

107TH CONGRESS  
1ST SESSION

# S. 1326

To extend and improve working lands and other conservation programs  
administered by the Secretary of Agriculture.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. LUGAR introduced the following bill; which was read twice and referred  
to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To extend and improve working lands and other conservation  
programs administered by the Secretary of Agriculture.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Working Lands Conservation Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—WORKING LANDS CONSERVATION PROGRAMS**

Sec. 101. Environmental quality incentives program.

Sec. 102. Conservation reserve program.

Sec. 103. Wetlands reserve program.

- Sec. 104. Farmland protection program.  
 Sec. 105. Wildlife Habitat Incentive Program.

TITLE II—MISCELLANEOUS REFORMS AND EXTENSIONS

- Sec. 201. Privacy of personal information relating to natural resources conservation programs.  
 Sec. 202. Reform and consolidation of conservation programs.  
 Sec. 203. Certification of private providers of technical assistance.  
 Sec. 204. Extension of conservation authorities.  
 Sec. 205. Technical amendments.  
 Sec. 206. Effect of amendments.

1           **TITLE I—WORKING LANDS**  
 2           **CONSERVATION PROGRAMS**

3 **SEC. 101. ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
 4                                   **GRAM.**

5           (a) IN GENERAL.—Chapter 4 of subtitle D of title  
 6 XII of the Food Security Act of 1985 (16 U.S.C. 3839aa  
 7 et seq.) is amended to read as follows:

8           **“CHAPTER 4—ENVIRONMENTAL QUALITY**  
 9                                   **INCENTIVES PROGRAM**

10 **“SEC. 1240. PURPOSES.**

11           “The purposes of the environmental quality incen-  
 12 tives program established by this chapter are to promote  
 13 agricultural production and environmental quality as com-  
 14 patible national goals, and to maximize environmental  
 15 benefits per dollar expended, by—

16                           “(1) assisting producers in complying with this  
 17 title, the Federal Water Pollution Control Act (33  
 18 U.S.C. 1251 et seq.), the Safe Drinking Water Act  
 19 (42 U.S.C. 300f et seq.), the Clean Air Act (42

1 U.S.C. 7401 et seq.), and other Federal, State, and  
2 local environmental laws (including regulations);

3 “(2) avoiding, to the maximum extent prac-  
4 ticable, the need for resource and regulatory pro-  
5 grams by assisting producers in protecting soil,  
6 water, air, and related natural resources and meet-  
7 ing environmental quality criteria established by  
8 Federal, State, and local agencies;

9 “(3) providing flexible technical and financial  
10 assistance to producers to install and maintain con-  
11 servation systems that enhance soil, water, related  
12 natural resources (including grazing land and wet-  
13 land), and wildlife while sustaining production of  
14 food and fiber;

15 “(4) assisting producers to make beneficial, cost  
16 effective changes to cropping systems, grazing man-  
17 agement, nutrient management associated with live-  
18 stock, pest or irrigation management, or other prac-  
19 tices on agricultural land;

20 “(5) facilitating partnerships and joint efforts  
21 among producers and governmental and nongovern-  
22 mental organizations; and

23 “(6) consolidating and streamlining conserva-  
24 tion planning and regulatory compliance processes to

1       reduce administrative burdens on producers and the  
2       cost of achieving environmental goals.

3   **“SEC. 1240A. DEFINITIONS.**

4       “In this chapter:

5           “(1) COMPREHENSIVE NUTRIENT MANAGE-  
6       MENT.—

7           “(A) IN GENERAL.—The term ‘comprehen-  
8       sive nutrient management’ means any combina-  
9       tion of structural practices, land management  
10      practices, and management activities associated  
11      with crop or livestock production described in  
12      subparagraph (B) that collectively ensure that  
13      the goals of crop or livestock production and  
14      preservation of natural resources, especially the  
15      preservation and enhancement of water quality,  
16      are compatible.

17          “(B) ELEMENTS.—For the purpose of sub-  
18      paragraph (A), structural practices, land man-  
19      agement practices, and management activities  
20      associated with livestock production are—

21           “(i) manure and wastewater handling  
22           and storage;

23           “(ii) land treatment practices;

24           “(iii) nutrient management;

25           “(iv) recordkeeping;

1 “(v) feed management; and

2 “(vi) other waste utilization options.

3 “(C) PRACTICE.—

4 “(i) PLANNING.—The development of  
5 a comprehensive nutrient management  
6 plan shall be a practice that is eligible for  
7 incentive payments and technical assist-  
8 ance under this chapter.

9 “(ii) IMPLEMENTATION.—The imple-  
10 mentation of a comprehensive nutrient  
11 plan shall be accomplished through struc-  
12 tural and land management practices iden-  
13 tified in the plan.

14 “(2) ELIGIBLE LAND.—The term ‘eligible land’  
15 means agricultural land (including cropland, range-  
16 land, pasture, and other land on which crops or live-  
17 stock are produced), including agricultural land that  
18 the Secretary determines poses a serious threat to  
19 soil, water, or related resources by reason of the soil  
20 types, terrain, climatic, soil, topographic, flood, or  
21 saline characteristics, or other factors or natural  
22 hazards.

23 “(3) LAND MANAGEMENT PRACTICE.—The  
24 term ‘land management practice’ means a site-spe-  
25 cific nutrient or manure management, integrated

1 pest management, irrigation management, tillage or  
2 residue management, grazing management, air qual-  
3 ity management, or other land management practice  
4 carried out on eligible land that the Secretary deter-  
5 mines is needed to protect, in the most cost-effective  
6 manner, water, soil, or related resources from deg-  
7 radation.

8 “(4) LIVESTOCK.—The term ‘livestock’ means  
9 dairy cattle, beef cattle, laying hens, broilers, tur-  
10 keys, swine, sheep, and such other animals as deter-  
11 mined by the Secretary.

12 “(5) MAXIMIZE ENVIRONMENTAL BENEFITS  
13 PER DOLLAR EXPENDED.—

14 “(A) IN GENERAL.—The term ‘maximize  
15 environmental benefits per dollar expended’  
16 means to maximize environmental benefits to  
17 the extent the Secretary determines is prac-  
18 ticable and appropriate, taking into account the  
19 amount of funding made available to carry out  
20 this chapter.

21 “(B) LIMITATION.—The term ‘maximize  
22 environmental benefits per dollar expended’  
23 does not require the Secretary—

24 “(i) to provide the least cost practice  
25 or technical assistance; or

1                   “(ii) to require the development of a  
2                   plan under section 1240E as part of an  
3                   application for payments or technical as-  
4                   sistance.

