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1 **TITLE II—CONSERVATION**

2 **Subtitle A—Definitions**

3 **SEC. 2001. DEFINITIONS.**

4 Section 1201(a) of the Food Security Act of 1985
5 (16 U.S.C. 3801(a)) is amended—

6 (1) by redesignating paragraphs (2) through
7 (11), (12) through (15), and (16), (17), and (18) as
8 paragraphs (3) through (12), (15) through (18), and
9 (20), (22), and (23), respectively;

10 (2) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) BEGINNING FARMER OR RANCHER.—The
13 term ‘beginning farmer or rancher’ has, to the max-
14 imum extent practicable, the meaning given the term

1 in section 343(a) of the Consolidated Farm and
2 Rural Development Act (7 U.S.C. 1991(a)), except
3 that the Secretary may include in the definition of
4 the term—

5 “(A) a fair and reasonable test of net
6 worth; and

7 “(B) such other criteria as the Secretary
8 determines to be appropriate.”;

9 (3) by inserting after paragraph (12) (as reded-
10 igned by paragraph (1)) the following:

11 “(13) INDIAN TRIBE.—The term ‘Indian tribe’
12 has the meaning given the term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 450b).

15 “(14) NONINDUSTRIAL PRIVATE FOREST
16 LAND.—The term ‘nonindustrial private forest land’
17 means rural land, as determined by the Secretary,
18 that—

19 “(A) has existing tree cover or is suitable
20 for growing trees; and

21 “(B) is owned by any nonindustrial private
22 individual, group, association, corporation, In-
23 dian tribe, or other private legal entity that has
24 definitive decisionmaking authority over the
25 land.”;

1 (4) by inserting after paragraph (18) (as reded-
2 ignated by paragraph (1)) the following:

3 “(19) SOCIALLY DISADVANTAGED FARMER OR
4 RANCHER.—The term ‘socially disadvantaged farmer
5 or rancher’ has the meaning given the term in sec-
6 tion 355(e) of the Consolidated Farm and Rural De-
7 velopment Act (7 U.S.C. 2003(e)).”; and

8 (5) by inserting after paragraph (20) (as reded-
9 ignated by paragraph (1)) the following:

10 “(21) TECHNICAL ASSISTANCE.—

11 “(A) IN GENERAL.—The term ‘technical
12 assistance’ means technical expertise, informa-
13 tion, and tools necessary for the conservation of
14 natural resources on land active in agricultural,
15 forestry, or related uses.

16 “(B) INCLUSIONS.—The term ‘technical
17 assistance’ includes—

18 “(i) technical services provided di-
19 rectly to farmers, ranchers, and other eligi-
20 ble entities, such as conservation planning,
21 technical consultation, and assistance with
22 design and implementation of conservation
23 practices; and

24 “(ii) technical infrastructure, includ-
25 ing activities, processes, tools, and agency

1 functions needed to support delivery of
2 technical services, such as technical stand-
3 ards, resource inventories, training, data,
4 technology, monitoring, and effects anal-
5 yses.”.

6 **Subtitle B—Highly Erodible Land**
7 **Conservation**

8 **SEC. 2101. REVIEW OF GOOD FAITH DETERMINATIONS; EX-**
9 **EMPTIONS.**

10 Section 1212 of the Food Security Act of 1985 (16
11 U.S.C. 3812) is amended by striking subsection (f) and
12 inserting the following:

13 “(f) GRADUATED PENALTIES.—

14 “(1) INELIGIBILITY.—No person shall become
15 ineligible under section 1211 for program loans, pay-
16 ments, and benefits as a result of the failure of the
17 person to actively apply a conservation plan, if the
18 Secretary determines that the person has acted in
19 good faith and without an intent to violate this sub-
20 title.

21 “(2) ELIGIBLE REVIEWERS.—A determination
22 of the Secretary, or a designee of the Secretary,
23 under paragraph (1) shall be reviewed by the appli-
24 cable—

1 servation plan applicable to the land
2 on which the violation has occurred.

3 “(B) REDUCTION.—If this paragraph ap-
4 plies under subparagraph (A), the Secretary
5 shall, in lieu of applying the ineligibility provi-
6 sions of section 1211, reduce program benefits
7 described in section 1211 that the producer
8 would otherwise be eligible to receive in a crop
9 year by an amount commensurate with the seri-
10 ousness of the violation, as determined by the
11 Secretary.

12 “(5) SUBSEQUENT CROP YEARS.—Any person
13 whose benefits are reduced for any crop year under
14 this subsection shall continue to be eligible for all of
15 the benefits described in section 1211 for any subse-
16 quent crop year if, prior to the beginning of the sub-
17 sequent crop year, the Secretary determines that the
18 person is actively applying a conservation plan ac-
19 cording to the schedule specified in the plan.”.

20 **Subtitle C—Wetland Conservation**

21 **SEC. 2201. REVIEW OF GOOD FAITH DETERMINATIONS.**

22 Section 1222(h) of the Food Security Act of 1985
23 (16 U.S.C. 3822(h)) is amended—

24 (1) by redesignating paragraph (2) as para-
25 graph (3);

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) **ELIGIBLE REVIEWERS.**—A determination
4 of the Secretary, or a designee of the Secretary,
5 under paragraph (1) shall be reviewed by the appli-
6 cable—

7 “(A) State Executive Director, with the
8 technical concurrence of the State Conserva-
9 tionist; or

10 “(B) district director, with the technical
11 concurrence of the area conservationist.”; and

12 (3) in paragraph (3) (as redesignated by para-
13 graph (1)), by inserting “be” before “actively”.

14 **Subtitle D—Agricultural Resources**
15 **Conservation Program**

16 **CHAPTER 1—COMPREHENSIVE**
17 **CONSERVATION ENHANCEMENT**

18 **Subchapter A—Comprehensive Conservation**
19 **Enhancement Program**

20 **SEC. 2301. REAUTHORIZATION AND EXPANSION OF PRO-**
21 **GRAMS COVERED.**

22 (a) **IN GENERAL.**—Section 1230 of the Food Security
23 Act of 1985 (16 U.S.C. 3830) is amended to read as fol-
24 lows:

1 **“SEC. 1230. COMPREHENSIVE CONSERVATION ENHANCE-**
2 **MENT PROGRAM.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—During the 1996 through
5 2012 fiscal years, the Secretary shall establish a
6 comprehensive conservation enhancement program
7 (referred to in this section as ‘CCEP’) to be imple-
8 mented through contracts and the acquisition of
9 easements to assist owners and operators of farms,
10 ranches, and nonindustrial private forestland to con-
11 serve and enhance soil, water, and related natural
12 resources, including grazing land, wetland, and wild-
13 life habitat.

14 “(2) MEANS.—The Secretary shall carry out
15 the CCEP by—

16 “(A) providing for the long-term protection
17 of environmentally-sensitive land; and

18 “(B) providing technical and financial as-
19 sistance to farmers, ranchers, and nonindustrial
20 private forest landowners—

21 “(i) to improve the management and
22 operation of the farms, ranches, and pri-
23 vate nonindustrial forest land; and

24 “(ii) to reconcile productivity and
25 profitability with protection and enhance-
26 ment of the environment;

1 “(C) reducing administrative burdens and
2 streamlining application and planning proce-
3 dures to encourage producer participation; and

4 “(D) providing opportunities to leverage
5 Federal conservation investments through inno-
6 vative partnerships with governmental agencies,
7 education institutions, producer groups, and
8 other nongovernmental organizations.

9 “(3) PROGRAMS.—The CCEP shall consist of—

10 “(A) the conservation reserve program es-
11 tablished under subchapter B;

12 “(B) the wetlands reserve program estab-
13 lished under subchapter C; and

14 “(C) the healthy forests reserve program
15 established under subchapter D.

16 “(b) CONTRACTS AND ENROLLMENTS.—

17 “(1) IN GENERAL.—In carrying out the CCEP,
18 the Secretary shall enter into contracts with owners
19 and operators and acquire interests in land through
20 easements from owners, as provided in this chapter.

21 “(2) PRIOR ENROLLMENTS.—Acreage enrolled
22 in the conservation reserve program, wetlands re-
23 serve program, or healthy forests reserve program
24 prior to the date of enactment of the Food and En-

1 “(E) SHELTERBELTS AND WINDBREAKS.—

2 The limitations established under this para-
3 graph shall not apply to cropland that is subject
4 to an easement under chapter 1 or 3 that is
5 used for the establishment of shelterbelts and
6 windbreaks.

7 “(2) TENANT PROTECTION.—Except for a per-
8 son who is a tenant on land that is subject to a con-
9 servation reserve contract that has been extended by
10 the Secretary, the Secretary shall provide adequate
11 safeguards to protect the interests of tenants and
12 sharecroppers, including provisions for sharing, on a
13 fair and equitable basis, in payments under the pro-
14 grams established under this subtitle and subtitles B
15 and C.

16 “(3) PROVISION OF TECHNICAL ASSISTANCE BY
17 OTHER SOURCES.—

18 “(A) IN GENERAL.—In the preparation
19 and application of a conservation compliance
20 plan under subtitle B or similar plan required
21 as a condition for assistance from the Depart-
22 ment of Agriculture, the Secretary shall permit
23 persons to secure technical assistance from ap-
24 proved sources, as determined by the Secretary,

1 other than the Natural Resources Conservation
2 Service.

3 “(B) REJECTION.—If the Secretary rejects
4 a technical determination made by a source de-
5 scribed in subparagraph (A), the basis of the
6 determination of the Secretary shall be sup-
7 ported by documented evidence.

8 “(4) REGULATIONS.—Not later than 90 days
9 after the date of enactment of the Food and Energy
10 Security Act of 2007, the Secretary shall promulgate
11 regulations to implement the conservation reserve
12 and wetlands reserve programs established under
13 this chapter.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 1243 of the Food Security Act of
16 1985 (16 U.S.C. 3843) is repealed.

17 (2) Section 1222(g) of the Food Security Act of
18 1985 (16 U.S.C. 3822(g)) is amended by striking
19 “1243” and inserting “1230(c)”.

20 (3) Section 1231(k)(3)(C)(i) of the Food Secu-
21 rity Act of 1985 (16 U.S.C. 3831(k)(3)(C)(i)) is
22 amended by striking “1243(b)” and inserting
23 “1230(c)(1)”.

1 “(A) is to be devoted to native vegetation
2 appropriate to the ecological site; and

3 “(B) would contribute to the restoration of
4 a long-leaf pine forest or other declining forest
5 ecosystem, as defined by the Secretary; or

6 “(7) land that is enrolled in the flooded farm-
7 land program established under section 1235B.”.

8 (c) ENROLLMENT.—Section 1231(d) of the Food Se-
9 curity Act of 1985 (16 U.S.C. 3831(d)) is amended by
10 striking “up to” and all that follows through “2007” and
11 inserting “up to 39,200,000 acres in the conservation re-
12 serve at any 1 time during the 2008 through 2012”.

13 (d) CONSERVATION PRIORITY AREAS.—Section
14 1231(f)(1) of the Food Security Act of 1985 (16 U.S.C.
15 3831(f)(1)) is amended—

16 (1) by striking “(Pennsylvania, Maryland, and
17 Virginia)”; and

18 (2) by inserting “the Prairie Pothole Region,
19 the Grand Lake St. Mary’s Watershed, the Eastern
20 Snake Plain Aquifer,” after “Sound Region,”.

21 (e) PILOT PROGRAM FOR ENROLLMENT OF WET-
22 LAND AND BUFFER ACREAGE IN CONSERVATION RE-
23 SERVE.—Section 1231 of the Food Security Act of 1985
24 (16 U.S.C. 3831) is amended by striking subsection (h)
25 and inserting the following:

1 “(h) PILOT PROGRAM FOR ENROLLMENT OF WET-
2 LAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE
3 IN CONSERVATION RESERVE.—

4 “(1) PROGRAM.—

5 “(A) IN GENERAL.—During the 2008
6 through 2012 calendar years, the Secretary
7 shall carry out a program in each State under
8 which the Secretary shall enroll eligible acreage
9 described in paragraph (2).

10 “(B) PARTICIPATION AMONG STATES.—

11 The Secretary shall ensure, to the maximum ex-
12 tent practicable, that owners and operators in
13 each State have an equitable opportunity to
14 participate in the pilot program established
15 under this subsection.

16 “(2) ELIGIBLE ACREAGE.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graphs (B) through (E), an owner or operator
19 may enroll in the conservation reserve under
20 this subsection—

21 “(i)(I) a wetland (including a con-
22 verted wetland described in section
23 1222(b)(1)(A)) that had a cropping history
24 during at least 4 of the immediately pre-
25 ceding 6 crop years; or

1 “(II) a shallow water area that was
2 devoted to a commercial pond-raised aqua-
3 culture operation any year during the pe-
4 riod of calendar years 2002 through 2007;
5 and

6 “(ii) buffer acreage that—

7 “(I) is contiguous to a wetland or
8 shallow water area described in clause
9 (i);

10 “(II) is used to protect the wet-
11 land or shallow water area described
12 in clause (i); and

13 “(III) is of such width as the
14 Secretary determines is necessary to
15 protect the wetland or shallow water
16 area described in clause (i) or to en-
17 hance the wildlife benefits, taking into
18 consideration and accommodating the
19 farming practices (including the
20 straightening of boundaries to accom-
21 modate machinery) used with respect
22 to the cropland that surrounds the
23 wetland or shallow water area.

24 “(B) EXCLUSIONS.—Except for a shallow
25 water area described in paragraph (2)(A)(i), an

1 owner or operator may not enroll in the con-
2 servation reserve under this subsection—

3 “(i) any wetland, or land on a flood-
4 plain, that is, or is adjacent to, a perennial
5 riverine system wetland identified on the
6 final national wetland inventory map of the
7 Secretary of the Interior; or

8 “(ii) in the case of an area that is not
9 covered by the final national inventory
10 map, any wetland, or land on a floodplain,
11 that is adjacent to a perennial stream iden-
12 tified on a 1-24,000 scale map of the
13 United States Geological Survey.

14 “(C) PROGRAM LIMITATIONS.—

15 “(i) IN GENERAL.—The Secretary
16 may enroll in the conservation reserve
17 under this subsection not more than—

18 “(I) 100,000 acres in any 1
19 State referred to in paragraph (1);
20 and

21 “(II) not more than a total of
22 1,000,000 acres.

23 “(ii) RELATIONSHIP TO PROGRAM
24 MAXIMUM.—Subject to clause (iii), for the
25 purposes of subsection (d), any acreage en-

1 rolled in the conservation reserve under
2 this subsection shall be considered acres
3 maintained in the conservation reserve.

4 “(iii) RELATIONSHIP TO OTHER EN-
5 ROLLED ACREAGE.—Acreage enrolled
6 under this subsection shall not affect for
7 any fiscal year the quantity of—

8 “(I) acreage enrolled to establish
9 conservation buffers as part of the
10 program announced on March 24,
11 1998 (63 Fed. Reg. 14109); or

12 “(II) acreage enrolled into the
13 conservation reserve enhancement pro-
14 gram announced on May 27, 1998 (63
15 Fed. Reg. 28965).

16 “(iv) REVIEW; POTENTIAL INCREASE
17 IN ENROLLMENT ACREAGE.—Not later
18 than 3 years after the date of enactment
19 of the Food and Energy Security Act of
20 2007, the Secretary shall—

21 “(I) conduct a review of the pro-
22 gram under this subsection with re-
23 spect to each State that has enrolled
24 land in the program; and

1 “(II) notwithstanding clause
2 (i)(I), increase the number of acres
3 that may be enrolled by a State under
4 clause (i)(I) to not more than 150,000
5 acres, as determined by the Secretary.

6 “(D) OWNER OR OPERATOR LIMITA-
7 TIONS.—

8 “(i) WETLAND.—

9 “(I) IN GENERAL.—Except for a
10 shallow water area described in para-
11 graph (2)(A)(i), the maximum size of
12 any wetland described in subpara-
13 graph (A)(i) of an owner or operator
14 enrolled in the conservation reserve
15 under this subsection shall be 40 con-
16 tiguous acres.

17 “(II) COVERAGE.—All acres de-
18 scribed in subclause (I) (including
19 acres that are ineligible for payment)
20 shall be covered by the conservation
21 contract.

22 “(ii) BUFFER ACREAGE.—The max-
23 imum size of any buffer acreage described
24 in subparagraph (A)(ii) of an owner or op-
25 erator enrolled in the conservation reserve

1 under this subsection shall be determined
2 by the Secretary in consultation with the
3 State Technical Committee.

4 “(iii) TRACTS.—Except for a shallow
5 water area described in paragraph
6 (2)(A)(i), the maximum size of any eligible
7 acreage described in subparagraph (A) in a
8 tract (as determined by the Secretary) of
9 an owner or operator enrolled in the con-
10 servation reserve under this subsection
11 shall be 40 acres.

12 “(3) DUTIES OF OWNERS AND OPERATORS.—
13 Under a contract entered into under this subsection,
14 during the term of the contract, an owner or oper-
15 ator of a farm or ranch shall agree—

16 “(A) to restore the hydrology of the wet-
17 land within the eligible acreage to the maximum
18 extent practicable, as determined by the Sec-
19 retary;

20 “(B) to establish vegetative cover (which
21 may include emerging vegetation in water) on
22 the eligible acreage, as determined by the Sec-
23 retary;

24 “(C) to a general prohibition of commercial
25 use of the enrolled land; and

1 “(D) to carry out other duties described in
2 section 1232.

3 “(4) DUTIES OF THE SECRETARY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraphs (B) and (C), in return for a con-
6 tract entered into by an owner or operator
7 under this subsection, the Secretary shall make
8 payments based on rental rates for cropland
9 and provide assistance to the owner or operator
10 in accordance with sections 1233 and 1234.

11 “(B) CONTINUOUS SIGNUP.—The Sec-
12 retary shall use continuous signup under sec-
13 tion 1234(e)(2)(B) to determine the accept-
14 ability of contract offers and the amount of
15 rental payments under this subsection.

16 “(C) INCENTIVES.—The amounts payable
17 to owners and operators in the form of rental
18 payments under contracts entered into under
19 this subsection shall reflect incentives that are
20 provided to owners and operators to enroll
21 filterstrips in the conservation reserve under
22 section 1234.”.

23 (f) BALANCE OF NATURAL RESOURCE PURPOSES.—
24 Section 1231(j) of the Food Security Act of 1985 (16

1 U.S.C. 3831(j)) is amended by striking “and wildlife” and
2 inserting “wildlife, and pollinator”.

3 (g) DUTIES OF PARTICIPANTS.—Section 1232(a) of
4 the Food Security Act of 1985 (16 U.S.C. 3832(a)) is
5 amended—

6 (1) in paragraph (4)—

7 (A) by redesignating subparagraphs (A)
8 and (B) as subparagraphs (B) and (C), respec-
9 tively; and

10 (B) by inserting before subparagraph (B)
11 (as so redesignated) the following:

12 “(A) approved vegetative cover shall en-
13 courage the planting of native species and res-
14 toration of biodiversity;”;

15 (2) by redesignating paragraphs (5) through
16 (10) as paragraphs (6) through (11), respectively;
17 and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) to undertake active management on the
21 land as needed throughout the term of the contract
22 to implement the conservation plan;”.

23 (h) MANAGED HARVESTING AND GRAZING.—Section
24 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C.
25 3832(a)(7)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by inserting “and brood rearing” after “habitat dur-
3 ing nesting”; and

4 (2) in subparagraph (A), by striking “bio-
5 mass)” and inserting “biomass and prescribed graz-
6 ing for the control of invasive species), if such activ-
7 ity is permitted and consistent with the conservation
8 plan described in subsection (b)(1)(A))”; and

9 (i) CONSERVATION PLANS.—Section 1232(b)(1)(A)
10 of the Food Security Act of 1985 (16 U.S.C.
11 3832(b)(1)(A)) is amended by striking “contract; and”
12 and inserting the following: “contract that are—

13 “(i) compatible with the conservation
14 and improvement of soil, water, and wild-
15 life and wildlife habitat;

16 “(ii) clearly described and apply
17 throughout the duration of the contract;

18 “(iii) actively managed by the owner
19 or operator that entered into the contract;
20 and

21 “(iv) consistent with local active man-
22 agement conservation measures and prac-
23 tices, as determined by the Secretary;
24 and”.

1 (j) ACCEPTANCE OF CONTRACT OFFERS.—Section
2 1234(c) of the Food Security Act of 1985 (16 U.S.C.
3 3834(c)) is amended—

4 (1) by striking paragraph (3) and inserting the
5 following:

6 “(3) ACCEPTANCE OF CONTRACT OFFERS.—

7 “(A) EVALUATION OF OFFERS.—In deter-
8 mining the acceptability of contract offers, the
9 Secretary may take into consideration the ex-
10 tent to which enrollment of the land that is the
11 subject of the contract offer would improve soil
12 resources, water quality, pollinator, fish, or
13 wildlife habitat, or provide other environmental
14 benefits.

15 “(B) LOCAL PREFERENCE.—In deter-
16 mining the acceptability of contract offers for
17 new enrollments if, as determined by the Sec-
18 retary, the land would provide at least equiva-
19 lent conservation benefits to land under com-
20 peting offers, the Secretary shall, to the max-
21 imum extent practicable, accept an offer from
22 an owner or operator that is a resident of the
23 county in which the land is located or of a con-
24 tiguous county.”; and

25 (2) by adding at the end the following:

1 “(5) RENTAL RATES.—

2 “(A) ANNUAL ESTIMATES.—Not later than
3 1 year after the date of enactment of this para-
4 graph, the Secretary (acting through the Na-
5 tional Agricultural Statistics Service) shall con-
6 duct an annual survey of per acre estimates of
7 county average market dryland and irrigated
8 cash rental rates for cropland and pastureland
9 in all counties or equivalent subdivisions within
10 each State that have 20,000 acres or more of
11 cropland and pastureland.

12 “(B) PUBLIC AVAILABILITY OF ESTI-
13 MATES.—The estimates derived from the an-
14 nual survey conducted under subparagraph (A)
15 shall be maintained on a website of the Depart-
16 ment of Agriculture for use by the general pub-
17 lic.”.

18 (k) EARLY TERMINATION BY OWNER OR OPER-
19 ATOR.—Section 1235(e)(1) of the Food Security Act of
20 1985 (16 U.S.C. 3835(e)(1)) is amended by striking sub-
21 paragraph (A) and inserting the following:

22 “(A) IN GENERAL.—The Secretary shall
23 allow a participant to terminate a conservation
24 reserve contract at any time if, as determined
25 by the Secretary—

1 “(i) the participant entered into a
2 contract under this subchapter before Jan-
3 uary 1, 1995, and the contract has been in
4 effect for at least 5 years; or

5 “(ii) in the case of a participant who
6 is disabled (as defined in section 72(m)(7)
7 of the Internal Revenue Code of 1986) or
8 retired from farming or ranching, the par-
9 ticipant has endured financial hardship as
10 a result of the taxation of rental payments
11 received.”.

12 **SEC. 2312. FLOODED FARMLAND PROGRAM.**

13 Subchapter B of chapter 1 of subtitle D of title XII
14 of the Food Security Act of 1985 (16 U.S.C. 3831a et
15 seq.) is amended by adding at the end the following:

16 **“SEC. 1235B. FLOODED FARMLAND PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) CLOSED BASIN LAKE OR POTHOLE.—The
19 term ‘closed basin lake or pothole’ means a naturally
20 occurring lake, pond, pothole, or group of potholes
21 within a tract that—

22 “(A) covered, on average, at least 5 acres
23 in surface area during the preceding 3 crop
24 years, as determined by the Secretary; and

25 “(B) has no natural outlet.

1 “(2) TRACT.—The term ‘tract’ has the meaning
2 given the term by the Secretary.

3 “(b) PROGRAM.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law (including regulations), as part of
6 the conservation reserve program established under
7 this subchapter, the Secretary shall offer to enter
8 into contracts under which the Secretary shall per-
9 mit the enrollment in the conservation reserve of eli-
10 gible cropland and grazing land that has been flood-
11 ed by the natural overflow of a closed basin lake or
12 pothole located within the Prairie Pothole Region of
13 the northern Great Plains priority area (as deter-
14 mined by the Secretary, by regulation).

15 “(2) EXTENSIONS.—The Secretary may offer to
16 extend a contract entered into under paragraph (1)
17 if the Secretary determines that conditions persist
18 that make cropland or grazing land covered by the
19 contract and eligible for entry into the program
20 under this section.

21 “(c) CONTINUOUS SIGNUP.—The Secretary shall
22 offer the program under this section through continuous
23 signup under this subchapter.

24 “(d) ELIGIBILITY.—

1 “(1) IN GENERAL.—To be eligible to enter into
2 a contract under subsection (b), the owner shall own
3 land that, as determined by the Secretary—

4 “(A) during the 3 crop years preceding
5 entry into the contract, was rendered incapable
6 of use for the production of an agricultural
7 commodity or for grazing purposes; and

8 “(B) prior to the natural overflow of a
9 closed basin lake or pothole caused by a period
10 of precipitation in excess of historical patterns,
11 had been consistently used for the production of
12 crops or as grazing land.

13 “(2) INCLUSIONS.—Land described in para-
14 graph (1) shall include—

15 “(A) land that has been flooded as the re-
16 sult of the natural overflow of a closed basin
17 lake or pothole;

18 “(B) land that has been rendered inaccess-
19 sible due to flooding as the result of the natural
20 overflow of a closed basin lake or pothole; and

21 “(C) a reasonable quantity of additional
22 land adjoining the flooded land that would en-
23 hance the conservation or wildlife value of the
24 tract, as determined by the Secretary.

