

AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON

Strike sections 2301 through 2304 and insert the following:

1 SEC. 2301. PURPOSES.

2 Section 1240 of the Food Security Act of 1985 (16
3 U.S.C. 3839aa) is amended to read as follows:

4 “SEC. 1240. PURPOSES.

5 “The purpose of the environmental quality incentives
6 program established by this chapter is to assist producers
7 in implementing conservation systems, practices, and ac-
8 tivities on their operations in order to—

9 “(1) improve water quality, with special empha-
10 sis on reducing nutrient pollution and protecting
11 sources of drinking water;

12 “(2) avoid, to the maximum extent practicable,
13 the need for resource and regulatory programs by
14 assisting producers in protecting soil, water, air, and
15 related natural resources and meeting environmental
16 quality criteria established by Federal, State, tribal,
17 and local agencies;

18 “(3) conserve ground and surface water to sus-
19 tain or improve in-stream flows;

1 “(4) enhance the quality of soil fertility and
2 health;

3 “(5) control invasive species;

4 “(6) enhance critical aquatic and terrestrial
5 wildlife habitat for at-risk species;

6 “(7) reduce the amount and toxicity of pes-
7 ticides and other agricultural chemicals found on
8 food and in water or the air;

9 “(8) reduce the nontherapeutic use of medically
10 important antibiotics in food-producing animals in
11 order to preserve the effectiveness of antibiotics used
12 in the treatment of human and animal disease;

13 “(9) help producers adapt to a changing and
14 unpredictable climate and increase resiliency to cli-
15 mate change impacts, including rising temperatures
16 and extreme weather events, while reducing green-
17 house gas emissions; and

18 “(10) address additional priority resource con-
19 cerns, as determined by the Secretary.”.

20 **SEC. 2302. DEFINITIONS.**

21 (a) ORGANIC SYSTEM PLAN.—Section 1240A of the
22 Food Security Act of 1985 (16 U.S.C. 3839aa–1) is
23 amended by striking paragraph (2) and redesignating
24 paragraphs (3) through (5) as paragraphs (2) through
25 (4), respectively.

1 (b) PRACTICE.—Section 1240A of the Food Security
2 Act of 1985 (16 U.S.C. 3839aa–1) is further amended in
3 paragraph (3)(B) (as redesignated by subsection (a))—

4 (1) in clause (i), by striking “; and” and insert-
5 ing a semicolon;

6 (2) by redesignating clause (ii) as clause (iii);
7 and

8 (3) by inserting after clause (i) the following
9 new clause:

10 “(ii) comprehensive conservation plan-
11 ning; and”.

12 **SEC. 2303. ESTABLISHMENT AND ADMINISTRATION.**

13 (a) ESTABLISHMENT.—Section 1240B(a) of the
14 Food Security Act of 1985 (16 U.S.C. 3839aa–2(a)) is
15 amended by striking “2002 through 2015” and inserting
16 “2019 through 2023”.

17 (b) TERM.—Section 1240B(b)(2) of the Food Secu-
18 rity Act of 1985 (16 U.S.C. 3839aa–2(b)(2)(B)) is
19 amended by striking “10 years” and inserting “5 years”.

20 (c) PRIORITY.—Section 1240B(c) of the Food Secu-
21 rity Act of 1985 (16 U.S.C. 3839aa–2(c)) is amended to
22 read as follows:

23 “(c) PRIORITY.—If the Secretary determines that the
24 environmental values of two or more applications for pay-
25 ments are comparable, the Secretary shall assign a higher

1 priority to a program application which will achieve the
2 environment and conservation values using practices and
3 systems the assessed cost of which is lower.”.

4 (d) PAYMENTS.—

5 (1) LIMITATION ON SUBSTANTIAL AND PRI-
6 MARY BENEFITS.—Section 1240B(d) of the Food
7 Security Act of 1985 (16 U.S.C. 3839aa–2(d)) is
8 amended—

9 (A) in paragraph (2)—

10 (i) in subparagraph (B), by striking
11 “or” at the end;

12 (ii) in subparagraph (C)(ii), by strik-
13 ing the period at the end and inserting “;
14 or”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(D) 50 percent of the cost of a practice
18 that substantially benefits the producer, as de-
19 termined by the Secretary.”; and

20 (B) by adding at the end the following:

21 “(7) PRIMARY BENEFIT TO PRODUCER.—A pro-
22 ducer shall not be eligible for payments for a prac-
23 tice on eligible land under the program that pri-
24 marily benefits the producer, as determined by the
25 Secretary.”.

