

107TH CONGRESS
1ST SESSION

H. R. 2542

To establish a Farmland Stewardship Program designed to target existing conservation programs to the specific conservation needs and opportunities presented by certain agricultural lands and to authorize the Secretary of Agriculture to enter into stewardship contracts with private owners and operators of these lands to maintain, protect, and care for the natural, environmental, and agricultural resources on these lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2001

Mr. PUTNAM introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To establish a Farmland Stewardship Program designed to target existing conservation programs to the specific conservation needs and opportunities presented by certain agricultural lands and to authorize the Secretary of Agriculture to enter into stewardship contracts with private owners and operators of these lands to maintain, protect, and care for the natural, environmental, and agricultural resources on these lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “American Farmland Stewardship Act of 2001”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—FARMLAND STEWARDSHIP PROGRAM

Sec. 101. Establishment and purpose of Program.

Sec. 102. Use of farmland stewardship agreements.

Sec. 103. Partnership approach to Program.

Sec. 104. Participation of owners and operators of eligible agricultural lands.

TITLE II—ADVISORY COUNCIL

Sec. 201. Creation of an advisory council regarding Program.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) American agricultural producers are stew-
9 ards of their lands, and should be encouraged to
10 carry out practices to maintain, protect, and care for
11 the natural, environmental, and agricultural re-
12 sources of their lands.

13 (2) Agricultural producers face increasing chal-
14 lenges in protecting environmental sensitive land
15 while ensuring an abundant and safe food supply
16 and the sound future of agricultural production.

17 (3) Increased access of agricultural producers
18 to conservation programs, particularly by producers

1 facing unique environmental needs, must be a part
2 of the national agricultural conservation policy.

3 (4) Responsible care and stewardship of natural
4 resources by agricultural producers would be fos-
5 tered by incentive initiatives aimed at assisting pro-
6 ducers in meeting environmental program require-
7 ments, protecting and maintaining endangered habi-
8 tat and wetlands, improving water quality and water
9 access, treating on-farm discharge, deterring
10 invasive species, and addressing other important en-
11 vironmental challenges.

12 (5) Greater local involvement, as well as in-
13 creased cooperation between agricultural producers
14 and local, State, and Federal officials, is needed to
15 allow agricultural producers to meet environmental
16 goals.

17 (6) A voluntary incentives based program would
18 encourage greater protection of natural resources by
19 providing economic assistance to agricultural pro-
20 ducers to improve and protect natural resources,
21 while permitting them to stay competitive in the
22 world market.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) AGREEMENT.—The terms “farmland stew-
2 ardship agreement” and “agreement” mean a stew-
3 ardship contract authorized by title I.

4 (2) CONTRACTING AGENCY.—The term “con-
5 tracting agency” means a local conservation district,
6 resource conservation & development district, exten-
7 sion service or local office of the Department of Ag-
8 riculture or other participating government agency
9 that is designated by the Secretary to enter into
10 farmland stewardship agreements on behalf of the
11 Secretary.

12 (3) ELIGIBLE AGRICULTURAL LANDS.—The
13 term “eligible agricultural lands” means private
14 lands that are in primarily native or natural condi-
15 tion or are classified as cropland, pastureland, graz-
16 ing lands, or timberlands by the Secretary and
17 that—

18 (A) contain wildlife habitat, habitat for
19 threatened and endangered species, wetlands or
20 other natural ecosystems; or

21 (B) provide opportunities for ecological
22 services that can benefit the public at large,
23 such as—

24 (i) filtration of water;

25 (ii) aquifer recharge;

1 (iii) control of invasive and exotic spe-
2 cies;

3 (iv) limitations on nonagricultural de-
4 velopment to preserve open space or prime,
5 unique, or other productive agricultural
6 lands; and

7 (v) improvement of habitats for wild-
8 life, waterfowl, or migratory birds or in-
9 sects.