1 “(3) ADMINISTRATION.—The Secretary may es-
2 tablish—

3 “(A) reasonable minimum acreage levels
4 for individual parcels of land that may be in-
5 cluded in a contract entered into under this sec-
6 tion; and

7 “(B) the location and area of adjoining
8 flooded land that may be included in a contract
9 entered into under this section.

10 “(e) PAYMENTS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the rate of an annual rental payment under this sec-
13 tion, as determined by the Secretary—

14 “(A) shall be based on the rental rate
15 under this subchapter for cropland, and an ap-
16 propriate rental rate for pastureland; and

17 “(B) may be reduced by up to 25 percent,
18 based on the ratio of upland associated with the
19 enrollment of the flooded land.

20 “(2) EXCLUSIONS.—During the term of a con-
21 tract entered into under this section, an owner shall
22 not be eligible to participate in or receive benefits
23 for land that is included in the contract under—

1 “(A) the Federal crop insurance program
2 established under the Federal Crop Insurance
3 Act (7 U.S.C. 1501 et seq.);

4 “(B) the noninsured crop assistance pro-
5 gram established under section 196 of the Fed-
6 eral Agriculture Improvement and Reform Act
7 of 1996 (7 U.S.C. 7333); or

8 “(C) any Federal agricultural crop disaster
9 assistance program.

10 “(f) RELATIONSHIP TO AGRICULTURAL COMMODITY
11 PROGRAMS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary, by regulation, shall provide for the
14 preservation of cropland base, allotment history, and
15 payment yields applicable to land that was rendered
16 incapable of use for the production of an agricul-
17 tural commodity or for grazing purposes as the re-
18 sult of the natural overflow of a closed basin lake or
19 pothole.

20 “(2) TERMINATION OF CONTRACT.—On termi-
21 nation of a contract under this section, the Secretary
22 shall adjust the cropland base, allotment history,
23 and payment yields for land covered by the contract
24 to ensure equitable treatment of the land relative to
25 program payment yields of comparable land in the

1 county that was not flooded as a result of the nat-
2 ural overflow of a closed basin lake or pothole and
3 was capable of remaining in agricultural production.

4 “(g) USE OF LAND.—An owner that has entered into
5 a contract with the Secretary under this section shall take
6 such actions as are necessary to avoid degrading any wild-
7 life habitat on land covered by the contract that has natu-
8 rally developed as a result of the natural overflow of a
9 closed basin lake or pothole.”.

10 **SEC. 2313. WILDLIFE HABITAT PROGRAM.**

11 Subchapter B of chapter 1 of subtitle D of title XII
12 of the Food Security Act of 1985 (16 U.S.C. 3831a et
13 seq.) (as amended by section 2312) is amended by adding
14 at the end the following:

15 **“SEC. 1235C. WILDLIFE HABITAT PROGRAM.**

16 “(a) IN GENERAL.—As part of the conservation re-
17 serve program established under this subchapter, the Sec-
18 retary shall carry out a program to provide to owners and
19 operators who have entered into contracts under this sub-
20 chapter and established softwood pine stands, for each of
21 fiscal years 2008 through 2012, assistance to carry out,
22 on the acreage of the owner or operator enrolled in the
23 program under this subchapter, activities that improve the
24 condition of the enrolled land for the benefit of wildlife.

1 “(b) SCOPE OF PROGRAM.—In carrying out the pro-
2 gram under this section, the Secretary shall determine—

3 “(1) the amount and rate of payments (includ-
4 ing incentive payments and cost-sharing payments)
5 to be made to owners and operators who participate
6 in the program to ensure the participation of those
7 owners and operators;

8 “(2) the areas in each of the States in which
9 owners and operators referred to in subsection (a)
10 are located that should be given priority under the
11 program, based on the need in those areas for
12 changes in the condition of land to benefit wildlife;
13 and

14 “(3) the management strategies and practices
15 (including thinning, burning, seeding, establishing
16 wildlife food plots, and such other practices that
17 have benefits for wildlife as are approved by the Sec-
18 retary) that may be carried out by owners and oper-
19 ators under the program.

20 “(c) AGREEMENTS.—

21 “(1) IN GENERAL.—An owner or operator de-
22 scribed in subsection (a) that seeks to receive assist-
23 ance under this section shall enter into an agree-
24 ment with the Secretary that—

1 “(A) describes the management strategies
2 and practices referred to in subsection (b)(3)
3 that will be carried out by the owner or oper-
4 ator under the agreement;

5 “(B) describes measures to be taken by the
6 owner or operator to ensure active but flexible
7 management of acreage covered by the agree-
8 ment;

9 “(C) requires the owner or operator to
10 submit to periodic monitoring and evaluation by
11 wildlife or forestry agencies of the State in
12 which land covered by the agreement is located;
13 and

14 “(D) contains such other terms or condi-
15 tions as the Secretary may require.

16 “(2) TERM; INCLUSION IN CONTRACT.—An
17 agreement entered into under this section shall have
18 a term of not more than 5 years.

19 “(d) PARTNERSHIPS.—In carrying out this section,
20 the Secretary may establish or identify and, as appro-
21 priate, require owners and operators participating in the
22 program under this section to work cooperatively with,
23 partnerships among the Secretary and State, local, and
24 nongovernmental organizations.

1 “(e) TECHNICAL ASSISTANCE AND COST SHARING.—
2 The Secretary may provide to owners and operators par-
3 ticipating in the program under this section, and members
4 of partnerships described in subsection (d)—

5 “(1) technical assistance for use in carrying out
6 an activity covered by an agreement described in
7 subsection (c); and

8 “(2) a payment for use in covering a percentage
9 of the costs of carrying out each such activity that
10 does not exceed the applicable amount and rate de-
11 termined by the Secretary under subsection (b)(1).

12 “(f) TERMINATION OF PROGRAM.—The program
13 under this section shall terminate on September 30,
14 2011.”.

15 **Subchapter C—Wetlands Reserve Program**

16 **SEC. 2321. WETLANDS RESERVE PROGRAM.**

17 Section 1237(b) of the Food Security Act of 1985
18 (16 U.S.C. 3837(b)) is amended—

19 (1) by striking subsection (b) and inserting the
20 following:

21 “(b) ENROLLMENT CONDITIONS.—

22 “(1) ANNUAL ENROLLMENT.—To the maximum
23 extent practicable, the Secretary shall enroll 250,000
24 acres in each fiscal year, with no enrollments begin-
25 ning in fiscal year 2013.

1 “(2) METHODS OF ENROLLMENT.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the Secretary shall enroll
4 acreage into the wetlands reserve program
5 through the use of—

6 “(i) permanent easements;

7 “(ii) 30-year easements;

8 “(iii) restoration cost-share agree-
9 ments; or

10 “(iv) any combination of the options
11 described in clauses (i) through (iii).

12 “(B) ACREAGE OWNED BY INDIAN
13 TRIBES.—In the case of acreage owned by an
14 Indian tribe, the Secretary shall enroll acreage
15 into the wetlands reserve program through the
16 use of—

17 “(i) a 30-year contract (the value of
18 which shall be equivalent to the value of a
19 30-year easement);

20 “(ii) restoration cost-share agree-
21 ments; or

22 “(iii) any combination of the options
23 described in clauses (i) and (ii).”; and

24 (2) in subsection (c), by striking “2007 cal-
25 endar” and inserting “2012 fiscal”.

1 **SEC. 2322. EASEMENTS AND AGREEMENTS.**

2 (a) TERMS OF EASEMENT.—Section 1237A(b)(2)(B)
3 of the Food Security Act of 1985 (16 U.S.C.
4 3837a(b)(2)(B)) is amended—

5 (1) in clause (i), by striking “or” at the end;

6 (2) in clause (ii), by striking “; and” and in-
7 serting “; or”; and

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

9 “(iii) to meet habitat needs of specific
10 wildlife species; and”.

11 (b) COMPENSATION.—Section 1237A(f) of the Food
12 Security Act of 1985 (16 U.S.C. 3837a(f)) is amended—

13 (1) in the first sentence—

14 (A) by striking “Compensation” and in-
15 serting the following:

16 “(1) IN GENERAL.—Compensation”; and

17 (B) by striking “agreed to” and all that
18 follows through “encumbered by the easement”
19 and inserting “determined under paragraph
20 (4)”;

21 (2) in the second sentence, by striking “Lands”
22 and inserting the following:

23 “(2) BIDS.—Land”;

24 (3) by striking the third sentence and inserting
25 the following:

1 “(3) PAYMENTS.—Compensation may be pro-
2 vided in not more than 30 annual payments of equal
3 or unequal size, as agreed to by the owner and the
4 Secretary”; and

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

6 “(4) METHOD FOR DETERMINATION OF
7 AMOUNT OF COMPENSATION.—The Secretary shall
8 pay the lowest amount of compensation for a con-
9 servation easement, as determined by comparison
10 of—

11 “(A) the fair market value of the land
12 based on—

13 “(i) the Uniform Standards of Profes-
14 sional Appraisal Practices; or

15 “(ii) an area-wide market analysis or
16 survey, as determined by the Secretary;

17 “(B) a geographical cap, as established
18 through a process prescribed in regulations pro-
19 mulgated by the Secretary; and

20 “(C) the offer made by the landowner.”.

21 (c) WETLANDS RESERVE ENHANCEMENT PRO-
22 GRAM.—Section 1237A of the Food Security Act of 1985
23 (16 U.S.C. 3837a) is amended by adding at the end the
24 following:

1 “(h) WETLANDS RESERVE ENHANCEMENT PRO-
2 GRAM.—

3 “(1) IN GENERAL.—The Secretary may enter
4 into 1 or more agreements with a State (including
5 a political subdivision or agency of a State), non-
6 governmental organization, or Indian tribe to carry
7 out a special wetlands reserve enhancement program
8 that the Secretary determines would advance the
9 purposes of this subchapter.

10 “(2) RESERVED RIGHTS.—Under the wetlands
11 reserve enhancement program, the Secretary may
12 use unique wetlands reserve agreements that may in-
13 clude certain compatible uses as reserved rights in
14 the warranty easement deed restriction, if using
15 those agreements is determined by the Secretary to
16 be—

17 “(A) consistent with the long-term wetland
18 protection and enhancement goals for which the
19 easement was established; and

20 “(B) in accordance with a conservation
21 plan.”.

22 (d) REPORT.—

23 “(1) IN GENERAL.—Not later than January 1,
24 2010, the Secretary shall submit to the Committee
25 on Agriculture of the House of Representatives and

1 the Committee on Agriculture, Nutrition, and For-
2 estry of the Senate a report that evaluates the impli-
3 cations of the long-term nature of conservation ease-
4 ments granted under section 1237A of the Food Se-
5 curity Act of 1985 (16 U.S.C. 3837a) on resources
6 of the Department of Agriculture.

7 (2) INCLUSIONS.—The report shall include—

8 (A) data relating to the number and loca-
9 tion of conservation easements granted under
10 that section that the Secretary holds or has a
11 significant role in monitoring or managing;

12 (B) an assessment of the extent to which
13 the oversight of the conservation easement
14 agreements impacts the availability of re-
15 sources, including technical assistance;

16 (C) an assessment of the uses and value of
17 agreements with partner organizations; and

18 (D) any other relevant information relating
19 to costs or other effects that would be helpful
20 to the Committees.

21 **SEC. 2323. PAYMENTS.**

22 Section 1237D(c) of the Food Security Act of 1985
23 (16 U.S.C. 3837d(c)) is amended—

24 (1) in paragraph (1)—

1 (A) by striking “The total” and inserting
2 “Subject to section 1244(i), the total”

3 (B) by striking “easement payments” and
4 inserting “payments”;

5 (C) by striking “person” and inserting “in-
6 dividual”; and

7 (D) by inserting “or under 30-year con-
8 tracts or restoration agreements” before the pe-
9 riod at the end; and

10 (2) in paragraph (3)—

11 (A) by striking “Easement payments” and
12 inserting “Payments”; and

13 (B) by striking “the Food, Agriculture,
14 Conservation, and Trade Act of 1990, or the
15 Agricultural Act of 1949 (7 U.S.C. 1421 et
16 seq.)” and inserting “the Federal Agriculture
17 Improvement and Reform Act of 1996 (Public
18 Law 104–127; 110 Stat. 888), or the Farm Se-
19 curity and Rural Investment Act of 2002 (Pub-
20 lic Law 107–171; 116 Stat. 134)”.

1 **Subchapter D—Healthy Forests Reserve**
 2 **Program**

3 **SEC. 2331. HEALTHY FORESTS RESERVE PROGRAM.**

4 (a) IN GENERAL.—Chapter 1 of subtitle D of title
 5 XII of the Food Security Act of 1985 (16 U.S.C. 3831
 6 et seq.) is amended by adding at the end the following:

7 **“Subchapter D—Healthy Forests Reserve**
 8 **Program**

9 **“SEC. 1237M. ESTABLISHMENT OF HEALTHY FORESTS RE-**
 10 **SERVE PROGRAM.**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-
 12 lish the healthy forests reserve program for the purpose
 13 of restoring and enhancing forest ecosystems—

14 “(1) to promote the recovery of threatened and
 15 endangered species;

16 “(2) to improve biodiversity; and

17 “(3) to enhance carbon sequestration.

18 “(b) COORDINATION.—The Secretary shall carry out
 19 the healthy forests reserve program in coordination with
 20 the Secretary of the Interior and the Secretary of Com-
 21 merce.

22 **“SEC. 1237N. ELIGIBILITY AND ENROLLMENT OF LANDS IN**
 23 **PROGRAM.**

24 “(a) IN GENERAL.—The Secretary, in coordination
 25 with the Secretary of the Interior and the Secretary of

1 Commerce, shall describe and define forest ecosystems
2 that are eligible for enrollment in the healthy forests re-
3 serve program.

4 “(b) ELIGIBILITY.—To be eligible for enrollment in
5 the healthy forests reserve program, land shall be—

6 “(1) private land the enrollment of which will
7 restore, enhance, or otherwise measurably increase
8 the likelihood of recovery of a species listed as en-
9 dangered or threatened under section 4 of the En-
10 dangered Species Act of 1973 (16 U.S.C. 1533); and

11 “(2) private land the enrollment of which will
12 restore, enhance, or otherwise measurably improve
13 the well-being of species that—

14 “(A) are not listed as endangered or
15 threatened under section 4 of the Endangered
16 Species Act of 1973 (16 U.S.C. 1533); but

17 “(B) are candidates for such listing, State-
18 listed species, or special concern species.

19 “(c) OTHER CONSIDERATIONS.—In enrolling land
20 that satisfies the criteria under subsection (b), the Sec-
21 retary shall give additional consideration to land the en-
22 rollment of which will—

23 “(1) improve biological diversity; and

24 “(2) increase carbon sequestration.

1 “(d) ENROLLMENT BY WILLING OWNERS.—The Sec-
2 retary shall enroll land in the healthy forests reserve pro-
3 gram only with the consent of the owner of the land.

4 “(e) METHODS OF ENROLLMENT.—

5 “(1) IN GENERAL.—Land may be enrolled in
6 the healthy forests reserve program in accordance
7 with—

8 “(A) a 10-year cost-share agreement;

9 “(B) a 30-year easement; or

10 “(C) a permanent easement.

11 “(2) PROPORTION.—The extent to which each
12 enrollment method is used shall be based on the ap-
13 proximate proportion of owner interest expressed in
14 that method in comparison to the other methods.

15 “(3) ACREAGE OWNED BY INDIAN TRIBES.—In
16 the case of acreage owned by an Indian tribe, the
17 Secretary may enroll acreage into the healthy forests
18 reserve program through the use of—

19 “(A) a 30-year contract (the value of
20 which shall be equivalent to the value of a 30-
21 year easement);

22 “(B) a 10-year cost-share agreement; or

23 “(C) any combination of the options de-
24 scribed in subparagraphs (A) and (B).

25 “(f) ENROLLMENT PRIORITY.—

1 “(1) SPECIES.—The Secretary shall give pri-
2 ority to the enrollment of land that provides the
3 greatest conservation benefit to—

4 “(A) primarily, species listed as endan-
5 gered or threatened under section 4 of the En-
6 dangered Species Act of 1973 (16 U.S.C.
7 1533); and

8 “(B) secondarily, species that—

9 “(i) are not listed as endangered or
10 threatened under section 4 of the Endan-
11 gered Species Act of 1973 (16 U.S.C.
12 1533); but

13 “(ii) are candidates for such listing,
14 State-listed species, or special concern spe-
15 cies.

16 “(2) COST-EFFECTIVENESS.—The Secretary
17 shall also consider the cost-effectiveness of each
18 agreement or easement, and associated restoration
19 plans, so as to maximize the environmental benefits
20 per dollar expended.

21 **“SEC. 12370. RESTORATION PLANS.**

22 “(a) IN GENERAL.—Land enrolled in the healthy for-
23 ests reserve program shall be subject to a restoration plan,
24 to be developed jointly by the landowner and the Sec-
25 retary, in coordination with the Secretary of Interior.

1 “(b) PRACTICES.—The restoration plan shall require
2 such restoration practices as are necessary to restore and
3 enhance habitat for—

4 “(1) species listed as endangered or threatened
5 under section 4 of the Endangered Species Act of
6 1973 (16 U.S.C. 1533); and

7 “(2) animal or plant species before the species
8 reach threatened or endangered status, such as can-
9 didate, State-listed species, and special concern spe-
10 cies.

11 **“SEC. 1237P. FINANCIAL ASSISTANCE.**

12 “(a) PERMANENT EASEMENTS.—In the case of land
13 enrolled in the healthy forests reserve program using a
14 permanent easement, the Secretary shall pay to the owner
15 of the land an amount equal to not less than 75 percent,
16 nor more than 100 percent, of (as determined by the Sec-
17 retary)—

18 “(1) the fair market value of the enrolled land
19 during the period the land is subject to the ease-
20 ment, less the fair market value of the land encum-
21 bered by the easement; and

22 “(2) the actual costs of the approved conserva-
23 tion practices or the average cost of approved prac-
24 tices carried out on the land during the period in
25 which the land is subject to the easement.

1 “(b) 30-YEAR EASEMENT OR CONTRACT.—In the
2 case of land enrolled in the healthy forests reserve pro-
3 gram using a 30-year easement or contract, the Secretary
4 shall pay the owner of the land an amount equal to not
5 more than (as determined by the Secretary)—

6 “(1) 75 percent of the fair market value of the
7 land, less the fair market value of the land encum-
8 bered by the easement or contract; and

9 “(2) 75 percent of the actual costs of the ap-
10 proved conservation practices or 75 percent of the
11 average cost of approved practices.

12 “(c) 10-YEAR AGREEMENT.—In the case of land en-
13 rolled in the healthy forests reserve program using a 10-
14 year cost-share agreement, the Secretary shall pay the
15 owner of the land an amount equal to not more than (as
16 determined by the Secretary)—

17 “(1) 50 percent of the actual costs of the ap-
18 proved conservation practices; or

19 “(2) 50 percent of the average cost of approved
20 practices.

21 “(d) ACCEPTANCE OF CONTRIBUTIONS.—The Sec-
22 retary may accept and use contributions of non-Federal
23 funds to make payments under this section.

1 **“SEC. 1237Q. TECHNICAL ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall provide
3 landowners with technical assistance to assist the owners
4 in complying with the terms of plans (as included in agree-
5 ments or easements) under the healthy forests reserve pro-
6 gram.

7 “(b) TECHNICAL SERVICE PROVIDERS.—The Sec-
8 retary may request the services of, and enter into coopera-
9 tive agreements with, individuals or entities certified as
10 technical service providers under section 1242, to assist
11 the Secretary in providing technical assistance necessary
12 to develop and implement the healthy forests reserve pro-
13 gram.

14 **“SEC. 1237R. PROTECTIONS AND MEASURES.**

15 “(a) PROTECTIONS.—In the case of a landowner that
16 enrolls land in the program and whose conservation activi-
17 ties result in a net conservation benefit for listed, can-
18 didate, or other species, the Secretary shall make available
19 to the landowner safe harbor or similar assurances and
20 protection under—

21 “(1) section 7(b)(4) of the Endangered Species
22 Act of 1973 (16 U.S.C. 1536(b)(4)); or

23 “(2) section 10(a)(1) of that Act (16 U.S.C.
24 1539(a)(1)).

25 “(b) MEASURES.—If protection under subsection (a)
26 requires the taking of measures that are in addition to

1 the measures covered by the applicable restoration plan
2 agreed to under section 1237O, the cost of the additional
3 measures, as well as the cost of any permit, shall be con-
4 sidered part of the restoration plan for purposes of finan-
5 cial assistance under section 1237P.

6 **“SEC. 1237S. INVOLVEMENT BY OTHER AGENCIES AND OR-**
7 **GANIZATIONS.**

8 “In carrying out this subchapter, the Secretary may
9 consult with—

10 “(1) nonindustrial private forest landowners;

11 “(2) other Federal agencies;

12 “(3) State fish and wildlife agencies;

13 “(4) State forestry agencies;

14 “(5) State environmental quality agencies;

15 “(6) other State conservation agencies; and

16 “(7) nonprofit conservation organizations.

17 **“SEC. 1237T. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out
19 this subchapter such sums as are necessary for each of
20 fiscal years 2008 through 2012.”.

21 (b) CONFORMING AMENDMENTS.—The Healthy For-
22 ests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) is
23 amended—

24 (1) by striking title V (16 U.S.C. 6571 et seq.);

25 and

1 (2) by redesignating title VI and section 601
2 (16 U.S.C. 6591) as title V and section 501, respec-
3 tively.

4 **CHAPTER 2—COMPREHENSIVE**
5 **STEWARDSHIP INCENTIVES PROGRAM**
6 **Subchapter A—General Provisions**

7 **SEC. 2341. COMPREHENSIVE STEWARDSHIP INCENTIVES**
8 **PROGRAM.**

9 Subtitle D of title XII of the Food Security Act of
10 1985 (16 U.S.C. 3830 et seq.) is amended by adding at
11 the end the following:

12 **“CHAPTER 6—COMPREHENSIVE**
13 **STEWARDSHIP INCENTIVES PROGRAM**
14 **“Subchapter A—Comprehensive Stewardship**
15 **Incentives Program**

16 **“SEC. 1240T. COMPREHENSIVE STEWARDSHIP INCENTIVES**
17 **PROGRAM.**

18 “(a) ESTABLISHMENT.—

19 “(1) IN GENERAL.—The Secretary shall estab-
20 lish a comprehensive stewardship incentives program
21 (referred to in this chapter as ‘CSIP’) to—

22 “(A) promote coordinated efforts within
23 conservation programs in this chapter to ad-
24 dress resources of concern, as identified at the
25 local level;

1 “(B) encourage the adoption of conserva-
2 tion practices, activities and management meas-
3 ures; and

4 “(C) promote agricultural production and
5 environmental quality as compatible goals.

6 “(2) MEANS.—The Secretary shall carry out
7 CSIP by—

8 “(A) identifying resources of concern at a
9 local level as described in subsection (b)(4);

10 “(B) entering into contracts with owners
11 and operators of agricultural and nonindustrial
12 private forest land to—

13 “(i) address natural resource con-
14 cerns;

15 “(ii) meet regulatory requirements; or

16 “(iii) achieve and maintain new con-
17 servation practices, activities and manage-
18 ment measures; and

19 “(C) providing technical assistance.

20 “(3) PROGRAMS.—CSIP shall consist of—

21 “(A) the conservation stewardship pro-
22 gram; and

23 “(B) the environmental quality incentives
24 program .

1 “(4) DEFINITION OF RESOURCE OF CON-
2 CERN.—In this chapter, the term ‘resource of con-
3 cern’ means—

4 “(A) a specific resource concern on agricul-
5 tural or nonindustrial private forest land that—

6 “(i) is identified by the Secretary in
7 accordance with subsection (b)(4);

8 “(ii) represents a significant conserva-
9 tion concern in the State to which agricul-
10 tural activities are contributing; and

11 “(iii) is likely to be addressed success-
12 fully through the implementation of con-
13 servation practices, activities, and manage-
14 ment measures by owners and operators of
15 agricultural and nonindustrial private for-
16 est land; or

17 “(B) a specific resource concern on agri-
18 cultural or nonindustrial private forest land
19 that is the subject of mandatory environmental
20 requirements that apply to a producer under
21 Federal, State, or local law.

22 “(b) ADMINISTRATION.—

23 “(1) IN GENERAL.—In carrying out CSIP, the
24 Secretary shall ensure that the conservation pro-

1 grams under this chapter are managed in a coordi-
2 nated manner.

3 “(2) PLANS.—The Secretary shall, to the max-
4 imum extent practicable, avoid duplication in the
5 conservation plans required under this chapter and
6 comparable conservation and regulatory programs,
7 including a permit acquired under an approved
8 water or air quality regulatory program.

9 “(3) TENANT PROTECTION.—The Secretary
10 shall provide adequate safeguards to protect the in-
11 terests of tenants and sharecroppers, including pro-
12 vision for sharing, on a fair and equitable basis, in
13 payments under the programs established under this
14 chapter.

15 “(4) IDENTIFICATION OF RESOURCES OF CON-
16 CERN.—

17 “(A) IN GENERAL.—The Secretary shall
18 ensure that resources of concern are identified
19 at the State level in consultation with the State
20 Technical Committee.