5                   “(6) PRACTICE.—The term ‘practice’ means 1  
6                   or more structural practices, land management prac-  
7                   tices, and comprehensive nutrient management plan-  
8                   ning practices.

9                   “(7) PRODUCER.—The term ‘producer’ means a  
10                  person that is engaged in livestock or agricultural  
11                  production, as determined by the Secretary.

12                  “(8) STRUCTURAL PRACTICE.—The term ‘struc-  
13                  tural practice’ means—

14                         “(A) the establishment on eligible land of  
15                         a site-specific animal waste management facil-  
16                         ity, terrace, grassed waterway, contour grass  
17                         strip, filterstrip, tailwater pit, permanent wild-  
18                         life habitat, constructed wetland, or other struc-  
19                         tural practice that the Secretary determines is  
20                         needed to protect, in the most cost-effective  
21                         manner, water, soil, or related resources from  
22                         degradation; and

23                         “(B) the capping of abandoned wells on el-  
24                         igible land.

1 **“SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF**  
2 **ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
3 **GRAM.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—During each of the 2003  
6 through 2011 fiscal years, the Secretary shall pro-  
7 vide technical assistance, cost-share payments, and  
8 incentive payments to producers, that enter into con-  
9 tracts with the Secretary, through an environmental  
10 quality incentives program in accordance with this  
11 chapter.

12 “(2) ELIGIBLE PRACTICES.—

13 “(A) STRUCTURAL PRACTICES.—A pro-  
14 ducer that implements a structural practice  
15 shall be eligible for any combination of technical  
16 assistance, cost-share payments, and education.

17 “(B) LAND MANAGEMENT PRACTICES.—A  
18 producer that performs a land management  
19 practice shall be eligible for any combination of  
20 technical assistance, incentive payments, and  
21 education.

22 “(C) COMPREHENSIVE NUTRIENT MANAGE-  
23 MENT PLANNING.—A producer that develops a  
24 comprehensive nutrient management plan shall  
25 be eligible for any combination of technical as-  
26 sistance, incentive payments, and education.

1           “(3) EDUCATION.—The Secretary may provide  
2           conservation education at national, State, and local  
3           levels consistent with the purposes of the environ-  
4           mental quality incentives program to—

5                   “(A) any producer that is eligible for as-  
6                   sistance under this chapter; or

7                   “(B) any producer that is engaged in the  
8                   production of an agricultural commodity.

9           “(b) APPLICATION AND TERM.—A contract between  
10          a producer and the Secretary under this chapter may—

11                   “(1) apply to 1 or more structural practices,  
12                   land management practices, and comprehensive nu-  
13                   trient management planning practices;

14                   “(2) have a term of not less than 3, nor more  
15                   than 10, years, as determined appropriate by the  
16                   Secretary, depending on the practice or practices  
17                   that are the basis of the contract; and

18                   “(3) in the case of a structural practice or com-  
19                   prehensive nutrient management planning practice,  
20                   have a term of less than 3 years if the Secretary de-  
21                   termines that a lesser term is consistent with the  
22                   purposes of the program under this chapter.

23          “(c) APPLICATION AND EVALUATION.—

24                   “(1) IN GENERAL.—The Secretary shall estab-  
25                   lish an application and evaluation process for award-

1 ing technical assistance, cost-share payments, and  
2 incentive payments to a producer in exchange for the  
3 performance of 1 or more practices that maximizes  
4 environmental benefits per dollar expended.

5 “(2) COMPARABLE ENVIRONMENTAL VALUE.—

6 “(A) IN GENERAL.—The Secretary shall  
7 establish a process for selecting applications for  
8 technical assistance, cost-share payments, and  
9 incentive payments when there are numerous  
10 applications for assistance for practices that  
11 would provide substantially the same level of  
12 environmental benefits.

13 “(B) CRITERIA.—The process under sub-  
14 paragraph (A) shall be based on—

15 “(i) a reasonable estimate of the pro-  
16 jected cost of the proposals described in  
17 the applications; and

18 “(ii) the priorities established under  
19 this subtitle and other factors that maxi-  
20 mize environmental benefits per dollar ex-  
21 pended.

22 “(3) CONSENT OF OWNER.—If the producer  
23 making an offer to implement a structural practice  
24 is a tenant of the land involved in agricultural pro-  
25 duction, for the offer to be acceptable, the producer

1 shall obtain the consent of the owner of the land  
2 with respect to the offer.

3 “(4) BIDDING DOWN.—If the Secretary deter-  
4 mines that the environmental values of 2 or more  
5 applications for technical assistance, cost-share pay-  
6 ments, or incentive payments are comparable, the  
7 Secretary shall not assign a higher priority to the  
8 application only because it would present the least  
9 cost to the program established under this chapter.

10 “(d) COST-SHARE PAYMENTS.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), the Federal share of cost-share payments  
13 to a producer proposing to implement 1 or more  
14 practices shall be not more than 75 percent of the  
15 projected cost of the practice, as determined by the  
16 Secretary.

17 “(2) EXCEPTIONS.—

18 “(A) LIMITED RESOURCE AND BEGINNING  
19 FARMERS; NATURAL DISASTERS.—The Sec-  
20 retary may increase the maximum Federal  
21 share under paragraph (1) to not more than 90  
22 percent if the producer is a limited resource  
23 farmer or a beginning farmer or to address a  
24 natural disaster, as determined by the Sec-  
25 retary.

1           “(B) COST-SHARE ASSISTANCE FROM  
2 OTHER SOURCES.—Any cost-share payments re-  
3 ceived by a producer from a State or private or-  
4 ganization or person for the implementation of  
5 1 or more practices shall be in addition to the  
6 Federal share of cost-share payments provided  
7 to the producer under paragraph (1).

8           “(3) OTHER PAYMENTS.—A producer shall not  
9 be eligible for cost-share payments for practices on  
10 eligible land under this chapter if the producer re-  
11 ceives cost-share payments or other benefits for the  
12 same practice on the same land under chapter 1 and  
13 this chapter.

14           “(e) INCENTIVE PAYMENTS.—The Secretary shall  
15 make incentive payments in an amount and at a rate de-  
16 termined by the Secretary to be necessary to encourage  
17 a producer to perform 1 or more practices.

