

116TH CONGRESS
2D SESSION

S. 3429

To amend the Soil and Water Resources Conservation Act of 1977 with respect to assessments of conservation programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2020

Mr. CASEY (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Soil and Water Resources Conservation Act of 1977 with respect to assessments of conservation programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farmer Driven Con-
5 servation Outcomes Act of 2020”.

6 **SEC. 2. AMENDMENTS TO THE SOIL AND WATER RE-**
7 **SOURCES CONSERVATION ACT OF 1977.**

8 The Soil and Water Resources Conservation Act of
9 1977 (16 U.S.C. 2001 et seq.) is amended—

1 (1) by redesignating sections 8 through 10 as
 2 sections 10 through 12, respectively; and

3 (2) by inserting after section 7 the following:

4 **“SEC. 8. CONSERVATION PROGRAMS ASSESSMENT.**

5 “(a) IN GENERAL.—In coordination with the ap-
 6 praisal of soil, water, and related resources and the soil
 7 and water conservation program, the Secretary may carry
 8 out a conservation effects assessment project—

9 “(1) to quantify the environmental and eco-
 10 nomic effects of conservation practices;

11 “(2) to develop the science base for managing
 12 the agricultural landscape for environmental quality
 13 and sustainable productive capacity; and

14 “(3) to improve the efficacy of conservation
 15 practices and programs by evaluating conservation
 16 effects.

17 “(b) SCOPE.—The project under this section may—

18 “(1) be carried out at national, regional, and
 19 watershed scales; and

20 “(2) include cropland, grazing land, wetlands,
 21 forests, and such other land as the Secretary may
 22 determine to be appropriate.

23 “(c) ACTIVITIES.—The project under this section
 24 may include research, literature reviews and bibliog-
 25 raphies, modeling, assessment, monitoring and data collec-

tion, outreach, extension education, and such other activities as the Secretary may determine to be appropriate.

“SEC. 9. GOALS AND ASSESSMENT PROCESS FOR CONSERVATION PROGRAMS.

“(a) NATURAL RESOURCE AND ENVIRONMENTAL OBJECTIVES AND OUTCOMES.—

“(1) IN GENERAL.—In coordination with the appraisal of soil, water, and related resources, the soil and water conservation program, and the conservation effects assessment project established under section 8, the Secretary shall identify, and periodically revise, specific natural resource and environmental objectives and anticipated conservation outcomes and results, by resource concern, for—

“(A) the conservation programs established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

“(B) the agricultural conservation easement program established under subtitle H of that title (16 U.S.C. 3865 et seq.); and

“(C) the landscape conservation initiatives developed by the Secretary.

“(2) ASSESSMENTS.—To help measure outcomes and results, the Secretary shall, to the maximum extent practicable, make assessments of

changes in the status and conditions of natural resources and the environment that result from the application of conservation activities supported directly by the conservation programs and initiatives described in subparagraphs (A) through (C) of paragraph (1).

“(3) MONITORING AND PROGRAM EVALUATION.—The Secretary shall establish a coordinated monitoring and evaluation process for the programs and initiatives described in subparagraphs (A) through (C) of paragraph (1)—

“(A) to assess progress toward the objectives identified under that paragraph;

“(B) to gather information to improve the implementation of those programs and initiatives in accordance with the outcomes and results identified under that paragraph; and

“(C) to assess the need for modifications to the statutes or regulations for those programs and initiatives.

“(b) MONITORING AND PROGRAM EVALUATION.—

“(1) IN GENERAL.—The Secretary shall use not more than 1 percent of the total annual funding from the funds of the Commodity Credit Corporation made available for new annual enrollments for

1 the conservation programs described in subpara-
2 graphs (A) and (B) of subsection (a)(1) to establish
3 a comprehensive monitoring and program evaluation
4 process to assess—

5 “(A) progress in reaching natural resource
6 and environmental objectives identified under
7 that subsection;

8 “(B) the contribution of individual pro-
9 grams to that progress; and

10 “(C) the contribution of those programs
11 collectively to that progress.