1 (2) INCREASED PAYMENTS FOR CERTAIN PRAC-
2 TICES.—Section 1240B(d)(3) of the Food Security
3 Act of 1985 (16 U.S.C. 3839aa–2(d)(3)) is amended
4 to read as follows:

5 “(3) INCREASED PAYMENTS FOR CERTAIN
6 PRACTICES.—The Secretary shall provide supple-
7 mental payments and enhanced technical assistance
8 to producers implementing land management and
9 vegetative practices at a level that, as determined by
10 the Secretary, results in highly cost-effective treat-
11 ment of priority resource concerns, including—

12 “(A) residue and tillage management;

13 “(B) contour farming;

14 “(C) cover cropping;

15 “(D) integrated pest management;

16 “(E) nutrient management;

17 “(F) stream corridor improvement;

18 “(G) invasive plant species control;

19 “(H) contour buffer strips;

20 “(I) riparian herbaceous and forest buff-
21 ers;

22 “(J) filterstrips;

23 “(K) stream habitat improvement and
24 management;

25 “(L) grassed waterways;

1 “(M) wetland restoration and enhance-
2 ment;

3 “(N) pollinator habitat; or

4 “(O) conservation crop rotation.”.

5 (3) LIMITATION ON PAYMENTS FOR CERTAIN
6 PRACTICES.—Section 1240B(d) of the Food Security
7 Act of 1985 (16 U.S.C. 3839aa–2(d)) is further
8 amended by adding at the end the following new
9 paragraph:

10 “(8) LIMITATION ON PAYMENTS FOR CERTAIN
11 PRACTICES.—A producer who owns or operates a
12 large confined animal feeding operation (as defined
13 by the Secretary) shall not be eligible for payments
14 under this chapter to construct an animal waste
15 management facility or any associated waste trans-
16 port or transfer device.”.

17 (e) ALLOCATION OF FUNDING.—Section 1240B(f) of
18 the Food Security Act of 1985 (16 U.S.C. 3839aa–2(f))
19 is amended to read as follows:

20 “(f) ALLOCATION OF FUNDING.—Of the funds made
21 available for payments for each of fiscal years 2019
22 through 2023, not less than 10 percent shall be targeted
23 at practices relating to improvement of fish and wildlife
24 habitat.”.

1 (f) WATER CONSERVATION OR IRRIGATION EFFI-
2 CIENCY PRACTICE.—

3 (1) AVAILABILITY OF PAYMENTS.—Section
4 1240B(h)(1) of the Food Security Act of 1985 (16
5 U.S.C. 3839aa–2(h)(1)) is amended to read as fol-
6 lows:

7 “(1) AVAILABILITY OF PAYMENTS.—The Sec-
8 retary may provide payments under this subsection
9 to a producer for a water conservation or irrigation
10 practice that promotes ground and surface water
11 conservation on the agricultural operation of the
12 producer by—

13 “(A) improvements to irrigation systems;

14 “(B) enhancement of irrigation efficiencies;

15 “(C) conversion of the agricultural oper-
16 ation to—

17 “(i) the production of less water-in-
18 tensive agricultural commodities; or

19 “(ii) dryland farming;

20 “(D) improvement of the storage of water
21 through measures such as water banking and
22 groundwater recharge;

23 “(E) enhancement of fish and wildlife
24 habitat associated with irrigation systems, in-

1 including pivot corners and areas with irregular
2 boundaries; or

3 “(F) establishment of other measures, as
4 determined by the Secretary, that improve
5 groundwater and surface water conservation in
6 agricultural operations.”.

7 (2) PRIORITY.—Section 1240B(h)(2) of the
8 Food Security Act of 1985 (16 U.S.C. 3839aa–
9 2(h)(2)) is amended—

10 (A) in subparagraph (A), by striking “;
11 or” and inserting “; and”; and

12 (B) by amending subparagraph (B) to read
13 as follows:

14 “(B) any associated water savings remain
15 in the original source of such water for the use-
16 ful life of the practice.”.

17 (3) DUTY OF PRODUCERS.—Section 1240B(h)
18 of the Food Security Act of 1985 (16 U.S.C.
19 3839aa–2(h)) is amended by adding at the end the
20 following new paragraph:

21 “(3) DUTY OF PRODUCERS.—The Secretary
22 may not provide payments to a producer for a water
23 conservation or irrigation practice under this chapter
24 unless the producer agrees not to use any associated
25 water savings to bring new land, other than inci-

1 dental land needed for efficient operations, under ir-
2 rrigated production, except where the producer is
3 participating in a watershed-wide project that will
4 effectively conserve water, as determined by the Sec-
5 retary.”.

6 (g) PAYMENTS FOR CONSERVATION PRACTICES RE-
7 LATED TO ORGANIC PRODUCTION.—

8 (1) PAYMENTS AUTHORIZED.—Section
9 1240B(i)(1) of the Food Security Act of 1985 (16
10 U.S.C. 3839aa–2(i)(1)) is amended by striking
11 “subsection” and inserting “chapter”.