10 (4) PROGRAM.—The terms “Farmland Stew-
11 ardship Program” and “Program” mean the con-
12 servation program of the Department of Agriculture
13 established by title I.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 **TITLE I—FARMLAND**
17 **STEWARDSHIP PROGRAM**

18 **SEC. 101. ESTABLISHMENT AND PURPOSE OF PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary of Agriculture
20 shall establish a special conservation program of the De-
21 partment of Agriculture, to be known as the Farmland
22 Stewardship Program, that is designed to more precisely
23 tailor and target existing conservation programs to the
24 specific conservation needs and opportunities presented by
25 individual parcels of eligible agricultural lands.

1 (b) RELATION TO OTHER CONSERVATION PRO-
2 GRAMS.—Under the Farmland Stewardship Program, the
3 Secretary may implement, or combine together, the fea-
4 tures of—

5 (1) other conservation programs administered
6 by the Secretary; and

7 (2) conservation programs administered by
8 other Federal agencies and State and local govern-
9 ment entities, where feasible and with the consent of
10 the administering agency or government.

11 (c) FUNDING SOURCES.—

12 (1) IN GENERAL.—The Farmland Stewardship
13 Program and agreements under the Program shall
14 be funded by the Secretary using—

15 (A) the funding authorities of the con-
16 servation programs that are implemented in
17 whole, or in part, through the use of agree-
18 ments; and

19 (B) such funds as are appropriated to
20 carry out the Program.

21 (2) COST-SHARING.—It shall be a requirement
22 of the Farmland Stewardship Program that the ma-
23 jority of the funds to carry out the Program must
24 come from other existing conservation programs,
25 which may be Federal, State, regional, local, or pri-

1 vate, that are combined into and made a part of an
2 agreement, or from matching funding contributions
3 made by State, regional, or local agencies and divi-
4 sions of government or from private funding sources.

5 (d) PERSONNEL COSTS.—Federal funds made avail-
6 able to carry out the Farmland Stewardship Program may
7 be used to provide additional staff positions and support
8 within the national headquarters office and State field of-
9 fices of the Natural Resources Conservation Service to co-
10 ordinate and oversee the Program on a national basis.

11 (e) TECHNICAL ASSISTANCE.—Of the funds made
12 available to carry out the Farmland Stewardship Program
13 for a fiscal year, the Secretary shall reserve not less than
14 twenty percent for the provision of technical assistance
15 under the Program.

16 **SEC. 102. USE OF FARMLAND STEWARDSHIP AGREEMENTS.**

17 (a) AGREEMENTS AUTHORIZED.—The Secretary
18 shall carry out the Farmland Stewardship Program by en-
19 tering into stewardship contracts, to be known as farm-
20 land stewardship agreements, with the owners or opera-
21 tors of eligible agricultural lands to maintain, protect, and
22 care for the natural, environmental, and agricultural re-
23 sources on the lands.

24 (b) LEGAL BASIS.—An agreement shall operate in all
25 respects as a service contract and, as such, provides the

1 Secretary with the opportunity to hire the owner or oper-
2 ator of eligible agricultural lands as a vendor to perform
3 one or more specific services for an equitable fee for each
4 service rendered. Any Federal agency participating in the
5 Farmland Stewardship Program that has the authority to
6 enter into service contracts and to expend public funds
7 under such contracts may enter into or participate in the
8 funding of an agreement.

9 (c) BASIC PURPOSES.—An agreement with the owner
10 or operator of eligible agricultural lands shall be used—

11 (1) to negotiate a mutually agreeable set of
12 guidelines, practices, and procedures under which
13 services will be provided to the public and rendered
14 by the owner or operator to protect, maintain, and,
15 where possible, improve, the natural and ecological
16 resources on the lands covered by the agreement in
17 return for annual payments to the owner or operator
18 for the services rendered;

19 (2) to implement a conservation program or se-
20 ries of programs where no program now exists or to
21 implement conservation management or ecological
22 service activities where no such activities now exist;
23 and

24 (3) to expand conservation practices, resource
25 management, and ecological service activities to a

1 property where it is not possible at the present time
2 to negotiate or reach agreement on a public pur-
3 chase of a fee-simple or less-than-fee interest in the
4 property for conservation purposes.

