Conservation Provisions of the 2008 Farm Bill

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January 13, 2009

Congressional Research Service
7-5700
www.crs.gov
RL34557

Summary

The 2008 enacted farm bill (Food, Conservation, and Energy Act of 2008, P.L. 110-246) reauthorizes almost all existing conservation programs, modifies several programs, and creates various new conservation programs. A new Conservation Stewardship program replaces the existing Conservation Security Program and a new Agricultural Water Enhancement Program under the Environmental Quality Incentives Program is also authorized with mandatory funding. Other new programs include the Chesapeake Bay Watershed Program and a "Sodsaver" provision to help preserve native sod, including virgin prairie in the Prairie Pothole National Priority Area. Significant modifications to existing programs include a reduction of the maximum enrolled acreage under the Conservation Reserve Program to 32 million acres and an increase in the cap for the Wetlands Reserve Program to over 3 million acres.

Other changes in the enacted bill include modifications to address eligibility requirements, program definitions, enrollment and payment limits, contract terms, evaluation and application ranking criteria, among other administrative issues. Eligibility is expanded for many programs and technical assistance under most programs is broadened to cover forested and managed lands, pollinator habitat and protection, and identified natural resource areas. Beginning, limited resource, and socially disadvantaged producers, specialty crop producers, and producers transitioning to organic production are also targeted for special consideration in many existing programs.

Estimated new spending on the conservation title—not including estimated conservation-related revenue and cost-offset provisions in the bill—is projected to increase by $2.7 billion over 5 years and $4.0 billion over 10 years. Total mandatory spending for the conservation title is projected at $24.3 billion over 5 years (FY2008-FY2012) and $55.2 billion over 10 years (FY2008-FY2017).

A comparison of conservation provisions in the enacted 2008 farm bill with existing law and the House and Senate farm bills is provided in the **Appendix**.

This report will not be updated.

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The Food, Conservation, and Energy Act of 2008 (P.L. 110-246), the 2008 farm bill, reauthorizes almost all existing conservation programs, modifies several programs, and creates various new conservation programs. These changes address eligibility requirements, program definitions, enrollment and payment limits, contract terms, evaluation and application ranking criteria, among other administrative issues. In general, the conservation title includes specific changes that expand eligibility and delivery of technical assistance under most programs to cover more broadly, for example, forested and managed lands, pollinator habitat and protection, and identified natural resource areas, among other expansions. Producer coverage across most programs is also expanded to include beginning, limited resource, and socially disadvantaged producers; speciality crop producers; and producers transitioning to organic production. The enacted bill also creates new conservation programs to address emerging issues and priority resource areas, and also new subprograms under existing programs.

Estimated new spending on the 2008 farm bill's conservation title—not including estimated conservation-related revenue and cost-offset provisions in the bill—is projected to increase by $2.7 billion over 5 years and $4.0 billion over 10 years. Total mandatory spending for the title is projected at $24.3 billion over 5 years (FY2008-FY2012) and $55.2 billion over 10 years (FY2008-FY2017).

Policy Questions and Issues Shaping the Conservation Title of the 2008 Farm Bill

Agricultural conservation became a significant and visible policy focus in the Food Security Act of 1985. Since then, questions and concerns about conservation program funding, policy objectives, individual program effectiveness, comparative geographic emphasis, and the structure of federal assistance have been recurring issues in the debate shaping each successive omnibus farm bill.[1] The 2008 farm bill is no exception. These long-standing issues arguably became even more apparent in this farm bill as they found their way into many individual program changes. This result may be a continuation of the more active profile taken by many conservation groups and their supporters in the 2002 farm bill. Unlike commodity programs, conservation program participation tends to be well represented by small and mid-size farming operations, according to the United States Department of Agriculture's (USDA) Economic Research Service. The programs also enjoy wider public support. In an environment of pronounced domestic budget constraint, however, conservation groups and producers found themselves competing with other farming interests for the necessary resources to expand and continue many conservation programs. Budget concerns aside, several other issues emerged in the debate leading to enactment of the 2008 farm bill: funding priorities and payment structure, geographic targeting, program complexity, the importance of large-scale conservation efforts, and measurement of costs and effectiveness. These general policy issues—in various forms—raised questions central to the deliberations and outcomes in the enacted conservation title of the farm bill.

[1] Farmland conservation programs and initiatives initially were enacted as part of the 1985 farm bill (P.L. 99-198, Food Security Act of 1985), which also included for the first time a conservation title. These programs have been reauthorized, modified, and expanded, and several new programs have been created, particularly in subsequent omnibus farm bills.

Program Funding and Producer Payment Limits

Among the questions raised were: Should payment limits be program-specific, or for some combination of conservation programs? Would the imposition of payment limits change patterns of participation and effectiveness of conservation programs? What are the potential differences in saving under different payment limit options? Where should savings be allocated? Should each conservation program have the same payment limit? How will funding levels affect the existing backlog of interest in program participation that cannot be met?

Geographic Emphasis

Because agricultural production is concentrated in specific regions of the United States, agricultural conservation and environmental issues are not randomly distributed. Some areas and some natural resources reveal greater environmental impact from agricultural activities—actual and potential—than others. For example, pressures on farmland development from urban sprawl are more pronounced on the East and West Coasts. Although many areas of the United States have water quality/quantity concerns or air quality issues, the deterioration of certain watersheds and certain air sheds is more advanced in some places than in others. How is it determined where federal conservation spending would be most effective? Should certain locations (states, regions, or watersheds) be targeted? Does targeting particular producer groups provide an effective strategy in resource management? Should some types of agricultural production or resource concerns receive higher priority in evaluating applications?

Program Complexity

Members of Congress, conservation groups, the Administration, and individual producers raised questions about the desirability of proliferating conservation programs and the complexity of adhering to various regulations that govern the programs. Some producers might have some acreage under one program and other acreage under another program. On-farm wetland management may be regulated by one program, while the environmental management plan of retired acreage is under another program. The question arises whether there is avoidable duplication or other inefficiencies that significantly limit conservation and resource management effectiveness. Could existing programs be combined in certain ways? Would a consolidated effort targeting a few specific resource issues reduce the complexity?

Delivery Effectiveness

Along with the perceived complexity of agricultural conservation programs is the related issue of the effectiveness of program delivery. Does the conservation delivery capacity of USDA agencies need to be further supplemented through partnerships, relationships with other organizations, or expansion of the technical assistance provider system? What opportunities and problems would result if a large portion of staff in the responsible agencies retired in a short time period? Does USDA currently have the staff needed to administer conservation programs if they were all fully funded? How might more market-based solutions to resource conservation improve delivery efficiency and program effectiveness?

