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Agricultural Conservation in the 2018 Farm Bill

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SUMMARY

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Agricultural Conservation in the 2018 Farm Bill

The Agriculture Improvement Act of 2018 (2018 farm bill, P.L. 115-334, Title II) included a number of changes to agricultural conservation programs, including reauthorizing and amending existing programs, directing existing program activities to specific resource concerns, shifting funds within the title, and authorizing a budget-neutral level of funding.

Debate over the conservation title in the 2018 farm bill focused on a number of issues in the different versions in the House- and Senate-passed bills (H.R. 2). These differences were resolved in a House-Senate conference to create the enacted bill, which is a mix of both versions that were passed by both chambers. The enacted bill reauthorizes and amends portions of most all conservation programs; however, the general focus is on the larger programs, namely the Conservation Reserve Program (CRP), Environmental Quality Incentives Program (EQIP), and Conservation Stewardship Program (CSP).

Most farm bill conservation programs are authorized to receive mandatory funding and are not subject to appropriation. According to the Congressional Budget Office (CBO), the conservation title of the 2018 farm bill makes up 7% of the bill's total projected mandatory spending over 10 years, which is $60 billion of the total $867 billion. The conservation title is budget neutral over the 10-year baseline; however, the 2018 farm bill is projected to increase funding in the first five years (+$555 million over FY2019-FY2023) and decrease funding in the last five years (-$561 million over FY2024-FY2028). Generally, the 2018 farm bill reallocates mandatory funding within the conservation title among the larger programs.

The two largest working lands programs—EQIP and CSP—were reauthorized and amended under the enacted bill, but in different ways. The House-passed bill would have repealed CSP and created a stewardship contract within EQIP, whereas the Senate-passed bill would have reauthorized CSP and reduced program enrollment. The enacted bill creates a mix of both the House- and Senate-passed bills by reauthorizing CSP and reducing program enrollment, as well as creating a new incentive contract within EQIP. Funding for CSP is shifted away from an acreage limitation under prior law to limits based on funding. EQIP is expanded and reauthorized with increased funding levels.

The largest land retirement program—CRP—is reauthorized and expanded by increasing the CRP enrollment limit in annual increments from 24 million acres in FY2019 to 27 million by FY2023. To offset this increased enrollment level, the enacted bill reduces payments to participants, including cost-share payments, annual rental payments, and incentive payments. The 2018 farm bill also reauthorized and amended the Agricultural Conservation Easement Program (ACEP). Most of the changes to ACEP focus on the agricultural land easements by providing additional flexibilities to ACEP-eligible entities and authorize an increase in overall funding.

The Regional Conservation Partnership Program (RCPP) is reauthorized and amended by shifting the program away from enrolling land through existing conservation programs to a standalone program with separate contracts and agreements. Under the revised program, USDA is to continue to enter into agreements with eligible partners, and these partners are to continue to define the scope and location of a project, provide a portion of the project cost, and work with eligible landowners to enroll in RCPP contracts.

While the 2018 farm bill does not create new conservation programs, it does require that a number of existing programs direct a dollar amount or percentage of a program's funding to a resource-specific issue, initiative, or subprogram. Through these directed policies Congress has established a level of support, or required investment, to be carried out through implementation to target specific issues such as nutrient runoff or groundwater protection. The directed policy may also reduce the implementing agency's flexibility to allocate funding based on need, as well as reducing the amount available for activities under the larger program that may not meet a resource-specific provision.

High commodity prices in years past, changing land rental rates, and new conservation technologies have led over time to a shift in farm bill conservation policy away from programs that retire land from production (CRP) toward programs that provide assistance to lands still in production (EQIP and CSP). Much of this shift occurred following the 2008 farm bill (FY2009-FY2013) and continued under the 2014 farm bill (FY2014-FY2018) as the level of total mandatory program funding for CRP was reduced relative to EQIP and CSP. Funding for easement programs (ACEP) also declined somewhat under the 2014 farm bill, but is projected to level off under the 2018 farm bill. Partnership program (RCPP) funding has also increased in recent farm bills, but remains relatively small compared to the other categories of programs.

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Federal agricultural conservation assistance began in the 1930s with a focus on soil and water issues associated with production and environmental concerns on the farm. During the 1980s, agricultural conservation policies were broadened to include environmental issues beyond soil and water concerns, especially issues related to production, such as erosion and wetlands loss that had effects beyond the farm. Many of the current agricultural conservation programs were enacted as part of the Food Security Act of 1985 (1985 farm bill; P.L. 99-198, Title XII). These programs have been reauthorized, modified, and expanded, and several new programs have been created, particularly in subsequent omnibus farm bills. While the number of programs has increased and new techniques to address resource challenges continue to emerge, the basic federal approach has remained unchanged—voluntary farmer participation encouraged by financial and technical assistance, education, and basic and applied research. The U.S. Department of Agriculture (USDA) administers the suite of agricultural conservation programs through two primary agencies—the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA).

The conservation title of the Agriculture Improvement Act of 2018 (2018 farm bill; P.L. 115-334, Title II)[1] reauthorized and amended many of the largest conservation programs and created a number of new pilot programs, carve-outs, and initiatives. The House- and Senate-passed farm bills (H.R. 2) each included a number of amendments to existing conservation programs, many of which did not overlap. This generally resulted in the inclusion of a mix of amendments from each chamber being in the enacted bill.[2] The Congressional Budget Office (CBO) projects that total mandatory spending for the title will increase by $555 million during the first five years of the 2018 farm bill (FY2019-FY2023), compared to a continuation of funding levels authorized in the Agricultural Act of 2014 (2014 farm bill; P.L. 113-79). Mandatory spending for the title over 10 years (FY2019-FY2028) is projected by CBO to be reduced by $6 billion, relative to the 2014 farm bill authorized levels. Generally, the bill reallocates funding within the conservation title among the larger programs and pays for increases in the short term with reductions in the long term.[3]

Figure 1. Common Conservation Program Abbreviations

Acronym	Program Name
ACEP	Agricultural Conservation Easement Program
ALE	Agricultural Land Easement (easement within ACEP)
AMA	Agricultural Management Assistance program
CIG	Conservation Innovation Grants (subprogram of EQIP)
CLEAR	Clean Lakes, Estuaries, and Rivers (initiative of CRP)
CREP	Conservation Reserve Enhancement Program (subprogram of CRP)
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
ECP	Emergency Conservation Program
EQIP	Environmental Quality Incentives Program
EWP	Emergency Watershed Protection program
FW	Farmable Wetlands program (subprogram of CRP)
GSWP	Grassroots Source Water Protection program
GLCI	Grazing Land Conservation Initiative
HFRP	Healthy Forests Reserve Program
RCPP	Regional Conservation Partnership Program
SHIPP	Soil Health and Income Protection Pilot
VPAHIP	Voluntary Public Access and Habitat Incentive Program
WFPO	Watershed and Flood Prevention Operations
WRE	Wetland Reserve Easement (easement within ACEP)

Source: CRS

[1] Conference Report, H.Rept. 115-1072.

[2] For a larger discussion of the entire 2018 farm bill, see CRS Report R45525, *The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison*.

[3] For additional analysis of the 2018 farm bill budget, see CRS Report R45425, *Budget Issues That Shaped the 2018 Farm Bill*.

Conservation Program Changes

The 2018 farm bill reauthorized and amended all of the major USDA agricultural conservation programs. Generally, farm bill conservation programs can be grouped into the following types based on similarities: working lands, land retirement, easement, conservation compliance, and partnership and grants (see **Figure 1** and **Figure 2** for a list of conservation programs). Most of these programs are authorized to receive mandatory funding (i.e., they do not require an annual appropriation), and include funding authorities that expire with most other farm bill programs at the end of FY2023.

Other types of conservation programs—such as watershed programs, emergency programs, and technical assistance—are authorized in legislation other than the farm bill. Most of these programs have permanent authorities and receive appropriations annually through the discretionary appropriations process. These programs are not generally addressed in the context of a farm bill and are not covered in detail in this report, except for cases where the 2018 farm bill made amendments to the program.

This section provides a general discussion of programmatic-specific amendments made to various conservation programs and subprograms. For a detailed section-by-section analysis of amendments in the 2018 farm bill, including statutory and U.S. Code citations, see **Appendix**.[4] Unless otherwise noted, conservation programs discussed in this section are authorized to receive mandatory funding through the borrowing authority of the Commodity Credit Corporation (CCC).[5] For additional analysis of conservation program funding, see the "Budget and Baseline" section.

Land Retirement

Land retirement programs authorize USDA to make payments to private landowners to voluntarily retire land from production for less-resource intensive uses. The primary land retirement program is the Conservation Reserve Program (CRP). CRP includes a number of subprograms, many of which were codified or reauthorized in the 2018 farm bill. The farm bill also authorizes a number of initiatives and pilot programs.

Conservation Reserve Program (CRP)

CRP was originally authorized in the 1985 farm bill and has been reauthorized and amended a number of times since. The program provides financial compensation for landowners, through an annual rental rate, to voluntarily remove land from agricultural production for an extended period (typically 10 to 15 years) to improve soil and water quality and wildlife habitat. CRP operates under two types of enrollment—general and continuous. General enrollment provides an opportunity for landowners to enroll in CRP through a nationwide competition during a specific period of time. Continuous enrollment is designed to enroll the most environmentally desirable land into CRP through specific conservation practices or resource needs. Unlike general enrollment, under continuous enrollment, land is typically enrolled at any time and is not subject to competitive bidding. Many of the 2018 farm bill amendments apply to continuous enrollment contracts, including the creation of new pilot programs and amendments to existing subprograms. A detailed analysis of amendments to CRP may be found in **Table A-2**.

[4] **Appendix** is organized according to the subtitle structure within the 2018 farm bill's conservation title (title II). This report is not organized as such and therefore references to various subtitle tables may not appear sequentially.

[5] For additional information on the CCC, see CRS Report R44606, *The Commodity Credit Corporation: In Brief*.

Figure 2. USDA Agricultural Conservation Program by Type

(under enacted 2018 farm bill)

Type	Program(s)
Farm Bill Agricultural Conservation Programs	
Working Lands—programs allow private land to remain in production, while implementing various conservation practices to address natural resource concerns specific to the area.	• Environmental Quality Incentives Program (EQIP) • Conservation Stewardship Program (CSP)
Land Retirement—programs provide federal payments to agricultural landowners for temporary changes in land use or management to achieve environmental benefits.	• Conservation Reserve Program (CRP) • Conservation Reserve Enhancement Program (CREP) • Farmable Wetlands (FW) program • CLEAR30 • Soil Health Income Protection Pilot (SHIPP)
Easement—programs impose a permanent land-use restriction that is voluntarily placed on the land in exchange for a government payment	• Agricultural Conservation Easement Program (ACEP) • Healthy Forests Reserve Program (HFRP)
Compliance—prohibits a producer from receiving most federal farm program benefits (including conservation assistance) when conservation requirements for highly erodible lands and wetlands are not met.	• Highly erodible land conservation (sodbuster) • Wetland conservation (swampbuster) • Sodsaver
Partnership and Grants—programs that use partnership agreements to leverage program funding with non-federal funding or provide grants to states or research organizations.	• Regional Conservation Partnership Program (RCPP) • Conservation Innovation Grants (CIG) • Voluntary Public Access and Habitat Incentive Program (VPAHIP)
Other—programs and provisions that do not fit easily into the above categories. Authority is generally derived from farm bill legislation	• Grassroots Source Water Protection (GSWC) • Grazing Land Conservation Initiative (GLCI) • Desert terminal lakes • State technical committees
Non-Farm Bill Conservation Programs	
Technical Assistance—programs provide landowners with science-based conservation information and technical (e.g., engineering and biological) expertise unique to the region and land use type. Usually does not include financial assistance.	• Conservation Operations (includes Conservation Technical Assistance, Snow Survey, Soil Survey, and Plant Materials Centers)
Emergency—programs provide disaster assistance for private farm and forest land rehabilitation and impairments to watersheds. Programs are usually funded through supplemental appropriations acts.	• Emergency Conservation Program (ECP) • Emergency Watershed Protection (EWP) program (includes floodplain easements) • Emergency Forest Restoration Program (EFRP)
Other—programs that do not fit easily into the above categories. Authority is generally derived from non-farm bill legislation.	• Agricultural Management Assistance (AMA) • Water Bank program • Soil and Water Resources Conservation Act (RCA) • Resource Conservation and Development Program (RC&D)

Source: CRS.

Notes: Generally programs that are authorized under Title XII of the Food Security Act of 1985, as amended, are considered to be farm bill programs. Most non-farm bill programs are authorized outside of farm bill legislation. Amendments to these program may occur in farm bills, but their program authority and funding authority is provided separate from omnibus farm bills.

Congressional debate over CRP in the 2018 farm bill centered on how to increase enrollment limits, while not increasing overall cost. As such, the enacted bill incrementally increases the enrollment cap while reducing various rental rates, cost-share payments, and incentive payments. The 2018 farm bill increases the enrollment limit in annual increments from 24 million acres in

FY2019 to 27 million acres in FY2023.[6] This increase in enrollment is partly offset by reducing rental rates for general contracts to 85% of the county average rental rate and to 90% of the county average rental rate for continuous contracts. Cost-share payments are limited to the actual cost of establishing the approved practices, including not more than 50% for seed mix costs. The enacted bill also establishes minimum enrollment levels for continuous contracts (8.6 million acres by FY2022) and grassland contracts (2 million acres by FY2021).

Conservation Reserve Enhancement Program (CREP)

CREP was originally created as a CRP initiative in 1997, but was not codified into statute as a CRP subprogram until the 2018 farm bill. The provision in the 2018 farm bill is similar to the original version of CREP in that it authorizes USDA to enter into agreements with states to target designated project areas with continuous CRP enrollment contracts. Projects are designed to address specific environmental objectives through targeted continuous, non-competitive, CRP enrollment that typically provides additional financial incentives beyond annual rental payments and cost-share assistance.

The new language in the 2018 farm bill allows existing CREP agreements to remain in force, but allows them to be modified if mutually agreed upon. CREP agreements are generally with states, but the 2018 farm bill expands eligible partners to include nongovernmental organizations (NGO). The enacted bill formalizes agreement requirements with partners, including matching fund contributions (previously not less than 20% of the project cost) and possible waiver of such contributions. The enacted bill requires the matching fund contribution to be a negotiated part of the agreement, or not less than 30% if most of the funds are provided by an NGO. Payments from an eligible partner may be in cash, in-kind, or through technical assistance. Additional requirements for select cost-share payments, incentive payments, and maintenance payments are also included. Specific requirements are included related to grazing, forested riparian buffers, and drought and water conservation agreements.

Farmable Wetlands (FW) program

The FW program was created in the Farm Security and Rural Investment Act of 2002 (2002 farm bill; P.L. 107-171) as a pilot within CRP to enroll farmable or prior converted wetlands into CRP in exchange for additional financial incentives. The 2018 farm bill reauthorized FW program at the current 750,000 acre enrollment limit.

CRP Grassland Contracts

The 2014 farm bill authorized grassland contracts under CRP, which enrolls grassland, rangeland, and pastureland into 14 to 15 year CRP contracts. Only select grazing practices are allowed under the contract in exchange for annual and cost-share payments. The 2018 farm bill reauthorizes the contracts and increases the enrollment limit to not less than 2 million acres by FY2021 from the previous limit of not more than 2 million acres. USDA may not use unenrolled grassland acres for other types of CRP enrollment. The enacted bill also prioritizes the enrollment of expiring CRP land, land at risk of development, or land of ecological significance.

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[6] CRP is authorized to spend such sums as necessary to enroll up to the maximum number of allowable acres. This funding is mandatory and average close to $2 billion annually.