5 (d) MODIFICATION OF OTHER CONSERVATION PRO-
6 GRAM ELEMENTS.—If most, but not all, of the limitations,
7 conditions, and requirements of a conservation program
8 that is implemented in whole, or in part, through the
9 Farmland Stewardship Program are met with respect to
10 a parcel of eligible agricultural lands, and the purposes
11 to be achieved by the agreement to be entered into for
12 such lands are consistent with the purposes of the con-
13 servation program, then the Secretary may waive any re-
14 maining limitations, conditions, or requirements of the
15 conservation program that would otherwise prohibit or
16 limit the agreement.

17 (e) STATE AND LOCAL CONSERVATION PRIOR-
18 ITIES.—To the maximum extent practicable, agreements
19 shall address the conservation priorities established by the
20 State and locality in which the eligible agricultural lands
21 are located.

22 **SEC. 103. PARTNERSHIP APPROACH TO PROGRAM.**

23 (a) AUTHORITY OF SECRETARY EXERCISED
24 THROUGH PARTNERSHIPS.—Although the Secretary shall
25 be responsible for the administration of the Farmland

1 Stewardship Program and oversight of agreements under
2 the Program, the Secretary shall work in partnership with
3 other Federal, State, and local agencies whose programs
4 are incorporated into the Program under section 101.

5 (b) DESIGNATION AND USE OF CONTRACTING AGEN-
6 CIES.—Subject to subsection (c), the Secretary may au-
7 thorize a local conservation district, resource conservation
8 & development district, extension service, nonprofit organi-
9 zation, or local office of the Department of Agriculture
10 or other participating government agency to enter into and
11 administer agreements under the Program as a con-
12 tracting agency on behalf of the Secretary.

13 (c) CONDITIONS ON DESIGNATION.—The Secretary
14 may designate an eligible district or office as a contracting
15 agency under subsection (b) only if the district or office—

16 (1) submits a written request for such designa-
17 tion to the Secretary;

18 (2) affirms that it is willing to follow all guide-
19 lines for executing and administering an agreement,
20 as promulgated by the Secretary;

21 (3) demonstrates to the satisfaction of the Sec-
22 retary that it has established working relationships
23 with owners and operators of eligible agricultural
24 lands, and based on the history of these working re-
25 lationships, demonstrates that it has the ability to

1 work with owners and operators of eligible agricul-
2 tural lands in a cooperative, and not a contentious
3 or litigious, manner;

4 (4) affirms its willingness to assume responsi-
5 bility for preparing all documentation for the agree-
6 ment, negotiating its terms with an owner or oper-
7 ator, monitoring compliance, making annual reports
8 to the Secretary, and administering the agreement
9 throughout its full term; and

10 (5) demonstrates to the satisfaction of the Sec-
11 retary that it has or will have the necessary staff re-
12 sources and expertise to carry out its responsibilities
13 under paragraphs (3) and (4).

14 **SEC. 104. PARTICIPATION OF OWNERS AND OPERATORS OF**
15 **ELIGIBLE AGRICULTURAL LANDS.**

16 (a) APPLICATION AND APPROVAL PROCESS.—To
17 participate in the Farmland Stewardship Program, an
18 owner or operator of eligible agricultural lands shall—

19 (1) submit to the Secretary an application indi-
20 cating interest in the Program and describing the
21 owner's or operator's property, its resources, and
22 their ecological and agricultural values;

23 (2) submit to the Secretary a list of services to
24 be provided, a management plan to be implemented,
25 or both, under the proposed agreement;

1 (3) if the application and list are accepted by
2 the Secretary, enter into an agreement that details
3 the services to be provided, management plan to be
4 implemented, or both, and requires compliance with
5 the other terms of the agreement.

6 (b) APPLICATION ON BEHALF OF AN OWNER OR OP-
7 ERATOR.—A designated contracting agency may submit
8 the application required by subsection (a) on behalf of an
9 owner or operator by if the contracting agency has secured
10 the consent of the owner or operator to enter into an
11 agreement.

