

1 **TITLE II—CONSERVATION**

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1 **Subtitle A—Conservation Programs**
2 **of the Food Security Act of 1985**

3 **SEC. 2101. CONSERVATION RESERVE PROGRAM.**

4 (a) AUTHORIZATION AND ELIGIBLE LAND.—Section
5 1231 of the Food Security Act of 1985 (16 U.S.C. 3831)
6 is amended—

7 (1) in subsection (a)—

8 (A) by striking “2007” and inserting
9 “2012”; and

10 (B) by inserting before the period the fol-
11 lowing: “and to address issues raised by State,
12 regional, and national conservation initiatives”;
13 and

14 (2) in subsection (b)—

15 (A) in paragraph (1)(B)—

16 (i) by striking “the Farm Security
17 and Rural Investment Act of 2002” and
18 inserting “the **【2007 Farm Bill】**”; and

19 (ii) by striking the period at the end
20 and inserting a semicolon; and

21 (B) in paragraph (4), by striking the semi-
22 colon at the end of subparagraph (E) and in-
23 serting “; or”.

1 (b) MAXIMUM ENROLLMENT.—Section 1231(d) of
2 the Food Security Act of 1985 (16 U.S.C. 3831(d)) is
3 amended by striking “2007” and inserting “2012”.

4 (c) CONSERVATION PRIORITY AREAS.—Section
5 1231(f) of the Food Security Act of 1985 (16 U.S.C.
6 3831(f)) is amended by striking “the Chesapeake Bay Re-
7 gion (Pennsylvania, Maryland, and Virginia)” and insert-
8 ing “the Chesapeake Bay Region”.

9 (d) PILOT PROGRAM FOR ENROLLMENT OF WET-
10 LAND AND BUFFER ACREAGE IN CONSERVATION RE-
11 SERVE.—Section 1231(h)(1)(A) of the Food Security Act
12 of 1985 (16 U.S.C. 3831(h)(1)(A)) is amended by striking
13 “2007” and inserting “2012”.

14 (e) MANAGED HAYING AND GRAZING.—Section
15 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C.
16 3832(a)(7)(A)) is amended—

17 (1) in subparagraph (A)—

18 (A) by inserting “and prescribed grazing
19 for the control of invasive species” after “bio-
20 mass”; and

21 (B) by striking “and” at the end of the
22 subparagraph;

23 (2) by redesignating subparagraph (B) as sub-
24 paragraph (C); and

1 (3) by inserting after subparagraph (A) the fol-
2 lowing new subparagraph:

3 “(B) managed grazing during the year, ex-
4 cept that in permitting such grazing, the Sec-
5 retary shall—

6 “(i) reduce the rental payment other-
7 wise payable under the contract by a per-
8 centage determined by the Secretary to be
9 appropriate; and

10 “(ii) require a management plan, in-
11 cluding a grazing rate, approved by the
12 Secretary that is consistent with section
13 1231(a); and”.

14 (f) RENTAL RATES.—Section 1234(c) of the Food
15 Security Act of 1985 (16 U.S.C. 3834(c)) is amended by
16 adding at the end the following new paragraph:

17 “(5) COUNTY AVERAGE MARKET DRY-LAND AND
18 IRRIGATED CASH RENTAL RATES.—

19 “(A) ANNUAL ESTIMATES.—Beginning not
20 later than one year after the date of the enact-
21 ment of **【the 2007 Farm Bill】**, the National
22 Agricultural Statistics Service shall conduct an
23 annual survey of per acre estimates of county
24 average market dry-land and irrigated cash
25 rental rates for cropland and pastureland in all

1 counties or equivalent subdivisions within each
2 State with 20,000 acres or more of cropland
3 and pastureland.

4 “(B) PUBLIC AVAILABILITY OF ESTI-
5 MATES.— The estimates derived as a result of
6 the annual survey conducted under subpara-
7 graph (A) shall be maintained on a website of
8 the Department of Agriculture for use by the
9 general public.

10 “(C) FUNDING.—Funds to conduct the an-
11 nual survey required by subparagraph (A) shall
12 come from funds made available for the con-
13 servation reserve program under this sub-
14 chapter.”.

15 (g) CONSERVATION RESERVE PROGRAM TRANSITION
16 INCENTIVES.—Section 1235 of the Food Security Act of
17 1985 (16 U.S.C. 3835) is amended—

18 (1) in subsection (c)(1)(B)—

19 (A) in clause (ii), by striking “or” at the
20 end;

21 (B) by redesignating clause (iii) as clause
22 (iv); and

23 (C) by inserting after clause (ii) the fol-
24 lowing new clause:

1 “(iii) to facilitate a transition of land
2 subject to the contract from a retired or
3 retiring owner or operator to a beginning
4 farmer or rancher, socially disadvantaged
5 farmer or rancher, or limited resource
6 farmer or rancher for the purpose of re-
7 turning some or all of the land into pro-
8 duction using sustainable grazing or crop
9 production methods; or”;

10 (2) by adding at the end the following new sub-
11 section:

12 “(f) TRANSITION OPTION FOR CERTAIN FARMERS OR
13 RANCHERS.—

14 “(1) DUTIES OF THE SECRETARY.—In the case
15 of a contract modification approved in order to fa-
16 cilitate the transfer of land subject to a contract
17 from a retired or retiring owner or operator under
18 subsection (c)(1)(B)(iii) to a beginning farmer or
19 rancher, socially disadvantaged farmer or rancher,
20 or limited resource farmer or rancher (in this sub-
21 section referred to as a ‘covered farmer or rancher’)
22 the Secretary shall—

23 “(A) beginning on the date that is 1 year
24 before the date of termination of the contract—

1 “(i) allow the covered farmer or
2 rancher, in conjunction with the retired or
3 retiring owner or operator, to make con-
4 servation and land improvements; and

5 “(ii) allow the covered farmer or
6 rancher, at the election of the covered
7 farmer or rancher, to begin the certifi-
8 cation process under the Organic Foods
9 Production Act of 1990 (7 U.S.C. 6501 et
10 seq.);

11 “(B) beginning on the date of termination
12 of the contract, require the retired or retiring
13 owner or operator to sell or lease (under a long-
14 term lease or a lease with an option to pur-
15 chase) to the covered farmer or rancher the
16 land subject to the contract for production pur-
17 poses;

18 “(C) require the covered farmer or rancher
19 to develop and implement a comprehensive con-
20 servation plan that meets such sustainability
21 criteria as the Secretary may establish;

22 “(D) provide to the covered farmer or
23 rancher an opportunity to enroll in the con-
24 servation security program or the environmental
25 quality incentives program by not later than the

1 date on which the farmer or rancher takes pos-
2 session of the land through ownership or lease;
3 and

4 “(E) continue to make annual payments to
5 the retired or retiring owner or operator for not
6 more than an additional 2 years after the date
7 of termination of the contract, if the retired or
8 retiring owner or operator is not a family mem-
9 ber (as defined in section 1001A(b)(3)(B) of
10 this Act) of the covered farmer or rancher.

11 “(2) REENROLLMENT.—The Secretary shall
12 provide to a beginning farmer or rancher, socially
13 disadvantaged farmer or rancher, or limited resource
14 farmer or rancher described in paragraph (1) the
15 option to reenroll any applicable partial field con-
16 servation practice that is—

17 “(A) eligible for enrollment under the con-
18 tinuous signup requirement of section
19 1231(h)(4)(B); and

20 “(B) part of an approved comprehensive
21 conservation plan.”.

22 (h) EARLY TERMINATION.—Section 1235(e)(1) of
23 the Food Security Act of 1985 (16 U.S.C. 3835(e)(1)) is
24 amended by striking “before January 1, 1995,”.

1 **SEC. 2102. WETLANDS RESERVE PROGRAM.**

2 (a) ESTABLISHMENT AND PURPOSE.—Subsection (a)
3 of section 1237 of the Food Security Act of 1985 (16
4 U.S.C. 3837) is amended to read as follows:

5 “(a) ESTABLISHMENT AND PURPOSES.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a wetlands reserve program to assist owners
8 of eligible lands in restoring and protecting wet-
9 lands.

10 “(2) PURPOSES.—The purposes of the wetlands
11 reserve program are—

12 “(A) to restore, to create, to protect, or to
13 enhance wetlands on lands that are eligible
14 under subsections (c) and (d); and

15 “(B) to authorize the Secretary, at the sole
16 discretion of the Secretary, to purchase flood-
17 plain easements.”.

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

21 (1) by striking paragraph (1) and inserting the
22 following new paragraph:

23 “(1) MAXIMUM ENROLLMENT.—The total num-
24 ber of acres enrolled in the wetlands reserve pro-
25 gram shall not exceed 3,775,000 acres.”; and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(3) ANNUAL ENROLLMENT GOAL.—Of the
4 total number of acres authorized by paragraph (1),
5 to the maximum extent practicable, the Secretary
6 shall enroll 250,000 acres in each fiscal year.

7 “(4) FLOOD-PLAIN EASEMENTS.—Of the acres
8 to be enrolled each fiscal year, not more than 10,000
9 acres may be enrolled using flood-plain easements.”.

10 (c) ELIGIBLE LANDS.—Subsection (c) of section
11 1237 of the Food Security Act of 1985 (16 U.S.C. 3837)
12 is amended to read as follows:

13 “(c) ELIGIBILITY.—For purposes of enrolling land
14 into the wetland reserve program established under this
15 subchapter during the 2008 through 2012 fiscal years,
16 land shall be eligible to be placed into such reserve if the
17 Secretary determines that—

18 “(1) in the case of wetlands—

19 “(A) the land maximizes wetland values
20 and functions and wildlife benefits;

21 “(B) the land is farmed wetland or con-
22 verted wetland, together with adjacent lands
23 that are functionally dependent on such wet-
24 lands, except that converted wetlands where the
25 conversion was not commenced prior to Decem-

1 ber 23, 1985, shall not be eligible to be enrolled
2 in the program under this section;

3 “(C) the likelihood of the successful res-
4 toration of such land, and the resultant wetland
5 values, merit inclusion of the land into the pro-
6 gram taking into consideration the cost of such
7 restoration; and

8 “(D) the land consists of riparian areas,
9 including areas that link wetlands that are pro-
10 tected by easements or some other device or cir-
11 cumstance that achieves the same purpose as
12 an easement; or

13 “(2) in the case of flood-plain lands—

14 “(A) the flood-plain land has been dam-
15 aged by flooding at least once within the pre-
16 vious calendar year, or has been subject to flood
17 damage at least twice within the previous 10
18 years; or

19 “(B) the enrollment of other land within
20 the flood plain would contribute to the restora-
21 tion of the flood storage and flow or erosion
22 control.”.

23 (d) INELIGIBLE LANDS.—Subsection (e) of section
24 1237 of the Food Security Act of 1985 (16 U.S.C. 3837)
25 is amended to read as follows:

1 “(e) INELIGIBLE LAND.—The Secretary may not ac-
2 quire easements on—

3 “(1) in the case of wetlands—

4 “(A) land that contains timber stands es-
5 tablished under the conservation reserve under
6 subchapter B; or

7 “(B) pasture land established to trees
8 under the conservation reserve under sub-
9 chapter B; or

10 “(2) in the case of flood-plain lands—

11 “(A) land on which implementation of res-
12 toration practices would not be productive; or

13 “(B) land that is subject to an existing
14 easement or deed restriction, and the easement
15 or deed provides sufficient protection or res-
16 toration of the flood plain’s functions and val-
17 ues, as determined by the Secretary.”.

18 (e) EASEMENTS AND AGREEMENTS.—Section 1237A
19 of the Food Security Act of 1985 (16 U.S.C. 3837a) is
20 amended—

21 (1) in subsection (a)(2), by inserting “if appli-
22 cable,” after “(2)”;

23 (2) in subsection (b)—

1 (A) in the matter before paragraph (1), by
2 inserting “or flood-plain land” after “values of
3 wetland”;

4 (B) in paragraph (1)(B), by inserting “or
5 flood-plain land” after “wetland”; and

6 (C) in paragraph (3), by inserting “or
7 flood-plain lands” after “wetlands”;

8 (3) in subsection (f)—

9 (A) by striking “Compensation for” in the
10 first sentence and inserting the following:

11 “(1) COMPENSATION PROVIDED; AMOUNT.—
12 Compensation for”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2) METHOD FOR DETERMINATION OF FAIR
16 MARKET VALUE.—The Secretary shall determine the
17 fair market value of land under paragraph (1) based
18 on the option specified in subparagraph (A), (B),
19 (C), or (D) that results in the lowest amount of
20 compensation to be paid by the Secretary:

21 “(A) A percentage of the fair market value
22 based on the Uniform Standards for Profes-
23 sional Appraisals Procedures, as determined by
24 the Secretary.

1 “(B) A percentage of the market value de-
2 termined by an area wide market survey.

3 “(C) A geographic cap, prescribed in regu-
4 lations issued by the Secretary.

5 “(D) The offer made by the owner of the
6 land.”; and

7 (4) by adding at the end the following new sub-
8 section:

9 “(h) ACCEPTANCE OF CONTRIBUTIONS.—The Sec-
10 retary may accept and use contributions of non-Federal
11 funds to administer the program under this subchapter.”.

12 (f) DUTIES OF THE SECRETARY.—Section 1237C of
13 the Food Security Act of 1985 (16 U.S.C. 3837c) is
14 amended—

15 (1) in subsection (a)(1)—

16 (A) by inserting “including necessary
17 maintenance activities,” after “values,”; and

18 (B) by inserting “or flood plains land”
19 after “wetland”;

20 (2) in subsection (b), by adding at the end the
21 following new paragraph:

22 “(4) MANAGEMENT COSTS.—The Secretary
23 may make payments to owners to cover not more
24 than 50 percent of the actual cost of undertaking
25 any ongoing or periodic management activities nec-

1 essary to maintain the functional values of up to
2 1,500,000 acres of wetland enrolled in the wetlands
3 reserve program.”.

4 (3) by striking subsection (c) and inserting the
5 following new subsection:

6 “(c) RANKING OF OFFERS.—

7 “(1) IN GENERAL.—When evaluating offers
8 from landowners, the Secretary may consider—

9 “(A) the conservation benefits of obtaining
10 an easement or other interest in the land;

11 “(B) the cost-effectiveness of each ease-
12 ment or other interest in eligible land, so as to
13 maximize the environmental benefits per dollar
14 expended; and

15 “(C) whether the landowner or another
16 person is offering to contribute financially to
17 the cost of the easement or other interest in the
18 land to leverage Federal funds.

19 “(2) CONSERVATION BENEFITS.—In deter-
20 mining the acceptability of easement offers, the Sec-
21 retary may take into consideration—

22 “(A) in the case of wetlands—

23 “(i) the extent to which the purposes
24 of the easement program would be
25 achieved on the land;

1 “(ii) the productivity of the land; and

2 “(iii) the on-farm and off-farm envi-
3 ronmental threats if the land is used for
4 the production of agricultural commodities;
5 and

6 “(B) in the case of flood-plain lands—

7 “(i) the extent to which the purposes
8 of the easement program would be
9 achieved on the land;

10 “(ii) whether the land has been re-
11 peatedly flooded over the last ten years;

12 “(iii) the extent to which an easement
13 on the flood-plain land would contribute to
14 the restoration or management of land in
15 the area surrounding the flood-plain land;
16 and

17 “(iv) other factors, as determined by
18 the Secretary.”.

