apply to the total agricul-
2 tural operation or to a particular unit
3 of the agricultural operation;

4 “(III) cover both—

5 “(aa) conservation practices
6 that are being implemented as of
7 the date on which the conserva-
8 tion security contract is entered
9 into; and

10 “(bb) conservation practices
11 that are newly implemented
12 under the conservation security
13 contract; and

14 “(IV) meet applicable standards
15 for implementation of conservation
16 practices established under paragraph
17 (1)(B).

18 “(ii) CONSERVATION PRACTICES.—
19 Tier I conservation practices shall consist
20 of, as appropriate for the agricultural oper-
21 ation of an owner or operator, one or more
22 of the following basic conservation activi-
23 ties:

24 “(I) Soil conservation, quality,
25 and residue management.

1 “(II) Nutrient management.

2 “(III) Pest management.

3 “(IV) Invasive species manage-
4 ment.

5 “(V) Irrigation water conserva-
6 tion and water quality management.

7 “(VI) Grazing, pasture, and
8 rangeland management.

9 “(VII) Wildlife habitat manage-
10 ment, with special emphasis on spe-
11 cies identified by the natural heritage
12 program of the State.

13 “(VIII) Plant and animal
14 germplasm conservation, evaluation,
15 and development.

16 “(IX) Contour farming.

17 “(X) Strip cropping.

18 “(XI) Cover cropping.

19 “(XII) Recordkeeping.

20 “(XIII) Any other conservation
21 practice that the Secretary determines
22 to be appropriate and comparable to
23 other conservation practices described
24 in this clause.

25 “(B) TIER II.—

1 “(i) IN GENERAL.—A conservation se-
2 curity plan for land enrolled in the con-
3 servation security program that will be
4 maintained using Tier II conservation
5 practices shall—

6 “(I) address priority resource
7 concerns specified in the conservation
8 security plan covering the total agri-
9 cultural operation;

10 “(II) cover both—

11 “(aa) conservation practices
12 that are being implemented as of
13 the date on which the conserva-
14 tion security contract is entered
15 into; and

16 “(bb) conservation practices
17 that are newly implemented
18 under the conservation security
19 contract; and

20 “(III) meet applicable resource
21 management system criteria for the
22 priority resource concerns of the agri-
23 cultural operation.

24 “(ii) CONSERVATION PRACTICES.—
25 Tier II conservation practices shall consist

1 of, as appropriate for the agricultural oper-
2 ation of an owner or operator, Tier I con-
3 servation practices and one or more of the
4 following practices:

5 “(I) Resource-conserving crop ro-
6 tations.

7 “(II) Controlled, rotational graz-
8 ing.

9 “(III) Conversion of portions of
10 cropland from a soil-depleting use to a
11 soil-conserving use, including produc-
12 tion of cover crops.

13 “(IV) Partial field conservation
14 practices (including windbreaks, grass
15 waterways, shelter belts, filter strips,
16 riparian buffers, wetland buffers, con-
17 tour buffer strips, living snow fences,
18 crosswind trap strips, field borders,
19 grass terraces, wildlife corridors, and
20 critical area planting).

21 “(V) Wildlife habitat protection
22 and restoration.

23 “(VI) Prairie protection and res-
24 toration.

1 “(VII) Wetland protection and
2 restoration.

3 “(VIII) Any other conservation
4 practice involving modification of the
5 use of land that the Secretary deter-
6 mines to be appropriate and com-
7 parable to other conservation practices
8 described in this clause.

9 “(C) TIER III.—

10 “(i) IN GENERAL.—A conservation se-
11 curity plan for land enrolled in the con-
12 servation security program that will be
13 maintained using Tier III conservation
14 practices shall—

15 “(I) address all resource concerns
16 of the total agricultural operation;

17 “(II) cover both—

18 “(aa) conservation practices
19 that are being implemented as of
20 the date on which the conserva-
21 tion security contract is entered
22 into; and

23 “(bb) conservation practices
24 that are newly implemented

1 under the conservation security
2 contract; and

3 “(III) meet applicable resource
4 management system criteria.