12 (2) ELIGIBILITY REQUIREMENTS.—Section
13 1240B(i)(2) of the Food Security Act of 1985 (16
14 U.S.C. 3839aa–2(i)(2)) is amended to read as fol-
15 lows:

16 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
17 tion for receiving payments under this subsection, a
18 producer shall agree to develop and implement con-
19 servation practices for certified organic production
20 that are consistent with the regulations promulgated
21 under the Organic Foods Production Act of 1990 (7
22 U.S.C. 6501 et seq.) and the purposes of this chap-
23 ter.”.

24 (3) PAYMENT LIMITATIONS; COORDINATION
25 WITH ORGANIC CERTIFICATION; PLANNING.—Section

1 1240B(i) of the Food Security Act of 1985 (16
2 U.S.C. 3839aa–2(i)) is amended—

3 (A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs
4 (5) and (6), respectively; and

5 (B) by inserting after paragraph (2) the
6 following new paragraphs:

7 “(3) COORDINATION WITH ORGANIC CERTIFI-
8 CATION.—The Secretary shall establish a trans-
9 parent means by which producers may initiate or-
10 ganic certification under the Organic Foods Produc-
11 tion Act of 1990 (7 U.S.C. 6501 et seq.) while par-
12 ticipating in a contract under this chapter.

13 “(4) PLANNING.—

14 “(A) IN GENERAL.—The Secretary shall
15 provide planning assistance to producers
16 transitioning to certified organic production
17 consistent with the requirements of the Organic
18 Foods Production Act of 1990 (7 U.S.C. 6501
19 et seq.) and the purposes of this chapter.

20 “(B) AVOIDANCE OF DUPLICATION.—The
21 Secretary shall, to the maximum extent prac-
22 ticable, eliminate duplication of planning activi-
23 ties for a producer participating in a contract
24 under this chapter and initiating or maintaining
25

1 organic certification consistent with the Organic
2 Foods Production Act of 1990 (7 U.S.C. 6501
3 et seq.).”.

4 (h) PAYMENTS FOR CONSERVATION PRACTICES RE-
5 LATED TO ANTIBIOTIC USE.—Section 1240B of the Food
6 Security Act of 1985 (16 U.S.C. 3839aa-2) is amended
7 by adding at the end the following new subsection:

8 “(j) PAYMENTS FOR CONSERVATION PRACTICES RE-
9 LATED TO ANTIBIOTIC USE.—

10 “(1) PAYMENTS AUTHORIZED.—The Secretary
11 shall provide payments under this chapter to live-
12 stock producers for three years, to assist in a transi-
13 tion to modified animal management and production
14 systems, for practices leading to the reduction in the
15 need for antibiotics, including modification of sys-
16 tems and spaces to—

17 “(A) improve sanitation;

18 “(B) improve ventilation; or

19 “(C) support the implementation of im-
20 proved animal management techniques at the
21 operation.

22 “(2) DUTY OF PRODUCER.—The Secretary shall
23 not make payments under this chapter for practices
24 related to antibiotic use unless the producer agrees
25 to provide information to the Secretary documenting

1 the resulting reduction in antibiotic use in the oper-
2 ation of the producer.”.

3 (i) PAYMENTS FOR CONSERVATION PRACTICES RE-
4 LATED TO PASTURE-BASED PRODUCTION SYSTEMS.—
5 Section 1240B of the Food Security Act of 1985 (16
6 U.S.C. 3839aa–2), as amended by subsection (h), is fur-
7 ther amended by adding at the end the following new sub-
8 section:

9 “(k) PAYMENTS FOR CONSERVATION PRACTICES RE-
10 LATED TO PASTURE-BASED PRODUCTION SYSTEMS.—

11 “(1) PAYMENTS AUTHORIZED.—The Secretary
12 shall provide payments under this subsection for
13 conservation practices, on some or all of the oper-
14 ations of a producer, related—

15 “(A) to pasture-based, production systems;

16 or

17 “(B) to the transition to pasture-based
18 production systems managed under an approved
19 prescribed grazing plan in which animals are
20 regularly and systematically moved to fresh
21 pasture in such a way as to—

22 “(i) maximize the quantity and qual-
23 ity of forage growth;

24 “(ii) maximize the quality of soil fer-
25 tility and tilth;

1 “(iii) improve manure distribution and
2 nutrient cycling;

3 “(iv) increase the sequestration of car-
4 bon dioxide;

5 “(v) improve the quality and quantity
6 of cover for wildlife and pollinators;

7 “(vi) provide permanent cover to pro-
8 tect the soil from erosion; and

9 “(vii) improve water quality and infil-
10 tration.

11 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
12 tion for receiving payments under this subsection, a
13 producer shall agree to implement at least 3 prac-
14 tices and either—

15 “(A) develops and carries out a grazing
16 management plan that includes intensive man-
17 agement rotational grazing; or

18 “(B) develops and implements conservation
19 practices that are consistent with intensive rota-
20 tional grazing practices for pasture-based sys-
21 tems.