Regional and Multistate Conservation Efforts

Local planning and implementation of conservation programs through locally constituted councils is an important aspect of conservation management and a long-standing characteristic of U.S. local-federal relations. A significant question raised by conservation groups, however, is the extent to which conservation efforts would be more effective and more efficient if they took place at larger scales, for example, through regional or multistate resource planning and multistate conservation planning. Because the conservation programs are voluntary, concern was voiced that participation could decline if producers felt that conservation programs were more remote from local planning input. Using watersheds or river basin drainage areas as policy targets, for example, could reduce the planning control of any single area jurisdiction. The trade-off is seen in the efficiencies that potentially stem from pooling financial and planning resources and targeting particular resource issues affecting most if not all producers. The Chesapeake Bay region, the Great Lakes, and specific river basins with significant agricultural impacts are examples where larger scale planning may hold particular advantages.

Program Evaluation

How effective are federal conservation programs in improving environmental management of natural resources? Evaluation is an essential part of effective conservation management. Yet, developing practical and reliable indicators that can be used across programs and with different producers and different resources has been a challenge. Policymakers and stakeholders generally agree that conservation measures have been effective in reducing the environmental impact of agricultural activities, but at what cost, in what locations, and under what specific circumstances are much more difficult questions to answer. The recognized importance of establishing valid indicators has been an ongoing issue in environmental management. Research has advanced considerably in the area, to the point that integrating those findings within the structure of current programs is viewed by many to be more feasible than it was in the past.

Program Changes in the Enacted 2008 Farm Bill (P.L. 110-246)

The 2008 farm bill reauthorizes almost all current conservation programs, modifies several current programs, and creates various new conservation programs. The various conservation programs administered by USDA can be broadly grouped into land retirement and easement programs and so-called "working lands" programs. In general, land retirement and easement programs take land out of crop production and provide for program rental payments and cost-sharing to establish longer term conservation coverage, in order to convert the land back into forests, grasslands, or wetlands. Working lands programs provide technical and financial assistance to assist agricultural producers in improving natural resource conservation and management practices on their productive lands. The enacted 2008 farm bill also creates several new conservation programs under the bill's conservation and other titles. The following sections provide brief overviews of the Title II changes to agricultural conservation programs.

Land Retirement and Easement Programs

Major land retirement and easement programs include the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), the Grasslands Reserve Program (GRP), the Farmland Protection Program (FPP), among other programs.

Conservation Reserve Program

The Conservation Reserve Program (CRP) is a voluntary program that allows producers to enter into 10-15 year contracts that provide annual rental payments and financial assistance to install certain conservation practices and maintain vegetative or tree covers. Its purpose is to conserve and improve soil, water, and wildlife resources by converting highly erodible and other environmentally sensitive acreage to a long-term vegetative cover. CRP is the largest conservation program in terms of total annual funding. It is administered by USDA's Farm Service Agency (FSA) and is funded through the Department of Agriculture's (USDA) Commodity Credit Corporation (CCC). CRP also has several subprograms, one of which is the Conservation Reserve Enhancement Program (CREP), that are designated to support state and federal partnerships through incentive payments for installing specific conservation practices that help protect environmentally sensitive land, decrease erosion, restore wildlife habitat, and safeguard ground and surface water.[2]

The enacted 2008 farm bill (Secs. 2101-2111) caps CRP enrollment at 32 million acres, down from its current cap of 39.2 million acres. The managers report on the conference agreement states this reduction is "not ... an indicator of declining or reduced support for CRP"; however, in other sections of the report USDA is encouraged to assist producers who are transitioning from land retirement to working lands conservation. The farm bill makes certain program changes, including allowing USDA to address state, regional, and national conservation initiatives; providing incentives for beginning and socially disadvantaged farmers/ranchers to purchase CRP land from retiring farmers; allowing certain types of managed haying and grazing and installation of wind turbines on enrolled lands (but at reduced rental rates); requiring that program participants manage lands according to a conservation plan; requiring USDA to survey annually the per-acre estimates of county cash rents paid to CRP contract holders; clarifying the status of alfalfa grown as part of a rotation practice; and establishing cost-sharing rates for certain types of conservation structures.

The bill also amends the pilot program for wetland and buffer acres in CRP. Each state can enroll up to 100,000 acres up to a national maximum of one million acres. This maximum may be raised to 200,000 in each state following a review of the program. Eligible lands for the program include (1) wetlands that have been cropped three of the immediately preceding 10 crop years; (2) land on which a constructed wetland is to be developed to manage fertilizer runoff; and (3) land that has been devoted to commercial pond-raised aquaculture.[3]

Conditions under which managed haying and grazing on CRP acreage may occur have been modified. The farm bill allows managed harvesting and grazing in response to drought and

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[2] For more detailed information on CRP, see CRS Report RS21613, *Conservation Reserve Program: Status and Current Issues*, by (name redacted).

[3] Acreage in CREP—a subprogram within CRP—and other continuous enrolled land would be excluded from the CRP county acreage cap (25%) in order to encourage greater program participation.

routine grazing to control invasive species. Where routine harvesting is permitted, state technical committees are required to coordinate to ensure appropriate environmental management. In addition to managed harvesting, the installation of wind turbines on enrolled land is now permitted activity. Any of these permitted uses on CRP acreage will result in a rental payment reduction commensurate with the economic value of the authorized activity.

The enacted farm bill permits 50% cost share payments on land used for hardwood trees, windbreaks, shelterbelts, and wildlife corridors for contracts entered into after November 1990. Contracts extend from a minimum of two years up to four years. Funding of $100 million also is authorized to cover cost sharing for the thinning of trees to improve the management of natural resources on the land.

The 2008 farm bill modifies the criteria for evaluating CRP contract applications. Evaluation criteria include the extent to which a CRP contract application would improve soil resources, water quality, or wildlife habitat. The bill also allows the Secretary to establish different criteria in various states or regions that lead to improvements in soil quality or wildlife habitat. Preference in new CRP contracts will be given to land owners and operators who are residents of the county or a contiguous county in which the land is located.

The farm bill also establishes incentives to increase the participation of beginning and socially disadvantaged farmers and ranchers. It authorizes CRP contract modifications to assist these producers in leasing or purchasing land under a CRP contract from a retired or retiring farm owner or operator. The provision authorizes $25 million for assistance in making these land transfers.