12 “(2) IMPLEMENTATION.—In implementing the
13 comprehensive monitoring and program evaluation
14 process under paragraph (1), the Secretary may con-
15 sider and incorporate—

16 “(A) resource concern inventories;

17 “(B) trends and analyses;

18 “(C) quality and quantity criteria;

19 “(D) conservation practices and enhance-
20 ments; and

21 “(E) such other information as the Sec-
22 retary determines relevant for applying the
23 monitoring and program evaluation process
24 across each major land use identified by the
25 Secretary.

1 “(3) MONITORING AND EVALUATION PROC-
2 ESS.—

3 “(A) IN GENERAL.—Not later than 2 years
4 after the date of enactment of the Farmer Driv-
5 en Conservation Outcomes Act of 2020, the
6 Secretary shall issue—

7 “(i) a design for the comprehensive
8 monitoring and program evaluation process
9 under paragraph (1);

10 “(ii) a schedule for implementing that
11 process; and

12 “(iii) a plan for coordinating that
13 process with—

14 “(I) the soil and water conserva-
15 tion program; and

16 “(II) the conservation effects as-
17 sessment project established under
18 section 8.

19 “(B) METHODOLOGY.—The design for the
20 comprehensive monitoring and program evalua-
21 tion process described in subparagraph (A)(i)
22 shall—

23 “(i) ensure that data made available
24 to cooperators and researchers from the
25 comprehensive monitoring and program

1 evaluation process are transformed into
2 statistical aggregate data at the county
3 level and in a form that protects personally
4 identifiable information; and

5 “(ii) take into account—

6 “(I) the cumulative nature of
7 conservation over time;

8 “(II) the interactions and se-
9 quencing effects between conservation
10 activities;

11 “(III) the differing times for con-
12 servation effects to be realized; and

13 “(IV) other related measurement
14 challenges.

15 “(C) PUBLIC RESEARCH.—

16 “(i) IN GENERAL.—Notwithstanding
17 any other provision of law, subject to
18 clause (ii), in order to facilitate implemen-
19 tation of the comprehensive monitoring
20 and program evaluation process under
21 paragraph (1), the Secretary shall make
22 available conservation activity and program
23 data to cooperators and researchers en-
24 gaged in public research and evaluation ac-

1 tivities to improve conservation outcomes
2 under this subsection.

3 “(ii) CONDITIONS.—The availability of
4 data under clause (i) shall be subject to
5 the conditions that—

6 “(I) adequate assurances are pro-
7 vided to the Secretary that any result-
8 ing research or information will be
9 made publicly available in a form that
10 protects personally identifiable infor-
11 mation; and

12 “(II) the national technical com-
13 mittee established under paragraph
14 (5) finds that the data is likely to
15 generate information that furthers the
16 purpose of this section.

17 “(4) COOPERATIVE AGREEMENTS.—The Sec-
18 retary may implement the comprehensive monitoring
19 and program evaluation process under paragraph (1)
20 in part through cooperative or contribution agree-
21 ments with Federal, State, and local agencies, insti-
22 tutions of higher education, and nongovernmental
23 organizations with requisite expertise, as determined
24 by the Secretary, in consultation with the national

1 technical committee established under paragraph
2 (5).

3 “(5) NATIONAL TECHNICAL COMMITTEE.—

4 “(A) IN GENERAL.—The comprehensive
5 monitoring and program evaluation process
6 under paragraph (1) shall be administered by
7 the Secretary, acting through the Chief of the
8 Natural Resources Conservation Service, with
9 assistance from a national technical committee
10 described in subparagraph (B).

