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106TH CONGRESS
2D SESSION

H. R. 5511

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2000

Mr. MINGE (for himself, Mrs. EMERSON, Ms. KAPTUR, Mr. BOEHLERT, Mr. OBERSTAR, Mr. THUNE, Mr. CONDIT, Mr. COOKSEY, Mr. PETERSON of Minnesota, Mr. GUTKNECHT, Mrs. CLAYTON, Mr. BEREUTER, Mr. POMEROY, Mr. BISHOP, Mr. BALDACCI, Mr. BERRY, Mr. BOSWELL, Mr. PHELPS, Mr. HILL of Indiana, Mr. KIND, Mr. EDWARDS, Mr. SAWYER, Mr. HINCHEY, Mr. WYNN, and Ms. HOOLEY of Oregon) introduced the following bill; which was referred to the Committee on Agriculture

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Conservation Security Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in addition to producing food and fiber, agricultural producers can contribute to the public good by providing improved soil productivity, clean air and water, wildlife habitat, landscape and recreational amenities, and other natural resources and environmental benefits;

(2) agricultural producers in the United States have a long history of embracing environmentally friendly conservation practices and desire to continue those practices and engage in new and additional conservation practices;

(3) agricultural producers that engage in conservation practices—

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

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

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

(5) since the 1930's, when agricultural conservation became a national priority, Federal resources for conservation assistance have declined over 50 percent, when adjusted for inflation;

(6) existing conservation programs do not provide opportunities for all interested agricultural producers to participate;

(7) a voluntary, incentive-based conservation program open to all agricultural producers that qualify and desire to participate would—

(A) encourage greater improvement of natural resources and the environment;

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

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

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

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

(10) a conservation program described in paragraph (7) would help achieve a better balance between Federal payments supporting conservation on land used for agricultural production and Federal

payments for the purpose of retiring agricultural land from production.

SEC. 3. CONSERVATION SECURITY PROGRAM.

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

"CHAPTER 6—CONSERVATION SECURITY PROGRAM

"SEC. 1240P. DEFINITIONS.

''In this chapter:

''(1) CONSERVATION PRACTICE.—The term 'conservation practice' means a land-based farming technique that—

''(A) requires planning, implementation, management, and maintenance; and

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

''(2) CONSERVATION SECURITY CONTRACT.—The term 'conservation security contract' means a contract described in section 1240Q(e).

''(3) CONSERVATION SECURITY PLAN.—The term 'conservation security plan' means a plan described in section 1240Q(c).

''(4) CONSERVATION SECURITY PROGRAM.—The term 'conservation security program' means the program established under section 1240Q(a).

''(5) NUTRIENT MANAGEMENT.—The term 'nutrient management' means management of the quantity, source, placement, form, and timing of the land application of nutrients and other additions to soil—

''(A) to achieve or maintain adequate soil fertility for agricultural production; and

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

''(6) RESOURCE-CONSERVING CROP.—The term 'resource-conserving crop' means—

''(A) a perennial grass;

''(B) a legume grown for use as forage or green manure;

''(C) a legume-grass mixture;

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

''(E) such other plantings, including trees, as the Secretary considers appropriate for a particular area.

''(7) RESOURCE-CONSERVING CROP ROTATION.—The term 'resource-conserving crop rotation' means a crop rotation that—

''(A) includes at least 1 resource-conserving crop;

''(B) reduces erosion;

''(C) improves soil fertility and tilth; and

''(D) interrupts pest cycles.

''(8) RESOURCE MANAGEMENT SYSTEM.—The term 'resource management system' means a system of conservation practices and management relating to land or water use that is designed to prevent resource degradation and permit sustained use of the land and water.

''SEC. 1240Q. CONSERVATION SECURITY PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a conservation security program to assist owners and operators of agricultural operations to promote, as is applicable for each operation—

''(1) conservation of soil, water, energy, and other related resources;

''(2) soil quality protection and improvement;

''(3) water quality protection and improvement;

''(4) air quality protection and improvement;

''(5) soil, plant, or animal health and well-being;

''(6) diversity of flora and fauna;

''(7) on-farm conservation and regeneration of biological resources, including plant and animal germplasm;

''(8) wetland restoration, conservation, and enhancement;

''(9) wildlife habitat restoration, conservation, and enhancement;

''(10) reduction of greenhouse gas emissions and enhancement of carbon sequestration;

''(11) protection of human health and safety;

''(12) environmentally sound management of invasive species; or

''(13) any similar conservation purpose (as determined by the Secretary).