Other enacted modifications to CRP include redefining the Chesapeake Bay region as a priority area without limiting the region to the states of Pennsylvania, Maryland, and Virginia. While the new program apples to all watersheds draining into the Chesapeake Bay, the Susquehanna, Shenandoah, Potomac, and Patuxent Rivers will get funding priority. A provision in the Trade and Tax Provisions Title (Section 15301) will permit retired or disabled farmers and ranchers to exclude CRP payments from self-employment taxes beginning January 2008.[4]

Wetlands Reserve Program

The Wetlands Reserve Program (WRP) provides long-term technical and financial assistance to landowners with the opportunity to protect, restore, and enhance wetlands on their property, and to establish wildlife practices and protection. It is a voluntary program administered by USDA's Natural Resources Conservation Service (NRCS).

The enacted 2008 farm bill (Secs. 2201-2210) increases the WRP maximum enrollment cap to over 3.014 million acres (up from an existing cap of 2.275 million acres), and expands eligible lands to include certain types of private and tribal wetlands, croplands, and grasslands, as well as lands that meet the habitat needs of specific wildlife species. The farm bill authorizes a new Wetlands Reserve Enhancement Program, to establish agreements with states similar to that for CREP, which includes a Reserved Rights Pilot program to explore whether reserving grazing rights is compatible within WRP. The bill makes certain program changes, including changing the

[4] For additional information on CRP's tax status, see CRS Report, CRS Report RL34457, *Conservation Reserve Program Payments: Self-Employment Income, Rental Income, or Something Else?*, by (name redacted).

payment schedule for easements; limiting wetland restoration payments; specifying criteria for ranking program applications; requiring that USDA conduct an annual survey of the Prairie Pothole Region starting with FY2008; and requiring USDA to submit a report to Congress on long-term conservation easements under the program.

Grasslands Reserve Program (GRP)

GRP is a voluntary program administered by USDA's Farm Services Agency (FSA) that helps landowners restore and protect grassland, rangeland, pastureland, and shrubland and provides assistance for rehabilitating grasslands.

The enacted 2008 farm bill (Sec. 2403) adopts a new acreage enrollment goal of an additional 1.22 million acres by 2012, with 40% of funds for rental contracts (10-, 15-, and 20-year duration) and 60% for permanent easements. Requirements for cooperative agreements similar to those under the Farmland Protection Program are also authorized for GRP easements. The farm bill modifies the terms and conditions of GRP contracts and easements to permit fire presuppression and the addition of grazing-related activities, such as fencing and livestock watering. Priority for enrollment is also given to certain expiring CRP lands, and tribal lands are made eligible. The bill does not include a Grassland Reserve Enhancement provision, as proposed in the House.

Farmland Protection Program (FPP)

FFP is a voluntary program administered by USDA's NRCS that provides matching funds to help purchase development rights for eligible farmlands to keep productive farm and ranchland in agricultural uses. USDA partners with state, tribal, or local governments and nongovernmental organizations to acquire conservation easements or other interests in land from landowners, and provides up to 50% of the fair market easement value of the conservation easement.

The enacted 2008 farm bill changes the program's purpose from protecting topsoil to protecting the land's agricultural use by limiting nonagricultural uses and including lands that promote state and local farmland protection (Sec. 2401). The federal share of easement costs are capped at 50%, with the land owner contributing 25% of the costs. The program is also restructured to emphasize longer term and renewable cooperative agreements. The bill also makes other technical changes to the program covering the program's administrative requirements, appraisal methodology, and terms and conditions, among other issues. It does not rename the program the Farm and Ranchland Protection Program, as the program is often referred to by USDA.[5] The bill provides additional budget authority for FPP of $743 million.

Working Lands Conservation Programs

Major working lands programs include the Environmental Quality Incentives Program (EQIP), the (renamed) Conservation Stewardship Program (CSP), the Agricultural Management Assistance (AMA) program, and the Wildlife Habitat Incentives Program (WHIP), among others.

[5] The program was authorized as FPP in the 2002 farm bill, and the name has not been changed in statute.

EQIP and CSP are the two largest working lands programs, and received additional budget authority over five years under the 2008 farm bill of $3.4 billion for EQIP and $1.1. billion for CSP. The enacted farm bill did not include a Senate proposal that would have closely coordinated CSP and EQIP under the so-called Comprehensive Stewardship Incentives Program.

Environmental Quality Incentives Program (EQIP)

EQIP is administered by USDA's NRCS and provides technical and cost-share assistance to farmers and ranchers for promoting agricultural production and environmental quality by supporting the installation or implementation of structural and management practices on eligible agricultural land. EQIP includes a number of subprograms, including the Colorado River Basin Salinity Control, Conservation Innovation Grants, the Ground and Surface Water Conservation Program, and the Klamath River Basin.

The enacted 2008 farm bill (Secs. 2501-2510) expands the program to cover practices that enhance soil, surface and ground water, air quality, and conserve energy; it also covers grazing land, forestland, wetlands, and other types of land and natural resources that support wildlife. In evaluating applications, cost-effectiveness and comprehensive treatment of resource issues are given priority. The bill sets aside 5% of the EQIP spending for beginning farmers and ranchers and 5% for socially disadvantaged farmers and ranchers, providing up to 90% of the costs of implementing an EQIP plan for these farmers. It also provides payments to assist tribal or native corporation members, and producers transitioning to organic production.

The 2008 farm bill lowers the EQIP payment limit to $300,000 (down from $450,000) in any 6-year period per entity, except in cases of special environmental significance including projects involving methane digesters, as determined by USDA. Projects with organic production benefits are capped at $20,000 annually or $80,000 in any six-year period. The enacted bill retains the requirement that 60% of funds be made available for cost-sharing to livestock producers, including an incentive payments for producers who develop a comprehensive nutrient management plan.

The bill reserves $37.5 million of annual EQIP funds for the Conservation Innovation Grants program and modifies the grants to cover air quality concerns associated with agriculture (including greenhouse gas emissions). It also replaces the Ground and Surface Water Conservation Program within EQIP with a new Agricultural Water Enhancement Program (AWEP) to address water quality and quantity concerns on agricultural land, highlighting certain priority areas and providing additional mandatory funds for the program. The manager's report accompanying the farm bill suggests priority areas under the programs to include the Eastern Snake Plain Aquifer region, Puget Sound, the Ogallala Aquifer, the Sacramento River watershed, the Upper Mississippi River Basin, the Red River of the North Basin, and the Everglades. AWEP prioritizes assistance to areas experiencing significant drought. The bill provides a total of $280 million through FY2012 for AWEP activities.