22 “(3) PAYMENT PRIORITIES.—In determining
23 the amount and rate of payments under paragraph
24 (2)(B), the Secretary may accord great significance
25 to practices that—

1 “(A) improve the quality of soil fertility
2 and tith;

3 “(B) protect water quality;

4 “(C) increase the sequestration of carbon
5 dioxide;

6 “(D) accelerate water infiltration; and

7 “(E) and expand pollinator habitat and
8 protection.”.

9 (j) **COMPREHENSIVE CONSERVATION PLANNING.**—
10 Section 1240B of the Food Security Act of 1985 (16
11 U.S.C. 3839aa–2), as amended by subsection (i), is fur-
12 ther amended by adding at the end the following new sub-
13 section:

14 “(l) **COMPREHENSIVE CONSERVATION PLANNING.**—
15 The Secretary shall provide technical and financial assist-
16 ance to producers under the program to develop a com-
17 prehensive conservation plan for the agricultural operation
18 of the producer.”.

19 **SEC. 2304. EVALUATION OF APPLICATIONS.**

20 (a) **EVALUATION CRITERIA.**—Section 1240C(a) of
21 the Food Security Act of 1985 (16 U.S.C. 3839aa–3(a))
22 is amended by striking “national, State, and local con-
23 servation priorities” and inserting “priority resource con-
24 cerns identified under subsection (d)”.

1 (b) PRIORITIZATION OF APPLICATIONS.—Section
2 1240C(b) of the Food Security Act of 1985 (16 U.S.C.
3 3839aa–3(b)) is amended—

4 (1) in paragraph (1), by striking “achieving the
5 anticipated conservation benefits of the project” and
6 inserting “addressing priority resource concerns
7 identified under subsection (d)”; and

8 (2) in paragraph (2), by striking “designated
9 resource concern or resource concerns” and inserting
10 “priority resource concerns identified under sub-
11 section (d), including, in the case of applications
12 from nutrient-impacted watersheds, the degree to
13 which nutrient loadings would be reduced as a result
14 of the proposed project”.

15 (c) GROUPING OF APPLICATIONS.—Section 1240C(c)
16 of the Food Security Act of 1985 (16 U.S.C. 3839aa–3(c))
17 is amended by striking “for evaluation purposes or other-
18 wise evaluate applications relative to other applications for
19 similar farming operations” and inserting “proposing to
20 address the same priority resource concerns for evaluation
21 purposes”.

22 (d) PRIORITY RESOURCE CONCERNS.—Section
23 1240C of the Food Security Act of 1985 (16 U.S.C.
24 3839aa–3) is amended by adding at the end the following
25 new subsection:

1 “(d) PRIORITY RESOURCE CONCERNS.—For the pur-
2 poses of this section, the Secretary shall identify priority
3 resource concerns in a particular watershed or other ap-
4 propriate region or area within a State.”.

5 **SEC. 2305. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
6 **GRAM PLAN.**

7 Section 1240E(a) of the Food Security Act of 1985
8 (16 U.S.C. 3839aa–5(a)) is amended to read as follows:

9 “(a) PLAN OF OPERATIONS.—To be eligible to re-
10 ceive payments under the program, a producer shall sub-
11 mit to the Secretary for approval a plan of operations
12 that—

13 “(1) specifies the priority resource concerns to
14 be addressed;

15 “(2) specifies the type, number, and sequencing
16 of conservation systems, practices, or activities to be
17 implemented to address the priority resource con-
18 cerns;

19 “(3) includes such terms and conditions as the
20 Secretary considers necessary to carry out the pro-
21 gram, including a description of the purposes to be
22 met by the implementation of the plan and a state-
23 ment of how the plan will achieve or take significant
24 steps toward achieving the relevant resource man-

1 agement system quality criteria, as determined by
2 the Secretary;

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

7 “(5) in the case of a producer located within a
8 nutrient-impacted watershed, identifies methods by
9 which the producer will limit nutrient loss; and

10 “(6) in the case of forest land, is consistent
11 with the provisions of a forest management plan
12 that is approved by the Secretary, which may in-
13 clude—

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

17 “(B) another practice plan approved by the
18 State forester; or

19 “(C) another plan determined appropriate
20 by the Secretary.”.

21 **SEC. 2306. DUTIES OF THE SECRETARY.**

22 Section 1240F(2) of the Food Security Act of 1985
23 (16 U.S.C. 3839aa–6(2)) is amended by striking “infor-
24 mation” and inserting “technical assistance, informa-
25 tion,”.

1 **SEC. 2307. LIMITATION ON PAYMENTS.**

2 Section 1240G of the Food Security Act of 1985 (16
3 U.S.C. 3839aa–7) is amended to read as follows:

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

5 “(a) **LIMITATION ON TOTAL PAYMENTS.**—Subject to
6 subsection (b), a person or legal entity may not receive,
7 directly or indirectly, cost-share or incentive payments
8 under this chapter, in the aggregate, for all contracts en-
9 tered into under this chapter by the person or entity (ex-
10 cluding funding arrangements with Indian tribes under
11 this chapter), regardless of the number of contracts en-
12 tered into under this chapter by the person or entity,
13 that—

14 “(1) during any fiscal year exceed \$30,000; and

15 “(2) during any 5-year period exceed \$150,000.