5 “(ii) CONSERVATION PRACTICES.—
6 Tier III conservation practices shall consist
7 of, as appropriate for the agricultural oper-
8 ation of an owner or operator—

9 “(I) appropriate Tier I and Tier
10 II conservation practices; and

11 “(II) development, implementa-
12 tion, and maintenance of a conserva-
13 tion security plan that, over the term
14 of the conservation security
15 contract—

16 “(aa) integrates a full com-
17 plement of conservation practices
18 to foster environmental enhance-
19 ment and the long-term sustain-
20 ability of the natural resource
21 base of an agricultural operation;
22 and

23 “(bb) improves profitability
24 and quality of life associated with
25 the agricultural operation.

1 “(e) CONSERVATION SECURITY CONTRACTS.—

2 “(1) IN GENERAL.—On approval of a conserva-
3 tion security plan of an owner or operator, the Sec-
4 retary shall enter into a conservation security con-
5 tract with the owner or operator to enroll the land
6 covered by the conservation security plan in the con-
7 servation security program.

8 “(2) TERM.—Subject to paragraphs (3) and
9 (4)—

10 “(A) a conservation security contract for
11 land enrolled in the conservation security pro-
12 gram that will be maintained using one or more
13 Tier I conservation practices shall have a term
14 of five years; and

15 “(B) a conservation security contract for
16 land enrolled in the conservation security pro-
17 gram that implements a conservation security
18 plan that meets the requirements of subpara-
19 graph (B) or (C) of subsection (d)(5) shall have
20 a term of five to 10 years, at the option of the
21 owner or operator.

22 “(3) MODIFICATIONS.—

23 “(A) OPTIONAL MODIFICATIONS.—

24 “(i) IN GENERAL.—The Secretary
25 shall provide regular opportunity for an

1 owner or operator to apply to the Sec-
2 retary to modify the conservation security
3 plan in a manner consistent with the pur-
4 poses of the conservation security program.

5 “(ii) APPROVAL BY THE SEC-
6 RETARY.—Any modification under clause
7 (i)—

8 “(I) shall be approved by the
9 Secretary; and

10 “(II) shall authorize the Sec-
11 retary to redetermine, if necessary,
12 the amount and timing of the pay-
13 ments pursuant to the conservation
14 security contract under subsection
15 (h)(2)(C).

16 “(B) REQUIRED MODIFICATIONS.—

17 “(i) IN GENERAL.—The Secretary
18 may in writing require an owner or oper-
19 ator to modify a conservation security con-
20 tract before the expiration of the conserva-
21 tion security contract if the Secretary de-
22 termines that a change made to the size,
23 the management, or any other aspect of
24 the agricultural operation of the owner or
25 operator would, without the modification,

1 interfere with achieving the purposes of the
2 conservation security program.

3 “(ii) PAYMENT SCHEDULE.—The Sec-
4 retary may adjust the payment schedule
5 under the conservation security contract to
6 reflect any modifications required under
7 this subparagraph.

8 “(iii) DEADLINE.—The Secretary may
9 terminate a conservation security contract
10 if a modification required under this sub-
11 paragraph is not submitted to the Sec-
12 retary in the form of an amended con-
13 servation security contract by the date that
14 is 90 days after the date of receipt of the
15 written request for the modification.

16 “(iv) TERMINATION.—An owner or
17 operator that is required to modify a con-
18 servation security contract under this sub-
19 paragraph may, in lieu of modifying the
20 contract—

21 “(I) terminate the conservation
22 security contract; and

23 “(II) retain payments received
24 under the conservation security con-
25 tract, if the owner or operator fully

1 complies with the obligations of the
2 owner or operator under the conserva-
3 tion security contract.

4 “(4) RENEWAL.—

5 “(A) IN GENERAL.—At the option of an
6 owner or operator, the conservation security
7 contract of the owner or operator may be re-
8 newed, for a term described in subparagraph
9 (B), if—

10 “(i) the owner or operator agrees to
11 any modification of the applicable con-
12 servation security contract that the Sec-
13 retary determines to be necessary to
14 achieve the purposes of the conservation
15 security program;

16 “(ii) the Secretary determines that
17 the owner or operator has complied with
18 the terms and conditions of the conserva-
19 tion security contract, including the con-
20 servation security plan; and

21 “(iii) in the case of a conservation se-
22 curity contract for land previously enrolled
23 in the conservation security program that
24 will continue to be enrolled on the basis of
25 one or more Tier I conservation practices,

1 the owner or operator meets resource man-
2 agement system criteria for the practices
3 operation covered by the conservation secu-
4 rity contract.

