

106TH CONGRESS  
2D SESSION

# S. 3223

To amend the Food Security Act of 1985 to establish the conservation security program.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 19 (legislative day, SEPTEMBER 22), 2000

Mr. HARKIN 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 amend the Food Security Act of 1985 to establish the 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 of 2000”.

**6 SEC. 2. FINDINGS.**

7       Congress finds that—

8                   (1) in addition to producing food and fiber, ag-  
9                   ricultural producers can contribute to the public  
10                  good by providing improved soil productivity, clean

1 air and water, wildlife habitat, landscape and re-  
2 creational amenities, and other natural resources and  
3 environmental benefits;

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

9 (3) agricultural producers that engage in con-  
10 servation practices—

11 (A) may not receive economic rewards for  
12 implementing conservation practices; and

13 (B) should be encouraged to engage in  
14 good stewardship, and should be rewarded for  
15 doing so;

16 (4) despite significant progress in recent years,  
17 significant environmental challenges on agricultural  
18 land remain;

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

23 (6) existing conservation programs do not pro-  
24 vide opportunities for all interested agricultural pro-  
25 ducers to participate;

4 (A) encourage greater improvement of nat-  
5 ural resources and the environment;

6 (B) address the economic implications of  
7 conservation practices in a manner consistent  
8 with international obligations of the United  
9 States; and

10 (C) enable United States farmers and  
11 ranchers to produce food for a growing world  
12 population;

13 (8) total farm conservation planning can help  
14 producers increase profitability, enhance resource  
15 protection, and improve quality of life;

16 (9) on-farm practices may help deter invasive  
17 species that jeopardize native species or impair agri-  
18 cultural land of the United States; and

19 (10) a conservation program described in para-  
20 graph (7) would help achieve a better balance be-  
21 tween Federal payments supporting conservation on  
22 land used for agricultural production and Federal  
23 payments for the purpose of retiring agricultural  
24 land from production.

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

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

5 **“CHAPTER 6—CONSERVATION SECURITY  
6 PROGRAM**

7 **“SEC. 1240P. DEFINITIONS.**

8 “In this chapter:

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

12 “(A) requires planning, implementation,  
13 management, and maintenance; and

14 “(B) promotes 1 or more of the purposes  
15 described in section 1240Q(a).

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

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

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

25 “(5) NUTRIENT MANAGEMENT.—The term ‘nu-  
26 trient management’ means management of the quan-

1       tity, source, placement, form, and timing of the land  
2       application of nutrients and other additions to soil—

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

5               “(B) to minimize the potential for loss of  
6       environmental quality, including soil, water, and  
7       air quality impairment.

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

10               “(A) a perennial grass;

11               “(B) a legume grown for use as forage or  
12       green manure;

13               “(C) a legume-grass mixture;

14               “(D) a small grain grown in combination  
15       with a grass or legume, whether interseeded or  
16       planted in succession; and

17               “(E) such other plantings, including trees,  
18       as the Secretary considers appropriate for a  
19       particular area.

20       “(7) RESOURCE-CONSERVING CROP ROTATION.—The term ‘resource-conserving crop rotation’  
21       means a crop rotation that—

22               “(A) includes at least 1 resource-con-  
23       serving crop;

24               “(B) reduces erosion;

1                   “(C) improves soil fertility and tilth; and  
2                   “(D) interrupts pest cycles.

3                   “(8) RESOURCE MANAGEMENT SYSTEM.—The  
4                   term ‘resource management system’ means a system  
5                   of conservation practices and management relating  
6                   to land or water use that is designed to prevent re-  
7                   source degradation and permit sustained use of the  
8                   land and water.

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

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

14                  “(1) conservation of soil, water, energy, and  
15                  other related resources;

16                  “(2) soil quality protection and improvement;

17                  “(3) water quality protection and improvement;

18                  “(4) air quality protection and improvement;

19                  “(5) soil, plant, or animal health and well-  
20                  being;

21                  “(6) diversity of flora and fauna;

22                  “(7) on-farm conservation and regeneration of  
23                  biological resources, including plant and animal  
24                  germplasm;

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

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

5           “(10) reduction of greenhouse gas emissions  
6       and enhancement of carbon sequestration;

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

8           “(12) environmentally sound management of  
9       invasive species; or

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

12          “(b) ELIGIBILITY.—

13          “(1) IN GENERAL.—To be eligible to participate  
14       in the conservation security program (other than to  
15       receive technical assistance under subsection (h)(6)  
16       for the development of conservation security con-  
17       tracts), an owner or operator shall—

18          “(A) develop and submit to the Secretary,  
19       and obtain the approval of the Secretary of, a  
20       conservation security plan that meets the re-  
21       quirements of subsection (c); and

22          “(B) enter into a conservation security  
23       contract with the Secretary to carry out the  
24       conservation security plan.