Other CRP Initiatives

CLEAR 30

The 2018 farm bill creates a new pilot program referred to as CLEAR 30, which enrolls expiring CRP land into 30-year contracts devoted to practices that improve water quality. CLEAR refers to the Clean Lakes, Estuaries, And Rivers initiative that is authorized to enroll land in continuous contracts that would reduce sediment and nutrient loading, and harmful algal blooms. Under a CLEAR 30 contract, the landowner must maintain the land in accordance with an approved plan and adhere with the terms and conditions of the contract. Contract holders receive compensation in thirty annual cash payments similar to those calculated under general CRP contracts. Technical assistance is required for each contract and agreement. USDA must create the CRP plan for a contract, but management, monitoring, and enforcement may be delegated to another federal agency, state, or local government, or to a conservation organization.

Soil Health and Income Protection Pilot (SHIPP)

The 2018 farm bill also creates a new SHIPP pilot program under CRP to remove less productive farm land from production in exchange for annual rental payments and to plant low-cost perennial cover crops. Eligible land is limited to (1) land in states selected by the Secretary within the prairie pothole region, (2) land that has a cropping history in the three years prior to enrollment, but which was not enrolled in CRP during that time period, and (3) land that is considered to be less productive than other land on the farm. No more than 15% of a farm may be enrolled in the pilot and no more than 50,000 acres of the CRP may be used for the pilot. Under a SHIPP contract, a participant would be required to plant a USDA-approved, low-cost, perennial, conserving-use cover crop at the participant's expense. In return the participant would receive an annual rental payment that is 50% of the general CRP annual rental payment, or higher for beginning, limited-resource, socially disadvantaged or veteran participants. Contracts are three to five years in duration, but can be terminated early if considered necessary by USDA; or if the participant agrees to pay back the annual rental payments. Harvesting, haying, and grazing are allowed outside of the local nesting and brood-rearing period, subject to additional conditions.

Working Lands Programs

Working lands conservation programs allow private land to remain in production, while implementing various conservation practices to address natural resource concerns specific to the area. Program participants receive some form of conservation planning and technical assistance to guide the decision on the most appropriate practices to apply, given the natural resource concerns and land condition. Participants receive federal financial support to defray a portion of the cost to install or maintain the vegetative, structural, or management practices agreed to in the terms of the contract.

The two main working lands programs are the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP). Combined, both programs account for more than half of all conservation program funding. The 2018 farm bill amended both programs, but in different ways and to different degrees. A detailed analysis of amendments to EQIP and CSP is provided in **Table A-3** and **Table A-4**, respectively.

Environmental Quality Incentives Program (EQIP)

EQIP is reauthorized and expanded in the enacted bill. The program provides financial and technical assistance to producers and private landowners to plan and install structural, vegetative, and land management practices on eligible lands to alleviate natural resource problems. Eligible producers enter into contracts with USDA to receive payment for implementing conservation practices. Approved activities are carried out according to an EQIP plan approved by USDA and developed with the producer that identifies the appropriate conservation practice(s) to address identified resource concerns on the eligible land. The program is reauthorized through FY2023 with a graduating level of mandatory funding—$1.75 billion in FY2019 and FY2020; $1.8 billion in FY2021; $1.85 billion in FY2022; and $2.025 billion in FY2023.

The new law includes a number of amendments to EQIP that focus on water quality and quantity-related practices, soil health improvement, and wildlife habitat improvement. The law also reduces the funding allocation for livestock-related practices from 60% to 50%, and increases the allocation for wildlife-related practices from 5% to 10%.

One of the larger changes the 2018 farm bill makes to EQIP is that water conservation system payments are expanded to include irrigation and drainage entities that were previously ineligible. Eligible entities may be states, irrigation districts, groundwater management districts, acequias, land-grant mercedes, or similar entities. Practices must be implemented on eligible land of the producer, land adjacent to a producer's eligible land, or land under the control of the eligible entity. Adjusted Gross Income (AGI) and payment limits may be waived for eligible entities, but USDA may impose additional payment and eligibility limits. Priority is given to applications that reduce water use. It is unclear how this expansion in eligibility, compared with the previous producer-only policy, may affect implementation of the program.

Conservation Stewardship Program (CSP)

CSP provides financial and technical assistance to producers to maintain and improve existing conservation systems and to adopt additional conservation activities in a comprehensive manner on a producer's entire operation. CSP contracts must meet or exceed a *stewardship threshold* for at least two priority resource concern at the time of application and meet or exceed at least one additional priority resource concern by the end of the contract. The House-passed bill would have repealed CSP and created a stewardship contract within EQIP, whereas the Senate-passed bill would have reauthorized CSP and reduced program enrollment. The enacted 2018 farm bill creates a mix of both the House- and Senate-passed bills with amendments. The enacted bill reauthorizes CSP, but amends how the program limits future enrollment. The new law shifts CSP from a program limited by acres (10 million acres annually under prior law; approximately $1.4 billion in FY2018) to one limited by total funding ($700 million in FY2019 in mandatory funding, increasing to $1 billion in FY2023). CBO projects this change from prior law will reduce the program by more than $12.4 billion total over ten years (see **Table 2**) for a total cost of $5.1 billion. Reduced spending from this reduction offset increased mandatory spending in other conservation programs (see **Figure 3**).

In addition to the amended funding structure of CSP, the enacted bill also made a number of amendments to the program. CSP's ranking criteria is amended to focus on an application's actual and expected increase of conservation benefits, and to add a cost competitive selection criteria for similar applications. Contract renewal options are amended to require renewal applicants to compete with new applications, whereas previously their acceptance was guaranteed. Additionally, payments for adopting cover crops, grazing management, and comprehensive conservation plan development are amended to include higher and more comprehensive payment options.

Other EQIP and CSP Initiatives and Subprograms

Conservation Innovation Grants (CIG)

CIG is a subprogram under EQIP that awards competitive grants to state and local agencies, nongovernmental organizations, tribes, and individuals to implement innovative conservation techniques and practices. The 2018 farm bill expands project eligibility to include community colleges, urban farming, and monitoring practices. A new on-farm conservation innovation trial is authorized at $25 million annually from total EQIP funding. The new on-farm trial funds projects through producers or eligible entities that test new or innovative conservation approaches, such as those related to precision agriculture technologies, nutrient management, soil health, water management, crop rotations, cover crops, irrigation systems, and other USDA approved approaches.

EQIP Conservation Incentive Contract

The House-passed farm bill would have repealed CSP and created a stewardship contract within EQIP. While the 2018 farm bill retained CSP and also authorized a new Conservation Incentive Contract under EQIP. The new EQIP incentive contracts are limited to select priority resource concerns within specific geographic regions. No more than three priority resource concerns may be identified in each geographic region. EQIP incentive contracts extend for five to ten years and provide annual payments to incentivize increased conservation stewardship and the adoption, installation, management, and maintenance of conservation practices. In determining payment amounts, USDA is required to consider the level and extent of the practice being adopted, the cost of adoption, income forgone due to adoption, and compensation ensuring the longevity of the practice.

The new EQIP incentive contracts exhibit some similarities with CSP contracts, including addressing priority resource concerns; and providing annual payments for adopting, maintaining, and improving practices. The EQIP incentive contracts also include notable differences from CSP, including a no *stewardship threshold* for entry;[7] no comprehensive requirement for addressing resource concerns; no whole-farm enrollment; and no limit on payments. Pending implementation of EQIP incentive contracts, it is unclear what impact they may have on CSP enrollment or on general EQIP contracts.

CSP Grassland Conservation Initiative

Amendments under the commodities title (Title I) of the 2018 farm bill changed how base acres are used to calculate eligibility for certain commodity support programs.[8] Base acres not planted to a commodity program-eligible crop within the last ten years are ineligible for select commodity support programs. Under the 2018 farm bill, these acres are now eligible for a one-time enrollment into a new Grassland Conservation Initiative under CSP.

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[7] Under CSP, participants must meet or exceed a stewardship threshold for at least two priority resource concern at the time of application and meet or exceed at least one additional priority resource concern by the end of the contract.

[8] Base acres are historical program acres used to determine eligibility for certain farm bill commodity support programs. For additional information on farm commodity programs, see CRS Report R45525, *The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison*.

While the new grassland initiative is within CSP, it has separate requirements from other CSP contracts. Unlike CSP, the grassland initiative would not require whole-farm enrollment. The initiative has no required stewardship threshold for entry, requiring the participant to only meet or exceed one priority resource concern by the end of the contract. Whereas CSP contracts must meet or exceed a stewardship threshold for at least two priority resource concern at the time of application and meet or exceed at least one additional priority resource concern by the end of the contracts. Grassland initiative contracts are short term—five years with no renewal or reenrollment option, and a participant may terminate the contract without penalty at any time. Payments under the initiative are not subject to the CSP payment limit, but cannot provide more than $18 per acre.

Easement Programs

Easement programs impose a permanent land-use restriction that is voluntarily placed on the land in exchange for a government payment. The primary conservation easement program is the Agricultural Conservation Easement Program, which provides financial and technical assistance through two types of easements (1) agricultural land easements (ALE) that limit non-agricultural uses on productive farm or grass lands, and (2) wetland reserve easements (WRE) that protect and restore wetlands. The other conservation easement program—the Healthy Forests Reserve Program (HFRP)—was reauthorized in the forestry title (Title VIII) of the 2018 farm bill and is not covered in this report.[9]

Agricultural Conservation Easement Program (ACEP)

The 2018 farm bill reauthorizes and amends ACEP. Most of the changes made to ACEP in the 2018 farm bill focus on the ALE. Under ALE, USDA enters into partnership agreements with eligible entities to purchase agricultural land easements from willing landowners to protect the agricultural use and conservation values of the land. The enacted bill provides additional flexibilities to ACEP-eligible entities, including the eligibility of "buy-protect-sell" transactions in which an eligible entity purchases land prior to the acquisition of an ALE, agrees to hold an ALE on the land, and then transfer the land within a select time period to a farmer or rancher. The bill also amends the non-federal cost share requirements by removing the requirement that an eligible entity's contribution be equal to the federal share, or at least 50% of the federal share if the entity includes contributions from the private landowner. The nonfederal portion contributed by the eligible entity may include cash, a landowner's donation, costs associated with the easement, or other costs as determined by USDA. Other flexibilities provided eligible entities include the consideration of geographical differences, terms and conditions of easements, and certification criteria of eligible entities. Several amendments reduce the roll of USDA in the administration of ALE, including amendments to the certification of eligible entities, the right of easement enforcement, and planning requirements. For a detailed analysis of amendments to ACEP see **Table A-7**.

By comparison, the 2018 farm bill made fewer changes to WRE. Most of the amendments to WRE center on compatible use and vegetative cover requirements. Compatible use authorization is expanded to include consultation with the state technical committee, consideration of land management requirements, and improving the functions and values of the easement. Requirements for a WRE plan were amended to allow for the establishment or restoration of an

[9] HFRP is administered by NRCS, similar to other conservation easement programs, but authorized in the forestry title. For additional information about amendments to HFRP, see the Forestry section of CRS Report R45525, *The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison*.

alternative vegetative community that is hydraulically appropriate on the entirety of the WRE if it would benefit wildlife or meet local resource needs.

In other amendments to ACEP, Congress specified new directions regarding USDA's handling of the subordination, exchange, modification, or termination of any ACEP easement. The enacted farm bill increases mandatory funding for ACEP from the FY2018 authorized level to $450 million annually for FY2019 through FY2023.[10]

Other Conservation Programs and Provisions

Regional Conservation Partnership Program (RCPP)

The 2014 farm bill created RCPP from four repealed programs. The 2018 farm bill reauthorized RCPP and made a number of amendments to the program (see **Table A-8** for a detailed analysis of RCPP amendments). Prior the 2018 farm bill, RCPP utilized 7% of existing conservation programs (referred to as *covered programs*[11]) through RCPP projects that were defined by eligible partners. Eligible partners would define the project's area, goals, and resource concerns to be addressed through the use of covered programs. Partners would enter into project agreements with USDA, in which they would provide a "significant portion" of the overall cost of the project. USDA issued no regulations for RCPP and instead utilized funding notices and operated it with the regulations of the covered programs.

Amendments enacted in the 2018 farm bill shift RCPP away from using contracts from covered programs to establishing RCPP as a stand-alone program with its own contracts. Prior to the 2018 farm bill, USDA would enter into agreements with a partner on a project that would target covered program contracts in an agreed upon area for a defined resource goal. The actual contract with the farmer or rancher, however, would be an EQIP, CSP, ACEP, or HFRP contract. The enacted bill no longer uses this framework; instead it requires USDA to use a contract specific to RCPP that will fund eligible activities similar to those available under covered programs, but not using the funds of those programs. The list of covered programs is also expanded under the bill to include EQIP, ACEP, CSP, HFRP, CRP, and Watershed and Flood Prevention Operations (WFPO).[12]

The 2018 farm bill maintains RCPP's broad partner-focused goal of creating opportunities to leverage federal conservation funding for partner-defined projects. Additionally, the revised program provides additional flexibilities to partners, including the make-up of a partner's project contribution, guidance and reporting requirements, agreement renewals, and in the application process.

Mandatory funding for the program is increased to $300 million annually for FY2019 through FY2023 from $100 million annually under prior law. However, RCPP no longer receives a percentage of funding from covered programs, which could change the overall scale of RCPP depending on how this change is implemented. The allocation of funding is also amended to

[10] The 2014 farm bill authorized $400 million in FY2014, $425 million in FY2015, $450 million in FY2016, $500 million in FY2017, and $250 million in FY2018.

[11] Covered programs included EQIP, CSP, ACEP, and HFRP.

[12] Despite the inclusion of CRP and WFPO, CREP and Watershed Rehabilitation—subprograms of CRP and WFPO, respectively—are specifically excluded.

provide 50% to state and multi-state projects and 50% to projects in critical conservation areas (CCA) as selected by USDA.[13]

Watershed and Flood Prevention Operations (WFPO)

The WFPO program provides technical and financial assistance to state and local organizations to plan and install measures to prevent erosion, sedimentation, and flood damage and to conserve, develop, and utilize land and water resources.[14] Project costs are shared with local partners. Smaller projects may be authorized by the Chief of the NRCS, whereas larger projects must be approved by Congress. The 2018 farm bill made few amendments to WFPO, the most substantial being the authorization of permanent mandatory funding of $50 million annually. Historically, the program received discretionary funding through the annual appropriations process—most recently $150 million in FY2018.[15]

Conservation Compliance

Two farm bill provisions require that in exchange for certain USDA program benefits, a producer agrees to maintain a minimum level of conservation on highly erodible land and not to convert wetlands to crop production. These provisions were originally authorized in the 1985 farm bill as highly erodible land conservation (*Sodbuster*) and wetland conservation (*Swampbuster*). They are collectively referred to as *conservation compliance*.[16] The 2018 farm bill amends wetland conservation provisions to specify that (1) benefits cannot be denied if an exemption applies and (2) affected landowners must have the opportunity to be present during an on-site inspection. The enacted bill also authorizes annual discretionary appropriations for wetland mitigation banking. For a detailed analysis of amendments to the wetland conservation provisions, see **Table A-1**.

A third type of compliance requirement introduced in the Food, Conservation, and Energy Act of 2008 (2008 farm bill; P.L. 110-246) addressed crop production on native sod (*Sodsaver*). While Sodsaver is not included in the conservation title of the farm bill, it operates in a manner similar to conservation compliance requirements in that benefits are reduced if production occurs on native sod.[17]

Policy Issues That Shaped the Conservation Title

Beginning with the Agriculture and Food Act of 1981 (1981 farm bill; P.L. 97-98), agricultural conservation has been a stand-alone title in all farm bills. The breadth of the conservation title has grown with each passing omnibus farm bill. Debate over the 2018 farm bill focused on the differences within the conservation title of the House- and Senate-passed bills (H.R. 2). The conference agreement resolved these differences to create a final version of the title in the enacted law that represents a mix of proposals from the two versions. Overarching themes of the

[13] Current CCAs include Chesapeake Bay Watershed, Great Lakes Region, Mississippi River Basin, Colorado River Basin, Longleaf Pine Range, Columbia River Basin, Prairie Grasslands Region, and California Bay Delta.