5 “(B) TERMS OF RENEWAL.—Under sub-
6 paragraph (A)—

7 “(i) a conservation security contract
8 for land enrolled in the conservation secu-
9 rity program that will be maintained using
10 a Tier I conservation practice may be re-
11 newed for five-year terms;

12 “(ii) a conservation security contract
13 for land enrolled in the conservation secu-
14 rity program that will be maintained using
15 a Tier II or Tier III conservation practice
16 may be renewed for five-year to 10-year
17 terms, at the option of the owner or oper-
18 ator; and

19 “(iii) previous participation in the
20 conservation security program does not bar
21 renewal more than once.

22 “(f) NO VIOLATION FOR NONCOMPLIANCE DUE TO
23 CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER
24 OR OPERATOR.—The Secretary shall include in the con-
25 servation security contract a provision, and may modify

1 a conservation security contract under subsection
2 (e)(3)(B), to ensure that an owner or operator shall not
3 be considered in violation of a conservation security con-
4 tract for failure to comply with the conservation security
5 contract due to circumstances beyond the control of the
6 owner or operator, including a disaster or related condi-
7 tion.

8 “(g) DUTIES OF OWNERS AND OPERATORS.—Under
9 a conservation security contract, an owner or operator
10 shall agree, during the term specified under the conserva-
11 tion security contract—

12 “(1) to implement the applicable conservation
13 security plan approved by the Secretary;

14 “(2) to keep appropriate records showing the
15 effective and timely implementation of the conserva-
16 tion security plan;

17 “(3) not to engage in any activity that would
18 interfere with the purposes of the conservation secu-
19 rity plan;

20 “(4) at the option of the Secretary, to refund
21 all or a portion of the payments to the Secretary if
22 the owner or operator fails to maintain a conserva-
23 tion practice, as specified in the conservation secu-
24 rity contract; and

1 “(5) on the violation of a term or condition of
2 the conservation security contract—

3 “(A) if the Secretary determines that the
4 violation warrants termination of the conserva-
5 tion security contract—

6 “(i) to forfeit all rights to receive pay-
7 ments under the conservation security con-
8 tract; and

9 “(ii) to refund to the Secretary all or
10 a portion of the payments received by the
11 owner or operator under the conservation
12 security contract, including an advance
13 payment and interest on the payments, as
14 determined by the Secretary; or

15 “(B) if the Secretary determines that the
16 violation does not warrant termination of the
17 conservation security contract, to refund to the
18 Secretary, or accept adjustments to, the pay-
19 ments provided to the owner or operator, as the
20 Secretary determines to be appropriate.

21 “(h) DUTIES OF THE SECRETARY.—

22 “(1) ADVANCE PAYMENT.—At the time at
23 which a person enters into a conservation security
24 contract, the Secretary shall make an advance pay-
25 ment to the person in an amount not to exceed—

1 “(A) in the case of a contract to maintain
2 Tier I conservation practices described in sub-
3 section (d)(5)(A), the greater of—

4 “(i) \$1,000; or

5 “(ii) 20 percent of the value of the
6 annual payment under the contract, as de-
7 termined by the Secretary;

8 “(B) in the case of a contract to maintain
9 Tier II conservation practices described in sub-
10 section (d)(5)(B), the greater of—

11 “(i) \$2,000; or

12 “(ii) 20 percent of the value of the
13 annual payment under the contract, as de-
14 termined by the Secretary; or

15 “(C) in the case of a contract to maintain
16 Tier III conservation practices described in sub-
17 section (d)(5)(C), the greater of—

18 “(i) \$3,000; or

19 “(ii) 20 percent of the value of the
20 annual payment under the contract, as de-
21 termined by the Secretary.

22 “(2) ANNUAL PAYMENTS.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graphs (B) through (D), under a conservation
25 security contract, the Secretary shall, in

1 amounts and for a period of years specified in
2 the conservation security contract, make an an-
3 nual payment to the person in an amount not
4 to exceed—

5 “(i) in the case of a contract to main-
6 tain Tier I conservation practices described
7 in subsection (d)(5)(A), \$20,000;

8 “(ii) in the case of a contract to main-
9 tain Tier II conservation practices de-
10 scribed in subsection (d)(5)(B), \$35,000;
11 or

12 “(iii) in the case of a contract to
13 maintain Tier III conservation practices
14 described in subsection (d)(5)(C), \$50,000.