Funding for EQIP is authorized at $1.2 billion (FY2008), $1.337 billion (FY2009), $1.45 billion (FY2010), $1.588 billion (FY2011), and $1.75 billion (FY2012).

Conservation Security (Stewardship) Program

The pre-existing Conservation Security Program is a voluntary program administered by NRCS that provides financial and technical assistance to promote the conservation and improvement of soil, water, air, energy, plant and animal life, and other conservation purposes on tribal and private working lands.[6] However, the 2008 farm bill (Sec. 2301) phases this program out (except for existing contracts) and replaces it with a new and renamed Conservation Stewardship Program (CSP). The new CSP, beginning in 2009, will continue to encourage conservation practices on working lands, but will be different from the former program. It eliminates the three-tier approach, establishes 5-year rather than 10-year contracts, and requires direct attribution of payments, among other changes, thus requiring that USDA promulgate new rules for the program. More than $2 billion in funding is made available for existing contracts under the former CSP program.

Rather than the three-tier payment system, payments for new CSP contracts will be based on meeting or exceeding a stewardship threshold—the level of resource conservation and environmental management required to improve and conserve the quality and condition of at least one resource concern. The stewardship threshold also must be met for at least one priority resource concern identified at the state level as a priority for a particular watershed or area of the state. Payments are based on the actual costs of installing conservation measures, any foregone income, and the value of the expected environmental outcomes. The CSP reserves 5% of the funds each for beginning farmers and ranchers and disadvantaged farmers and ranchers (Sec. 2704). Monitoring and evaluation of the stewardship plan to assess the environmental effectiveness is also an element of the new CSP.

The bill sets a target of enrolling 12.8 million acres annually under the new CSP. Individual producer payments are limited to $200,000 in any 5-year period per entity. Rather than annual sign-ups for the program, CSP enrollment will be contracted on a continuous basis. The type of eligible lands is expanded to include priority resource concerns, as identified by states; certain private agricultural and forested lands; and also some nonindustrial private forest lands (limited to not more than 10% of total annual acres under the program). Technical assistance will also be provided to specialty crop and organic producers, along with a pilot testing of producers who engage in innovative new technologies or participate in on-site conservation research. Producers may also receive supplemental payments for resource-conserving crop rotations that provide specific environmental benefits such as improving soil fertility, thus reducing the need for irrigation. Program payments may not be used for the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices.

Wildlife Habitat Incentives Program (WHIP)

WHIP is a voluntary program designed for the development and improvement of habitat primarily on private land. Through WHIP, USDA's Natural Resources Conservation Service provides both technical assistance and up to 75% cost-share assistance to establish and improve fish and wildlife habitat. The terms of WHIP agreements between NRCS and the participant generally are from 5 to 10 years from the date the agreement is signed. The 2008 farm bill (Sec. 2602) reauthorizes WHIP at current funding levels, but limits program eligibility to focus on "the

[6] For more detailed information on CRP, see CRS Report RS21740, *Conservation Security Program: Implementation and Termination*, by (name redacted).

development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands," thus potentially excluding some previously covered areas (i.e., non-agricultural lands). It also allows USDA to provide priority to projects that address issues raised by state, regional, and national conservation initiatives. The manager's report emphasizes that the program address various specific wildlife initiatives at state and local levels. The 2008 farm bill provides $425 million (FY2008-FY2012) and also increases the limit on cost-share payments to 25% for long-term projects. Payments to an individual entity are limited to $50,000 per year.

Other Programs

The 2008 farm bill also authorizes a $15 million increase in funding to $20 million annually for FY2008-FY2012 for the Grassroots Source Water Protection Program (Sec. 2603). Funding is also increased to $100 million (FY2009) for the Small Watershed Rehabilitation Program, to remain available until expended (Sec. 2803). The Grassroots Source Water Protection Program, a partnership between the Farm Service Agency (FSA) and the National Rural Water Association, is designed to help keep surface and groundwater water pollution from affecting drinking water. The Small Watershed Rehabilitation Program is administered by NRCS and works to rehabilitate older community dams.

The farm bill (Sec. 2801) also provides additional mandatory funding ($15 million annually, FY2008-FY2012) for the Agricultural Management Assistance Program (AMA) and includes Hawaii as an eligible state under that program. AMA provides cost share assistance to agricultural producers to voluntarily address issues such as water management, water quality, and erosion control by incorporating conservation into their farming operations.

The enacted bill amends the Resource Conservation and Development Program (RC&D) to emphasize *locally led* planning processes and to provide assistance for implementing area plans (Sec. 2805). The RC&D program designates RC&D areas and assists the capability of elected and civic leaders to plan and carry out projects for resource conservation and community development.

Also reauthorized through FY2012 is the Farm Viability Program (Sec. 2402). The Farm Viability Program, as authorized in the 2002 farm bill, provides authority for USDA to provide grants to eligible entities for the purpose of carrying out farm viability programs. To date, Congress has not appropriated funds to implement the program.

The Great Lakes Basin Program for Soil Erosion and Sediment Control is a federal-state partnership providing demonstration and technical assistance projects throughout the Great Lakes region. The program is coordinated by the Great Lakes Commission in partnership with the NRCS, the Environmental Protection Agency and the U.S. Army Corps of Engineers. The enacted bill modifies the program to implement the recommendations of the Great Lakes Regional Collaboration Strategy (Sec. 2604).

Technical Assistance and Conservation Program Administration

Site-specific technical assistance (TA) is provided for producers and landowners in constructing and installing conservation and natural resource management technologies. Producers often need TA in designing and implementing appropriate conservation strategies. The enacted 2008 farm bill makes changes in the TA component of various conservation programs to respond to these producer needs and clarifies the purposes of TA. The bill also requires a review of conservation practice standards and includes specific provisions to ensure that speciality crops, organic producers, and precision agricultural producers receive adequate conservation TA. Although NRCS provides TA directly, the enacted bill also authorizes a national certification process for third-party providers, including non-federal providers (Sec. 2706). In addition, the bill creates an Agriculture Conservation Experienced Services (ACES) Program to make use of the talents and skills of older, non-USDA employees (Sec. 2710). The bill further establishes state TA committees composed of various state conservation officials and agricultural producers for each state to assist in the implementation and technical aspects of conservation programs (Sec. 2711).