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to participate in the conservation security program (other than to receive technical assistance under subsection (h)(6) for the development of conservation security contracts), an owner or operator shall—

''(A) develop and submit to the Secretary, and obtain the approval of the Secretary of, a

conservation security plan that meets the requirements of subsection (c); and

''(B) enter into a conservation security contract with the Secretary to carry out the conservation security plan.

''(2) INELIGIBLE LAND.—Land enrolled in the conservation reserve program under subchapter B of chapter I shall not be eligible for enrollment in the conservation security program except for land enrolled in partial field conservation practice enrollment options.

''(c) CONSERVATION SECURITY PLANS.—

''(1) IN GENERAL.—A conservation security plan shall—

''(A) identify the resources and designated land to be conserved under the conservation security plan;

''(B) describe the tier of conservation practices, and the particular conservation practices to be implemented, maintained, or improved, in accordance with subsection (d) on the land that will be enrolled in the conservation security program covered by the conservation security contract for the specified term;

''(C) contain a schedule for the implementation, maintenance, or improvement of the conservation practices described in the conservation security plan during the term of the conservation security contract;

''(D) meet the requirements of the highly erodible land and wetland conservation requirements of subtitles B and C; and

''(E) contain such other terms as the Secretary determines to be appropriate.

''(2) COMPREHENSIVE PLANNING.—The Secretary shall encourage owners and operators that enter into conservation security contracts—

''(A) to undertake a comprehensive examination of the opportunities for conserving natural resources and improving the profitability, environmental health, and quality of life in relation to their entire agricultural operations;

''(B) to develop a long-term strategy for implementing, monitoring, and evaluating conservation practices and environmental results in the entire agricultural operation;

''(C) to participate in other Federal conservation programs; and

''(D) to maintain the agricultural integrity of the land.

''(3) STATE AND LOCAL CONSERVATION PRIORITIES.—To the maximum extent practicable and in a manner consistent with the conservation security program, each conservation security plan shall address the conservation priorities of the State and locality in which the agricultural operation is located (as determined by the State conservationist in consultation with the State technical committee established under subtitle G and the local working groups of the State technical committee).

''(d) CONSERVATION PRACTICES.—

''(1) IN GENERAL.—

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

''(B) CONSERVATION PRACTICE STANDARDS.—To the maximum extent practicable, the Secretary shall establish guidance standards for implementation of eligible conservation practices that shall include measurable goals for enhancing and preventing degradation of resources.

''(2) SUSTAINABLE ECONOMIC USES.—With respect to land enrolled in the conservation security program, including land use adjustment activities specified under Tier II, the Secretary shall permit economic uses of the land that—

''(A) maintain the agricultural nature of land;

''(B) achieve the natural resource and environmental benefits of the plan; and

''(C) are approved as part of the conservation security plan.

''(3) ON-FARM RESEARCH AND DEMONSTRATION.—With respect to land enrolled in the conservation security program that will be maintained using a Tier II or Tier III conservation practice established under paragraph (5), the Secretary may approve a conservation security plan that includes on-farm research and demonstration activities, including innovative approaches to—

''(A) total farm planning;

''(B) total resource management;

''(C) integrated farming systems;

''(D) germplasm conservation and regeneration;

''(E) carbon sequestration;

"(F) agro-ecological restoration and wildlife habitat restoration;

"(G) agro-forestry;

"(H) invasive species control; or

"(I) farm and environmental results monitoring and evaluation.

"(4) USE OF HANDBOOK AND GUIDES.—

"(A) IN GENERAL.—In determining eligible conservation practices under the conservation security program, the Secretary shall use the National Handbook of Conservation Practices and the field office technical guides of the Natural Resources Conservation Service.

"(B) ADJUSTMENTS.—After providing notice and an opportunity for public participation, the Secretary shall make such adjustments to the National Handbook of Conservation Practices as are necessary to carry out this chapter.

"(C) PILOT TESTING.—

"(i) IN GENERAL.—Under any of the 3 tiers of conservation practices established under paragraph (5), the Secretary may approve requests by an owner or operator for pilot testing of new technologies and

innovative conservation practices and systems.