19 (g) WETLANDS RESERVE ENHANCEMENT.—Section
20 1237D(c) of the Food Security Act of 1985 (16 U.S.C.
21 3837d(c)) is amended by striking paragraph (4) and in-
22 serting the following new paragraph:

23 “(4) WETLANDS RESERVE ENHANCEMENT.—

24 “(A) IN GENERAL.—The provisions of this
25 subchapter that limit payments to any person,

1 and section 1305(d) of the Agricultural Rec-
2 conciliation Act of 1987 (Public Law 100–203;
3 7 U.S.C. 1308 note), shall not apply to pay-
4 ments received by a State, political subdivision,
5 or agency thereof in connection with agree-
6 ments entered into under a special wetlands re-
7 serve enhancement program carried out by that
8 entity that has been approved by the Secretary.

9 “(B) AGREEMENTS.—The Secretary may
10 enter into agreements with States (including
11 political subdivisions and agencies of States) re-
12 garding payments described in subparagraph
13 (A) that the Secretary determines will advance
14 the purposes of this subchapter.”.

15 (h) AUTHORIZATION.—The Food Security Act of
16 1985 is amended by inserting after section 1237F (16
17 U.S.C. 3837f) the following new section:

18 **“SEC. 1237G. PERIOD OF AUTHORIZATION.**

19 “This subchapter is authorized to be carried out for
20 the 2008 through 2012 fiscal years.”.

21 **SEC. 2103. CONSERVATION SECURITY PROGRAM.**

22 (a) ESTABLISHMENT OF NEW CONSERVATION SECUR-
23 RITY PROGRAM THROUGH 2017.—Subchapter A of chap-
24 ter 2 of subtitle D of title XII of the Food Security Act

1 servation practices, activities, and management
2 measures.

3 “(3) CONSERVATION PRACTICE.—The term
4 ‘conservation practice’ means a site-specific land
5 management practice or activity, or a supporting
6 structural practice, that is part of an implemented
7 management system designed to address a priority
8 resource of concern.

9 “(4) CONSERVATION SECURITY CONTRACT.—
10 The term ‘conservation security contract’ means a
11 contract entered into under this subchapter.

12 “(5) CONSERVATION SECURITY PROGRAM.—The
13 term ‘conservation security program’ means the pro-
14 gram established under section 1238A(a).

15 “(6) MANAGEMENT INTENSITY.— The term
16 ‘management intensity’ means the degree, scope,
17 and comprehensiveness of conservation practices, ac-
18 tivities, or management measures taken by a pro-
19 ducer to address a priority resource of concern to a
20 level exceeding the stewardship threshold.

21 “(7) NONDEGRADATION STANDARD.—The term
22 ‘nondegradation standard’ means the level of natural
23 resource conservation and environmental manage-
24 ment measures required to improve and sustain the
25 status and condition of natural and environmental

1 resources to a level that, as determined by the Sec-
2 retary—

3 “(A) prevents impairment of soil, water,
4 and air quality and the quality of fish and wild-
5 life habitat; and

6 “(B) sustains the long-term productivity of
7 agricultural resources.

8 “(8) PRIORITY RESOURCE OF CONCERN.—The
9 term ‘priority resource of concern’ means a resource
10 of concern identified by the Secretary, consistent
11 with the requirements of section 1238C(a), that
12 must be addressed by participants in the conserva-
13 tion security program in a particular watershed or
14 other area within that State.

15 “(9) PRODUCER.—The term ‘producer’ means
16 an owner, operator, landlord, tenant, or share-
17 cropper that—

18 “(A) shares in the risk of producing any
19 crop or livestock; and

20 “(B) is entitled to share in the crop or
21 livestock available for marketing from a farm
22 (or would have shared had the crop or livestock
23 been produced).

24 “(10) RESOURCE-SPECIFIC INDEX.—The term
25 ‘resource-specific index’ means an index of manage-

1 ment intensity or other similar index, developed by
2 the Secretary, that estimates the expected level of
3 resource and environmental outcomes of the con-
4 servation practices, activities, and management
5 measures employed by a producer.

6 “(11) SOCIALLY DISADVANTAGED FARMER OR
7 RANCHER.—The term ‘socially disadvantaged farmer
8 or rancher’ has the meaning given the term under
9 section 355(e) of the Consolidated Farm and Rural
10 Development Act (7 U.S.C. 2003(e)).

11 “(12) STRUCTURAL PRACTICE.—The term
12 ‘structural practice’ means a site-specific, con-
13 structed conservation practice that is integrated with
14 and essential to the successful implementation of the
15 system of land management practices and activities
16 that are the basis of a conservation security con-
17 tract.

18 **“SEC. 1238A. CONSERVATION SECURITY PROGRAM.**

19 “(a) ESTABLISHMENT AND PURPOSE.—The Sec-
20 retary shall establish, and for each of fiscal years 2012
21 through 2017, carry out a conservation security program
22 to assist producers in improving environmental quality by
23 addressing priority resources of concern in a comprehen-
24 sive manner.

1 “(b) ELIGIBLE PRODUCERS.—To be eligible to par-
2 ticipate in the conservation security program, a producer
3 shall—

4 “(1) demonstrate that the producer is address-
5 ing at least one priority resource of concern to a
6 minimum level of management intensity determined
7 by the Secretary; and

8 “(2) develop and submit to the Secretary, and
9 obtain the approval of the Secretary of, a conserva-
10 tion offer.

11 “(c) ELIGIBLE LAND.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), private agricultural land (including crop-
14 land, grassland, prairie land, improved pasture land,
15 forest land and rangeland) and land under the juris-
16 diction of an Indian tribe (as defined by the Sec-
17 retary) shall be eligible for enrollment in the con-
18 servation security program.

19 “(2) EXCLUSIONS.—

20 “(A) LAND ENROLLED IN OTHER CON-
21 SERVATION PROGRAMS.—Except as provided in
22 subsection (f)(3)(A), the following lands are not
23 eligible for enrollment in the conservation secu-
24 rity program:

1 “(i) Lands enrolled in the conserva-
2 tion reserve program under subchapter B
3 of chapter 1.

4 “(ii) Land enrolled in the wetlands re-
5 serve program established under sub-
6 chapter C of chapter 1.

7 “(iii) Land enrolled in the grassland
8 reserve program established under sub-
9 chapter C of chapter 2.

10 “(B) CONVERSION TO CROPLAND.—Land
11 used for crop production after October 1, 2011,
12 that had not been planted, considered to be
13 planted, or devoted to crop production for at
14 least 4 of the 6 years preceding that date (ex-
15 cept for land enrolled in the conservation re-
16 serve program or that has been maintained
17 using long-term crop rotation practices, as de-
18 termined by the Secretary) shall not be the
19 basis for any payment under the conservation
20 security program.

21 “(d) ECONOMIC USES.—With respect to eligible land
22 covered by a conservation security contract, the Secretary
23 shall permit economic uses of the land that—

24 “(1) maintain the agricultural nature of the
25 land; and

1 “(2) are consistent with the conservation pur-
2 poses of the conservation security program.

3 “(e) CONSERVATION SECURITY CONTRACTS.—

4 “(1) IN GENERAL.—After a determination that
5 a producer is eligible for the conservation security
6 program, and on approval of the conservation plan
7 of the producer, the Secretary shall enter into a con-
8 servation security contract with the producer to en-
9 roll the land to be covered by the contract in the
10 conservation security program.

11 “(2) TERM.—A conservation security contract
12 shall be for a term of 5 years.

13 “(3) AGRICULTURAL OPERATION.—All the acres
14 of the agricultural operation that are under the pro-
15 ducer’s effective control at the time the producer en-
16 ters into a conservation security contract shall be
17 covered by the conservation security contract.

18 “(4) PROVISIONS.—The conservation security
19 contract of a producer shall—

20 “(A) include a conservation plan approved
21 by the Secretary;

22 “(B) describe the land covered by the con-
23 servation security contract;

24 “(C) state the amount of the stewardship
25 enhancement payment the Secretary agrees to

1 make to the producer each year of the conserva-
2 tion security contract under section 1238C(e);

3 “(D) describe the new conservation prac-
4 tices and activities the producer agrees to im-
5 plement during the term of the conservation se-
6 curity contract in order to increase the level of
7 management intensity with which the producer
8 addresses a priority resource of concern or pri-
9 ority resources of concern, as designated by the
10 Secretary under section 1238C(a)(1); and

11 “(E) include such other provisions as the
12 Secretary determines necessary to ensure the
13 conservation purposes of the conservation secu-
14 rity program are met.

15 “(5) ON-FARM RESEARCH AND DEMONSTRA-
16 TION OR PILOT TESTING.—The Secretary may ap-
17 prove a conservation security contract that in-
18 cludes—

19 “(A) on-farm conservation research and
20 demonstration activities; and

21 “(B) pilot testing of new technologies or
22 innovative conservation practices.

23 “(f) MODIFICATION.—The Secretary may allow a
24 producer to modify a conservation security contract before
25 the expiration of the contract if the Secretary determines

1 that failure to modify the contract would significantly
2 interfere with achieving the purposes of the conservation
3 security program.

4 “(g) CONTRACT TERMINATION.—

5 “(1) VOLUNTARY TERMINATION.—A producer
6 may terminate a conservation security contract if the
7 Secretary determines that termination of the con-
8 tract would not defeat the purposes of the conserva-
9 tion plan of the producer.

10 “(2) INVOLUNTARY TERMINATION.—The Sec-
11 retary may terminate a contract under this sub-
12 chapter if the Secretary determines that the pro-
13 ducer violated the contract.

14 “(3) TRANSFER OR CHANGE OF INTEREST IN
15 LAND SUBJECT TO CONSERVATION SECURITY CON-
16 TRACT.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), the transfer, or change in
19 the interest, of a producer in land subject to a
20 conservation security contract shall result in the
21 termination of the conservation security con-
22 tract.

23 “(B) TRANSFER OF DUTIES AND
24 RIGHTS.—Subparagraph (A) shall not apply if,
25 within a reasonable period of time after the

1 date of the transfer or change in the interest in
2 land, the transferee of the land provides written
3 notice to the Secretary that all duties and
4 rights under the conservation security contract
5 have been transferred to, and assumed by, the
6 transferee. The Secretary shall specify what will
7 be considered a reasonable period of time for
8 purposes of providing the notification required
9 by this subparagraph.

10 “(h) CONTRACT RENEWAL.—At the end of an initial
11 conservation security contract of a producer, the Secretary
12 may allow the producer to renew the contract for one addi-
13 tional five-year period if the producer—

14 “(1) demonstrates compliance with the terms of
15 the existing contract, including a demonstration that
16 the producer has complied with the schedule for the
17 implementation of new practices and activities in-
18 cluded in the conservation security contract and has
19 met the stated goals for increasing the level of man-
20 agement intensity with which the producer is ad-
21 dressing the designated priority resource of concern
22 or priority resources of concern; and

23 “(2) agrees to implement and maintain such
24 additional new conservation practices and activities
25 as the Secretary determines necessary and feasible

1 to achieve higher levels of management intensity
2 with which the producer addresses the designated
3 priority resource of concern or priority resources of
4 concern.

5 “(i) EFFECT OF NONCOMPLIANCE DUE TO CIR-
6 CUMSTANCES BEYOND THE CONTROL OF PRODUCERS.—
7 The Secretary shall include in the conservation security
8 contract a provision to ensure that a producer shall not
9 be considered in violation of a conservation security con-
10 tract for failure to comply with the conservation security
11 contract due to circumstances beyond the control of the
12 producer, including a disaster or related condition, as de-
13 termined by the Secretary.

14 “(j) EVALUATION OF OFFERS.—In evaluating appli-
15 cations by producers to enroll in the conservation security
16 program, the Secretary shall—

17 “(1) consider the extent to which the antici-
18 pated environmental benefits from the contract are
19 provided at least cost relative to other similar activi-
20 ties;

21 “(2) consider the extent to which the producer
22 proposes to increase the level of performance on ap-
23 plicable resource-specific indices or the level of man-
24 agement intensity with which the producer addresses
25 the designated priority resources of concern;

1 “(3) the extent to which the environmental ben-
2 efits expected to result from the contract com-
3 plements other conservation efforts in the watershed
4 or region; and

5 “(4) develop any additional criteria for evalu-
6 ating applications that the Secretary determines are
7 necessary to ensure that national, State, and local
8 conservation priorities are effectively addressed.

9 **“SEC. 1238B. DUTIES OF PRODUCERS.**

10 “(a) AGREEMENT BY PRODUCER.—Under a con-
11 servation security contract, a producer shall agree—

12 “(1) to implement during the term of the con-
13 servation security contract the conservation plan ap-
14 proved by the Secretary;

15 “(2) to maintain, and make available to the
16 Secretary at such times as the Secretary may re-
17 quest, appropriate records showing the effective and
18 timely implementation of the conservation security
19 contract; and

20 “(3) not to engage in any activity during the
21 term of the conservation security contract that
22 would interfere with the purposes of the conservation
23 security program.

1 “(b) EFFECT OF VIOLATION.—On the violation of a
2 term or condition of the conservation security contract of
3 a producer—

4 “(1) if the Secretary determines that the viola-
5 tion warrants termination of the conservation secu-
6 rity contract, the producer shall—

7 “(A) forfeit all rights to receive payments
8 under the conservation security contract; and

9 “(B) refund to the Secretary all or a por-
10 tion of the payments received by the producer
11 under the conservation security contract, in-
12 cluding any advance payments and interest on
13 the payments, as determined by the Secretary;

14 “(2) if the Secretary determines that the viola-
15 tion does not warrant termination of the conserva-
16 tion security contract, the producer shall refund to
17 the Secretary, or accept adjustments to, the pay-
18 ments provided to the producer, as the Secretary de-
19 termines to be appropriate; or

20 “(3) some combination of the remedies author-
21 ized by paragraphs (1) and (2), as determined by
22 the Secretary to be appropriate.

23 **“SEC. 1238C. DUTIES OF THE SECRETARY.**

24 “(a) IDENTIFICATION OF PRIORITY RESOURCES OF
25 CONCERN.—

1 “(1) IDENTIFICATION AT STATE LEVEL.—The
2 Secretary shall ensure that the identification of pri-
3 ority resources of concern is made at the State level
4 so that each priority resource of concern—

5 “(A) represents a significant environmental
6 concern, including watershed management or
7 wildlife habitat, in the State to which agricul-
8 tural activities are contributing; and

9 “(B) is likely to be addressed successfully
10 through the implementation of conservation
11 practices and other activities by producers.

12 “(2) LIMITATION.—The Secretary shall identify
13 not more than 5 resources of concern as priority re-
14 sources of concern in a particular watershed or other
15 appropriate region or area within a State.

16 “(3) ADVICE AND CONSULTATION.—The Sec-
17 retary, with the advice of the appropriate State tech-
18 nical committee and in consultation with Federal
19 and State agencies with expertise related to natural
20 resources and environmental quality, shall designate,
21 to the extent practicable, each priority resource of
22 concern identified under paragraph (1) as either a
23 primary, secondary, or tertiary resource of concern.

