

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.

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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

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## 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-

1 tion, outreach, extension education, and such other activi-  
2 ties as the Secretary may determine to be appropriate.

3 **“SEC. 9. GOALS AND ASSESSMENT PROCESS FOR CON-**  
4 **SERVATION PROGRAMS.**

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

7 “(1) IN GENERAL.—In coordination with the  
8 appraisal of soil, water, and related resources, the  
9 soil and water conservation program, and the con-  
10 servation effects assessment project established  
11 under section 8, the Secretary shall identify, and pe-  
12 riodically revise, specific natural resource and envi-  
13 ronmental objectives and anticipated conservation  
14 outcomes and results, by resource concern, for—

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

18 “(B) the agricultural conservation ease-  
19 ment program established under subtitle H of  
20 that title (16 U.S.C. 3865 et seq.); and

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

23 “(2) ASSESSMENTS.—To help measure out-  
24 comes and results, the Secretary shall, to the max-  
25 imum extent practicable, make assessments of

1 changes in the status and conditions of natural re-  
2 sources and the environment that result from the  
3 application of conservation activities supported di-  
4 rectly by the conservation programs and initiatives  
5 described in subparagraphs (A) through (C) of para-  
6 graph (1).

7 “(3) MONITORING AND PROGRAM EVALUA-  
8 TION.—The Secretary shall establish a coordinated  
9 monitoring and evaluation process for the programs  
10 and initiatives described in subparagraphs (A)  
11 through (C) of paragraph (1)—

12 “(A) to assess progress toward the objec-  
13 tives identified under that paragraph;

14 “(B) to gather information to improve the  
15 implementation of those programs and initia-  
16 tives in accordance with the outcomes and re-  
17 sults identified under that paragraph; and

18 “(C) to assess the need for modifications  
19 to the statutes or regulations for those pro-  
20 grams and initiatives.

21 “(b) MONITORING AND PROGRAM EVALUATION.—

22 “(1) IN GENERAL.—The Secretary shall use not  
23 more than 1 percent of the total annual funding  
24 from the funds of the Commodity Credit Corpora-  
25 tion 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                   activities 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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