The bill authorizes a new Cooperative Conservation Partnership Initiative (CCPI) (Section 2707) as a component of the Conservation Technical Assistance program. It is authorized to target technical and financial resources on conservation priorities on agricultural and nonindustrial private forest land on a state, local, multistate, and regional basis. The manager's report especially encourages locally developed projects. Eligible CCPI programs include EQIP, CSP, WHIP, Great Lakes Basin Sediment Control, Conservation of Private Grazing Land, Chesapeake Bay Region, and Grassroots Water Conservation. The provision reserves 6% of the funding for these programs for initiatives under the CCPI and establishes criteria for prioritization of projects, including projects that provide innovative conservation methods.

Authorized Reports

The enacted 2008 farm bill directs USDA to prepare a number of statistical and evaluation reports regarding various conservation programs: (1) an annual report on conservation program enrollments and payments—those greater than $250,000—under the Wetlands Reserve Program, Farmland Protection Program, Grassland Reserve Program, and the Environmental Quality Incentives Program (for land having special environmental significance). The bill also requires a report on the new Agricultural Water Enhancement Program (Sec. 2705). Other required reports include one on the long term implications of conservation easements (Sec. 2210), an annual report on average county cash rental rates (Sec. 2110), and an appraisal of soil and water conservation programs (Sec. 2804).

New Conservation Programs

In addition to the changes made to existing agricultural conservation programs, the enacted 2008 farm bill also expands the range of USDA conservation activities by creating several new programs, including a program expanding conservation activities in the Chesapeake Bay region, a new state grants program, a provision to limit production on native sod, and a provision promoting market-based approaches to conservation.

Chesapeake Bay Watershed Program

This program (Sec. 2605) is targeted at conserving and protecting the Chesapeake Bay and the water sources that make up the watershed. It applies to all tributaries, backwaters, and side channels, including watersheds, draining into the Chesapeake Bay, but gives priority to the Susquehanna, Shenandoah, Potomac, and Patuxent Rivers. The bill authorizes $188 million in mandatory funding (FY2009-FY2012) and $438 million over 10 years (FY2009-FY2018).

Voluntary Public Access and Habitat Incentives Program

Also referred to as the "Open Fields" program, this program authorizes state grants to encourage land-owners to provide public access for wildlife-dependent recreation, subject to a 25% reduction for the total grant amount if the opening dates for migratory bird hunting in the state are not consistent for residents and non-residents. The bill provides $50 million in mandatory funds (FY2009-FY2012) for the program.

Sodsaver Provision

This 2008 farm bill provision (Sec. 12020) makes producers that plant an insurable crop (over 5 acres) on native sod ineligible for crop insurance and the noninsured crop disaster assistance (NAP) program for the first five years of planting. The conference agreement states that this provision may apply to virgin prairie converted to cropland in the Prairie Pothole National Priority Area, if elected by the state.

Environmental Services Markets

This new conservation provision (Sec. 2709) is intended to facilitate the participation of farmers and landowners in emerging environmental services markets, such as water and air quality, habitat protection, and carbon storage. The farm bill directs USDA to establish a framework for developing consistent standards and processes for quantifying environmental services from the agriculture and forestry sectors, but does not authorize funding for this effort.[7]

Miscellaneous Conservation Provisions

The enacted farm bill also includes changes to several additional programs. The Colorado River Basin Salinity Control Act makes funding available to support resource management activities targeting sources of salinity in the Colorado River (e.g., leaking wells, irrigation, industrial sources). The enacted farm bill establishes a Basin States Program for salinity control activities upstream of the Imperial Dam (sec. 2806).

The 2002 farm bill authorized that mandatory spending of $200 million be transferred to the Bureau of Reclamation to provide water to at-risk natural desert terminal lakes. Section 2807 of the enacted bill provides $175 million for desert terminal lakes, but also designates that part of this funding be used for land and water purchases in the Walker River Basin. The basin lies on California's eastern border with Nevada.

A provision in the Credit title of the enacted 2008 bill (Sec. 5002) establishes a new loan and loan guarantee program to assist producers in financing the cost to the producer for applying for needed conservation installations. The manager's report states that the loan program is only a complement to the assistance provided through the various conservation programs. The bill gives priority for these loans to beginning and socially disadvantaged farmers and ranchers, those converting to organic systems, and producers who need conservation assistance to address various compliance requirements.

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[7] For more information on environmental services and the role of markets in environmental conservation planning, see CRS Report RL34042, *Environmental Services Markets in the 2008 Farm Bill*, by (name redacted).

Response from Conservation Interest Groups

The majority of agriculture and farmland conservation groups have responded favorably to the expanded provisions and increased funding for programs in the Conservation Title of the 2008 farm bill. Since enactment, a few national wildlife groups have expressed concern about changes to some provisions during the conference negotiations, which are perceived as providing fewer benefits to the protection of wildlife and wildlife habitat. Among the concerns expressed by these groups are the reduction in the CRP acreage enrollment cap reduction, easing of the requirements under the “sodsaver” provision, limitations on the types of lands eligible under Wildlife Habitat Incentives Program, and the new permanent disaster fund, which could encourage marginal land plantings, among other concerns.

Appendix. Agricultural Conservation Provisions in the Enacted 2008 Farm Bill (P.L. 110-246) Compared with Previous Law and the House- and Senate-Passed Bills (H.R. 2419)