24 “(b) DEVELOPMENT OF RESOURCE-SPECIFIC INDI-
25 CES.—The Secretary shall develop resource-specific indi-

1 ces to measure the management intensity with which spe-
2 cific resources of concern are addressed, for purposes of
3 determining eligibility and payments for participants in
4 the conservation security program.

5 “(c) STEWARDSHIP ENHANCEMENT PAYMENT.—

6 “(1) TIMING OF PAYMENT.—The Secretary
7 shall make a payment under a conservation security
8 contract as soon as practicable after October 1 of
9 each fiscal year.

10 “(2) EXCLUSIONS.—A payment to a producer
11 under this subsection shall not be provided for—

12 “(A) the design, construction, or mainte-
13 nance of animal waste storage or treatment fa-
14 cilities or associated waste transport or transfer
15 devices for animal feeding operations; or

16 “(B) conservation practices and activities
17 for which there is no net cost or loss of income
18 to the producer, as determined by the Sec-
19 retary.

20 “(3) AVAILABILITY OF PAYMENTS.—The Sec-
21 retary shall provide a stewardship enhancement pay-
22 ment to a producer under a conservation security
23 contract to compensate the producer for—

24 “(A) ongoing implementation and mainte-
25 nance of conservation practices, activities, and

1 management measures in place on the pro-
2 ducers operation at the time the conservation
3 security contract is accepted; and

4 “(B) installation and adoption of new con-
5 servation practices, activities, and management
6 measures or improvements to conservation prac-
7 tices, activities, and management measures in
8 place on the producer’s operation at the time
9 the conservation security contract is accepted.

10 “(4) PAYMENT AMOUNT.—The amount of the
11 stewardship enhancement payment shall be deter-
12 mined by the Secretary and shall be based, to the
13 maximum extent feasible, on—

14 “(A) a portion of the actual costs incurred
15 by the producer; and

16 “(B) the income forgone by the producer;
17 and

18 “(C) resource-specific indices, in any case
19 in which such indices have been developed and
20 implemented..

21 “(d) PAYMENT LIMITATIONS.—An individual or enti-
22 ty may not receive, directly or indirectly, payments under
23 a conservation security contract that, in the aggregate, ex-
24 ceed \$150,000 for the 5-year term of the conservation se-
25 curity contract, excluding funding arrangements with fed-

1 erally recognized Indian Tribes or Alaska Native Corpora-
2 tions.

3 “(e) REGULATIONS.—The Secretary shall promulgate
4 regulations that—

5 “(1) provide for adequate safeguards to protect
6 the interests of tenants and sharecroppers, including
7 provision for sharing payments, on a fair and equi-
8 table basis; and

9 “(2) prescribe such other rules as the Secretary
10 determines to be necessary to ensure a fair and rea-
11 sonable application of the limitations established
12 under subsection (d).

13 “(f) ALLOCATION TO STATES.—When making alloca-
14 tions to States of funds made available to carry out the
15 conservation security program, the Secretary shall give
16 significant consideration to the extent and magnitude of
17 the environmental needs associated with agricultural pro-
18 duction in each State and the degree to which implementa-
19 tion of the conservation security program in the State is,
20 or will be, effective in helping producers address these
21 needs.

22 “(g) TECHNICAL ASSISTANCE.—For each of fiscal
23 years 2008 through 2017, the Secretary shall provide ap-
24 propriate technical assistance to producers for the develop-
25 ment and implementation of conservation security con-

1 tracts, in an amount not to exceed 15 percent of the
2 amounts expended for the fiscal year.

3 “(h) DATA.—The Secretary shall maintain conserva-
4 tion security program contract and payment data in a
5 manner that provides detailed and segmented data that
6 allows for quantification of the amount of payments made
7 to producers for—

8 “(1) the maintenance of conservation practices,
9 activities, and management measures in place on the
10 producer’s operation at the time the conservation se-
11 curity offer is accepted by the Secretary;

12 “(2) the installation and adoption of new con-
13 servation practices, activities, and management
14 measures and the improvements to conservation
15 practices, activities, and management measures in
16 place on the producer’s operation at the time the
17 conservation security offer is accepted by the Sec-
18 retary;

19 “(3) participation in research, demonstration,
20 and pilot projects; and

21 “(4) the development and periodic assessment
22 and evaluation of comprehensive conservation
23 plans.”.

24 (b) EFFECT ON EXISTING CONSERVATION SECURITY
25 CONTRACTS.—Subchapter A of chapter 2 of subtitle D of

1 title XII of the Food Security Act of 1985 (16 U.S.C.
2 3838 et seq.), as in effect on the day before the date of
3 the enactment of this Act, shall continue to apply to con-
4 servation security contracts entered into before October 1,
5 2007. The Secretary of Agriculture may continue to make
6 payments under such subchapter, as so in effect, with re-
7 spect to such a conservation security contracts during the
8 term of the contract.

9 (c) PROHIBITION ON NEW CONTRACTS.—A conserva-
10 tion security contract may not be entered into or renewed
11 under subchapter A of chapter 2 of subtitle D of title XII
12 of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.),
13 as in effect on the day before the date of the enactment
14 of this Act, after September 30, 2007.

15 **SEC. 2104. GRASSLAND RESERVE PROGRAM.**

16 (a) ENROLLMENT PRIORITY.—Subsection (b) of sec-
17 tion 1238N of the Food Security Act of 1985 (16 U.S.C.
18 3838n) is amended by striking paragraph (3) and insert-
19 ing the following new paragraph:

20 “(3) PRIORITY FOR LONG-TERM AGREEMENTS
21 AND EASEMENTS.—Of the total number of acres en-
22 rolled in the program at any one time through the
23 methods described in paragraph (2)(A), the Sec-
24 retary shall ensure that at least 60 percent of the
25 acres were enrolled through the use of 30-year rental

1 agreements and permanent and long-term easements
2 described in clause (ii) of such paragraph.”.

3 (b) ENROLLMENT OF CONSERVATION RESERVE PRO-
4 GRAM LAND.—Section 1238N of the Food Security Act
5 of 1985 (16 U.S.C. 3838n) is amended by adding at the
6 end the following new subsections:

7 “(d) ENROLLMENT OF CONSERVATION RESERVE
8 PROGRAM LAND.—

9 “(1) ENROLLMENT AUTHORIZED.—Subject to
10 the eligibility requirements of subsection (c) and all
11 other requirements of this subchapter, land enrolled
12 in the conservation reserve program may be enrolled
13 in the grassland reserve program if the Secretary de-
14 termines that the land is of high ecological value and
15 under significant threat of conversion to other uses.

16 “(2) MAXIMUM ENROLLMENT.—The number of
17 acres of conservation reserve program land enrolled
18 under this subsection in a calendar year shall not ex-
19 ceed 10 percent of the total number of acres enrolled
20 in the grassland reserve program in that calendar
21 year.

22 “(3) PROHIBITION ON DUPLICATION OF PAY-
23 MENTS.—Land enrolled in the program under this
24 subsection shall no longer be eligible for payments
25 under the conservation reserve program.

1 “(e) METHOD FOR DETERMINATION OF FAIR MAR-
2 KET VALUE.—The Secretary shall determine the fair mar-
3 ket value of land to be enrolled in program based on the
4 option specified in paragraph (1), (2), (3), or (4) that re-
5 sults in the lowest amount of compensation to be paid by
6 the Secretary:

7 “(1) A percentage of the fair market value
8 based on the Uniform Standards for Professional
9 Appraisals Procedures, as determined by the Sec-
10 retary.

11 “(2) A percentage of the market value deter-
12 mined by an area wide market survey.

13 “(3) A geographic cap.

14 “(4) The offer made by the owner of the land.”.

15 (c) GRASSLAND RESERVE ENHANCEMENT.—Section
16 1238N of the Food Security Act of 1985 (16 U.S.C.
17 3838n) is amended by inserting after subsection (d), as
18 added by subsection (b), the following new subsection:

19 “(e) GRASSLAND RESERVE ENHANCEMENT.—The
20 Secretary may enter into such agreements with States, in-
21 cluding political subdivisions and agencies of States, that
22 the Secretary determines will advance the purposes of the
23 grassland reserve program. Section 1305(d) of the Agri-
24 cultural Reconciliation Act of 1987 (Public Law 100-203;
25 7 U.S.C. 1308 note) shall not apply to payments received

1 by a State or political subdivision or agency thereof in con-
2 nection with such an agreement.”.

3 (d) USE OF PRIVATE ORGANIZATIONS OR STATE
4 AGENCIES.—Section 1238Q of the Food Security Act of
5 1985 (16 U.S.C. 3838q) is amended—

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

8 “(a) AUTHORITY TO USE PRIVATE ORGANIZATIONS
9 OR STATES.—The Secretary shall permit a private con-
10 servation or land trust organization (referred to in this
11 section as a ‘private organization’) or a State agency to
12 own, write, and enforce an easement under this sub-
13 chapter, in lieu of the Secretary, subject to the right of
14 the Secretary to conduct periodic inspections and enforce
15 the easement, if—

16 “(1) the Secretary determines that granting the
17 permission will promote protection of grassland, land
18 that contains forbs, and shrubland;

19 “(2) the owner authorizes the private organiza-
20 tion or State agency to hold and enforce the ease-
21 ment; and

22 “(3) the private organization or State agency
23 agrees to assume the costs incurred in administering
24 and enforcing the easement, including the costs of
25 restoration or rehabilitation of the land as specified

1 by the owner and the private organization or State
2 agency.”;

3 (2) in subsection (b), by striking “hold” and in-
4 serting “own, write,”; and

5 (3) in subsection (c), by striking “hold” and in-
6 serting “own, write,”.

7 **SEC. 2105. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
8 **GRAM.**

9 (a) PURPOSES.—Section 1240 of the Food Security
10 Act of 1985 (16 U.S.C. 3839aa) is amended—

11 (1) in the matter preceding paragraph (1), by
12 inserting “, forest management, organic transition,”
13 after “agricultural production”; and

14 (2) by striking paragraphs (3) and (4) and in-
15 serting the following new paragraphs:

16 “(3) providing flexible assistance to producers
17 to install and maintain conservation practices that,
18 while sustaining production of food and fiber—

19 “(A) enhance soil, water, and related nat-
20 ural resources, including grazing land,
21 forestland, wetland, and wildlife; and

22 “(B) conserve energy;

23 “(4) assisting producers to make beneficial, cost
24 effective changes to cropping systems, grazing man-
25 agement, energy use, forest management, nutrient

1 management associated with livestock, pest or irriga-
2 tion management, or other practices on agricultural
3 and forested land; and”.

4 (b) DEFINITIONS.—Section 1240A of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3839aa–1) is amended—

6 (1) by striking paragraph (3) and inserting the
7 following new paragraph:

8 “(3) LAND MANAGEMENT PRACTICE.—

9 “(A) IN GENERAL.—The term ‘land man-
10 agement practice’ means a site-specific nutrient
11 or manure management, integrated pest man-
12 agement, irrigation management, tillage or res-
13 idue management, grazing management, air
14 quality management, forest management, sil-
15 vicultural practice, or other land management
16 practice carried out on eligible land that the
17 Secretary determines is needed to protect from
18 degradation, in the most cost-effective manner,
19 water, soil, or related resources.

20 “(B) FOREST MANAGEMENT PRACTICES.—

21 For purposes of subparagraph (A), forest man-
22 agement practices may include activities that
23 the Secretary determines are needed to—

24 “(i) improve water quality;

25 “(ii) increase in-stream flows;

1 “(iii) restore forest biodiversity; or

2 “(iv) control invasive species.

3 “(C) COORDINATED IMPLEMENTATION.—A
4 land management practice may involve multiple
5 landowners implementing eligible conservation
6 activities in a coordinated fashion.”;

7 (2) in paragraph (4), by inserting “alpacas,
8 bison,” after “sheep,”;

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

11 (4) by inserting after paragraph (5) the fol-
12 lowing new paragraph:

13 “(6) SOCIALLY DISADVANTAGED FARMER OR
14 RANCHER.—The term ‘socially disadvantaged farmer
15 or rancher’ has the meaning given the term under
16 section 355(e) of the Consolidated Farm and Rural
17 Development Act (7 U.S.C. 2003(e)).”.

18 (c) ELIGIBLE PRACTICES.—Section 1240B(a) of the
19 Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is
20 amended—

21 (1) in paragraph (1), by striking “2010” and
22 inserting “2012”; and

23 (2) in paragraph (2)—

1 (A) in subparagraph (A), by inserting “or
2 receives organic certification” after “chapter”;
3 and

4 (B) by striking subparagraph (B) and in-
5 serting the following new subparagraph:

6 “(B) a producer that implements a land
7 management practice, receives technical services
8 from an approved third-party provider, develops
9 a comprehensive nutrient management plan, or
10 implements energy efficiency improvements or
11 renewable energy systems, in accordance with
12 this chapter shall be eligible to receive incentive
13 payments.”.

14 (d) BEGINNING FARMERS OR RANCHERS AND SO-
15 CIALY DISADVANTAGED FARMERS OR RANCHERS.—Sec-
16 tion 1240B(d)(2) of the Food Security Act of 1985 (16
17 U.S.C. 3839aa–2(d)(2)) is amended by striking subpara-
18 graph (A) and inserting the following new subparagraph:

19 “(A) INCREASED COST-SHARE FOR CER-
20 TAIN PRODUCERS.—The Secretary may increase
21 the amount provided under paragraph (1) to a
22 producer that is a beginning farmer or rancher,
23 socially disadvantaged farmer or rancher, or
24 limited resource farmer or rancher to 90 per-

1 cent of the cost of the practice, as determined
2 by the Secretary.”.

3 (e) INCENTIVE PAYMENTS.—Section 1240B(e) of the
4 Food Security Act of 1985 (16 U.S.C. 3839aa–2(e)) is
5 amended—

6 (1) by striking paragraph (1) and inserting the
7 following new paragraph:

8 “(1) AVAILABILITY OF INCENTIVE PAY-
9 MENTS.—The Secretary shall make incentive pay-
10 ments in an amount and at a rate determined by the
11 Secretary to be necessary to encourage a producer—

12 “(A) to perform 1 or more land manage-
13 ment practices;

14 “(B) to receive technical services from an
15 approved third-party provider;

16 “(C) to develop a comprehensive nutrient
17 management plan; or

18 “(D) to implement energy efficiency im-
19 provements or renewable energy systems.”; and

20 (2) in paragraph (2), by inserting “pollinator
21 habitat,” after “invasive species,”.

22 (f) ALLOCATION OF FUNDING.—Section 1240B(g) of
23 the Food Security Act of 1985 (16 U.S.C. 3839aa–2(g))
24 is amended—

1 (1) by striking “For each” and inserting the
2 following:

3 “(1) ALLOCATION FOR LIVESTOCK PRODUCTION
4 PRACTICES.—For each”;

5 (2) in such paragraph, as so designated, by
6 striking “2007” and inserting “2012”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(2) ALLOCATION FOR CERTAIN PRODUCERS.—
10 For each of fiscal years 2007 through 2012, of the
11 funds made available for cost-share payments and
12 incentive payments under this chapter, the Secretary
13 shall reserve, for a period of not less than 90 days
14 after the date on which the funds are made available
15 for the fiscal year—

16 “(A) not less than 5 percent for beginning
17 farmers and ranchers; and

18 “(B) not less than 5 percent of funds for
19 socially disadvantaged farmers and ranchers
20 and limited resource farmers and ranchers.”.