11 “(B) COMPOSITION.—The national tech-
12 nical committee referred to in subparagraph (A)
13 shall be appointed by the Secretary and com-
14 posed of individuals with relevant technical and
15 scientific expertise representing—

16 “(i) the Agricultural Research Service;

17 “(ii) the Economic Research Service;

18 “(iii) the Farm Service Agency;

19 “(iv) the United States Fish and
20 Wildlife Service;

21 “(v) the Forest Service;

22 “(vi) the National Institute of Food
23 and Agriculture;

24 “(vii) the United States Geological
25 Survey;

1 “(viii) the Environmental Protection
2 Agency;

3 “(ix) State and Tribal agencies;

4 “(x) land grant university natural re-
5 source research programs;

6 “(xi) nongovernmental organizations
7 with expertise in the full array of conserva-
8 tion issues and measurement and evalua-
9 tion of conservation outcomes;

10 “(xii) farmers that reflect a variety of
11 geographic regions and production types;
12 and

13 “(xiii) such other agencies, institu-
14 tions, or organizations as the Secretary
15 may determine to be appropriate.

16 “(C) FACA EXEMPTION.—The national
17 technical committee shall be exempt from the
18 Federal Advisory Committee Act (5 U.S.C.
19 App.).

20 “(D) TRANSPARENCY.—The Secretary
21 shall ensure that the proceedings and rec-
22 ommendations of the national technical com-
23 mittee are available to the public.

24 “(6) VOLUNTARY PARTICIPATION.—In carrying
25 out this subsection, the Secretary shall ensure that

1 any on-farm monitoring activities that may be in-
2 cluded as part of the comprehensive monitoring and
3 program evaluation process under paragraph (1)—

4 “(A) are voluntary on the part of the pro-
5 ducer; and

6 “(B) may include appropriate compensa-
7 tion, as determined by the Secretary.

8 “(c) REPORTING.—

9 “(1) REPORT ON OBJECTIVES AND METHODS.—

10 Beginning in the fiscal year that is 3 years after the
11 date of enactment of the Farmer Driven Conserva-
12 tion Outcomes Act of 2020, and periodically there-
13 after, as determined by the Secretary, the Secretary
14 shall submit to Congress, and make publicly avail-
15 able, a report that includes—

16 “(A) a description of conservation outcome
17 objectives that are, to the maximum extent
18 practicable, quantitative, measurable, and time-
19 bound for each program or initiative described
20 in subparagraphs (A) through (C) of subsection
21 (a)(1);

22 “(B) a description of the approaches, tools,
23 and methods used—

24 “(i) to measure or model the con-
25 servation outcomes and results; and

1 “(ii) to estimate the cost-effectiveness
2 of each of the programs or initiatives; and

3 “(C) guidance to the conservation project
4 partners working to implement conservation
5 programs within a landscape-level project that
6 provides a description of the approaches, tools,
7 and methods that the partners might consider
8 using to measure and model the conservation
9 outcomes and results of the projects.

10 “(2) REPORT ON OUTCOMES.—In conjunction
11 with each of the reports to Congress pursuant to
12 section 7, the Secretary shall submit to Congress,
13 and make publicly available, a report that includes—

14 “(A) an assessment of progress made to-
15 wards achieving conservation program objec-
16 tives and anticipated outcomes and results for
17 each program or initiative described in subpara-
18 graphs (A) through (C) of subsection (a)(1), in-
19 dividually and collectively;

20 “(B) an evaluation of the cost-effectiveness
21 of each of those conservation programs and ini-
22 tiatives; and

23 “(C) recommendations, taking into consid-
24 eration the assessment and evaluation under
25 subparagraphs (A) and (B), respectively, to im-

1 prove program implementation and the sci-
2 entific and economic tools (including any new or
3 revised conservation practices, conservation en-
4 hancements, or conservation planning tools)
5 used to achieve stated natural resource con-
6 servation and environmental objectives.

7 “(3) COORDINATION.—The Secretary may co-
8 ordinate the reports required under paragraphs (1)
9 and (2) with any reports developed as part of the
10 conservation effects assessment project established
11 under section 8 when that coordination is feasible
12 and warranted, as determined by the Secretary.”.

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