21 “(B) LIMITATION.—The Secretary shall
22 identify not more than 5 resources of concern
23 in a particular watershed or other appropriate
24 region or area within a State.

1 management measures carried out on agricultural
2 and forest land relating to—

3 “(A) cropping systems;

4 “(B) grazing management systems;

5 “(C) nutrient management associated with
6 livestock and crops;

7 “(D) forest management;

8 “(E) fuels management;

9 “(F) integrated pest management;

10 “(G) irrigation management;

11 “(H) invasive species management;

12 “(I) energy conservation; or

13 “(J) other management-intensive issues;

14 “(3) in complying with Federal, State, tribal,
15 and local requirements concerning—

16 “(A) soil, water, and air quality;

17 “(B) fish, wildlife, and pollinator habitat;

18 and

19 “(C) surface water and groundwater con-
20 servation;

21 “(4) in avoiding, to the maximum extent prac-
22 ticable, the need for resource and regulatory pro-
23 grams by protecting resources of concern and meet-
24 ing environmental quality criteria established by
25 Federal, State, tribal, and local agencies; and

1 “(5) by encouraging, consolidating, and stream-
2 lining conservation planning and regulatory compli-
3 ance processes to reduce administrative burdens on
4 producers and the cost of achieving environmental
5 goals.

6 **“SEC. 1240V. DEFINITIONS.**

7 “In this chapter:

8 “(1) COMPREHENSIVE CONSERVATION PLAN.—
9 The term ‘comprehensive conservation plan’ means a
10 plan produced by following the planning process out-
11 lined in the applicable National Planning Procedures
12 Handbook of the Department of Agriculture with re-
13 gard to all applicable resources of concern.

14 “(2) CONTRACT OFFER.—The term ‘contract
15 offer’ means an application submitted by a producer
16 that seeks to address 1 or more resources of concern
17 with the assistance of the program.

18 “(3) ENHANCEMENT PAYMENT.—The term ‘en-
19 hancement payment’ means a payment described in
20 section 1240X(d).

21 “(4) ELIGIBLE LAND.—The term ‘eligible land’
22 means land described in section 1240X(b).

23 “(5) LIVESTOCK.—The term ‘livestock’ means
24 dairy cattle, beef cattle, laying hens, broilers, tur-
25 keys, swine, sheep, goats, ducks, ratites, shellfish, al-

1 pacas, bison, catfish, managed pollinators, and such
2 other animals and fish as are determined by the Sec-
3 retary.

4 “(6) MANAGEMENT INTENSITY.—The term
5 ‘management intensity’ means the degree, scope,
6 and comprehensiveness of conservation systems,
7 practices, activities, or management measures adopt-
8 ed by a producer to improve and sustain the condi-
9 tion of a resource of concern.

10 “(7) PAYMENT.—The term ‘payment’ means fi-
11 nancial assistance provided to a producer under the
12 program to compensate the producers for incurred
13 costs associated with planning, materials, installa-
14 tion, labor, management, maintenance, technical as-
15 sistance, and training, the value of risk, and income
16 forgone by the producer, as applicable, including—

17 “(A) enhancement payments;

18 “(B) CSP supplemental payments; and

19 “(C) other payments provided under this
20 chapter.

21 “(8) PRACTICE.—

22 “(A) IN GENERAL.—The term ‘practice’
23 means 1 or more measures that improve or sus-
24 tain a resource of concern.

1 “(B) INCLUSIONS.—The term ‘practice’ in-
2 cludes—

3 “(i) structural measures, vegetative
4 measures, and land management measures,
5 as determined by the Secretary; and

6 “(ii) planning activities needed to im-
7 prove or sustain a resource of concern, in-
8 cluding implementation of—

9 “(I) a comprehensive conserva-
10 tion plan; and

11 “(II) a comprehensive nutrient
12 management plan.

13 “(9) PRODUCER.—The term ‘producer’ means
14 an individual who is an owner, operator, landlord,
15 tenant, or sharecropper that—

16 “(A) derives income from, and controls,
17 the production or management of an agricul-
18 tural commodity, livestock, or nonindustrial for-
19 est land regardless of ownership;

20 “(B) shares in the risk of producing any
21 crop or livestock; and

22 “(C)(i) is entitled to share in the crop or
23 livestock available for marketing from a farm
24 (or would have shared had the crop or livestock
25 been produced); or

1 “(D) interrupts pest cycles; and

2 “(E) in applicable areas, reduces depletion
3 of soil moisture (or otherwise reduces the need
4 for irrigation).

5 “(13) RESOURCE-SPECIFIC INDICES.—The term
6 ‘resource-specific indices’ means indices developed by
7 the Secretary that measure or estimate the expected
8 level of resource and environmental outcomes of the
9 conservation systems, practices, activities, and man-
10 agement measures employed by a producer to ad-
11 dress a resource of concern on an agricultural oper-
12 ation.

13 “(14) STEWARDSHIP CONTRACT.—The term
14 ‘stewardship contract’ means a contract entered into
15 under the conservation stewardship program to carry
16 out the programs and activities described in this
17 chapter.

18 “(15) STEWARDSHIP THRESHOLD.—The term
19 ‘stewardship threshold’ means the level of natural
20 resource conservation and environmental manage-
21 ment required, as determined by the Secretary—

22 “(A) to maintain, conserve, and improve
23 the quality or quantity of a resource of concern
24 reflecting at a minimum, the resource manage-
25 ment system quality criteria described in the

1 handbooks of the Natural Resource Conserva-
2 tion Service, if available and appropriate; or

3 “(B) in the case of a resource of concern
4 that is the subject of a Federal, State, or local
5 regulatory requirement, to meet the higher of—

6 “(i) the standards that are established
7 by the requirement for the resource of con-
8 cern; or

9 “(ii) standards reflecting the resource
10 management system quality criteria de-
11 scribed in the handbooks of the Natural
12 Resource Conservation Service, if available
13 and appropriate.

14 **“SEC. 1240W. ESTABLISHMENT OF PROGRAM.**

15 “The Secretary shall establish and, for each of fiscal
16 years 2008 through 2012, carry out a conservation stew-
17 ardship program to assist producers in improving environ-
18 mental quality by addressing resources of concern in a
19 comprehensive manner through—

20 “(1) the addition of conservation systems, prac-
21 tices, activities, and management measures; and

22 “(2) the active management, maintenance, and
23 improvement of existing, and adoption of new, con-
24 servation systems, practices, activities, and manage-
25 ment measures.

1 **“SEC. 1240X. ELIGIBILITY.**

2 “(a) ELIGIBLE PRODUCERS.—

3 “(1) GENERAL PROGRAM ELIGIBILITY.—To be
4 eligible to participate in the conservation steward-
5 ship program, a producer shall—

6 “(A) submit to the Secretary for approval
7 a contract offer to participate in the program;

8 “(B) agree to receive technical services, ei-
9 ther directly from the Secretary or, at the op-
10 tion of the producer, from an approved third
11 party under section 1242(b)(3);

12 “(C) enter into a contract with the Sec-
13 retary, as described in subsection (c); and

14 “(D) demonstrate to the satisfaction of the
15 Secretary that the producer—

16 “(i) is addressing resources of concern
17 relating to both soil and water to at least
18 the stewardship threshold; and

19 “(ii) is adequately addressing other
20 resources of concern applicable to the agri-
21 cultural operation, as determined by the
22 Secretary.

23 “(b) ELIGIBLE LAND.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), private agricultural land that is eligible
26 for enrollment in the program includes—

1 “(A) cropland (including vineyards and or-
2 chards);

3 “(B) pasture land;

4 “(C) rangeland;

5 “(D) other agricultural land used for the
6 production of livestock;

7 “(E) land used for agroforestry;

8 “(F) land used for aquaculture;

9 “(G) riparian areas adjacent to otherwise
10 eligible land;

11 “(H) land under the jurisdiction of an In-
12 dian tribe (as determined by the Secretary);

13 “(I) public land, if failure to enroll the
14 land in the program would defeat the purposes
15 of the program on private land that is an inte-
16 gral part of the operation enrolled or offered to
17 be enrolled in the program by the producer;

18 “(J) State and school owned land that is
19 under the effective control of a producer; and

20 “(K) other agricultural land that the Sec-
21 retary determines poses a serious threat to soil,
22 air, water, or related resources, including
23 cropped woodland and marshes.

24 “(2) EXCLUSIONS.—

1 “(A) LAND ENROLLED IN OTHER CON-
2 SERVATION PROGRAMS.—The following land is
3 not eligible for enrollment in the program:

4 “(i) Land enrolled in the conservation
5 reserve program under subchapter B of
6 chapter 1.

7 “(ii) Land enrolled in the wetlands re-
8 serve program established under sub-
9 chapter C of chapter 1.

10 “(B) CONVERSION TO CROPLAND.—With
11 regard to the program, land used for crop pro-
12 duction after May 13, 2002, that had not been
13 planted, considered to be planted, or devoted to
14 crop production for at least 4 of the 6 years
15 preceding that date (except for land enrolled in
16 the conservation reserve program or that has
17 been maintained using long-term crop rotation
18 practices, as determined by the Secretary) shall
19 not be the basis for any payment under the pro-
20 gram.

21 “(3) ECONOMIC USES.—The Secretary shall not
22 restrict economic uses of land covered by a program
23 contract (including buffers and other partial field
24 conservation practices) that comply with the agree-

1 ment and comprehensive conservation plan, or other
2 applicable law.

3 “(c) CONTRACT REQUIREMENTS AND PROVISIONS.—

4 “(1) IN GENERAL.—After a determination by
5 the Secretary that a producer is eligible to partici-
6 pate in the program, and on acceptance of the con-
7 tract offer of the producer, the Secretary shall enter
8 into a contract with the producer to enroll the land
9 to be covered by the contract.

10 “(2) AGRICULTURAL OPERATIONS.—All acres of
11 all agricultural operations, whether or not contig-
12 uous, that are under the effective control of a pro-
13 ducer within a particular watershed or region (or in
14 a contiguous watershed or region) of a State and
15 constitute a cohesive management unit, as deter-
16 mined by the Secretary, at the time the producer en-
17 ters into a stewardship contract shall be covered by
18 the stewardship contract, other than land the pro-
19 ducer has enrolled in the conservation reserve pro-
20 gram or the wetlands reserve program.

21 “(3) RESOURCES OF CONCERN.—Each steward-
22 ship contract shall, at a minimum, meet or exceed
23 the stewardship threshold for at least 1 additional
24 resource of concern by the end of the stewardship
25 contract through—

1 “(A) the installation and adoption of addi-
2 tional conservation systems, practices, activities,
3 or management measures; and

4 “(B) the active management and improve-
5 ment of conservation systems, practices, activi-
6 ties, and management measures in place at the
7 operation of the producer at the time the con-
8 tract offer is accepted by the Secretary.

9 “(4) TERMS.—A contract entered into under
10 paragraph (1) shall—

11 “(A) describe the land covered by the con-
12 tract;

13 “(B) describe the practices or technical
14 services from an approved third party, to be im-
15 plemented on eligible land of the producer;

16 “(C) state the amount of payments (deter-
17 mined in accordance with subsection (f)) the
18 Secretary agrees to make to the producer each
19 year of the contract;

20 “(D) describe existing conservation sys-
21 tems, practices, activities, and management
22 measures the producer agrees to maintain,
23 manage, and improve during the term of the
24 stewardship contract in order to meet and ex-

1 ceed the appropriate stewardship threshold for
2 the resources of concern;

3 “(E) describe the additional conservation
4 systems, practices, activities, and management
5 measures the producer agrees to plan, install,
6 maintain, and manage during the term of the
7 stewardship contract in order to meet and ex-
8 ceed the appropriate stewardship threshold for
9 the appropriate resource or resources of con-
10 cern;

11 “(F) if applicable, describe the on-farm
12 conservation research, demonstration, training,
13 or pilot project activities the producer agrees to
14 undertake during the term of the contract;

15 “(G) if applicable, describe the on-farm
16 monitoring and evaluation activities the pro-
17 ducer agrees to undertake during the term of
18 the contract relating to—

19 “(i) a comprehensive conservation
20 plan; or

21 “(ii) conservation systems, practices,
22 activities, and management measures; and

23 “(H) include such other provisions as the
24 Secretary determines are necessary to ensure
25 that the purposes of the program are achieved.

1 “(5) ON-FARM RESEARCH, DEMONSTRATION,
2 TRAINING, OR PILOT PROJECTS.—The Secretary
3 may approve a stewardship contract that includes—

4 “(A) on-farm conservation research, dem-
5 onstration, and training activities; and

6 “(B) pilot projects for evaluation of new
7 technologies or innovative conservation prac-
8 tices.

9 “(6) DURATION.—A contract under this chap-
10 ter shall have a term of 5 years.

11 “(7) EVALUATION OF CONTRACT OFFERS.—In
12 evaluating contract offers made by producers to
13 enter into contracts under the program, the Sec-
14 retary shall—

15 “(A) prioritize applications based on—

16 “(i) the level of conservation treat-
17 ment on all resources of concern at the
18 time of application, based on the initial
19 scores received by the producer on applica-
20 ble resource-specific indices;

21 “(ii) the degree to which the proposed
22 conservation treatment effectively increases
23 the level of performance on applicable re-
24 source-specific indices or the level of man-
25 agement intensity with which the producer

1 addresses the designated resources of con-
2 cern;

3 “(iii) the extent to which all resources
4 of concern will exceed the stewardship
5 threshold level by the end of the contract
6 period;

7 “(iv) the extent to which resources of
8 concern in addition to resources of concern
9 will be addressed to meet and exceed the
10 stewardship threshold level by the end of
11 the contract period;

12 “(v) the extent to which the producer
13 proposes to address the goals and objec-
14 tives of State, regional, and national fish
15 and wildlife conservation plans and initia-
16 tives;

17 “(vi) whether the proposed conserva-
18 tion treatment reflects the multiple natural
19 resource and environmental benefits of
20 conservation-based farming systems, in-
21 cluding resource-conserving crop rotations,
22 advanced integrated pest management, and
23 managed rotational grazing; and

24 “(vii) whether the application includes
25 land transitioning out of the conservation

1 reserve program, on the condition that the
2 land is maintained in a grass-based system
3 and would help meet habitat needs for fish
4 and wildlife;

5 “(B) evaluate the extent to which the an-
6 ticipated environmental benefits from the con-
7 tract would be provided in the most cost-effec-
8 tive manner, relative to other similarly bene-
9 ficial contract offers;

10 “(C) reward higher levels of environmental
11 performance and management intensity;

12 “(D) develop criteria for use in evaluating
13 applications that will ensure that national,
14 State, and local conservation priorities are ef-
15 fectively addressed;

16 “(E) evaluate the extent to which the envi-
17 ronmental benefits expected to result from the
18 contract complement other conservation efforts
19 in the watershed or region; and

20 “(F) provide opportunities to agricultural
21 producers that have not previously participated
22 in Federal conservation programs, including be-
23 ginning farmers and ranchers and socially dis-
24 advantaged farmers and ranchers.

25 “(8) TERMINATION OF CONTRACTS.—

1 “(A) IN GENERAL.—

2 “(i) VOLUNTARY TERMINATION.—The
3 producer may terminate a contract entered
4 into with the Secretary under this chapter
5 if the Secretary determines that the termi-
6 nation is in the public interest.

7 “(ii) INVOLUNTARY TERMINATION.—
8 The Secretary may terminate a contract
9 under this chapter if the Secretary deter-
10 mines that the producer violated the con-
11 tract.

12 “(B) REPAYMENT.—If a contract is termi-
13 nated, the Secretary may—

14 “(i) allow the producer to retain pay-
15 ments already received under the contract
16 if—

17 “(I) the producer has complied
18 with the terms and conditions of the
19 contract; and

20 “(II) the Secretary determines
21 that allowing the producer to retain
22 the payments is consistent with the
23 purposes of the program;

24 “(ii) require repayment, in whole or in
25 part, of payments already received; and

1 “(iii) assess liquidated damages, if
2 doing so is consistent with the purposes of
3 the program.

4 “(C) TRANSFER OR CHANGE OF INTEREST
5 IN LAND SUBJECT TO A CONTRACT.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), the transfer, or change
8 in the interest, of a producer in land sub-
9 ject to a contract under this chapter shall
10 result in the termination of the contract.

11 “(ii) TRANSFER OF DUTIES AND
12 RIGHTS.—Clause (i) shall not apply if—

13 “(I) within a reasonable period of
14 time (as determined by the Secretary)
15 after the date of the transfer or
16 change in the interest in land, the
17 transferee of the land provides written
18 notice to the Secretary that all duties
19 and rights under the contract have
20 been transferred to, and assumed by,
21 the transferee; and

22 “(II) the transferee meets the eli-
23 gibility requirements of this sub-
24 chapter.

25 “(9) MODIFICATION.—

1 “(A) IN GENERAL.—The Secretary may
2 allow a producer to modify a contract before
3 the expiration of the contract if the Secretary
4 determines that failure to modify the contract
5 would significantly interfere with achieving the
6 purposes of the program.

7 “(B) PARTICIPATION IN OTHER PRO-
8 GRAMS.—If appropriate payment reductions
9 and other adjustments (as determined by the
10 Secretary) are made to the contract of a pro-
11 ducer, the producer may remove land enrolled
12 in the conservation stewardship program for en-
13 rollment in the conservation reserve program,
14 wetlands reserve program, or other conservation
15 programs, as determined by the Secretary.

16 “(C) CHANGES IN SIZE OF OPERATION.—
17 The Secretary shall allow a producer to modify
18 a stewardship contract before the expiration of
19 the stewardship contract if the agricultural op-
20 eration of the producer has reduced or enlarged
21 in size to reflect the new acreage total.

22 “(D) NEW ACREAGE.—With respect to
23 acreage added to the agricultural operation of a
24 producer after entering into a stewardship con-
25 tract, a producer may elect to not add the acre-

1 age to the stewardship contract during the term
2 of the current stewardship contract, except that
3 such additional acreage shall be included in any
4 contract renewal.

5 “(E) CHANGES IN PRODUCTION.—The
6 Secretary shall allow a producer to modify a
7 stewardship contract before the expiration of
8 the stewardship contract if—

9 “(i) the producer has a change in pro-
10 duction that requires a change to sched-
11 uled conservation practices and activities;
12 and

13 “(ii) the Secretary determines that—

14 “(I) all relevant conservation
15 standards will be maintained or im-
16 proved; and

17 “(II) there is no increase in total
18 payment under the stewardship con-
19 tract.

20 “(10) EFFECT OF NONCOMPLIANCE DUE TO
21 CIRCUMSTANCES BEYOND THE CONTROL OF PRO-
22 DUCER.—The Secretary shall include in each con-
23 tract a provision to ensure that a producer shall not
24 be considered in violation of the contract for failure
25 to comply with the contract due to circumstances be-

1 yond the control of the producer, including a dis-
2 aster or related weather, pest, disease, or other simi-
3 lar condition, as determined by the Secretary.

4 “(11) COORDINATION WITH ORGANIC CERTIFI-
5 CATION.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this chap-
8 ter, the Secretary shall establish a transparent
9 and producer-friendly means by which pro-
10 ducers may coordinate and simultaneously cer-
11 tify eligibility under—

12 “(i) a stewardship contract; and

13 “(ii) the national organic production
14 program established under the Organic
15 Foods Production Act of 1990 (7 U.S.C.
16 6501 et seq.).

17 “(B) PROGRAMMATIC CONSIDERATIONS.—

18 The Secretary shall identify and implement pro-
19 grammatic considerations, including conserva-
20 tion systems, practices, activities, and manage-
21 ment measures, technical assistance, evaluation
22 of contract offers, enhancement payments, on-
23 farm research, demonstration, training, and
24 pilot projects, and data management, through
25 which to maximize the purposes of the program

1 by enrolling producers who are certified under
2 the national organic production program estab-
3 lished under the Organic Foods Production Act
4 of 1990 (7 U.S.C. 6501 et seq.).

5 “(12) RENEWAL.—At the end of a stewardship
6 contract of a producer, the Secretary shall allow the
7 producer to renew the stewardship contract for an
8 additional 5-year period if the producer—

9 “(A) demonstrates compliance with the
10 terms of the existing contract, including a dem-
11 onstration that the producer has complied with
12 the schedule for the implementation of addi-
13 tional conservation systems, practices, activities,
14 and management measures included in the
15 stewardship contract and is addressing the des-
16 ignated resources of concern to a level that
17 meets and exceeds the stewardship threshold;
18 and

19 “(B) agrees to implement and maintain
20 such additional conservation practices and ac-
21 tivities as the Secretary determines to be nec-
22 essary and feasible to achieve higher levels of
23 performance on applicable resource-specific in-
24 dices or higher levels of management intensity

1 with which the producer addresses the resources
2 of concern.

3 “(d) ENHANCEMENT PAYMENTS.—

4 “(1) LOWER PAYMENTS.—In evaluating appli-
5 cations and making payments under this chapter,
6 the Secretary shall not assign a higher priority to
7 any application because the applicant is willing to
8 accept a lower payment than the applicant would
9 otherwise be entitled to receive.

10 “(2) EVALUATION OF CONTRACT OFFERS.—

11 Nothing in this subsection relieves the Secretary of
12 the obligation, in evaluating applications for pay-
13 ments, to evaluate and prioritize the applications in
14 accordance with subsection (e)(4)), including the re-
15 quirement for contracts to be cost-effective.

16 “(3) LOWEST-COST ALTERNATIVES.—In deter-

17 mining the eligibility of a conservation system, prac-
18 tice, activity, or management measure for a payment
19 under this subsection, the Secretary shall require, to
20 the maximum extent practicable, that the lowest-cost
21 alternatives be used to achieve the purposes of the
22 contract, as determined by the Secretary.

23 “(4) METHOD OF PAYMENT.—Payments under

24 this subsection shall be made in such amounts and

1 in accordance with such time schedule as is agreed
2 on and specified in the contract.

3 “(5) ACTIVITIES QUALIFYING FOR PAY-
4 MENTS.—

5 “(A) IN GENERAL.—To receive an en-
6 hancement payment under this subsection, a
7 producer shall agree—

8 “(i) to implement additional conserva-
9 tion systems, practices, activities, and
10 management measures and maintain, man-
11 age, and improve existing conservation sys-
12 tems, practices, activities, and manage-
13 ment measures in order to maintain and
14 improve the level of performance of the
15 producer, as determined by applicable re-
16 source-specific indices, or the level of man-
17 agement intensity of the producer with re-
18 spect to resources of concern in order to
19 meet and exceed the stewardship threshold
20 for resources of concern; and

21 “(ii) to maintain, and make available
22 to the Secretary at such times as the Sec-
23 retary may request, appropriate records
24 demonstrating the effective and timely im-
25 plementation of the stewardship contract.

1 “(B) COMPENSATION.—Subject to sub-
2 paragraph (C), the Secretary shall provide an
3 enhancement payment to a producer to com-
4 pensate the producer for—

5 “(i) ongoing implementation, active
6 management, and maintenance of con-
7 servation systems, practices, activities, and
8 management measures in place on the op-
9 eration of the producer at the time the
10 contract offer of the producer is accepted;
11 and

12 “(ii) installation and adoption of addi-
13 tional conservation systems, practices, ac-
14 tivities, and management measures or im-
15 provements to conservation systems, prac-
16 tices, activities, and management measures
17 in place on the operation of the producer
18 at the time the contract offer is accepted.

19 “(C) ADJUSTMENTS.—A payment under
20 subparagraph (B) shall be adjusted to reflect—

21 “(i) management intensity; or

22 “(ii) resource-specific indices, in a
23 case in which those indices have been de-
24 veloped and implemented.

1 “(D) ON-FARM RESEARCH, DEMONSTRA-
2 TION, TRAINING, AND PILOT PROJECT PAY-
3 MENTS.—The Secretary shall provide an addi-
4 tional enhancement payment to a producer who
5 opts to participate as part of the stewardship
6 contract in an on-farm conservation research,
7 demonstration, training or pilot project certified
8 by the Secretary to compensate the producer
9 for the cost of participation.

10 “(E) RESTRICTION ON STRUCTURAL PRAC-
11 TICES.—For purposes of the conservation stew-
12 ardship program, structural practices shall be
13 eligible for payment only if the structural prac-
14 tices are integrated with and essential to sup-
15 port site-specific management activities that are
16 part of an implemented management system de-
17 signed to address 1 or more resources of con-
18 cern.

19 “(6) EXCLUSIONS.—An enhancement payment
20 to a producer under this subsection shall not be pro-
21 vided for the design, construction, or maintenance of
22 animal waste storage or treatment facilities or asso-
23 ciated waste transport or transfer devices for animal
24 feeding operations.

25 “(7) TIMING OF PAYMENTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 make enhancement payments as soon as prac-
3 ticable after October 1 of each fiscal year.

4 “(B) ADDITIONAL SYSTEMS, PRACTICES,
5 ACTIVITIES, AND MANAGEMENT MEASURES.—
6 The Secretary shall make enhancement pay-
7 ments to compensate producers for installation
8 and adoption of additional conservation sys-
9 tems, practices, activities, and management
10 measures or improvements to existing conserva-
11 tion systems, practices, activities, and manage-
12 ment measures at the time at which the sys-
13 tems, practices, activities, and measures or im-
14 provements are installed and adopted.

15 “(8) RESEARCH, DEMONSTRATION, TRAINING,
16 AND PILOT PROJECT PAYMENT LIMITATIONS.—An
17 enhancement payment for research, demonstration,
18 training and pilot projects may not exceed \$25,000
19 for the 5-year term of the stewardship contract (ex-
20 cluding funding arrangements with federally recog-
21 nized Native American Indian Tribes or Alaska Na-
22 tive Corporations).