15 “(B) INFLATION ADJUSTMENT.—The Sec-
16 retary may periodically, including at the time at
17 which a conservation security contract is re-
18 newed, adjust the payment and payment limita-
19 tions under subparagraph (A) to reflect changes
20 in the Prices Paid by Farmers Index.

21 “(C) CRITERIA FOR DETERMINING
22 AMOUNT OF PAYMENTS.—Subject to subpara-
23 graphs (A) and (D), the Secretary shall estab-
24 lish criteria for determining the amount of an

1 annual payment to a person under this para-
2 graph that—

3 “(i) shall be as objective and trans-
4 parent as practicable; and

5 “(ii) shall be based on—

6 “(I) the natural resource and en-
7 vironmental benefits expected as a re-
8 sult of the adoption, maintenance, and
9 improvement in implementation of the
10 conservation practices carried out by
11 the person;

12 “(II) the number of management
13 practices established or maintained;

14 “(III) the schedule for the con-
15 servation practices described in sub-
16 section (c)(1)(C);

17 “(IV) the cost of the adoption,
18 maintenance, and improvement in im-
19 plementation of conservation practices
20 that are newly implemented under the
21 conservation security contract;

22 “(V) the extent to which com-
23 pensation will ensure maintenance and
24 improvement of conservation practices
25 that are or have been implemented;

1 “(VI) the income loss or eco-
2 nomic value forgone by the person due
3 to land use adjustments resulting
4 from the adoption, maintenance, and
5 improvement of conservation prac-
6 tices;

7 “(VII) the extent to which the
8 conservation security plan meets ap-
9 plicable resource management system
10 standards;

11 “(VIII) the extent to which the
12 conservation security plan incor-
13 porates practices that optimize carbon
14 sequestration and minimize green-
15 house gas emissions;

16 “(IX) the costs associated with
17 any on-farm research, demonstration,
18 or pilot testing components of the
19 conservation security plan;

20 “(X) the extent to which the con-
21 servation security plan addresses
22 State and local conservation priorities
23 as provided for under subsection
24 (c)(3);

1 “(XI) the costs associated with
2 monitoring of results required under
3 the conservation security plan;

4 “(XII) participation in a water-
5 shed or regional land use plan involv-
6 ing at least 75 percent of landowners
7 in the targeted area;

8 “(XIII) the special considerations
9 associated with an owner or operator
10 that is a qualified beginning farmer or
11 rancher (as defined in section 343(a)
12 of the Consolidated Farm and Rural
13 Development Act (7 U.S.C. 1991(a)));

14 “(XIV) the extent of activities
15 undertaken beyond what is required to
16 comply with any applicable Federal,
17 State, and local law; and

18 “(XV) such other factors as the
19 Secretary determines to be appro-
20 priate to encourage participation in
21 the conservation security program and
22 to reward environmental stewardship.

23 “(D) LAND ENROLLED IN OTHER CON-
24 SERVATION PROGRAMS.—

1 “(i) IN GENERAL.—Notwithstanding
2 any other provision of law, if an owner or
3 operator has land enrolled in another con-
4 servation program administered by the
5 Secretary and has applied to enroll the
6 same land in the conservation program, the
7 owner or operator may elect to—

8 “(I) convert the contract under
9 the other conservation program to a
10 conservation security contract, with-
11 out penalty, except that this subclause
12 shall not apply to a long-term or per-
13 manent conservation or easement; or

14 “(II) have each annual payment
15 to the owner or operator under this
16 paragraph reduced to reflect payment
17 for practices the owner or operator re-
18 ceives under the other conservation
19 program, except that the annual pay-
20 ment under this paragraph may in-
21 clude incentives for qualified practices
22 that enhance or extend the conserva-
23 tion benefit achieved under the other
24 conservation program.