[14] The WFPO program consists of projects built under two authorities—the Watershed Protection and Flood Prevention Act of 1954 (P.L. 83-566) and the Flood Control Act of 1944 (P.L. 78-534). For additional information on WFPO, see CRS Report RL30478, *Federally Supported Water Supply and Wastewater Treatment Programs*.

[15] For additional information, see CRS Report R45406, *FY2018 and FY2019 Appropriations for Agricultural Conservation*.

[16] For additional information, see CRS Report R42459, *Conservation Compliance and U.S. Farm Policy*.

[17] For additional information, see CRS Report R45525, *The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison*.

conservation title include (1) targeting of funds or acres in existing programs, (2) a shifting of funds among the different types of conservation programs, including a continued emphasis on working lands programs, and (3) provisions that address environmental regulations through voluntary conservation measures.

Directed Policies Within Existing Programs

The 2014 farm bill focused on simplifying and consolidating programs within the conservation title. Conversely, the 2018 farm bill does not create new programs, but it does require that a number of existing programs direct a specific level of funding or acres, or percentage of a program's funding, to a resource- or interest-specific issue, initiative, or subprogram. **Table 1** highlights some of the directed policies created by the 2018 farm bill and compares them with prior law. Some of these policies existed prior to the 2018 farm bill, but did not include a specified funding or acreage level. Through these directed policies Congress has specified a level of support or required investment that USDA is to achieve through program implementation. One potential consequence of these directed policies may be reduced flexibility of the implementing agency to allocate funding based on need, as well as reduced total funds or acres available for activities of the larger program that may not meet a resource-specific provision. Most of the conservation programs in the 2018 farm bill are authorized to receive mandatory funding, so these directed policies also have funding, unless Congress subsequently directs otherwise.

Table 1. Directed Policies in the 2018 Farm Bill

Grouped by Program

Provision	Prior Law (U.S. Code citation)	Enacted 2018 Farm Bill (section)
Conservation Reserve Program		
Grassland Contracts	No more than 2 million acres of total CRP enrollment (16 U.S.C. 3831(d)(2)(A)).	No less than 2 million acres of total CRP enrollment by FY2021. Prohibits uses of these acres for other CRP contracts (§2201(c)(2)).
CLEAR initiative	NA	40% of continuous enrollment contracts (§2201(c)(3)).
Continuous enrollment	None	No less than 8.6 million acres of total CRP enrollment by FY2022 (§2201(c)(3)).
FWP	No more than 750,000 acres of total CRP enrollment (16 U.S.C. 3831b(c)(1)).	No more than 750,000 acres of total CRP enrollment (§2203).
SHIPP program	NA	No more than 50,000 acres of total CRP enrollment (§2204).
Environmental Quality Incentives Program		
EQIP livestock practices	At least 60% of total EQIP funds to be used for payments related to livestock practices (16 U.S.C. 3839aa-2(f)(1)).	At least 50% of total EQIP funds to be used for payments related to livestock practices (§2304(c)).
EQIP wildlife practices	At least 5% of total EQIP funds to be used for payments to benefit wildlife habitat (16 U.S.C. 3839aa-2(f)(2)).	At least 10% of total EQIP funds to be used for payments to benefit wildlife habitat (§2304(c)).
EQIP air quality	Requires $25 million of EQIP funds annually be used to address air quality concerns (16 U.S.C. 3839aa-8(b)).	Requires $37 million of EQIP funds annually be used to address air quality concerns (§2307(2)).
CIG on-farm trials	NA	Requires $25 million annually be used for an on-farm conservation innovation trial (§2307(c))

Provision	Prior Law (U.S. Code citation)	Enacted 2018 Farm Bill (section)
Other Programs		
ECP	None	Require 25% of available discretionary funding be set aside until April 1st to repair and replace fencing (§2403(e)(6)).
VPAHIP	None	Requires $3 million of total funding provided be used to encourage public access on land covered by WRE under ACEP (§2406(4)).
Source water protection	NA	Requires 10% of all farm bill conservation program's funding each fiscal year (except CRP) be used to encourage conservation practices related to water quality and quantity that protect source waters for drinking (§2503(d)).
RCPP	Requires USDA to reserve 7% of EQIP, CSP, ACEP, and HFRP funds and acres for RCPP projects. (16 U.S.C. 3877d(c))	None.

Source: CRS based on provisions in P.L. 115-334.

Notes: NA indicates 'not applicable' because the provision did not exist under prior law. None indicates that while the program or provision was, or is, in existence that no carve-out of funding was, or is, required in law. For additional discussion on programs and provision in the table see the "Conservation Program Changes" section as well as **Appendix**.

Budget and Baseline

Most farm bill conservation programs are authorized to receive mandatory funding. According to CBO, the conservation title makes up 7% of the total projected 2018 farm bill spending over 10 years, which is $60 billion of the total $867 billion (see **Table 2** and **Figure 3**).[18] Historically, funding for the conservation title has experienced both increases and decreases within farm bills. The 2018 farm bill conservation title is budget neutral over the 10-year baseline; however, it is projected to increase funding in the first five years (+$555 million over FY2019-FY2023) and decrease funding in the last five years (-$561 million over FY2024-FY2028).[19] While most titles received an increase in authorized mandatory funding over the projected 10-year baseline, three titles, including conservation, did not.[20]

Conservation Baseline & Score

Most conservation programs receive an authorization (budget authority) for mandatory funding in omnibus farm bills. Generally, the bill authorizes and pays for the mandatory funding (expressed as outlays) with a multiyear budget estimate when the law is enacted. The Congressional Budget Office (CBO) determines the official cost/savings estimate when bills are considered based on long-standing budget laws and rules.[21]

[18] CRS Report R45425, *Budget Issues That Shaped the 2018 Farm Bill*.

[19] CBO, "Baseline Projections for Selected Programs," April 2018, https://www.cbo.gov/about/products/baseline-projections-selected-programs. The CBO baseline is an estimated projection at a particular point in time of what future federal spending on mandatory programs would be under current law. The CBO score is an estimate of the cost impact of a change in law in relation to the baseline. A neutral score implies that spending does not increase or decrease over the baseline amount.

[20] The other two titles reduced in the 2018 farm bill were Rural Development (-$2.5 billion) and Crop Insurance (-$104 million), over the 10-year baseline.

[21] For more information, see CRS Report 98-560, *Baselines and Scorekeeping in the Federal Budget Process*.

The budgetary impact of mandatory spending proposals is measured relative to an assumption that certain programs continue beyond the end of the farm bill. The benchmark is the CBO **baseline**—a projection at a particular point in time of future federal spending on mandatory programs under current law. The baseline provides funding for reauthorization, reallocation to other programs, or offsets for deficit reduction. Generally, most large conservation programs, such as CRP and EQIP, are assumed to continue in the baseline as if there were no change in policy and it did not expire. However, some of the smaller conservation programs are not assumed to continue beyond the end of a farm bill, such as VPAHIP.

The baseline used to develop the 2018 farm bill was the CBO baseline that was released in April 2018.[22] It projected that if the 2014 farm bill were extended, farm bill conservation programs would cost $60 billion over the next 10 years (FY2019-FY2028). Most of that amount, 93%, was in three programs—EQIP, CSP, and CRP.

When a new bill is proposed that would affect mandatory spending, CBO estimates the **score** (cost impact) in relation to the baseline. Changes that increase spending relative to the baseline have a positive score; those that decrease spending relative to the baseline have a negative score. Budget enforcement rules use these baselines and scores to follow various budget rules. When a new law is passed, the **projected cost at enactment** equals the **baseline** plus the **score**. This sum becomes the foundation of the new law, and may be compared to future CBO baselines as an indicator of how actual spending transpires as the law is implemented and market conditions change.

Table 2. Budget Projections for the Conservation Title of the 2018 Farm Bill

(outlays in millions of dollars, five- and ten-year totals)

	Five years (FY2019-FY2023)			Ten years (FY2019-FY2028)		
Program (Section Number)	**April 2018 CBO baseline**	**Score of P.L. 115-334**	**Projected cost at enactment**	**April 2018 CBO baseline**	**Score of P.L. 115-334**	**Projected cost at enactment**
CRP (2201)	10,507	-189	10,318	22,085	0	22,085
CSP (2301)[a]	8,764[b]	-3669	5,095	17,729[b]	-12,426	5,303
EQIP (2302) & CSP (2308)[a]	7,968[c]	2660	10,628	16,697[c]	8,451	25,148
Watershed pgms. (2401)[d]	0	95	95	0	317	317
GSWP (2405)	0	5	5	0	5	5
VPAHIP	0	50	50	0	50	50
Feral Swine (2408)	0	75	75	0	75	75
ACEP (2601)	1,347	786	2,133	2,597	1,779	4,376
RCPP (2701)	578	742	1,320	1,078	1,742	2,820
Other[e]	-485	NA	-485	-497	NA	-497
Conservation Title Total	28,679	555	29,234	59,689	-6	59,682

Source: CRS. Compiled from CBO, "Baseline Projections," April 2018, https://www.cbo.gov/about/products/baseline-projections-selected-programs, and at the title level in the table notes in CBO, "Cost Estimates for H.R. 2," https://www.cbo.gov/publication/54284, July 24, 2018.; and CBO cost estimate of the conference agreement for H.R. 2, https://www.cbo.gov/publication/54880, Dec. 11, 2018.

a. The CBO Score of the 2018 farm bill includes two entries for CSP; one for the CSP contracts entered into *before* enactment (under §2301) and those entered into *after* enactment (combined with EQIP; §2308).

b. The baseline for CSP in this table is reflected on the same line as the standalone CSP score (§2301) and not with the combined EQIP & CSP line (§2308).

[22] CBO, "Baseline Projections for Selected Programs," April 2018, https://www.cbo.gov/about/products/baseline-projections-selected-programs, and at the title level in the table notes in CBO, "Cost Estimates for H.R. 2 as passed by the House of Representatives and as passed by the Senate," https://www.cbo.gov/publication/54284, July 24, 2018.

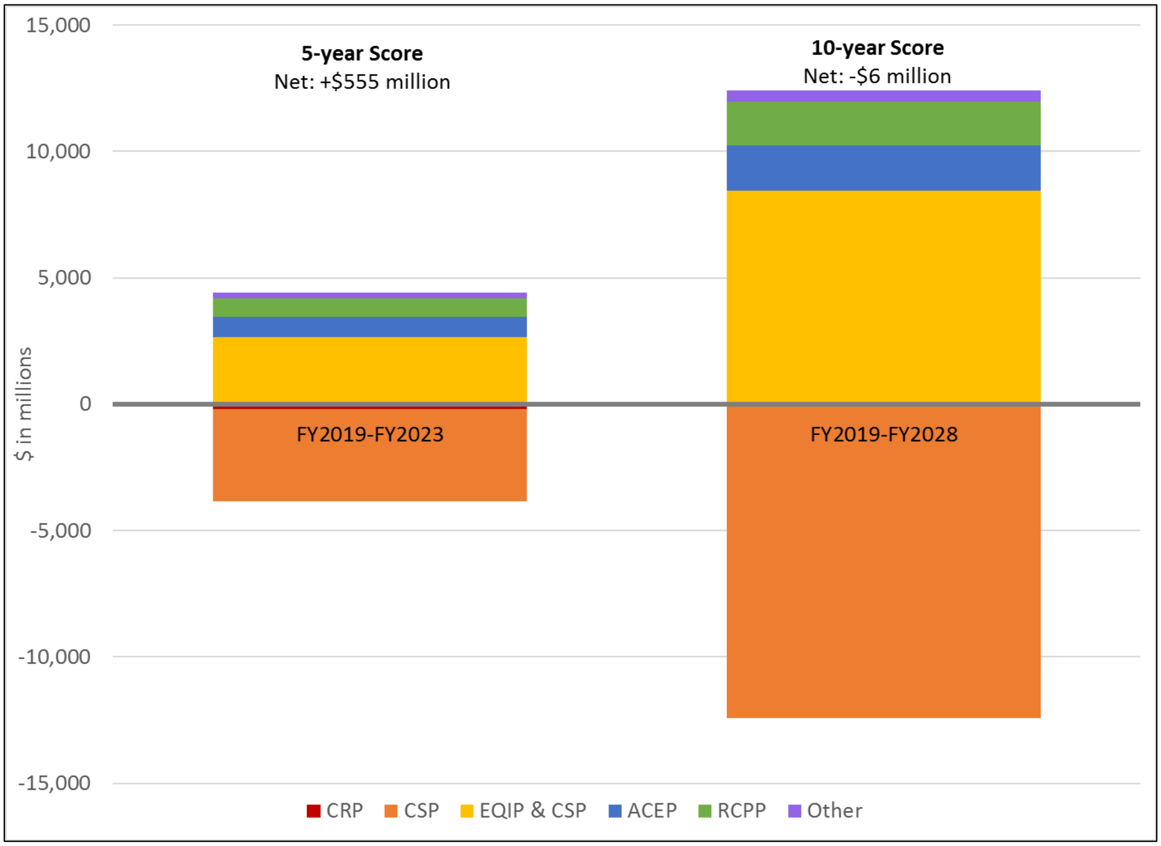
c. The baseline for the combined EQIP and CSP score (§§2302 and 2308, respectively) only reflects the EQIP baseline. See table note a, above, for additional explanation.

d. New, permanent, mandatory funding is authorized under section 2401 for the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), as amended. This section can fund multiple watershed programs, including WFPO and Watershed Rehabilitation.

e. The April 2018 CBO baseline includes other small programs (e.g., AMA) and adjustments (e.g., sequestration) which are combined as Other in this table. These provisions did not affect the score of the 2018 farm bill and are not discussed in this report.

Figure 3. 2018 Farm Bill Conservation Title Score

(by program, dollars in millions)



Source: CRS using CBO cost estimate of the conference agreement for H.R. 2, https://www.cbo.gov/publication/54880, Dec. 11, 2018

Notes: The chart includes the Conservation Reserve Program (CRP), Conservation Stewardship Program (CSP), Environmental Quality Incentives Program (EQIP), Agricultural Conservation Easement Program (ACEP), and Regional Conservation Partnership Program (RCPP). Other includes funding for Watershed Protection and Flood Prevention Operations (§2401), Grassroots Source Water Protection (§2405), Voluntary Public Access and Habitat Incentive Program (§2406), and Feral swine eradication and control pilot program (§2408). The CBO Score of the 2018 farm bill includes two entries for CSP; one for the CSP contracts entered into *before* enactment (under §2301) and those entered into *after* enactment (combined with EQIP; §2308).