23 “(e) CSP SUPPLEMENTAL PAYMENTS.—

24 “(1) IN GENERAL.—The Secretary shall provide
25 additional payments to producers that, in partici-

1 pating in the conservation stewardship program,
2 agree to adopt resource-conserving crop rotations to
3 achieve optimal crop rotations as appropriate for the
4 land of the producers.

5 “(2) OPTIMAL CROP ROTATIONS.—The Sec-
6 retary shall determine whether a resource-conserving
7 crop rotation is an optimal crop rotation eligible for
8 additional payments under paragraph (1), based on
9 whether the resource-conserving crop rotation is de-
10 signed to optimize natural resource conservation and
11 production benefits, including—

12 “(A) reductions in pesticide, fertilizer, and
13 energy use; and

14 “(B) improved disease management.

15 “(3) ELIGIBILITY.—To be eligible to receive a
16 payment described in paragraph (1), a producer
17 shall agree to adopt and maintain optimal resource-
18 conserving crop rotations for the term of the con-
19 tract.

20 “(4) RATE.—The Secretary shall provide pay-
21 ments under this subsection at a rate that encour-
22 ages producers to adopt optimal resource-conserving
23 crop rotations.

24 “(f) LIMITATION ON PAYMENTS.—Subject to section
25 1244(i), an individual or entity may not receive, directly

1 or indirectly, payments under this subchapter that, in the
2 aggregate, exceed \$240,000 for all contracts entered into
3 under the conservation stewardship program during any
4 6-year period.

5 “(g) DUTIES OF PRODUCERS.—In order to receive
6 assistance under this chapter, a producer shall—

7 “(1) implement the terms of the contract ap-
8 proved by the Secretary;

9 “(2) not conduct any practices on the covered
10 land that would defeat the purposes of the program;

11 “(3) on the violation of a term or condition of
12 the contract at any time the producer has control of
13 the land—

14 “(A) if the Secretary determines that the
15 violation warrants termination of the contract—

16 “(i) forfeit all rights to receive pay-
17 ments under the contract; and

18 “(ii) refund to the Secretary all or a
19 portion of the payments received by the
20 owner or operator under the contract, in-
21 cluding any interest on the payments or
22 liquidated damages, as determined by the
23 Secretary;

24 “(B) if the Secretary determines that the
25 violation does not warrant termination of the

1 contract, refund to the Secretary, or accept ad-
2 justments to, the payments provided to the
3 owner or operator, as the Secretary determines
4 to be appropriate; or

5 “(C) comply with a combination of the
6 remedies authorized by subparagraphs (A) and
7 (B), as the Secretary determines to be appro-
8 priate;

9 “(4) on the transfer of the right and interest of
10 the producer in land subject to the contract (unless
11 the transferee of the right and interest agrees with
12 the Secretary to assume all obligations of the con-
13 tract) refund any cost-share payments, incentive
14 payments, and stewardship payments received under
15 the program, as determined by the Secretary;

16 “(5) supply information as required by the Sec-
17 retary to determine compliance with the contract
18 and requirements of the program; and

19 “(6) comply with such additional provisions as
20 the Secretary determines are necessary to carry out
21 the contract.

22 “(h) DUTIES OF SECRETARY.—To achieve the con-
23 servation and environmental goals of a contract under this
24 chapter, to the extent appropriate, the Secretary shall—

1 “(1) provide to a producer information and
2 training to aid in implementation of the conservation
3 systems, practices, activities, and management meas-
4 ures covered by the contract;

5 “(2) develop agreements with governmental
6 agencies, nonprofit organizations, and private enti-
7 ties to facilitate the provision of technical and ad-
8 ministrative assistance and services;

9 “(3) make the program available to eligible pro-
10 ducers on a continuous enrollment basis;

11 “(4) to the maximum extent practicable, when
12 identifying biodiversity or fish and wildlife as a re-
13 source of concern for a particular watershed or other
14 appropriate region or area within a State, ensure
15 that the identification—

16 “(A) is specific with respect to particular
17 species or habitat; and

18 “(B) would further the goals and objec-
19 tives of State, regional, and national fish and
20 wildlife conservation plans and initiatives;

21 “(5) provide technical assistance and payments
22 for each of fiscal years 2008 through 2012; and

23 “(6) maintain contract and payment data relat-
24 ing to the conservation stewardship program in a
25 manner that provides detailed and segmented data

1 and allows for quantification of the amount of pay-
2 ments made to producers for—

3 “(A) the installation and adoption of addi-
4 tional conservation systems, practices, activities,
5 or management measures;

6 “(B) participating in research, demonstra-
7 tion, training, and pilot projects;

8 “(C) the development, monitoring, and
9 evaluation of comprehensive conservation plans;

10 “(D) the maintenance and active manage-
11 ment of conservation systems, practices, activi-
12 ties, and management measures, and the im-
13 provement of conservation practices, in place on
14 the operation of the producer on the date on
15 which the contract offer is accepted by the Sec-
16 retary;

17 “(E) to the maximum extent practicable,
18 developing resource-specific indices for purposes
19 of determining eligibility and payments; and

20 “(F) establishing and publicizing design
21 protocols and application procedures for indi-
22 vidual producer and collaborative on-farm re-
23 search, demonstration, training, and pilot
24 projects.

1 “(7) SPECIALTY CROP PRODUCERS.—The Sec-
2 retary shall ensure that outreach and technical as-
3 sistance are available and program specifications are
4 appropriate to enable specialty crop producers to
5 participate in the conservation stewardship program.

6 “(8) ADDITIONAL REQUIREMENTS.—For the
7 period beginning on the date of enactment of this
8 chapter and ending on September 30, 2017, with re-
9 spect to eligible land of producers participating in
10 the program, the Secretary shall—

11 “(A) to the maximum extent practicable,
12 enroll an additional 13,273,000 acres for each
13 fiscal year, but not to exceed 79,638,000 acres
14 during the period of fiscal years 2008 through
15 2012;

16 “(B) implement the program nationwide to
17 make the program available to producers meet-
18 ing the eligibility requirements in each county;

19 “(C) to the maximum extent practicable,
20 manage the program to achieve a national aver-
21 age annual cost per acre of \$19, which shall in-
22 clude the costs of all financial assistance, tech-
23 nical assistance, and any other expenses associ-
24 ated with enrollment or participation in the pro-
25 gram of those acres; and

1 “(D) establish a minimum contract value,
2 to ensure equity for small acreage farms, in-
3 cluding specialty crop and organic producers.

4 “(i) ACRE ALLOCATION.—

5 “(1) INITIAL ALLOCATIONS TO STATES.—In
6 making allocations of acres to States to enroll in the
7 conservation stewardship program, to the maximum
8 extent practicable, the Secretary shall allocate to
9 each State a number of acres equal to the proportion
10 that—

11 “(A) the number of acres of eligible land
12 in the State; bears to

13 “(B) the number of acres of eligible land
14 in all States.

15 “(2) MINIMUM ACRE ALLOCATION.—Of the
16 acres allocated for each fiscal year, no State shall
17 have allocated fewer than the lesser of—

18 “(A) 20,000 acres; or

19 “(B) 2.2 percent of the number of acres of
20 eligible land in the State.

21 “(3) REALLOCATION TO STATES.—For any fis-
22 cal year, acres not obligated under this subsection by
23 a date determined by the Secretary through rule-
24 making shall be reallocated to each State that—

1 “(A) has obligated 100 percent of the ini-
2 tial allocation of the State; and

3 “(B) requests additional acres.

4 **“SEC. 1240Y. REGULATIONS.**

5 “Not later than 180 days after the date of enactment
6 of this chapter, the Secretary shall promulgate such regu-
7 lations as are necessary to carry out the program, includ-
8 ing regulations that—

9 “(1) provide for adequate safeguards to protect
10 the interests of tenants and sharecroppers, including
11 provision for sharing payments, on a fair and equi-
12 table basis;

13 “(2) prescribe such other rules as the Secretary
14 determines to be necessary to ensure a fair and rea-
15 sonable application of the program; and

16 “(3) to the maximum extent practicable, elimi-
17 nate duplication of planning activities under the pro-
18 gram and comparable conservation programs.”.

19 **Subchapter B—Environmental Quality**
20 **Incentives Program**

21 **SEC. 2351. PURPOSES.**

22 Section 1240 of the Food Security Act of 1985 (16
23 U.S.C. 3839aa) is amended—

1 (1) in the matter preceding paragraph (1), by
2 inserting “, forest management,” after “agricultural
3 production”;

4 (2) in paragraph (3)—

5 (A) by inserting “, forest land,” after
6 “grazing land”; and

7 (B) by inserting “pollinators,” after “wet-
8 land,”; and

9 (3) in paragraph (4)—

10 (A) by inserting “fuels management, forest
11 management,” after “grazing management,”;
12 and

13 (B) by inserting “and forested” after “ag-
14 ricultural”.

15 **SEC. 2352. DEFINITIONS.**

16 (a) **ELIGIBLE LAND.**—Section 1240A(2) of the Food
17 Security Act of 1985 (16 U.S.C. 3838aa–1(2)) is amend-
18 ed—

19 (1) in subparagraph (A), by striking “commod-
20 ities or livestock” and inserting “commodities, live-
21 stock, or forest-related products”; and

22 (2) in subparagraph (B)—

23 (A) by striking clause (v) and inserting the
24 following:

1 “(v) nonindustrial private forest
2 land;”;

3 (B) by redesignating clause (vi) as clause
4 (vii); and

5 (C) by inserting after clause (v) the fol-
6 lowing:

7 “(vi) land used for pond-raised aqua-
8 culture production; and”.

9 (b) LAND MANAGEMENT PRACTICE.—Section
10 1240A(3) of the Food Security Act of 1985 (16 U.S.C.
11 3838aa–1(3)) is amended—

12 (1) by striking “The term” and inserting the
13 following:

14 “(A) IN GENERAL.—The term”;

15 (2) by inserting “fuels management, forest
16 management,” after “grazing management”; and

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

18 “(B) FOREST MANAGEMENT.—For pur-
19 poses of subparagraph (A), forest management
20 practices may include activities that the Sec-
21 retary determines are necessary—

22 “(i) to improve water, soil, or air
23 quality;

24 “(ii) to restore forest biodiversity;

25 “(iii) to control invasive species;

1 “(iv) to improve wildlife habitat; or

2 “(v) to achieve conservation priorities
3 identified in an applicable forest resource
4 assessment and plan.”.

5 (c) PRACTICE.—Section 1240A(5) of the Food Secu-
6 rity Act of 1985 (16 U.S.C. 3838aa–1(5)) is amended by
7 inserting “conservation planning practices,” after “land
8 management practices,”.

9 (d) CUSTOM FEEDING BUSINESS.—Section 1240A of
10 the Food Security Act of 1985 (16 U.S.C. 3838aa–1) is
11 amended—

12 (1) by redesignating paragraph (6) as para-
13 graph (7); and

14 (2) by inserting after paragraph (5) the fol-
15 lowing:

16 “(6) PRODUCER.—The term ‘producer’ includes
17 a custom feeding business and a contract grower or
18 finisher.”.

19 (e) STRUCTURAL PRACTICE.—Paragraph (7)(A) of
20 section 1240A of the Food Security Act of 1985 (16
21 U.S.C. 3838aa–1) (as redesignated by subsection (d)(1))
22 is amended by inserting “firebreak, fuelbreak,” after “con-
23 structed wetland,”.

1 **SEC. 2353. ESTABLISHMENT AND ADMINISTRATION OF EN-**
2 **VIRONMENTAL QUALITY INCENTIVES PRO-**
3 **GRAM.**

4 (a) ESTABLISHMENT.—Section 1240B(a) of the
5 Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is
6 amended—

7 (1) in paragraph (1), by striking “2010” and
8 inserting “2012”; and

9 (2) in paragraph (2)(B), by inserting “con-
10 servation plan or” after “develops a”.

11 (b) PRACTICES AND TERM.—Section 1240B(b) of the
12 Food Security Act of 1985 (16 U.S.C. 3839aa–2(b)) is
13 amended—

14 (1) in paragraph (1), by inserting “conservation
15 planning practices,” after “land management prac-
16 tices,”; and

17 (2) in paragraph (2)(B), by striking “10” and
18 inserting “5”.

19 (c) ESTABLISHMENT AND ADMINISTRATION.—Sec-
20 tion 1240B of the Food Security Act of 1985 (16 U.S.C.
21 3839aa–2) is amended—

22 (1) by striking subsection (c);

23 (2) in subsection (d)—

24 (A) in paragraph (2), by striking subpara-
25 graph (A) and inserting the following:

1 “(A) SOCIALLY DISADVANTAGED FARMERS
2 OR RANCHERS AND BEGINNING FARMERS OR
3 RANCHERS.—

4 “(i) IN GENERAL.—In the case of a
5 producer that is a socially disadvantaged
6 farmer or rancher or a beginning farmer or
7 rancher, the Secretary may increase the
8 amount that would otherwise be provided
9 to the producer under paragraph (1) to—

10 “(I) not more than 90 percent;

11 and

12 “(II) not less than 15 percent
13 above the otherwise applicable rate.

14 “(ii) ADVANCE PAYMENTS.—Not more
15 than 30 percent of the amount determined
16 under clause (i) may be provided in ad-
17 vance for the purpose of purchasing mate-
18 rials or contracting.”;

19 (B) by striking paragraph (3) and insert-
20 ing the following:

21 “(3) OTHER PAYMENTS.—A producer shall not
22 be eligible for cost-share payments for practices on
23 eligible land under the program if the producer re-
24 ceives cost-share payments or other benefits for the

1 same practice on the same land under another pro-
2 gram.”; and

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

4 “(4) GUARANTEED LOAN ELIGIBILITY.—Not-
5 withstanding section 333(1) of the Consolidated
6 Farm and Rural Development Act (7 U.S.C.
7 1983(1)), with respect to the cost of a loan, a pro-
8 ducer with an application that meets the standards
9 for a cost-share payment under this subsection but
10 that is not approved by the Secretary shall receive
11 priority consideration for a guaranteed loan under
12 section 304 of that Act (7 U.S.C. 1924).”;

13 (3) in subsection (e), by striking paragraph (2)
14 and inserting the following:

15 “(2) SPECIAL RULE.—In determining the
16 amount and rate of incentive payments, the Sec-
17 retary may accord great significance to a practice
18 that promotes residue, nutrient, air quality, pest, or
19 predator deterrence , including practices to deter
20 predator species protected under the Endangered
21 Species Act of 1973 (16 U.S.C. 1531 et seq.), gray
22 wolves, grizzly bears, and black bears.”;

23 (4) in subsection (g), by striking “2007” and
24 inserting “2012”;

1 (5) by redesignating subsections (d) through (h)
2 as subsections (c) through (g), respectively; and

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

4 “(h) WATER CONSERVATION OR IRRIGATION EFFI-
5 CIENCY PRACTICE.—

6 “(1) IN GENERAL.—The Secretary may provide
7 technical assistance, cost-share payments, and incen-
8 tive payments to a producer for a water conservation
9 or irrigation practice.

10 “(2) PRIORITY.—In providing assistance and
11 payments to producers for a water conservation or
12 irrigation practice, the Secretary may give priority
13 to applications in which—

14 “(A) there is an improvement in surface
15 flows or a reduction in the use of groundwater
16 in the agricultural operation of the producer,
17 consistent with the law of the State in which
18 the operation of the producer is located; or

19 “(B) the producer agrees not to use any
20 associated water savings to bring new land,
21 other than incidental land needed for efficient
22 operations, under irrigated production, unless
23 the producer is participating in a watershed-
24 wide project that will effectively conserve water,
25 as determined by the Secretary.”.

1 **SEC. 2354. EVALUATION OF OFFERS AND PAYMENTS.**

2 Section 1240C of the Food Security Act of 1985 (16
3 U.S.C. 3839aa-3) is amended—

4 (1) in paragraph (1), by striking “and” at the
5 end;

6 (2) by redesignating paragraph (2) as para-
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) improve conservation practices in place on
11 the operation of the producer at the time the con-
12 tract offer is accepted; and”.

13 **SEC. 2355. DUTIES OF PRODUCERS.**

14 Section 1240D(2) of the Food Security Act of 1985
15 (16 U.S.C. 3839aa-4(2)) is amended by striking “farm
16 or ranch” and inserting “farm, ranch, or forest land”.

17 **SEC. 2356. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
18 **GRAM PLAN.**

19 Section 1240E(a) of the Food Security Act of 1985
20 (16 U.S.C. 3839aa-5(a)) is amended—

21 (1) in the matter preceding paragraph (1), by
22 inserting “, or an entity described in section 1244(e)
23 acting on behalf of producers,” after “producer”;

24 (2) in paragraph (2), by striking “and” after
25 the semicolon at the end;

1 (3) in paragraph (3), by striking the period at
2 the end and inserting “; and”; and

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

4 “(4) in the case of forest land, is consistent
5 with a forest management plan that is approved by
6 the Secretary, which may include—

7 “(A) a forest stewardship plan described in
8 section 5 of the Cooperative Forestry Assist-
9 ance Act of 1978 (16 U.S.C. 2103a);

10 “(B) another practice plan approved by the
11 State forester; or

12 “(C) another plan determined appropriate
13 by the Secretary.”.

14 **SEC. 2357. LIMITATION ON PAYMENTS.**

15 Section 1240G of the Food Security Act of 1985 (16
16 U.S.C. 3839aa–7) is amended—

17 (1) by striking “An individual” and inserting
18 “(a) IN GENERAL.—Subject to section 1244(i), an
19 individual”;

20 (2) by striking “\$450,000” and inserting
21 “\$240,000;” and

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

23 “(b) PRODUCER ORGANIZATIONS.—In the case of an
24 entity described in section 1244(e), the limitation estab-
25 lished under this section shall apply to each participating

1 producer and not to the entity described in section
2 1244(e).”.

3 **SEC. 2358. CONSERVATION INNOVATION GRANTS.**

4 Section 1240H of the Food Security Act of 1985 (16
5 U.S.C. 3839aa–8) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—The Secretary may pay the cost
9 of competitive grants that leverage Federal investment in
10 environmental enhancement and protection through the
11 program by—

12 “(1) stimulating the development of innovative
13 technologies; and

14 “(2) transferring those technologies to agricul-
15 tural and nonindustrial private forest land in pro-
16 duction.”; and

17 (2) in subsection (b), by striking paragraph (2)
18 and inserting the following:

19 “(2)(A) implement innovative conservation tech-
20 nologies, such as market systems for pollution reduc-
21 tion and practices for the storing of carbon in the
22 soil;

23 “(B) provide a mechanism for transferring
24 those technologies to agricultural and nonindustrial
25 private forest land in production; and

1 “(C) increase environmental and resource con-
2 servation benefits through specialty crop production;
3 and”.

4 **SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.**

5 Section 1240I of the Food Security Act of 1985 (16
6 U.S.C. 3839aa–9) is amended to read as follows:

7 **“SEC. 1240I. GROUND AND SURFACE WATER CONSERVA-**
8 **TION.**

9 “(a) PURPOSES.—The purposes of this section are—

10 “(1) to improve irrigation systems;

11 “(2) to enhance irrigation efficiencies;

12 “(3) to assist producers in converting to—

13 “(A) the production of less water-intensive
14 agricultural commodities; or

15 “(B) dryland farming;

16 “(4) to improve water storage capabilities
17 through measures such as water banking and
18 groundwater recharge and other related activities;

19 “(5) to mitigate the effects of drought;

20 “(6) to enhance fish and wildlife habitat associ-
21 ated with irrigation systems, including pivot corners
22 and areas with irregular boundaries;

23 “(7) to conduct resource condition assessment
24 and modeling relating to water conservation;

1 “(8) to assist producers in developing water
2 conservation plans; and

3 “(9) to promote any other measures that im-
4 prove groundwater and surface water conservation,
5 as determined by the Secretary.

6 “(b) DEFINITIONS.—In this section:

7 “(1) PARTNER.—

8 “(A) IN GENERAL.—The term ‘partner’
9 means an entity that enters into a partnership
10 agreement with the Secretary to carry out
11 water conservation activities on a regional scale.

12 “(B) INCLUSIONS.—The term ‘partner’ in-
13 cludes—

14 “(i) an agricultural or silvicultural
15 producer association or other group of pro-
16 ducers;

17 “(ii) a State or unit of local govern-
18 ment, including an irrigation company and
19 a water district and canal company; or

20 “(iii) a federally recognized Indian
21 tribe.

22 “(2) PARTNERSHIP AGREEMENT.—The term
23 ‘partnership agreement’ means a cooperative or con-
24 tribution agreement entered into between the Sec-
25 retary and a partner.

1 “(3) REGIONAL WATER CONSERVATION ACTIV-
2 ITY.—The term ‘regional water conservation activity’
3 means a water conservation activity carried out on
4 a regional or other appropriate level, as determined
5 by the Secretary, to benefit agricultural land.

6 “(c) ESTABLISHMENT.—In carrying out the program
7 under this chapter, the Secretary shall promote ground
8 and surface water conservation—

9 “(1) by providing cost-share assistance and in-
10 centive payments to producers to carry out water
11 conservation activities with respect to the agricul-
12 tural operations of producers; and

13 “(2) by working cooperatively with partners, in
14 accordance with subsection (d), on a regional level to
15 benefit working agricultural land.

16 “(d) PARTNERSHIP AGREEMENTS.—

17 “(1) IN GENERAL.—The Secretary may enter
18 into partnership agreements to meet the objectives
19 of the program under this chapter.

20 “(2) APPLICATIONS.—An application to the
21 Secretary to enter into an agreement under para-
22 graph (1) shall include—

23 “(A) a description of—

24 “(i) the geographical area;

25 “(ii) the current conditions;

1 “(iii) the water conservation objectives
2 to be achieved; and

3 “(iv) the expected level of participa-
4 tion by producers;

5 “(B) a description of the partners collabo-
6 rating to achieve the project objectives and the
7 roles, responsibilities, and capabilities of each
8 partner;

9 “(C) a description of—

10 “(i) the program resources requested
11 from the Secretary; and

12 “(ii) the non-Federal resources that
13 will be leveraged by the Federal contribu-
14 tion; and

15 “(D) other such elements as the Secretary
16 considers necessary to adequately evaluate and
17 competitively select applications for award.

18 “(e) DUTIES OF THE SECRETARY.—

19 “(1) WATER CONSERVATION ACTIVITIES BY
20 PRODUCERS.—The Secretary shall select water con-
21 servation projects proposed by producers according
22 to applicable requirements under the environmental
23 quality incentives program established under this
24 chapter.

1 “(2) REGIONAL WATER CONSERVATION ACTIVI-
2 TIES.—

3 “(A) COMPETITIVE PROCESS.—The Sec-
4 retary shall conduct a competitive process to se-
5 lect the regional water conservation activities
6 for funding under this section.

7 “(B) PUBLIC AVAILABILITY.—In carrying
8 out the process, the Secretary shall make public
9 the criteria used in evaluating applications.

10 “(C) PRIORITY.—The Secretary may give
11 a higher priority to proposals from partners
12 that—

13 “(i) include high percentages of agri-
14 cultural land and producers in a region or
15 other appropriate area;

16 “(ii) result in high levels of on-the-
17 ground water conservation activities;

18 “(iii) significantly enhance agricul-
19 tural activity and related economic develop-
20 ment;

21 “(iv) allow for monitoring and evalua-
22 tion; and

23 “(v) assist producers in meeting Fed-
24 eral, State and local regulatory require-
25 ments.

1 “(D) ADMINISTRATION.—The Secretary
2 shall ensure that resources made available for
3 regional water conservation activities under this
4 section are delivered in accordance with applica-
5 ble program rules.

6 “(f) EASTERN SNAKE PLAIN AQUIFER PILOT.—

7 “(1) IN GENERAL.—Of amounts made available
8 under subsection (h), the Secretary shall reserve
9 \$2,000,000, to remain available until expended, for
10 regional water conservation activities in the Eastern
11 Snake Aquifer Region.

12 “(2) APPROVAL.—The Secretary may approve
13 regional water conservation activities under this sub-
14 section that address, in whole or in part, water qual-
15 ity issues.

16 “(g) CONSISTENCY WITH STATE LAW.—Any water
17 conservation activity conducted under this section shall be
18 consistent with applicable State water law.

19 “(h) FUNDING.—

20 “(1) AVAILABILITY OF FUNDS.—Of the funds
21 of the Commodity Credit Corporation, in addition to
22 amounts made available under section 1241(a) to
23 carry out this chapter, the Secretary shall use
24 \$60,000,000 for each of fiscal years 2008 through
25 2012.

1 “(2) LIMITATION.—None of the funds made
2 available for regional water conservation activities
3 under this section may be used to pay for the ad-
4 ministrative expenses of partners.”.

5 **SEC. 2360. ORGANIC CONVERSION.**

6 The Food Security Act of 1985 is amended by insert-
7 ing after section 1240I (16 U.S.C. 3839aa–9) the fol-
8 lowing:

9 **“SEC. 1240J. ORGANIC CONVERSION.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) NATIONAL ORGANIC PROGRAM.—The term
12 ‘national organic program’ means the national or-
13 ganic program established under the Organic Foods
14 Production Act of 1990 (7 U.S.C. 6501 et. seq.).

