

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.

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## 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

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## 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

owner or operator to apply to the Secretary to modify the conservation security plan in a manner consistent with the purposes of the conservation security program.

“(ii) APPROVAL BY THE SECRETARY.—Any modification under clause (i)—

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

“(II) shall authorize the Secretary to redetermine, if necessary, the amount and timing of the payments pursuant to the conservation security contract under subsection (h)(2)(C).

“(B) REQUIRED MODIFICATIONS.—

“(i) IN GENERAL.—The Secretary may in writing require an owner or operator to modify a conservation security contract before the expiration of the conservation security contract if the Secretary determines that a change made to the size, the management, or any other aspect of the agricultural operation of the owner or 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.

○