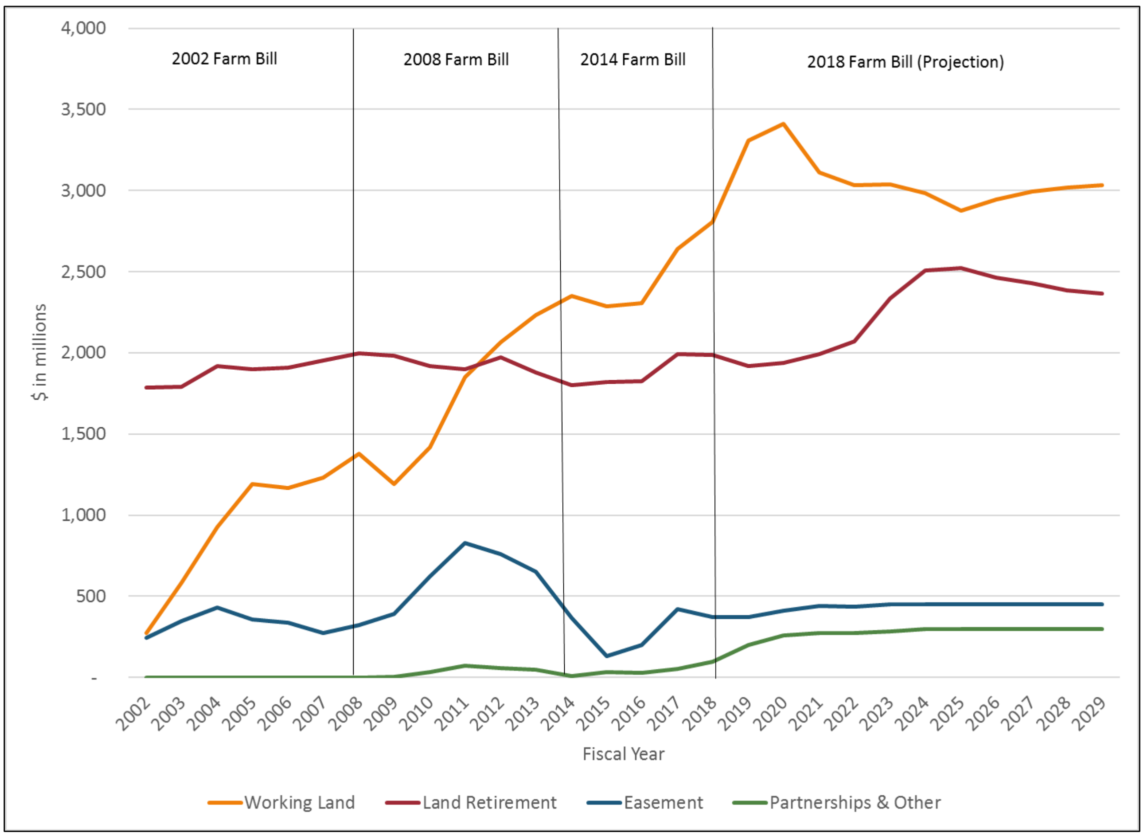
Historical and Programmatic Shifts in Conservation Funding

The bulk of mandatory spending for conservation is authorized for working lands and land retirement activities. While recent farm bills have increased funding for easement and partnership programs, they remain relatively small compared to three main programs—EQIP, CSP, and CRP (see **Table 2** and **Figure 4**). The 2018 farm bill conservation title is considered budget neutral over the ten-year baseline and generally reallocates funding among the larger existing programs.

Over time, periods of high commodity prices, changing land rental rates, and new conservation technologies have led to a shift in farm bill conservation policy away from land retirement and toward an increased focus on working lands programs. Much of this shift occurred following the 2008 farm bill and continued in the 2014 farm bill as the level of total mandatory program funding for land retirement programs declined relative to working lands programs (see **Figure 4**). Increasingly, the separation between land retirement programs and working lands programs has become blurred by an increase in compatible use allowances for grazing and pasture use under land retirement programs. Most conservation and wildlife organizations support both land retirement and working lands programs; however, the appropriate "mix" continues to be a subject of debate.

Figure 4. Farm Bill Conservation Program Mandatory Spending, FY2002-F2029

Outlays in millions of dollars



Source: CRS using CBO baseline data, FY2001-FY2019.

Notes: FY2002 through FY2018 include actual spending levels. FY2019 through FY2029 are projected spending levels. Chart does not include sequestration or savings from repealed programs. Working lands include the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Management Assistance (AMA), and earlier programs; land retirement includes the Conservation Reserve Program (CRP) and subprograms; easement includes the Agricultural Conservation Easement Program (ACEP) and earlier programs; and other includes the Regional Conservation Partnership Program (RCPP) and other programs.

Additionally, some conservation program supporters are divided over the relative benefits of shorter-term land retirement programs (CRP) versus longer-term easement programs (ACEP).

Unlike land retirement programs, easement programs impose a permanent or longer-term land-use restriction that the land owner voluntarily places on the land in exchange for a government payment. Supporters of easement programs cite a more cost-effective investment in sustainable ecosystems for long-term wildlife and land preservation benefits. Supporters of short-term land retirement programs cite the increased flexibility and broader participation compared with permanent or long-term easement programs. The 2018 farm bill did not amend the duration of ACEP easements, but did create two new subprograms under CRP that would provide additional options for longer-term CRP contracts (30 years under CLEAR30) and shorter-term CRP contracts (3-5 years under SHIPP).[23]

In recent years, Congress has placed greater emphasis on programs that partner with state and local communities to target conservation funding to local resource concerns. These partnership programs leverage private funding with federal funding to multiply the level of assistance in a selected area. The 2014 farm bill repealed a number of these partnership programs and replaced them with RCPP. The 2018 farm bill amends and expands the number of partnering opportunities under RCPP, CREP, and CIG. However, based on available funding, these programs remain relatively small compared to others in the conservation title.

Environmental Regulation and Voluntary Conservation

USDA has cited voluntary conservation practices as a way to address environmental concerns and potentially reduce the need for traditional regulatory programs.[24] A number of provisions in the conservation title speak to the relationship between voluntary conservation measures and environmental regulation. One such provision is regulatory certainty. Regulatory certainty refers to using voluntary measures to address a specific resource concern in exchange for the "certainty" that additional measures will not be required under future regulations.[25] A new regulatory certainty section in the 2018 farm bill (§2503(f)) authorizes USDA to provide technical assistance under the farm bill conservation programs to support regulatory assurances for producers and landowners, under select conditions.

The 2018 farm bill also makes existing regulatory certainty measures permanent, including the Working Lands for Wildlife Initiative, which was created in 2012 as a partnership between NRCS and the U.S. Fish and Wildlife Service (FWS). Under this partnership agreement, private landowners who voluntarily make wildlife habitat improvements on their land through NRCS conservation programs, and agree to maintain them for 15-30 years, receive in return a level of certainty they will be exempted from potential future regulatory actions related to at-risk species under the Endangered Species Act.[26] The 2018 farm bill makes this partnership agreement permanent and allows for the initiative to be expanded to include CRP.

Another environmental regulatory-related provision in the enacted 2018 farm bill (§2410) is a sense of Congress statement encouraging watershed-level partnerships between nonpoint sources and regulated point sources to advance the goals of the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. §1251 et seq.).

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[23] These subprograms are discussed further in **Table A-2** and the "Other CRP Initiatives" section.

[24] See for example, USDA, "EPA, USDA Encourage Use of Market-based and Other Collaborative Approaches to Address Excess Nutrients," press release, December 4, 2018, https://www.usda.gov/media/press-releases/2018/12/04/epa-usda-encourage-use-market-based-and-other-collaborative.

[25] Regulatory certainty is also referred to as regulatory assurance, regulatory predictability, or safe harbor protection.

[26] USDA, NRCS, "NRCS and FWS Reach Historic Agreement to Extend Wildlife Conservation Efforts on Working Agricultural Lands," press release, September 17, 2012, https://www.nrcs.usda.gov/wps/portal/nrcs/detail/me/home/?cid=stelprdb1048842.

Appendix. Comparison of Conservation Provisions Enacted in the 2018 Farm Bill to Prior Law

This appendix includes a series of tables, arranged by subtitle, included in Title II of the Agriculture Improvement Act of 2018 (P.L. 115-334). U.S. Code citations are included in brackets in the "Prior Law" column. Corresponding section numbers in the 2018 farm bill are included in brackets in the "Enacted 2018 Farm Bill" column. Funding for most Title II programs is covered in the "Funding and Administration" subtitle (Subtitle E, see **Table A-6**). Where appropriate, funding levels are repeated within a program's corresponding subtitle table. Tables are generally organized by section number of the 2018 farm bill, except where it is appropriate to cross-references relevant amendments to provide a complete picture of the program.

Table A-1. Subtitle A—Wetland Conservation (Swampbuster)

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2101—Wetland Conversion	
The wetland conservation or "swampbuster" provision denies various USDA program benefits to producers who plant program crops on wetlands converted after December 23, 1985, or who convert wetlands, making agricultural commodity production possible, after November 28, 1990. For a producer to be found out of compliance, crop production does not actually have to occur; production only needs to be made possible through activities such as draining, dredging, filling, or leveling the wetland. Exemptions for compliance violators may be granted following a review. **(16 U.S.C. 3821 *et seq.*)**	Requires that a producer cannot be denied program benefits if an exemption applies to that producer. **(§2101)**
Section 2102—Wetland conservation	
The Secretary is required to conduct an on-site visit before program benefits may be withheld for noncompliance. **(16 U.S.C. 3821(c))**	Requires that the on-site inspection be conducted in the presence of the affected person, except when a reasonable effort was made to include the affected person. **(§2102)**
Section 2103—Mitigation banking	
One option violators of wetland conservation have to mitigate the violation is through wetland mitigation banking. Wetland mitigation banking is a type of wetlands mitigation whereby a wetland is created, enhanced, or restored, and "credit" for those efforts is sold to others as compensation for the loss of impacted wetlands elsewhere. The 2014 farm bill created a permanent wetland mitigation banking program exclusively for farmers to comply with swampbuster. The program has a onetime authorization for $10 million in mandatory funding. **(16 U.S.C. 3822(k))**	Authorizes the appropriation of $5 million annually for FY2019 through FY2023. **(§2103)**

Source: CRS.

