

118TH CONGRESS
2D SESSION

S. 5101

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

SEPTEMBER 18, 2024

Mr. CASEY 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 2024”.

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 shall 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 shall 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.);

21 “(C) the regional conservation partnership
22 program established under subtitle I of that
23 title (16 U.S.C. 3871 et seq.); and

24 “(D) the landscape conservation initiatives
25 developed by the Secretary.

1 “(2) ASSESSMENTS.—To help measure out-
2 comes and results, the Secretary shall, to the max-
3 imum extent practicable, make assessments of
4 changes in the status and conditions of natural re-
5 sources and the environment that result from the
6 application of conservation activities supported di-
7 rectly by the conservation programs and initiatives
8 described in subparagraphs (A) through (D) of para-
9 graph (1).

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

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

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

21 “(C) to assess the need for modifications
22 to the statutes or regulations for those pro-
23 grams and initiatives.

24 “(b) MONITORING AND PROGRAM EVALUATION.—

1 “(1) IN GENERAL.—The Secretary shall use not
2 more than 1 percent of the total annual funding
3 from the funds of the Commodity Credit Corpora-
4 tion made available for new annual enrollments for
5 the conservation programs described in subpara-
6 graphs (A) through (C) of subsection (a)(1) to es-
7 tablish a comprehensive monitoring and program
8 evaluation process to assess—

9 “(A) progress in reaching natural resource
10 and environmental objectives identified under
11 that subsection;

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

14 “(C) the contribution of those programs
15 collectively to that progress.

16 “(2) IMPLEMENTATION.—In implementing the
17 comprehensive monitoring and program evaluation
18 process under paragraph (1), the Secretary may con-
19 sider and incorporate—

20 “(A) resource concern inventories;

21 “(B) trends and analyses;

22 “(C) quality and quantity criteria;

23 “(D) conservation practices and enhance-
24 ments; and

1 “(E) such other information as the Sec-
2 retary determines relevant for applying the
3 monitoring and program evaluation process
4 across each major land use identified by the
5 Secretary.

6 “(3) MONITORING AND EVALUATION PROC-
7 ESS.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of the Farmer Driv-
10 en Conservation Outcomes Act of 2024, the
11 Secretary shall issue—

12 “(i) a design for the comprehensive
13 monitoring and program evaluation process
14 under paragraph (1);

15 “(ii) a schedule for implementing that
16 process; and

17 “(iii) a plan for coordinating that
18 process with—

19 “(I) the soil and water conserva-
20 tion program; and

21 “(II) the conservation effects as-
22 sessment project established under
23 section 8.

24 “(B) METHODOLOGY.—The design for the
25 comprehensive monitoring and program evalua-

1 tion process described in subparagraph (A)(i)
2 shall—

3 “(i) ensure that data made available
4 to cooperators and researchers from the
5 comprehensive monitoring and program
6 evaluation process are transformed into
7 statistical aggregate data at the county
8 level and in a form that protects personally
9 identifiable information; and

10 “(ii) take into account—

11 “(I) the cumulative impact of
12 conservation over time;

13 “(II) the interactions and se-
14 quencing effects between conservation
15 activities;

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

18 “(IV) other related measurement
19 challenges.

20 “(C) PUBLIC RESEARCH.—

21 “(i) IN GENERAL.—Notwithstanding
22 any other provision of law, subject to
23 clause (ii), in order to facilitate implemen-
24 tation of the comprehensive monitoring
25 and program evaluation process under

1 paragraph (1), the Secretary shall make
2 available conservation activity and program
3 data to cooperators and researchers en-
4 gaged in public research and evaluation ac-
5 tivities to improve conservation outcomes
6 under this subsection.

7 “(ii) CONDITIONS.—The availability of
8 data under clause (i) shall be subject to
9 the conditions that—

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

16 “(II) the national technical com-
17 mittee established under paragraph
18 (5) finds that the data is likely to
19 generate information that furthers the
20 purpose of this section.