15 “(2) ORGANIC SYSTEM PLAN.—The term ‘or-
16 ganic system plan’ means an organic plan approved
17 under the national organic program.

18 “(b) ESTABLISHMENT.—Under the environmental
19 quality incentives program established under this chapter,
20 not later than 180 days after the date of enactment of
21 this section, the Secretary shall establish a program under
22 which the Secretary shall provide cost-share and incentive
23 payments to producers to promote conservation practices
24 and activities for production systems undergoing conver-
25 sion on some or all of the operations of the producer to

1 organic production in accordance with the Organic Foods
2 Production Act of 1990 (7 U.S.C. 6501 et seq.).

3 “(c) ORGANIC CONVERSION COST-SHARE AND IN-
4 CENTIVE PAYMENTS.—The Secretary shall provide or-
5 ganic conversion cost-share and incentive payments to pro-
6 ducers that—

7 “(1) are converting to organic production sys-
8 tems, including producers with existing certified or-
9 ganic production for conversion to organic produc-
10 tion of land and livestock not previously certified or-
11 ganic; and

12 “(2) enter into contracts with the Secretary for
13 eligible practices and activities described in sub-
14 section (d).

15 “(d) ELIGIBLE PRACTICES AND ACTIVITIES.—Pro-
16 ducers may use funds made available under subsection (c)
17 for—

18 “(1) practices and activities during conversion
19 to certified organic production that—

20 “(A) are required by, or consistent with,
21 an approved organic system plan; and

22 “(B) protect resources of concern, as iden-
23 tified by the Secretary;

24 “(2) technical services, including the costs of
25 developing an approved organic system plan; and

1 “(3) such other measures as the Secretary de-
2 termines to be appropriate and consistent with an
3 approved organic system plan.

4 “(e) ELIGIBLE PRODUCERS.—To be eligible to re-
5 ceive cost-share and incentive payments under this section,
6 a producer shall agree—

7 “(1) to develop and carry out conservation and
8 environmental activities that—

9 “(A) are required by, or consistent with,
10 an approved organic system plan; and

11 “(B) protect resources of concern, as iden-
12 tified by the Secretary;

13 “(2) to receive technical and educational assist-
14 ance from the Secretary or from an organization, in-
15 stitute, or consultant with a cooperative agreement
16 with the Secretary relating to—

17 “(A) the development of an organic system
18 plan and the implementation of conservation
19 practices and activities that are part of an or-
20 ganic system plan; or

21 “(B) other aspects of an organic system
22 plan, including marketing, credit, business, and
23 risk management plans; and

24 “(3) to submit annual verification by a certi-
25 fying entity accredited by the Secretary to determine

1 the compliance of the producer with organic certifi-
2 cation requirements.

3 “(f) TERM.—A contract under this section shall have
4 a term of—

5 “(1) not less than 3 years; and

6 “(2) not more than 4 years.

7 “(g) LIMITATIONS ON PAYMENTS.—As part of the
8 payment limitation described in section 1240G, an indi-
9 vidual or entity may not receive, directly or indirectly,
10 cost-share or incentive payments under this section—

11 “(1) for a period of more than 4 years; or

12 “(2) that, in the aggregate and exclusive of
13 technical assistance, exceed—

14 “(A) \$20,000 per year; or

15 “(B) a total amount of \$80,000.

16 “(h) TERMINATION OF CONTRACTS.—The Secretary
17 may cancel or otherwise nullify a contract entered into
18 under this section if the Secretary determines the pro-
19 ducers are not pursuing organic certification.”.

20 **SEC. 2361. CHESAPEAKE BAY WATERSHED CONSERVATION**
21 **PROGRAM.**

22 The Food Security Act of 1985 is amended by insert-
23 ing after section 1240J (as added by section 2360) the
24 following:

1 **“SEC. 1240K. CHESAPEAKE BAY WATERSHED CONSERVA-**
2 **TION PROGRAM.**

3 “(a) DEFINITION OF CHESAPEAKE BAY WATER-
4 SHED.—In this section, the term ‘Chesapeake Bay water-
5 shed’ includes all tributaries, backwaters, and side chan-
6 nels (including watersheds) draining into the Chesapeake
7 Bay.

8 “(b) ESTABLISHMENT.—The Secretary shall use the
9 authorities granted under the environmental quality incen-
10 tives program established under this chapter to address
11 natural resource concerns relating to agricultural and non-
12 industrial private forest land in the Chesapeake Bay wa-
13 tershed.

14 “(c) FUNDING.—Of the funds of the Commodity
15 Credit Corporation, the Secretary shall use \$165,000,000
16 to carry out this section for the period of fiscal years 2008
17 through 2012.”.

18 **CHAPTER 3—FARMLAND PROTECTION**

19 **Subchapter A—Farmland Protection**

20 **Program**

21 **SEC. 2371. FARMLAND PROTECTION PROGRAM.**

22 (a) DEFINITIONS.—Section 1238H of the Food Secu-
23 rity Act of 1985 (16 U.S.C. 3838h) is amended—

24 (1) by striking paragraph (1) and inserting the
25 following:

1 organization described in section
2 509(a)(2), of that Code.”; and

3 (2) in paragraph (2)—

4 (A) in subparagraph (A), by striking
5 clauses (i) and (ii) and inserting the following:

6 “(i) has prime, unique, or other pro-
7 ductive soil;

8 “(ii) contains historical or archae-
9 ological resources; or

10 “(iii) furthers a State or local policy
11 consistent with the purposes of the pro-
12 gram.”; and

13 (B) in subparagraph (B)—

14 (i) in clause (iv), by striking “and” at
15 the end;

16 (ii) by striking clause (v) and insert-
17 ing the following:

18 “(v) forest land that—

19 “(I) contributes to the economic
20 viability of an agricultural operation;
21 or

22 “(II) serves as a buffer to protect
23 an agricultural operation from devel-
24 opment; and

1 “(vi) land that is incidental to land
2 described in clauses (i) through (v), if the
3 incidental land is determined by the Sec-
4 retary to be necessary for the efficient ad-
5 ministration of a conservation easement.”.

6 (b) FARMLAND PROTECTION.—Section 1238I of the
7 Food Security Act of 1985 (16 U.S.C. 3838i) is amend-
8 ed—

9 (1) in subsection (a), by striking “purchase
10 conservation easements” and all the follows through
11 the end of the subsection and inserting “enter into
12 cooperative agreements with eligible entities for the
13 eligible entities to purchase permanent conservation
14 easements or other interests in eligible land for the
15 purpose of protecting the agricultural use and re-
16 lated conservation values of the land by limiting in-
17 compatible nonagricultural uses of the land.”;

18 (2) by redesignating subsections (b) and (c) as
19 subsections (e) and (f), respectively;

20 (3) by inserting after subsection (a) the fol-
21 lowing:

22 “(b) TERMS AND CONDITIONS FOR COOPERATIVE
23 AGREEMENTS.—

24 “(1) IN GENERAL.—The Secretary shall estab-
25 lish the terms and conditions of any cooperative

1 agreement entered into under this subchapter under
2 which the eligible entity shall use funds provided by
3 the Secretary.

4 “(2) MINIMUM REQUIREMENTS.—A cooperative
5 agreement shall, at a minimum—

6 “(A) specify the qualifications of the eligi-
7 ble entity to carry out the responsibilities of the
8 eligible entity under the program, including ac-
9 quisition and management policies and proce-
10 dures that ensure the long-term integrity of the
11 conservation easement protections;

12 “(B) subject to subparagraph (C), identify
13 a specific project or a range of projects funded
14 under the agreement;

15 “(C) allow, upon mutual agreement of the
16 parties, substitution of qualified projects that
17 are identified at the time of substitution;

18 “(D) specify the manner in which the eligi-
19 ble entity will evaluate and report the use of
20 funds to the Secretary;

21 “(E) allow the eligible entity flexibility to
22 use the terms and conditions of the eligible en-
23 tity for conservation easements and other pur-
24 chases of interests in land, except that—

1 “(i) subject to clause (ii), each ease-
2 ment shall include a limitation on the total
3 quantity of impervious surface of not more
4 than—

5 “(I) 20 percent of the first 10
6 acres;

7 “(II) 5 percent of the next 90
8 acres; and

9 “(III) 1 percent of any additional
10 acres; and

11 “(ii) the Secretary may waive a limi-
12 tation under clause (i) after a determina-
13 tion by the Secretary that the eligible enti-
14 ty has in place a requirement that provides
15 substantially-similar protection consistent
16 with agricultural activities regarding the
17 impervious surfaces to be allowed for any
18 conservation easement or other interest in
19 land purchases using funds provided under
20 the program;

21 “(F) require appraisals of acquired inter-
22 ests in eligible land that comply with, at the op-
23 tion of the eligible entity—

24 “(i) the Uniform Standards of Profes-
25 sional Appraisal Practice; or

1 “(ii) other industry-approved stand-
2 ard, as determined by the Secretary; and

3 “(G) allow as part of the share of the eligi-
4 ble entity of the cost to purchase a conservation
5 easement or other interest in eligible land de-
6 scribed in subsection (a), that an eligible entity
7 may include a charitable donation or qualified
8 conservation contribution (as defined by section
9 170(h) of the Internal Revenue Code of 1986),
10 from the private landowner from which the con-
11 servation easement will be purchased.

12 “(c) COST SHARING.—

13 “(1) IN GENERAL.—Subject to paragraphs (2)
14 and (3), the Secretary may provide a share of the
15 purchase price of a conservation easement or other
16 interest in land acquired by an eligible entity under
17 the program.

18 “(2) MAXIMUM AMOUNT OF FAIR MARKET
19 VALUE.—The Secretary shall not pay more than 50
20 percent of the appraised fair market value of the ac-
21 quisition under this subsection.

22 “(3) MINIMUM SHARE BY ELIGIBLE ENTITY.—
23 The eligible entity shall be required to provide a
24 share of the cost under this subsection in an amount
25 that is not less than the lesser of—

1 “(A) $\frac{1}{2}$ of the purchase price of the acqui-
2 sition;

3 “(B) if the landowner has made a donation
4 of 25 percent or less of the appraised fair mar-
5 ket value of the acquisition, an amount that,
6 when combined with the donation, equals the
7 amount of the payment by the Secretary; or

8 “(C) if the landowner has made a donation
9 of more than 25 percent of the appraised fair
10 market value of the acquisition, $\frac{1}{3}$ of the pur-
11 chase price of the acquisition.

12 “(d) PROTECTION OF FEDERAL INVESTMENT.—

13 “(1) IN GENERAL.—The Secretary shall ensure
14 that the terms of an easement acquired by the eligi-
15 ble entity provides protection for the Federal invest-
16 ment through an executory limitation by the Federal
17 Government.

18 “(2) RELATIONSHIP TO FEDERAL ACQUISITION
19 OF REAL PROPERTY.—The inclusion of a Federal ex-
20 ecutory limitation described in paragraph (1) shall—

21 “(A) not be considered the Federal acquisi-
22 tion of real property; and

23 “(B) not trigger any Federal appraisal or
24 other real property requirements, including the

1 Federal standards and procedures for land ac-
2 quisition.”; and

3 (4) in subsection (f) (as redesignated by para-
4 graph (2)), by striking “COST SHARING.—” and all
5 that follows through “BIDDING DOWN.—” and in-
6 serting “BIDDING DOWN.—”.

7 **Subchapter B—Grassland Reserve Program**

8 **SEC. 2381. GRASSLAND RESERVE PROGRAM.**

9 Subchapter C of chapter 2 of subtitle D of title XII
10 of the Food Security Act of 1985 (16 U.S.C. 3838n et
11 seq.) is amended to read as follows:

12 **“Subchapter C—Grassland Reserve Program**

13 **“SEC. 1238N. DEFINITIONS.**

14 “In this subchapter:

15 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) any agency of any State or local gov-
18 ernment or an Indian tribe (including a farm-
19 land protection board or land resource council
20 established under State law); or

21 “(B) any organization that—

22 “(i) is organized for, and at all times
23 since the formation of the organization has
24 been operated principally for, 1 or more of
25 the conservation purposes specified in

1 clause (i), (ii), (iii), or (iv) of section
2 170(h)(4)(A) of the Internal Revenue Code
3 of 1986;

4 “(ii) is an organization described in
5 section 501(c)(3) of that Code that is ex-
6 empt from taxation under section 501(a)
7 of that Code; and

8 “(iii) is—

9 “(I) described in paragraph (1)
10 or (2) of section 509(a) of that Code;
11 or

12 “(II) described in section
13 509(a)(3), and is controlled by an or-
14 ganization described in section
15 509(a)(2), of that Code.

16 “(2) ELIGIBLE LAND.—The term ‘eligible land’
17 means private land that—

18 “(A) is grassland, rangeland, land that
19 contains forbs, or shrub land (including im-
20 proved rangeland and pastureland) for which
21 grazing is the predominant use;

22 “(B) is located in an area that has been
23 historically dominated by grassland, forbs, or
24 shrub land, and the land potentially could pro-

1 vide habitat for animal or plant populations of
2 significant ecological value if the land—

3 “(i) is retained in the current use of
4 the land;

5 “(ii) is restored to a natural condi-
6 tion;

7 “(iii) contains historical or archeo-
8 logical resources;

9 “(iv) would further the goals and ob-
10 jectives of State, regional, and national
11 fish, and wildlife conservation plans and
12 initiatives; or

13 “(v) is incidental to land described in
14 clauses (i) through (iv), if the incidental
15 land is determined by the Secretary to be
16 necessary for the efficient administration
17 of an agreement or conservation easement.

18 “(3) PERMANENT CONSERVATION EASEMENT.—
19 The term ‘permanent conservation easement’ means
20 a conservation easement that is—

21 “(A) a permanent easement; or

22 “(B) in a State that imposes a maximum
23 duration for easements, an easement for the
24 maximum duration allowed under State law.

1 **“SEC. 12380. GRASSLAND RESERVE PROGRAM.**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and carry out a grassland reserve program through
4 which the Secretary shall provide payments and technical
5 assistance to landowners to assist in restoring and con-
6 serving eligible land described in section 1238N(2).

7 “(b) ENROLLMENT OF LAND.—

8 “(1) IN GENERAL.—The Secretary may enroll
9 eligible land in the program through—

10 “(A) an easement or contract described in
11 paragraph (2); or

12 “(B) a cooperative agreement with an eligi-
13 ble entity.

14 “(2) OPTIONS.—Eligible land enrolled in the
15 program shall be subject to—

16 “(A) a 30-year contract;

17 “(B) a 30-year conservation easement; or

18 “(C) a permanent conservation easement.

19 “(3) ENROLLMENT OF CONSERVATION RE-
20 SERVE ACREAGE.—

21 “(A) IN GENERAL.—Eligible land enrolled
22 in the conservation reserve program established
23 under subchapter B of chapter 1 may be en-
24 rolled into permanent conservation easements
25 under this subchapter if—

1 “(i) the Secretary determines that the
2 eligible land—

3 “(I) is of high ecological value;
4 and

5 “(II) would be under significant
6 threat of conversion to other uses if
7 the conservation reserve program con-
8 tract were terminated; and

9 “(ii) the landowner agrees to the en-
10 rollment.

11 “(B) MAXIMUM ENROLLMENT.—The num-
12 ber of acres of conservation reserve program
13 land enrolled under this paragraph in a cal-
14 endar year shall not exceed the number of acres
15 that could be funded by 10 percent of the total
16 amount of funds available for this section for a
17 fiscal year.

18 “(C) PROHIBITION ON DUPLICATE PAY-
19 MENTS.—Eligible land enrolled in the program
20 shall no longer be eligible for payments under
21 the conservation reserve program.

22 “(c) RESTORATION AGREEMENTS.—The Secretary
23 may enter into a restoration agreement with a landowner,
24 as determined appropriate by the Secretary.

1 “(d) CONSERVATION EASEMENT TITLE.—The title
2 holder of a conservation easement obtained under this sub-
3 chapter may be—

4 “(1) the Secretary; or

5 “(2) an eligible entity.

6 **“SEC. 1238P. DUTIES.**

7 “(a) DUTIES OF LANDOWNERS.—

8 “(1) IN GENERAL.—To become eligible to enroll
9 eligible land through the grant of a conservation
10 easement, the landowner shall—

11 “(A) create and record an appropriate
12 deed restriction in accordance with applicable
13 State law;

14 “(B) provide proof of clear title to the un-
15 derlying fee interest in the eligible land that is
16 subject of the conservation easement;

17 “(C) provide a written statement of con-
18 sent to the easement signed by persons holding
19 a security interest or any vested interest in the
20 land;

21 “(D) grant the conservation easement to
22 the Secretary or an eligible entity; and

23 “(E) comply with the terms of the con-
24 servation easement and any associated restora-
25 tion agreement.

1 “(2) RESTORATION AGREEMENT.—If a restora-
2 tion agreement is required by the Secretary, the
3 landowner shall develop and implement a restoration
4 plan.

5 “(b) DUTIES OF SECRETARY.—

6 “(1) EVALUATION OF OFFERS.—

7 “(A) IN GENERAL.—The Secretary shall
8 establish criteria to evaluate and rank applica-
9 tions for easements and contracts under this
10 subchapter.

11 “(B) CONSIDERATIONS.—In establishing
12 the criteria, the Secretary shall emphasize sup-
13 port for—

14 “(i) grazing operations;

15 “(ii) plant and animal biodiversity;

16 “(iii) grassland, land that contains
17 forbs, and shrubland under the greatest
18 threat of conversion; and

19 “(iv) other considerations, as deter-
20 mined by the Secretary.

21 “(C) PRIORITY.—In evaluating offers
22 under this subchapter, the Secretary may give
23 priority to applications that—

1 “(i) include a cash contribution from
2 the eligible entity submitting the applica-
3 tion; or

4 “(ii) leverage resources from other
5 sources.

6 “(2) COMPENSATION.—

7 “(A) IN GENERAL.—

8 “(i) EASEMENTS AND CONTRACTS.—
9 In return for the granting of an easement,
10 the Secretary shall provide to the land-
11 owner an amount that is equal to—

12 “(I) in the case of a permanent
13 easement, the fair market value of the
14 land less the grazing value of the land
15 encumbered by the easement; and

16 “(II) in the case of a 30-year
17 easement or 30-year contract, 30 per-
18 cent of the fair market value of the
19 land less the grazing value of the land
20 for the period during which the land
21 is encumbered by the easement.

22 “(ii) RESTORATION AGREEMENTS.—

23 In making cost-share payments for restora-
24 tion agreements, the Secretary shall make
25 payments to the landowner—

1 “(I) in the case of a permanent
2 easement, in an amount that is not
3 less than 90, but not more than 100,
4 percent of the eligible costs; and

5 “(II) in the case of a 30-year
6 easement or 30-year contract, in an
7 amount that is not less than 50, but
8 not more than 75, percent of the eligi-
9 ble costs.

10 “(B) DELIVERY OF PAYMENTS.—

11 “(i) PAYMENT SCHEDULE.—Except as
12 otherwise provided in this subchapter, pay-
13 ments may be provided pursuant to an
14 easement, contract, or other agreement, in
15 not more than 30 annual payments, and in
16 an equal or unequal amounts, as agreed to
17 by the Secretary and the landowner.

18 “(ii) PAYMENTS TO OTHERS.—If an
19 owner that is entitled to a payment under
20 this subchapter dies, becomes incompetent,
21 is otherwise unable to receive the payment,
22 or is succeeded by another person who ren-
23 ders or completes the required perform-
24 ance, the Secretary shall make the pay-
25 ment, in accordance with regulations pro-

1 mulgated by the Secretary and without re-
2 gard to any other provision of law, in such
3 manner as the Secretary determines is fair
4 and reasonable after considering all the
5 circumstances.

6 “(3) TECHNICAL ASSISTANCE.—If a restoration
7 agreement is required by the Secretary, the Sec-
8 retary shall provide technical assistance to comply
9 with the terms and conditions of the restoration
10 agreement.

11 **“SEC. 1238Q. TERMS AND CONDITIONS.**

12 “(a) TERMS AND CONDITIONS OF EASEMENT OR
13 CONTRACTS.—An easement or contract under this sub-
14 chapter shall—

15 “(1) permit—

16 “(A) common grazing practices, including
17 maintenance and necessary cultural practices,
18 on the land in a manner that is consistent with
19 maintaining the viability of grassland, forb, and
20 shrub species appropriate to that locality;

21 “(B) haying, mowing, or harvesting for
22 seed production, subject to appropriate restric-
23 tions during the nesting season for birds in the
24 local area that are in significant decline or are
25 conserved in accordance with Federal or State

1 law, as determined by the State Conserva-
2 tionist; and

3 “(C) fire presuppression, rehabilitation,
4 and construction of fire breaks and fences (in-
5 cluding placement of the posts necessary for
6 fences);

7 “(2) prohibit—

8 “(A) the production of crops (other than
9 hay), fruit trees, vineyards, or any other agri-
10 cultural commodity that is inconsistent with
11 maintaining grazing land; and

12 “(B) except as permitted under a restora-
13 tion plan, the conduct of any other activity that
14 would be inconsistent with maintaining grazing
15 land covered by the easement or agreement; and

16 “(3) include such additional provisions as the
17 Secretary determines are appropriate to carry out or
18 facilitate the administration of this subchapter.

19 “(b) TERMS AND CONDITIONS OF COOPERATIVE
20 AGREEMENTS.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish the terms and conditions of any cooperative
23 agreement entered into under this subchapter under
24 which the eligible entity shall use funds provided by
25 the Secretary.

1 “(2) MINIMUM REQUIREMENTS.—A cooperative
2 agreement shall, at a minimum—

3 “(A) specify the qualification of the eligible
4 entity to carry out the responsibilities of the eli-
5 gible entity under the program, including acqui-
6 sition, monitoring, enforcement, and manage-
7 ment policies and procedures that ensure the
8 long-term integrity of the conservation ease-
9 ment protections;

10 “(B) subject to subparagraph (C), identify
11 a specific project or a range of projects funded
12 under the agreement;

13 “(C) allow, upon mutual agreement of the
14 parties, substitution of qualified projects that
15 are identified at the time of substitution;

16 “(D) specify the manner in which the eligi-
17 ble entity will evaluate and report the use of
18 funds to the Secretary;

19 “(E) allow the eligible entity flexibility to
20 develop and use terms and conditions for con-
21 servation easements and other purchases of in-
22 terest in eligible land, if the Secretary finds the
23 terms and conditions consistent with the pur-
24 poses of the program and adequate to achieve
25 and permit effective enforcement of the con-

1 servation purposes of the conservation ease-
2 ments or other interests;

3 “(F) require appraisals of acquired inter-
4 ests in eligible land that comply with a method
5 approved by industry;

6 “(G) if applicable, allow as part of the
7 share of the eligible entity of the cost to pur-
8 chase a conservation easement or other interest
9 in eligible land described in section 12380(b),
10 that an eligible entity may include a charitable
11 donation or qualified conservation contribution
12 (as defined by section 170(h) of the Internal
13 Revenue Code of 1986), from the private land-
14 owner for which the conservation easement will
15 be purchased; and

16 “(H) provide for a schedule of payments to
17 an eligible entity, as agreed to by the Secretary
18 and the eligible entity, over a term of not to ex-
19 ceed 30 years.

20 “(3) PROTECTION OF FEDERAL INVESTMENT.—

21 “(A) IN GENERAL.—The Secretary shall
22 ensure that the terms of an easement acquired
23 by the eligible entity provides protection for the
24 Federal investment through an executory limi-
25 tation by the Federal government.

1 “(B) RELATIONSHIP TO FEDERAL ACQUI-
2 TION OF REAL PROPERTY.—The inclusion of an
3 executory limitation described in subparagraph
4 (A) shall—

5 “(i) not be considered the Federal ac-
6 quisition of real property; and

7 “(ii) not trigger any Federal appraisal
8 or other real property requirements, in-
9 cluding the Federal standards and proce-
10 dures for land acquisition.

11 “(C) TERMS OF RESTORATION AGREE-
12 MENT.—A restoration agreement shall con-
13 tain—

14 “(i) a statement of the conservation
15 measures and practices that will be under-
16 taken in regard to the eligible land subject
17 to the conservation easement;

18 “(ii) restrictions on the use of the eli-
19 gible land subject to the conservation ease-
20 ment; and

21 “(iii) a statement of the respective du-
22 ties of the Secretary, landowner, and eligi-
23 ble entity, as appropriate.

24 “(c) VIOLATION.—If a violation occurs of the terms
25 or conditions of a conservation easement, contract, cooper-

1 ative agreement or restoration agreement entered into
2 under this section—

3 “(1) the conservation easement, contract, coop-
4 erative agreement, or restoration agreement shall re-
5 main in force; and

6 “(2) the Secretary may require the owner or en-
7 tity to refund all or part of any payments received
8 by the owner under this subchapter, with interest on
9 the payments as determined appropriate by the Sec-
10 retary.”.

11 **CHAPTER 4—OTHER CONSERVATION** 12 **PROGRAMS**

13 **SEC. 2391. CONSERVATION SECURITY PROGRAM.**

14 Subchapter A of chapter 2 of subtitle D of title XII
15 of the Food Security Act of 1985 is amended by adding
16 after section 1238C (16 U.S.C. 3838c) the following:

17 **“SEC. 1238D. PERIOD OF EFFECTIVENESS.**

18 “(a) IN GENERAL.—This subchapter, and the terms
19 and conditions of the conservation security program, shall
20 continue to apply to conservation security contracts en-
21 tered into as of the date before the date of enactment of
22 this section.