Table A-2. Subtitle B—Conservation Reserve Program

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2201—Conservation Reserve	
Authority. Conservation Reserve Program (CRP) is authorized through FY2018 to provide annual rental payments to producers to replace crops on highly erodible and environmentally sensitive land with long-term resource conserving plantings. **(16 U.S.C. 3831(a))**	Reauthorizes CRP through FY2023. **(§2201(a))**
Eligible land. Highly erodible land is considered eligible for enrollment in CRP if (1) left untreated could substantially reduce the land's future agricultural production capability or (2) it cannot be farmed in accordance with a conservation plan; and has a cropping history or was considered to be planted for four of the six years preceding February 7, 2014 (except for land previously enrolled in CRP). Eligible land also includes marginal pastureland, grasslands, cropland, and land devoted to buffer or filterstrips. **(16 U.S.C. 3831(b))**	Extends the six-year cropping history to include land planted for four of the six years preceding enactment of the bill. Adds land that would have a positive impact on water quality if devoted to water quality practices. Amends land established to new buffer practices to include salt tolerant vegetation or practices that benefit wellhead protection areas. Adds other expired CRP land. **(§2201(b))**
Maximum enrollment. CRP is authorized to enroll up to 27.5 million acres in FY2014, 26 million acres in FY2015, 25 million acres in FY2016, and 24 million acres in both FY2017 and FY2018. **(16 U.S.C. 3831(d)(1))**	Incrementally increases enrollment limits from 24 million acres in FY2019, to 24.5 million acres in FY2020, 25 million acres in FY2021, 25.5 million acres in FY2022, and 27 million acres in FY2023. **(§2201(c)(1))**
Grasslands enrollment. CRP grassland enrollment is capped at 2 million acres total for FY2014-FY2018. Priority is given to expiring CRP contracts and enrollment is continuous. **(16 U.S.C. 3831(d)(2))**	Requires a minimum CRP grassland enrollment of 2 million acres by the end of FY2021. Incrementally increases the minimum enrollment of grassland acres from 1 million acres in FY2019, 1.5 million acres in FY2020, and 2 million acres in FY2021 through FY2023. Allows CRP grassland enrollment to prioritize expiring CRP land, land at risk of development, or land of ecological significance. Enrollment is required on an annual basis. Includes a limit on using unenrolled grassland acres for other types of CRP enrollment. **(§2201(c)(2))**
No comparable provision.	**Clean Lakes, Estuaries, and Rivers (CLEAR) initiative.** Creates a new water quality incentive that gives priority under continuous enrollment to land that would reduce sediment and nutrient loading, and harmful algal blooms. Requires 40% of continuous enrollment contracts to be used to enroll land that would have a positive impact on water quality if devoted to water quality practices (not including grassland contracts). Includes monthly report requirements. **(§2201(c)(3))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
No comparable provision. CRP acres are enrolled based on the relative environmental benefits of the land offered.	**Minimum enrollment by state.** Requires USDA to annually allocate 60% of the available number of CRP acres to states based on historical enrollment. Enrollment rates must consider the average number of acres enrolled in each state during FY2007 through FY2016, the average number of acres enrolled in CRP during FY2007 through FY2016, and the acres available for enrollment for FY2019 through FY2023. Also requires that at least one non-continuous sign-up be held every year. **(§2201(c)(3))**
No comparable provision. There are two types of enrollment into CRP: general sign-up and continuous sign-up. A general sign-up is a specific period of time during which USDA accepts offers and competitively enrolls acres. Land offered under continuous sign-up may be enrolled at any time and is not subject to competitive bidding. CRP grassland offers are accepted on a continuous basis with periodic ranking periods. All sign-ups are subject to available acres within the authorized limits. **(7 C.F.R. 1410.30)**	**Continuous enrollment procedures.** Requires CRP enrollment to be continuous for marginal pastureland, land that would have a positive impact on water quality if enrolled, select cropland, and Conservation Reserve Enhancement Program (CREP) contracts. Adds minimum enrollment targets for these continuous contracts of not fewer than 8 million acres by FY2019, 8.25 million acres by FY2020, 8.5 million acres by FY2021, and 8.6 million of acres by FY2022 and FY2023. **(§2201(c)(3))**
Reenrollment of expired land. All expiring CRP land is eligible for reenrollment in the program. **(16 U.S.C. 3831(h))**	Limits reenrollment for land devoted to hardwood trees to only one reenrollment, unless the land includes riparian forested buffers, forested wetlands, and shelterbelts. **(§2201(d))**
Section 2202—Conservation Reserve Enhancement Program	
No directly comparable provision. The Conservation Reserve Enhancement Program (CREP) is a subprogram of CRP in which USDA enters into agreements with states to target select areas and resource concerns in exchange for continuous CRP sign-ups and higher payments for enrollment. CREP was administratively established in 1997 and is regulated at **7 CFR 1410.50**.	Adds a new provision codifying CREP as a permanent subprogram under CRP. Provisions are similar to the existing CREP. Limits eligible partners to a state, political subdivision of a state, Indian tribe, and nongovernmental organization. Allows USDA to enter into agreements with eligible entities to carry out CREP. Existing CREP agreements remain in force, but may be modified. Agreement requirements are further defined, including matching fund contributions and possible temporary waiver of matching funds. Payments from an eligible partner may be in cash, in-kind, or through technical assistance. Includes additional requirements for select cost-share payments, incentive payments, and maintenance payments. Includes drought and water conservation agreements that may enroll land critical to the purpose of the agreement, permit dryland farming, and ensure regionally consistent payment rates. Status reports are required 180 days after the end of each fiscal year following enactment. **(§2202)**
Section 2203—Farmable Wetland Program	
The Farmable Wetland Program (FW) is a subprogram under CRP authorized through FY2018 to enroll up to 750,000 acres of wetland and buffer acreage in CRP. USDA may, after a review, increase the number of acres enrolled in FW by 200,000 additional acres. **(16 U.S.C. 3831b(a)-(c))**	Reauthorizes FW through FY2023. Makes clarifying amendments. **(§2203)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2204—Pilot Programs	
No comparable provision.	Creates a new pilot program referred to as **CLEAR 30**, that enrolls expiring CRP land into 30-year contracts (see the CLEAR initiative in **§2201(c)(3)**). Enrollment is restricted by the overall CRP enrollment limit. Under a CLEAR 30 contract the landowner must maintain the land in accordance with an approved plan and the terms and conditions of the contract, including the temporary suspension of base acres (used to calculate farm program payments). Terms and conditions are outlined for use and for prohibited activities. Compensation is made in thirty annual cash payments similar to those calculated under general CRP. Technical assistance is required for each contract and agreement. USDA must create the CRP plan for a contract, but management, monitoring, and enforcement may be delegated to another federal, state, or local government, or conservation organization. **(§2204)**
No comparable provision.	Creates a **Soil Health and Income Protection Pilot (SHIPP)** program under CRP to remove less productive farm land from production in exchange for annual rental payments and to plant low-cost perennial cover crops. Eligible land is limited to states selected in the prairie pothole region, was cropped but not enrolled in CRP in the previous three crop years, and is considered to be the least productive on the farm. Limits enrollment to no more than 15% of a farm and no more than 50,000 acres of total CRP. Participants are required to plant a USDA-approved, low-cost perennial conservation use cover crop at their own expense in return for an annual rental payment of 50% of the CRP rental rate. Higher annual rental rates of 75%, and cost-share assistance is available for beginning, small, socially disadvantaged, young, or veteran farmers and ranchers. Contracts are limited to 3-5 years, but can terminate early under certain conditions. Harvesting, haying, and grazing are allowed outside of the local nesting periods and subject to additional conditions. Requires annual reports to Congress. **(§2204)**
Section 2205—Duties of owners and operators	
In exchange for payments under CRP, owners and operators agree to a number of requirements and restrictions on the land under contract. These requirements are outlined in the CRP contract and conservation plan. **(16 U.S.C. 3832)**	Adds a requirement for hardwood and other trees, excluding windbreaks and shelterbelts, to carry out thinning and forest management practices. **(§2205)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2206—Duties of the Secretary	
In return for a CRP contract, landowners are compensated for a percentage of the cost (cost-share) of carrying out conservation measures within the contract and an annual rental payment for 1) the conversion of highly erodible land and other agricultural land to less intensive uses, 2) permanent retirement of base history, and 3) development and management of grasslands. **(16 U.S.C. 3833(a))**	Adds the cost of fencing and water distribution practices to the list of possible cost-share assistance. Amends annual rental payments by adding marginal pastureland to the list of land converted to less intensive uses, and removes payments to permanently retire base history. **(§2206(a))**
Specified permitted activities. Certain specified activities (e.g., harvesting, grazing, or other commercial uses of the forage) are permitted on CRP land under select conditions. These activities are allowed without a reduction in the annual rental rate when in response to drought, flooding, or other emergency. Managed harvesting is allowed if it is consistent with soil conservation, water quality, and wildlife habitat (including primary nesting seasons) and in exchange for not less than a 25% reduction in annual rental rates for acres covered by the activity. Managed harvesting may occur at least every five years but not more than once every three years. Routine grazing is also permitted in exchange for not less than a 25% reduction in annual rental rate, subject to nesting season restrictions, vegetation management requirements and stocking rates, and routine grazing is limited to not more than once every two years (taking into consideration regional differences). **(16 U.S.C. 3833(b))**	Requires USDA to coordinate with state technical committees on the permitted uses of CRP land for certain activities or commercial uses. Permitted activities would not have a reduction in rental rate for emergency uses, mid-contract management practices, select uses of vegetative buffers, and grazing by beginning farmers or ranchers. A 25% reduction in annual rental rates may be approved for limited grazing and haying activities, and wind turbine installation subject to select limitations. Adds a new provision allowing USDA to determine years in which harvesting and grazing shall not be permitted if it would cause long-term damage to vegetative cover on that land. State Acres for wildlife Enhancement (SAFE) program and CREP acres may be grazed if permitted under the related agreement. **(§2206(b))**
No comparable provision.	Adds a new provision providing that when a natural disaster or adverse weather event has the same effect as a management practice required under a conservation plan, USDA cannot require a similar management practice if the natural disaster or adverse weather event achieved the same effect. **(§2206(c))**
Section 2207—Payments	
Cost-share payments. Land enrolled in CRP is eligible to receive cost-share assistance for practices implemented. Cost-share payments are limited to 50% of the actual or average cost of establishing the practice and no more than 100% of the total cost. Hardwood trees, windbreaks, shelterbelts, and wildlife corridors are eligible for additional cost-share payments. Owners are ineligible from receiving cost-share payments if assistance is provided under other federal programs **(16 U.S.C. 3834(b))**	Limits cost-share payments to the actual cost of establishing the practice. Cost-share for seed is limited to 50% of the actual seed mixture cost. No cost-share is available for contract management activities. Adds an exception to ineligibility for cost-share for CREP contracts. Adds a 50% limit on practice incentives for continuous enrollment practices. **(§2207(a))**
Incentive payments. Incentive payments are allowed for up to 150% of the total cost of thinning and other practices to promote forest management or enhance wildlife habitat. **(16 U.S.C. 3834(c))**	Reduces incentive payments to not more than 100% of the total cost of thinning and other practices to promote forest management or enhance wildlife habitat. **(§2207(b))**
Annual rental payments. Land enrolled in CRP is eligible to receive an annual rental payment. In determining the amount to be paid, the Secretary has discretion in determining the amount necessary to encourage enrollment. **(16 U.S.C. 3834(d)(1))**	Adds a requirement that when determining the amount of annual rental payments the Secretary must consider the impact on the local farmland rental market and other factors as determined by the Secretary. **(§2207(c)(1))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
CRP enrollment is conducted through the submission of bids by owners and operators of eligible land. Annual rental payments under CRP contracts are determined by the Secretary in accordance with the rental rate criteria (see below). **(16 U.S.C. 3834(d)(2))**	Reduces annual rental payments based on enrollment type. General enrollment contracts and continuous enrollment contracts are limited to not more than 85% and 90% of the average county rental rate, respectively. The reduction may be waived for CREP contracts. Adds a sign-up incentive for continuous enrollment of 32.5% of the first annual rental payment. **(§2207(c)(2))**
Enrollment of hardwood tree acres are to be considered on a continuous basis. **(16 U.S.C. 3834(d)(4))**	Deletes provision. **(§2207(c)(3))**
Rental rates. CRP rental rates are based on soil productivity and the county average rental rate. USDA may use the National Agricultural Statistics Service's (NASS) survey estimates relating to dryland cash rental rates when determining annual rental rates. NASS is required to conduct a survey no less than once a year on county average market dryland and irrigated cash rental rates. **(16 U.S.C. 3834(d)(5))**	Requires NASS to conduct a county average rental rate survey annually and publish the survey estimate not later than September 15 each year. Adds a requirement that USDA post the current and previous soil rental rates for each county online. Requires the Secretary to use the NASS survey estimates relating to dryland rental rates when determining annual rental rates. Creates a new provision allowing FSA state committees and CREP partners to propose alternative soil rental rates with acceptable documentation and with notification to congressional authorizing committees. The county average soil rental rate is limited to 85% of the estimated rental rate for general enrollment or 90% of the estimated rental rate for continuous enrollment. **(§2207(c)(5))**
Limits on rental payments. The total amount of rental payments received directly or indirectly may not exceed $50,000. Additional payments received under a CREP contract is not subject to the payment limit. USDA is allowed to enter into CREP agreements with states. **(16 U.S.C. 3834(g))**	Maintains the $50,000 rental payment limit. Authorizes USDA to waive payment limits and adjusted gross income (AGI) requirements for rural water district or association land enrolled for the purpose of protecting a wellhead. Deletes reference to CREP agreements. **(§2207(d))**
Section 2208—Contracts	
Transition Incentives Program. The transition option under CRP facilitates the transfer of CRP acres from a retiring owner to a beginning/socially disadvantaged/veteran producer to return land to production, and it allows the new owner to begin land improvements or start the organic certification process one year before the CRP contract expires. In exchange, the retiring owner receives up to two additional years of annual CRP rental payments following the expiration of the CRP contract. **(16 U.S.C. 3835(f))**	Amends the program to authorize the transfer of land from any CRP contract holder (not limited to retiring or retired farmer or rancher) to a beginning/socially disadvantaged/veteran producer. Extends the time available for the new owner to begin land improvements or start the organic certifications contract from one year to two years before the CRP contract expires. Amends participation requirements to allow short-term leases (less than 5 years) with an option to purchase. In addition, gives land enrollment priority into EQIP, CSP, and ACEP. Allows the new owners to reenroll a portion of the land into select practices under a continuous contracts. **(§2208(a))**
End of contract. Landowners may enroll in CSP and conduct activities required under CSP in the final year of the CRP contract without violating the terms of the contract. **(16 U.S.C. 3835(g))**	Amends the provision to allow for enrollment in EQIP or CSP and conduct EQIP or CSP practices in the final year of the CRP contract without violating the terms of the contract. Adds that landowners may begin the organic certification process three years prior to the end of a contract without violating the terms of the contract. **(§2208(b))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2209—Eligible Land; State Law Requirements	
Land is considered ineligible for CRP if the landowner has received written notice that the land is required to have a resource concern or environmental protection measure or practices in place in accordance with tribal, state, or other local law, ordinances, or other regulation. **(7 C.F.R. 1410.6(d)(4))**	Requires USDA to amend CREP regulations prohibiting enrollment of land with existing protection measures if FSA, in consultation with the state technical committee, considers the enrollment to be in the best interest of the program. **(§2209)**
Section 2501—Funding Authorization	
CRP Funding. Authorizes a total of $10 million for thinning activities and a total of $33 million for transition contracts for FY2014-FY2018. Total funding for CRP is limited by enrolled acres, not total dollars. **(16 U.S.C. 3841(a)(1))**	Increases forest management thinning payments to a total of $12 million for FY2019-FY2023. Increases funding for transition contracts to a total of $50 million and limits technical assistance to $5 million total. Total funding for CRP continues to be limited by enrolled acres, not total dollars. See **Table A-6** for full funding authority. **(§2501(a)(2))**

Source: CRS

Table A-3. Subtitle C—Environmental Quality Incentives Program

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2301—Repeal of conservation programs	
No comparable provision.	Moves CSP under the EQIP chapter and makes conforming amendments. **(§§2301(a), (b), & (d))** See **Table A-4** for amendments related to CSP.
Section 2302—Purposes of Environmental Quality Incentives Program	
The purpose of the Environmental Quality Incentives Program (EQIP) is to promote production and environmental quality as compatible goals, and optimize environmental benefits by assisting producers with (1) compliance with regulatory requirements; (2) avoiding the need for regulation; (3) installing and maintaining conservation practices; and (4) making cost-effective changes to current production systems. **(16 U.S.C. 3839aa)**	Amends the 4th purpose area to address identified, new, or expected resource concerns associated with changes to production systems. Adds nutrient management for crop production, adaptation and mitigation against weather volatility, and drought resiliency to the list of possible resource concerns that may be addressed under EQIP. **(§2302)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2303—Definitions under Environmental Quality Incentives Program	
Five terms are defined under EQIP: *eligible land*, *organic system plan*, *payment*, *practice*, and *program*. *Eligible land* is defined as land that produces commodities, livestock, or forestry-related products, including cropland, grassland, rangeland, pastureland, nonindustrial private forest land, and other agricultural land as determined by the Secretary. *Practice* is defined as one or more improvements (e.g., structural, land management, or vegetative practice; forest management; and other practices defined by USDA) or conservation activities (e.g., comprehensive nutrient management plans and other plans as determined by USDA). **(16 U.S.C. 3839aa-1)** Under CSP, *priority resource concern* is defined as a resource concern that is identified at the national, state, or local level as a priority, is significant in a state or region, and could be addressed successfully under the program. *Stewardship threshold* is defined as a level of management required to conserve or improve the quality and condition of a natural resource. **(16 U.S.C. 3838d(5) and (7))**	Adds a definition for *conservation planning assessment* which may be developed by a non-USDA entity and incorporated into the required EQIP plan. Amends the definition of *eligible land* to include environmentally sensitive areas, and identified or expected resource concerns related to agricultural production. Adds definitions for *incentive practice* and *priority resource concern* similar to the *stewardship threshold* and *priority resource concern* definitions under CSP. Amends the definition of *practice* to include soil tests and soil remediation practices. Adds resource-conserving crop rotation planning, soil health planning, conservation planning assessments, and precision conservation planning to the list of eligible conservation activity plans. Adds a definition for *soil remediation* as a scientifically based practice that addresses soil contaminants and sustainability. Adds a definition for *soil testing* as an evaluation of soil health. **(§2303)**
Section 2304—Establishment and Administration of Environmental Quality Incentives Program	
Establishment. EQIP is authorized through FY2019. **(16 U.S.C. 3839aa-2(a))**	Reauthorizes EQIP through FY2023. **(§2304(a))**
Advanced payments. EQIP contracts are paid upon the completion of the approved conservation practice. USDA is authorized, however, to make up to 50% of the cost of the practice available in advance for a limited resource, socially disadvantaged, veteran, or beginning farmer or rancher. Advanced funds must be used to purchase materials within 90-days or the funds must be returned. **(16 U.S.C. 3839aa-2(d)(4)(B))**	At the election of the producer, advanced payments are increased to at least 50% of the total practice cost. Adds a required notification and documentation clause. **(§2304(b)(1))**
No comparable provision.	**High priority practices.** Allows states the option, in consultation with the state technical committee, to identify no more than ten high-priority practices that will be eligible for up to 90% of the practice cost. Practices must address nutrients in ground and surface water, conservation of water, identified wildlife habitat, or watershed-specific resource concerns. **(§2304(b)(2))**
Funding allocation. Requires that 60% of payments go to practices related to livestock production and that at least 5% of annual funds go to payments benefiting wildlife habitat through FY2018. **(16 U.S.C. 3839aa-2(f))**	Reauthorizes and reduces the carve-out for livestock related practices to 50% through FY2023 and clarifies that grazing management practices are included. Reauthorizes and increases the wildlife habitat payment minimum to 10% through FY2023. **(§2304(c))**
Wildlife habitat incentives program. Subprogram under EQIP that provides payments for conservation practices that benefit wildlife habitat. **(16 U.S.C. 3839aa-2(g))**	Limits wildlife contracts to ten years. Also adds specific requirements for seasonal wetland habitat practices. **(§2304(d))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Water conservation. EQIP may fund irrigation efficiency practices. Priority is given for applications that reduce water use on the operation or those in which the producer agrees not to use the water savings to bring new land into irrigation. **(16 U.S.C. 3839aa-2(h))**	Authorizes USDA to make EQIP payments to producers or selected eligible entities for water conservation or irrigation efficiency practices. Eligible entities may be a state, irrigation district, groundwater management district, acequia, land-grant mercedes, or similar entity. Practices must be implemented on eligible land of the producer, land adjacent to a producer's eligible land, or land under the control of the eligible entity. USDA may waive AGI and payment limits for eligible entities and impose additional limits. Priority is given to applications that reduce water use. **(§2304(e))**
Organic payment limits. Payments for conservation practices related to organic production are limited to a total of $20,000 per year or $80,000 during any 6-year period. **(16 U.S.C. 3839aa-2(i))**	Amends the payment limit to a total of $140,000 from FY2019 through FY2023. **(§2304(f))**
No directly comparable provision. Under CSP, contracts (five years in length with the option of renewal) are based on meeting or exceeding a stewardship threshold on the entire agricultural operation. Participants must meet two priority resource concerns upon entry and meet or exceed one additional priority resource concern by the end of the contract. Contract renewal participants must meet the threshold for two additional priority resources concerns or exceed the threshold for two existing priority resource concerns. CSP provides two possible payments: (1) an annual payment for installing new conservation activities and maintaining existing activities and (2) a supplemental payment for adopting a resource-conserving crop rotation. Enrollment is offered through a continuous sign-up and applications are accepted year-round. CSP payments are limited to not more than $200,000 total between FY2014 and FY2018. **(16 U.S.C. 3838d-3838g)**	Establishes a new **Conservation Incentive Contract** under EQIP. Limits application of the contracts to identified priority resource concerns within select geographic regions. No more than three priority resource concerns are identified in each state. Priority is provided for applications that address eligible priority resource concerns and are grouped by similar operations. Contract terms extend from five to 10 years and provide annual payments to incentivize increased conservation stewardship and the adoption, installation, management, and maintenance of conservation practices. In determining payment amounts, USDA must consider the level and extent of the practice, cost, income forgone, and longevity of the practice. Annual payments must be made at the beginning of each fiscal year and practice payments soon after implementation of the practice. Does not include payment limits or a specific percentage of EQIP funds to be used for incentive contracts. **(§2304(g))**
Section 2305—Environmental Quality Incentives Program Plan	
All EQIP contracts require an approved plan of operations. For confined livestock feeding operations, the plan provides for the development and implementation of a comprehensive nutrient management plan (CNMP). **(16 U.S.C. 3839aa-5(a)(3))**	Amends the EQIP plan of operation for confined livestock feeding operations to develop and *progressively* implement a CNMP. **(§2305)**
Section 2306—Limitation on Payments Under Environmental Quality Incentives Program	
An EQIP participant's payments are limit to an aggregate of $450,000 for FY2014-FY2018. **(16 U.S.C. 3839aa-7)**	Extends the EQIP aggregate payment limit of $450,000 for FY2019-FY2023. Exempts new Conservation Incentive Contracts from the EQIP payment limit. **(§2306)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2307—Conservation Innovation Grants and Payments	
Conservation Innovation Grants and Payments (CIG) is a competitive grant program within EQIP. Grants are provided to governmental and nongovernmental organizations, on a matching basis, to implement innovative conservation projects. Projects must include EQIP producers, leverage federal funds, provide technology transfer, increase participation by specialty crop producers, facilitate on-farm research, and pilot the testing of new technologies and practices. **(16 U.S.C. 3839aa-8(a))**	Adds community colleges carrying out demonstration projects to the list of eligible EQIP producers that may be included in a project. Expands the list of projects to include urban agriculture and edge-of-field monitoring. **(§2307(a))**
Requires that $25 million of EQIP funds annually (through FY2018) be used to address air quality concerns. **(16 U.S.C. 3839aa-8(b))**	Reauthorizes and increases the air quality funding carve-out to $37 million annually through FY2023. **(§2307(2))**
No comparable provision.	Requires up to $25 million annually of EQIP funds for FY2019-FY2023 be used for an **on-farm conservation innovation trial** to test new or innovative conservation approaches either directly with producers or with eligible entities. Agreements (3 or more years in duration) may be entered into with eligible entities. AGI limits must be applied to participating producers and eligible entities must provide USDA with annual reports on payments made to participants. No funds may be used for administrative expenses for eligible entities. USDA must provide technical assistance to producers and eligible entities. Requires a **soil health demonstration trial** to be carried out under the on-farm conservation trial that provides financial assistance for soil health and carbon-related practices. A report to Congress is required. **(§2307(c))**
CIG Report. A report to Congress is required no later than December 31, 2014, and every two years thereafter, regarding CIG funding, project results, and technology transfer efforts. **(16 U.S.C. 3839aa-8(c))**	Adds a requirement that USDA use the required CIG reports to establish and maintain a public conservation practice database. Adds the soil health demonstration trial report to the list of reports required. **(§2307(c))**
Section 2501—Funding Authorization	
EQIP Funding. Authorizes $1.35 billion in FY2014, $1.6 billion in FY2015, $1.65 billion in each FY2016 and FY2017, and $1.75 billion in each FY2018 and FY2019. **(16 U.S.C. 3841(a)(5))**	Reauthorizes the authority for the CCC to fund EQIP, including: $1.75 billion in FY2019 and FY2020, $1.8 billion in FY2021, $1.85 billion in FY2022, and $2.025 billion in FY2023. See **Table A-6** for full funding authority. **(§2501(a)(4))**