21 (g) ELIGIBILITY OF MARKET AGENCIES AND CUS-
22 TOM FEEDING BUSINESSES.—Section 1240B of the Food
23 Security Act of 1985 (16 U.S.C. 3839aa–2) is amended
24 by adding at the end the following new subsection:

1 “(i) **ELIGIBILITY OF MARKET AGENCIES AND CUS-**
2 **TOM FEEDING BUSINESSES FOR ASSISTANCE.**—A market
3 agency (as defined in section 301(c) of the Packers and
4 Stockyards Act, 1921 (7 U.S.C. 201(c))) or custom feed-
5 ing business may receive technical assistance, cost-share
6 payments, or incentive payments under the program. Any
7 reference to ‘producer’ in this chapter shall be deemed to
8 include a market agency or custom feeding business.”.

9 (h) **EVALUATION OF APPLICATIONS FOR COST-**
10 **SHARE PAYMENTS AND INCENTIVE PAYMENTS.**—Section
11 1240C of the Food Security Act of 1985 (16 U.S.C.
12 3839aa–3) is amended to read as follows:

13 **“SEC. 1240C. EVALUATION OF APPLICATIONS FOR COST-**
14 **SHARE PAYMENTS AND INCENTIVE PAY-**
15 **MENTS.**

16 “(a) **PRIORITIES AND GROUPING OF APPLICA-**
17 **TIONS.**—In evaluating applications for cost-share pay-
18 ments and incentive payments, the Secretary shall—

19 “(1) prioritize applications based on their over-
20 all level of cost-effectiveness to ensure that the con-
21 servation practices and approaches proposed are the
22 most efficient means of achieving the anticipated en-
23 vironmental benefits of the project;

1 “(2) prioritize applications based on how effec-
2 tively and comprehensively the project addresses the
3 designated resource concern or resource concerns;

4 “(3) prioritize applications that best fulfill the
5 purpose of the environmental quality incentives pro-
6 gram specified in section 1240(1);

7 “(4) develop criteria for evaluating applications
8 that will ensure that national, State, and local con-
9 servation priorities are effectively addressed; and

10 “(5) to the greatest extent practicable, group
11 applications of similar crop or livestock operations
12 for evaluation purposes or otherwise evaluate appli-
13 cations relative to other applications for similar
14 farming operations.

15 “(b) EVALUATION PROCESS.—The Secretary shall
16 ensure that the evaluation process is as streamlined and
17 efficient as practicable in the case of applications that—

18 “(1) involve operations with substantial and
19 sound environmental management systems; and

20 “(2) seek a single practice or a limited number
21 of practices to further improve the environmental
22 performance of that system.”.

23 (i) DUTIES OF PRODUCERS.—Section 1240D(2) of
24 the Food Security Act of 1985 (16 U.S.C. 3839aa–4(2))

1 is amended by striking “or ranch” and inserting “, ranch,
2 or forestland”.

3 (j) PROGRAM PLAN.—Section 1240E of the Food Se-
4 curity Act of 1985 (16 U.S.C. 3839aa–5) is amended by
5 striking subsections (a) and (b) and inserting the following
6 new subsections:

7 “(a) PLAN OF OPERATIONS.—To be eligible to re-
8 ceive cost-share payments or incentive payments under the
9 program, a producer shall submit to the Secretary for ap-
10 proval a plan of operations that—

11 “(1) specifies practices covered under the pro-
12 gram;

13 “(2) includes such terms and conditions as the
14 Secretary considers necessary to carry out the pro-
15 gram, including a description of the purposes to be
16 met by the implementation of the plan;

17 “(3) in the case of a confined livestock feeding
18 operation, provides for development and implementa-
19 tion of a comprehensive nutrient management plan,
20 if applicable; and

21 “(4) in the case of forestland, is consistent with
22 the provisions of a forest management plan meeting
23 with the approval of the Secretary, which may in-
24 clude a forest stewardship plan, as specified in sec-
25 tion 5 of the Cooperative Forestry Assistance Act of

1 1978 (16 U.S.C. 2103a), other practice plan ap-
2 proved by the State forester, or other plan deter-
3 mined appropriate by the Secretary.

4 “(b) AVOIDANCE OF DUPLICATION.—The Secretary
5 shall—

6 “(1) consider a permit acquired under a water
7 or air quality regulatory program as the equivalent
8 of a plan of operations under subsection (a); and

9 “(2) to the maximum extent practicable, elimi-
10 nate duplication of planning activities under the pro-
11 gram under this chapter and comparable conserva-
12 tion programs.”.

13 (k) DUTIES OF THE SECRETARY.—Section 1240F of
14 the Food Security Act of 1985 (16 U.S.C. 3839aa–6) is
15 amended—

16 (1) by striking “To the extent” and inserting
17 “(a) PROVISION OF ASSISTANCE.—To the extent”;
18 and

19 (2) by adding at the end the following new sub-
20 section:

21 “(b) WATER SAVINGS.—In the case of a practice pri-
22 marily intended to conserve water, the Secretary may pro-
23 vide assistance to a producer under this section only if
24 the Secretary determines that—

1 “(1) the practice results in a minimum reduc-
2 tion, as determined by the Secretary, in the total
3 consumptive use of ground water or surface water
4 resources affected by the practice;

5 “(2) any saved water remains in the source for
6 the useful life of the practice; and

7 “(3) the practice will not result, directly or indi-
8 rectly, in an increase in the consumptive use of
9 water in the agriculture operation of the producer.”.

10 (l) CONSERVATION INNOVATION GRANTS.—Section
11 1240H of the Food Security Act of 1985 (16 U.S.C.
12 3839aa–8) is amended to read as follows:

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

14 “(a) COMPETITIVE GRANTS.—The Secretary shall
15 pay the cost of competitive grants that are intended to
16 stimulate innovative approaches to leveraging Federal in-
17 vestment in environmental enhancement and protection, in
18 conjunction with agricultural production or forest resource
19 management, through the program.

20 “(b) USE.—The Secretary may provide grants under
21 this section to governmental and non-governmental orga-
22 nizations and persons, on a competitive basis, to carry out
23 projects that—

24 “(1) involve producers that are eligible for pay-
25 ments or technical assistance under the program;

1 “(2) leverage funds made available to carry out
2 the program under this chapter with matching funds
3 provided by State and local governments and private
4 organizations to promote environmental enhance-
5 ment and protection in conjunction with agricultural
6 production;

7 “(3) ensure efficient and effective transfer of
8 innovative technologies and approaches dem-
9 onstrated through projects that receive funding
10 under this section; and

11 “(4) provide environmental and resource con-
12 servation benefits through increased participation by
13 producers of specialty crops.

14 “(c) PILOT PROGRAM FOR COMPREHENSIVE CON-
15 SERVATION PLANNING.—

16 “(1) PILOT PROGRAM REQUIRED.—The Sec-
17 retary shall establish a pilot program to undertake
18 comprehensive conservation planning to assist pro-
19 ducers before they submit an application for assist-
20 ance under any of the conservation programs au-
21 thorized by this subtitle.

22 “(2) CONSERVATION PLANNING ASSISTANCE.—
23 The Secretary shall undertake pilot projects under
24 the pilot program in the locations specified in para-
25 graph (3) to assist producers by making a com-

1 prehensive assessment of the resource concerns,
2 needs, and alternative solutions for the producer's
3 entire operation, as determined by the Secretary, fol-
4 lowing the procedures in the Natural Resources Con-
5 servation Service conservation planning manual. The
6 assistance shall be provided by the Secretary directly
7 or through third party providers certified by the Sec-
8 retary, and shall not be at the expense of the pro-
9 ducer. The results of the comprehensive planning as-
10 sistance shall be provided to the producer to enable
11 informed choices on the type of financial assistance
12 available under this subtitle that would most effec-
13 tively address the resource needs of the operation
14 consistent with the environmental goals for the area
15 in which the operation is located.

16 “(3) PILOT PROJECTS.—Pilot projects in com-
17 prehensive conservation planning shall be under-
18 taken in the Chesapeake Bay watershed, and shall
19 include the identification of hydrologic, soil, and
20 rural land use factors that are unique to the Del-
21 marva Peninsula.

22 “(4) REPORT.—The Secretary shall conduct an
23 assessment of the effectiveness of the pilot program
24 and publish a report, available to the public, of the
25 results of the assessment. Such assessments shall be

1 undertaken in the second year and the fifth year of
2 the pilot program.

3 “(d) FUNDING.—

4 “(1) AVAILABILITY OF FUNDS.—Of the funds
5 made available under section 1241(a)(6) for fiscal
6 years 2008 through 2012, the Secretary shall use
7 \$20,000,000 for each of fiscal years 2008 through
8 2012 to carry out this section.

9 “(2) OUTREACH FOR CERTAIN PRODUCERS.—

10 Of the funds made available under paragraph (1) for
11 a fiscal year, the Secretary shall use \$5,000,000 to
12 make grants to support effective outreach and inno-
13 vative approaches for outreach and to serve organic
14 producers and producers of specialty crops (as de-
15 fined in section 3 of the Specialty Crops Competi-
16 tiveness Act of 2004 (Public Law 108–465; 7 U.S.C.
17 1621 note).

18 “(3) COMPREHENSIVE CONSERVATION PLAN-

19 NING.—Of the funds made available under para-
20 graph (1) for a fiscal year, the Secretary shall use
21 \$5,000,000 to carry out the comprehensive conserva-
22 tion planning pilot program under subsection (c).”.

23 (m) PERFORMANCE INCENTIVES FOR STATES.—The
24 Food Security Act of 1985 is amended by inserting after

1 section 1240I (16 U.S.C. 3839aa–9) the following new
2 section:

3 **“SEC. 1240J. PERFORMANCE INCENTIVES FOR STATES.**

4 “(a) HIGH LEVEL OF PERFORMANCE BONUS.—For
5 each of fiscal years 2008 through 2012, up to 10 per cent
6 of the funds made available under this chapter may be
7 reserved by the Secretary for bonus allocations to States
8 that demonstrate a high level of performance in imple-
9 menting the environmental quality incentives program.

10 “(b) SPECIAL CONSIDERATIONS.—In evaluating the
11 State performance under subsection (a), the Secretary
12 shall reward States that ensure that the program purposes
13 and priorities are effectively addressed as follows:

14 “(1) Demonstrating efficient program delivery.

15 “(2) Achieving timely conservation practice im-
16 plementation.

17 “(3) Achieving conservation and environmental
18 outcomes.

19 “(4) Encouraging the use of cost-effective con-
20 servation practices.

21 “(5) Involving multiple producers implementing
22 conservation activities in a coordinated way to meet
23 State or local regulatory requirements related to air
24 quality.

1 “(6) Achieving or promoting such other consid-
2 erations as determined by the Secretary.”.

3 **SEC. 2106. REGIONAL WATER ENHANCEMENT PROGRAM.**

4 (a) PURPOSE AND GOALS.—The purpose of this sec-
5 tion is to authorize a regional water enhancement pro-
6 gram, within the environmental quality incentives pro-
7 gram, to enhance performance-based, cost-effective con-
8 servation carried out through cooperative agreements en-
9 tered into by the Secretary of Agriculture with producers,
10 governmental entities, and Indian tribes. The goal of the
11 program is to improve water quality or ground and surface
12 water quantity through coordinated program activities on
13 agricultural lands. The Secretary will develop goals and
14 provide coordinated program assistance for water quality
15 or water quantity improvement projects.

16 (b) ESTABLISHMENT OF PROGRAM.—Section 1240I
17 of the Food Security Act of 1985 (16 U.S.C. 3839aa–9)
18 is amended to read as follows:

19 **“SEC. 1240I. REGIONAL WATER ENHANCEMENT PROGRAM.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) REGIONAL WATER ENHANCEMENT ACTIVI-
22 TIES.—The term ‘regional water enhancement activi-
23 ties’ includes resource condition assessment and
24 modeling, water quality, water quantity or water
25 conservation plan development, management system

1 and environmental monitoring and evaluation, cost-
2 share of restoration or enhancement projects, incen-
3 tive payments for land management practices, ease-
4 ment purchases, conservation contracts with land-
5 owners, improved irrigation systems, water banking
6 and other forms of water transactions, groundwater
7 recharge and other conservation related activities
8 that the Secretary determines will help to achieve
9 the water quality or water quantity benefits on agri-
10 cultural lands identified in a partnership agreement.

11 “(2) PARTNERSHIP AGREEMENT.—The term
12 ‘partnership agreement’ means an agreement be-
13 tween the Secretary and a partner under subsection
14 (d).

15 “(3) PARTNER.—The term ‘partner’ means an
16 entity that enters into a partnership agreement with
17 the Secretary to carry out regional water enhance-
18 ment activities. The term includes—

19 “(A) an agricultural producer, agricultural
20 or silvicultural producer association, or other
21 group of such producers;

22 “(B) a State or unit of local government,
23 including an irrigation or water district; or

24 “(C) a federally recognized Indian tribe.

25 “(b) ESTABLISHMENT OF PROGRAM.—

1 “(1) ESTABLISHMENT.—The Secretary shall es-
2 tablish a regional water enhancement program in ac-
3 cordance with this section to improve water quality
4 or water quantity on a regional scale to benefit
5 working agricultural land and other lands sur-
6 rounding agricultural land.

7 “(2) IDENTIFICATION OF WATER QUALITY AND
8 WATER QUANTITY PRIORITY AREAS.—The Secretary
9 shall identify areas where protecting or improving
10 water quality, water quantity, or both is a priority.
11 In identifying these areas, the Secretary shall
12 prioritize the Chesapeake Bay, the Upper Mississippi
13 River basin, the Everglades, and the Klamath River
14 basin.

15 “(c) SELECTION OF PARTNERS.—

16 “(1) SOLICITATION OF PARTNERSHIP PRO-
17 POSALS.—Not later than 90 days after the date of
18 the enactment of **【the 2007 Farm Bill】**, the Sec-
19 retary shall invite prospective partners to submit
20 competitive grant proposals for regional water en-
21 hancement partnerships.

22 “(2) ELEMENTS.—To be eligible for consider-
23 ation for participation in the program, a proposal
24 submitted by a partner shall contain the following
25 elements:

1 “(A) Identification of the exact geographic
2 area for which the partnership is proposed,
3 which may be based on—

4 “(i) a watershed (or portion thereof);

5 “(ii) an irrigation, water, drainage
6 district, including service area; or

7 “(iii) some other geographic area with
8 characteristics making it suitable for land-
9 scape-wide program implementation, as
10 may be determined by the Secretary.

11 “(B) Identification of the water quality or
12 water quantity issues that are of concern in the
13 area.

14 “(C) A method for determining a baseline
15 assessment of water quality, water quantity,
16 and other resource conditions in the region.