23 “(b) PAYMENTS.—The Secretary shall make pay-
24 ments under this subchapter with respect to conservation

1 security contracts described in subsection (a) during the
2 term of the contracts.

3 “(c) PROHIBITION ON NEW CONTRACTS.—A con-
4 servation security contract may not be entered into or re-
5 newed under this subchapter as of the date of enactment
6 of this section.

7 “(d) LIMITATION.—A contract described in sub-
8 section (a) may not be administered under the regulations
9 issued under section 1240Y.”.

10 **SEC. 2392. CONSERVATION OF PRIVATE GRAZING LAND.**

11 Section 1240M(e) of the Food Security Act of 1985
12 (16 U.S.C. 3839bb(e)) is amended by striking “2007” and
13 inserting “2012”.

14 **SEC. 2393. REAUTHORIZATION OF WILDLIFE HABITAT IN-
15 CENTIVE PROGRAM.**

16 Section 1240N of the Food Security Act of 1985 (16
17 U.S.C. 3839bb–1) is amended—

18 (1) in subsection (b)—

19 (A) in the subsection heading, by striking
20 “COST-SHARE”;

21 (B) in paragraph (1), by inserting “and in-
22 centive” after “cost-share”; and

23 (C) in paragraph (2)(B), by striking “15
24 percent” and inserting “25 percent”; and

25 (2) by adding at the end the following:

1 “(d) FISH AND WILDLIFE CONSERVATION PLANS
2 AND INITIATIVES.—In carrying out this section, the Sec-
3 retary shall give priority to projects that would further
4 the goals and objectives of State, regional, and national
5 fish and wildlife conservation plans and initiatives.

6 “(e) DURATION OF PROGRAM.—Using funds made
7 available under section 1241(a)(7), the Secretary shall
8 carry out the program during each of fiscal years 2008
9 through 2012.”.

10 **SEC. 2394. GRASSROOTS SOURCE WATER PROTECTION**
11 **PROGRAM.**

12 Section 1240O(b) of the Food Security Act of 1985
13 (16 U.S.C. 3839bb–2(b)) is amended by striking “2007”
14 and inserting “2012”.

15 **SEC. 2395. GREAT LAKES BASIN PROGRAM FOR SOIL ERO-**
16 **SION AND SEDIMENT CONTROL.**

17 Section 1240P(c) of the Food Security Act of 1985
18 (16 U.S.C. 3839bb–3(c)) is amended by striking “2007”
19 and inserting “2012”.

20 **SEC. 2396. FARM VIABILITY PROGRAM.**

21 Section 1238J(b) of the Food Security Act of 1985
22 (16 U.S.C. 3838j(b)) is amended by striking “2007” and
23 inserting “2012”.

1 **SEC. 2397. DISCOVERY WATERSHED DEMONSTRATION PRO-**
2 **GRAM.**

3 Chapter 5 of subtitle D of title XII of the Food Secu-
4 rity Act of 1985 (16 U.S.C. 3839bb et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 1240Q. DISCOVERY WATERSHED DEMONSTRATION**
7 **PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish and carry out a demonstration program in not less
10 than 30 small watersheds in States of the Upper Mis-
11 sissippi River basin to identify and promote the most cost-
12 effective and efficient approaches to reducing the loss of
13 nutrients to surface waters.

14 “(b) PURPOSE.—The demonstration program shall
15 demonstrate in small watersheds performance-based and
16 market-based approaches—

17 “(1) to reduce the loss of nutrients to surface
18 waters from agricultural land; and

19 “(2) to monitor the cost-effectiveness of man-
20 agement practices designed to reduce the loss of nu-
21 trients to surface waters from agricultural land.

22 “(c) PARTNERSHIPS.—In carrying out this section,
23 the Secretary may establish or identify, as appropriate,
24 partnerships to select the watersheds and to encourage co-
25 operative effort among the Secretary and State, local, and
26 nongovernmental organizations.

1 “(d) SELECTION OF SMALL WATERSHEDS.—In se-
2 lecting small watersheds for participation in the program,
3 the Secretary shall consider the extent to which—

4 “(1) reducing nutrient losses to surface water
5 in the small watershed would be likely to result in
6 measurable improvements in water quality in the
7 small watershed;

8 “(2) a demonstration project would use innova-
9 tive approaches to attract a high level of producer
10 participation in the small watershed to ensure suc-
11 cess;

12 “(3) a demonstration project could be imple-
13 mented through a third party, including a producer
14 organization, farmer cooperative, conservation dis-
15 trict, water utility, agency of State or local govern-
16 ment, conservation organization, or other organiza-
17 tion with appropriate expertise;

18 “(4) a demonstration project would leverage
19 funding from State, local, and private sources;

20 “(5) a demonstration project would dem-
21 onstrate market-based approaches to nutrient losses
22 to surface waters;

23 “(6) baseline data related to water quality and
24 agricultural practices and contributions from non-
25 agricultural sources as relevant in the small water-

1 shed has been collected or could be readily collected;
2 and

3 “(7) water quality monitoring infrastructure is
4 in place or could reasonably be put in place in the
5 small watershed.

6 “(e) USE OF FUNDS.—

7 “(1) IN GENERAL.—Funding provided for the
8 program under subsection(f) shall be used in not less
9 than 30 small watersheds—

10 “(A) to provide technical assistance;

11 “(B) to provide and assess financial incen-
12 tives to agricultural producers implementing
13 conservation practices that reduce nutrient
14 losses to surface waters;

15 “(C) to monitor the performance and costs
16 of alternative nutrient management techniques,
17 including soil tests, stalk tests, cover crops, soil
18 amendments, buffers, and tillage practices; and

19 “(D) to share the cost of data collection,
20 monitoring, and analysis.

21 “(2) PROHIBITION.—None of the funds made
22 available to carry out the program for each fiscal
23 year may be used for administrative expenses.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.”.

4 **SEC. 2398. EMERGENCY LANDSCAPE RESTORATION PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—Chapter 5 of subtitle D of the
7 Food Security Act of 1985 (16 U.S.C. 3839bb et seq.)
8 (as amended by section 2386) is amended by adding at
9 the end the following:

10 **“SEC. 1240R. EMERGENCY LANDSCAPE RESTORATION PRO-**
11 **GRAM.**

12 “(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this
13 section, the term ‘eligible recipient’ means—

14 “(1) an organization that is eligible for tech-
15 nical assistance and cost-share payments under this
16 section and assists working agricultural land and
17 nonindustrial private forest land, including—

18 “(A) a community-based association; and

19 “(B) a city, county, or regional govern-
20 ment, including a watershed council and a con-
21 servation district; and

22 “(2) an individual who is eligible for technical
23 assistance and cost-share payments under this sec-
24 tion, including—

25 “(A) a producer;

1 “(B) a rancher;

2 “(C) an operator;

3 “(D) a nonindustrial private forest land-
4 owner; and

5 “(E) a landlord on working agricultural
6 land.

7 “(b) PURPOSE.—The purpose of the emergency land-
8 scape restoration program is to rehabilitate watersheds,
9 nonindustrial private forest land, and working agricultural
10 land adversely affected by natural catastrophic events,
11 by—

12 “(1) providing a source of assistance for res-
13 toration of the land back to a productive state;

14 “(2) preventing further impairment of land and
15 water, including prevention through the purchase of
16 floodplain easements; and

17 “(3) providing further protection of natural re-
18 sources.

19 “(c) ESTABLISHMENT.—The Secretary, acting
20 through the Natural Resources Conservation Service, shall
21 carry out an emergency landscape restoration program
22 under which technical assistance and cost-share payments
23 are made available to eligible recipients to carry out reme-
24 dial activities to restore landscapes damaged by—

25 “(1) fire;

1 “(2) drought;

2 “(3) flood;

3 “(4) hurricane force or excessive winds;

4 “(5) ice storms or blizzards; or

5 “(6) other resource-impacting natural events, as
6 determined by the Secretary.

7 “(d) PRIORITIZATION.—The Secretary shall provide
8 the highest priority for those activities that protect human
9 health and safety.

10 “(e) TECHNICAL ASSISTANCE AND COST-SHARE
11 PAYMENTS.—

12 “(1) IN GENERAL.—The Secretary shall provide
13 technical assistance and cost-share payments in
14 amounts of up to 75 percent of the cost of remedial
15 activities described in paragraph (2) to rehabilitate
16 watersheds, nonindustrial private forest land, and
17 working agricultural land.

18 “(2) REMEDIAL ACTIVITIES.—Remedial activi-
19 ties that are eligible for technical assistance and
20 cost-share payments under this section include—

21 “(A) removal of debris from streams, agri-
22 cultural land, and nonindustrial forest land, in-
23 cluding—

24 “(i) the restoration of natural hydro-
25 ology; and

1 “(ii) the removal of barriers for
2 aquatic species;;

3 “(B) restoration of destabilized
4 streambanks;

5 “(C) establishment of cover on critically
6 eroding land;

7 “(D) restoration of fences;

8 “(E) construction of conservation struc-
9 tures;

10 “(F) provision of water for livestock in
11 drought situations;

12 “(G) rehabilitation of farm or ranch land;

13 “(H) restoration of damaged nonindustrial
14 private forest land, including—

15 “(i) the removal of damaged standing
16 trees and downed timber; and

17 “(ii) site preparation, tree planting,
18 direct seeding, and firebreaks;

19 “(I) the carrying out of emergency water
20 conservation measures;

21 “(J) restoration of wildlife habitat and cor-
22 ridors;

23 “(K) livestock carcass removal and dis-
24 posal; and

1 “(L) such other remedial activities as are
2 determined by the Secretary.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out this section such sums as are necessary for each of
6 fiscal years 2008 through 2012, to remain available until
7 expended.

8 “(g) TEMPORARY ADMINISTRATION OF EMERGENCY
9 LANDSCAPE RESTORATION PROGRAM.—

10 “(1) IN GENERAL.—During the period begin-
11 ning on the date of enactment of this section and
12 ending on the termination date described in para-
13 graph (2), to ensure that technical assistance, cost-
14 share payments, and other payments continue to be
15 administered in an orderly manner until the date on
16 which final regulations are promulgated to imple-
17 ment the emergency landscape restoration program,
18 the Secretary shall, to the extent the terms and con-
19 ditions of the programs described in clauses (i) and
20 (ii) of subparagraph (A) are consistent with the
21 emergency landscape restoration program, continue
22 to—

23 “(A) provide technical assistance, cost-
24 share payments, and other payments under the
25 terms and conditions of—

1 “(i) the emergency conservation pro-
2 gram established under title IV of the Ag-
3 ricultural Credit Act of 1978 (16 U.S.C.
4 2201 et seq.); and

5 “(ii) the emergency watershed protec-
6 tion program established under section 403
7 of the Agricultural Credit Act of 1978 (16
8 U.S.C. 2203); and

9 “(B) use for those purposes—

10 “(i) any funds made available under
11 those programs; and

12 “(ii) as the Secretary determines to be
13 necessary, any funds made available to
14 carry out the emergency landscape restora-
15 tion program.

16 “(2) TERMINATION OF AUTHORITY.—The au-
17 thority of the Secretary to carry out paragraph (1)
18 shall terminate on the effective date of final regula-
19 tions to implement the emergency landscape restora-
20 tion program.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Effective on the effective date of final regu-
23 lations to implement the emergency landscape res-
24 toration program under section 1240R of the Food
25 Security Act of 1985 (as added by subsection (a)),

1 title IV of the Agricultural Credit Act of 1978 (16
2 U.S.C. 2201 et seq.) is repealed.

3 (2) Section 1211(a)(3)(C) of the Food Security
4 Act of 1985 (16 U.S.C. 3811(a)(3)(C)) is amended
5 by inserting “section 1240R or” after “a payment
6 under”.

7 (3) Section 1221(b)(3)(C) of the Food Security
8 Act of 1985 (16 U.S.C. 3821(b)(3)(C)) is amended
9 by inserting “section 1240R or” after “A payment
10 under”.

11 **SEC. 2399. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
12 **CENTIVE PROGRAM.**

13 (a) IN GENERAL.—Chapter 5 of subtitle D of title
14 XII of the Food Security Act of 1985 (16 U.S.C. 3839bb
15 et seq.) (as amended by section 2387(a)) is amended by
16 adding at the end the following:

17 **“SEC. 1240S. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
18 **CENTIVE PROGRAM.**

19 “(a) IN GENERAL.—The Secretary shall establish a
20 voluntary public access program under which States and
21 tribal governments may apply for grants to encourage
22 owners and operators of privately-held farm, ranch, and
23 forest land to voluntarily make that land available for ac-
24 cess by the public for wildlife-dependent recreation, includ-

1 ing hunting or fishing under programs administered by
2 the States and tribal governments.

3 “(b) APPLICATIONS.—In submitting applications for
4 a grant under the program, a State or tribal government
5 shall describe—

6 “(1) the benefits that the State or tribal gov-
7 ernment intends to achieve by encouraging public ac-
8 cess to private farm and ranch land for—

9 “(A) hunting and fishing; and

10 “(B) to the maximum extent practicable,
11 other recreational purposes; and

12 “(2) the methods that will be used to achieve
13 those benefits.

14 “(c) PRIORITY.—In approving applications and
15 awarding grants under the program, the Secretary shall
16 give priority to States and tribal governments that pro-
17 pose—

18 “(1) to maximize participation by offering a
19 program the terms of which are likely to meet with
20 widespread acceptance among landowners;

21 “(2) to ensure that land enrolled under the
22 State or tribal government program has appropriate
23 wildlife habitat;

24 “(3) to strengthen wildlife habitat improvement
25 efforts on land enrolled in a special conservation re-

1 serve enhancement program described in section
2 1234(f)(3) by providing incentives to increase public
3 hunting and other recreational access on that land;

4 “(4) to use additional Federal, State, tribal
5 government, or private resources in carrying out the
6 program; and

7 “(5) to make available to the public the location
8 of land enrolled.

9 “(d) RELATIONSHIP TO OTHER LAWS.—Nothing in
10 this section preempts a State or tribal government law (in-
11 cluding any State or tribal government liability law).

12 “(e) REGULATIONS.—The Secretary shall promulgate
13 such regulations as are necessary to carry out this sec-
14 tion.”.

15 (b) FUNDING.—Section 1241(a) of the Food Security
16 Act of 1985 (16 U.S.C. 3841(a)) is amended by adding
17 at the end the following:

18 “(8) The voluntary public access program
19 under section 1240S, using, to the maximum extent
20 practicable, \$20,000,000 in each of fiscal years 2008
21 through 2012.”.

1 **Subtitle E—Funding and**
2 **Administration**

3 **SEC. 2401. FUNDING AND ADMINISTRATION.**

4 Section 1241(a) of the Food Security Act of 1985
5 (16 U.S.C. 3841(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “2007” and inserting “2012”; and

8 (2) by striking paragraphs (3) through (7) and
9 inserting the following:

10 “(3) The conservation security program under
11 subchapter A of chapter 2, using \$2,317,000,000 to
12 administer contracts entered into as of the day be-
13 fore the date of enactment of the Food and Energy
14 Security Act of 2007, to remain available until ex-
15 pended.

16 “(4) The conservation stewardship program
17 under subchapter B of chapter 5.

18 “(5) The farmland protection program under
19 subchapter B of chapter 2, using, to the maximum
20 extent practicable, \$97,000,000 for each of fiscal
21 years 2008 through 2012.

22 “(6) The grassland reserve program under sub-
23 chapter C of chapter 2, using, to the maximum ex-
24 tent practicable, \$240,000,000 for the period of fis-
25 cal years 2008 through 2012.

1 “(7) The environmental quality incentives pro-
2 gram under chapter 4, using, to the maximum ex-
3 tent practicable—

4 “(A) \$1,270,000,000 for each of fiscal
5 years 2008 and 2009; and

6 “(B) \$1,300,000,000 for each of fiscal
7 years 2010 through 2012.

8 “(8) The wildlife habitat incentives program
9 under section 1240N, using, to the maximum extent
10 practicable, \$85,000,000 for each of fiscal years
11 2008 through 2012.”.

12 **SEC. 2402. REGIONAL EQUITY.**

13 Section 1241 of the Food Security Act of 1985 (16
14 U.S.C. 3841) is amended by striking subsection (d) and
15 inserting the following:

16 “(d) REGIONAL EQUITY.—

17 “(1) IN GENERAL.—Before April 1 of each fis-
18 cal year, the Secretary shall give priority for funding
19 under the conservation programs under subtitle D
20 and the agricultural management assistance pro-
21 gram under section 524(b) of the Federal Crop In-
22 surance Act (7 U.S.C. 1524(b)) (excluding the con-
23 servation reserve program under subchapter B of
24 chapter 1 and the wetlands reserve program under
25 subchapter C of chapter 1) to approved applications

1 in any State that has not received, for the fiscal
2 year, an aggregate amount of at least \$15,000,000
3 for those conservation programs.

4 “(e) SPECIFIC FUNDING ALLOCATIONS.—In deter-
5 mining the specific funding allocations for each State
6 under paragraph (1), the Secretary shall consider the re-
7 spective demand for each program in each State.

8 “(f) ALLOCATIONS REVIEW AND UPDATE.—

9 “(1) REVIEW.—Not later than January 1,
10 2012, the Secretary shall conduct a review of con-
11 servation program allocation formulas to determine
12 the sufficiency of the formulas in accounting for
13 State-level economic factors, level of agricultural in-
14 frastructure, or related factors that affect conserva-
15 tion program costs.

16 “(2) UPDATE.—The Secretary shall improve
17 conservation program allocation formulas as nec-
18 essary to ensure that the formulas adequately reflect
19 the costs of carrying out the conservation pro-
20 grams.”.

21 **SEC. 2403. CONSERVATION ACCESS.**

22 Section 1241 of the Food Security Act of 1985 (16
23 U.S.C. 3841) (as amended by section 2402) is amended
24 by adding at the end the following:

25 “(g) CONSERVATION ACCESS.—

1 “(1) IN GENERAL.—In the case of every pro-
2 gram described in subsection (a), except as provided
3 in paragraph (2), for each fiscal year in which fund-
4 ing is made available for the program, 10 percent of
5 the funds available for a fiscal year shall be used by
6 the Secretary to assist—

7 “(A) beginning farmers or ranchers; and

8 “(B) socially disadvantaged farmers or
9 ranchers.

10 “(2) ACREAGE PROGRAMS.—In the case of the
11 conservation reserve and wetlands reserve programs,
12 10 percent of the acreage authorized to be enrolled
13 in any fiscal year shall be used to assist persons de-
14 scribed in subparagraphs (A) and (B) of paragraph
15 (1).

16 “(3) REPOOLING.—In any fiscal year, amounts
17 not obligated under this subsection by a date deter-
18 mined by the Secretary shall be available for pay-
19 ments and technical assistance to all persons eligible
20 for payments or technical assistance in that fiscal
21 year under the program for which the amounts were
22 originally made available under this title.

23 “(4) CONSERVATION INNOVATION GRANTS.—
24 Funding under paragraph (1) for conservation inno-
25 vation grants under section 1240H may, in addition

1 to purposes described in subsection (b) of that sec-
2 tion, be used for—

3 “(A) technology transfer;

4 “(B) farmer-to-farmer workshops; and

5 “(C) demonstrations of innovative con-
6 servation practices.

7 “(5) TECHNICAL ASSISTANCE.—The Secretary
8 shall offer, to the maximum extent practicable, high-
9 er levels of technical assistance to beginning farmers
10 or ranchers and socially disadvantaged farmers or
11 ranchers than are otherwise made available to pro-
12 ducers participating in programs under this title.

13 “(6) COOPERATIVE AGREEMENTS.—The Sec-
14 retary may develop and implement cooperative
15 agreements with entities (including government
16 agencies, extension entities, nongovernmental and
17 community-based organizations, and educational in-
18 stitutions) with expertise in addressing the needs of
19 beginning farmers or ranchers and socially disadvan-
20 taged farmers or ranchers to provide technical as-
21 sistance, comprehensive conservation planning edu-
22 cation, and sustainable agriculture training.”.

23 **SEC. 2404. DELIVERY OF TECHNICAL ASSISTANCE.**

24 Section 1242 of the Food Security Act of 1985 (16
25 U.S.C. 3842) is amended to read as follows:

1 **“SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.**

2 “(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In
3 this section, the term ‘eligible participant’ means—

4 “(1) an agricultural producer;

5 “(2) an eligible entity;

6 “(3) an eligible landowner; and

7 “(4) an interested organization.

8 “(b) PURPOSE.—The purpose of technical assistance
9 authorized by this title is to provide eligible participants
10 with consistent, science-based, site-specific practices de-
11 signed to achieve conservation objectives on land active in
12 agricultural, forestry, or related uses.

13 “(c) PROVISION OF TECHNICAL ASSISTANCE.—The
14 Secretary shall provide technical assistance under this title
15 to an eligible participant—

16 “(1) directly;

17 “(2) through a contract or agreement with a
18 third-party provider; or

19 “(3) at the option of the eligible participant,
20 through a payment, as determined by the Secretary,
21 to the eligible participant for an approved third-
22 party provider, if available.

23 “(d) CERTIFICATION OF THIRD-PARTY PRO-
24 VIDERS.—

25 “(1) IN GENERAL.—The Secretary shall con-
26 tinue to carry out the technical service provider pro-

1 gram established under regulations promulgated
2 under subsection (b)(1) (as in existence on the day
3 before the date of enactment of this subsection).

4 “(2) PURPOSE.—The purpose of the technical
5 service provider program shall be to increase the
6 availability and range of technical expertise available
7 to farmers, ranchers, and eligible landowners to plan
8 and implement conservation measures.

9 “(3) EXPERTISE.—In promulgating regulations
10 to carry out this subsection, the Secretary shall—

11 “(A) ensure that persons with expertise in
12 the technical aspects of conservation planning,
13 watershed planning, and environmental engi-
14 neering (including commercial entities, non-
15 profit entities, State or local governments or
16 agencies, and other Federal agencies) are eligi-
17 ble to become approved providers of the tech-
18 nical assistance; and

19 “(B) to the maximum extent practicable—

20 “(i) provide national criteria for the
21 certification of technical service providers;
22 and

23 “(ii) approve any unique certification
24 standards established at the State level.

25 “(4) SYSTEM ADMINISTRATION.—

1 “(A) FUNDING.—Effective for fiscal year
2 2008 and each subsequent fiscal year, funds of
3 the Commodity Credit Corporation that are
4 made available to carry out each of the pro-
5 grams specified in section 1241 shall be avail-
6 able for the provision of technical assistance
7 from third-party providers under this section.

8 “(B) CONTRACT TERM.—A contract under
9 this section shall have a term that—

10 “(i) at a minimum, is equal to the pe-
11 riod—

12 “(I) beginning on the date on
13 which the contract is entered into;
14 and

15 “(II) ending on the date that is
16 1 year after the date on which all ac-
17 tivities in the contract have been com-
18 pleted;

19 “(ii) does not exceed 3 years; and

20 “(iii) can be renewed, as determined
21 by the Secretary.

22 “(C) REVIEW OF CERTIFICATION REQUIRE-
23 MENTS.—Not later than 1 year after the date
24 of enactment of this subsection, the Secretary
25 shall—

1 “(i) review certification requirements
2 for third-party providers; and

3 “(ii) make any adjustments consid-
4 ered necessary by the Secretary to improve
5 participation.

6 “(D) ELIGIBLE ACTIVITIES.—The Sec-
7 retary may include in activities eligible for pay-
8 ment to a third-party provider—

9 “(i) education and outreach to farm-
10 ers, ranchers, and landowners; and

11 “(ii) administrative services necessary
12 to support conservation program imple-
13 mentation.

14 “(e) AVAILABILITY OF TECHNICAL SERVICES.—

15 “(1) AVAILABILITY.—

16 “(A) IN GENERAL.—In carrying out the
17 programs under this title and the agricultural
18 management assistance program under section
19 524 of the Federal Crop Insurance Act (7
20 U.S.C. 1524), the Secretary shall make tech-
21 nical services available to all eligible partici-
22 pants who are installing an eligible practice.

23 “(B) TECHNICAL SERVICE CONTRACTS.—

24 In any case in which financial assistance is not
25 requested or is not provided under subpara-

1 graph (A), the Secretary may enter into a tech-
2 nical service contract with the applicable eligible
3 participant for the purposes of assisting in the
4 planning, design, or installation of an eligible
5 practice.

6 “(2) REVIEW OF CONSERVATION PRACTICE
7 STANDARDS.—

8 “(A) IN GENERAL.—The Secretary shall—

9 “(i) review conservation practice
10 standards, including engineering design
11 specifications, in effect on the date of en-
12 actment of this subsection;

13 “(ii) ensure, to the maximum extent
14 practicable, the completeness and relevance
15 of the standards to local agricultural, for-
16 estry, and natural resource needs, includ-
17 ing specialty crops, native and managed
18 pollinators, bioenergy crop production, for-
19 estry, and such other needs as are deter-
20 mined by the Secretary; and

21 “(iii) ensure that the standards pro-
22 vide for the optimal balance between meet-
23 ing site-specific conservation needs and
24 minimizing risks of design failure and as-

1 sociated costs of construction and installa-
2 tion.

3 “(B) CONSULTATION.—In conducting the
4 assessment under subparagraph (A), the Sec-
5 retary shall consult with agricultural producers,
6 crop consultants, cooperative extension and land
7 grant universities, nongovernmental organiza-
8 tions, and other qualified entities.

