

118TH CONGRESS
1ST SESSION

S. 2603

To amend the Food Security Act of 1985 to streamline conservation practice standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Ms. ERNST (for herself, Mr. HEINRICH, Mr. MARSHALL, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to streamline conservation practice standards, 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 “Streamlining Con-
5 servation Practice Standards Act of 2023”.

6 **SEC. 2. CONSERVATION INNOVATION GRANTS AND PAY-** 7 **MENTS.**

8 Section 1240H of the Food Security Act of 1985 (16
9 U.S.C. 3939aa–8) is amended—

10 (1) in subsection (a)(1)—

1 (A) by striking “pay the cost of” and in-
 2 serting “award”;

3 (B) by inserting “the development and
 4 evaluation of new and” before “innovative ap-
 5 proaches”; and

6 (C) by inserting “, including for the pur-
 7 pose of incorporating innovation and new tech-
 8 nologies into existing conservation practice
 9 standards or establishing new conservation
 10 practice standards” before the period at the
 11 end; and

12 (2) in subsection (d)(2)(A)—

13 (A) in clause (i)—

14 (i) by striking “practices” and insert-
 15 ing “practices, including both management
 16 and structural practices,”; and

17 (ii) by striking “and” at the end;

18 (B) by redesignating clause (ii) as clause
 19 (iii);

20 (C) by inserting after clause (i) the fol-
 21 lowing:

22 “(ii) evaluation data for new and
 23 emerging technology and recommendations
 24 for State and regional applications; and”;
 25 and

1 (D) in clause (iii) (as so redesignated), by
 2 striking “practices.” and inserting “practices
 3 for consideration through the process estab-
 4 lished under section 1242(h)(3).”.

5 **SEC. 3. CONSERVATION STANDARDS AND REQUIREMENTS.**

6 Section 1241(j)(1) of the Food Security Act of 1985
 7 (16 U.S.C. 3841(j)(1)) is amended—

8 (1) in subparagraph (B), by striking “and” at
 9 the end;

10 (2) in subparagraph (C), by striking the period
 11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(D) a schedule for the revision of exist-
 14 ing, and establishment of new, conservation
 15 practice standards under section 1242(h).”.

16 **SEC. 4. ESTABLISHMENT AND REVIEW OF CONSERVATION**
 17 **PRACTICE STANDARDS.**

18 Section 1242(h) of the Food Security Act of 1985
 19 (16 U.S.C. 3842(h)) is amended—

20 (1) in the subsection heading, by inserting “ES-
 21 TABLISHMENT AND” before “REVIEW”;

22 (2) in paragraph (1)—

23 (A) in subparagraph (A)—

24 (i) by striking “not later than 1 year
 25 after the date of enactment of the Agri-

1 culture Improvement Act of 2018” and in-
2 serting “not less frequently than once
3 every 5 years”;

4 (ii) by inserting “on a rolling basis,”
5 after “standard,”; and

6 (iii) by striking “that Act” and insert-
7 ing “the Streamlining Conservation Prac-
8 tice Standards Act of 2023”;

9 (B) in subparagraph (C), by striking
10 “and” at the end;

11 (C) in subparagraph (D), by striking the
12 period at the end and inserting a semicolon;
13 and

14 (D) by adding at the end the following:

15 “(E) provide an opportunity for public
16 input on each conservation practice standard
17 under review;

18 “(F) publicly post a summary of comments
19 received under subparagraph (E) and decisions
20 made or not made due to those comments; and

21 “(G) publish each revised conservation
22 practice standard.”;

23 (3) by striking paragraph (3) and inserting the
24 following:

1 “(3) ESTABLISHMENT OF CONSERVATION PRAC-
2 TICE STANDARDS.—

3 “(A) IN GENERAL.—Not later than 1 year
4 after the date of enactment of the Streamlining
5 Conservation Practice Standards Act of 2023,
6 the Secretary shall—

7 “(i) develop, for the programs under
8 this title, a streamlined, publicly accessible,
9 administrative process for establishing, in-
10 cluding proposing, reviewing, and adopting,
11 interim conservation practice standards
12 and conservation practice standards; and

13 “(ii) publish a detailed description of
14 the process developed under clause (i), in-
15 cluding—

16 “(I) specific thresholds appro-
17 priate for expedited review; and

18 “(II) an associated timeline for
19 the implementation of the review.

20 “(B) REQUIREMENTS.—Under the process
21 established under subparagraph (A), the Sec-
22 retary shall—

23 “(i) consider conservation innovations
24 and scientific and technological advance-

ments, including from projects developed
under section 1240H;

“(ii) allow State and local flexibility in
the creation of—

“(I) interim conservation practice
standards and supplements to existing
conservation practice standards to ad-
dress the considerations described in
clause (i); and

“(II) partnership-led proposals
for new and innovative techniques to
facilitate implementing agreements
and grants under this title;

“(iii) solicit regular input from State
technical committees established under sec-
tion 1261(a) for recommendations that
identify innovations or advancements de-
scribed in clause (i); and

“(iv) allow for public submission of
conservation practices for consideration as
interim conservation practice standards.

“(C) PRIORITY UPDATES.—The Secretary
shall prioritize the review of proposed interim
conservation practice standards and conserva-

tion practice standards under the process established under subparagraph (A) that—

“(i) address underused conservation practice standards, including the Nutrient Management Standard; and

“(ii) reduce the use of synthetic chemicals and fertilizers.

“(D) PUBLIC INFORMATION.—Under the process established under subparagraph (A), the Secretary shall make publicly available information describing—

“(i) what constitutes—

“(I) a conservation practice standard; and

“(II) an interim conservation practice standard;

“(ii) the process by which the public can submit to the Secretary conservation practices for consideration as interim conservation practice standards, including a template and written instructions for how to submit a conservation practice for consideration;

“(iii) the data, metrics, third-party or scientific information, and other relevant

1 information that the Secretary needs to
2 consider in the establishment of interim
3 conservation practice standards;

4 “(iv) the process by which an interim
5 conservation practice standard becomes a
6 conservation practice standard;

7 “(v) the means by which the public
8 can engage State technical committees es-
9 tablished under section 1261(a) to consider
10 interim conservation practice standards al-
11 ready in effect in other States; and

12 “(vi) such other information as the
13 Secretary determines to be appropriate.”;
14 and

15 (4) in paragraph (4)—

16 (A) in the matter preceding subparagraph
17 (A)—

18 (i) by striking “Agriculture Improve-
19 ment Act of 2018” and inserting “Stream-
20 lining Conservation Practice Standards Act
21 of 2023”; and

22 (ii) by striking “Congress a report
23 on—” and inserting “Congress and make
24 publicly available on a website of the De-

1 partment of Agriculture a report describ-
2 ing—”;

3 (B) in subparagraph (A), by inserting “a
4 detailed description of” before “the administra-
5 tive”;

6 (C) in subparagraph (B)—

7 (i) by striking “or revised”; and

8 (ii) by striking “and” at the end;

9 (D) in subparagraph (C), by striking the
10 period at the end and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(D) such other information as the Sec-
13 retary determines to be appropriate with re-
14 spect to improving the process for reviewing
15 and establishing conservation practice stand-
16 ards.”.

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