16 “(b) **WAIVER AUTHORITY.**—In the case of contracts
17 under this chapter for projects of special environmental
18 significance, as determined by the Secretary, the Secretary
19 may waive the limitation otherwise applicable under sub-
20 section (a)(1).

21 “(c) **PREVENTION OF DUPLICATION.**—The Secretary
22 shall not approve a contract or provide payments to any
23 individual for a practice that has already been paid for
24 as part of a previously approved and completed contract
25 for any particular parcel of land.”.

Page 151, line 23, strike the semicolon and insert “; and”.

Page 152, strike lines 1 through 10.

Page 177, after line 5, insert the following:

1 **Subtitle I—Conservation**
2 **Stewardship Program**

3 **SEC. 2901. DEFINITIONS.**

4 Section 1238D of the Food Security Act of 1985 (16
5 U.S.C. 3838d) is amended—

6 (1) in paragraph (2)(B)—

7 (A) by redesignating clause (ii) as clause
8 (iii);

9 (B) by striking clause (i) and inserting the
10 following:

11 “(i) vegetative measures, and land
12 management measures, including inte-
13 grated pest, nutrient, crop residue, crop
14 rotation, and managed rotational grazing
15 management measures, as determined by
16 the Secretary;

17 “(ii) structural measures that are in-
18 tegrated with and essential to the success-
19 ful implementation of such vegetative and
20 land management measures; and”; and

1 (C) in clause (iii), as so redesignated by
2 subparagraph (A), by inserting “designated”
3 before “priority”;

4 (2) in paragraph (3)—

5 (A) in subparagraph (A), by inserting
6 “designated” before “priority”; and

7 (B) in subparagraph (D), by striking “new
8 and existing conservation activities” and insert-
9 ing “conservation activities needed to com-
10 prehensively address the designated priority re-
11 source concerns”;

12 (3) by amending paragraph (5) to read as fol-
13 lows:

14 “(5) PRIORITY RESOURCE CONCERN.—The
15 term ‘priority resource concern’ means the cause of
16 a specific impairment that—

17 “(A) threatens—

18 “(i) public health or quality of life
19 through degradation of air or water qual-
20 ity; or

21 “(ii) natural resources, including soil,
22 fish, and wildlife; and

23 “(B) is identified at the national, State, or
24 local level as a priority for a particular area of
25 a State.”;

1 (4) by redesignating paragraphs (6) and (7) as
2 paragraphs (7) and (8), respectively;

3 (5) by inserting after paragraph (5) the fol-
4 lowing:

5 “(6) DESIGNATED PRIORITY RESOURCE CON-
6 CERN.—The term ‘designated priority resource con-
7 cern’ means 1 to 5 priority resource concerns identi-
8 fied by the Secretary that must be addressed by the
9 program within a local watershed or specific natural
10 resource boundary.”; and

11 (6) by amending paragraph (8), as redesignated
12 by paragraph (4), to read as follows:

13 “(8) STEWARDSHIP THRESHOLD.—The term
14 ‘stewardship threshold’ means the conservation ac-
15 tivities, as determined by the Secretary, to com-
16 prehensively address a priority resource concern
17 using—

18 “(A) conservation measurement tools;

19 “(B) the resource management system
20 quality criteria for the particular priority re-
21 source concerns;

22 “(C) data from past and current program
23 enrollments; and

1 “(D) other similar means to measure im-
2 provement and conservation of the priority re-
3 source concern.”.

4 **SEC. 2902. CONSERVATION STEWARDSHIP PROGRAM.**

5 Section 1238E of the Food Security Act of 1985 (16
6 U.S.C. 3838e) is amended—

7 (1) in subsection (a)—

8 (A) by striking “fiscal years 2014 through
9 2018” and inserting “fiscal years 2019 through
10 2023”;

11 (B) by striking “to address priority” and
12 inserting “to comprehensively address des-
13 ignated priority”; and

14 (C) by striking “comprehensive manner—
15 ” and all that follows through “managing exist-
16 ing conservation activities” and inserting “com-
17 prehensive manner”; and

18 (2) in subsection (b)(2), in the matter pre-
19 ceding subparagraph (A), by striking “the date of
20 enactment of the Agricultural Act of 2014” and in-
21 serting “October 1, 2018”.