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

7           “(c) CONSERVATION SECURITY PLANS.—

8           “(1) IN GENERAL.—A conservation security  
9        plan shall—

10           “(A) identify the resources and designated  
11        land to be conserved under the conservation se-  
12        curity plan;

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

20           “(C) contain a schedule for the implemen-  
21        tation, maintenance, or improvement of the con-  
22        servation practices described in the conservation  
23        security plan during the term of the conserva-  
24        tion security contract;

1                     “(D) meet the requirements of the highly  
2                     erodible land and wetland conservation require-  
3                     ments of subtitles B and C; and

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

6                     “(2) COMPREHENSIVE PLANNING.—The Sec-  
7                     retary shall encourage owners and operators that  
8                     enter into conservation security contracts—

9                     “(A) to undertake a comprehensive exam-  
10                     ination of the opportunities for conserving nat-  
11                     ural resources and improving the profitability,  
12                     environmental health, and quality of life in rela-  
13                     tion to their entire agricultural operations;

14                     “(B) to develop a long-term strategy for  
15                     implementing, monitoring, and evaluating con-  
16                     servation practices and environmental results in  
17                     the entire agricultural operation;

18                     “(C) to participate in other Federal con-  
19                     servation programs; and

20                     “(D) to maintain the agricultural integrity  
21                     of the land.

22                     “(3) STATE AND LOCAL CONSERVATION PRIOR-  
23                     ITIES.—To the maximum extent practicable and in  
24                     a manner consistent with the conservation security  
25                     program, each conservation security plan shall ad-

1       dress the conservation priorities of the State and lo-  
2       cality in which the agricultural operation is located  
3       (as determined by the State conservationist in con-  
4       sultation with the State technical committee estab-  
5       lished under subtitle G and the local working groups  
6       of the State technical committee).

7       “(d) CONSERVATION PRACTICES.—

8           “(1) IN GENERAL.—

9               “(A) ESTABLISHMENT OF TIERS.—The  
10           Secretary shall establish 3 tiers of conservation  
11           practices that are eligible for payment under a  
12           conservation security contract.

13               “(B) CONSERVATION PRACTICE STAND-  
14           ARDS.—To the maximum extent practicable, the  
15           Secretary shall establish guidance standards for  
16           implementation of eligible conservation prac-  
17           tices that shall include measurable goals for en-  
18           hancing and preventing degradation of re-  
19           sources.

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

1               “(A) maintain the agricultural nature of  
2               land;

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

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

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

15               “(A) total farm planning;

16               “(B) total resource management;

17               “(C) integrated farming systems;

18               “(D) germplasm conservation and regen-  
19               eration;

20               “(E) carbon sequestration;

21               “(F) agro-ecological restoration and wild-  
22               life habitat restoration;

23               “(G) agro-forestry;

24               “(H) invasive species control; or

1               “(I) farm and environmental results moni-  
2               toring and evaluation.

3               “(4) USE OF HANDBOOK AND GUIDES.—

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

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

15               “(C) PILOT TESTING.—

16               “(i) IN GENERAL.—Under any of the  
17               3 tiers of conservation practices established  
18               under paragraph (5), the Secretary may  
19               approve requests by an owner or operator  
20               for pilot testing of new technologies and  
21               innovative conservation practices and sys-  
22               tems.

23               “(ii) INCORPORATION INTO STAND-  
24               ARDS.—After evaluation by the Secretary  
25               and provision of notice and an opportunity

1 for public participation, the Secretary may  
2 incorporate new technologies and innova-  
3 tive conservation practices and systems  
4 into the standards for implementation of  
5 conservation practices established under  
6 paragraph (1)(B).

7 “(5) TIERS.—To carry out this subsection, the  
8 Secretary shall establish the following 3 tiers of con-  
9 servation practices:

10 “(A) TIER I.—

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

16 “(I) address priority resource  
17 concerns for the particular agricul-  
18 tural operation;

19 “(II) apply to the total agricul-  
20 tural operation or to a particular unit  
21 of the agricultural operation;

22 “(III) cover both—

23 “(aa) conservation practices  
24 that are being implemented as of  
25 the date on which the conserva-

## 19 “(II) Nutrient management.

### 20 “(III) Pest management.

21 “(IV) Invasive species manage-  
22 ment.

