

**Seeking Common Ground for Conservation An Agricultural Conservation Policy Project  
by the Soil and Water Conservation Society**

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H.R. 2646, "The Farm Security Act of 2001" was passed by the U.S. House of Representatives on October 5, 2001. Below is a summary of provisions in the Conservation Title of the bill.

**THE FARM SECURITY ACT OF 2001  
SECTION-BY-SECTION SUMMARY OF CONSERVATION TITLE PROVISIONS  
H.R. 2646**

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- Sec. 201. SUBTITLE A—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM--General Provisions.**
- Sec. 211. Reauthorization.**
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**Sec. 262. National Natural Resources Conservation Foundation Act.**

## **TITLE II—CONSERVATION**

### **SUBTITLE A—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM**

**Sec. 201. General Provisions.**

Reauthorizes the Environmental Conservation Acreage Reserve Program (ECARP) through 2011.

Eliminates the section in current law that authorizes the Secretary to establish Conservation Priority Areas eligible for enhanced assistance under the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), and the Environmental Quality Incentives Program (EQIP).

Expands the scope of the good faith reliance provisions in current law to cover all conservation programs authorized in the Conservation Title. The good faith reliance provisions require the Secretary to provide equitable relief to a producer who is in violation of a contract if the violation resulted from action the producer took while relying on advice from an authorized representative of the Secretary.

### **SUBTITLE B—CONSERVATION RESERVE PROGRAM**

**Sec. 211. Reauthorization.**

Reauthorizes CRP through 2011. Includes “wildlife” along with soil and water to the list of resources the CRP should seek to conserve.

**Sec. 212. Enrollment.**

Makes “marginal pastureland devoted to natural vegetation in or near riparian areas or for similar water quality purposes” eligible for enrollment in the CRP.

Expands the kinds of cropland that can be enrolled to include:

Cropland that would pose a threat to soil, water or air quality if it remained in production and if the conservation objectives could not be met by enrolling the cropland in EQIP.

Cropland that would contribute to the conservation of ground or surface water if enrolled in the CRP, but only if the land has been in production for at least four years unless the land is already enrolled in the CRP as of the effective date of this new provision.

Increases maximum enrollment into CRP to 39,200,000 acres.

Eliminates the provision in current law that requires the Secretary to—upon application by the appropriate State agency—watershed or other areas of environmental sensitivity as conservation priority areas under CRP. Current provision specifically denotes the Chesapeake Bay Region, the Great Lakes Region, and the Long Island Sound Region as worthy of designation as conservation priority areas.

Provides that lands currently enrolled in CRP be eligible to be considered for re-enrollment in CRP.

Requires the Secretary to “balance conservation interests in soil erosion, water quality, and wildlife habitat” when determining the acceptability of contract offers to enroll land in CRP. Mandates the Secretary issue final regulations to implement this provision within 180 days of the date of enactment.

#### **Sec. 213. Duties of Owners and Operators.**

Allows owners and operators to maintain existing vegetative cover when enrolling land in CRP—owners and operators can only be required to establish approved vegetative cover “where practicable.”

Allows “managed grazing and limited haying” and “recovery of biomass used in energy production,” subject to reduced rental rates and “consistent with conservation of soil, water quality, and wildlife habitat”.

Permits placement of wind turbines on land enrolled in CRP.

Eliminates the set-aside for land planted to trees, shrubs, or other noncrop vegetation or water that provides permanent habitat for wildlife.

Eliminates the authority to permit alley cropping on land enrolled in the CRP.

#### **Sec. 214. Reference to Conservation Reserve Payments.**

Renames the annual payments producers receive for enrolling land in CRP as “Conservation Reserve Payments”. Those payments are currently referred to as “rental payments.”

#### **Sec. 215. Expansion of Pilot Program to All States.**

Extends the Secretary’s authority to conduct the Pilot Program for Enrollment of Wetland and Buffer Acreage in the CRP through 2011.

Requires the Secretary to carry out a pilot program in each state (currently the pilot program is restricted to Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota).

Restricts enrollment to not more than 150,000 acres in any one state.

Eliminates the provision in current law that requires the Secretary—to the maximum extent practicable—to ensure owners and operators have an “equitable opportunity” to participate in the pilot program.

## **SUBTITLE C—WETLANDS RESERVE PROGRAM**

### **Sec. 221. Enrollment**

Provides that the Secretary may enroll 150,000 acres per year and can enroll more than 150,000 acres in a succeeding year if less than 150,000 acres were enrolled in a preceding year. Provides authority to enroll lands through easements, restoration cost-share agreements, or both. Eliminates the requirement that one-third of the acres be enrolled in permanent easements, one-third in 30-year easements, and one-third in restoration cost-share agreements.