18           “(f) TECHNICAL ASSISTANCE.—

19           “(1) IN GENERAL.—The Secretary shall allo-  
20 cate funding under this chapter for the provision of  
21 technical assistance according to the purpose and  
22 projected cost for which the technical assistance is  
23 provided for a fiscal year.

24           “(2) AMOUNT.—The allocated amount may  
25 vary according to—

1           “(A) the type of expertise required;

2           “(B) the quantity of time involved; and

3           “(C) other factors as determined appro-  
4           priate by the Secretary.

5           “(3) LIMITATION.—Funding for technical as-  
6           sistance under this chapter shall not exceed the pro-  
7           jected cost to the Secretary of the technical assist-  
8           ance provided for a fiscal year.

9           “(4) OTHER AUTHORITIES.—The receipt of  
10          technical assistance under this chapter shall not af-  
11          fect the eligibility of the producer to receive tech-  
12          nical assistance under other authorities of law avail-  
13          able to the Secretary.

14          “(5) NON-FEDERAL ASSISTANCE.—

15                 “(A) IN GENERAL.—The Secretary may re-  
16                 quest the services of, and enter into a coopera-  
17                 tive agreement with, a State water quality  
18                 agency, State fish and wildlife agency, State  
19                 forestry agency, or any other governmental or  
20                 nongovernmental organization or person consid-  
21                 ered appropriate to assist in providing the tech-  
22                 nical assistance necessary to develop and imple-  
23                 ment conservation plans under the program.

24                 “(B) PRIVATE SOURCES.—

1           “(i) IN GENERAL.—The Secretary  
2 shall ensure that the processes of writing  
3 and developing proposals and plans for  
4 contracts under this chapter, and of assist-  
5 ing in the implementation of practices cov-  
6 ered by the contracts, are open to private  
7 persons, including—

8                   “(I) agricultural producers;

9                   “(II) representatives from agri-  
10 cultural cooperatives;

11                   “(III) agricultural input retail  
12 dealers;

13                   “(IV) certified crop advisers;

14                   “(V) persons providing technical  
15 consulting services; and

16                   “(VI) other persons, as deter-  
17 mined appropriate by the Secretary.

18           “(ii) OTHER CONSERVATION PRO-  
19 GRAMS.—The requirements of this sub-  
20 paragraph shall also apply to each other  
21 conservation program of the Department  
22 of Agriculture.

23           “(6) INCENTIVE PAYMENTS FOR TECHNICAL AS-  
24 SISTANCE.—

1           “(A) IN GENERAL.—A producer that is eli-  
2           gible to receive technical assistance for a prac-  
3           tice involving the development of a comprehen-  
4           sive nutrient management plan may obtain an  
5           incentive payment that can be used to obtain  
6           technical assistance associated with the develop-  
7           ment of any component of the comprehensive  
8           nutrient management plan.

9           “(B) PURPOSE.—The purpose of the pay-  
10          ment shall be to provide a producer the option  
11          of obtaining technical assistance for developing  
12          any component of a comprehensive nutrient  
13          management plan from a private person earlier  
14          than the producer would otherwise receive the  
15          technical assistance from the Secretary.

16          “(C) PAYMENT.—The incentive payment  
17          shall be—

18                 “(i) in addition to cost-share or incen-  
19                 tive payments that a producer would other-  
20                 wise receive for structural practices and  
21                 land management practices;

22                 “(ii) used only to procure technical as-  
23                 sistance from a private person that is nec-  
24                 essary to develop any component of a com-  
25                 prehensive nutrient management plan; and

1           “(iii) in an amount determined appro-  
2           priate by the Secretary, taking into  
3           account—

4                   “(I) the extent and complexity of  
5                   the technical assistance provided;

6                   “(II) the costs that the Secretary  
7                   would have incurred in providing the  
8                   technical assistance; and

9                   “(III) the costs incurred by the  
10                  private provider in providing the tech-  
11                  nical assistance.

12               “(D) ELIGIBLE PRACTICES.—The Sec-  
13               retary may determine, on a case by case basis,  
14               whether the development of a comprehensive  
15               nutrient management plan is eligible for an in-  
16               centive payment under this paragraph.

17               “(E) CERTIFICATION BY SECRETARY.—

18                   “(i) IN GENERAL.—Only private per-  
19                   sons that have been certified by the Sec-  
20                   retary under section 16 of the Soil Con-  
21                   servation and Domestic Allotment Act  
22                   shall be eligible to provide technical assist-  
23                   ance under this subsection.

24                   “(ii) QUALITY ASSURANCE.—The Sec-  
25                   retary shall ensure that certified private

1 providers are capable of providing technical  
2 assistance regarding comprehensive nutri-  
3 ent management in a manner that meets  
4 the specifications and guidelines of the  
5 Secretary and that meets the needs of pro-  
6 ducers under the environmental quality in-  
7 centives program.

8 “(F) ADVANCE PAYMENT.—On the deter-  
9 mination of the Secretary that the proposed  
10 comprehensive nutrient management of a pro-  
11 ducer is eligible for an incentive payment, the  
12 producer may receive a partial advance of the  
13 incentive payment in order to procure the serv-  
14 ices of a certified private provider.

15 “(G) FINAL PAYMENT.—The final install-  
16 ment of the incentive payment shall be payable  
17 to a producer on presentation to the Secretary  
18 of documentation that is satisfactory to the  
19 Secretary and that demonstrates—

20 “(i) completion of the technical assist-  
21 ance; and

22 “(ii) the actual cost of the technical  
23 assistance.

24 “(g) PARTNERSHIPS AND COOPERATION.—

1           “(1) PURPOSES.—The Secretary may designate  
2 special projects, as recommended by the State Con-  
3 servationist, with advice from the State technical  
4 committee, to enhance technical and financial assist-  
5 ance provided to several producers within a specific  
6 area to address environmental issues affected by ag-  
7 ricultural production with respect to—

8           “(A) meeting the purposes and require-  
9 ments of—

10           “(i) the Federal Water Pollution Con-  
11 trol Act (33 U.S.C. 1251 et seq.) or com-  
12 parable State laws in impaired or threat-  
13 ened watersheds;

14           “(ii) the Safe Drinking Water Act (42  
15 U.S.C. 300f et seq.) or comparable State  
16 laws in watersheds providing water for  
17 drinking water supplies; or

18           “(iii) the Clean Air Act (42 U.S.C.  
19 7401 et seq.) or comparable State laws; or

20           “(B) watersheds of special significance or  
21 other geographic areas of environmental sensi-  
22 tivity; or

23           “(C) enhancing the technical capacity of  
24 producers to facilitate community-based plan-  
25 ning, implementation of special projects, and

1 conservation education involving multiple pro-  
2 ducers within an area.