1 “(ii) PAYMENT LIMITATIONS.—If an
2 owner or operator has land enrolled in the
3 conservation security program and one or
4 more other conservation programs adminis-
5 tered by the Secretary, the Secretary shall
6 include all payments, other than easement
7 or rental payments, from the conservation
8 security program and the other conserva-
9 tion programs in applying the annual pay-
10 ment limitations under subparagraph (A).

11 “(E) WASTE STORAGE OR TREATMENT FA-
12 CILITIES.—An annual payment to an owner or
13 operator under this paragraph shall not be pro-
14 vided for the purpose of construction or mainte-
15 nance of animal waste storage or treatment fa-
16 cilities or associated waste transport or transfer
17 devices for animal feeding operations.

18 “(3) REGULATIONS.—

19 “(A) IN GENERAL.—The Secretary shall
20 issue regulations—

21 “(i) defining the term ‘person’ for the
22 purposes of this chapter—

23 “(I) which regulations shall con-
24 form, to the extent practicable, to the

1 regulations defining the term ‘person’
2 issued under section 1001; and

3 “(II) which term shall be defined
4 so that no individual directly or indi-
5 rectly may receive payments exceeding
6 the applicable amount specified in
7 paragraph (1) or (2);

8 “(ii) providing adequate safeguards to
9 protect the interests of tenants and share-
10 croppers, including provision for sharing,
11 on a fair and equitable basis; and

12 “(iii) prescribing such other rules as
13 the Secretary determines to be necessary
14 to ensure a fair and reasonable application
15 of the limitations established under para-
16 graphs (1) and (2).

17 “(B) PENALTIES FOR SCHEMES OR DE-
18 VICES.—

19 “(i) IN GENERAL.—If the Secretary
20 determines that a person has adopted a
21 scheme or device to evade, or that has the
22 purpose of evading, the regulations issued
23 under subparagraph (A), the person shall
24 be ineligible to participate in the conserva-
25 tion security program for the year for

1 which the scheme or device was adopted
2 and each of the following five years.

3 “(ii) FRAUD.—If the Secretary deter-
4 mines that fraud was committed in connec-
5 tion with the scheme or device, the person
6 shall be ineligible to participate in the con-
7 servation security program for the year for
8 which the scheme or device was adopted
9 and each of the following 10 years.

10 “(4) TERMINATION.—

11 “(A) IN GENERAL.—Subject to subsection
12 (g), the Secretary shall allow an owner or oper-
13 ator to terminate the conservation security con-
14 tract.

15 “(B) PAYMENTS.—The owner or operator
16 may retain any or all payments received under
17 a terminated conservation security contract if—

18 “(i) the owner or operator is in full
19 compliance with the terms and conditions,
20 including any maintenance requirements,
21 of the conservation security contract; and

22 “(ii) the Secretary determines that re-
23 tention of payment will not defeat the
24 goals enumerated in the conservation secu-
25 rity plan of the owner or operator.

1 “(5) TRANSFER OR CHANGE OF INTEREST IN
2 LAND SUBJECT TO CONSERVATION SECURITY CON-
3 TRACT.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the transfer, or change in
6 the interest, of an owner or operator in land
7 subject to a conservation security contract shall
8 result in the termination of the conservation se-
9 curity contract.

10 “(B) TRANSFER OF DUTIES AND
11 RIGHTS.—Subparagraph (A) shall not apply if,
12 not later than 60 days after the date of the
13 transfer or change in the interest in land, the
14 transferee of the land provides written notice to
15 the Secretary that all duties and rights under
16 the conservation security contract have been
17 transferred to the transferee.

18 “(6) TECHNICAL ASSISTANCE.—

19 “(A) IN GENERAL.—For each fiscal year,
20 the Secretary shall use such sums as are nec-
21 essary from funds of the Commodity Credit
22 Corporation to provide technical assistance to
23 owners and operators for the development and
24 implementation of conservation security con-
25 tracts.

1 “(B) TECHNICAL ASSISTANCE PROVIDED
2 BY PERSONS NOT AFFILIATED WITH DEPART-
3 MENT OF AGRICULTURE.—

4 “(i) IN GENERAL.—Under subpara-
5 graph (A), subject to clause (ii), technical
6 assistance provided by qualified persons
7 not affiliated with the Department of Agri-
8 culture, including farmers and ranchers,
9 may include—

10 “(I) conservation planning;

11 “(II) design, installation, and
12 certification of conservation practices;

13 “(III) training for producers; and

14 “(IV) such other activities as the
15 Secretary determines to be appro-
16 priate.