Source: CRS

Table A-4. Subtitle C—Conservation Stewardship Program

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2301—Repeal of conservation programs	
No comparable provision.	Moves the Conservation Stewardship Program (CSP) under the EQIP chapter and makes conforming amendments. **(§§2301(a), (b) & (d))**
No comparable provision.	Terminates CSP as in effect on the day before enactment. Provides transition provisions allowing current contracts to remain in effect until completion and eligible for an extension in the fifth year of the original contract. Existing contracts may not be renewed unless certain conditions are met. Specific provisions are provided for RCPP agreements that include CSP acreage. CCC funding is to be made available to carry out current contracts. **(§§2301(c)(2)-(c)(5))**
Section 2308—Conservation Stewardship Program	
Definitions. Seven terms are defined under CSP: *agricultural operation, conservation activities, conservation stewardship plan, eligible land, priority resource concern, program,* and *stewardship threshold.* *Conservation activities* are defined as a conservation systems, practices, or management measures that can include structural, vegetative, and land management measures as well as planning. *Stewardship threshold* is defined as a level of management required to conserve or improve the quality and condition of a natural resource. **(16 U.S.C. 3838d(2) and (7))**	Amends the definition of *conservation activities* to include comprehensive conservation plans, soil health planning to increase soil organic matter, and activities that will adapt or mitigate against increasing weather volatility. Amends the definition of *stewardship threshold* to include measurable resource improvements through the use of tools, models, criteria, data, and other methods. **(§2308(a))**
Establishment and exclusions. The purpose of CSP is to encourage producers to address priority resource concerns in a comprehensive manner by undertaking additional conservation activities and improving, maintaining, and managing existing conservation activities. CSP is authorized through FY2023. Eligible land may not be enrolled in other retirement or easement conservation programs (e.g., CRP and ACEP) and must have a cropping history (4 of the 6 years preceding February 7, 2014). **(16 U.S.C. 3838e)**	Extends the program authorization through FY2023. Extends the cropping history requirement to 4 of the 6 years preceding the date of enactment. **(§2308(b))**
Ranking of applications. Applications are ranked based on the (1) level of conservation treatment at the time of application, (2) degree of proposed increased conservation performance, (3) number of proposed priority resource concerns to be treated, (4) extent of other priority resource concerns that will be addressed, (5) cost effectiveness of the offer, and (6) effect of priority resource concerns when transitioning from CRP to agricultural production. **(16 U.S.C. 3838f(b)(1))**	Amends the application ranking criteria to include (1) the conservation benefits on all applicable priority resource concerns at the time of application, (2) the degree of proposed increased conservation benefits, and (3) other consistent criteria, as determined by the Secretary. Requires that similarly ranked applications be determined based on the cost-effectiveness of the offer. **(§2308(c)(1))**
After a producer is determined eligible for CSP and the contract offer ranks high enough under the evaluation criteria, then a conservation stewardship contract is offered to enroll the eligible land into CSP. **(16 U.S.C. 3838f(c))**	Amends contracting language to include contract renewals as eligible for enrollment. **(§2308(c)(2))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Contract renewal. CSP contracts may be renewed for an additional 5 years if the producer is in compliance with the initial contract and agrees, at a minimum, to meet or exceed the stewardship threshold for at least two additional priority resource concerns, or exceed the stewardship threshold of two existing priority resource concerns. **(16 U.S.C. 3838f(e))**	Contract renewals may be offered in the first half of the fifth year if the producer is in compliance with the existing contract; adopts new and improved conservation activities for the additional 5-year period; and agrees to meet the stewardship threshold for at least two additional priority resource concerns, or to adopt or improve activities that could achieve higher levels of performance on not less than two existing priority resource concerns. **(§2308(c)(4))**
Acreage enrollment limitation. Total acreage enrollment is limited to 10 million acres annually from February 7, 2014 through September 30, 2028. Requires a national average rate of $18 per acre (to include all costs). **(16 U.S.C. 3838g(c))**	Deletes acreage limitation and national average payment rate. Makes conforming amendments limiting the program to a funding amount rather than to an acreage total. **(§§2308(d)(1)-(d)(3))**
No comparable provision.	**Cover crop payments.** Requires that payments for cover crop activities be at least 125% of the annual payment rate. **(§2308(d)(4))**
Crop rotation payments. Additional payments are authorized for the adoption of resource-conserving crop rotations. *Resource-conserving crop rotation* is defined and the rotation is required to provide a conservation and production benefit. **(16 U.S.C. 3838g(e))**	Authorizes additional payments for resource-conserving crop rotations and advanced grazing management. Defines *advanced grazing management* and *management-intensive rotational grazing*. Requires that payments for these additional payments be at least 150% of the annual payment rate. **(§2308(d)(5))**
No comparable provision.	**Comprehensive conservation plans.** Adds a new provision authorizing a one-time payment for the development of a comprehensive conservation plan. Payments are determined based on the number of priority resource concerns to be addressed and the number of land use types included in the plan. **(§2308(d)(6))**
Payment limit. CSP payments are limited to a total of $200,000 for all contracts entered into by a participant from FY2014 through FY2023. **(16 U.S.C. 3838g(f))**	Extends the payment limit aggregate of $200,000 for all CSP contracts entered into by a participant from FY2019 through FY2023. **(§2308(d)(7))**
Organic certification. USDA is required to establish transparent means by which CSP participants may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 *et seq.*). **(16 U.S.C. 3838g(h))**	Requires USDA to allocate CSP funding to states to support organic transition and production. Allocations must be based on the number of organic operations and organic acres within a state. **(§2308(d)(8))**
No comparable provision.	**CSP and EQIP coordination.** Requires that USDA streamline and coordinate CSP and EQIP. Requires USDA to manage CSP to enhance soil health. Requires annual reports on the program. **(§2308(d)(9))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2309—Grassland Conservation Initiative	
No comparable provision.	**Grassland Conservation Initiative.** Creates a new grassland conservation contract under CSP. Beginning in FY2019, USDA must offer a onetime sign-up for eligible land. Under a contract, the producer must meet or exceed the stewardship threshold for at least one priority resource concern. Contracts are limited to 5 years, with no renewal, but a producer can terminate a contract at any time with no repayment penalty. Payments are limited to $18 per acre and are not subject to the CSP payment limit. Land retains its base acre history while enrolled, but payments may not exceed the number of base acres on a farm. **(§2309)**
Section 2501—Funding Authorization	
CSP Funding. Total funding for CSP is limited by enrolled acres, not total dollars for FY2014-FY2018. **(16 U.S.C. 3841(a)(4))**	Authorizes CSP to enroll contracts limited by funding rather than acres. Authorizes the CCC to fund CSP, including $700 million in FY2019, $725 million in FY2020, $750 million in FY2021, $800 million in FY2022, and $1 billion in FY2023. **(§2501(a)(4))** Authorizes the CCC to carry out CSP contracts enrolled prior to enactment using such sums as necessary. **(§2501(a)(5))** See **Table A-6** for full funding authority.

Source: CRS

Table A-5. Subtitle D—Other Conservation Programs

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2401—Watershed Protection and Flood Prevention (Watershed Operations)	
Watershed Operations program provides technical and financial assistance to states and local organizations to plan and install watershed projects. Such sums as necessary are authorized to be appropriated for the program. No watershed project may exceed 250,000 acres, and no structure may exceed more than 12,500 acre-feet of floodwater detention capacity, or 25,000 acre-feet of total capacity. Assistance is provided according to an approved watershed plan. **(16 U.S.C. 1001 *et seq.*)**	Waives the watershed planning requirements when considered unnecessary or duplicative. **(§2401(a))**
No comparable provision.	Adds a new section permanently authorizing $50 million annually in mandatory funding beginning in FY2019. **(§2401(c))**
Small Watershed Rehabilitation Program. Authorized to receive appropriations of up to $85 million annually for FY2008-FY2018 and $250 million in mandatory funding for FY2014 to remain available until expended. **(16 U.S.C. 1012(h)(2)(E))**	Extends annual authorization of appropriations of $85 million annually through FY2023. **(§2401(b))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2402—Soil and Water Resources Conservation Act of 1977 (RCA)	
The RCA provides USDA with broad natural resource strategic assessment and planning authority. USDA is required to conduct a nationwide *appraisal* of soil, water, and related resources. USDA is also required to develop a *national conservation program* to guide the department's administration of conservation activities. Appraisals and program statements are due to Congress on a fixed schedule. **(16 U.S.C. 2001 *et seq.*)**	Amends the RCA to require USDA to conduct a comprehensive appraisal of soil, water, and related natural resources (completed by year-end 2022). Also requires USDA to complete the soil and water conservation program update (completed by year-end 2023), to guide the future of USDA conservation activities. **(§2402)**
Section 2403—Emergency Conservation Program (ECP)	
ECP provides emergency funding and technical assistance to producers to rehabilitate farmland damaged by natural disasters. **(16 U.S.C. 2201)** Payments are made to individual producers based on a share of the cost of completing the practice. This can be up to 75% of the cost, or up to 90% of the cost if the producer is considered to be a limited-resources producer. Total payments may not exceed 50% of the agricultural value of the affected land. Payments are made following completion and inspection of the practice. **(7 C.F.R. 701.126)**	Adds a reference to wildfires to a list of natural disasters. Adds a new provision allowing producers the option of accepting a reduced payment for repairing or replacing fence rather than receiving a higher payment following the completion and inspection of the practice. Advanced payments for fence cannot exceed 25% of the total payment (based on cost) and must be expended after 60 days or be returned. Adds a new section similar to existing regulations limiting the cost-share to 75% of the total allowable cost, or up to 90% of the total allowable cost if the producer is considered limited resource, socially disadvantaged, or beginning farmer or rancher. Requires that total payments for a single event may not exceed 50% the agricultural value of the affected land. **(§§2403(a)&(b))**
No comparable provision.	Adds an ECP payment limitation of $500,000 for agricultural producers. **(§2403(c))**
Emergency Watershed Protection (EWP) program. Assists sponsors, landowners, and operators in implementing emergency recovery measures for runoff retardation and erosion prevention to relieve imminent hazards to life and property created by natural disasters. EWP is authorized to be appropriated such sums as necessary, to remain available until expended. Facilities, services and authorities of the CCC may be used when funding is specifically appropriated. **(16 U.S.C. 2204)**	Amends funding authority to include a set-aside of 25% of all available funding to repair and replace fencing. **(§§2403(d)&(e))**
Section 2404—Conservation of Private Grazing Land Program	
Authorizes appropriations of $60 million annually through FY2018. **(16 U.S.C. 3839bb(e))**	Extends authorization of appropriations at $60 million annually through FY2023. Adds a provision requiring education and outreach through partnership with land-grant colleges and universities and nongovernmental organizations. **(§2404)**
Section 2405—Grassroots Source Water Protection Program (GSWP)	
Authorizes appropriations of $20 million annually through FY2018 and a one-time authorization for $5 million in mandatory funding to remain available until expended. **(16 U.S.C. 3839bb-2(b))**	Extends authorization of appropriations at $20 million annually through FY2023 and authorizes an additional $5 million in mandatory funding in FY2019 to remain available until expended. **(§2405)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2406—Voluntary Public Access and Habitat Incentive Program (VPAHIP)	
VPAHIP provides grants to states and tribal governments to encourage private landowners to voluntarily make land available for public access hunting and fishing programs. Priority is given to grants that maximize participation; include appropriate wildlife habitat; improve habitat efforts on CREP acres; use additional funding to carry out the program; and make the land publically available. **(16 U.S.C. 3839bb-5(c))**	Amends the priority for funding under the program to include wildlife habitat improvement efforts on CREP acres and wetland reserve easements under ACEP. **(§2406(3))**
Authorizes $50 million in mandatory funds for FY2009-FY2012 and $40 million in mandatory funds for FY2014-2018. **(16 U.S.C. 3839bb-5(f))**	Authorizes $50 million in mandatory funding for FY2019-FY2023. Adds a $3 million set-aside to encourage public access on land covered by wetland reserve easements under ACEP. **(§2406(4))**
Section 2407—Wildlife Management	
No comparable provision. Under the **Working Lands for Wildlife Initiative**, USDA NRCS and the Department of the Interior (DOI) U.S. Fish and Wildlife Service (FWS), through a partnership agreement, provide voluntary targeted financial and technical assistance for wildlife habitat improvement on private land in exchange for regulatory predictability regarding the Endangered Species Act.	Codifies the Working Lands for Wildlife initiative as in effect on the day before enactment. Authorizes development of a similar agreement between FWS and FSA. The period of regulatory predictability may be extended if agreed to. **(§2407)**
Section 2408—Feral Swine Eradication and Control Pilot Program	
No directly comparable provision. **National Feral Swine Damage Management Program.** The Animal and Plant Health Inspection Service (APHIS) administers the program to manage damage caused by feral swine in the United States. APHIS works with states, tribes, federal agencies, universities, organizations, and public landowners and coordinates with Mexico and Canada on feral swine disease monitoring and control activities. **Feral Swine Initiative.** Administered by NRCS in select states through EQIP. The initiative offers conservation technical assistance planning and management practice implementation to affected landowners.	Creates a new **Feral Swine Eradication and Control Pilot Program**. USDA is required to study the extent of damage from feral swine, develop eradication and control measures and restoration methods, and provide cost-share funding to agricultural producers in established pilot areas. NRCS and APHIS must coordinate the pilot through NRCS state technical committees. Cost-share assistance is limited to 75% of the cost of eradication and control measures or restoration. Authorizes $75 million in mandatory funding for the period FY2019-FY2023. Requires funding to be split equally between NRCS and APHIS with no more than 10% for administrative expenses. **(§2408)**
Section 2409—Report on Small Wetlands	
No comparable provision.	Requires NRCS to submit a report to Congress describing the number of wetlands measuring less than one acre in size in North Dakota, South Dakota, Minnesota, and Iowa identified during FY2014 through FY2018. All wetlands included in the report must be described in 1/10 of an acre increments and be based on available science. **(§2409)**
Section 2410—Sense of Congress Relating to Increased Watershed-Based Collaboration	
No comparable provision.	Adds a sense of Congress statement encouraging partnerships at the watershed level between nonpoint sources and regulated point sources to advance the goals of the Federal Water Pollution Control Act (Clean Water Act). **(§2410)**

Source: CRS.