### **Sec. 222. Easements and Agreements.**

Strikes prohibition against spraying or mowing for pest control and activities on land enrolled in WRP and substitutes a general prohibition against undertaking any activities that would alter wildlife habitat and other natural features unless specifically permitted by the plan.

Strikes provision that prohibits any activities on land that is adjacent or functionally related to land enrolled in WRP that impair the functional value of the eligible land.

Requires that the length of a WRP easement be “consistent with applicable State law.”

### **Sec. 223. Duties of the Secretary.**

Eliminates the priority for longer-term easements and for easements that protect and enhancing habitat for migratory birds and other wildlife.

### **Sec. 224. Changes in Ownership; Agreement Modification; Termination.**

Restricts the conditions under which land that has changed ownership in the preceding 12 months prior to enrollment can be enrolled in the WRP to changes in ownership caused by inheritance or foreclosure.

## **SUBTITLE D—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**

### **Sec. 231. Purposes.**

Modifies purpose statement by striking the phrase that directs assistance to producers facing the “most serious threats to” the environment and replacing it with a phrase directing assistance to “address environmental needs and provide benefits to air.”

### **Sec. 232. Definitions.**

Adds non-industrial private forest land and land that will enhance air quality to the list of land eligible for assistance under EQIP.

Provides that land eligible for enrollment shall provided “increased environmental benefits to air, soil, water or related resources.” Under current law, eligible land is land that “poses a serious threat” to soil, water, or related natural resources.

### **Sec. 233. Establishment and Administration.**

Reauthorizes EQIP through 2011.

Reduces minimum contract length from 5 years to 1 year.

Eliminates provision requiring the Secretary to use a process to distribute cost-share assistance for structural practices that “maximizes environmental benefits per dollar expended.” Substitutes language indicating cost-share financial assistance should be distributed to achieve the purposes established under the program.

Eliminates prohibition against providing cost-share assistance to construct animal waste management facilities to owners or operators of a large confined livestock operation.

Eliminates incentive payments under EQIP and replaces them with “Conservation Incentive Payments” that are to encourage a producer to perform multiple land management practices and

to promote the enhancement of soil, water, air, and related resources with great weight accorded to residue, nutrient, pest, invasive species, and air quality management.

**Sec. 234. Evaluation of Offers and Payments.**

Strikes the provision that accords a higher priority for receiving assistance under EQIP to producers in conservation priority areas; offers that maximize environmental benefits per dollar expended; or where state or local governments provide matching funds. Substitutes as priorities: aiding producers in “complying with this title and Federal and State environmental laws, and encourage environmental enhancement and conservation;” maximize the “beneficial usage of animal manure and other similar soil amendments;” and “encourage utilization of sustainable grazing systems, such as year-round, rotational or managed grazing”.

**Sec. 235. Environmental Quality Incentives Program Plan.**

Generalizes the required content of an EQIP program plan to read “a plan of operations that provides or will continue to provide increased environmental benefits to air, soil, water, or related resources.”

**Sec. 236. Duties of the Secretary.**

Eliminates reference in current law to providing “incentive payments” when outlining the duties of the Secretary. Authority for Conservation Incentive Payments is provided under Sec. 233.

**Sec. 237. Limitation on Payments.**

Raises annual payment cap to \$50,000 and cap for a multiyear contract to \$200,000.

Makes payments available in the same year contract is entered into.

**Sec. 238. Ground and Surface Water Conservation.**

Mandates that the Secretary provide cost-share payments and low interest loans to encourage ground and surface water conservation including irrigation system improvement. Incentive payments are authorized for capping wells, reducing use of water for irrigation, and switching from irrigation to dry land farming.

Provides CCC funding to carry out the section. Funding ramps up from \$30,000,000 in fiscal year 2002, to \$45,000,000 in fiscal year 2003, and \$60,000,000 in fiscal years 2004 through 2011.

**SUBTITLE E—FUNDING AND ADMINISTRATION**

**Sec. 241. Reauthorization.**

Reauthorizes EQIP through 2011.

**Sec. 242. Funding.**

Provides CCC funding in the following amounts to carry out EQIP:

\$200,000,000 in fiscal year 2001.

\$1,025,000,000 in each of fiscal years 2002 and 2003.

\$1,200,000,000 in each of fiscal years, 2004, 2005, and 2006.

\$1,400,000,000 in each of fiscal years 2007, 2008, and 2009.

\$1,500,000,000 in each of fiscal years 2010 and 2011.

**Sec. 243. Allocation for Livestock Production.**

Extends the provision mandating 50 percent of funds to livestock producers.