9 “(C) EXPEDITED REVISION OF STAND-
10 ARDS.—If the Secretary determines under sub-
11 paragraph (A) that revisions to the conservation
12 practice standards, including engineering design
13 specifications, are necessary, the Secretary shall
14 establish an administrative process for expe-
15 diting the revisions.

16 “(3) ADDRESSING CONCERNS OF SPECIALITY
17 CROP, ORGANIC, AND PRECISION AGRICULTURE PRO-
18 DUCERS.—

19 “(A) IN GENERAL.—The Secretary shall—

20 “(i) to the maximum extent prac-
21 ticable, fully incorporate specialty crop pro-
22 duction, organic crop production, and pre-
23 cision agriculture into the conservation
24 practice standards; and

1 “(ii) provide for the appropriate range
2 of conservation practices and resource
3 mitigation measures available to specialty
4 crop, organic, and precision agriculture
5 producers.

6 “(B) AVAILABILITY OF ADEQUATE TECH-
7 NICAL ASSISTANCE.—

8 “(i) IN GENERAL.—The Secretary
9 shall ensure that adequate technical assist-
10 ance is available for the implementation of
11 conservation practices by specialty crop,
12 organic, and precision agriculture pro-
13 ducers through Federal conservation pro-
14 grams.

15 “(ii) REQUIREMENTS.—In carrying
16 out clause (i), the Secretary shall de-
17 velop—

18 “(I) programs that meet specific
19 needs of specialty crop, organic, and
20 precision agriculture producers
21 through cooperative agreements with
22 other agencies and nongovernmental
23 organizations; and

24 “(II) program specifications that
25 allow for innovative approaches to en-

1 gage local resources in providing tech-
2 nical assistance for planning and im-
3 plementation of conservation prac-
4 tices.”.

5 **SEC. 2405. ADMINISTRATIVE REQUIREMENTS FOR CON-**
6 **SERVATION PROGRAMS.**

7 (a) STREAMLINED APPLICATION PROCESS.—Section
8 1244 of the Food Security Act of 1985 (16 U.S.C. 3844)
9 is amended—

10 (1) by redesignating subsection (b) as sub-
11 section (c); and

12 (2) by inserting after subsection (a) the fol-
13 lowing:

14 “(b) STREAMLINED APPLICATION PROCESS.—

15 “(1) IN GENERAL.—In carrying out each con-
16 servation program under this title, the Secretary
17 shall ensure that the application process used by
18 producers and landowners is streamlined to mini-
19 mize complexity and eliminate redundancy.

20 “(2) REVIEW AND STREAMLINING.—

21 “(A) REVIEW.—The Secretary shall carry
22 out a review of the application forms and proc-
23 esses for each conservation program covered by
24 this subsection.

1 “(B) STREAMLINING.—On completion of
2 the review the Secretary shall revise application
3 forms and processes, as necessary, to ensure
4 that—

5 “(i) all required application informa-
6 tion is essential for the efficient, effective,
7 and accountable implementation of con-
8 servation programs;

9 “(ii) conservation program applicants
10 are not required to provide information
11 that is readily available to the Secretary
12 through existing information systems of
13 the Department of Agriculture;

14 “(iii) information provided by the ap-
15 plicant is managed and delivered efficiently
16 for use in all stages of the application
17 process, or for multiple applications; and

18 “(iv) information technology is used
19 effectively to minimize data and informa-
20 tion input requirements.

21 “(3) IMPLEMENTATION AND NOTIFICATION.—
22 Not later than 1 year after the date of enactment
23 of the Food and Energy Security Act of 2007, the
24 Secretary shall submit to Congress a written notifi-

1 cation of completion of the requirements of this sub-
2 section.”.

3 (b) ADMINISTRATION.—Section 1244 of the Food Se-
4 curity Act of 1985 (16 U.S.C. 3844) (as amended by sub-
5 section (a)) is amended by adding at the end the following:

6 “(d) COOPERATION REGARDING PROTECTION.—In
7 the case of a landowner who enrolls land in a conservation
8 program authorized under this title that results in a net
9 conservation benefit for a listed, candidate, or other spe-
10 cies, the Secretary shall cooperate at the request of the
11 landowner with the Secretary of the Interior and the Sec-
12 retary of Commerce, as appropriate, to make available to
13 the landowner safe harbor or similar assurances and pro-
14 tections under sections 7(b)(4) and 10(a), as applicable,
15 of the Endangered Species Act of 1973 (16 U.S.C.
16 1536(b)(4), 1539(a)).

17 “(e) ELIGIBILITY OF PRODUCER ORGANIZATIONS.—

18 “(1) IN GENERAL.—In carrying out a conserva-
19 tion program administered by the Secretary, the
20 Secretary shall accept applications from, and shall
21 provide cost-share and incentive payments and other
22 assistance to, producers that elect to apply through
23 an organization that represents producers and of
24 which producers make up a majority of the gov-
25 erning body, if the Secretary determines that—

1 “(A) the full objective of the proposed ac-
2 tivity, practice, or plan cannot be realized with-
3 out the participation of all or substantially all
4 of the producers in the affected area; and

5 “(B) the benefits achieved through the
6 proposed activity, practice, or plan are likely to
7 be greater and to be delivered more cost-effec-
8 tively if provided through a single organization
9 with related conservation expertise and manage-
10 ment experience.

11 “(2) LIMITATION.—Any applicable payment
12 limitation shall apply to each participating producer
13 and not to the organization described in paragraph
14 (1).

15 “(f) PARTNERSHIPS AND COOPERATION.—

16 “(1) IN GENERAL.—In carrying out a program
17 under subtitle D, the Secretary may designate spe-
18 cial projects, as recommended if appropriate by the
19 State Executive Director of the Conservationist,
20 after consultation with the State technical com-
21 mittee, to enhance assistance provided to multiple
22 producers to address conservation issues relating to
23 agricultural and nonindustrial private forest man-
24 agement and production.

1 “(2) PURPOSES.—The purposes of special
2 projects carried out under this subsection shall be to
3 achieve statewide or regional conservation objectives
4 by—

5 “(A) encouraging producers to cooperate in
6 the installation and maintenance of conserva-
7 tion practices that affect multiple agricultural
8 operations;

9 “(B) encouraging producers to cooperate
10 in meeting applicable Federal, State, and local
11 regulatory requirements regarding natural re-
12 sources and the environment;

13 “(C) encouraging producers to share infor-
14 mation and technical and financial resources;

15 “(D) facilitating cumulative conservation
16 benefits in geographic areas; and

17 “(E) promoting the development and dem-
18 onstration of innovative conservation methods.

19 “(3) ELIGIBLE PARTNERS.—State and local
20 government entities (including irrigation companies
21 and water district and canal companies), Indian
22 tribes, farmer cooperatives, institutions of higher
23 education, nongovernmental organizations, and pro-
24 ducer associations shall be eligible to apply under
25 this subsection.

1 “(4) SPECIAL PROJECT APPLICATION.—To
2 apply for designation under paragraph (1), partners
3 shall submit an application to the Secretary that in-
4 cludes—

5 “(A) a description of the geographic area,
6 the current conditions, the conservation objec-
7 tives to be achieved through the special project,
8 and the expected level of participation by agri-
9 cultural and nonindustrial private forest land-
10 owners;

11 “(B) a description of the partners collabo-
12 rating to achieve the project objectives and the
13 roles, responsibilities, and capabilities of the
14 partners;

15 “(C) a description of the program re-
16 sources requested from the Secretary, in rel-
17 evant units, and the non-Federal resources that
18 will be leveraged by the Federal contribution;
19 and

20 “(D) such other information as the Sec-
21 retary considers necessary.

22 “(5) DUTIES OF THE SECRETARY.—

23 “(A) IN GENERAL.—The Secretary shall
24 enter into multiyear agreements with partners
25 to facilitate the delivery of conservation pro-

1 gram resources in a manner to achieve the pur-
2 poses described in paragraph (2).

3 “(B) PROJECT SELECTION.—

4 “(i) IN GENERAL.—The Secretary
5 shall conduct a competitive process to se-
6 lect projects funded under this subsection.

7 “(ii) FACTORS CONSIDERED.—In con-
8 ducting the process described in clause (i),
9 the Secretary shall make public factors to
10 be considered in evaluating applications.

11 “(iii) PRIORITY.—The Secretary may
12 give priority to applications based on the
13 highest percentage of—

14 “(I) producers involved;

15 “(II) on-the-ground conservation
16 to be implemented;

17 “(III) non-Federal resources to
18 be leveraged; and

19 “(IV) other factors, as deter-
20 mined by the Secretary.

21 “(C) TECHNICAL AND FINANCIAL ASSIST-
22 ANCE.—The Secretary and partners shall pro-
23 vide appropriate technical and financial assist-
24 ance to producers participating in a special
25 project in an amount determined by the Sec-

1 retary to be necessary to achieve the purposes
2 described in paragraph (2).

3 “(D) FLEXIBILITY.—The Secretary may
4 adjust elements of the programs under this title
5 to better reflect unique local circumstances and
6 purposes, if the Secretary determines that such
7 adjustments are necessary to achieve the pur-
8 poses of this subsection.

9 “(E) ADMINISTRATION.—

10 “(i) IN GENERAL.—The Secretary
11 shall ensure that resources made available
12 under this subsection are delivered in ac-
13 cordance with applicable program rules.

14 “(ii) ADDITIONAL REQUIREMENTS.—
15 The Secretary may establish additional re-
16 quirements beyond applicable program
17 rules in order to effectively implement this
18 subsection.

19 “(6) SPECIAL RULES APPLICABLE TO REGIONAL
20 WATER ENHANCEMENT PROJECTS.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) ELIGIBLE PARTNER.—The term
23 ‘eligible partner’ means—

24 “(I) an eligible partner identified
25 in paragraph (3); and

1 “(II) a water or wastewater
2 agency of a State.

3 “(ii) ELIGIBLE PROJECT.—

4 “(I) IN GENERAL.—The term ‘el-
5 igible project’ means a project that is
6 specifically targeted to improve water
7 quality or quantity in an area.

8 “(II) INCLUSIONS.—The term
9 ‘eligible project’ includes a project
10 that involves—

11 “(aa) resource condition as-
12 sessment and modeling;

13 “(bb) water quality, water
14 quantity, or water conservation
15 plan development;

16 “(cc) management system
17 and environmental monitoring
18 and evaluation;

19 “(dd) cost-share restoration
20 or enhancement;

21 “(ee) incentive payments for
22 land management practices;

23 “(ff) easement purchases;

24 “(gg) conservation contracts
25 with landowners;

1 “(hh) improved irrigation
2 systems;

3 “(ii) water banking and
4 other forms of water trans-
5 actions;

6 “(jj) groundwater recharge;

7 “(kk) stormwater capture;
8 and

9 “(ll) other water-related ac-
10 tivities that the Secretary deter-
11 mines will help to achieve the
12 water quality or water quantity
13 benefits identified in the agree-
14 ment in subparagraph (E) on
15 land described in paragraph (1).

16 “(B) REGIONAL WATER ENHANCEMENT
17 PROCEDURES.—With respect to proposals for
18 eligible projects by eligible partners, the Sec-
19 retary shall establish specific procedures (to be
20 known collectively as ‘regional water enhance-
21 ment procedures’) in accordance with this para-
22 graph.

23 “(C) MEANS.—Regional water enhance-
24 ment activities in a particular region shall be
25 carried out through a combination of—

1 “(i) multiyear agreements between the
2 Secretary and eligible partners;

3 “(ii) other regional water enhance-
4 ment activities carried out by the Sec-
5 retary; and

6 “(iii) regional water enhancement ac-
7 tivities carried out by eligible partners
8 through other means.

9 “(D) MULTIYEAR AGREEMENTS WITH ELI-
10 GIBLE PARTNERS.—

11 “(i) SOLICITATION OF PROPOSALS.—
12 Not later than 90 days after the date of
13 enactment of this subsection, the Secretary
14 shall invite prospective eligible partners to
15 submit proposals for regional water en-
16 hancement projects.

17 “(ii) ELEMENTS OF PROPOSALS.—To
18 be eligible for consideration for participa-
19 tion in the program, a proposal submitted
20 by an eligible partner shall include—

21 “(I) identification of the exact
22 geographic area for which the part-
23 nership is proposed, which may be
24 based on—

1 “(aa) a watershed (or por-
2 tion of a watershed);

3 “(bb) an irrigation, water,
4 or drainage district;

5 “(cc) the service area of an
6 irrigation water delivery entity;

7 or

8 “(dd) some other geographic
9 area with characteristics that
10 make the area suitable for land-
11 scape-wide program implementa-
12 tion;

13 “(II) identification of the water
14 quality or water quantity issues that
15 are of concern in the area;

16 “(III) a method for determining
17 a baseline assessment of water qual-
18 ity, water quantity, and other related
19 resource conditions in the region;

20 “(IV) a detailed description of
21 the proposed water quality or water
22 quantity improvement activities to be
23 undertaken in the area, including an
24 estimated timeline and program re-
25 sources for every activity; and

1 “(V) a description of the per-
2 formance measures to be used to
3 gauge the effectiveness of the water
4 quality or water quantity improvement
5 activities.

6 “(iii) SELECTION OF PROPOSALS.—
7 The Secretary shall award multiyear agree-
8 ments competitively, with priority given, as
9 determined by the Secretary, to selecting
10 proposals that—

11 “(I) have the highest likelihood
12 of improving the water quality or
13 quantity issues of concern for the
14 area;

15 “(II) involve multiple stake-
16 holders and will ensure the highest
17 level of participation by producers and
18 landowners in the area through per-
19 formance incentives to encourage
20 adoption of specific practices in spe-
21 cific locations;

22 “(III) will result in the inclusion
23 of the highest percentage of working
24 agricultural land in the area;

1 “(IV) will result in the highest
2 percentage of on-the-ground activities
3 as compared to administrative costs;

4 “(V) will provide the greatest
5 contribution to sustaining or enhance-
6 ing agricultural or silvicultural pro-
7 duction in the area; and

8 “(VI) include performance meas-
9 ures that will allow post-activity con-
10 ditions to be satisfactorily measured
11 to gauge overall effectiveness.

12 “(iv) DURATION.—

13 “(I) IN GENERAL.—Multiyear
14 agreements under this subsection shall
15 be for a period not to exceed 5 years.

16 “(II) EARLY TERMINATION.—
17 The Secretary may terminate a
18 multiyear agreement before the end of
19 the agreement if the Secretary deter-
20 mines that performance measures are
21 not being met.

22 “(E) AGREEMENTS.—Not later than 30
23 days after the date on which the Secretary
24 awards an agreement under subparagraph (D),
25 the Secretary shall enter into an agreement

1 with the eligible partner that, at a minimum,
2 contains—

3 “(i) a description of the respective du-
4 ties and responsibilities of the Secretary
5 and the eligible partner in carrying out the
6 activities in the area; and

7 “(ii) the criteria that the Secretary
8 will use to evaluate the overall effectiveness
9 of the regional water enhancement activi-
10 ties funded by the multiyear agreement in
11 improving the water quality or quantity
12 conditions of the region relative to the per-
13 formance measures in the proposal.

14 “(F) CONTRACTS WITH OTHER PARTIES.—
15 An agreement awarded under subparagraph (D)
16 may provide for the use of third-party providers
17 (including other eligible partners) to undertake
18 specific regional water enhancement activities in
19 a region on a contractual basis with the Sec-
20 retary or the eligible partner.

21 “(G) CONSULTATION WITH OTHER AGEN-
22 CIES.—With respect to areas in which a Fed-
23 eral or State agency is, or will be, undertaking
24 other water quality or quantity-related activi-
25 ties, the Secretary and the eligible partner may

1 consult with the Federal or State agency in
2 order to—

3 “(i) coordinate activities;

4 “(ii) avoid duplication; and

5 “(iii) ensure that water quality or
6 quantity improvements attributable to the
7 other activities are taken into account in
8 the evaluation of the Secretary under sub-
9 paragraph (E)(ii).

10 “(H) RELATIONSHIP TO OTHER PRO-
11 GRAMS.—The Secretary shall ensure that, to
12 the extent that producers and landowners are
13 individually participating in other programs
14 under subtitle D in a region in which a regional
15 water enhancement project is in effect, any im-
16 provements to water quality or water quantity
17 attributable to the individual participation are
18 included in the evaluation criteria developed
19 under subparagraph (E)(ii).

20 “(I) CONSISTENCY WITH STATE LAW.—
21 Any water quality or water quantity improve-
22 ment activity undertaken under this paragraph
23 shall be consistent with State water laws.

24 “(7) FUNDING.—

1 “(A) IN GENERAL.—The Secretary shall
2 use not more than 5 percent of the funds made
3 available for conservation programs under sub-
4 title D for each fiscal year under section
5 1241(a) to carry out activities that are author-
6 ized under this subsection.

7 “(B) PARTNERS.—Overhead or adminis-
8 trative costs of partners may not be covered by
9 funds provided through this subsection.

10 “(C) UNUSED FUNDING.—Any funds made
11 available for a fiscal year under subparagraph
12 (A) that are not obligated by April 1 of the fis-
13 cal year may be used to carry out other activi-
14 ties under conservation programs under subtitle
15 D during the fiscal year in which the funding
16 becomes available.

17 “(g) ACCURACY OF PAYMENTS.—Immediately after
18 the date of enactment of this subsection, the Secretary
19 shall implement policies and procedures to ensure proper
20 payment of farm program benefits to producers partici-
21 pating in conservation easement programs and correct
22 other management deficiencies identified in Report No.
23 50099-11-SF issued by the Department of Agriculture Of-
24 fice of Inspector General in August 2007.

1 “(h) COMPLIANCE AND PERFORMANCE.—For each
2 conservation program under this title, the Secretary shall
3 develop procedures—

4 “(1) to monitor compliance with program re-
5 quirements by landowners and eligible entities;

6 “(2) to measure program performance;

7 “(3) to demonstrate whether the long-term con-
8 servation benefits of the program are being achieved;
9 and

10 “(4) to coordinate activities described in this
11 subsection with the national conservation program
12 authorized under section 5 of the Soil and Water
13 Resources Conservation Act of 1977 (16 U.S.C.
14 2004).

15 “(i) DIRECT CONTRIBUTION OF PAYMENTS.—In im-
16 plementing payment limitations for any program under
17 this title, the Secretary shall issue such regulations as are
18 necessary to ensure that the total amount of payments are
19 attributed to an individual by taking into account the di-
20 rect and indirect ownership interests of the individual in
21 an entity that is eligible to receive the payments.”.

22 “(c) CONFORMING AMENDMENTS.—Section 1234 of
23 the Food Security Act of 1985 (16 U.S.C. 3834) is
24 amended—

- 1 (1) in subsection (d)(3)(B), by striking “(f)(4)”
2 and inserting “(f)(3)”; and
3 (2) in subsection (f)—
4 (A) in paragraph (1)—
5 (i) by striking “The total” and insert-
6 ing “Subject to section 1244(i), the total”;
7 and
8 (ii) by striking “a person” and insert-
9 ing “an individual”;
10 (B) by striking paragraph (2); and
11 (C) by redesignating paragraphs (3) and
12 (4) as paragraphs (2) and (3), respectively.

13 **SEC. 2406. CONSERVATION PROGRAMS IN ENVIRONMENTAL**
14 **SERVICES MARKETS.**

15 Subtitle E of the Food Security Act of 1985 (16
16 U.S.C. 3841 et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 1245. CONSERVATION PROGRAMS IN ENVIRON-**
19 **MENTAL SERVICES MARKETS.**

20 “(a) FRAMEWORK.—

21 “(1) IN GENERAL.—The Secretary shall estab-
22 lish a framework to facilitate the participation of
23 farmers, ranchers, and forest landowners in emerg-
24 ing environmental services markets.

1 “(2) PROCESS.—In carrying out paragraph (1),
2 the Secretary shall use a collaborative process that
3 includes representatives of—

4 “(A) farm, ranch, and forestry interests;

5 “(B) financial institutions involved in envi-
6 ronmental services trading;

7 “(C) institutions of higher education with
8 relevant expertise or experience;

9 “(D) nongovernmental organizations with
10 relevant expertise or experience;

11 “(E) government agencies of relevant juris-
12 diction, including—

13 “(i) the Department of Commerce;

14 “(ii) the Department of Energy;

15 “(iii) the Department of the Interior;

16 “(iv) the Department of Transpor-
17 tation;

18 “(v) the Environmental Protection
19 Agency; and

20 “(vi) the Corps of Engineers; and

21 “(F) other appropriate interests, as deter-
22 mined by the Secretary.

23 “(3) REQUIREMENTS.—

24 “(A) DEFINITION OF STANDARD.—In this
25 paragraph, the term ‘standard’ means a tech-

1 nical guideline that outlines accepted, science-
2 based methods to quantify the environmental
3 services benefits from agricultural and forest
4 conservation and land management practices,
5 as determined by the Secretary.

6 “(B) FRAMEWORK REQUIREMENTS.—In
7 establishing the framework under paragraph
8 (1), the Secretary shall—

9 “(i) establish uniform standards;

10 “(ii) design accounting procedures to
11 quantify environmental services benefits
12 that would assist farmers, ranchers, and
13 forest landowners in using the uniform
14 standards to establish certifications, as de-
15 fined in emerging environmental services
16 markets;

17 “(iii) establish—

18 “(I) a protocol to report environ-
19 mental services benefits; and

20 “(II) a registry to report and
21 maintain the benefits for future use in
22 emerging environmental services mar-
23 kets; and

24 “(iv) establish a process to verify that
25 a farmer, rancher, or forest landowner that

1 reports and maintains an environmental
2 services benefit in the registry described in
3 clause (iii)(II) has implemented the re-
4 ported conservation or land management
5 activity.

6 “(C) THIRD-PARTY SERVICE PROVIDERS.—

7 In developing the process described in subpara-
8 graph (B)(iv), the Secretary shall consider the
9 role of third-party service providers.

10 “(4) COORDINATION.—The Secretary shall co-
11 ordinate and leverage activities in existence on the
12 date of enactment of this section in agriculture and
13 forestry relating to emerging environmental services
14 markets.

15 “(5) PRIORITY.—In establishing the framework
16 under this subsection, the Secretary shall give pri-
17 ority to providing assistance to farmers, ranchers,
18 and forest landowners participating in carbon mar-
19 kets.

20 “(b) AUTHORITY TO DELEGATE.—The Secretary
21 may delegate any responsibility under this section to a rel-
22 evant agency or office, as determined by the Secretary.

23 “(c) REPORTS TO CONGRESS.—

24 “(1) STATUS OF COLLABORATIVE PROCESS.—

25 Not later than 90 days after the date of enactment

1 of this section, the Secretary shall provide to the
2 Committee on Agriculture of the House of Rep-
3 resentatives and the Committee on Agriculture, Nu-
4 trition, and Forestry of the Senate information on
5 the status of the collaborative process under sub-
6 section (a)(2).

7 “(2) INTERIM REPORT.—Not later than 180
8 days after the date of enactment of this section, the
9 Secretary shall submit to the committees of Con-
10 gress described in paragraph (1) an interim report
11 that—

12 “(A) describes the adequacy of existing re-
13 search and methods to quantify environmental
14 services benefits;

15 “(B) proposes methods—

16 “(i) to establish technical guidelines,
17 accounting procedures, and reporting pro-
18 tocols; and

19 “(ii) to structure the registry; and

20 “(C) includes recommendations for actions
21 to remove barriers for farmers, ranchers, and
22 forest landowners to participation, reporting,
23 registration, and verification relating to envi-
24 ronmental services markets.

1 “(3) FINAL REPORT.—Not later than 18
2 months after the date of enactment of this section,
3 the Secretary shall submit to the committees of Con-
4 gress described in paragraph (1) a report that de-
5 scribes—

6 “(A) the progress of the Secretary in meet-
7 ing the requirements described in subsection
8 (a)(3)(B);

9 “(B) the rates of participation of farmers,
10 ranchers, and forest landowners in emerging
11 environmental services markets; and

12 “(C) any recommendations of the Sec-
13 retary relating to reauthorization of this sec-
14 tion.

15 “(d) FUNDING.—There are authorized to be appro-
16 priated to the Secretary to carry out this section such
17 sums as are necessary for each of fiscal years 2008
18 through 2012.”.

19 **Subtitle F—State Technical** 20 **Committees**

21 **SEC. 2501. STATE TECHNICAL COMMITTEES.**

22 (a) STANDARDS.—Section 1261 of the Food Security
23 Act of 1985 (16 U.S.C. 3861(c)) is amended by striking
24 subsection (b) and inserting the following:

1 “(b) STANDARDS.—Not later than 180 days after the
2 date of enactment of the Food and Energy Security Act
3 of 2007, the Secretary shall develop—

4 “(1) standard operating procedures to stand-
5 ardize the operations of State technical committees;
6 and

7 “(2) standards to be used by the State technical
8 committees in the development of technical guide-
9 lines under section 1262(b) for the implementation
10 of the conservation provisions of this title.”.

11 (b) COMPOSITION.—Section 1261(c) of the Food Se-
12 curity Act of 1985 (16 U.S.C. 3861(c)) is amended—

13 (1) by striking paragraphs (1) and (2) and in-
14 serting the following:

15 “(1) the Natural Resources Conservation Serv-
16 ice;

17 “(2) the Farm Service Agency;”;

18 (2) by striking paragraph (5) and inserting the
19 following:

20 “(5) Rural Development agencies;”;

21 (3) in paragraph (11), by striking “and” at the
22 end;

23 (4) in paragraph (12), by striking the period at
24 the end and inserting “; and”; and

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

1 “(13) nonindustrial private forest land own-
2 ers.”.