12 (c) STRUCTURE OF AGREEMENT.—An agreement
13 shall contain the following:

14 (1) A map, property description, and aerial
15 photograph of the eligible agricultural lands covered
16 by the agreement, including any lands with impor-
17 tant natural and ecological resources that require
18 special attention and care.

19 (2) A list of the resources to be maintained
20 under the agreement.

21 (3) A description of the services to be rendered,
22 conservation practices to be implemented and main-
23 tained, or both, under the agreement during the
24 term of the agreement.

1 (4) A schedule for the implementation and
2 maintenance of the services and conservation prac-
3 tices described in paragraph (3).

4 (5) A schedule of payments for each service and
5 conservation practice described in paragraph (3).

6 (6) A schedule of any bonus payments offered
7 under the agreement and the criteria that must be
8 satisfied for the owner or operator to earn the bonus
9 payments.

10 (7) Guarantees regarding compliance moni-
11 toring and access to the covered property on an an-
12 nual basis.

13 (8) A description of the penalties for non-
14 performance and default.

15 (9) Provisions for assignment of the agreement
16 to a subsequent owner or operator.

17 (10) Encumbrance provisions for recording the
18 agreement.

19 (11) Such other terms as the Secretary may re-
20 quire.

21 (d) DUTIES OF OWNERS AND OPERATORS.—During
22 the term of the agreement, the owner or operator of the
23 eligible agricultural lands covered by the agreement
24 shall—

1 (1) implement the services to be rendered, con-
2 servation practices to be implemented and main-
3 tained, or both, specified in the agreement;

4 (2) keep such records as the Secretary may re-
5 quire for purposes of evaluation of the implementa-
6 tion of the agreement; and

7 (3) not to engage in any activity that would de-
8 feat the purposes of the agreement.

9 (e) DUTIES OF SECRETARY.—The Secretary shall en-
10 sure that payments required by an agreement are made
11 as provided in the agreement.

12 (f) AUTHORIZED SERVICES.—The authorized services
13 that may be rendered by an owner or operator on eligible
14 agricultural lands covered by an agreement, and paid for
15 by the Secretary under the agreement, include the fol-
16 lowing:

17 (1) Removal of invasive species and continued
18 management of land and water resources in a way
19 that prevents invasive species from being reintro-
20 duced.

21 (2) Installation of best management practices
22 or other recommended practices to eliminate impacts
23 on natural areas outside a property's boundaries.

24 (3) Use of property for water retention or de-
25 tention.

1 (4) Installation of phytoremediation cells and
2 other waste treatment facilities to provide environ-
3 mental clean-up services to remove suspended solids,
4 particulates, toxic salts and metals, and other pollut-
5 ants from urban, suburban, industrial and farm
6 waste, including landfill leachates, stormwater run-
7 off, tainted groundwater and other sources of pollut-
8 ants.

9 (5) Dedication of a portion of a property as a
10 buffer strip or filter strip.

11 (6) Retention of open space between developed
12 areas and natural areas.

13 (7) Implementation of wetland restoration, con-
14 servation, or enhancement.

15 (8) Reduction of greenhouse emissions and en-
16 hancement of carbon sequestering.

17 (9) Enhancement of soil, plant, or animal
18 health and well-being.

19 (10) Improvement of water quality.

20 (11) Improvement of air quality.

21 (12) Implementation of on-farm conservation
22 and regeneration of biological resources, including
23 plant and animal germplasm.

24 (13) Provision of access for research.

1 ment and nonprofit organizations and assist con-
2 tracting agencies in gathering data and negotiating
3 agreements;

4 (4) in designing criteria to consider applications
5 submitted under section 104(a);

6 (5) in providing assistance and training to
7 project partners and contracting agencies;

8 (6) in assisting project partners and contracting
9 agencies in combining together other conservation
10 programs into agreements;

11 (7) in tailoring the agreements to each indi-
12 vidual property;

13 (8) in monitoring progress under the agree-
14 ments; and

15 (9) in reviewing and recommending possible
16 modifications, additions, adaptations, improvements,
17 enhancements, or other changes to the Program to
18 improve the way in which the program operates.

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