17 “(ii) COORDINATION BY THE SEC-
18 RETARY.—The Secretary shall provide
19 overall technical coordination and leader-
20 ship for the conservation security program,
21 including final approval of all conservation
22 security plans.

23 “(7) EDUCATION, OUTREACH, MONITORING,
24 AND EVALUATION.—

25 “(A) IN GENERAL.—

1 “(i) FUNDING.—In addition to the
2 amounts made available under paragraph
3 (6), for each fiscal year, the Secretary
4 shall use such sums as are necessary from
5 funds of the Commodity Credit Corpora-
6 tion to carry out education, outreach, mon-
7 itoring, and evaluation activities in support
8 of the conservation security program, of
9 which not less than 50 percent of the sums
10 shall be used for monitoring and evaluation
11 activities.

12 “(ii) AMOUNT.—For each fiscal year,
13 the amount made available under clause (i)
14 shall be not less than 40 percent of the
15 amount made available for technical assist-
16 ance under paragraph (6) for the fiscal
17 year.

18 “(B) USE OF PERSONS NOT AFFILIATED
19 WITH DEPARTMENT OF AGRICULTURE.—In car-
20 rying out activities described in subparagraph
21 (A), the Secretary may use persons not affili-
22 ated with the Department of Agriculture, in-
23 cluding networks of agricultural producers oper-
24 ating in a small watershed or other appropriate
25 locality.

1 “(C) INCLUDED ACTIVITIES.—Activities
2 described in subparagraph (A) may include in-
3 novative uses of computer technology and re-
4 mote sensing to monitor and evaluate resource
5 and environmental results on a local, regional,
6 or national level.

7 “(8) PROGRAM EVALUATION.—The Secretary
8 shall maintain data concerning conservation security
9 plans, conservation practices planned or imple-
10 mented, environmental outcomes, economic costs,
11 and related matters under this section.

12 “(9) CONFIDENTIALITY.—To maintain con-
13 fidentiality, the Secretary shall not release or dis-
14 close publicly the conservation security plan of an
15 owner or operator under this chapter unless the
16 Secretary—

17 “(A) obtains the authorization of the
18 owner or operator for the release or disclosure;

19 “(B) releases the information in an anony-
20 mous or aggregated form; or

21 “(C) is otherwise required by law to release
22 or disclose the plan.

23 “(10) MEDIATION AND INFORMAL HEARINGS.—
24 If the Secretary makes a decision under this chapter
25 that is adverse to an owner or operator, at the re-

1 quest of the owner or operator, the Secretary shall
2 provide the owner or operator with mediation serv-
3 ices or an informal hearing on the decision.

4 “(i) REPORTS.—Not later than 18 months after the
5 date of enactment of this chapter and at the end of each
6 two-year period thereafter, the Secretary shall submit to
7 Congress a report evaluating the results of the conserva-
8 tion security program, including—

9 “(1) an evaluation of the scope, quality, and
10 outcomes of the conservation practices carried out
11 under this section; and

12 “(2) recommendations for achieving specific
13 and quantifiable improvements for each of the pur-
14 poses specified in subsection (a).

15 “(j) FUNDING.—The Commodity Credit Corporation
16 shall make available to the Secretary, from funds of the
17 Corporation, such sums as are necessary to carry out this
18 chapter.”.

19 (b) ADMINISTRATION.—Section 1243(a) of the Food
20 Security Act of 1985 (16 U.S.C. 3843(a)) is amended—

21 (1) in paragraph (1)(C), by striking “and” at
22 the end;

23 (2) in paragraph (2), by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(3) the conservation security program estab-
2 lished under chapter 6 of subtitle D.”.

3 (c) STATE TECHNICAL COMMITTEES.—Section
4 1262(c)(8) of the Food Security Act of 1985 (16 U.S.C.
5 3862(c)(8)) is amended by striking “chapter 4” and in-
6 serting “chapters 4 and 6”.

7 **SEC. 4. REGULATIONS.**

8 The Secretary of Agriculture shall promulgate such
9 regulations as are necessary to carry out this Act and the
10 amendments made by this Act.

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