3 “(2) INCENTIVES.—To realize the objectives of  
4 the special projects under paragraph (1), the Sec-  
5 retary shall provide incentives to producers partici-  
6 pating in the special projects to encourage partner-  
7 ships and sharing of technical and financial re-  
8 sources among producers and among producers and  
9 governmental and nongovernmental organizations.

10 “(3) FUNDING.—

11 “(A) IN GENERAL.—The Secretary shall  
12 make available 5 percent of funds provided for  
13 each fiscal year under this chapter to carry out  
14 this subsection.

15 “(B) SPECIAL PROJECTS.—The purposes  
16 of the special projects under this subsection  
17 shall be to encourage—

18 “(i) producers to cooperate in the in-  
19 stallation and maintenance of conservation  
20 systems that affect multiple agricultural  
21 operations;

22 “(ii) sharing of information and tech-  
23 nical and financial resources; and

24 “(iii) cumulative environmental bene-  
25 fits across operations of producers.

1 “(4) FLEXIBILITY.—

2 “(A) IN GENERAL.—The Secretary may  
3 enter into agreements with States, local govern-  
4 mental and nongovernmental organizations, and  
5 persons to allow greater flexibility to adjust the  
6 application of eligibility criteria, approved prac-  
7 tices, innovative conservation practices, and  
8 other elements of the programs described in  
9 subparagraph (B) to better reflect unique local  
10 circumstances and goals in a manner that is  
11 consistent with the purposes of this chapter.

12 “(B) APPLICABLE PROGRAMS.—Subpara-  
13 graph (A) shall apply to—

14 “(i) the environmental quality incen-  
15 tives program established by this chapter;

16 “(ii) the program to establish con-  
17 servation buffers announced on March 24,  
18 1998 (63 Fed. Reg. 14109) or a successor  
19 program;

20 “(iii) the conservation reserve en-  
21 hancement program announced on May 27,  
22 1998 (63 Fed. Reg. 28965) or a successor  
23 program; and

24 “(iv) the wetlands reserve program es-  
25 tablished under subchapter C of chapter 1.

1           “(5) UNUSED FUNDING.—Any funds made  
2 available for a fiscal year under this subsection that  
3 are not obligated by June 1 of the fiscal year may  
4 be used to carry out other activities under this chap-  
5 ter during the fiscal year in which the funding be-  
6 comes available.

7           “(h) MODIFICATION OR TERMINATION OF CON-  
8 TRACTS.—

9           “(1) VOLUNTARY MODIFICATION OR TERMI-  
10 NATION.—The Secretary may modify or terminate a  
11 contract entered into with a producer under this  
12 chapter if—

13                   “(A) the producer agrees to the modifica-  
14 tion or termination; and

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

18           “(2) INVOLUNTARY TERMINATION.—The Sec-  
19 retary may terminate a contract under this chapter  
20 if the Secretary determines that the producer vio-  
21 lated the contract.

22 **“SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.**

23           “‘In evaluating applications for technical assistance,  
24 cost-share payments, and incentive payments, the Sec-

1   retary shall accord a higher priority to assistance and pay-  
2   ments that—

3           “(1) maximize environmental benefits per dollar  
4   expended; and

5           “(2)(A) address national conservation priorities  
6   involving—

7           “(i) comprehensive nutrient management;

8           “(ii) water quality, particularly in impaired  
9   watersheds;

10          “(iii) soil erosion; or

11          “(iv) air quality;

12          “(B) are provided in conservation priority areas  
13   established under section 1230(c); or

14          “(C) are provided in special projects under sec-  
15   tion 1240B(g) with respect to which State or local  
16   governments have provided, or will provide, financial  
17   or technical assistance to producers for the same  
18   conservation or environmental purposes.

19   **“SEC. 1240D. DUTIES OF PRODUCERS.**

20          “To receive technical assistance, cost-share pay-  
21   ments, or incentive payments under this chapter, a pro-  
22   ducer shall agree—

23           “(1) to implement an environmental quality in-  
24   centives program plan that describes conservation

1 and environmental goals to be achieved through 1 or  
2 more practices that are approved by the Secretary;

3 “(2) not to conduct any practices on the farm  
4 or ranch that would tend to defeat the purposes of  
5 this chapter;

6 “(3) on the violation of a term or condition of  
7 the contract at any time the producer has control of  
8 the land, to refund any cost-share or incentive pay-  
9 ment received with interest, and forfeit any future  
10 payments under this chapter, as determined by the  
11 Secretary;

12 “(4) on the transfer of the right and interest of  
13 the producer in land subject to the contract, unless  
14 the transferee of the right and interest agrees with  
15 the Secretary to assume all obligations of the con-  
16 tract, to refund all cost-share payments and incen-  
17 tive payments received under this chapter, as deter-  
18 mined by the Secretary;

19 “(5) to supply information as required by the  
20 Secretary to determine compliance with the environ-  
21 mental quality incentives program plan and require-  
22 ments of the program; and

23 “(6) to comply with such additional provisions  
24 as the Secretary determines are necessary to carry

1 out the environmental quality incentives program  
2 plan.

3 **“SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PRO-**  
4 **GRAM PLAN.**

5 “(a) IN GENERAL.—To be eligible to receive technical  
6 assistance, cost-share payments, or incentive payments  
7 under the environmental quality incentives program, an  
8 owner or producer of a livestock or agricultural operation  
9 must submit to the Secretary for approval a plan of oper-  
10 ations that incorporates practices covered under this chap-  
11 ter, and is based on such principles, as the Secretary con-  
12 siders necessary to carry out the program, including a de-  
13 scription of the practices to be implemented and the objec-  
14 tives to be met by the implementation of the plan.

15 “(b) AVOIDANCE OF DUPLICATION.—The Secretary  
16 shall, to the maximum extent practicable, eliminate dupli-  
17 cation of planning activities under the environmental qual-  
18 ity incentives program and comparable conservation pro-  
19 grams.