''(ii) INCORPORATION INTO STANDARDS.—After evaluation by the Secretary and provision of notice and an opportunity for public participation, the Secretary may incorporate new technologies and innovative conservation practices and systems into the standards for implementation of conservation practices established under paragraph (1)(B).

''(5) TIERS.—To carry out this subsection, the Secretary shall establish the following 3 tiers of conservation practices:

''(A) TIER I.—

''(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier I conservation practices shall—

''(I) address priority resource concerns for the particular agricultural operation;

"(II) apply to the total agricultural operation or to a particular unit of the agricultural operation;

"(III) cover both—

"(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

"(bb) conservation practices that are newly implemented under the conservation security contract; and

"(IV) meet applicable standards for implementation of conservation practices established under paragraph (1)(B).

"(ii) CONSERVATION PRACTICES.—Tier I conservation practices shall consist of, as appropriate for the agricultural operation of an owner or operator, 1 or more of the following basic conservation activities:

"(I) Soil conservation, quality, and residue management.

"(II) Nutrient management.

"(III) Pest management.

"(IV) Invasive species management.

"(V) Irrigation water conservation and water quality management.

"(VI) Grazing, pasture, and rangeland management.

"(VII) Wildlife habitat management, with special emphasis on species identified by the natural heritage program of the State.

"(VIII) Plant and animal germplasm conservation, evaluation, and development.

"(IX) Contour farming.

"(X) Strip cropping.

"(XI) Cover cropping.

"(XII) Recordkeeping.

"(XIII) Any other conservation practice that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

"(B) TIER II.—

''(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier II conservation practices shall—

''(I) address priority resource concerns specified in the conservation security plan covering the total agricultural operation;

''(II) cover both—

''(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

''(bb) conservation practices that are newly implemented under the conservation security contract; and

''(III) meet applicable resource management system criteria for the priority resource concerns of the agricultural operation.

''(ii) CONSERVATION PRACTICES.—Tier II conservation practices shall consist

of, as appropriate for the agricultural operation of an owner or operator, Tier I conservation practices and 1 or more of the following practices:

"(I) Resource-conserving crop rotations.

"(II) Controlled, rotational grazing.

"(III) Conversion of portions of cropland from a soil-depleting use to a soil-conserving use, including production of cover crops.

"(IV) Partial field conservation practices (including windbreaks, grass waterways, shelter belts, filter strips, riparian buffers, wetland buffers, contour buffer strips, living snow fences, crosswind trap strips, field borders, grass terraces, wildlife corridors, and critical area planting).

"(V) Wildlife habitat protection and restoration.

"(VI) Prairie protection and restoration.

''(VII) Wetland protection and restoration.

''(VIII) Any other conservation practice involving modification of the use of land that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

''(C) TIER III.—

''(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier III conservation practices shall—

''(I) address all resource concerns of the total agricultural operation;

''(II) cover both—

''(aa) conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

''(bb) conservation practices that are newly implemented

under the conservation security contract; and

''(III) meet applicable resource management system criteria.

''(ii) CONSERVATION PRACTICES.—Tier III conservation practices shall consist of, as appropriate for the agricultural operation of an owner or operator—

''(I) appropriate Tier I and Tier II conservation practices; and

''(II) development, implementation, and maintenance of a conservation security plan that, over the term of the conservation security contract—

''(aa) integrates a full complement of conservation practices to foster environmental enhancement and the long-term sustainability of the natural resource base of an agricultural operation; and

''(bb) improves profitability and quality of life associated with the agricultural operation.

''(e) CONSERVATION SECURITY CONTRACTS.—

''(1) IN GENERAL.—On approval of a conservation security plan of an owner or operator, the Secretary shall enter into a conservation security contract with the owner or operator to enroll the land covered by the conservation security plan in the conservation security program.

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

''(A) a conservation security contract for land enrolled in the conservation security program that will be maintained using 1 or more Tier I conservation practices shall have a term of 5 years; and

''(B) a conservation security contract for land enrolled in the conservation security program that implements a conservation security plan that meets the requirements of subparagraph (B) or (C) of subsection (d)(5) shall have a term of 5 to 10 years, at the option of the owner or operator.

''(3) MODIFICATIONS.—

''(A) OPTIONAL MODIFICATIONS.—

''(i) IN GENERAL.—The Secretary shall provide regular opportunity for an

owner or operator to apply to the Secretary to modify the conservation security plan in a manner consistent with the purposes of the conservation security program.