Table A-6. Subtitle E—Funding and Administration

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2501—Commodity Credit Corporation (CCC)	
Authorizes the use of funds (mandatory), facilities, and authorities of the CCC to carry out conservation programs for FY2014-FY2018, and through FY2019 for EQIP. **(16 U.S.C. 3841(a))**	Extends the CCC authority though FY2023. Specific funding levels for programs are outlined below. **(§2501(a)(1))**
CRP funding. Authorizes a total of $10 million for thinning activities and a total of $33 million for transition contracts for FY2014-FY2018. Total funding for CRP is limited by enrolled acres, not total dollars. See **Table A-2**for acre limits. **(16 U.S.C. 3841(a)(1))**	Increases forest management thinning payments to a total of $12 million for FY2019-FY2023. Increases funding for transition contracts to a total of $50 million and limits technical assistance to $5 million total. Total funding for CRP continues to be limited by enrolled acres, not total dollars. See **Table A-2** for acre limits. **(§2501(a)(2))**
ACEP funding. Authorizes $400 million in FY2014, $425 million in FY2015, $450 million in FY2016, $500 million in FY2017, and $250 million in FY2018. **(16 U.S.C. 3841(a)(2))**	Increases ACEP funding to $450 million annually for FY2019-FY2023. **(§2501(a)(3))**
Conservation Security Program funding. Authorizes funding for contracts (enrolled prior to FY2009) with such sums as necessary. **(16 U.S.C. 3841(a)(3))**	Deletes provision. **(§2501(a)(4))**
CSP funding. Total funding for CSP is limited by enrolled acres, not total dollars for FY2014-FY2018. See **Table A-4** for acre limits. **(16 U.S.C. 3841(a)(4))**	Authorizes CSP to enroll contracts limited by funding rather than acres. Authorizes mandatory funding includes: $700 million in FY2019, $725 million in FY2020, $750 million in FY2021, $800 million in FY2022, and $1 billion in FY2023. **(§2501(a)(4))** Authorizes the CCC to carry out CSP contracts enrolled prior to enactment using such sums as necessary. **(§2501(a)(5))**
EQIP funding. Authorizes $1.35 billion in FY2014, $1.6 billion in FY2015, $1.65 billion in each FY2016 and FY2017, and $1.75 billion in each FY2018 and FY2019. **(16 U.S.C. 3841(a)(5))**	Reauthorizes the authority for the CCC to fund EQIP: $1.75 billion in FY2019 and FY2020, $1.8 billion in FY2021, $1.85 billion in FY2022, and $2.025 billion in FY2023. **(§2501(a)(4))**
Availability of funds. Mandatory funding made available for CRP, ACEP, CSP, and EQIP for FY2014 through FY2018 (FY2019 for EQIP) are authorized to remain available until expended. **(16 U.S.C. 3841(b))**	Reauthorizes mandatory funding made available for CRP, ACEP, CSP, and EQIP for FY2019 through FY2023 to remain available until expended. **(§2501(b))**
Report on program enrollments and assistance. Reports are required for program enrollments and assistance under conservation programs, including significant payments, waivers, and exceptions. **(16 U.S.C. 3841(i))**	Reauthorizes reporting requirements through FY2023, and adds reports on annual and cumulative enrollment statistics. **(§2501(c))**
Allocations. Requires USDA to review all conservation program allocation formulas no later than January 1, 2012. Updates are required to reflect the cost of carrying out the programs. **(16 U.S.C. 3841(g))**	Amends the allocation review requiring, within one year following enactment of the bill, annual allocation formulas to account for local data and input. Adds requirements for USDA to consider when updating allocation formulas. **(§2501(d))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Assistance to certain farmers or ranchers for conservation access. Establishes an annual set-aside in EQIP and CSP from FY2014 through FY2018 of 5% to beginning farmers or ranchers and 5% to socially disadvantaged farmers or ranchers. Unobligated funds for EQIP and unobligated acres for CSP under this provision may be repooled and obligated in accordance with the respective program. Preference is provided for veteran farmers or ranchers eligible under the provision. **(16 U.S.C. 3841(h))**	Reauthorizes the EQIP and CSP set-asides through FY2023. Makes technical amendments regarding the repooling of CSP funds and preference for veteran farmers or ranchers. **(§2501(e))**
No comparable provision.	**Conservation standards.** Establishes NRCS as the lead agency for developing technical standards and requirements for farm bill conservation programs. Requires FSA to use standards consistent with NRCS. **(§2501(f))**
Section 2502—Delivery of Technical Assistance	
Delivery of technical assistance. All producers participating in conservation programs must be provided technical assistance either by USDA or through an approved third party. **(16 U.S.C. 3842(a))**	Adds a definition of *third-party provider* as a commercial entity, nonprofit entity, state or local government, or federal agency that has expertise in the technical aspect of conservation planning. **(§2502(a))**
Technical service providers (TSP). TSPs are third-party providers (individuals or businesses) that have technical expertise in conservation planning and design for a variety of conservation activities. Farmers, ranchers, private businesses, nonprofit organizations, or public agencies hire TSPs to provide these services on behalf of NRCS. NRCS certifies and approves TSPs. **(16 U.S.C. 3842(e))**	Adds a certification process requirement for TSPs through NRCS or a non-federal entity approved by USDA to perform the certification. Requires USDA to streamline the certification process for TSPs that have an appropriate specialty certification, including sustainability certification. **(§2502(b))**
Review of conservation practice standards. USDA is required to periodically review all conservation practice standards. USDA must consult with eligible participants and expedite required revisions. **(16 U.S.C. 3842(h))**	Requires USDA to complete, within one year of enactment, a review of conservation practice standards in effect before enactment. Consultation requirements are expanded to include input from state technical committees. Expedited revisions are amended to include an administrative process for scientific and technological advancements; local flexibility in the creation of interim practice standards and partner-proposed techniques; and input from state technical committees. Requires a report to Congress every two years on the process, revisions, and considerations under the process. **(§2502(c))**
Section 2503—Administrative requirements for conservation programs	
Acreage limitations. No county may enroll more than 25% of cropland into CRP or wetland reserve easements under ACEP. Not more than 10% of a county may be enrolled as a wetland reserve easement under ACEP. In select situations, USDA may waive this limitation. **(16 U.S.C. 3844(f))**	Increases the percentage limitation on wetland reserve easements to 15%. **(§2503(a))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
No comparable provision.	**Review of practice costs and payment rates.** Adds a new section requiring review and guidance, within a year of enactment, of the cost effectiveness of cost-share rates and payment rates for all farm bill conservation programs. Requires USDA to issue guidance to states for an annual review and adjustment of rates. **(§2503(b))**
Funding for Indian tribes. USDA may use alternative funding arrangements with Indian tribes for CSP and EQIP contracts. **(16 U.S.C. 3844(l))**	Requires USDA to use alternative funding arrangements with Indian tribes for CSP and EQIP contracts if there is a sufficient number of eligible participants. USDA may waive program limits if authorized to do so under EQIP and CSP. **(§2503(c))**
No comparable provision.	**Source water protection carve-out.** Requires USDA to encourage conservation practices related to water quality and quantity that protect source waters for drinking water through all farm bill conservation programs. Producers can receive incentives and high payments (up to 90% of the practices cost) for such practices. USDA must collaborate with community water systems and NRCS state technical committees to identify local priority areas. Requires 10% of all annual funding for conservation programs (except CRP) be used for water protection practices for FY2019 through FY2023. **(§2503(d))**
No directly comparable provision. Most NRCS-administered conservation programs include a provision in regulations whereby NRCS asserts no interest on any environmental services that may be marketable and produced through participation in a conservation program. For example, see EQIP at **7 C.F.R. 1466.36(a)**, ACEP at **7 C.F.R. 1468.10**, and CSP at **7 C.F.R. 1470.37(a)**.	**Environmental Services Markets.** Adds a new section preventing USDA from limiting participation in environmental services markets for all farm bill conservation programs. **(§2503(e))**
No comparable provision.	**Regulatory certainty.** Authorizes USDA to provide technical assistance under the farm bill conservation programs to support regulatory certainty for producers and landowners, under select conditions. **(§2503(f))**
Section 2504—Temporary administration of conservation programs	
No comparable provision.	**Transition provisions.** Allows USDA to carry out CRP, EQIP, CSP, ACEP, and RCPP using funding, regulations, and policies in effect before enactment, consistent with amendments made in the bill, until September 30, 2019. **(§2504)**

Source: CRS.

Table A-7. Subtitle F—Agricultural Conservation Easement Program

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2601—Establishment and purposes	
The Agricultural Conservation Easement Program (ACEP) provides financial and technical assistance through two types of easements: (1) agricultural land easements that limit nonagricultural uses on productive farm or grasslands, and (2) wetland reserve easements that protect and restore wetlands. **(16 U.S.C. 3865)**	Amends the purpose of ACEP agricultural land easements by adding that the purpose of protecting agricultural use by limiting nonagricultural uses applies specifically for those uses that negatively affect agricultural uses and conservation values. For grasslands, the purpose is amended from protecting grasslands by restoring *and* conserving land to restoring *or* conserving land. **(§2601)**
Section 2602—Definitions	
Five terms are defined under ACEP: *agricultural land easement*, *eligible entity*, *eligible land*, *program*, and *wetland reserve easement*. *Agricultural land easement* is defined as an easement that protects the natural resources and the agricultural nature of the land while maintaining agricultural production. *Eligible land* is defined separately for agricultural land easements and wetland reserve easements. Agricultural land easements include land with a pending easement offer; with prime, unique, or productive soils; that contains historical or archaeological resources; that would protect grazing uses; that furthers a similar state or local policy; or that is cropland, rangeland, grassland, area historically dominated by grassland, pastureland, or nonindustrial private forest land. Wetland reserve easements include farmed or converted wetlands; cropland or grassland that has prior flooding from a closed basin lake or pothole if the state or other entity is willing to provide a 50% cost-share of the easement; wetlands that are enrolled in the CRP, have high wetland functions, and are likely to return to production after CRP; riparian areas that link protected wetlands; and wetlands determined by USDA to be significant. **(16 U.S.C. 3865a)**	Amends the definition of *agricultural land easement* by removing the requirement that landowners farm according to an approved agricultural easement plan. Adds a definition for *buy-protect-sell transaction* which allows land owned by an organization to be eligible for the program, subject to the transfer of ownership to a farmer or rancher within three years following the acquisition of the agricultural land easement. Amends the definition of *eligible land* to include reference to a buy-protect-sell transaction and to remove the requirement under wetland reserve easements that USDA consult with the Department of the Interior on the wildlife benefits and wetland functions and values. Adds a definition of *monitoring report* for agricultural land easements. **(§2602)**
Section 2603—Agricultural Land Easements (ALE)	
ACEP funds are provided for the purchase of agricultural land easements by eligible entities and for technical assistance pursuant to an agricultural land easement plan. **(16 U.S.C. 3565b(a))**	Amends the requirement that technical assistance be used pursuant to an agricultural land easement plan and instead be used to implement the program, including technical assistance for the development of a conservation plan. Also makes buy-protect-sell transactions eligible for funding. **(§2603(a))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
ALE Eligible entities are required to provide contributions equivalent to the federal share or at least 50% of the federal share if the entity includes contributions from the private landowner. Grasslands of special environmental significance are allowed up to 75% of the fair market for the federal share. USDA is authorized to waive any portion of the eligible entity cash contribution requirement for projects of special significance, subject to an increase of private landowner donation equal to the amount of the waiver if donation is voluntary. **(16 U.S.C. 3865b(b)(2)(B) & (b)(2)(C))**	Amends the nonfederal share of agricultural land easements by removing the requirement that an eligible entity's contribution be equal to the federal share or at least 50% of the federal share if the entity includes contributions from the private landowner. Allows the nonfederal portion used by the eligible entity to be cash, landowner donations, costs associated with the easement, or other costs determined by USDA. Deletes the exception authority for USDA to waive an eligible entity's cash contribution for projects of special significance. **(§2603(b)(1))**
The evaluation and ranking criteria for agricultural land easement applications is required to maximize the benefit of federal investment under ACEP. **(16 U.S.C. 3865b(b)(3))**	Adds a requirement that USDA adjust the evaluation and ranking criteria for geographic differences among states. **(§2603(b)(2))**
No comparable provision.	Adds a new provision allowing USDA to prioritize applications that maintain agricultural viability. **(§2603(b)(2))**
ACEP agricultural land easement enrollment is through eligible entities that enter into cooperative agreements of three to five years in length with USDA. The entities acquire easements and hold, monitor, manage, and enforce the easements. Entities agree to a minimum level of terms and conditions for agricultural land easements including the effect of a violation. **(16 U.S.C. 3865b(b)(4))**	Amends the minimum terms and conditions by limiting USDA's right of enforcement and by removing the requirement that an agricultural land easement be subject to an agricultural land easement plan unless the land is highly erodible. Adds the ability for eligible entities to add additional terms and conditions to an agricultural land easement, including allowing mineral development. **(§2603(b)(3))**
USDA certifies eligible entities through a certification process and according to specified criteria. **(16 U.S.C. 3865b(b)(5))**	Adds to the certification criteria to include land trusts accredited by the Land Trust Accreditation Commission with more than ten successful agricultural land easements under ACEP, or other easement program, and state agencies with more than ten successful agricultural land easements under ACEP or other easement program. Both must successfully meet program responsibilities. Allows certified entities to use their own terms and conditions for agricultural land easements. **(§2603(b)(4))**
USDA, if requested, may provide technical assistance for compliance with the terms and conditions of the easements and to implement an agricultural land easement plan. **(16 U.S.C. 3865b(d))**	Deletes reference to the agricultural land easement plan. **(§2603(b)(5))**
Section 2604—Wetland Reserve Easements (WRE)	
Priority is given to wetland reserve easements based on the value of protection and enhancement of wildlife and migratory bird habitat. **(16 U.S.C. 3865c(b)(3)(C))**	Adds water quality improvement to the wildlife and migratory bird habitat priority criteria. **(§2604(1)(A))**
ACEP wetland reserve easements may be used for compatible economic uses, including hunting and fishing, managed timber harvest, or periodic haying and grazing if such uses are permitted under the wetland reserve easement plan. **(16 U.S.C. 3865c(b)(5)(C))**	Adds 'water management' to the list of compatible economic uses. Specifies criteria for USDA to use to apply when authorizing a compatible use: requiring consultation with the state technical committee, consideration of land management requirements, and furthers the functions and values of the easement. **(§2604(1)(B))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
A wetland reserve easement plan is required for all eligible land subject to a wetland reserve easement. The plan must include all practices and activities required on the enrolled land. **(16 U.S.C. 3865c(f))**	Amends the wetland reserve easement plan to include management and monitoring functions. Associated practices and activities, including repair or replacement necessary to restore and maintain the functions and values of the easement, are also required. **(§2604(2)(A))**
No comparable provision.	Adds a new provision to allow for the establishment or restoration of an alternative vegetative community that is hydraulically appropriate on the entirety of the wetland reserve easement if it would benefit wildlife or meet local resource needs. Must be in coordination with the state technical committee. **(§2604(2)(C))**
Section 2605—Administration	
Certain land is ineligible for ACEP easements, including land owned by the federal government, land owned by a state, land subject to an easement or deed restriction, or land where an ACEP easement would be undermined due to on- and off-site conditions (e.g., hazardous substances, proposed or existing rights of way, infrastructure development, or adjacent land use). **(16 U.S.C. 3865d(a))**	Amends examples from *proposed* or existing rights of way to *permitted* or existing rights of way. **(§2605(1))**
USDA may subordinate, exchange, modify, or terminate any ACEP easement if it (1) is in the federal government's interest, (2) will address a compelling public need where there is no alternative or would further the administration of ACEP, and (3) will result in a comparable conservation value and greater or equivalent economic value to the United States. **(16 U.S.C. 3865d(c))**	Authorizes USDA to subordinate any interest in land, including for utilities and energy transmission services, if it will increase or have limited negative effect on conservation values, minimally affect acreage, and is in the public interest or practical administration of the program. Exchanges and modifications may be made if there is no reasonable alternative and it would result in increased conservation effect, and if they are consistent with the original intent of the easement and purposes of ACEP. Requires compensation for the termination of any easement. Adds a consent requirement for any subordination, exchange, modification, or termination. **(§2605(2))**
A CRP contract may be terminated or modified if the land is transferred into ACEP. **(16 U.S.C. 3865d(d))**	Limits the CRP transfer option to enrollment of an ACEP wetland reserve easement. Adds a new provision allowing land with an ACEP agricultural land easement to participate in CRP. **(§2605(3))**
Section 2501—Funding Authorization	
ACEP Funding. Authorized $400 million in FY2014, $425 million in FY2015, $450 million in FY2016, $500 million in FY2017, and $250 million in FY2018. **(16 U.S.C. 3841(a)(2))**	Authorizes ACEP funding at $450 million annually for FY2019 through FY2023. See **Table A-6** for full funding authority. **(§2501(a)(3))**