20 **“SEC. 1240F. DUTIES OF THE SECRETARY.**

21 “To the extent appropriate, the Secretary shall assist  
22 a producer in achieving the conservation and environ-  
23 mental goals of an environmental quality incentives pro-  
24 gram plan by—

1           “(1) providing technical assistance in devel-  
2           oping and implementing the plan;

3           “(2) providing technical assistance, cost-share  
4           payments, or incentive payments for developing and  
5           implementing 1 or more practices, as appropriate;

6           “(3) providing the producer with information,  
7           education, and training to aid in implementation of  
8           the plan; and

9           “(4) encouraging the producer to obtain tech-  
10          nical assistance, cost-share payments, or grants from  
11          other Federal, State, local, or private sources.

12 **“SEC. 1240G. LIMITATION ON PAYMENTS.**

13          “(a) IN GENERAL.—Subject to subsection (b), the  
14          total amount of cost-share and incentive payments paid  
15          to a producer under this chapter may not exceed—

16                 “(1) \$50,000 for any fiscal year; or

17                 “(2) \$150,000 for any multiyear contract.

18          “(b) ADJUSTMENTS.—The Secretary may modify the  
19          payment limitations for producers under subsection (a),  
20          on a case-by-case basis, if the Secretary determines that  
21          a different limitation—

22                 “(1) is warranted in light of 1 or more prac-  
23          tices for which the payment is made; and

1           “(2) maximizes environmental benefits per dol-  
2           lar expended and is consistent with the purposes of  
3           this chapter.

4   **“SEC. 1240H. CONSERVATION INNOVATION GRANTS.**

5           “(a) IN GENERAL.—From funds made available to  
6           carry out this chapter, the Secretary shall use  
7           \$100,000,000 for each fiscal year to pay the Federal share  
8           of competitive grants that are intended to stimulate inno-  
9           vative approaches to leveraging Federal investment in en-  
10          vironmental enhancement and protection, in conjunction  
11          with agricultural production, through the environmental  
12          quality incentives program.

13          “(b) USE.—The Secretary shall award grants under  
14          this section to governmental and nongovernmental organi-  
15          zations and persons, on a competitive basis, to carry out  
16          projects that—

17                 “(1) involve producers that are eligible for pay-  
18                 ments or technical assistance under this chapter;

19                 “(2) implement innovative projects, such as—

20                         “(A) market-based pollution credit trading;

21                         and

22                         “(B) provision of funds to promote adop-  
23                         tion of best management practices; and

24                 “(3) leverage funds made available to carry out  
25                 this chapter with matching funds provided by State

1 and local governments and private organizations to  
2 promote environmental enhancement and protection  
3 in conjunction with agricultural production.

4 “(c) FEDERAL SHARE.—The Federal share of a  
5 grant made to carry out a project under this section shall  
6 not exceed 50 percent of the cost of the project.

7 “(d) UNUSED FUNDING.—Any funds made available  
8 for a fiscal year under this section that are not obligated  
9 by June 1 of the fiscal year may be used to carry out  
10 other activities under this chapter during the fiscal year  
11 in which the funding becomes available.”.

12 (b) FUNDING.—Section 1241(b) of the Food Security  
13 Act of 1985 (16 U.S.C. 3841(b)) is amended—

14 (1) in paragraph (1), by striking  
15 “\$130,000,000” and all that follows through  
16 “2002,” and inserting “\$650,000,000 for fiscal year  
17 2003, \$1,000,000,000 for fiscal year 2004, and  
18 \$1,500,000,000 for each of fiscal years 2005  
19 through 2011,”; and

20 (2) by striking paragraph (2) and inserting the  
21 following:

22 “(2) OBLIGATION OF FUNDS.—If a contract  
23 under the environmental quality incentives program  
24 is terminated prior to the date set out for the expi-  
25 ration for the contract and funds obligated for the

1 contract are remaining, the remaining funds may be  
2 used to carry out any other contract under the pro-  
3 gram during the same fiscal year in which the origi-  
4 nal contract was terminated.”.

5 (c) COOPERATION WITH OTHER GOVERNMENT  
6 AGENCIES.—Section 11 of the Commodity Credit Cor-  
7 poration Charter Act (15 U.S.C. 714i) is amended in the  
8 last sentence by inserting “but excluding transfers and al-  
9 lotments for conservation technical assistance” after “ac-  
10 tivities”.

11 **SEC. 102. CONSERVATION RESERVE PROGRAM.**

12 (a) EXTENSION OF PROGRAM.—

13 (1) IN GENERAL.—Section 1231 of the Food  
14 Security Act of 1985 (16 U.S.C. 3831) is  
15 amended—

16 (A) in subsections (a), (b)(3), and (d), by  
17 striking “2002” each place it appears and in-  
18 serting “2011”; and

19 (B) in subsection (h)(1), by striking “the  
20 2001 and 2002” and inserting “each of the  
21 2001 through 2011”.

22 (2) DUTIES OF OWNERS AND OPERATORS.—  
23 Section 1232(c) of the Food Security Act of 1985  
24 (16 U.S.C. 3832(c)) is amended by striking “2002”  
25 and inserting “2011”.

1 (b) CONSERVATION BUFFERS AND CONSERVATION  
2 RESERVE ENHANCEMENT PROGRAM.—Section 1231(d) of  
3 the Food Security Act of 1985 (16 U.S.C. 3831(d)) is  
4 amended—

5 (1) by striking “2002” and inserting “2011”;  
6 and

7 (2) by inserting before the period at the end the  
8 following: “, of which not less than 4,000,000 acres  
9 shall be enrolled—

10 “(1) to establish conservation buffers as part of  
11 the program announced on March 24, 1998 (63  
12 Fed. Reg. 14109) or a successor program; and

13 “(2) through the conservation reserve enhance-  
14 ment program announced on May 27, 1998 (63 Fed.  
15 Reg. 28965) or a successor program.”.

16 (c) HARDWOOD TREES.—Section 1231(e)(2) of the  
17 Food Security Act of 1985 (16 U.S.C. 3831(e)(2)) is  
18 amended—

19 (1) by striking “In the” and inserting the fol-  
20 lowing:

21 “(A) IN GENERAL.—In the”;

22 (2) by striking “The Secretary” and inserting  
23 the following:

24 “(B) EXISTING HARDWOOD TREE CON-  
25 TRACTS.—The Secretary”; and

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

2 “(C) EXTENSION OF HARDWOOD TREE  
3 CONTRACTS.—

4 “(i) IN GENERAL.—In the case of  
5 land devoted to hardwood trees under a  
6 contract entered into under this subchapter  
7 before the date of enactment of this sub-  
8 paragraph, on the request of the owner or  
9 operator of the land, the Secretary shall  
10 extend the contract for a term of 15 years.