''(ii) APPROVAL BY THE SECRETARY.—Any modification under clause (i)—

''(I) shall be approved by the Secretary; and

''(II) shall authorize the Secretary to redetermine, if necessary, the amount and timing of the payments pursuant to the conservation security contract under subsection (h)(2)(C).

''(B) REQUIRED MODIFICATIONS.—

''(i) IN GENERAL.—The Secretary may in writing require an owner or operator to modify a conservation security contract before the expiration of the conservation security contract if the Secretary determines that a change made to the size, the management, or any other aspect of the agricultural operation of the owner or operator would, without the modification,

interfere with achieving the purposes of the conservation security program.

''(ii) PAYMENT SCHEDULE.—The Secretary may adjust the payment schedule under the conservation security contract to reflect any modifications required under this subparagraph.

''(iii) DEADLINE.—The Secretary may terminate a conservation security contract if a modification required under this subparagraph is not submitted to the Secretary in the form of an amended conservation security contract by the date that is 90 days after the date of receipt of the written request for the modification.

''(iv) TERMINATION.—An owner or operator that is required to modify a conservation security contract under this subparagraph may, in lieu of modifying the contract—

''(I) terminate the conservation security contract; and

''(II) retain payments received under the conservation security contract, if the owner or operator fully

complies with the obligations of the owner or operator under the conservation security contract.

''(4) RENEWAL.—

''(A) IN GENERAL.—At the option of an owner or operator, the conservation security contract of the owner or operator may be renewed, for a term described in subparagraph (B), if—

''(i) the owner or operator agrees to any modification of the applicable conservation security contract that the Secretary determines to be necessary to achieve the purposes of the conservation security program;

''(ii) the Secretary determines that the owner or operator has complied with the terms and conditions of the conservation security contract, including the conservation security plan; and

''(iii) in the case of a conservation security contract for land previously enrolled in the conservation security program that will continue to be enrolled on the basis of 1 or more Tier I conservation practices,

the owner or operator meets resource management system criteria for the practices operation covered by the conservation security contract.

''(B) TERMS OF RENEWAL.—Under subparagraph (A)—

''(i) a conservation security contract for land enrolled in the conservation security program that will be maintained using a Tier I conservation practice may be renewed for 5-year terms;

''(ii) a conservation security contract for land enrolled in the conservation security program that will be maintained using a Tier II or Tier III conservation practice may be renewed for 5-year to 10-year terms, at the option of the owner or operator; and

''(iii) previous participation in the conservation security program does not bar renewal more than once.

''(f) NO VIOLATION FOR NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE OWNER OR OPERATOR.—The Secretary shall include in the conservation security contract a provision, and may modify

a conservation security contract under subsection (e)(3)(B), to ensure that an owner or operator shall not be considered in violation of a conservation security contract for failure to comply with the conservation security contract due to circumstances beyond the control of the owner or operator, including a disaster or related condition.

''(g) DUTIES OF OWNERS AND OPERATORS.—Under a conservation security contract, an owner or operator shall agree, during the term specified under the conservation security contract—

''(1) to implement the applicable conservation security plan approved by the Secretary;

''(2) to keep appropriate records showing the effective and timely implementation of the conservation security plan;

''(3) not to engage in any activity that would interfere with the purposes of the conservation security plan;

''(4) at the option of the Secretary, to refund all or a portion of the payments to the Secretary if the owner or operator fails to maintain a conservation practice, as specified in the conservation security contract; and

''(5) on the violation of a term or condition of the conservation security contract—

''(A) if the Secretary determines that the violation warrants termination of the conservation security contract—

''(i) to forfeit all rights to receive payments under the conservation security contract; and

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

''(B) if the Secretary determines that the violation does not warrant termination of the conservation security contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate.

''(h) DUTIES OF THE SECRETARY.—

''(1) ADVANCE PAYMENT.—At the time at which a person enters into a conservation security contract, the Secretary shall make an advance payment to the person in an amount not to exceed—

"(A) in the case of a contract to maintain Tier I conservation practices described in subsection (d)(5)(A), the greater of—

"(i) $1,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary;

"(B) in the case of a contract to maintain Tier II conservation practices described in subsection (d)(5)(B), the greater of—

"(i) $2,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary; or

"(C) in the case of a contract to maintain Tier III conservation practices described in subsection (d)(5)(C), the greater of—

"(i) $3,000; or

"(ii) 20 percent of the value of the annual payment under the contract, as determined by the Secretary.