22 **SEC. 2903. STEWARDSHIP CONTRACTS.**

23 Section 1238F of the Food Security Act of 1985 (16
24 U.S.C. 3838f) is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a) SUBMISSION OF CONTRACT OFFERS.—To be eli-
4 gible to participate in the conservation stewardship pro-
5 gram, a producer shall submit to the Secretary a contract
6 offer for the agricultural operation that demonstrates to
7 the satisfaction of the Secretary that the producer will
8 meet or exceed the stewardship threshold for one or more
9 designated priority resource concerns by the end of the
10 contract period.”;

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) EVALUATION OF CONTRACT OFFERS.—

14 “(1) RANKING OF APPLICATIONS.—In evalu-
15 ating contract offers submitted under subsection (a),
16 the Secretary shall rank applications based on—

17 “(A) the level of conservation treatment on
18 all applicable designated priority resource con-
19 cerns at the time of application;

20 “(B) the number of designated priority re-
21 source concerns that meet or exceed the stew-
22 ardship threshold at the end of the contract pe-
23 riod;

24 “(C) the degree to which the proposed con-
25 servation activities effectively, efficiently, and

1 comprehensively address the designated priority
2 resource concerns;

3 “(D) the extent to which the contract offer
4 will meet or exceed the stewardship threshold
5 for one or more designated priority resource
6 concerns at a lower cost relative to other simi-
7 larly beneficial contract offers; and

8 “(E) the extent to which priority resource
9 concerns will be addressed when transitioning
10 from the conservation reserve program to agri-
11 cultural production.

12 “(2) PROHIBITION.—The Secretary may not as-
13 sign a higher priority to any application because the
14 applicant is willing to accept a lower payment than
15 the applicant would otherwise be eligible to receive.

16 “(3) ADDITIONAL CRITERIA.—The Secretary
17 may develop and use such additional criteria that
18 the Secretary determines are necessary to ensure
19 that designated priority resource concerns are effec-
20 tively and efficiently treated to meet or exceed the
21 stewardship threshold.”;

22 (3) by amending subsection (c) to read as fol-
23 lows:

24 “(c) ENTERING INTO CONTRACTS.—

1 “(1) IN GENERAL.—After a determination that
2 a producer is eligible for the program under sub-
3 section (a), and a determination that the contract
4 offer ranks sufficiently high under the evaluation
5 criteria under subsection (b), the Secretary shall
6 enter into a conservation stewardship contract with
7 the producer to enroll the eligible land to be covered
8 by the contract.

9 “(2) FINANCIAL OBLIGATION.—Consistent with
10 section 1238G(c)(4), a contract entered into under
11 paragraph (1) shall not create an obligation for fi-
12 nancial assistance until the first October 1 after the
13 contract is entered into.”;

14 (4) in subsection (d)—

15 (A) in paragraph (1), by striking “5
16 years” and inserting “10 years”; and

17 (B) in paragraph (2)(B)(i), by inserting
18 “that comprehensively address a designated pri-
19 ority resource concern” after “conservation ac-
20 tivities”; and

21 (5) in subsection (e)—

22 (A) in the matter preceding paragraph (1),
23 by striking “5-year” and inserting “10-year”;
24 and

1 (B) by amending paragraph (3) to read as
2 follows:

3 “(3) has met or exceeded, or agrees to meet or
4 exceed, the stewardship threshold of all designated
5 priority resource concerns identified for the region
6 or area in which the land that is subject to the con-
7 tract is located.”.

8 **SEC. 2904. DUTIES OF THE SECRETARY.**

9 Section 1238G of the Food Security Act of 1985 (16
10 U.S.C. 3838g) is amended to read as follows:

11 **“SEC. 1238G. DUTIES OF THE SECRETARY.**

12 “(a) IN GENERAL.—To achieve the conservation
13 goals of a contract under the conservation stewardship
14 program, the Secretary shall—

15 “(1) make the program available to eligible pro-
16 ducers on a continuous enrollment basis with one or
17 more ranking periods, of which shall occur in the
18 first quarter of each fiscal year;

19 “(2) identify not more than 5 designated pri-
20 ority resource concerns in a particular watershed or
21 other appropriate region or area within a State;

22 “(3) for any region or area that includes any
23 part of a nutrient-impacted watershed (as deter-
24 mined by the Secretary), ensure that one of the pri-
25 ority resource concerns identified under paragraph

1 (2) is water pollution caused by excess nutrient
2 loads;

3 “(4) develop reliable conservation measurement
4 tools for purposes of carrying out the program; and

5 “(5) ensure that conservation measurement
6 tools are transparent and available to producers
7 by—

8 “(A) making interactive, user-friendly con-
9 servation measurement tools publically available
10 online;

11 “(B) making conservation activity natural
12 resource and environmental benefit scores avail-
13 able in an easy to understand format for study
14 both before and during application; and

15 “(C) taking other steps, as determined by
16 the Secretary.

17 “(b) ALLOCATION TO STATES.—The Secretary shall
18 allocate acres to States for enrollment, based on each
19 State’s proportion of eligible land to the total acreage of
20 eligible land in all States as follows:

21 “(1) SOURCE WATER PROTECTION.—At least
22 20 percent of the funds made available for financial
23 and technical assistance under the program shall be
24 for contracts addressing designated priority resource
25 concerns related to enhancing the quality and quan-

1 tity of source water (as that term is used in the Safe
2 Drinking Water Act).