Prior Law/Policy (P.L. 107-171) (unless otherwise Indicated)	House Bill (H.R. 2419)	Senate Amendment (H.R. 2419)	Enacted 2008 Farm Bill (P.L. 110-246)
Program Definitions and Funding			
Sec. 1201 of the Food Security Act of 1985 (FSA) (P.L. 99-198, or the 1985 farm bill), as amended, defines 18 terms. *[16 U.S.C. 3801]*	No provisions. (*Note*: some terms added by the Senate bill in this section are defined for specific conservation programs, as noted below.)	Adds definitions of beginning farmer or rancher, Indian tribe, nonindustrial private forest land, socially disadvantaged farmer or rancher, and technical assistance. Authorizes USDA to employ a test of net worth or other measure to qualify. *[Sec. 2001]*	Adopts Senate provision with changes. Removes the test of net worth. Adopts the 1990 farm bill definition of a socially disadvantaged farmer or rancher, with changes to define farm, integrated pest management, person and legal entity, and livestock. *[Sec. 2001]*
Sec. 1241(a) of the FSA, as amended, authorizes mandatory funding through FY2007 to carry out various conservation programs. *[16 U.S.C. 3841]* *Note*: Authorized funding levels for various programs are provided in individual program sections below.	Extends reauthorization through FY2012 with funding specified for CSP, FPP, EQIP, and WHIP. *[Sec. 2401(a)]*	Extends reauthorization through FY2012 with funding specified for CSP, FPP, EQIP, WHIP, GRP, and the Voluntary Public Access and Habitat Incentives Program. *[Sec. 2401(a)]*	Extends reauthorization through FY2012 with the following in additional new budget authority: CSP ($1.1 billion); EQIP ($3,393 million); and FPP ($773 million). *[Sec. 2701]*
Highly Erodible and Wetland Conservation			
Secs. 1211-1212 of the FSA, as amended, make violators of the conservation compliance program ineligible for certain program benefits, with some exceptions from full loss of eligibility. *[16 U.S.C. 3811-3812a, 3812f]*	No comparable provision.	Adds a second level of review by the state or district director, with technical concurrence from USDA's Natural Resources Conservation Service (NRCS) if the Secretary has determined that this exception should apply. *[Sec. 2101]*	Adopts Senate provision, providing for review of good faith determinations related to highly erodible land conservation. *[Sec. 2002]*
Secs. 1221-1222 of the FSA, as amended, makes swampbuster ineligible for certain program benefits, with some exceptions from full loss of eligibility. *[16 U.S.C. 3821-3824, 3822h]*	No comparable provision.	Add a second level of review by the state or district director, with technical concurrence from NRCS if the Secretary has determined that this exemption should apply. *[Sec. 2201]*	Adopts Senate provision, providing for review of good faith determinations related to wetland conservation. *[Sec. 2003]*

Prior Law/Policy (P.L. 107-171) (unless otherwise Indicated)	House Bill (H.R. 2419)	Senate Amendment (H.R. 2419)	Enacted 2008 Farm Bill (P.L. 110-246)
Comprehensive Conservation Enhancement Program			
The 1990 farm bill amended Sec. 1230 of the FSA to establish a program later renamed the Comprehensive Conservation Enhancement Program (CCEP). The CCEP, which includes the Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), and the Environmental Quality Incentives Program (EQIP), promotes long-term protection for environmentally sensitive lands through easements and technical/ financial assistance. *[16 U.S.C. 3830]* *Note:* Administration of CCEP, the subject of sec. 1243, is described below.	No comparable provision. (*Note*: Amendments to Sec. 1243 described below in the "other conservation programs" subsection.)	Deletes Section 1243 in current law, and moves some provisions, amended, into this (and other) sections. Extends CCEP through FY2012. Makes changes that reduce administrative burdens, streamline the application process, and promote partnerships. Deletes EQIP from CCEP and adds the Healthy Forests Reserve Program. Adds a new exception whereby USDA may exceed the enrollment limitation when a state or local regulation prohibits agricultural water use, requiring USDA to enroll the land within 180 days of receiving a request and pay a rental rate that reflects the rate prior to implementing the regulation. *[Sec. 2301]*	Does not reauthorize the CCEP. The Healthy Forest Reserve Program is retained in the forestry title *[Sec. 8205]*; the county acreage cap is addressed elsewhere *[Sec. 2708]*. The agreement adopts a provision to exclude CREP acreage and continuous CRP acreage from the 25% cap if the county government concurs, and further specifies this provision is separate and distinct from the existing waiver authority. Additional guidance is provided in the Managers statement.
The 1990 farm bill amended Sec. 1243 of the FSA to authorize administration of CCEP. Provisions include avoiding duplication of required conservation plans, limiting enrollment under CRP and WRP to 25% of the cropland in a county, protecting the interests of share croppers and tenants, allowing approved sources to provide technical assistance, and using up to 5% of the funds from the mandatory funded conservation programs to foster cooperation through partnerships. *[16 U.S.C. 3844]*	Amends administration provisions by moving sections on acreage enrollment limits, tenant protection, and obtaining technical assistance. Establishes a new Cooperative Conservation Partnership Initiative to carry out projects/initiatives using competitive (2-5 years) grants. Specifies 14 criteria to be used in reviewing applications and 9 project priorities. Specifies duties of participant and USDA. Specifies program will be funded with 10% of funds for CSP, EQIP, and WHIP. The federal share for each project will be at least 75% of costs; 90% of the funds will be allocated at the state level (incentives and bonus payments may be used for specified purposes). Limits administrative costs to 5% of any grant. *[Sec. 2403]*	Amends to streamline application process, add new endangered species provisions, and establish new partnerships and cooperation projects for special projects (up to 5 years) with multiple producers and eligible partners to address state conservation recommendations. Specifies five project purposes, lists application contents, and identifies USDA's duties and priorities when selecting projects (including 14 priority water project areas); also requires monitoring and evaluation. Specifies funding of 10% of the mandatory funds allocated to each state (except CRP, CSP, WRP, and the new Conservation Stewardship Program), with 75% of funds for intra-state and 25% for multi-state projects. *[Sec. 2405]*	Adopts House provision with changes and names the initiative the Cooperative Conservation Partnership Initiative (CCPI). *[Sec. 2707]* Allows USDA to make consider local circumstances, goals, and objectives, and provides for adjustments to provide producers preferential enrollment in the applicable program as part of the special project. Applies to all USDA conservation programs except CRP, WRP, FPP and GRP. The stated intent is to provide for applications that include innovative combinations of covered initiative programs, and applications that might work in tandem with the enhancement programs under CRP or WRP. Additional guidance is provided in the Managers statement.