"(2) ANNUAL PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), under a conservation security contract, the Secretary shall, in

amounts and for a period of years specified in the conservation security contract, make an annual payment to the person in an amount not to exceed—

"(i) in the case of a contract to maintain Tier I conservation practices described in subsection (d)(5)(A), $20,000;

"(ii) in the case of a contract to maintain Tier II conservation practices described in subsection (d)(5)(B), $35,000; or

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

"(B) INFLATION ADJUSTMENT.—The Secretary may periodically, including at the time at which a conservation security contract is renewed, adjust the payment and payment limitations under subparagraph (A) to reflect changes in the Prices Paid by Farmers Index.

"(C) CRITERIA FOR DETERMINING AMOUNT OF PAYMENTS.—Subject to subparagraphs (A) and (D), the Secretary shall establish criteria for determining the amount of an

annual payment to a person under this paragraph that—

"(i) shall be as objective and transparent as practicable; and

"(ii) shall be based on—

"(I) the natural resource and environmental benefits expected as a result of the adoption, maintenance, and improvement in implementation of the conservation practices carried out by the person;

"(II) the number of management practices established or maintained;

"(III) the schedule for the conservation practices described in subsection (c)(1)(C);

"(IV) the cost of the adoption, maintenance, and improvement in implementation of conservation practices that are newly implemented under the conservation security contract;

"(V) the extent to which compensation will ensure maintenance and improvement of conservation practices that are or have been implemented;

''(VI) the income loss or economic value forgone by the person due to land use adjustments resulting from the adoption, maintenance, and improvement of conservation practices;

''(VII) the extent to which the conservation security plan meets applicable resource management system standards;

''(VIII) the extent to which the conservation security plan incorporates practices that optimize carbon sequestration and minimize greenhouse gas emissions;

''(IX) the costs associated with any on-farm research, demonstration, or pilot testing components of the conservation security plan;

''(X) the extent to which the conservation security plan addresses State and local conservation priorities as provided for under subsection (c)(3);

''(XI) the costs associated with monitoring of results required under the conservation security plan;

''(XII) participation in a watershed or regional land use plan involving at least 75 percent of landowners in the targeted area;

''(XIII) the special considerations associated with an owner or operator that is a qualified beginning farmer or rancher (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)));

''(XIV) the extent of activities undertaken beyond what is required to comply with any applicable Federal, State, and local law; and

''(XV) such other factors as the Secretary determines to be appropriate to encourage participation in the conservation security program and to reward environmental stewardship.

''(D) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, if an owner or operator has land enrolled in another conservation program administered by the Secretary and has applied to enroll the same land in the conservation program, the owner or operator may elect to—

''(I) convert the contract under the other conservation program to a conservation security contract, without penalty, except that this subclause shall not apply to a long-term or permanent conservation or easement; or

''(II) have each annual payment to the owner or operator under this paragraph reduced to reflect payment for practices the owner or operator receives under the other conservation program, except that the annual payment under this paragraph may include incentives for qualified practices that enhance or extend the conservation benefit achieved under the other conservation program.

''(ii) PAYMENT LIMITATIONS.—If an owner or operator has land enrolled in the conservation security program and 1 or more other conservation programs administered by the Secretary, the Secretary shall include all payments, other than easement or rental payments, from the conservation security program and the other conservation programs in applying the annual payment limitations under subparagraph (A).

''(E) WASTE STORAGE OR TREATMENT FACILITIES.—An annual payment to an owner or operator under this paragraph shall not be provided for the purpose of construction or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations—

''(i) defining the term 'person' for the purposes of this chapter—

''(I) which regulations shall conform, to the extent practicable, to the

regulations defining the term 'person' issued under section 1001; and

''(II) which term shall be defined so that no individual directly or indirectly may receive payments exceeding the applicable amount specified in paragraph (1) or (2);

''(ii) providing adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis; and

''(iii) prescribing such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under paragraphs (1) and (2).

''(B) PENALTIES FOR SCHEMES OR DEVICES.—

''(i) IN GENERAL.—If the Secretary determines that a person has adopted a scheme or device to evade, or that has the purpose of evading, the regulations issued under subparagraph (A), the person shall be ineligible to participate in the conservation security program for the year for

which the scheme or device was adopted and each of the following 5 years.