3 “(2) PEST MANAGEMENT.—At least 20 percent
4 of the funds made available for financial and tech-
5 nical assistance under the program shall be for con-
6 tracts addressing designated priority resource con-
7 cerns related to reducing the need for pesticides in
8 agricultural production including organic farming
9 systems and intensive integrated pest management.

10 “(3) SOIL CONSERVATION.—At least 20 percent
11 of the funds made available for financial and tech-
12 nical assistance under the program shall be for con-
13 tracts addressing designated priority resource con-
14 cerns related to reducing soil erosion and improving
15 soil fertility and tith.

16 “(c) CONSERVATION STEWARDSHIP PAYMENTS.—

17 “(1) AVAILABILITY OF PAYMENTS.—The Sec-
18 retary shall provide annual payments under the pro-
19 gram to compensate the producer for—

20 “(A) installing and adopting additional
21 conservation activities that will meet or exceed
22 the stewardship threshold for a designated pri-
23 ority resource concern; and

24 “(B) improving, maintaining, and man-
25 aging conservation activities in place on the ag-

1 ricultural operation of the producer at the time
2 the contract offer is accepted by the Secretary.

3 “(2) PAYMENT AMOUNT.—The amount of the
4 annual payment shall be determined by the Sec-
5 retary and based, to the maximum extent prac-
6 ticable, on the following factors:

7 “(A) Costs incurred by the producer asso-
8 ciated with planning, design, materials, installa-
9 tion, labor, management, maintenance, or train-
10 ing.

11 “(B) Income forgone by the producer.

12 “(C) Expected conservation benefits, based
13 to the maximum extent possible on conservation
14 measurement tools.

15 “(D) The extent to which designated pri-
16 ority resource concerns will be addressed
17 through the installation and adoption of con-
18 servation activities on the agricultural oper-
19 ation.

20 “(E) The level of stewardship in place at
21 the time of application and maintained over the
22 term of the contract.

23 “(F) The degree to which the conservation
24 activities will be integrated across the entire ag-

1 ricultural operation for all designated priority
2 resource concerns over the term of the contract.

3 “(G) Such other factors as are determined
4 appropriate by the Secretary.

5 “(3) EXCLUSIONS.—A payment to a producer
6 under this subsection shall not be provided for—

7 “(A) the design, construction, or mainte-
8 nance of animal waste storage or treatment fa-
9 cilities or associated waste transport or transfer
10 devices for animal feeding operations; or

11 “(B) conservation activities for which there
12 is no cost incurred or income forgone to the
13 producer.

14 “(4) DELIVERY OF PAYMENTS.—In making
15 payments under this subsection, the Secretary shall,
16 to the extent practicable—

17 “(A) prorate conservation performance
18 over the term of the contract so as to accommo-
19 date, to the extent practicable, producers earn-
20 ing equal annual payments in each fiscal year;
21 and

22 “(B) make such payments as soon as prac-
23 ticable after October 1 of each fiscal year for
24 activities carried out in the previous fiscal year.

1 “(5) MINIMUM PAYMENT.—If a contract re-
2 quires a comprehensive conservation plan the imple-
3 mentation of which will, by the end of the contract
4 term, meet or exceed the stewardship threshold for
5 all designated priority resource concerns, the min-
6 imum payment shall be not less than \$3,000.

7 “(d) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
8 CONSERVING CROP ROTATIONS, MANAGED INTENSIVE
9 ROTATIONAL GRAZING, AND TRANSITION TO ORGANIC
10 CROP OR LIVESTOCK SYSTEMS.—

11 “(1) AVAILABILITY OF PAYMENTS.—The Sec-
12 retary shall provide additional payments to pro-
13 ducers that, in participating in the program, agree
14 to—

15 “(A) improve, maintain, and manage or
16 adopt and maintain—

17 “(i) resource-conserving crop rotations
18 to achieve beneficial crop rotations as ap-
19 propriate for the eligible land of the pro-
20 ducers; or

21 “(ii) managed intensive rotational
22 grazing; or

23 “(B) transition to organic crop or livestock
24 systems.

1 “(2) BENEFICIAL CROP ROTATIONS.—The Sec-
2 retary shall determine whether a resource-conserving
3 crop rotation is a beneficial crop rotation eligible for
4 additional payments under paragraph (1) based on
5 whether the resource-conserving crop rotation is de-
6 signed to address designated priority resource con-
7 cerns while providing production benefits.

8 “(3) ELIGIBILITY.—To be eligible to receive a
9 payment described in paragraph (1), a producer
10 shall agree to adopt and maintain beneficial re-
11 source-conserving crop rotations for the term of the
12 contract.