Prior Law/Policy (P.L. 107-171) (unless otherwise Indicated)	House Bill (H.R. 2419)	Senate Amendment (H.R. 2419)	Enacted 2008 Farm Bill (P.L. 110-246)
Conservation Reserve Program			
Sec. 1231(a-d) of the 1985 farm bill (FSA) authorizes the CRP; the program is currently authorized through CY2007 at 39.2 million acres. *[16 U.S.C. 3831(a-d)]*	Extends authorization through CY2012; retains current acreage enrollment limit (39.2 million acres). *[Sec. 2101(a-b)]*	Extends authorization through CY2012. Retains current acreage enrollment limit. Adds pollinator habitat to the general purposes. Expands eligible land to include some types of marginal pasture-land and land enrolled in a new flooded farmland program. *[Sec. 2311(a-c)]*	Extends authorization through CY2012, and allows USDA to address issues under State, regional, and national conservation initiatives. Caps enrollment at 32 million acres *[Sec. 2103]*. Clarifies that alfalfa grown as part of a rotation practice is a commodity for crop history purposes. *[Secs. 2101-2102, 2105]* Provides for pollinator habitats. *[Secs. 2706, 2708]*
Sec. 1231(f) of the FSA, as amended, lists priority areas as the Chesapeake Bay region (PA, MD, VA) , the Great Lakes Region, and Long Island Sound. *[16 U.S.C. 3831f]*	Deletes states but retains Chesapeake Bay region. *[Sec. 2101(b)]*	Similar to the House bill; also adds to the list the prairie pothole region, the Grand Lake St Mary's Watershed, and the Eastern Snake Plain Aquifer. *[Sec. 2311(d)]*	Adopts House provision to include all States that make up the Chesapeake Bay Region as the Conservation Priority Area. *[Sec. 2104]*
Sec. 1231(h) of the FSA, as amended, authorizes a one million acre pilot program within the CRP for wetlands and buffer areas. *[16 U.S.C. 3831h]*	Extends program through CY2012. *[Sec. 2101(e)]*	Extends program through CY2012; expands eligibility to include certain shallow water areas and certain agricultural drainage water treatment collection areas, and expands the eligible buffer acreage. Directs USDA to establish the maximum size of the buffer acreage to be enrolled along with eligible lands. Increases the maximum wetland size to 40 contiguous acres and makes all acres eligible for payment. *[Sec. 2311(e)]*	Adopts Senate provision with changes. Caps enrollment at 100,000 acres in any State and 1 million acres total. Adds conforming changes to the Emergency Forestry Conservation Reserve Program. Expands enrollment of wetland and buffer acreage to include land that had been cropped during 3 of 10 crop years prior to 2002 and after 1990 and is subject to a natural overflow of a prairie wetland. *[Sec. 2106]*
Sec. 1232(a)(7) of the FSA, as amended, specifies a duty of participants is limiting commercial uses, including haying and grazing on enrolled lands; allows managed haying/grazing under certain circumstances. *[16 U.S.C. 3832a(7)]*	Allows managed haying and grazing to control invasive species, and adds detail on allowed uses, enrolled lands, and adjustments to annual contract payments. *[Sec. 2101(f)]*	Allows managed haying and grazing to control invasive species and permits managed haying and grazing that is a part of a conservation plan. *[Sec. 2311(h)]*	Adopts House provision with changes, allowing for routine grazing, including grazing to control invasive species. Additional guidance is provided in the Managers statement. *[Sec. 2108]* Grants "management on land" should not result in a reduced payment, if done in accordance with the contract. *[Sec. 2107]*
Sec. 1234(c) of the FSA, as amended, establishes a framework for calculating	Requires USDA to conduct and make available an annual survey of dryland and	Similar to the House bill; also requires USDA to give preference to local owners or	Adopts Senate provision with changes, adding a new requirement that USDA

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annual rental payments. *[16 U.S.C. 3834c]*	irrigated cropland cash rental rates in all counties with more than 20,000 acres of crop and pasture land. *[Sec. 2101(g)]*	operators when considering competing offers providing equivalent benefits. *[Sec. 2311(j)]*	give priority to offers from local residents if conservation benefits are equivalent among offers. *[Sec. 2110]*
Sec. 1235(e) of the FSA, as amended, allows USDA to terminate CRP contracts after 5 years if contract was in effect before 1/1/95. *[16 U.S.C. 3835e]*	Allows USDA to terminate any contract after 5 years, but prohibits terminating contracts for land enrolled under a continuous signup. *[Sec. 2101(l) and (j)]*	Allow USDA to terminate a contract if a retired or disabled producer has endured financial hardship because of taxes on rental payments. *[Sec. 2311(k)]*	Adopts House provision. *[Sec. 2111]*
No comparable provision.	No comparable provision.	No comparable provision.	Specifies a 50% federal share of cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors. *[Sec. 2109]*
The 2002 farm bill amended Sec. 1244(a) of the FSA to authorize USDA to provide incentives to beginning farmers/ranchers and Indian tribes to participate in con-servation programs. *[16 U.S.C. 3844(a)***]**	Facilitates the transfer of CRP land from a retiring owner to a beginning / socially-disadvantaged producer to return land to production, and allows new owner to begin land improvements or start organic certification process one year before CRP contract expires. *[Sec. 2101(h)]*	No comparable provision. (*Note*: Support for socially disadvantaged and limited resource farmers/ranchers are in other bill sections.)	Adopts House provision with modifications. *[Sec. 2111]*
No comparable provision.	No comparable provision.	Creates new Flooded Farmland Program for the Prairie Pothole region within the CRP. Allows continuous enrollment. Eligible land parcels must exceed 5 acres, been incapable of production preceding 3 crop years, have a cropping history, and have no natural outlet. *[Sec. 2312]*	Deletes this section and modifies CRP and WRP to accomplish the intent of the Senate amendment, including expanding eligible lands under the CRP pilot program for wetlands and buffer areas *[Sec. 2106]* and expands eligible lands under WRP. *[Sec. 2201]*
No comparable provision.	No comparable provision.	Creates new Wildlife Habitat Program for CRP participants with established softwood pine stands using management practices that benefit wildlife (contracts up to 5 years). Program ends September 30, 2011. *[Sec. 2313]*	Deletes this section and modifies CRP to accommodate the intent of the Senate amendment. Additional guidance is provided in the Managers statement.