17 “(D) A detailed description of the proposed
18 regional water enhancement activities to be un-
19 dertaken in the area, including an estimated
20 timeline and budget for each activity.

21 “(E) A description of the performance
22 measures to be used to gauge the effectiveness
23 of the regional water enhancement activities.

1 “(F) A description of other regional water
2 enhancement activities carried out by the Sec-
3 retary.

4 “(G) A description of regional water en-
5 hancement activities carried out by partners
6 through other means.

7 “(3) SELECTION OF PROPOSALS.—The Sec-
8 retary shall award grants competitively, based on the
9 following criteria applied by the Secretary:

10 “(A) Proposals that will result in the inclu-
11 sion of the highest percentage of agricultural
12 lands and producers in the area.

13 “(B) Proposals that will result in the high-
14 est percentage of on-the-ground activities versus
15 administrative costs.

16 “(C) Proposals that will provide the great-
17 est contribution to sustaining or enhancing ag-
18 ricultural production in the area or rural eco-
19 nomic development.

20 “(D) Proposals that include performance
21 measures that will allow post-activity conditions
22 to be satisfactorily measured to gauge overall
23 effectiveness.

24 “(E) Proposals that will capture surface-
25 water runoff on farms through the construction,

1 improvement, or maintenance of irrigation
2 ponds.

3 “(F) Proposals that have the highest likeli-
4 hood of improving issues of concern for the area
5 through the participation of multiple interested
6 persons.

7 “(4) DURATION.—Grants under this subsection
8 shall be made on a multi-year basis, not to exceed
9 5 years total, except that the Secretary may termi-
10 nate a grant earlier if the performance measures are
11 not being met.

12 “(d) PARTNERSHIP AGREEMENTS.—

13 “(1) GENERALLY.—Not later than 30 days
14 after the award of a grant to a partner under sub-
15 section (c), the Secretary shall enter into a partner-
16 ship agreement with the grant recipient. At a min-
17 imum, the agreement shall contain—

18 “(A) a description of the respective duties
19 and responsibilities of the Secretary and the
20 partner in carrying out regional water enhance-
21 ment activities; and

22 “(B) the criteria that the Secretary will
23 use to measure the overall effectiveness of the
24 regional water enhancement activities funded by
25 the grant in improving the water quality or

1 quantity conditions of the region relative to the
2 performance measures in the grant proposal.

3 “(2) ACCEPTANCE OF CONTRIBUTIONS.—The
4 Secretary may accept and use contributions of non-
5 Federal funds to administer the program under this
6 section.

7 “(3) WAIVER AUTHORITY.—The Secretary shall
8 waive the limitation in section 1001D of this Act if
9 the Secretary determines that doing so is necessary
10 to fulfill the objectives of the regional water en-
11 hancement program.

12 “(e) MODIFICATION OF SECRETARIAL AUTHORITY.—
13 To the extent that the Secretary will be carrying out re-
14 gional water enhancement activities in an area, the Sec-
15 retary may use the general authorities provided in this
16 subtitle to ensure that all producers and landowners in
17 the region have the opportunity to participate in such ac-
18 tivities.

19 “(f) RELATIONSHIP WITH OTHER PROGRAMS.—The
20 Secretary shall ensure that, to the extent producers and
21 landowners are individually participating in other pro-
22 grams under this subtitle in a region where the regional
23 water enhancement program is in effect, any improve-
24 ments to water quality or water quantity attributable to

1 such individual participation is included in the evaluation
2 criteria developed under subparagraph (d)(1)(B).

3 “(g) CONSISTENCY WITH STATE LAW.—Any regional
4 water enhancement activity conducted under this section
5 shall be consistent with State water laws.

6 “(h) FUNDING.—

7 “(1) AVAILABILITY OF FUNDS.—In addition to
8 funds made available to carry out this chapter under
9 section 1241(a)(6), the Secretary shall use funds of
10 the Commodity Credit Corporation to carry out this
11 section in the amount of, to the maximum extent
12 practicable, \$60,000,000 for each of fiscal years
13 2008 through 2012.

14 “(2) LIMITATION ON ADMINISTRATIVE EX-
15 PENSES.—Not more than 3 percent of the funds
16 made available under paragraph (1) for a fiscal year
17 may be used for administrative expenses of the Sec-
18 retary.”.

19 **SEC. 2107. GRASSROOTS SOURCE WATER PROTECTION**
20 **PROGRAM.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
22 12400(b) of the Food Security Act of 1985 (16 U.S.C.
23 3839bb–2(b)) is amended by striking “\$5,000,000 for
24 each of fiscal years 2002 through 2007” and inserting

1 “\$20,000,000 for each of fiscal years 2008 through
2 2012”.

3 (b) **ADDITIONAL FUNDING.**—Section 12400 of the
4 Food Security Act of 1985 (16 U.S.C. 3839bb–2) is
5 amended by adding at the end the following new sub-
6 section:

7 “(c) **ONE-TIME INFUSION OF FUNDS.**—Of the funds
8 of the Commodity Credit Corporation, the Secretary shall
9 make available, on a one-time basis, \$10,000,000 to carry
10 out this section. Such funds shall remain available until
11 expended.”.

12 **SEC. 2108. CONSERVATION OF PRIVATE GRAZING LAND.**

13 Section 1240M(e) of the Food Security Act of 1985
14 (16 U.S.C. 3839bb(e)) is amended by striking “2007” and
15 inserting “2012”.

16 **SEC. 2109. GREAT LAKES BASIN PROGRAM FOR SOIL ERO-**
17 **SION AND SEDIMENT CONTROL.**

18 Section 1240P(c) of the Food Security Act of 1985
19 (16 U.S.C. 3839bb–3(c)) is amended by striking “2007”
20 and inserting “2012”.

21 **SEC. 2110. FARM AND RANGLAND PROTECTION PROGRAM.**

22 Subchapter B of chapter 2 of subtitle D of title XII
23 of the Food Security Act of 1985 (16 U.S.C. 3838h et
24 seq.) is amended to read as follows:

1 **“Subchapter B—Farm and Ranchland**
2 **Protection Program**

3 **“SEC. 1238H. DEFINITIONS.**

4 “In this subchapter:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means any of the following:

7 “(A) An agency of a State or local govern-
8 ment or an Indian tribe (including a farmland
9 protection board or land resource council estab-
10 lished under State law).

11 “(B) An organization that is organized for,
12 and at all times since the formation of the orga-
13 nization has been operated principally for, 1 or
14 more of the conservation purposes specified in
15 clause (i), (ii), (iii), or (iv) of section
16 170(h)(4)(A) of the Internal Revenue Code of
17 1986.

18 “(C) An organization described in section
19 501(c)(3) of the Internal Revenue Code of 1986
20 that is exempt from taxation under section
21 501(a) of that Code.

22 “(D) An organization described in section
23 509(a)(2) of the Internal Revenue Code of
24 1986.

1 “(E) An organization described in section
2 509(a)(3) of the Internal Revenue Code of 1986
3 that is controlled by an organization described
4 in section 509(a)(2), of that Code.

5 “(2) ELIGIBLE LAND.—The term ‘eligible land’
6 means land on a farm or ranch that—

7 “(A) is cropland;

8 “(B) is rangeland;

9 “(C) is grassland;

10 “(D) is pasture land;

11 “(E) is forest land that is an incidental
12 part of an agricultural operation, as determined
13 by the Secretary; or

14 “(F) contains historical or archaeological
15 resources.

16 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b).

20 “(4) PROGRAM.—The term ‘program’ means
21 the farm and ranchland protection program estab-
22 lished under section 1238I(a).

23 “(5) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Agriculture, acting through the
25 Natural Resources Conservation Service.

1 **“SEC. 1238I. FARM AND RANGLAND PROTECTION PRO-**
2 **GRAM.**

3 “(a) ESTABLISHMENT.—

4 “(1) ESTABLISHMENT AND PURPOSE.—The
5 Secretary shall establish and carry out a farm and
6 ranchland protection program under which the Sec-
7 retary shall facilitate and provide funding for the
8 purchase of conservation easements or other inter-
9 ests in eligible land that is subject to a pending offer
10 from an eligible entity for the purpose of protecting
11 the agricultural use and related conservation values
12 of the land by limiting incompatible nonagricultural
13 uses of the land.

14 “(2) PRIORITY.—In carrying out the program,
15 the Secretary shall give the highest priority—

16 “(A) to protecting farm and ranchland
17 with prime, unique or other productive soils
18 that are at risk of non-agricultural develop-
19 ment; or

20 “(B) to projects that further a State or
21 local policy consistent with the purposes of the
22 program.

23 “(b) GRANTS.—As the sole method of administering
24 the program, the Secretary shall make grants to eligible
25 entities certified by the Secretary under subsection (c).
26 Such grants shall be made based on demonstrated need

1 for farm and ranch land protection. Grants may be made
2 for multiple transactions so long as all funds provided
3 under the program are used to purchase conservation
4 easements or other interests in land in a timely and effec-
5 tive manner. Eligible entities may use up to 10 percent
6 of a grant for reasonable costs of purchasing and enforce-
7 ing conservation easements.

8 “(c) CERTIFICATION.—

9 “(1) CERTIFICATION PROCESS.—In order to de-
10 lineate eligible entities for program participation
11 under this section, the Secretary shall implement a
12 process, to be published in the Federal Register, for
13 certifying entities described in subparagraphs (A)
14 through (E) of section 1238H(1). The Secretary
15 may provide a reasonable transitional period, not to
16 extend past September 30, 2008, in order to allow
17 continued operation of the program for such time as
18 needed for the Secretary to implement the certifi-
19 cation process.

20 “(2) CERTIFICATION REQUIREMENTS.—To be
21 certified under this subsection, an eligible entity
22 shall demonstrate, at a minimum, the following:

23 “(A) A legislative or organizational pur-
24 pose consistent with the purposes of the pro-
25 gram.

1 “(B) In the case of a private entity, dem-
2 onstrated experience—

3 “(i) acquiring, through purchase or
4 donation, conservation easements or other
5 interests in land that have protected the
6 agricultural use and related conservation
7 values of land; or

8 “(ii) providing stewardship of con-
9 servation easements or other interests in
10 land acquired by other entities that have
11 protected the agricultural use and related
12 conservation values of land.

13 “(C) The necessary authority under State
14 law and the resources and technical ability to
15 monitor and enforce the terms of conservation
16 easements or other interests in land, or, in the
17 case of a public entity, the authority to require
18 the holder of such easements or other interests
19 in land acquired with the use of funding under
20 the program to monitor and enforce the terms
21 of such easements or other interests in land.

22 “(D) The capacity to provide the necessary
23 matching funds from non-Federal sources for
24 projects undertaken under the program and to

1 use program funds in a timely and effective
2 manner.

3 “(E) A long-term organizational viability
4 and financial accountability.

5 “(F) Policies and procedures to ensure
6 that, on average, the purchase price of con-
7 servation easements or other interests in land
8 purchased with program funds do not exceed
9 the fair market value of the easements or other
10 interests in land.

11 “(G) Policies and procedures that ensure
12 that conservation easements or other interests
13 in land purchased with program funds will con-
14 tinue to protect the agricultural use and related
15 conservation values of the land.

16 “(H) Provision for continued stewardship
17 of the conservation easements or other interest
18 in land purchased with program funds in the
19 event the eligible entity ceases to exist or can
20 no longer monitor and enforce the conservation
21 easements or other interests in land.

22 “(d) GRANT AGREEMENTS.—The Secretary may
23 enter into an agreement with an eligible entity, under
24 which the entity may purchase conservation easements
25 using a combination of its own funds and grant funds dis-

1 tributed by the Secretary under the program. Such an
2 agreement shall stipulate the terms and conditions under
3 which the eligible entity shall use funds provided by the
4 Secretary under the program, except that, under such an
5 agreement—

6 “(1) the eligible entity shall be authorized to
7 determine its own criteria and priorities for pur-
8 chasing conservation easements and other interests
9 in land;

10 “(2) the eligible entity shall be authorized to
11 use its own terms and conditions for conservation
12 easements and other purchases of interests in land,
13 so long as—

14 “(A) such terms and conditions are con-
15 sistent with the purposes of the program and
16 permit effective enforcement of the conservation
17 purposes of such easements or other interests;

18 “(B) the entity has in place a requirement
19 consistent with agricultural activities regarding
20 the impervious surfaces to be allowed for any
21 conservation easement or other interest in land
22 purchased using grant funds provided under the
23 program; and

24 “(C) the entity requires use of a conserva-
25 tion plan for any highly erodible cropland for

1 which a conservation easement or other interest
2 in land has been purchased using grant funds
3 provided under the program;

4 “(3) up to 10 percent of grant funds may be
5 used for reasonable costs of purchasing and enforce-
6 ing conservation easements; and

7 “(4) no Federal contingent right of enforcement
8 or reversionary interest in a conservation easement
9 or other purchase of an interest in land shall be re-
10 quired.

11 “(e) GRANT AGREEMENT REVIEW AND REVOCATION.—Every 3 years, the Secretary shall review the cer-
12 tification of an eligible entity and of the performance of
13 the entity in meeting the terms and conditions of a grant
14 agreement under subsection (d). If, in the determination
15 of the Secretary, an eligible entity no longer meets the
16 qualifications described in subsection (c)(2) or is not meet-
17 ing the terms and conditions of the grant agreement, the
18 Secretary may—

19 “(1) revoke the certification of the eligible enti-
20 ty; or

21 “(2) allow the entity a specified period of time
22 in which to take such actions as may be necessary
23 to retain its certification or to meet the terms and
24 conditions of the grant agreement.
25

1 “(f) CONSERVATION PLAN.—Notwithstanding sub-
2 section (d)(2), any highly erodible cropland for which a
3 conservation easement or other interest is purchased
4 under this subchapter shall be subject to the requirements
5 of a conservation plan. In the case of an easement or other
6 interest in land that is perpetual in duration, the Sec-
7 retary may not require the conversion of the cropland to
8 less intensive uses if, under such plan, soil erosion can
9 be reduced to ‘T’ or below.

10 “(g) COST SHARING.—The share of the cost provided
11 under this section for purchasing a conservation easement
12 or other interest in land shall not exceed 50 percent of
13 the appraised fair market value of the conservation ease-
14 ment or other interest in eligible land. Fair market value
15 shall be determined on the basis of an appraisal of the
16 conservation easement or other interest in eligible land
17 using an industry-approved methodology determined by
18 the entity.”.

19 **SEC. 2111. FARM VIABILITY PROGRAM.**

20 Section 1238J(b) of the Food Security Act of 1985
21 (16 U.S.C. 3838j(b)) is amended by striking “2007” and
22 inserting “2012”.

1 **SEC. 2112. WILDLIFE HABITAT INCENTIVE PROGRAM.**

2 (a) REAUTHORIZATION.—Section 1240N of the Food
3 Security Act of 1985 (16 U.S.C. 3839bb–1) is amended
4 by adding at the end the following new subsection:

5 “(d) DURATION OF PROGRAM.—Using funds made
6 available under section 1241(a)(7), the Secretary shall
7 carry out the program during fiscal years 2008 through
8 2012.”.