''(ii) FRAUD.—If the Secretary determines that fraud was committed in connection with the scheme or device, the person shall be ineligible to participate in the conservation security program for the year for which the scheme or device was adopted and each of the following 10 years.

''(4) TERMINATION.—

''(A) IN GENERAL.—Subject to subsection (g), the Secretary shall allow an owner or operator to terminate the conservation security contract.

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

''(i) the owner or operator is in full compliance with the terms and conditions, including any maintenance requirements, of the conservation security contract; and

''(ii) the Secretary determines that retention of payment will not defeat the goals enumerated in the conservation security plan of the owner or operator.

''(5) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO CONSERVATION SECURITY CONTRACT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the transfer, or change in the interest, of an owner or operator in land subject to a conservation security contract shall result in the termination of the conservation security contract.

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

''(6) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall use such sums as are necessary from funds of the Commodity Credit Corporation to provide technical assistance to owners and operators for the development and implementation of conservation security contracts.

"(B) TECHNICAL ASSISTANCE PROVIDED BY PERSONS NOT AFFILIATED WITH DEPARTMENT OF AGRICULTURE.—

"(i) IN GENERAL.—Under subparagraph (A), subject to clause (ii), technical assistance provided by qualified persons not affiliated with the Department of Agriculture, including farmers and ranchers, may include—

"(I) conservation planning;

"(II) design, installation, and certification of conservation practices;

"(III) training for producers; and

"(IV) such other activities as the Secretary determines to be appropriate.

"(ii) COORDINATION BY THE SECRETARY.—The Secretary shall provide overall technical coordination and leadership for the conservation security program, including final approval of all conservation security plans.

"(7) EDUCATION, OUTREACH, MONITORING, AND EVALUATION.—

"(A) IN GENERAL.—

"(i) FUNDING.—In addition to the amounts made available under paragraph (6), for each fiscal year, the Secretary shall use such sums as are necessary from funds of the Commodity Credit Corporation to carry out education, outreach, monitoring, and evaluation activities in support of the conservation security program, of which not less than 50 percent of the sums shall be used for monitoring and evaluation activities.

"(ii) AMOUNT.—For each fiscal year, the amount made available under clause (i) shall be not less than 40 percent of the amount made available for technical assistance under paragraph (6) for the fiscal year.

"(B) USE OF PERSONS NOT AFFILIATED WITH DEPARTMENT OF AGRICULTURE.—In carrying out activities described in subparagraph (A), the Secretary may use persons not affiliated with the Department of Agriculture, including networks of agricultural producers operating in a small watershed or other appropriate locality.

''(C) INCLUDED ACTIVITIES.—Activities described in subparagraph (A) may include innovative uses of computer technology and remote sensing to monitor and evaluate resource and environmental results on a local, regional, or national level.

''(8) PROGRAM EVALUATION.—The Secretary shall maintain data concerning conservation security plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under this section.

''(9) CONFIDENTIALITY.—To maintain confidentiality, the Secretary shall not release or disclose publicly the conservation security plan of an owner or operator under this chapter unless the Secretary—

''(A) obtains the authorization of the owner or operator for the release or disclosure;

''(B) releases the information in an anonymous or aggregated form; or

''(C) is otherwise required by law to release or disclose the plan.

''(10) MEDIATION AND INFORMAL HEARINGS.—If the Secretary makes a decision under this chapter that is adverse to an owner or operator, at the re-

quest of the owner or operator, the Secretary shall provide the owner or operator with mediation services or an informal hearing on the decision.

''(i) REPORTS.—Not later than 18 months after the date of enactment of this chapter and at the end of each 2-year period thereafter, the Secretary shall submit to Congress a report evaluating the results of the conservation security program, including—

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

''(2) recommendations for achieving specific and quantifiable improvements for each of the purposes specified in subsection (a).

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

(b) ADMINISTRATION.—Section 1243(a) of the Food Security Act of 1985 (16 U.S.C. 3843(a)) is amended—

(1) in paragraph (1)(C), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the conservation security program established under chapter 6 of subtitle D.''.

(c) STATE TECHNICAL COMMITTEES.—Section 1262(c)(8) of the Food Security Act of 1985 (16 U.S.C. 3862(c)(8)) is amended by striking ''chapter 4'' and inserting ''chapters 4 and 6''.

SEC. 4. REGULATIONS.

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

○