1                         “(VI) Grazing, pasture, and  
2                         rangeland management.

3                         “(VII) Wildlife habitat manage-  
4                         ment, with special emphasis on spe-  
5                         cies identified by the natural heritage  
6                         program of the State.

7                         “(VIII) Plant and animal  
8                         germplasm conservation, evaluation,  
9                         and development.

10                         “(IX) Contour farming.

11                         “(X) Strip cropping.

12                         “(XI) Cover cropping.

13                         “(XII) Recordkeeping.

14                         “(XIII) Any other conservation  
15                         practice that the Secretary determines  
16                         to be appropriate and comparable to  
17                         other conservation practices described  
18                         in this clause.

19                         “(B) TIER II.—

20                         “(i) IN GENERAL.—A conservation se-  
21                         curity plan for land enrolled in the con-  
22                         servation security program that will be  
23                         maintained using Tier II conservation  
24                         practices shall—

1                     “(I) address priority resource  
2                     concerns specified in the conservation  
3                     security plan covering the total agri-  
4                     cultural operation;

5                     “(II) cover both—

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

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

15                    “(III) meet applicable resource  
16                    management system criteria for the  
17                    priority resource concerns of the agri-  
18                    cultural operation.

19                    “(ii) CONSERVATION PRACTICES.—  
20                    Tier II conservation practices shall consist  
21                    of, as appropriate for the agricultural opera-  
22                    tion of an owner or operator, Tier I con-  
23                    servation practices and 1 or more of the  
24                    following practices:

1                             “(I) Resource-conserving crop ro-  
2                             tations.

3                             “(II) Controlled, rotational graz-  
4                             ing.

5                             “(III) Conversion of portions of  
6                             cropland from a soil-depleting use to a  
7                             soil-conserving use, including produc-  
8                             tion of cover crops.

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

17                             “(V) Wildlife habitat protection  
18                             and restoration.

19                             “(VI) Prairie protection and res-  
20                             toration.

21                             “(VII) Wetland protection and  
22                             restoration.

23                             “(VIII) Any other conservation  
24                             practice involving modification of the  
25                             use of land that the Secretary deter-

12 “(II) cover both—

1 of, as appropriate for the agricultural oper-  
2 ation of an owner or operator—

3 “(I) appropriate Tier I and Tier  
4 II conservation practices; and

5 “(II) development, implementa-  
6 tion, and maintenance of a conserva-  
7 tion security plan that, over the term  
8 of the conservation security  
9 contract—

10 “(aa) integrates a full com-  
11 plement of conservation practices  
12 to foster environmental enhance-  
13 ment and the long-term sustain-  
14 ability of the natural resource  
15 base of an agricultural operation;  
16 and

17 “(bb) improves profitability  
18 and quality of life associated with  
19 the agricultural operation.

20 “(e) CONSERVATION SECURITY CONTRACTS.—

21 “(1) IN GENERAL.—On approval of a conserva-  
22 tion security plan of an owner or operator, the Sec-  
23 retary shall enter into a conservation security con-  
24 tract with the owner or operator to enroll the land

1 covered by the conservation security plan in the con-  
2 servation security program.

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

5 “(A) a conservation security contract for  
6 land enrolled in the conservation security pro-  
7 gram that will be maintained using 1 or more  
8 Tier I conservation practices shall have a term  
9 of 5 years; and

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

17 “(3) MODIFICATIONS.—

18 “(A) OPTIONAL MODIFICATIONS.—

19 “(i) IN GENERAL.—The Secretary  
20 shall provide regular opportunity for an  
21 owner or operator to apply to the Sec-  
22 retary to modify the conservation security  
23 plan in a manner consistent with the pur-  
24 poses of the conservation security program.

1                             “(ii) APPROVAL BY THE SEC-  
2                             RETARY.—Any modification under clause  
3                             (i)—

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

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

12                            “(B) REQUIRED MODIFICATIONS.—

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

24                             “(ii) PAYMENT SCHEDULE.—The Sec-  
25                             retary may adjust the payment schedule

1 under the conservation security contract to  
2 reflect any modifications required under  
3 this subparagraph.