9 (b) COST SHARE FOR LONG-TERM AGREEMENTS.—
10 Section 1240N(b)(2)(B) of the Food Security Act of 1985
11 (16 U.S.C. 3839bb–1(b)(2)(B)) is amended by striking
12 “15 percent” and inserting “25 percent”.

13 **Subtitle B—Conservation Programs**
14 **Under Other Laws**

15 **SEC. 2201. AGRICULTURAL MANAGEMENT ASSISTANCE**
16 **PROGRAM.**

17 (a) ELIGIBLE STATES.—Section 524(b)(1) of the
18 Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is
19 amended—

20 (1) by inserting “Hawaii,” after “Delaware,”;
21 and

22 (2) by inserting “Virginia,” after “Vermont,”.

23 (b) TECHNICAL CORRECTION.—Section
24 524(b)(4)(B)(i) of the Federal Crop Insurance Act (7
25 U.S.C. 1524(b)(4)(B)(i)) is amended by striking “Except

1 as provided in clauses (ii) and (iii), the” and inserting
2 “The”.

3 (c) CERTAIN USES.—Section 524(b)(4) of the Fed-
4 eral Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is
5 amended by adding at the end the following new subpara-
6 graph:

7 “(C) CERTAIN USES.—Of the amounts
8 made available to carry out this subsection for
9 a fiscal year, the Commodity Credit Corpora-
10 tion shall use not less than—

11 “(i) 50 percent to carry out subpara-
12 graphs (A), (B), and (C) of paragraph (2)
13 through the Natural Resources Conserva-
14 tion Service;

15 “(ii) 10 percent to provide organic
16 certification cost share assistance through
17 the Agricultural Marketing Service; and

18 “(iii) 40 percent to conduct activities
19 to carry out subparagraph (F) of para-
20 graph (2) through the Risk Management
21 Agency.”.

1 **SEC. 2202. RESOURCE CONSERVATION AND DEVELOPMENT**
2 **PROGRAM.**

3 (a) **LOCALLY LED PLANNING PROCESS.**—Section
4 1528 of the Agriculture and Food Act of 1981 (16 U.S.C.
5 3451) is amended—

6 (1) in paragraph (1), by striking “planning
7 process” in the matter preceding subparagraph (A)
8 and inserting “locally led planning process”; and

9 (2) in paragraph (9), by striking “council” and
10 inserting “locally led council”.

11 (b) **AUTHORIZED TECHNICAL ASSISTANCE.**—Section
12 1528(13) of the Agriculture and Food Act of 1981 (16
13 U.S.C. 3451(13)) is amended by striking subparagraphs
14 (C) and (D) and inserting the following new subpara-
15 graphs:

16 “(C) providing assistance for the imple-
17 mentation of area plans and projects; and

18 “(D) providing services which bring to
19 bear the resources of Department of Agri-
20 culture programs in a local community, as de-
21 fined in the locally led planning process.”.

22 (c) **IMPROVED PROVISION OF TECHNICAL ASSIST-**
23 **ANCE.**—Section 1531 of the Agriculture and Food Act of
24 1981 (16 U.S.C. 3454) is amended—

25 (1) by inserting “(a) **IN GENERAL.**—” before
26 “In carrying”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) COORDINATOR.—To improve the provision of
4 technical assistance to councils under this subtitle, the
5 Secretary shall designate an individual, to be known as
6 the ‘Coordinator’, for each council. The Coordinator shall
7 be directly responsible for the provision of technical assist-
8 ance 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. 2203. SMALL WATERSHED REHABILITATION PRO-**
13 **GRAM.**

14 (a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of
15 the Watershed Protection and Flood Prevention Act (16
16 U.S.C. 1012(h)(1)) is amended by adding at the end the
17 following new subparagraph:

18 “(G) \$50,000,000 for each of fiscal years
19 2009 through 2012.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
21 14(h)(2)(E) of the Watershed Protection and Flood Pre-
22 vention Act (16 U.S.C. 1012(h)(2)(E)) is amended by
23 striking “fiscal year 2007” and inserting “each of fiscal
24 years 2007 through 2012”.

1 **Subtitle C—Additional**
2 **Conservation Programs**

3 **SEC. 2301. CHESAPEAKE BAY PROGRAM FOR NUTRIENT RE-**
4 **DUCTION AND SEDIMENT CONTROL.**

5 Chapter 5 of subtitle D of the Food Security Act of
6 1985 is amended by inserting after section 1240P (16
7 U.S.C. 3839bb–3) the following new section:

8 **“SEC. 1240Q. RIVER RESTORATION IN THE CHESAPEAKE**
9 **BAY WATERSHED.**

10 “(a) CHESAPEAKE BAY WATERSHED DEFINED.—In
11 this section, the term ‘Chesapeake Bay watershed’ means
12 all tributaries, backwaters, and side channels, including
13 their watersheds, draining into the Chesapeake Bay.

14 “(b) COMPREHENSIVE PLAN FOR CHESAPEAKE BAY
15 WATERSHED.—

16 “(1) DEVELOPMENT.—The Secretary of Agri-
17 culture shall develop, as expeditiously as practicable,
18 a proposed comprehensive plan for the purpose of
19 restoring, preserving, and protecting the Chesapeake
20 bay watershed.

21 “(2) PROVEN TECHNOLOGIES AND INNOVATIVE
22 APPROACHES.—The comprehensive plan shall pro-
23 vide for the development of new technologies and in-
24 novative approaches to advance the following goals:

1 “(A) Improvement of water quality and
2 quantity within the Chesapeake Bay.

3 “(B) Restoration, enhancement, and pres-
4 ervation of habitat for plants and wildlife.

5 “(C) Increase economic opportunity for
6 producers and rural communities.

7 “(3) SPECIFIC COMPONENTS.—The comprehen-
8 sive plan shall include such features as are necessary
9 to provide for—

10 “(A) the development and implementation
11 of a program for erosion prevention and con-
12 trol, sediment control and sediment removal,
13 and reduction of nutrient loads;

14 “(B) the development and implementation
15 of a program for—

16 “(i) the planning, conservation, eval-
17 uation, and construction of measures for
18 fish and wildlife habitat conservation and
19 rehabilitation; and

20 “(ii) stabilization and enhancement of
21 land and water resources; and

22 “(C) the development and implementation
23 of a long-term resource monitoring program.

1 “(4) CONSULTATION.—The comprehensive plan
2 shall be developed by the Secretary in consultation
3 with appropriate Federal and State agencies.

4 “(c) SUBMISSION OF PLAN.—

5 “(1) SUBMISSION.—Not later than 2 years
6 after the date of enactment of [the 2007 Farm
7 Bill], the Secretary shall transmit to Congress a re-
8 port containing the comprehensive plan.

9 “(2) ADDITIONAL STUDIES AND ANALYSES.—

10 After submission of the report required by para-
11 graph (1), the Secretary shall continue to conduct
12 such studies and analyses related to the comprehen-
13 sive plan as are necessary, consistent with this sub-
14 section.

15 “(d) RESTORATION ENHANCEMENT AND PRESERVA-
16 TION PROJECTS.—

17 “(1) PROJECT AUTHORITY.—In cooperation
18 with appropriate Federal and State agencies, the
19 Secretary shall carry out restoration enhancement
20 and preservation projects for the Chesapeake Bay
21 watershed to address the goals specified in sub-
22 section (b)(2). To achieve the restoration, preserva-
23 tion, and protection benefits of a project, the Sec-
24 retary shall proceed expeditiously with the imple-

1 mentation of the project consistent with the com-
2 prehensive plan.

3 “(2) CRITICAL PROJECTS.—In carrying out this
4 subsection, the Secretary shall begin with the Sus-
5 quehanna River, the Shenandoah River, the Potomac
6 River, and the Patuxent River.

7 “(3) AVAILABILITY OF FUNDS.—Of the funds
8 of the Commodity Credit Corporation, the Secretary
9 shall use to carry out projects under this subsection
10 the following amounts:

11 “(A) \$10,000,000 for fiscal year 2008.

12 “(B) \$20,000,000 for fiscal year 2009.

13 “(C) \$25,000,000 for fiscal year 2010.

14 “(D) \$45,000,000 for fiscal year 2011.

15 “(E) \$50,000,000 for fiscal year 2012.

16 “(4) FEDERAL SHARE.—The Federal share of
17 the cost of carrying out any individual project under
18 this subsection shall not exceed \$5,000,000.

19 “(e) GENERAL PROVISIONS.—

20 “(1) WATER QUALITY.—In carrying out
21 projects and activities under this section, the Sec-
22 retary shall take into account the protection of water
23 quality by considering applicable State water quality
24 standards.

1 “(2) PUBLIC PARTICIPATION.—In developing
2 the comprehensive plan under subsection (b) and
3 carrying out projects under subsection (d), the Sec-
4 retary shall implement procedures to facilitate public
5 participation, including providing advance notice of
6 meetings, providing adequate opportunity for public
7 input and comment, maintaining appropriate
8 records, and making a record of the proceeding of
9 meetings available for public inspection.

10 “(f) COORDINATION.—The Secretary shall integrate
11 and coordinate projects and activities carried out under
12 this section with other Federal and State programs,
13 projects, and activities.

14 “(g) COST SHARING.—

15 “(1) NON-FEDERAL SHARE.—Subject to sub-
16 section (d)(4), the non-Federal share of the cost of
17 projects and activities carried out under this section
18 shall be not less than 35 percent.

19 “(2) OPERATION, MAINTENANCE, REHABILITA-
20 TION, AND REPLACEMENT.—The operation, mainte-
21 nance, rehabilitation, and replacement of projects
22 carried out under this section shall be a non-Federal
23 responsibility.

24 “(h) SENSE OF CONGRESS REGARDING CHESAPEAKE
25 BAY EXECUTIVE COUNCIL.—

1 “(1) FINDINGS.—Congress finds the following:

2 “(A) One of the stated goals of the Chesapeake Bay Agreement is to ‘develop, promote,
3 and achieve sound land use practices which protect and restore watershed resources and water
4 quality, maintain reduced pollutant loadings for the Bay and its tributaries, and restore and
5 preserve aquatic living resources’.

6 “(B) Department of Agriculture conservation programs are integral to the restoration of
7 the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.
8 “(B) Department of Agriculture conservation programs are integral to the restoration of
9 the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.
10 “(B) Department of Agriculture conservation programs are integral to the restoration of
11 the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.
12 “(B) Department of Agriculture conservation programs are integral to the restoration of
13 the Chesapeake Bay and achieving the water quality goals for the Chesapeake Bay program.

14 “(2) SENSE OF CONGRESS.—In light of the findings specified in paragraph (1), it is the sense of
15 Congress that the Secretary of Agriculture should be a member of the Chesapeake Bay Executive Council,
16 and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16
17 U.S.C. 590a(3)).”.

18 **SEC. 2302. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
19 **CENTIVE PROGRAM.**

20 Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section
21 1240Q, as added by section 2301, the following new section:
22
23
24
25

1 **“SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT IN-**
2 **CENTIVE PROGRAM.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish a voluntary public access program under which States
5 and tribal governments may apply for grants to encourage
6 owners and operators of privately-held farm, ranch, and
7 forest land to voluntarily make that land available for ac-
8 cess by the public for wildlife-dependent recreation, includ-
9 ing hunting or fishing, under programs administered by
10 the States and tribal governments.

11 “(b) APPLICATIONS.—In submitting applications for
12 a grant under the program, a State or tribal government
13 shall describe—

14 “(1) the benefits that the State or tribal gov-
15 ernment intends to achieve by encouraging public ac-
16 cess to private farm and ranch land for—

17 “(A) hunting and fishing; and

18 “(B) to the maximum extent practicable,
19 other recreational purposes; and

20 “(2) the methods that will be used to achieve
21 those benefits.

22 “(c) PRIORITY.—In approving applications and
23 awarding grants under the program, the Secretary shall
24 give priority to States and tribal governments that—

1 “(1) have consistent opening dates for migra-
2 tory bird hunting for both residents and non-resi-
3 dents;

4 “(2) propose to maximize participation by offer-
5 ing a program the terms of which are likely to meet
6 with widespread acceptance among landowners;

7 “(3) propose to ensure that land enrolled under
8 the State or tribal government program has appro-
9 priate wildlife habitat;

10 “(4) propose to strengthen wildlife habitat im-
11 provement efforts on land enrolled in a special con-
12 servation reserve enhancement program described in
13 1234(f)(4) by providing incentives to increase public
14 hunting and other recreational access on that land;
15 and

16 “(5) propose to use additional Federal, State,
17 tribal government, or private resources in carrying
18 out the program.

19 “(d) RELATIONSHIP TO OTHER LAWS.—Nothing in
20 this section preempts a State or tribal government law,
21 including any State or tribal government liability law.

22 “(e) REGULATIONS.—The Secretary shall promulgate
23 such regulations as are necessary to carry out this section.

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Secretary

1 \$20,000,000 for each of fiscal years 2008 through 2012
2 to carry out this section.”.

3 **Subtitle D—Administration and**
4 **Funding**

5 **SEC. 2401. FUNDING OF CONSERVATION PROGRAMS UNDER**
6 **FOOD SECURITY ACT OF 1985.**

7 (a) IN GENERAL.—Section 1241(a) of the Food Se-
8 curity Act of 1985 (16 U.S.C. 3841(a)) is amended in the
9 matter preceding paragraph (1), by striking “2007” and
10 inserting “2012”.

11 (b) CONSERVATION SECURITY PROGRAM.—Para-
12 graph (3) of section 1241(a) of the Food Security Act of
13 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

14 “(3) The conservation security program under
15 subchapter A of chapter 2, using, to the maximum
16 extent practicable—

17 “(A) in the case of conservation security
18 contracts entered into before October 1, 2007,
19 under such subchapter, as in effect on the day
20 before the date of the enactment of the [2007
21 Farm Bill]—

22 “(i) \$1,454,000,000 for the period of
23 fiscal years 2007 through 2012; and

24 “(ii) \$1,927,000,000 for the period of
25 fiscal years 2007 through 2017; and

1 “(B) in the case of conservation security
2 contracts entered into on or after October 1,
3 2011, under such subchapter—

4 “(i) \$501,000,000 for fiscal year
5 2012; and

6 “(ii) \$4,646,000,000 for the period of
7 fiscal years 2012 through 2017.”.

8 (c) FARM AND RANGLAND PROTECTION PRO-
9 GRAM.—Paragraph (4) of section 1241(a) of the Food Se-
10 curity Act of 1985 (16 U.S.C. 3841(a)) is amended to
11 read as follows:

12 “(4) The farm and ranchland protection pro-
13 gram under subchapter B of chapter 2, using, to the
14 maximum extent practicable—

15 “(A) \$125,000,000 in fiscal year 2008;

16 “(B) \$150,000,000 in fiscal year 2009;

17 “(C) \$200,000,000 in fiscal year 2010;

18 “(D) \$250,000,000 in fiscal year 2011;

19 and

20 “(E) \$300,000,000 in fiscal year 2012.”.

