

107TH CONGRESS
1ST SESSION

S. 1326

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

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

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

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—WORKING LANDS CONSERVATION PROGRAMS

Sec. 101. Environmental quality incentives program.

Sec. 102. Conservation reserve program.

Sec. 103. Wetlands reserve program.

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

TITLE II—MISCELLANEOUS REFORMS AND EXTENSIONS

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

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

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

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

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

10 **“SEC. 1240. PURPOSES.**

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

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

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

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

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

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

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

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

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

3 **“SEC. 1240A. DEFINITIONS.**

4 “In this chapter:

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

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

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

21 “(i) manure and wastewater handling
22 and storage;
23 “(ii) land treatment practices;
24 “(iii) nutrient management;
25 “(iv) recordkeeping;

1 “(v) feed management; and

2 “(vi) other waste utilization options.

3 “(C) PRACTICE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(a) ESTABLISHMENT.—

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

12 “(2) ELIGIBLE PRACTICES.—

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

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

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

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

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

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

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

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

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

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

23 “(c) APPLICATION AND EVALUATION.—

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

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

5 “(2) COMPARABLE ENVIRONMENTAL VALUE.—

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

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

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

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

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

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

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

10 “(d) COST-SHARE PAYMENTS.—

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

17 “(2) EXCEPTIONS.—

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

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

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

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

18 “(f) TECHNICAL ASSISTANCE.—

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

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

1 “(A) the type of expertise required;

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

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

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

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

14 “(5) NON-FEDERAL ASSISTANCE.—

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

24 “(B) PRIVATE SOURCES.—

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

8 “(I) agricultural producers;

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

11 “(III) agricultural input retail
 12 dealers;

13 “(IV) certified crop advisers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(E) CERTIFICATION BY SECRETARY.—

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

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

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

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

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

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

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

24 “(g) PARTNERSHIPS AND COOPERATION.—

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

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

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

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

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

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

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

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

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

10 “(3) FUNDING.—

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

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

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

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

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

1 “(4) FLEXIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(i) comprehensive nutrient management;

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

10 “(iii) soil erosion; or

11 “(iv) air quality;

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

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

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

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

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

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

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

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

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

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

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

1 out the environmental quality incentives program
2 plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 and

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

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

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

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

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

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

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

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

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

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

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

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

12 (a) EXTENSION OF PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

21 “(A) IN GENERAL.—In the”;

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

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

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

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

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

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

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

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

22 (2) in subparagraph (A)—

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

25 (B) by striking “and” at the end;

1 (3) in subparagraph (B)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 chapter, wetland restoration activities in watershed
2 areas.

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

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

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

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

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

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

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

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

5 “(1) cropland;

6 “(2) rangeland or grassland;

7 “(3) pastureland; or

8 “(4) private forest land.

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

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

20 “(2) any organization that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(c) EXCEPTIONS.—

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

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

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

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

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

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

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

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

7 “(4) CONSENT OF OWNER OR OPERATOR.—

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

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

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

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

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

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

4 (2) to the maximum extent practicable—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (e) FORESTRY.—

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

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

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

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

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

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

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

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

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

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

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

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

○