25                   “(4) RENEWAL.—

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

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

12                         “(ii) the Secretary determines that  
13                     the owner or operator has complied with  
14                     the terms and conditions of the conserva-  
15                     tion security contract, including the con-  
16                     servation security plan; and

17                         “(iii) in the case of a conservation se-  
18                     curity contract for land previously enrolled  
19                     in the conservation security program that  
20                     will continue to be enrolled on the basis of  
21                     1 or more Tier I conservation practices,  
22                     the owner or operator meets resource man-  
23                     agement system criteria for the practices  
24                     operation covered by the conservation secu-  
25                     rity contract.

1                   “(B) TERMS OF RENEWAL.—Under sub-  
2                   paragraph (A)—

3                   “(i) a conservation security contract  
4                   for land enrolled in the conservation secu-  
5                   rity program that will be maintained using  
6                   a Tier I conservation practice may be re-  
7                   newed for 5-year terms;

8                   “(ii) a conservation security contract  
9                   for land enrolled in the conservation secu-  
10                   rity program that will be maintained using  
11                   a Tier II or Tier III conservation practice  
12                   may be renewed for 5-year to 10-year  
13                   terms, at the option of the owner or oper-  
14                   ator; and

15                   “(iii) previous participation in the  
16                   conservation security program does not bar  
17                   renewal more than once.

18                   “(f) NO VIOLATION FOR NONCOMPLIANCE DUE TO  
19                   CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER  
20                   OR OPERATOR.—The Secretary shall include in the con-  
21                   servation security contract a provision, and may modify  
22                   a conservation security contract under subsection  
23                   (e)(3)(B), to ensure that an owner or operator shall not  
24                   be considered in violation of a conservation security con-  
25                   tract for failure to comply with the conservation security

1 contract due to circumstances beyond the control of the  
2 owner or operator, including a disaster or related condi-  
3 tion.

4       “(g) DUTIES OF OWNERS AND OPERATORS.—Under  
5 a conservation security contract, an owner or operator  
6 shall agree, during the term specified under the conserva-  
7 tion security contract—

8           “(1) to implement the applicable conservation  
9 security plan approved by the Secretary;

10          “(2) to keep appropriate records showing the  
11 effective and timely implementation of the conserva-  
12 tion security plan;

13          “(3) not to engage in any activity that would  
14 interfere with the purposes of the conservation secu-  
15 rity plan;

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

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

23           “(A) if the Secretary determines that the  
24 violation warrants termination of the conserva-  
25 tion security contract—

1                     “(i) to forfeit all rights to receive pay-  
2                     ments under the conservation security con-  
3                     tract; and

4                     “(ii) to refund to the Secretary all or  
5                     a portion of the payments received by the  
6                     owner or operator under the conservation  
7                     security contract, including an advance  
8                     payment and interest on the payments, as  
9                     determined by the Secretary; or

10                   “(B) if the Secretary determines that the  
11                     violation does not warrant termination of the  
12                     conservation security contract, to refund to the  
13                     Secretary, or accept adjustments to, the pay-  
14                     ments provided to the owner or operator, as the  
15                     Secretary determines to be appropriate.

16                   “(h) DUTIES OF THE SECRETARY.—

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

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

24                     “(i) \$1,000; or

1                         “(ii) 20 percent of the value of the  
2                         annual payment under the contract, as de-  
3                         termined by the Secretary;

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

7                         “(i) \$2,000; or

8                         “(ii) 20 percent of the value of the  
9                         annual payment under the contract, as de-  
10                         termined by the Secretary; or

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

14                         “(i) \$3,000; or

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

18                         “(2) ANNUAL PAYMENTS.—

19                         “(A) IN GENERAL.—Subject to subparagraphs (B) through (D), under a conservation  
20                         security contract, the Secretary shall, in  
21                         amounts and for a period of years specified in  
22                         the conservation security contract, make an an-  
23                         nual payment to the person in an amount not  
24                         to exceed—

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

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

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

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

17                    “(C) CRITERIA FOR DETERMINING  
18                    AMOUNT OF PAYMENTS.—Subject to subpara-  
19                    graphs (A) and (D), the Secretary shall estab-  
20                    lish criteria for determining the amount of an  
21                    annual payment to a person under this para-  
22                    graph that—

23                     “(i) shall be as objective and trans-  
24                     parent as practicable; and

25                     “(ii) shall be based on—

1                   “(I) the natural resource and en-  
2                   vironmental benefits expected as a re-  
3                   sult of the adoption, maintenance, and  
4                   improvement in implementation of the  
5                   conservation practices carried out by  
6                   the person;

7                   “(II) the number of management  
8                   practices established or maintained;

9                   “(III) the schedule for the con-  
10                  servation practices described in sub-  
11                  section (c)(1)(C);