13 “(4) RESOURCE-CONSERVING CROP ROTA-
14 TION.—In this subsection, the term ‘resource-con-
15 serving crop rotation’ means a crop rotation that—

16 “(A) includes at least 1 resource con-
17 serving crop (as defined by the Secretary);

18 “(B) reduces erosion;

19 “(C) prevents pollution of surface water or
20 groundwater;

21 “(D) improves soil fertility and tith;

22 “(E) interrupts pest cycles; and

23 “(F) in applicable areas, reduces depletion
24 of soil moisture or otherwise reduces the need
25 for irrigation.

1 “(5) MANAGED INTENSIVE ROTATIONAL GRAZ-
2 ING.—In this subsection, the term ‘managed inten-
3 sive rotational grazing’ means a system in which
4 animals are regularly and systematically moved to
5 fresh pasture in such a way as to—

6 “(A) maximize the quantity and quality of
7 forage growth;

8 “(B) improve manure distribution and nu-
9 trient cycling;

10 “(C) increase carbon sequestration from
11 greater forage harvest;

12 “(D) improve the quantity and quality of
13 cover for wildlife;

14 “(E) provide permanent cover to protect
15 the soil from erosion; and

16 “(F) improve water quality.

17 “(6) TRANSITION TO ORGANIC CROP OR LIVE-
18 STOCK SYSTEMS.—In this subsection, the term ‘tran-
19 sition to organic crop or livestock systems’ means
20 adoption of conservation activities for certified or-
21 ganic production on land or for herds not previously
22 certified organic that meet all the requirements of
23 the program and that are consistent with the regula-
24 tions promulgated under the Organic Foods Produc-
25 tion Act of 1990 (7 U.S.C. 6501 et seq.).

1 “(e) PAYMENT LIMITATION.—A person or legal enti-
2 ty may not receive, directly or indirectly, payments under
3 the program that, in the aggregate, exceed \$200,000
4 under all contracts entered into during any 5-year period,
5 excluding funding arrangements with Indian tribes, re-
6 gardless of the number of contracts entered into under the
7 program by the person or legal entity.

8 “(f) SPECIALTY CROP AND ORGANIC PRODUCERS.—
9 The Secretary shall ensure that outreach and technical as-
10 sistance are available, and program specifications are ap-
11 propriate to enable specialty crop and organic producers
12 to participate in the program.

13 “(g) COORDINATION WITH ORGANIC CERTIFI-
14 CATION.—The Secretary shall establish a transparent
15 means by which producers may initiate organic certifi-
16 cation under the Organic Foods Production Act of 1990
17 (7 U.S.C. 6501 et seq.) while participating in a contract
18 under the program.

19 “(h) REGULATIONS.—The Secretary shall promul-
20 gate regulations that—

21 “(1) prescribe such other rules as the Secretary
22 determines to be necessary to ensure a fair and rea-
23 sonable application of the limitations established
24 under subsection (f); and

1 “(2) otherwise enable the Secretary to carry out
2 the program.

3 “(i) DATA.—The Secretary shall maintain detailed
4 and segmented data on contracts and payments under the
5 program to allow, at a minimum, with respect to each con-
6 tract—

7 “(1) quantification of the type and extent of
8 conservation activities for which payments were
9 made;

10 “(2) quantification of the amount of payments
11 made for—

12 “(A) the installation and adoption of addi-
13 tional conservation activities and improvements
14 to conservation activities in place on the oper-
15 ation of a producer at the time the conservation
16 stewardship offer is accepted by the Secretary;
17 and

18 “(B) the maintenance of existing conserva-
19 tion activities; and

20 “(3) identification of the watershed and county
21 in which the agricultural operation receiving pay-
22 ments is located.

23 “(j) PAYMENTS FOR CONSERVATION ACTIVITIES RE-
24 LATED TO ORGANIC PRODUCTION.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 payments for conservation activities related to or-
3 ganic production.

4 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
5 tion for receiving payments under the program, a
6 producer shall agree to develop and implement con-
7 servation activities for certified organic production
8 that are consistent with the regulations promulgated
9 under the Organic Foods Production Act of 1990 (7
10 U.S.C. 6501 et seq.) and the purposes of the pro-
11 gram.

12 “(3) PLANNING.—

13 “(A) IN GENERAL.—The Secretary shall
14 provide planning assistance to producers
15 transitioning to certified organic production
16 consistent with the requirements of the Organic
17 Foods Production Act of 1990 (7 U.S.C. 6501
18 et seq.) and the purposes of this subchapter.

19 “(B) AVOIDANCE OF DUPLICATION.—The
20 Secretary shall, to the maximum extent prac-
21 ticable, eliminate duplication of planning activi-
22 ties for a producer participating in a contract
23 under this subchapter and initiating or main-
24 taining organic certification consistent with the

- 1 Organic Foods Production Act of 1990 (7
- 2 U.S.C. 6501 et seq.).”.