21 (d) ENVIRONMENTAL QUALITY INCENTIVES PRO-
22 GRAM.—Paragraph (6) of section 1241(a) of the Food Se-
23 curity Act of 1985 (16 U.S.C. 3841(a)) is amended to
24 read as follows:

1 “(6) The environmental quality incentives pro-
2 gram under chapter 4, using, to the maximum ex-
3 tent practicable—

4 “(A) \$1,500,000,000 in fiscal year 2008;

5 “(B) \$1,600,000,000 in fiscal year 2009;

6 “(C) \$1,700,000,000 in fiscal year 2010;

7 “(D) \$1,800,000,000 in fiscal year 2011;

8 and

9 “(E) \$2,000,000,000 in fiscal year 2012.”.

10 (e) WILDLIFE HABITAT INCENTIVES PROGRAM.—
11 Paragraph (7)(D) of section 1241(a) of the Food Security
12 Act of 1985 (16 U.S.C. 3841(a)) is amended by striking
13 “2007” and inserting “2012”.

14 **SEC. 2402. IMPROVED PROVISION OF TECHNICAL ASSIST-**
15 **ANCE UNDER CONSERVATION PROGRAMS.**

16 Section 1242 of the Food Security Act of 1985 (16
17 U.S.C. 3842) is amended—

18 (1) in subsection (a)—

19 (A) by striking “or” at the end of para-
20 graph (1); and

21 (B) by striking paragraph (2) and insert-
22 ing the following new paragraphs:

23 “(2) through a contract with an approved third
24 party, if available; or

1 “(3) at the option of the producer, through a
2 payment as determined by the Secretary, directly to
3 an approved third party, if available, or to the pro-
4 ducer for an approved third party, if available.”;

5 (2) in subsection (b)—

6 (A) by striking “technical assistance” each
7 place it appears and inserting “technical serv-
8 ices”; and

9 (B) in paragraph (1)(B), by striking “that
10 assistance” and inserting “those technical serv-
11 ices”; and

12 (3) by adding at the end the following new sub-
13 sections:

14 “(c) PAYMENT AMOUNTS.—

15 “(1) USE OF PREVAILING MARKET RATES.—

16 The Secretary shall set the amounts of payments
17 under subsection (b)(1)(B) for technical services at
18 levels not less than prevailing private market rates.

19 “(2) EXCEPTION.—Paragraph (1) shall not
20 apply in instances where personnel of the Depart-
21 ment of Agriculture are immediately available to
22 provide comparable technical services to eligible pro-
23 ducers.

24 “(d) REVIEW AND EXPEDITED APPROVAL OF TECH-
25 NICAL ASSISTANCE SPECIFICATIONS.—

1 “(1) REVIEW OF EXISTING TECHNICAL ASSIST-
2 ANCE SPECIFICATIONS.—

3 “(A) REVIEW OF SPECIFICATIONS.—The
4 Secretary shall direct each State to review and
5 ensure, to the maximum extent practicable, the
6 completeness and relevance of technical assist-
7 ance specifications in effect as of the date of
8 the enactment of **【the 2007 Farm Bill】**.

9 “(B) CONSULTATION.—In conducting the
10 assessment under subparagraph (A), a State
11 shall consult with specialty crop producers, crop
12 consultants, cooperative extension and land-
13 grant universities, nongovernmental organiza-
14 tions, and other qualified entities.

15 “(C) EXPEDITED REVISION OF SPECIFICA-
16 TIONS.—If a State determines under subpara-
17 graph (A) that revisions to its technical assist-
18 ance specifications are necessary, the State
19 shall establish an administrative process for ex-
20 pediting the revisions.

21 “(2) ADDRESSING CONCERNS OF SPECIALTY
22 CROP PRODUCERS.—

23 “(A) IN GENERAL.—The Secretary shall
24 direct each State to fully incorporate into its
25 technical assistance specifications and provide

1 for the appropriate range of conservation prac-
2 tices and resource mitigation measures available
3 to specialty crop producers.

4 “(B) AVAILABILITY OF ADEQUATE TECH-
5 NICAL ASSISTANCE.—The Secretary shall en-
6 sure that adequate technical assistance is avail-
7 able for the implementation of conservation
8 practices by specialty crop producers through
9 Federal conservation programs. In carrying out
10 this requirement, the Secretary shall develop—

11 “(i) programs that meet specific needs
12 of specialty crop producers through cooper-
13 ative agreements with other agencies and
14 nongovernmental organizations; and

15 “(ii) program specifications that allow
16 for innovative approaches that engage local
17 resources in providing technical assistance
18 for planning and implementation of con-
19 servation practices.

20 “(e) NON-FEDERAL ASSISTANCE.—The Secretary
21 may request the services of, and enter into cooperative
22 agreements or contracts with, non-Federal entities to as-
23 sist the Secretary in providing technical assistance nec-
24 essary to develop and implement conservation programs
25 under this title.”.

1 **SEC. 2403. COOPERATIVE CONSERVATION PARTNERSHIP**
2 **INITIATIVE.**

3 (a) TRANSFER OF EXISTING PROVISIONS.—Sub-
4 sections (b), (c), and (d) of section 1243 of the Food Secu-
5 rity Act of 1985 (16 U.S.C. 3843) are—

6 (1) redesignated as subsections (c), (d), and (e),
7 respectively; and

8 (2) transferred to appear at the end of section
9 1244 of such Act (16 U.S.C. 3844).

10 (b) ESTABLISHMENT OF PARTNERSHIP INITIA-
11 TIVE.—Section 1243 of the Food Security Act of 1985
12 (16 U.S.C. 3843), as amended by subsection (a), is
13 amended to read as follows:

14 **“SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP**
15 **INITIATIVE.**

16 “(a) GRANTS AND AGREEMENTS.—The Secretary
17 shall make grants and enter into agreements for not short-
18 er than 2-year or longer than 5-year terms with eligible
19 entities specified in subsection (c) to preferentially enroll
20 producers in 1 or more of the programs specified in sub-
21 section (b)—

22 “(1) to carry out special projects and initiatives
23 through which multiple producers and other inter-
24 ested persons cooperate to address specific resources
25 of concern related to agricultural production on a
26 local, State, or regional scale, including special

1 projects and initiatives that also address community
2 and economic development needs and opportunities;
3 and

4 “(2) to increase access to, and participation in,
5 the programs specified in subsection (b) by pro-
6 ducers of specialty crops (as defined in section 3 of
7 the Specialty Crops Competitiveness Act of 2004
8 (Public Law 108–465; 7 U.S.C. 1621 note).

9 “(b) COVERED PROGRAMS.—The conservation pro-
10 grams covered by this section are the following:

11 “(1) Conservation security program.

12 “(2) Environmental quality incentives program.

13 “(3) Wildlife habitat incentive program.

14 “(c) ELIGIBLE PARTNERS.—Grants may be made or
15 agreements may be entered into under this section with
16 any of the following (or a combination thereof):

17 “(1) States and agencies of States.

18 “(2) Political subdivisions of States, including
19 counties and State- or county-sponsored conserva-
20 tion districts.

21 “(3) Indian tribes.

22 “(4) Nongovernmental organizations and asso-
23 ciations, including producer associations, farmer co-
24 operatives, extension associations, and conservation
25 organizations with a history of working cooperatively

1 with producers to effectively address resource con-
2 cerns related to agricultural production, as deter-
3 mined by the Secretary.

4 “(d) APPLICATIONS.—

5 “(1) COMPETITIVE PROCESS.—The Secretary
6 shall establish a competitive process for considering
7 applications for grants or agreements under this sec-
8 tion consistent with the evaluation criteria listed in
9 subsection (e).

10 “(2) PROGRAM ALLOCATION.—Applications
11 shall include—

12 “(A) specification of the amount of fund-
13 ing or acres, or both, of 1 or more covered pro-
14 grams specified in subsection (b) proposed to be
15 allocated to carry out the special project or ini-
16 tiative; and

17 “(B) a schedule for utilization of funding
18 or acres over the life of the proposed project or
19 initiative.

20 “(e) EVALUATION CRITERIA.—In evaluating applica-
21 tions for grants or agreements under this section the Sec-
22 retary shall consider the extent to which—

23 “(1) preferential enrollment in the covered pro-
24 grams specified in the application will effectively ad-

1 dress the environmental objectives established for
2 the special project or initiative; and

3 “(2) the special project or initiative covered by
4 the application—

5 “(A) enjoys local and regional support
6 from producers and other interested persons,
7 including governmental and nongovernmental
8 organizations with appropriate expertise on the
9 issues the project or initiative seeks to address;

10 “(B) includes clear environmental objec-
11 tives;

12 “(C) includes a well defined project or ini-
13 tiative plan that identifies sensitive areas re-
14 quiring treatment and prioritizes conservation
15 practices and activities needed to achieve envi-
16 ronmental objectives;

17 “(D) promises adequate and coordinated
18 participation to achieve the objectives of the
19 project or initiative;

20 “(E) coordinates integration of local,
21 State, and Federal efforts to make the best use
22 of available resources and maximize cost-effec-
23 tive investments;

24 “(F) leverages financial and technical re-
25 sources from sources other than the programs

1 authorized by this subtitle, including financial
2 and technical resources provided by Federal
3 and State agencies, local governments, non-
4 governmental organizations and associations,
5 and other private sector entities;

6 “(G) describes how all necessary technical
7 assistance will be provided to each producer
8 participating in the project or initiative, includ-
9 ing cost estimates for technical assistance and
10 whether such assistance will be provided by
11 technical service providers;

12 “(H) describes how the administrative
13 costs of the project or initiative will be mini-
14 mized;

15 “(I) addresses a local, State, regional, or
16 national environmental priority or priorities,
17 with particular emphasis on any priority for
18 which there is an existing State or federally ap-
19 proved plan in place for addressing that pri-
20 ority;

21 “(J) includes a plan to evaluate progress,
22 measure results, and meet the purposes of the
23 agreement;

24 “(K) clearly demonstrates that enrollment
25 of producers in covered programs will be con-

1 sistent with the purposes and policies of each
2 individual program, as established in statute,
3 rules and regulations, and program guidance
4 promulgated by implementing agencies;

5 “(L) links resource and environmental ob-
6 jectives with community development or
7 agritourism objectives that can be improved as
8 a result of addressing the resources of concern;

9 “(M) demonstrates innovation in linking
10 environmental and community development ob-
11 jectives; and

12 “(N) addresses the needs of beginning
13 farmers and ranchers, socially disadvantaged
14 farmers and ranchers, and limited resource
15 farmers and ranchers.

16 “(f) PRIORITIES.—To the maximum extent prac-
17 ticable, consistent with the requirements of subsection (d),
18 the Secretary shall ensure that, each fiscal year, grants
19 are awarded and agreements are entered into under this
20 section to support projects and initiatives that collectively
21 address the resource concerns facing producers, ranchers,
22 and nonindustrial private forest landowners, including
23 specifically projects and initiatives that are designed—

24 “(1) to achieve improvements in water quality
25 in watersheds impacted by agriculture, particularly

1 by increasing the participation of producers in im-
2 plementing best management practices in a water-
3 shed or developing environmentally and economically
4 viable alternative uses for manure and litter;

5 “(2) to achieve improvements in air quality in
6 a geographical area where agricultural operations
7 impact air quality;

8 “(3) to support State activities to efficiently
9 manage and utilize their water resources in regions,
10 States or local areas where water quantity is a con-
11 cern;

12 “(4) to assist in carrying out a State Wildlife
13 Habitat Incentives Program plan or other State, re-
14 gional, or national conservation initiative.

15 “(5) to control invasive species on rangeland or
16 other agricultural land through the cooperative ef-
17 forts of multiple producers in a geographical area;

18 “(6) to address a specific resource of concern or
19 set of concerns on private, non-industrial forest land;

20 “(7) to reduce losses of pesticides to the envi-
21 ronment by engaging multiple producers in a geo-
22 graphic area in adoption of integrated pest manage-
23 ment practices and approaches;

1 “(8) to protect farmland and ranch land facing
2 development pressures from being converted to non-
3 agricultural use; or

4 “(9) to assist producers in carrying out good
5 management practices to enhance food safety.

6 “(g) COST SHARE.—The Secretary shall not require
7 more than 25 percent of the cost of a project or initiative
8 supported under a grant or agreement entered into under
9 this section to come from non-Federal sources. However,
10 the Secretary may give higher priority to projects or initia-
11 tives offering to cover a higher percentage of the cost of
12 the project or initiative from non-Federal sources.

13 “(h) INCENTIVE AND BONUS PAYMENTS.—

14 “(1) AVAILABILITY.—Applications submitted
15 under subsection (d)(2) may include proposals for
16 special incentive and bonus payments, consistent
17 with the statutory purposes of the programs in-
18 volved, to producers that—

19 “(A) restore land, water, or habitat as a
20 community development asset; or

21 “(B) provide public access to enrolled land.

22 “(2) CRITERIA.—The Secretary shall develop
23 and publish criteria for providing special incentive or
24 bonus payments to producers under paragraph (1).

25 “(i) FUNDING.—

1 “(1) SET-ASIDE.—Of the funds provided for
2 each of fiscal years 2008 through 2012 to implement
3 the programs specified in subsection (b), the Sec-
4 retary shall reserve 10 percent to ensure an ade-
5 quate source of funds for grants, agreements, finan-
6 cial assistance to producers under this section.

7 “(2) ALLOCATION TO STATES.—The Secretary
8 shall allocate to States 90 percent of the funds re-
9 served under paragraph (1) for a fiscal year to allow
10 State Conservationists, with the advice of State tech-
11 nical committees, to select projects and initiatives
12 for funding under this section at the State level. The
13 allocation shall be made on a similar basis as what
14 would have been the case under the covered pro-
15 grams identified in subsection (b).

16 “(3) UNUSED FUNDING.—Any funds reserved
17 for a fiscal year under paragraph (1) that are not
18 obligated by April 1 of that fiscal year may be used
19 to carry out other activities under conservation pro-
20 grams under subtitle D during the remainder of that
21 fiscal year.

22 “(4) ADMINISTRATIVE COSTS FUNDING CAP.—
23 Of the funds made available under this section for
24 a particular project or initiative, not more than 5

1 percent may be expended by the eligible entity on
2 the administrative costs of the project or initiative.”.

3 **SEC. 2404. REGIONAL EQUITY AND FLEXIBILITY.**

4 Section 1241(d) of the Food Security Act of 1985
5 (16 U.S.C. 3841(d)) is amended by striking
6 “\$12,000,000” and inserting “\$15,000,000”.

7 **SEC. 2405. ADMINISTRATIVE REQUIREMENTS FOR CON-**
8 **SERVATION PROGRAMS.**

9 (a) INCENTIVES FOR CERTAIN PRODUCERS.—Section
10 1244(a) of the Food Security Act of 1985 (16 U.S.C.
11 3844(a)) is amended—

12 (1) in the subsection heading, by striking “BE-

13 GINNING” and inserting “INCENTIVES FOR CER-

14 TAIN”;

15 (2) by inserting “, socially disadvantaged farm-

16 ers and ranchers, limited resource farmers and

17 ranchers,” after “beginning farmers and ranchers”;

18 and

19 (3) by striking “and limited resource agricul-

20 tural producers”.