11 “(ii) RENTAL PAYMENTS.—The  
12 amount of a rental payment for a contract  
13 extended under clause (i) shall be 50 per-  
14 cent of the rental payment that was appli-  
15 cable to the contract before the contract  
16 was extended.”.

17 (d) HAYING AND GRAZING ON BUFFER STRIPS.—  
18 Section 1232(a)(7) of the Food Security Act of 1985 (16  
19 U.S.C. 3832(a)(7)) is amended—

20 (1) by striking “except that the Secretary—”  
21 and inserting “except that—”;

22 (2) in subparagraph (A)—

23 (A) by striking “(A) may” and inserting  
24 “(A) the Secretary may”; and

25 (B) by striking “and” at the end;

1 (3) in subparagraph (B)—

2 (A) by striking “(B) shall” and inserting  
3 “(B) the Secretary shall”; and

4 (B) by striking the period at the end and  
5 inserting a semicolon;

6 (4) in subparagraph (C), by striking the period  
7 at the end and inserting “; and”; and

8 (5) by adding at the end the following:

9 “(D) for maintenance purposes, the Sec-  
10 retary shall permit harvesting or grazing or  
11 other commercial uses of forage, in a manner  
12 that is consistent with the purposes of this sub-  
13 chapter and a conservation plan approved by  
14 the Secretary, on acres enrolled—

15 “(i) to establish conservation buffers  
16 as part of the program announced on  
17 March 24, 1998 (63 Fed. Reg. 14109) or  
18 a successor program; and

19 “(ii) into the conservation reserve en-  
20 hancement program announced on May 27,  
21 1998 (63 Fed. Reg. 28965) or a successor  
22 program.”.

23 (e) FUNDING.—Section 1241(a) of the Food Security  
24 Act of 1985 (16 U.S.C. 3841(a)) is amended—

1           (1) by striking “1996 through 2002” and in-  
2           serting “2003 through 2011”; and

3           (2) in paragraph (1), by inserting “, including  
4           technical assistance” before the semicolon at the  
5           end.

6 **SEC. 103. WETLANDS RESERVE PROGRAM.**

7           (a) **MAXIMUM ENROLLMENT.**—Section 1237(b)(1) of  
8           the Food Security Act of 1985 (16 U.S.C. 3837(b)(1))  
9           is amended by striking “975,000 acres” and inserting  
10          “3,475,000 acres”.

11          (b) **EXTENSION OF PROGRAM.**—Section 1237(c) of  
12          the Food Security Act of 1985 (16 U.S.C. 3837(c)) is  
13          amended by striking “2002” and inserting “2011”.

14          (c) **WETLANDS RESERVE ENHANCEMENT PRO-**  
15          **GRAM.**—Section 1237 of the Food Security Act of 1985  
16          (16 U.S.C. 3837) is amended by adding at the end the  
17          following:

18          “(h) **WETLANDS RESERVE ENHANCEMENT PRO-**  
19          **GRAM.**—

20                 “(1) **IN GENERAL.**—The Secretary may enter  
21                 into cooperative agreements with State or local gov-  
22                 ernments, and with private organizations, to develop,  
23                 on land that is enrolled, or is eligible to be enrolled,  
24                 in the wetland reserve established under this sub-

1 chapter, wetland restoration activities in watershed  
2 areas.

3 “(2) PURPOSE.—The purpose of the agree-  
4 ments shall be to address critical environmental  
5 issues, including hypoxia, eutrophication, wildlife  
6 habitat, flooding, and groundwater recharge.

7 “(3) LIMITATION.—The total number of acres  
8 that may be covered by agreements entered into  
9 under this subsection shall not exceed 50,000 acres  
10 for each calendar year.”.

11 (d) MONITORING AND MAINTENANCE.—Section  
12 1237C(a)(2) of the Food Security Act of 1985 (16 U.S.C.  
13 3837c(a)(2)) is amended by striking “assistance” and in-  
14 serting “assistance (including monitoring and mainte-  
15 nance)”.

16 (e) TECHNICAL ASSISTANCE.—Section 1241(a)(2) of  
17 the Food Security Act of 1985 (16 U.S.C. 3841(a)(2)) is  
18 amended by inserting “, including technical assistance”  
19 before the semicolon at the end.

20 **SEC. 104. FARMLAND PROTECTION PROGRAM.**

21 Section 388 of the Federal Agriculture Improvement  
22 and Reform Act of 1996 (16 U.S.C. 3830 note; Public  
23 Law 104–127) is amended to read as follows:

1 **“SEC. 388. FARMLAND PROTECTION PROGRAM.**

2 “(a) DEFINITION OF AGRICULTURAL LAND.—In this  
3 section, the term ‘agricultural land’ means land on a farm  
4 or ranch that is—

5 “(1) cropland;

6 “(2) rangeland or grassland;

7 “(3) pastureland; or

8 “(4) private forest land.

9 “(b) ESTABLISHMENT.—The Secretary of Agri-  
10 culture shall establish and carry out a farmland protection  
11 program under which the Secretary shall purchase con-  
12 servation easements or other interests in agricultural land  
13 with prime, unique, or other productive soil that is subject  
14 to a pending offer for the purpose of protecting topsoil  
15 by limiting nonagricultural uses of the land from—

16 “(1) any agency of any State or local govern-  
17 ment, or federally recognized Indian tribe, including  
18 farmland protection boards and land resource coun-  
19 cils established under State law; and

20 “(2) any organization that—

21 “(A) is organized for, and at all times  
22 since the formation of the organization has  
23 been operated principally for, 1 or more of the  
24 conservation purposes specified in clauses (i),  
25 (ii), and (iii) of section 170(h)(4)(A) of the In-  
26 ternal Revenue Code of 1986;

1           “(B) is an organization described in sec-  
2           tion 501(e)(3) of that Code that is exempt from  
3           taxation under section 501(a) of that Code;

4           “(C) is described in section 509(a)(2) of  
5           that Code; or

6           “(D) is described in section 509(a)(3) of  
7           that Code and is controlled by an organization  
8           described in section 509(a)(2) of that Code.

9           “(c) CONSERVATION PLAN.—Any agricultural land  
10          for which a conservation easement or other interest is pur-  
11          chased under this section shall be subject to the require-  
12          ments of a conservation plan that ensures that continued  
13          agricultural use of the agricultural land—

14                 “(1) will not degrade the environment; and

15                 “(2) in the case of cropland, will require the  
16          conversion of the agricultural land to less intensive  
17          uses, at the option of the Secretary.