12                  “(IV) the cost of the adoption,  
13                  maintenance, and improvement in im-  
14                  plementation of conservation practices  
15                  that are newly implemented under the  
16                  conservation security contract;

17                  “(V) the extent to which com-  
18                  pensation will ensure maintenance and  
19                  improvement of conservation practices  
20                  that are or have been implemented;

21                  “(VI) the income loss or eco-  
22                  nomic value forgone by the person due  
23                  to land use adjustments resulting  
24                  from the adoption, maintenance, and

1 improvement of conservation practices;

3 “(VII) the extent to which the  
4 conservation security plan meets ap-  
5 plicable resource management system  
6 standards;

7 “(VIII) the extent to which the  
8 conservation security plan incor-  
9 porates practices that optimize carbon  
10 sequestration and minimize green-  
11 house gas emissions;

12 “(IX) the costs associated with  
13 any on-farm research, demonstration,  
14 or pilot testing components of the  
15 conservation security plan;

16 “(X) the extent to which the con-  
17 servation security plan addresses  
18 State and local conservation priorities  
19 as provided for under subsection  
20 (c)(3);

21 “(XI) the costs associated with  
22 monitoring of results required under  
23 the conservation security plan;

24 “(XII) participation in a water-  
25 shed or regional land use plan involv-

18                   “(D) LAND ENROLLED IN OTHER CON-  
19                   SERVATION PROGRAMS.—

1 same land in the conservation program, the  
2 owner or operator may elect to—

3                     “(I) convert the contract under  
4 the other conservation program to a  
5 conservation security contract, with-  
6 out penalty, except that this subclause  
7 shall not apply to a long-term or per-  
8 manent conservation or easement; or

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

20                     “(ii) PAYMENT LIMITATIONS.—If an  
21 owner or operator has land enrolled in the  
22 conservation security program and 1 or  
23 more other conservation programs adminis-  
24 tered by the Secretary, the Secretary shall  
25 include all payments, other than easement

1                   or rental payments, from the conservation  
2                   security program and the other conserva-  
3                   tion programs in applying the annual pay-  
4                   ment limitations under subparagraph (A).

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

12                   “(3) REGULATIONS.—

13                   “(A) IN GENERAL.—The Secretary shall  
14                   issue regulations—

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

17                   “(I) which regulations shall con-  
18                   form, to the extent practicable, to the  
19                   regulations defining the term ‘person’  
20                   issued under section 1001; and

21                   “(II) which term shall be defined  
22                   so that no individual directly or indi-  
23                   rectly may receive payments exceeding  
24                   the applicable amount specified in  
25                   paragraph (1) or (2);

1                             “(ii) providing adequate safeguards to  
2                             protect the interests of tenants and share-  
3                             croppers, including provision for sharing,  
4                             on a fair and equitable basis; and

5                             “(iii) prescribing such other rules as  
6                             the Secretary determines to be necessary  
7                             to ensure a fair and reasonable application  
8                             of the limitations established under para-  
9                             graphs (1) and (2).

10                             “(B) PENALTIES FOR SCHEMES OR DE-  
11                             VICES.—

12                             “(i) IN GENERAL.—If the Secretary  
13                             determines that a person has adopted a  
14                             scheme or device to evade, or that has the  
15                             purpose of evading, the regulations issued  
16                             under subparagraph (A), the person shall  
17                             be ineligible to participate in the conserva-  
18                             tion security program for the year for  
19                             which the scheme or device was adopted  
20                             and each of the following 5 years.

21                             “(ii) FRAUD.—If the Secretary deter-  
22                             mines that fraud was committed in connec-  
23                             tion with the scheme or device, the person  
24                             shall be ineligible to participate in the con-  
25                             servation security program for the year for

1 which the scheme or device was adopted  
2 and each of the following 10 years.

### 3                   “(4) TERMINATION.—

4                             “(A) IN GENERAL.—Subject to subsection  
5                             (g), the Secretary shall allow an owner or oper-  
6                             ator to terminate the conservation security con-  
7                             tract.

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

19               “(5) TRANSFER OR CHANGE OF INTEREST IN  
20       LAND SUBJECT TO CONSERVATION SECURITY CON-  
21       TRACT.—

22                             “(A) IN GENERAL.—Except as provided in  
23                             subparagraph (B), the transfer, or change in  
24                             the interest, of an owner or operator in land  
25                             subject to a conservation security contract shall

1 result in the termination of the conservation se-  
2 curity contract.