21 “(4) COOPERATIVE AGREEMENTS.—The Sec-
22 retary may implement the comprehensive monitoring
23 and program evaluation process under paragraph (1)
24 in part through cooperative or contribution agree-
25 ments with Federal, State, and local agencies, insti-

1 tutions of higher education, and nongovernmental
2 organizations with requisite expertise, as determined
3 by the Secretary, in consultation with the national
4 technical committee established under paragraph
5 (5).

6 “(5) NATIONAL TECHNICAL COMMITTEE.—

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

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

19 “(i) the Agricultural Research Service;

20 “(ii) the Economic Research Service;

21 “(iii) the Farm Service Agency;

22 “(iv) the United States Fish and
23 Wildlife Service;

24 “(v) the Forest Service;

1 “(vi) the National Institute of Food
2 and Agriculture;

3 “(vii) the United States Geological
4 Survey;

5 “(viii) the Environmental Protection
6 Agency;

7 “(ix) State and Tribal agencies;

8 “(x) land grant university natural re-
9 source research programs;

10 “(xi) nongovernmental organizations
11 with expertise in the full array of conserva-
12 tion issues and measurement and evalua-
13 tion of conservation outcomes;

14 “(xii) farmers that reflect a variety of
15 geographic regions, production types, racial
16 and ethnic backgrounds, and farm acre-
17 ages; and

18 “(xiii) such other agencies, institu-
19 tions, or organizations as the Secretary
20 may determine to be appropriate.

21 “(C) FACA EXEMPTION.—The national
22 technical committee shall be exempt from the
23 Federal Advisory Committee Act (5 U.S.C.
24 App.).

1 “(D) TRANSPARENCY.—The Secretary
2 shall ensure that the proceedings and rec-
3 ommendations of the national technical com-
4 mittee are available to the public.

5 “(6) VOLUNTARY PARTICIPATION.—In carrying
6 out this subsection, the Secretary shall ensure that
7 any on-farm monitoring activities that may be in-
8 cluded as part of the comprehensive monitoring and
9 program evaluation process under paragraph (1)—

10 “(A) are voluntary on the part of the pro-
11 ducer; and

12 “(B) may include appropriate compensa-
13 tion for the producer, as determined by the Sec-
14 retary, subject to the condition that the com-
15 pensation, for any fiscal year, shall not exceed
16 the lesser of—

17 “(i) 10 percent of the net annual in-
18 come of the producer; and

19 “(ii) \$2,000.

20 “(c) REPORTING.—

21 “(1) REPORT ON OBJECTIVES AND METHODS.—
22 Beginning in the fiscal year that is 3 years after the
23 date of enactment of the Farmer Driven Conserva-
24 tion Outcomes Act of 2024, and every 2 years there-

1 after, the Secretary shall submit to Congress, and
2 make publicly available, a report that includes—

3 “(A) a description of conservation outcome
4 objectives that are, to the maximum extent
5 practicable, quantitative, measurable, and time-
6 bound for each program or initiative described
7 in subparagraphs (A) through (D) of subsection
8 (a)(1);

9 “(B) a description of the approaches, tools,
10 and methods used—

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

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

15 “(C) guidance to the conservation project
16 partners working to implement conservation
17 programs within a landscape-level project that
18 provides a description of the approaches, tools,
19 and methods that the partners might consider
20 using to measure and model the conservation
21 outcomes and results of the projects.

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

1 “(A) an assessment of progress made to-
2 wards achieving conservation program objec-
3 tives and anticipated outcomes and results for
4 each program or initiative described in subpara-
5 graphs (A) through (D) of subsection (a)(1), in-
6 dividually and collectively;

7 “(B) an evaluation of the cost-effectiveness
8 of each of those conservation programs and ini-
9 tiatives; and

10 “(C) recommendations, taking into consid-
11 eration the assessment and evaluation under
12 subparagraphs (A) and (B), respectively, to im-
13 prove program implementation and the sci-
14 entific and economic tools (including any new or
15 revised conservation practices, conservation en-
16 hancements, or conservation planning tools)
17 used to achieve stated natural resource con-
18 servation and environmental objectives.

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

○