18           “(d) FUNDING.—Of the funds of the Commodity  
19          Credit Corporation, the Secretary shall make available  
20          \$65,000,000 for each of fiscal years 2003 through 2011  
21          for providing technical assistance and purchasing con-  
22          servation easements under this section.”.

23         **SEC. 105. WILDLIFE HABITAT INCENTIVE PROGRAM.**

24           Section 387(c) of the Federal Agriculture Improve-  
25          ment and Reform Act of 1996 (16 U.S.C. 3836a(c)) is

1 amended by striking “a total of \$50,000,000 shall be  
 2 made available for fiscal years 1996 through 2002” and  
 3 inserting “the Secretary shall make available \$50,000,000  
 4 for each of fiscal year 2003 through 2011”.

5           **TITLE II—MISCELLANEOUS**  
 6           **REFORMS AND EXTENSIONS**

7   **SEC. 201. PRIVACY OF PERSONAL INFORMATION RELATING**  
 8                   **TO NATURAL RESOURCES CONSERVATION**  
 9                   **PROGRAMS.**

10           Subtitle E of title XII of the Food Security Act of  
 11 1985 (16 U.S.C. 3841 et seq.) is amended—

12                   (1) by redesignating sections 1244 and 1245  
 13                   (16 U.S.C. 3844, 3845) as sections 1245 and 1246,  
 14                   respectively; and

15                   (2) by inserting after section 1243 (16 U.S.C.  
 16                   3843) the following:

17   **“SEC. 1244. PRIVACY OF PERSONAL INFORMATION RELAT-**  
 18                   **ING TO NATURAL RESOURCES CONSERVA-**  
 19                   **TION PROGRAMS.**

20           “(a) INFORMATION RECEIVED FOR TECHNICAL AND  
 21 FINANCIAL ASSISTANCE.—Except as provided in sub-  
 22 section (c) and notwithstanding any other provision of law,  
 23 information provided to, or developed by, the Secretary  
 24 (including a contractor of the Secretary) for the purpose  
 25 of providing technical or financial assistance to an owner

1 or operator with respect to any natural resources con-  
2 servation program administered by the Natural Resources  
3 Conservation Service or the Farm Service Agency—

4 “(1) shall not be considered to be public infor-  
5 mation; and

6 “(2) shall not be released to any person or Fed-  
7 eral, State, local, or tribal agency outside the De-  
8 partment of Agriculture.

9 “(b) INVENTORY, MONITORING, AND SITE SPECIFIC  
10 INFORMATION.—Except as provided in subsection (c) and  
11 notwithstanding any other provision of law, in order to  
12 maintain the personal privacy, confidentiality, and co-  
13 operation of owners and operators, and to maintain the  
14 integrity of sample sites, the specific geographic locations  
15 of the National Resources Inventory of the Department  
16 of Agriculture data gathering sites and the information  
17 generated by those sites—

18 “(1) shall not be considered to be public infor-  
19 mation; and

20 “(2) shall not be released to any person or Fed-  
21 eral, State, local, or tribal agency outside the De-  
22 partment of Agriculture.

23 “(c) EXCEPTIONS.—

24 “(1) RELEASE AND DISCLOSURE FOR ENFORCE-  
25 MENT.—The Secretary may release or disclose to the

1 Attorney General information covered by subsection  
2 (a) or (b) to the extent necessary to enforce the nat-  
3 ural resources conservation programs referred to in  
4 subsection (a).

5 “(2) DISCLOSURE TO COOPERATING PERSONS  
6 AND AGENCIES.—

7 “(A) IN GENERAL.—The Secretary may re-  
8 lease or disclose information covered by sub-  
9 section (a) or (b) to a person or Federal, State,  
10 local, or tribal agency working in cooperation  
11 with the Secretary in providing technical and fi-  
12 nancial assistance described in subsection (a) or  
13 collecting information from National Resources  
14 Inventory data gathering sites.

15 “(B) USE OF INFORMATION.—The person  
16 or Federal, State, local, or tribal agency that  
17 receives information described in subparagraph  
18 (A) may release the information only for the  
19 purpose of assisting the Secretary—

20 “(i) in providing the requested tech-  
21 nical or financial assistance; or

22 “(ii) in collecting information from  
23 National Resources Inventory data gath-  
24 ering sites.

1           “(3) STATISTICAL AND AGGREGATE INFORMA-  
2           TION.—Information covered by subsection (b) may  
3           be disclosed to the public if the information has been  
4           transformed into a statistical or aggregate form that  
5           does not allow the identification of any individual  
6           owner, operator, or specific data gathering site.

7           “(4) CONSENT OF OWNER OR OPERATOR.—

8                   “(A) IN GENERAL.—An owner or operator  
9                   may consent to the disclosure of information  
10                  described in subsection (a) or (b).

11                  “(B) CONDITION OF OTHER PROGRAMS.—  
12                  The participation of the owner or operator in,  
13                  and the receipt of any benefit by the owner or  
14                  operator under, this title or any other program  
15                  administered by the Secretary may not be con-  
16                  ditioned on the owner or operator providing  
17                  consent under this paragraph.

18           “(d) VIOLATIONS; PENALTIES.—Section 1770(c)  
19           shall apply with respect to the release of information col-  
20           lected in any manner or for any purpose prohibited by this  
21           section.”.

22   **SEC. 202. REFORM AND CONSOLIDATION OF CONSERVA-**  
23                   **TION PROGRAMS.**

24           (a) IN GENERAL.—The Secretary of Agriculture shall  
25           develop a plan for—

1           (1) consolidating conservation programs admin-  
2           istered by the Secretary that are targeted at agricul-  
3           tural land; and

4           (2) to the maximum extent practicable—

5                 (A) designing forms that are applicable to  
6                 all such conservation programs;

7                 (B) reducing and consolidating paperwork  
8                 requirements for such programs;

9                 (C) developing universal classification sys-  
10                tems for all information obtained on the forms  
11                that can be used by other agencies of the De-  
12                partment of Agriculture;

13                (D) ensuring that the information and  
14                classification systems developed under this  
15                paragraph can be shared with other agencies of  
16                the Department through computer technologies  
17                used by agencies; and

18                (E) developing 1 format for a conservation  
19                plan that can be applied to all conservation pro-  
20                grams targeted at agricultural land.