**Sec. 244. Administration and Technical Assistance.**

Eliminates the provision in current law that limits CRP and WRP enrollments to no more than 25 percent of the cropland in a county and to no more than 10 percent of the county for land subject to an easement under CRP or WRP. Substitutes a provision that limits enrollments to levels that “would not adversely affect the local economy of the county.”

Mandates the Secretary provide technical assistance to producers directly (through USDA staff) or—at the option of the producer—through an approved third-party vendor if such a vendor is available.

Mandates the Secretary reevaluate the provision of and amount of technical assistance made available under CRP, WRP, and EQIP.

Requires the Secretary to establish a certification program for third-party vendors that will enable third party vendors to provide technical assistance under EQIP. Requires that a person “shall be considered approved” to provide technical assistance under EQIP if “they have a memorandum of understanding regarding the provision of technical assistance in place with the Secretary.”

Includes all conservation programs under Title XII to the list of programs covered under the confidentiality provisions of 7 U.S.C. 2276.

#### **SUBTITLE F—OTHER CONSERVATION PROGRAMS**

##### **Sec. 251. Private Grazing Land Conservation Assistance.**

Adds “encouraging the utilization of sustainable grazing systems, such as year-round, rotational, or managed grazing” as an eligible purpose to the Conservation of Private Grazing Land Program.

##### **Sec. 252. Wildlife Habitat Incentives Program.**

Mandates CCC funding in the following amounts to carry out the Wildlife Habitat Incentives Program (WHIP):

- \$25,000,000 for fiscal year 2002.
- \$30,000,000 for each of fiscal years 2003 and 2004.
- \$35,000,000 for each of fiscal years 2005 and 2006.
- \$40,000,000 for fiscal year 2007.
- \$45,000,000 for each of fiscal years 2008 and 2009.
- \$50,000,000 for each of fiscal years 2010 and 2011.

##### **Sec. 253. Farmland Protection Program.**

Provides \$50,000,000 annually from CCC to carry out the Farmland Protection Program (FPP).

Eliminates the provision in current law that limits enrollments to no more than 340,000 acres.

Makes agricultural land that contains historic or archeological resources eligible for FPP.

Expands the definition of “eligible entity” that can receive funding under the program to include nonprofit and other organizations.

##### **Sec. 254. Resource Conservation and Development Program.**

Codifies the Resource Conservation and Development Program.

##### **Sec. 255. Grassland Reserve Program.**

Establishes a grassland reserve not to exceed 2,000,000 acres.

Provides the Secretary use the Farm Services Agency to establish and administer the Grassland Reserve Program.

Provides authority to enroll land using 10-year, 15-year, or 20-year contracts or using 30-year or permanent easements.

Provides \$254 million from CCC in total funds to carry out the Grassland Reserve Program over the ten-year life of the program (2002 to 2011).

**Sec. 256. Farmland Stewardship Program.**

Establishes the Farmland Stewardship Program that combines elements of WRP, WHIP, Forest Land Enhancement Program, FPP or other conservation programs administered by other Federal agencies and State and local government entities.

Funding for Farmland Stewardship Program provided from funds otherwise made available for programs combined to implement the FSP.

Majority of funds for stewardship agreements has to come from non-USDA sources—other federal, state, or local programs or matching fund contributions from governmental or nongovernmental entities.

Agreements may be administered in partnership with other Federal, State, and local agencies whose programs are incorporated into the FSP or through authorized governmental or nongovernmental entities.

**Sec. 257. Small Watershed Rehabilitation Program.**

Authorizes \$15,000,000 a year in discretionary funding for the Small Watershed Rehabilitation Program.

**Sec. 258. Provision of Assistance for Repaupo Creek Tide Gate and Dike Restoration Project, New Jersey.**

Requires the Secretary—acting through the Natural Resources Conservation Service—to provide assistance in planning and implementing the Repaupo Creek Tide Gate and Dike Restoration Project in New Jersey.

**SUBTITLE G—REPEALS**

**Sec. 261. Provisions of the Food Security Act of 1985.**

Repeals wetland mitigation banking program under Swampbuster.

Repeals the provision in the conservation title that exempts CRP rental payments from being counted under payment limitations provisions.

Repeals that base history provisions in CRP that required producers enrolling land in CRP to retire a portion of their base. The provisions also provide for the protection of base on acres enrolled in CRP.

Repeals the provision in the conservation title that exempts WRP easement payments from being counted under payment limitation provisions.

Repeals Environmental Easement Program.

Repeals Conservation Farm Option.

Repeals Tree Planting Initiative.

**Sec. 262. National Natural Resources Conservation Foundation Act.**

Repeals the National Natural Resources Conservation Foundation Act.

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