

115TH CONGRESS  
2D SESSION

# S. 2487

To amend the Food Security Act of 1985 to authorize the Secretary of Agriculture to provide certain data on conservation practices, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2018

Ms. KLOBUCHAR (for herself and Mr. THUNE) 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 authorize the Secretary of Agriculture to provide certain data on conservation practices, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Agriculture Data Act  
5       of 2018”.

6       **SEC. 2. DATA ON CONSERVATION PRACTICES.**

7       Subtitle E of title XII of the Food Security Act of  
8       1985 (16 U.S.C. 3841 et seq.) is amended by adding at  
9       the end the following:

1 **“SEC. 1247. DATA ON CONSERVATION PRACTICES.**

2       “(a) PURPOSE.—The purpose of this section is to in-  
3 crease the knowledge of how covered conservation prac-  
4 tices or suites of covered conservation practices impact  
5 farm and ranch profitability (such as crop yields, soil  
6 health, and other risk-reducing factors) by using an appro-  
7 priate collection, review, and analysis of data.

8       “(b) DEFINITIONS.—In this section:

9               “(1) COVERED CONSERVATION PRACTICE.—The  
10 term ‘covered conservation practice’ means a specific  
11 conservation practice or enhancement that is de-  
12 signed to protect soil health, farm and ranch produc-  
13 tivity, or both (including the protection of wildlife  
14 habitat) while maintaining or enhancing crop yields  
15 in an economically sustainable manner (including  
16 such a conservation practice or enhancement that is  
17 supported by the Department or used independently  
18 by a producer), as determined by the Secretary.

19               “(2) DEPARTMENT.—The term ‘Department’  
20 means the Department of Agriculture.

21       “(c) DATA COLLECTION, REVIEW, ANALYSIS, AND  
22 TECHNICAL ASSISTANCE.—The Secretary, acting through  
23 the one or more applicable Under Secretaries that head  
24 mission areas relating to farm and ranch productivity and  
25 conservation, in coordination with the Chief Economist

1 and the Under Secretary for Research, Education, and  
2 Economics, shall carry out the following activities:

3           “(1) Not less frequently than once each year,  
4           review, and publish a summary of, existing research  
5           of the Department, institutions of higher education,  
6           and other organizations relating to the impacts of  
7           covered conservation practices on enhancing crop  
8           yields, soil health, and otherwise reducing risk and  
9           improving farm and ranch profitability.

10           “(2) Identify currently collected data relating to  
11           the impacts of covered conservation practices on en-  
12           hancing crop yields, soil health, and otherwise reduc-  
13           ing risk and improving farm and ranch profitability  
14           generated or collected by the Department, including  
15           the Farm Service Agency, the Risk Management  
16           Agency, the Natural Resources Conservation Service,  
17           the National Agricultural Statistics Service, the Eco-  
18           nomic Research Service, the Forest Service, and any  
19           other relevant agency, as determined by the Sec-  
20           retary.

21           “(3) Collect any additional producer data, base-  
22           line data, or other data relating to the impacts of  
23           covered conservation practices on enhancing crop  
24           yields, soil health, and otherwise reducing risk and

1 improving farm and ranch profitability necessary to  
2 achieve the purpose described in subsection (a).

3 “(4) Ensure that producer data identified or  
4 collected under paragraph (2) or (3), respectively,  
5 are collected in a compatible format at the field- and  
6 farm-level and in a manner that places the lowest  
7 practicable burden on producers and improves the  
8 interoperability of the data collected by the Depart-  
9 ment for the purposes of this section and optimizes  
10 the interoperability to the extent practicable with  
11 conservation practice-related data generated by other  
12 organizations and other activities of the Department.

13 “(5) Establish procedures for producers to vol-  
14 untarily elect to be contacted to participate in or  
15 submit additional research and to provide supple-  
16 mental data that may be useful in analyzing the im-  
17 pacts of covered conservation practices on enhancing  
18 crop yields, soil health, and otherwise reducing risk  
19 and improving farm and ranch profitability.

20 “(6) Integrate and analyze the data identified  
21 or collected under this subsection to consider the im-  
22 pacts of covered conservation practices on enhancing  
23 crop yields, soil health, and otherwise improving  
24 farm and ranch profitability.

1           “(7) To the extent practicable, integrate, col-  
2           late, and link data identified in this subsection with  
3           other external data sources that include crop yields,  
4           soil health, and conservation practices.

5           “(8) Establish a conservation and farm produc-  
6           tivity data warehouse in order to make the results  
7           of the data collection and analysis under this sub-  
8           section available to academic institutions and re-  
9           searchers determined appropriate by the Secretary  
10          under subsection (d)(1).