3 (c) FACA REQUIREMENTS.—Section 1262(e) of the
4 Food Security Act of 1985 (16 U.S.C. 3862(e)) is amend-
5 ed—

6 (1) by striking “The committees” and inserting
7 the following:

8 “(1) IN GENERAL.—The committees”; and

9 (2) by adding at the end the following:

10 “(2) LOCAL WORKING GROUPS.—For purposes
11 of the Federal Advisory Committee Act (5 U.S.C.
12 App.), any local working group established under
13 this subtitle shall be considered to be a sub-
14 committee of the applicable State technical com-
15 mittee.”.

16 **Subtitle G—Other Authorities**

17 **SEC. 2601. AGRICULTURAL MANAGEMENT ASSISTANCE.**

18 Section 524(b) of the Federal Crop Insurance Act (7
19 U.S.C. 1524(b)) is amended—

20 (1) in paragraph (1), by inserting “Idaho” after
21 “Delaware”; and

22 (2) in paragraph (4)(B), by striking “2007”
23 each place it appears and inserting “2012”.

1 **SEC. 2602. AGRICULTURE CONSERVATION EXPERIENCED**
2 **SERVICES PROGRAM.**

3 The Department of Agriculture Reorganization Act
4 of 1994 (7 U.S.C. 6901 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 307. AGRICULTURE CONSERVATION EXPERIENCED**
7 **SERVICES PROGRAM.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law relating to Federal grants, coopera-
11 tive agreements, or contracts, there is established in
12 the Department the agriculture conservation experi-
13 enced services program (referred to in this section as
14 the ‘ACE program’).

15 “(2) AUTHORIZATION.—Under the ACE pro-
16 gram, the Secretary may offer to enter into agree-
17 ments with nonprofit private agencies and organiza-
18 tions eligible to receive grants for the applicable fis-
19 cal year under title V of the Older Americans Act
20 of 1965 (42 U.S.C. 3056 et seq.) to use the talents
21 of individuals who are age 55 or older, to provide
22 conservation technical assistance in support of the
23 administration of conservation-related programs and
24 authorities administered by the Secretary.

1 “(3) FUNDING.—Agreements described in para-
2 graph (2) may be carried out using funds made
3 available to carry out—

4 “(A) the environmental quality incentives
5 program of the comprehensive stewardship in-
6 centives program established under subchapter
7 A of chapter 6 of subtitle D of title XII of the
8 Food Security Act of 1985;

9 “(B) the Soil Conservation and Domestic
10 Allotment Act (16 U.S.C. 590a et seq.); or

11 “(C) title V of the Older Americans Act of
12 1965 (42 U.S.C. 3056).

13 “(b) DETERMINATION.—Prior to entering into an
14 agreement described in subsection (a)(2), the Secretary
15 shall determine that the agreement would not—

16 “(1) result in the displacement of individuals
17 employed by the Department, including partial dis-
18 placement through reduction of nonovertime hours,
19 wages, or employment benefits;

20 “(2) result in the use of an individual covered
21 by this section for a job or function in a case in
22 which a Federal employee is in a layoff status from
23 the same or a substantially-equivalent job or func-
24 tion with the Department; or

25 “(3) affect existing contracts for services.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary may
2 make available to individuals providing technical assist-
3 ance under an agreement authorized by this section appro-
4 priate conservation technical tools, including the use of
5 agency vehicles necessary to carry out technical assistance
6 in support of the conservation-related programs affected
7 by the ACE program.”.

8 **SEC. 2603. TECHNICAL ASSISTANCE.**

9 (a) SOIL CONSERVATION AND DOMESTIC ALLOT-
10 MENT ACT.—

11 (1) PREVENTION OF SOIL EROSION.—

12 (A) IN GENERAL.—The first section of the
13 Soil Conservation and Domestic Allotment Act
14 (16 U.S.C. 590a) is amended—

15 (i) by striking “That it” and inserting
16 the following:

17 **“SECTION 1. PURPOSE.**

18 “It”; and

19 (ii) in the matter preceding paragraph
20 (1), by striking “and thereby to preserve
21 natural resources,” and inserting “to pre-
22 serve soil, water, and related resources,
23 promote soil and water quality,”.

24 (B) POLICIES AND PURPOSES.—Section
25 7(a)(1) of the Soil Conservation and Domestic

1 Allotment Act (16 U.S.C. 590g(a)(1)) is
2 amended by striking “fertility” and inserting
3 “and water quality and related resources”.

4 (2) DEFINITIONS.—Section 10 of the Soil Con-
5 servation and Domestic Allotment Act (16 U.S.C.
6 590j) is amended to read as follows:

7 **“SEC. 10. DEFINITIONS.**

8 “In this Act:

9 “(1) AGRICULTURAL COMMODITY.—The term
10 ‘agricultural commodity’ means—

11 “(A) an agricultural commodity; and

12 “(B) any regional or market classification,
13 type, or grade of an agricultural commodity.

14 “(2) TECHNICAL ASSISTANCE.—

15 “(A) IN GENERAL.—The term ‘technical
16 assistance’ means technical expertise, informa-
17 tion, and tools necessary for the conservation of
18 natural resources on land active in agricultural,
19 forestry, or related uses.

20 “(B) INCLUSIONS.—The term ‘technical
21 assistance’ includes—

22 “(i) technical services provided di-
23 rectly to farmers, ranchers, and other eligi-
24 ble entities, such as conservation planning,
25 technical consultation, and assistance with

1 design and implementation of conservation
2 practices; and

3 “(ii) technical infrastructure, includ-
4 ing activities, processes, tools, and agency
5 functions needed to support delivery of
6 technical services, such as technical stand-
7 ards, resource inventories, training, data,
8 technology, monitoring, and effects anal-
9 yses.”.

10 (b) SOIL AND WATER RESOURCES CONSERVATION
11 ACT OF 1977.—

12 (1) CONGRESSIONAL FINDINGS.—Section 2 of
13 the Soil and Water Resources Conservation Act of
14 1977 (16 U.S.C. 2001) is amended—

15 (A) in paragraph (2), by striking “base, of
16 the” and inserting “base of the”; and

17 (B) in paragraph (3), by striking “(3)”
18 and all that follows through “Since individual”
19 and inserting the following:

20 “(3) Appraisal and inventory of resources, as-
21 sessment and inventory of conservation needs, eval-
22 uation of the effects of conservation practices, and
23 analyses of alternative conservation programs are
24 basic to effective soil, water, and related natural re-
25 source conservation.

1 “(4) Since individual”.

2 (2) CONTINUING APPRAISAL OF SOIL, WATER,
3 AND RELATED RESOURCES.—Section 5 of the Soil
4 and Water Resources Conservation Act of 1977 (16
5 U.S.C. 2004) is amended—

6 (A) in subsection (a)—

7 (i) in paragraph (5), by striking
8 “and” at the end;

9 (ii) in paragraph (6), by striking the
10 period at the end and inserting “; and”;
11 and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(7) data on conservation plans, conservation
15 practices planned or implemented, environmental
16 outcomes, economic costs, and related matters under
17 conservation programs administered by the Sec-
18 retary.”;

19 (B) by redesignating subsection (d) as sub-
20 section (e);

21 (C) by inserting after subsection (c) the
22 following:

23 “(d) EVALUATION OF APPRAISAL.—In conducting
24 the appraisal described in subsection (a), the Secretary
25 shall concurrently solicit and evaluate recommendations

1 for improving the appraisal, including the content, scope,
2 process, participation in, and other elements of the ap-
3 praisal, as determined by the Secretary.”; and

4 (D) in subsection (e) (as redesignated by
5 subparagraph (B)), by striking “December 31,
6 1979” and all that follows through “December
7 31, 2005” and inserting “December 31, 2010,
8 December 31, 2015, December 31, 2020, and
9 December 31, 2025”.

10 (3) SOIL AND WATER CONSERVATION PRO-
11 GRAM.—Section 6 of the Soil and Water Resources
12 Conservation Act of 1977 (16 U.S.C. 2005) is
13 amended—

14 (A) by redesignating subsection (b) as sub-
15 section (d);

16 (B) by inserting after subsection (a) the
17 following:

18 “(b) EVALUATION OF EXISTING CONSERVATION
19 PROGRAMS.—In evaluating existing conservation pro-
20 grams, the Secretary shall emphasize demonstration, inno-
21 vation, and monitoring of specific program components in
22 order to encourage further development and adoption of
23 practices and performance-based standards.

24 “(c) IMPROVEMENT TO PROGRAM.—In developing a
25 national soil and water conservation program under sub-

1 section (a), the Secretary shall solicit and evaluate rec-
2 ommendations for improving the program, including the
3 content, scope, process, participation in, and other ele-
4 ments of the program, as determined by the Secretary.”;
5 and

6 (C) in subsection (d) (as redesignated by
7 subparagraph (A)), by striking “December 31,
8 1979” and all that follows through “December
9 31, 2007” and inserting “December 31, 2011,
10 December 31, 2016, December 31, 2021, and
11 December 31, 2026”.

12 (4) REPORTS TO CONGRESS.—Section 7 of the
13 Soil and Water Resources Conservation Act of 1977
14 (16 U.S.C. 2006) is amended to read as follows:

15 **“SEC. 7. REPORTS TO CONGRESS.**

16 “(a) APPRAISAL.—Not later than the date on which
17 Congress convenes in 2011, 2016, 2021, and 2026, the
18 President shall transmit to the Speaker of the House of
19 Representatives and the President of the Senate the ap-
20 praisal developed under section 5 and completed prior to
21 the end of the previous year.

22 “(b) PROGRAM AND STATEMENT OF POLICY.—Not
23 later than the date on which Congress convenes in 2012,
24 2017, 2022, and 2027, the President shall transmit to the

1 Speaker of the House of Representatives and the Presi-
2 dent of the Senate—

3 “(1) the initial program or updated program
4 developed under section 6 and completed prior to the
5 end of the previous year;

6 “(2) a detailed statement of policy regarding
7 soil and water conservation activities of the Depart-
8 ment of Agriculture; and

9 “(3) a special evaluation of the status, condi-
10 tions, and trends of soil quality on cropland in the
11 United States that addresses the challenges and op-
12 portunities for reducing soil erosion to tolerance lev-
13 els.

14 “(c) IMPROVEMENTS TO APPRAISAL AND PRO-
15 GRAM.—Not later than the date on which Congress con-
16 venes in 2012, the Secretary shall submit to the Speaker
17 of the House of Representatives and the President of the
18 Senate a report describing the plans of the Department
19 of Agriculture for improving the resource appraisal and
20 national conservation program required under this Act,
21 based on the recommendations received under sections
22 5(d) and 6(c).”.

23 (5) TERMINATION OF PROGRAM.—Section 10 of
24 the Soil and Water Resources Conservation Act of

1 1977 (16 U.S.C. 2009) is amended by striking
2 “2008” and inserting “2028”.

3 **SEC. 2604. SMALL WATERSHED REHABILITATION PRO-**
4 **GRAM.**

5 Section 14 of the Watershed Protection and Flood
6 Prevention Act (16 U.S.C. 1012) is amended by striking
7 subsection (h) and inserting the following:

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary to carry out this section for each of fiscal years
11 2008 through 2012.”.

12 **SEC. 2605. RESOURCE CONSERVATION AND DEVELOPMENT**
13 **PROGRAM.**

14 (a) **LOCALLY LED PLANNING PROCESS.**—Section
15 1528 of the Agriculture and Food Act of 1981 (16 U.S.C.
16 3451) is amended—

17 (1) in paragraph (1), in the matter preceding
18 subparagraph (A), by striking “planning process”
19 and inserting “locally led planning process”;

20 (2) by redesignating paragraphs (8) and (9) as
21 paragraphs (9) and (8), respectively, and moving
22 those paragraphs so as to appear in numerical order;

23 (3) in paragraph (8) (as so redesignated)—

1 (A) by striking “(8) PLANNING PROCESS”
2 and inserting “(8) LOCALLY LED PLANNING
3 PROCESS”; and

4 (B) by striking “council” and inserting
5 “locally led council”.

6 (b) AUTHORIZED TECHNICAL ASSISTANCE.—Section
7 1528(13) of the Agriculture and Food Act of 1981 (16
8 U.S.C. 3451(13)) is amended by striking subparagraphs
9 (C) and (D) and inserting the following:

10 “(C) providing assistance for the imple-
11 mentation of area plans and projects; and

12 “(D) providing services that involve the re-
13 sources of Department of Agriculture programs
14 in a local community, as defined in the locally
15 led planning process.”.

16 (c) IMPROVED PROVISION OF TECHNICAL ASSIST-
17 ANCE.—Section 1531 of the Agriculture and Food Act of
18 1981 (16 U.S.C. 3454) is amended—

19 (1) by redesignating paragraphs (1) through
20 (4) as clauses (i) through (iv), respectively, and in-
21 denting appropriately;

22 (2) by striking “In carrying” and inserting the
23 following:

24 “(1) IN GENERAL.—In carrying”; and

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

1 “(b) COORDINATOR.—

2 “(1) IN GENERAL.—To improve the provision of
3 technical assistance to councils under this subtitle,
4 the Secretary shall designate for each council an in-
5 dividual to be the coordinator for the council.

6 “(2) RESPONSIBILITY.—A coordinator for a
7 council shall be directly responsible for the provision
8 of technical assistance to the council.”.

9 (d) PROGRAM EVALUATION.—Section 1534 of the
10 Agriculture and Food Act of 1981 (16 U.S.C. 3457) is
11 repealed.

12 **SEC. 2606. NATIONAL NATURAL RESOURCES CONSERVA-**
13 **TION FOUNDATION.**

14 (a) ADVISORY FUNCTIONS.—Section 353 of the Fed-
15 eral Agriculture Improvement and Reform Act of 1996
16 (16 U.S.C. 5802) is amended—

17 (1) in subsection (b)(3), by striking “agencies”
18 and inserting “agencies, individuals,”; and

19 (2) by adding at the end the following:

20 “(d) ADVISORY FUNCTIONS.—Notwithstanding the
21 requirements of the Federal Advisory Committee Act (5
22 U.S.C. App.), the Foundation may provide advice and rec-
23 ommendations to the Secretary.”.

24 (b) GIFTS, DEVICES, AND BEQUESTS OF PERSONAL
25 PROPERTY.—Section 354 of the Federal Agriculture Im-

1 provement and Reform Act of 1996 (16 U.S.C. 5803) is
2 amended by adding at the end the following:

3 “(h) GIFTS, DEVISES, AND BEQUESTS OF PERSONAL
4 PROPERTY.—

5 “(1) IN GENERAL.—Prior to the appointment
6 and initial meeting of the members of the Board and
7 after the initial meeting of the Board, the Secretary
8 may, on behalf of the Foundation—

9 “(A) accept, receive, and hold nonmonetary
10 gifts, devises, or bequests of personal property;
11 and

12 “(B) accept and receive monetary gifts, de-
13 vises, or bequests.

14 “(2) HELD IN TRUST.—Gifts, devises, or be-
15 quests of monetary and nonmonetary personal prop-
16 erty shall—

17 “(A) be held in trust for the Foundation;
18 and

19 “(B) shall not be—

20 “(i) considered gifts to the United
21 States; or

22 “(ii) used for the benefit of the
23 United States.

24 “(3) TREASURY ACCOUNT.—The Secretary shall
25 deposit monetary gifts, devises, and bequests to the

1 Foundation in a special interest-bearing account in
2 the Treasury of the United States.

3 “(4) INITIAL GIFTS, DEVISES, AND BE-
4 QUESTS.—

5 “(A) IN GENERAL.—The Secretary may
6 use initial gifts, devises, or bequests received
7 prior to the first meeting of the Board for any
8 necessary expenses and activities related to the
9 first meeting of the Board.

10 “(B) TRANSFER.—Except with respect to
11 any amounts expended under subparagraph
12 (A), the Secretary shall, at the first meeting of
13 the Board, transfer to the Foundation all gifts,
14 devises, or bequests received prior to the first
15 meeting of the Board.”.

16 (c) OFFICERS AND EMPLOYEES.—Section 355(b)(1)
17 of the Federal Agriculture Improvement and Reform Act
18 of 1996 (16 U.S.C. 5804(b)(1)) is amended—

19 (1) by striking “Foundation—” and all that fol-
20 lows through “shall not,” in subparagraph (A) and
21 inserting “Foundation shall not”;

22 (2) by striking “employee; and” and inserting
23 “employee.”; and

24 (3) by striking subparagraph (B).

1 (d) CONTRACTS AND AGREEMENTS.—Section 356 of
2 the Federal Agriculture Improvement Reform Act of 1996
3 (16 U.S.C. 5805) is amended—

4 (1) in subsection (c)(7), by striking “State or
5 local” and inserting “Federal, State, or local”; and

6 (2) in subsection (d)(2)—

7 (A) by striking “A gift” and inserting the
8 following:

9 “(A) IN GENERAL.—A gift”; and

10 (B) by at the end the following:

11 “(B) TAX STATUS.—A gift, devise, or be-
12 quest to the Foundation shall be treated as a
13 gift, devise, or bequest to an organization ex-
14 empt from taxation under section 501(c)(3) of
15 the Internal Revenue Code of 1986.”.

16 (e) ADMINISTRATIVE SERVICES AND SUPPORT.—Sec-
17 tion 356 of the Federal Agriculture Improvement Reform
18 Act of 1996 (16 U.S.C. 5806) is amended by striking
19 “1996 through 1998” and inserting “2008 through
20 2012.”.

21 **SEC. 2607. DESERT TERMINAL LAKES.**

22 Section 2507 of the Farm Security and Rural Invest-
23 ment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-
24 171) is amended—

1 (1) by striking “(a)” and all that follows
2 through “the Secretary of Agriculture” and inserting
3 the following: “Subject to paragraph (1) of section
4 207 of Public Law 108–7 (117 Stat. 146), notwith-
5 standing paragraph (3) of that section, on the date
6 of enactment of the Food and Energy Security Act
7 of 2007, the Secretary of Agriculture”; and

8 (2) by striking subsection (b).

9 **SEC. 2608. CROP INSURANCE INELIGIBILITY RELATING TO**
10 **CROP PRODUCTION ON NATIVE SOD.**

11 (a) FEDERAL CROP INSURANCE.—Section 508 of the
12 Federal Crop Insurance Act (7 U.S.C. 1508) is amended
13 by adding at the end the following:

14 “(o) CROP INSURANCE INELIGIBILITY RELATING TO
15 CROP PRODUCTION ON NATIVE SOD.—

16 “(1) DEFINITION OF NATIVE SOD.—In this sub-
17 section, the term ‘native sod’ means land—

18 “(A) on which the plant cover is composed
19 principally of native grasses, grasslike plants,
20 forbs, or shrubs suitable for grazing and brows-
21 ing; and

22 “(B) that has never been used for produc-
23 tion of an agricultural commodity.

24 “(2) INELIGIBILITY.—Native sod acreage on
25 which an agricultural commodity is planted for

1 which a policy or plan of insurance is available
2 under this title shall be ineligible for benefits under
3 this Act.”.

4 (b) NONINSURED CROP DISASTER ASSISTANCE.—
5 Section 196(a) of the Federal Agriculture Improvement
6 and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended
7 by adding at the end the following:

8 “(4) PROGRAM INELIGIBILITY RELATING TO
9 CROP PRODUCTION ON NATIVE SOD.—

10 “(A) DEFINITION OF NATIVE SOD.—In
11 this paragraph, the term ‘native sod’ means
12 land—

13 “(i) on which the plant cover is com-
14 posed principally of native grasses, grass-
15 like plants, forbs, or shrubs suitable for
16 grazing and browsing; and

17 “(ii) that has never been used for pro-
18 duction of an agricultural commodity.

19 “(B) INELIGIBILITY.—Native sod acreage
20 on which an agricultural commodity is planted
21 for which a policy or plan of Federal crop in-
22 surance is available shall be ineligible for bene-
23 fits under this section.”.

24 (c) CROPLAND REPORT.—

1 (1) BASELINE.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary
3 shall submit to the Committee on Agriculture of the
4 House of Representatives and the Committee on Ag-
5 riculture, Nutrition, and Forestry of the Senate a
6 report that describes the cropland acreage in each
7 county and State, and the change in cropland acre-
8 age from the preceding year in each county and
9 State, beginning with calendar year 1995 and in-
10 cluding that information for the most recent year for
11 which that information is available.

12 (2) ANNUAL UPDATES.—Not later than Janu-
13 ary 1, 2008, and each January 1 thereafter through
14 January 1, 2012, the Secretary shall submit to the
15 Committee on Agriculture of the House of Rep-
16 resentatives and the Committee on Agriculture, Nu-
17 trition, and Forestry of the Senate a report that de-
18 scribes—

19 (A) the cropland acreage in each county
20 and State as of the date of submission of the
21 report; and

22 (B) the change in cropland acreage from
23 the preceding year in each county and State.

1 **SEC. 2609. HIGH PLAINS WATER STUDY.**

2 Notwithstanding any other provision of this Act, no
3 person shall become ineligible for any program benefits
4 under this Act or an amendment made by this Act solely
5 as a result of participating in a 1-time study of recharge
6 potential for the Ogallala Aquifer in the High Plains of
7 the State of Texas.

8 **SEC. 2610. PAYMENT OF EXPENSES.**

9 Section 17(d) of the Federal Insecticide, Fungicide,
10 and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

11 (1) by striking “The Administrator” and insert-
12 ing the following:

13 “(1) IN GENERAL.—The Administrator”; and

14 (2) by adding at the end the following:

15 “(2) DEPARTMENT OF STATE EXPENSES.—Any
16 expenses incurred by an employee of the Environ-
17 mental Protection Agency who participates in any
18 international technical, economic, or policy review
19 board, committee, or other official body that is meet-
20 ing in relation to an international treaty shall be
21 paid by the Department of State.”.

1 **SEC. 2611. USE OF FUNDS IN BASIN FUNDS FOR SALINITY**
2 **CONTROL ACTIVITIES UPSTREAM OF IMPE-**
3 **RIAL DAM.**

4 (a) IN GENERAL.—Section 202(a) of the Colorado
5 River Basin Salinity Control Act (43 U.S.C. 1592(a)) is
6 amended by adding at the end the following:

7 “(7) BASIN STATES PROGRAM.—

8 “(A) IN GENERAL.—A Basin States Pro-
9 gram that the Secretary, acting through the
10 Bureau of Reclamation, shall implement to
11 carry out salinity control activities in the Colo-
12 rado River Basin using funds made available
13 under section 205(f).

14 “(B) ASSISTANCE.—The Secretary, in con-
15 sultation with the Colorado River Basin Salinity
16 Control Advisory Council, shall carry out this
17 paragraph using funds described in subpara-
18 graph (A) directly or by providing grants, grant
19 commitments, or advance funds to Federal or
20 non-Federal entities under such terms and con-
21 ditions as the Secretary may require.

22 “(C) ACTIVITIES.—Funds described in
23 subparagraph (A) shall be used to carry out, as
24 determined by the Secretary—

25 “(i) cost-effective measures and asso-
26 ciated works to reduce salinity from saline

1 springs, leaking wells, irrigation sources,
2 industrial sources, erosion of public and
3 private land, or other sources;

4 “(ii) operation and maintenance of sa-
5 linity control features constructed under
6 the Colorado River Basin salinity control
7 program; and

8 “(iii) studies, planning, and adminis-
9 tration of salinity control activities.

10 “(D) REPORT.—

11 “(i) IN GENERAL.—Not later than 30
12 days before implementing the program es-
13 tablished under this paragraph, the Sec-
14 retary shall submit to the appropriate com-
15 mittees of Congress a planning report that
16 describes the proposed implementation of
17 the program.

18 “(ii) IMPLEMENTATION.—The Sec-
19 retary may not expend funds to implement
20 the program established under this para-
21 graph before the expiration of the 30-day
22 period beginning on the date on which the
23 Secretary submits the report, or any revi-
24 sion to the report, under clause (i).”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 202 of the Colorado River Basin
2 Salinity Control Act (43 U.S.C. 1592) is amended—

3 (A) in subsection (a), in the matter pre-
4 ceding paragraph (1), by striking “program”
5 and inserting “programs”; and

6 (B) in subsection (b)(4)—

7 (i) by striking “program” and insert-
8 ing “programs”; and

9 (ii) by striking “and (6)” and insert-
10 ing “(6), and (7)”.

11 (2) Section 205 of the Colorado River Basin
12 Salinity Control Act (43 U.S.C. 1595) is amended
13 by striking subsection (f) and inserting the fol-
14 lowing:

15 “(f) UPFRONT COST SHARE.—

16 “(1) IN GENERAL.—Effective beginning on the
17 date of enactment of this paragraph, subject to
18 paragraph (3), the cost share obligations required by
19 this section shall be met through an upfront cost
20 share from the Basin Funds, in the same propor-
21 tions as the cost allocations required under sub-
22 section (a), as provided in paragraph (2).

23 “(2) BASIN STATES PROGRAM.—The Secretary
24 shall expend the required cost share funds described
25 in paragraph (1) through the Basin States Program

1 for salinity control activities established under sec-
2 tion 202(a)(7).

3 “(3) EXISTING SALINITY CONTROL ACTIVI-
4 TIES.—The cost share contribution required by this
5 section shall continue to be met through repayment
6 in a manner consistent with this section for all salin-
7 ity control activities for which repayment was com-
8 menced prior to the date of enactment of this para-
9 graph.”.