21           (b) REPORT.—Not later than 180 days after the date  
22 of enactment of this Act, the Secretary shall submit to  
23 the Committee on Agriculture of the House of Representa-  
24 tives and the Committee on Agriculture, Nutrition, and  
25 Forestry of the Senate a report that describes the plan

1 developed under subsection (a), including any rec-  
2 ommendations for implementation of the plan.

3 (c) NATIONAL CONSERVATION PLAN.—Not later  
4 than 180 days after the date of enactment of this Act,  
5 the Secretary shall submit to the Committee on Agri-  
6 culture of the House of Representatives and the Com-  
7 mittee on Agriculture, Nutrition, and Forestry of the Sen-  
8 ate a plan and estimated budget for implementing the ap-  
9 praisal of the soil, water, and related resources of the Na-  
10 tion contained in the National Conservation Program  
11 under section 5 of the Soil and Water Resources Conserva-  
12 tion Act of 1977 (16 U.S.C. 2004) as the primary vehicle  
13 for managing conservation on agricultural land in the  
14 United States.

15 **SEC. 203. CERTIFICATION OF PRIVATE PROVIDERS OF**  
16 **TECHNICAL ASSISTANCE.**

17 The Soil Conservation and Domestic Allotment Act  
18 is amended by inserting after section 15 (16 U.S.C. 590o)  
19 the following:

20 **“SEC. 16. CERTIFICATION OF PRIVATE PROVIDERS OF**  
21 **TECHNICAL ASSISTANCE.**

22 “(a) ESTABLISHMENT.—The Secretary of Agri-  
23 culture shall establish procedures for certifying private  
24 persons to provide technical assistance to agricultural pro-

1 ducers and landowners participating in conservation pro-  
2 grams administered by the Secretary.

3 “(b) STANDARDS.—The Secretary shall establish  
4 standards for the conduct of—

5 “(1) the certification process conducted by the  
6 Secretary; and

7 “(2) periodic recertification by the Secretary of  
8 private providers.

9 “(c) CERTIFICATION REQUIRED.—A private provider  
10 may not provide technical assistance under any conserva-  
11 tion program administered by the Secretary without cer-  
12 tification approved by the Secretary.

13 “(d) FEE.—In exchange for certification, a private  
14 provider shall pay a fee to the Secretary in an amount  
15 determined by the Secretary.

16 “(e) PROVIDER.—Except as provided in section  
17 1240B(f)(6) of the Food Security Act of 1985 (7 U.S.C.  
18 3839aa–(f)(6)), the Secretary shall determine under what  
19 individual cases and conservation programs technical as-  
20 sistance may be delivered by private providers or by the  
21 Secretary.

22 “(f) OTHER REQUIREMENTS.—The Secretary may  
23 establish other requirements as the Secretary determines  
24 are necessary to carry out this section.”

1 **SEC. 204. EXTENSION OF CONSERVATION AUTHORITIES.**

2 (a) ECARP AUTHORITY.—Section 1230(a)(1) of the  
3 Food Security Act of 1985 (16 U.S.C. 3830(a)(1)) is  
4 amended by striking “2002” and inserting “2011”.

5 (b) CONSERVATION FARM OPTION.—Section  
6 1240M(h)(6) of the Food Security Act of 1985 (16 U.S.C.  
7 3839bb(h)(6)) is amended by striking “fiscal year 2002”  
8 and inserting “each of fiscal years 2002 through 2011”.

9 (c) FLOOD RISK REDUCTION.—Section 385(a) of the  
10 Federal Agriculture Improvement and Reform Act of 1996  
11 (7 U.S.C. 7334(a)) is amended by striking “2002” and  
12 inserting “2011”.

13 (d) RESOURCE CONSERVATION AND DEVELOPMENT  
14 PROGRAM.—Section 1538 of the Agriculture and Food  
15 Act of 1981 (16 U.S.C. 3461) is amended in the first sen-  
16 tence by striking “2002” and inserting “2011”.

17 (e) FORESTRY.—

18 (1) OFFICE OF INTERNATIONAL FORESTRY.—  
19 Section 2405(d) of the Food, Agriculture, Conserva-  
20 tion, and Trade Act of 1990 (7 U.S.C. 6704(d)) is  
21 amended by striking “2002” and inserting “2011”.

22 (2) FORESTRY INCENTIVES PROGRAM.—Section  
23 4(j) of the Cooperative Forestry Assistance Act of  
24 1978 (16 U.S.C. 2103(j)) is amended by striking  
25 “2002” and inserting “2011”.

1 **SEC. 205. TECHNICAL AMENDMENTS.**

2 (a) DELINEATION OF WETLANDS; EXEMPTIONS TO  
3 PROGRAM INELIGIBILITY.—

4 (1) REFERENCES TO PRODUCER.—Section  
5 322(e) of the Federal Agriculture Improvement and  
6 Reform Act of 1996 (Public Law 104–127; 110  
7 Stat. 991) is amended by inserting “each place it  
8 appears” before “and inserting”.

9 (2) GOOD FAITH EXEMPTION.—Section  
10 1222(h)(2) of the Food Security Act of 1985 (16  
11 U.S.C. 3822(h)(2)) is amended by striking “to ac-  
12 tively” and inserting “to be actively”.

13 (3) DETERMINATIONS.—Section 1222(j) of the  
14 Food Security Act of 1985 (16 U.S.C. 3822(j)) is  
15 amended by striking “National” and inserting “Nat-  
16 ural”.

17 (b) WILDLIFE HABITAT INCENTIVE PROGRAM.—Sec-  
18 tion 387 of the Federal Agriculture Improvement and Re-  
19 form Act of 1996 (16 U.S.C. 3836a) is amended in the  
20 section heading by striking “**INCENTIVES**” and inserting  
21 “**INCENTIVE**”.

22 **SEC. 206. EFFECT OF AMENDMENTS.**

23 (a) IN GENERAL.—Except as otherwise specifically  
24 provided in this Act and notwithstanding any other provi-  
25 sion of law, this Act and the amendments made by this  
26 Act shall not affect the authority of the Secretary of Agri-

1 culture to carry out a conservation program for any of  
2 the 1996 through 2002 fiscal or calendar years under a  
3 provision of law in effect immediately before the date of  
4 enactment of this Act.

5 (b) LIABILITY.—A provision of this Act or an amend-  
6 ment made by this Act shall not affect the liability of any  
7 person under any provision of law as in effect immediately  
8 before the date of enactment of this Act.

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