21 (b) SINGLE, SIMPLIFIED APPLICATION PROCESS FOR

22 CONSERVATION PROGRAMS.—Section 1244 of the Food

23 Security Act of 1985 (16 U.S.C. 3844), as amended by

24 section 2403, is amended by adding at the end the fol-

25 lowing new subsection:

1 “(f) SINGLE, SIMPLIFIED APPLICATION PROCESS.—

2 “(1) ESTABLISHMENT.—In carrying out any of
3 the conservation programs under this title adminis-
4 tered by the Natural Resources Conservation Serv-
5 ice, the Secretary shall establish and make available
6 to producers and landowners a single, simplified ap-
7 plication process to be used by producers and land-
8 owners in initially requesting assistance under such
9 programs. The Secretary shall ensure that—

10 “(A) conservation program applicants are
11 not required to provide information that dupli-
12 cates information and resources already avail-
13 able to the Secretary regarding that applicant
14 and for that specific operation; and

15 “(B) the application process is streamlined
16 to minimize complexity and redundancy.

17 “(2) REVIEW OF APPLICATION PROCESS.—The
18 Secretary shall review the conservation application
19 process and the forms and related mechanisms used
20 to receive assistance requests from producers and
21 landowners. The purpose of the review shall be to
22 determine what information the applicant is actually
23 required to submit during the application process,
24 including—

1 “(A) identification information for the ap-
2 plicant;

3 “(B) identification and location informa-
4 tion for the land parcel or tract of concern;

5 “(C) a general statement of the applicant’s
6 resource concern or concerns for the land parcel
7 or tract; and

8 “(D) the minimum amount of other infor-
9 mation the Secretary considers essential for the
10 applicant to provide.

11 “(3) REVISION AND STREAMLINING.—The Sec-
12 retary shall carry out a revision of the application
13 forms and processes for conservation programs cov-
14 ered in this subsection to enable utilization of infor-
15 mation technology as an avenue to incorporate ap-
16 propriate data and information concerning the con-
17 servation needs and solutions appropriate for the
18 land area identified by the applicant. The revision
19 shall seek to streamline the application process to
20 minimize the burden placed on the applicant.

21 “(4) CONSERVATION PROGRAM APPLICATION.—
22 When the needs of an applicant are adequately as-
23 sessed by the Secretary, directly or through a third-
24 party provider under section 1242, in order to deter-
25 mine the conservation programs under this title that

1 best match the needs of the applicant, with the ap-
2 proval of the applicant, the Secretary may convert
3 the initial application into a specific application for
4 assistance for a specific program. To the maximum
5 extent practical, the specific application for con-
6 servation program assistance shall be carried out by
7 the Secretary by requesting only that specific further
8 information from the applicant that is not already
9 available to the Secretary.

10 “(5) IMPLEMENTATION AND NOTIFICATION.—
11 Not later than one year after the date of the enact-
12 ment of [the Farm Bill], the Secretary shall com-
13 plete the requirements of this subsection and shall
14 submit to Congress a written notification of such
15 completion.”.

16 **SEC. 2406. ANNUAL REPORT ON PARTICIPATION BY SPE-**
17 **CIALTY CROP PRODUCERS IN CONSERVA-**
18 **TION PROGRAMS.**

19 (a) REPORT REQUIRED.—Subtitle F of title XII of
20 the Food Security Act of 1985 is amended by inserting
21 after section 1251 (16 U.S.C. 2005a) the following new
22 section:

1 **“SEC. 1252. ANNUAL REPORT ON PARTICIPATION BY SPE-**
2 **cialty Crop Producers in Conserva-**
3 **tion Programs.**

4 “(a) **REPORT REQUIRED.**—The Secretary of Agri-
5 culture shall submit to the Committee on Agriculture of
6 the House of Representatives and the Committee on Agri-
7 culture, Nutrition, and Forestry of the Senate an annual
8 report that—

9 “(1) documents and analyzes the participation
10 by producers of specialty crops in conservation pro-
11 grams under subtitle D, including the conservation
12 security program and the environmental quality in-
13 centives program;

14 “(2) tracks such participation by crop and live-
15 stock type; and

16 “(3) describes the results of implementing the
17 plan required by subsection (b), as well as any modi-
18 fications to the plan that the Secretary finds nec-
19 essary to increase its effectiveness.

20 “(b) **ACCESS PLAN.**—As part of each report sub-
21 mitted under subsection (a), the Secretary shall set forth
22 a plan to improve the access of producers of specialty
23 crops to, and their participation in, conservation programs
24 under subtitle D. In developing the plan, the Secretary
25 shall consult with organizations representing producers of
26 specialty crops.

1 “(c) SPECIALTY CROP DEFINED.—In this section,
2 the term ‘specialty crop’ has the meaning given such term
3 by section 3(1) of the Specialty Crops Competitiveness Act
4 of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).”.

5 (b) INITIAL REPORT.—The first report required
6 under section 1252 of the Food Security Act of 1985, as
7 added by subsection (a), shall be submitted not later than
8 180 days after the date of the enactment of this Act. Sub-
9 section (a)(2) of such section shall not apply with respect
10 to the first report.

11 **SEC. 2407. PROMOTION OF MARKET-BASED APPROACHES**
12 **TO CONSERVATION.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) Many of the conservation and environmental
15 benefits produced on farms, ranches, and private
16 forest lands in the United States do not have an as-
17 signed value in the market place or lack a private
18 market altogether.

19 (2) While private markets for environmental
20 goods and services are emerging, their viability has
21 been hampered by several barriers.

22 (3) The Federal Government can help overcome
23 these barriers and promote the establishment of
24 markets for agricultural and forestry conservation
25 activities.

1 (4) Generating substantial private-sector de-
2 mand for environmental goods and services hinges
3 on the ability to use environmental credits generated
4 by agricultural and forest conservation activities.

5 (b) MARKET-BASED APPROACHES.—Subtitle E of
6 title XII of the Food Security Act of 1985 is amended
7 by inserting after section 1244 (16 U.S.C. 3844) the fol-
8 lowing new section:

9 **“SEC. 1245. MARKET-BASED APPROACHES TO CONSERVA-**
10 **TION.**

11 “(a) IMPLEMENTATION.—To facilitate the develop-
12 ment and effective operation of private sector market-
13 based approaches for environmental goods and services
14 produced by farmers, ranchers, and owners of private for-
15 est land, the Secretary may conduct research and analysis,
16 enter into contracts and cooperative agreements, and
17 award grants for the purpose of—

18 “(1) promoting the development of consistent
19 standards and processes for quantifying environ-
20 mental benefits, including the creation of perform-
21 ance standards or baselines;

22 “(2) promoting the establishment of reporting
23 and credit registries, including third-party
24 verification and certification; and

1 “(3) promoting actions that facilitate the devel-
2 opment and functioning of private-sector market-
3 based approaches for environmental goods and serv-
4 ices involving agriculture and forestry.

5 “(b) ENVIRONMENTAL SERVICES STANDARDS
6 BOARD.—

7 “(1) ESTABLISHMENT.—There is to be estab-
8 lished an Environmental Services Standards Board
9 to develop consistent performance standards for
10 quantifying environmental services from land man-
11 agement and agricultural activities in order to facili-
12 tate the development of credit markets for conserva-
13 tion and land management activities that are agri-
14 culture or forest based.

15 “(2) CHAIRPERSON.—The Secretary of Agri-
16 culture shall serve as chair of the Environmental
17 Services Standards Board.

18 “(3) MEMBERSHIP.—The Environmental Serv-
19 ices Standards Board shall be comprised of the Sec-
20 retary of Agriculture, the Secretary of the Interior,
21 the Secretary of Energy, the Secretary of Com-
22 merce, the Secretary of Transportation, the Admin-
23 istrator of the Environmental Protection Agency, the
24 Commander of the Army Corps of Engineers, and

1 such other representatives as determined by the
2 President.

3 “(4) SUBCOMMITTEES.—The Environmental
4 Services Standards Board may form subcommittees
5 to address specific issues.

6 “(c) DISSEMINATION OF PERFORMANCE STAND-
7 ARDS.—Federal agencies are authorized to adopt perform-
8 ance standards developed by the Environmental Services
9 Standards Board for quantifying environmental services
10 that establish credits to meet requirements of environ-
11 mental and conservation programs.

12 “(d) FUNDING .—There is authorized to be appro-
13 priated \$50,000,000 to carry out this section. Amounts
14 so appropriated shall remain available until expended.

15 “(e) DEFINITIONS.—In this section:

16 “(1) BASELINE.—The term ‘baseline’ means a
17 level of effort or performance that is expected to be
18 met before an entity can generate marketable cred-
19 its.

20 “(2) PERFORMANCE STANDARD.—The term
21 ‘performance standard’ means a defined level of en-
22 vironmental performance, expressed as a narrative
23 or measurable number, which specifies the minimum
24 acceptable environmental performance of an oper-
25 ation or practice.”.

1 **SEC. 2408. ESTABLISHMENT OF STATE TECHNICAL COM-**
2 **MITTEES AND THEIR RESPONSIBILITIES.**

3 Subtitle G of title XII of the Farm Security Act of
4 1985 (16 U.S.C. 3861, 3862) is amended to read as fol-
5 lows:

6 **“Subtitle G—State Technical**
7 **Committees**

8 **“SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COM-**
9 **MITTEES.**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a technical committee in each State to assist the Sec-
12 retary in the considerations relating to implementation
13 and technical aspects of the conservation programs under
14 this title.

15 “(b) COMPOSITION.—Each State technical committee
16 shall be composed of agricultural producers and other pro-
17 fessionals that represent a variety of disciplines in the soil,
18 water, wetland, and wildlife sciences. The technical com-
19 mittee for a State shall include representatives from
20 among the following:

21 “(1) The Natural Resources Conservation Serv-
22 ice.

23 “(2) The Farm Service Agency.

24 “(3) The Forest Service.

25 “(4) The Cooperative State Research, Edu-
26 cation, and Extension Service.

1 “(5) The State fish and wildlife agency.

2 “(6) The State forester or equivalent State offi-
3 cial.

4 “(7) The State water resources agency.

5 “(8) The State department of agriculture.

6 “(9) The State association of soil and water
7 conservation districts.

8 “(10) At least 12 agricultural producers rep-
9 resenting the variety of crops and livestock or poul-
10 try grown within the State.

11 “(11) Nonprofit organizations within the mean-
12 ing of section 501(c)(2) of the Internal Revenue
13 Code of 1986 with demonstrable conservation exper-
14 tise and experience working with agriculture pro-
15 ducers in the State.

16 “(12) Agribusiness.

17 “(c) SUBCOMMITTEES.—A State technical committee
18 shall convene one or more subcommittees to provide tech-
19 nical guidance and implementation recommendations. The
20 topics that a subcommittee shall address shall include, at
21 a minimum, the following:

22 “(1) Establishing priorities and criteria for
23 State initiatives under the programs in this title, in-
24 cluding the review of whether local working groups
25 are addressing those priorities.

1 “(2) Issues related to private forestlands pro-
2 tection and enhancement.

3 “(3) Issues related to water quality and water
4 quantity.

5 “(4) In those States where applicable, issues re-
6 lated to air quality.

7 “(5) Issues related to wildlife habitat, including
8 the protection of nesting wildlife.

9 “(6) Issues related to wetland protection, res-
10 toration, and mitigation requirements.

11 “(7) Other issues as the Secretary determines
12 would be useful.

13 **“SEC. 1262. RESPONSIBILITIES.**

14 “(a) IN GENERAL.—Each State technical committee
15 established under section 1261 shall meet regularly to pro-
16 vide information, analysis, and recommendations to appro-
17 priate officials of the Department of Agriculture who are
18 charged with implementing the conservation provisions of
19 this title.

20 “(b) PUBLIC NOTICE AND ATTENDANCE.—Each
21 State technical committee shall provide public notice of,
22 and permit public attendance at, meetings considering
23 issues of concern related to carrying out this title.

24 “(c) ADVISORY ROLE.—The role of a State technical
25 committee is advisory in nature, and the committee shall

1 have no implementation or enforcement authority. How-
2 ever, the Secretary shall give strong consideration to the
3 recommendations of the committee in administering the
4 programs under this title.

5 “(d) FACA REQUIREMENTS.—Except as provided in
6 subsection (b), a State technical committee, including any
7 subcommittee of State technical committee, is exempt
8 from the Federal Advisory Committee Act (5 U.S.C.
9 App.).”.

10 **Subtitle E—Miscellaneous**

11 **Provisions**

12 **SEC. 2501. INCLUSION OF INCOME FROM AFFILIATED**

13 **PACKING AND HANDLING OPERATIONS AS IN-**

14 **COME DERIVED FROM FARMING FOR APPLI-**

15 **CATION OF ADJUSTED GROSS INCOME LIMI-**

16 **TATION ON ELIGIBILITY FOR CONSERVATION**

17 **PROGRAMS.**

18 Section 1001D(b)(1) of the Food Security Act of
19 1985 (7 U.S.C. 1308-3a(b)(1)) is amended by inserting
20 “(including, for purposes of paragraph (2)(C), affiliated
21 packing and handling operations)” after “derived from
22 farming”.

1 **SEC. 2502. ENCOURAGEMENT OF VOLUNTARY SUSTAIN-**
2 **ABILITY PRACTICES GUIDELINES.**

3 In administering this title and the amendments made
4 by this title, the Secretary of Agriculture may encourage
5 the development of voluntary sustainable practices guide-
6 lines for producers and processors of specialty crops.

7 **SEC. 2503. FARMLAND RESOURCE INFORMATION.**

8 (a) DEVELOPMENT AND DISSEMINATION OF FARM-
9 LAND RESOURCE INFORMATION.—The Secretary of Agri-
10 culture shall design and implement educational programs
11 and materials emphasizing the importance of productive
12 farmland to the Nation's well-being and distribute edu-
13 cational materials through communications media,
14 schools, groups, and other Federal agencies. The Sec-
15 retary shall carry out this subsection through existing
16 agencies or interagency groups and in cooperation with
17 nonprofit organizations and the cooperative extension
18 services of States.

19 (b) FARMLAND INFORMATION CENTERS.—The Sec-
20 retary shall designate 1 or more farmland information
21 centers to provide technical assistance and serve as central
22 depositories and distribution points for information on
23 farmland issues. Information provided by a center shall
24 include online access to data on land cover and use
25 changes and trends and literature, laws, historical ar-
26 chives, policies, programs, and innovative actions or pro-

1 posals by local and State governments or nonprofit organi-
2 zations related to farmland protection.

3 (c) FUNDING.—Funds for the farmland information
4 centers designated under subsection (b) shall be provided
5 using funds made available for the farm and ranchland
6 protection program established under subchapter B of
7 chapter 2 of subtitle D of title XII of the Food Security
8 Act of 1985 (16 U.S.C. 3838h et seq.). Such funding for
9 a fiscal year shall not exceed one-half of 1 percent of the
10 funds made available for the farm and ranchland protec-
11 tion program for that fiscal year, but no less than
12 \$400,000 annually.

13 (d) MATCHING FUNDS.—Federal funding for a farm-
14 land information center designated under subsection (b)
15 shall be matched with non-Federal funds, through cash
16 or in-kind contributions.