Source: CRS.

Table A-8. Subtitle G—Regional Conservation Partnership Program

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Section 2701—Establishment and purpose	
Establishes the Regional Conservation Partnership Program (RCPP). Combines the purposes of four repealed conservation programs to further conservation, restoration, and sustainability on a regional or watershed scale, and encourage partners to cooperate with producers in meeting or avoiding regulatory requirements and implementing projects. **(16 U.S.C. 3871)**	Expands the establishment of RCPP to include grant agreements with eligible partners. The purpose of RCPP is amended to carry out eligible activities rather than to use a covered program to accomplish conservation goals. Adds the flexible and streamlined delivery of conservation assistance and the engagement of eligible producers to RCPP's purpose. **(§2701)**
Section 2702—Definitions	
Six terms are defined under RCPP: *covered program*, *eligible activity*, *eligible land*, *eligible partner*, *partnership agreement*, and *program*. *Covered program* is defined as ACEP, EQIP, CSP, and HFRP. *Eligible activity* is defined as activities for water quality and quantity improvement, drought mitigation, flood prevention, water retention, air quality improvement, habitat conservation, erosion control and sediment reduction, forest restoration, and others defined by USDA. *Eligible land* is defined as land on which agricultural commodities, livestock, or forest-related products are produced, including cropland, grassland, rangeland, pastureland, nonindustrial private forest land, and other incidental land. *Eligible partner* is defined as producer groups, state or local governments, Indian tribes, farmer cooperatives, water district, irrigation district, rural water district or association, municipal water or waste treatment entity, institutes of higher education, and other nongovernmental entity or organizations with a history of working with producers on conservation projects. **(16 U.S.C. 3871a)**	Amends the definition of *covered program* by adding CRP and Watershed Protection and Flood Prevention operations and excluding the grasslands initiative under CSP and the watershed rehabilitation program. Replaces the definition of *eligible activity* to include any practice, activity agreement, easement or related measure under a covered program. Replaces the definition of *eligible land* by including all agricultural, nonindustrial private forest, or other associated land that would achieve a conservation benefit. Adds acequia, conservation districts, and eligible entities under ACEP to the definition of *eligible partner*. Adds a definition of *program contract* that does not include a contract entered into under a covered program. **(§2702)**
Section 2703—Regional conservation partnerships	
Under RCPP, USDA enters into partnership agreements with eligible partners for a period not to exceed five years with a possible one-year extension. **(16 U.S.C. 3871b(b))**	Amends the length of partnership agreements to include agreements longer than five years. Adds a renewal option of not more than five years and a onetime extension option of not more than one year. **(§2703(1))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Partners define the scope of RCPP projects, conduct outreach, act on behalf of producers to apply for assistance, leverage financial and technical assistance, conduct assessments, and report results. Partners must provide a "significant portion" of the overall cost of the project. **(16 U.S.C. 3871b(c))**	Amends the scope of the project to include a timeline for project implementation. Partner contribution requirements may be met through direct funding, in-kind support or a combination of both, and can include the salaries of staff required to develop the partnership agreement. Adds requirements for the Secretary that include (1) establishing a timeline for USDA under the partnership agreement, (2) appointing a designated USDA coordinator within each state to assist partners and producers with RCPP, (3) establishing guidance for assessments, (4) providing reports to partners, and (5) ensuring the effectiveness of eligible activities. **(§§2703(2)-(4))**
RCPP applications are competitive, and the selection criteria are publicly available. Priority is given to applications that assist producers in meeting or avoiding the need for regulation, and that also include a large percentage of producers in the project area, provide significant resource leverage, deliver a high percentage of applied conservation to address priorities or conservation initiatives, or provide innovative conservation methods and delivery. **(16 U.S.C. 3871b(d))**	Amends the application criteria to require a simplified application process. Adds priority requirements for stakeholder diversity, applied conservation, and consistency with existing watershed and habitat restoration plans. Adds a renewal option for projects that have met or exceeded the project's objectives. AGI requirements do not apply for eligible partners. **(§§2703(5)&(6))**
Section 2704—Assistance to producers	
Directs USDA to enter into contracts to provide technical and financial assistance to producers participating in projects with eligible partners, or producers within a project area or critical conservation area not working through an eligible partner. Program rules, requirements, and payments are to be consistent with the covered programs (ACEP, EQIP, CSP, and HFRP). Authorizes USDA to adjust the rules of a covered program, including operational guidance and requirements, in order to simplify the application and evaluation process. Prohibits the adjustment of statutory requirements for a covered program, including appeals, payment limits, conservation compliance, and prior irrigation history. Authorizes no more than 20 alternative funding arrangements with multi-state water agencies or authorities. **(16 U.S.C. 3871c(a) & (b))**	Amends the contracting and agreement language by requiring USDA to enter into program contracts with eligible producers to conduct activities on eligible land under conditions defined by USDA. Priority may be given to partnership applications that include bundles of program contracts with producers. **(§2704(1))**
Authorizes USDA to make payments to producers in accordance with the statutory requirements under covered programs. Five-year payments may be made for conversion to dryland farming and nutrient management. AGI limits may be waived to fulfill the objectives of the program. **(16 U.S.C. 3871c(c))**	Minor amendments referencing new funding language. **(§2704(2))**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
No comparable provision.	Adds a new section for alternative funding arrangements and grant agreements. Allows USDA to enter into funding agreements directly with partners. USDA is limited to no more than 15 agreements with one or more partners each fiscal year. Activities through these agreements must carry out activities on a regional or watershed scale, such as infrastructure investment, restoration plan coordination with producers, innovative leveraging of federal and private funds, or other projects determined by USDA. Annual reports are required. **(§2704(3))**
Section 2705—Funding	
Authorized for RCPP $100 million in mandatory funding annually for FY2014-FY2018 to remain available until expended. The program utilizes a percentage of other conservation program funding (ACEP, EQIP, CSP, and HFRP). Annually reserves 7% of covered program funds and acres until April 1of each year, after which uncommitted funds are returned to the covered program. Allocates 25% for a state competition, 40% for a national competition, and 35% for critical conservation areas. Administrative expenses of eligible partners are not covered. **(16 U.S.C. 3871d)**	Increases mandatory funding to $300 million annually for FY2019-FY2023. Deletes the reserve of 7% of covered program funds. Amends allocations to 50% for state and multistate competitions and 50% for critical conservation areas. Allows for funding to be advanced to eligible partners for outreach activities and reimbursed for agreement development. Advanced funding for partners is to be used within 90 days. With the exception of advanced funding and alternative funding arrangements, administrative expenses of eligible partners are not covered. Adds new technical assistance requirements, including USDA reporting, limitation of expenses for USDA, and on third-party provider assistance. **(§2705)**
Section 2706—Administration	
USDA is required to make information on selected projects publicly available and report to Congress by December 31, 2014 (and every two years thereafter) on the status of projects funded. **(16 U.S.C. 3871e)**	Extends reporting requirement to December 31, 2019 (and every two years thereafter). Adds a prohibition on providing assistance to producers out of compliance with highly erodible cropland and wetland conservation compliance requirements. Adds a requirement to conduct outreach for historically underserved producers and requires USDA to issue regulations for RCPP. **(§2706)**
Section 2707—Critical Conservation Areas (CCA)	
USDA is required to use 35% of the funds and acres available for partnership agreements in no more than eight critical conservation areas; agreements expire after five years, subject to redesignation. Areas are selected based on several criteria: multi-state areas with significant agricultural production; existing agreement or plan in place; water quality concerns; or subject to regulatory requirements. Partner agreements and producer contracts are administered according to the applicable covered program and, where possible, complement existing water quality and quantity strategies. Allows the use of authorities granted under the Watershed Protection and Flood Prevention program in critical conservation areas. **(16 U.S.C. 3871f)**	Adds a definition of *critical conservation areas* and *priority resource concern*. Adds a requirement that USDA identify one or more priority resource concerns for each critical conservation area. Allows USDA to review critical conservation areas every five years and withdraw the designation if an area is no longer critical. Requires outreach to partners and producers in critical conservation areas. **(§2707)**

Source: CRS.

Table A-9. Subtitle H—Repeals and Technical Amendments

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Sections 2301; 2811-2817—Repeals	
Conservation Security Program. Authorized in the 2002 farm bill and replaced by the Conservation Stewardship Program in the 2008 farm bill. The program enrolls acres in five- to 10-year stewardship contracts, the last of which will expire in FY2018. **(16 U.S.C. 3838 – 16 U.S.C. 3838c)**	Repeals the program. **(§2301(c)(1))**
Conservation Corridor Demonstration Program. Authorized in the 2002 farm bill. Permits one or more states, along with local governments on the Delmarva Peninsula, to develop and implement over three to five years, a conservation corridor plan to improve the economic viability of agriculture and the environmental integrity of watersheds. Funding was never appropriated. **(16 U.S.C. 3801 note)**	Repeals the program. **(§2811)**
Cranberry Acreage Reserve Program. Authorized in the 2002 farm bill to purchase permanent wetland easements on and around cranberry-producing land. Funding was never appropriated. **(16 U.S.C. 3801 note)**	Repeals the program. **(§2812)**
National Natural Resources Foundation. Authorized in the Federal Agricultural Improvement and Reform Act of 1996 (1996 farm bill, P.L. 104-127) to establish a non-profit corporation to promote and assist the conservation efforts of NRCS. Funding was never appropriated. **(16 U.S.C. 5801 *et seq.*)**	Repeals the program. **(§2813)**
Flood risk reduction. Authorized in the 1996 farm bill to contract with Market Transition Program participants to retire frequently flooded cropland. Related programs were repealed in subsequent legislation and funding was not appropriated. **(7 U.S.C. 7334)**	Repeals the program. **(§2814)**
Study of land use for expiring contracts and extension authority. Authorized in the Food, Agriculture, Conservation and Trade Act of 1990 (1990 farm bill, P.L. 101-624), requiring USDA to create a report on expiring CRP contracts. **(16 U.S.C. 3831 note)**	Repeals the program. **(§2815)**
Integrated Farm Management Program. Authorized in the 1990 farm bill to encourage producers to adopt integrated, multiyear, site-specific farm management plans by not reducing the farm program payments of participants who use a resource conserving crop as part of a rotation on payment acres. Related programs were repealed in subsequent legislation. **(7 U.S.C. 5822)**	Repeals the program. **(§2816)**

Prior Law	Enacted 2018 Farm Bill (P.L. 115-334)
Definition of agricultural lands. The 1996 farm bill defined the term *agricultural lands* as related to a 1994 memorandum of agreement among USDA, the Environmental Protection Agency, and the Department of the Army (Corps) for the delineation of wetlands. USDA and the Corps withdrew from the agreement in 2005. **(110 Stat. 992)**	Repeals the program. **(§2817)**
Section 2821—Technical Amendments	
Watershed Protection and Flood Prevention (Watershed Operations). Under the program, projects with a federal share greater than $25 million or with a total structure capacity over 2,500 acre-feet must be submitted to various federal agencies for comment prior to submission to Congress. **(16 U.S.C. 1005(4))**	Corrects spelling and makes technical corrections to agency titles. **(§2821(a))**
Wetland determinations. Technical determinations, restoration and mitigation plans, and monitoring activities must be conducted by the Natural Resources Conservation Service. **(16 U.S.C. 3822(j))**	Corrects agency spelling. **(§2821(b))**
Desert terminal lakes. USDA is required to transfer $150 million of CCC funds to the Bureau of Reclamation to purchase water for at-risk desert terminal lakes. Includes a voluntary land purchase grant program authorized to receive $25 million through appropriations. Funds to remain available until expended. **(16 U.S.C. 3839bb-6)**	Adds a sunset date on the program of October 1, 2023. **(§2821(d))**
Section 2822—State technical committees	
Establishment of State Technical Committees. Requires each state technical committee to be composed of representatives from: NRCS, FSA, Forest Service, the National Institute of Food and Agriculture (NIFA), a state fish and wildlife agency, state forester, state water resources agency, state department of agriculture, state soil and water conservation district, agriculture producers, nonindustrial private forest landowners, nonprofit organizations working with producers, and agribusinesses. **(16 U.S.C. 3861(c))**	Adds state Cooperative Extension Service and land-grant colleges to the list of required representatives. **(§2822)**

Source: CRS.

Author Information

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