11          “(9) Widely disseminate the research, analyzed  
12          data, and other information obtained through car-  
13          rying out this section that demonstrates the impacts  
14          of covered conservation practices on enhancing crop  
15          yields, soil health, and otherwise reducing risk and  
16          improving farm and ranch profitability in a manner  
17          that makes it easily used and implemented by pro-  
18          ducers and other stakeholders.

19          “(d) COLLABORATION WITH RESEARCH ACADEMIC  
20          INSTITUTIONS OR RESEARCHERS.—

21               “(1) IN GENERAL.—To carry out this section,  
22          the Secretary may enter into one or more agree-  
23          ments with one or more academic institutions or re-  
24          searchers determined appropriate by the Secretary—

1           “(A) to provide technical assistance, exper-  
 2           tise, and technology infrastructure, as needed,  
 3           to develop the data warehouse established under  
 4           subsection (c)(8);

5           “(B) to provide to those academic institu-  
 6           tions and researchers access to data collected in  
 7           carrying out this section; and

8           “(C) to establish procedures for producers  
 9           to voluntarily elect to be contacted to partici-  
 10          pate in or submit additional research and to  
 11          provide supplemental data that may be useful  
 12          in analyzing the impacts of covered conserva-  
 13          tion practices on enhancing crop yields, soil  
 14          health, and otherwise reducing risk and improv-  
 15          ing farm and ranch profitability.

16          “(2) PROCEDURES TO PROTECT INTEGRITY AND  
 17          CONFIDENTIALITY.—

18           “(A) IN GENERAL.—Before providing ac-  
 19           cess to any data under paragraph (1), the Sec-  
 20           retary shall establish procedures to protect the  
 21           integrity and confidentiality of proprietary pro-  
 22           ducer data.

23           “(B) REQUIREMENTS.—Procedures under  
 24           subparagraph (A) shall provide appropriate pri-

1 vate protections to the producer data, includ-  
 2 ing—

3 “(i) prohibiting the sale of any indi-  
 4 vidual producer data; and

5 “(ii) requiring any published research  
 6 to release only aggregated data.

7 “(e) PRODUCER TOOLS.—

8 “(1) IN GENERAL.—Not later than 3 years  
 9 after the date of enactment of this section, the Sec-  
 10 retary shall provide technical assistance, including  
 11 through internet-based tools, based on the analysis  
 12 conducted in carrying out this section and other  
 13 sources of relevant data, to assist producers in im-  
 14 proving sustainable production practices that in-  
 15 crease yields and enhance environmental outcomes.

16 “(2) INTERNET-BASED TOOLS.—Internet-based  
 17 tools described in paragraph (1) shall provide to pro-  
 18 ducers, to the maximum extent practicable—

19 “(A) confidential data specific to each  
 20 farm or ranch of the producer; and

21 “(B) general data relating to the impacts  
 22 of covered conservation practices on enhancing  
 23 crop yields, soil health, and otherwise reducing  
 24 risk and improving farm and ranch profit-  
 25 ability.

1       “(f) EFFECT ON PRIVACY PROTECTION LAWS.—

2   Nothing in this section affects the applicability to this sec-  
3   tion of—

4               “(1) section 1770;

5               “(2) section 1619 of the Food, Conservation,  
6       and Energy Act of 2008 (7 U.S.C. 8791);

7               “(3) section 502(c) of the Federal Crop Insur-  
8       ance Act (7 U.S.C. 1502(c));

9               “(4) section 552a of title 5, United States  
10      Code; or

11              “(5) any other applicable privacy law that pro-  
12      tects personally identifiable information of pro-  
13      ducers.

14      “(g) REPORTING.—Not later than 1 year after the  
15      date of enactment of this section, and each year there-  
16      after, the Secretary shall submit to the Committee on Ag-  
17      riculture of the House of Representatives and the Com-  
18      mittee on Agriculture, Nutrition, and Forestry of the Sen-  
19      ate a report that includes—

20              “(1) a summary of the analysis conducted  
21      under this section;

22              “(2) the number and regions of producers that  
23      voluntarily submitted information under subsections  
24      (c)(5) and (d)(1)(C);

1           “(3) a description of any additional or new ac-  
2           tivities planned to be conducted under this section in  
3           the next fiscal year, including—

4                   “(A) research relating to any additional  
5           conservation practices;

6                   “(B) any new types of data to be collected;

7                   “(C) any improved or streamlined data col-  
8           lection efforts associated with this section; and

9                   “(D) any new research projects; and

10           “(4) in the case of the first two reports sub-  
11           mitted under this subsection, a description of the  
12           current status of the implementation of activities  
13           under subsection (c).”.

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