3 “(B) TRANSFER OF DUTIES AND  
4 RIGHTS.—Subparagraph (A) shall not apply if,  
5 not later than 60 days after the date of the  
6 transfer or change in the interest in land, the  
7 transferee of the land provides written notice to  
8 the Secretary that all duties and rights under  
9 the conservation security contract have been  
10 transferred to the transferee.

11 “(6) TECHNICAL ASSISTANCE.—

12 “(A) IN GENERAL.—For each fiscal year,  
13 the Secretary shall use such sums as are nec-  
14 essary from funds of the Commodity Credit  
15 Corporation to provide technical assistance to  
16 owners and operators for the development and  
17 implementation of conservation security con-  
18 tracts.

19 “(B) TECHNICAL ASSISTANCE PROVIDED  
20 BY PERSONS NOT AFFILIATED WITH DEPART-  
21 MENT OF AGRICULTURE.—

22 “(i) IN GENERAL.—Under subpara-  
23 graph (A), subject to clause (ii), technical  
24 assistance provided by qualified persons  
25 not affiliated with the Department of Agri-

16           “(7) EDUCATION, OUTREACH, MONITORING,  
17           AND EVALUATION.—

1 of the conservation security program, of  
2 which not less than 50 percent of the sums  
3 shall be used for monitoring and evaluation  
4 activities.

5 “(ii) AMOUNT.—For each fiscal year,  
6 the amount made available under clause (i)  
7 shall be not less than 40 percent of the  
8 amount made available for technical assist-  
9 ance under paragraph (6) for the fiscal  
10 year.

11 “(B) USE OF PERSONS NOT AFFILIATED  
12 WITH DEPARTMENT OF AGRICULTURE.—In car-  
13 rying out activities described in subparagraph  
14 (A), the Secretary may use persons not affili-  
15 ated with the Department of Agriculture, in-  
16 cluding networks of agricultural producers oper-  
17 ating in a small watershed or other appropriate  
18 locality.

19 “(C) INCLUDED ACTIVITIES.—Activities  
20 described in subparagraph (A) may include in-  
21 novative uses of computer technology and re-  
22 mote sensing to monitor and evaluate resource  
23 and environmental results on a local, regional,  
24 or national level.

1           “(8) PROGRAM EVALUATION.—The Secretary  
2 shall maintain data concerning conservation security  
3 plans, conservation practices planned or imple-  
4 mented, environmental outcomes, economic costs,  
5 and related matters under this section.

6           “(9) CONFIDENTIALITY.—To maintain con-  
7 fidentiality, the Secretary shall not release or dis-  
8 close publicly the conservation security plan of an  
9 owner or operator under this chapter unless the  
10 Secretary—

11           “(A) obtains the authorization of the  
12 owner or operator for the release or disclosure;

13           “(B) releases the information in an anonym-  
14 ous or aggregated form; or

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

17           “(10) MEDIATION AND INFORMAL HEARINGS.—  
18 If the Secretary makes a decision under this chapter  
19 that is adverse to an owner or operator, at the re-  
20 quest of the owner or operator, the Secretary shall  
21 provide the owner or operator with mediation serv-  
22 ices or an informal hearing on the decision.

23           “(i) REPORTS.—Not later than 18 months after the  
24 date of enactment of this chapter and at the end of each  
25 2-year period thereafter, the Secretary shall submit to

1 Congress a report evaluating the results of the conserva-  
2 tion security program, including—

3               “(1) an evaluation of the scope, quality, and  
4               outcomes of the conservation practices carried out  
5               under this section; and

6               “(2) recommendations for achieving specific  
7               and quantifiable improvements for each of the pur-  
8               poses specified in subsection (a).

9               “(j) FUNDING.—Of the funds of the Commodity  
10 Credit Corporation, the Corporation shall make available  
11 to carry out this chapter such sums as are necessary.”.

12               (b) ADMINISTRATION.—Section 1243(a) of the Food  
13 Security Act of 1985 (16 U.S.C. 3843(a)) is amended—  
14               (1) in paragraph (1)(C), by striking “and” at  
15               the end;

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

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

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

21               (c) STATE TECHNICAL COMMITTEES.—Section  
22 1262(c)(8) of the Food Security Act of 1985 (16 U.S.C.  
23 3862(c)(8)) is amended by striking “chapter 4” and in-  
24 serting “chapters 4 and 6”.

1 **SEC. 4. REGULATIONS.**

2        The Secretary of Agriculture shall promulgate such  
3 regulations as are necessary to carry out this Act and the  
4 amendments made by this Act.

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