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Wetlands Reserve Program			
The 1996 farm bill amended Sec. 1237(a) of the FSA to authorize WRP, stating its purpose to restore and protect wetlands. *[16 U.S.C. 3837a]*	Adds to the purposes to create and to enhance wetlands, and to purchase floodplain easements. *[Sec. 2102(a)]*	No comparable provision.	Amends purposes to restore, protect, or enhance wetlands on private or tribal lands. *[Sec. 2201]*
Sec. 1237(b) of the FSA, as amended, sets maximum enrollment at 2.275 million acres, with an annual calendar year enrollment goal of 250,000 acres. *[16 U.S.C. 3837b]*	Sets maximum enrollment at 3.605 million acres. Sets an annual fiscal year enrollment goal of 250,000 acres, of which not more than 10,000 acres may be flood plain easements. *[Sec. 2102(b)]* New section adds language authorizing WRP from FY2008-12. *[Sec. 2402(h)]*	Sets annual fiscal year enrollment goal of 250,000 acres, with no enrollment after FY2012. *[Sec. 2321]*	Sets maximum enrollment at 3.041 million acres. Sets annual fiscal year enrollment goal of 250,000 acres through FY2012. *[Sec. 2202-2203]*
Sec. 1237(c) of the FSA, as amended, establishes requirements for eligible lands through 2007. *[16 U.S.C. 3837c]*	Adds riparian areas to eligible wetlands, and makes eligible floodplain land flooded in the past calendar year or at least twice in the past 10 years, and land that contributes to flood water storage, flow, or erosion control. *[Sec. 2102(c)]*	Reauthorizes through FY2012. *[Sec. 2321(2)]*	Expands eligible lands under WRP to include cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole. *[Sec. 2203]* Adds terms to "meet habitat needs of specific wildlife species." *[Sec. 2204]*
Sec. 1237(e) of the FSA, as amended, identifies ineligible land to include lands already planted to timber in the CRP. *[16 U.S.C. 3837e]*	Expands ineligible lands to include floodplains where restoration practices would not be productive or the land is already protected. *[Sec. 2102(d)]*	No comparable provision.	Expands ineligible lands to include farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except wetlands converted before December 23, 1985. *[Sec. 2203]*
Sec. 1237A(f) of the FSA, as amended, states compensation to be paid in cash (in 5 to 30 payments) and not to exceed the fair market value, as reduced by the easement. *[16 U.S.C. 3837a(f)]*	Limits compensation to lowest of 4 options: percentage of the fair market value; percentage of market value determined by a survey; a geographic cap; or a landowner's offer. Allows USDA to use non-federal contributions to administer program *[Sec. 2102(e)]*	Limits compensation to lowest of 3 options: an amount necessary to encourage enrollment; a limit for a geographic area; or a landowner's offer. Compensation may be in 1 to 30 payments. *[Sec. 2322(b)(3-4)]*	Adopts House provision with changes, revising the process for determining the value of easements and contracts by requiring USDA to provide the lowest amount of compensation based on a comparison of the fair market value of the land, a geographic cap, or an offer made by the landowner. Provides that easements with values less than $500,000 be paid out over 1-30 years; easements with values greater than $500,000 are to

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			be paid out over 5-30 years. *[Sec. 2208]* Provides for the repeal of payment limitations (exception for State agreements for new Wetlands Reserve Enhancement Program. *[Sec. 2209]*
Sec.1237C(c) of the FSA, as amended, lists three considerations USDA is to use when considering offers for WRP contracts. *[16 U.S.C. 3837c(c)]*	Adds new additional criteria for ranking offers (conservation benefits; cost-effectiveness; and offer of a financial contribution) and conservation benefits of floodplain lands. *[Sec. 2102(f)]*	No comparable provision.	Adopts House provision. *[Sec. 2207]*
Sec. 1237D(c)(4) of the FSA, as amended, waives limits for public entities receiving payments through the wetland and environmental enhancement programs. *[16 U.S.C. d(c)(4)]*	Replaces provision with a new language on Wetland Reserve Enhancement program, where states contribute funds so as to increase payments. *[Sec. 2102(g)]*	Authorizes a Wetlands Reserve Enhancement Program (WREP). Makes a conforming change to allow payments for 30-year contracts. *[Sec. 2322(c)]*	Adopts Senate provision authorizing WREP for agreements with States similar to CREP. Authorizes a Reserved Rights Pilot program. *[Sec. 2205-2206]*
No comparable provision.	No comparable provision.	Requires a report to House and Senate Agriculture Committees by 1/1/2010 on the implications of long-term easements on USDA resources. *[Sec. 2322(d)]*	Adopts Senate provision. *[Sec. 2210]*
Conservation Security Program			
The 2002 farm bill amended the FSA to establish the Conservation Security Program (CSP) for FY2003-11. Defines eligible producers and eligible lands and excluded lands (land enrolled in multiyear land retirement programs and land not in crop production at least 4 of the preceding 6 years). Specifies terms for 3 tiers of conservation contracts. Identifies topics that may be addressed in contracts. Contracts are 5 years under tier 1, and 5 to 10 years under tiers 2 and 3. Specifies circumstances and requirements for modifying, terminating, and renewing contracts. Contracts may be renewed for 5 to 10	Establishes a new CSP for FY2012-2017. Eligible producers must submit an offer addressing "at least one priority resource of concern to a minimum level of management intensity." Eligible land excludes incidental forest land. Limits program to one type of contract of 5 years; describes five elements to be in all contracts, but eliminates list of topics to be addressed. Prohibits termination of contracts, without penalty, by a producer who is required to modify a contract. Allows contracts to be renewed for one additional 5 year period. Adds new provisions on evaluating offers from organic	Authorizes through FY2012 a new CSP as a conforming amendment, and reauthorizes current CSP for existing contracts only. Future CSP contracts would be replaced by a Comprehensive Stewardship Incentives Program consisting of a Conservation Stewardship Program with similar provisions of the existing CSP and EQIP. Eligible land must have been planted to crops 4 of preceding 6 years. Specifies contract are for 5 years, with renewal under certain conditions. Allows for terminating and changing contracts. Specifies how to evaluate contract offers, producer duties, enhancement terms, and supple-mental payments. Defines 15 terms.	Defines program terms for the new CSP. Adopts elements of the Senate provision. Expands eligible lands to include nonindustrial private forest land (limited to not more than 10% of total annual acres under the program). Permits 5-year extension of contracts. Excludes under the program, land used for cropland that had not been planted, considered to be planted, or devoted to crop production for 4 of the 6 years prior to the date of enactment of the act (unless the land had previously been enrolled in CRP; had been maintained in a long term crop rotation; or was incidental land needed for efficient operation). *[Sec. 2301]*

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years. Defines 15 terms pertaining to the program. *[16 U.S.C. 3838]*	producers. Defines twelve terms that are new terms or differ from current law. *[Sec. 2103(a)]*	*[Secs. 2391 and 2341]*	
Secs 1238A(d-3) of the FSA, as amended, specifies terms for 3 tiers of conservation contracts. Identifies topics that may be addressed in contracts. Contracts are 5 years under tier 1, and 5 to 10 years under tiers 2 and 3. Specifies circumstances and requirements for modifying, terminating, and renewing contracts. Contracts may be renewed for 5 to 10 years *[16 U.S.C. 3838a(d-e)]*	Limits program to 1 type of contract of 5 years and describes 5 elements to be in all contracts, but eliminates list of topics to be addressed. Contracts could no longer be terminated, without penalty, by a producer who is required to modify a contract. Contracts may be renewed for 1 additional 5 year period. New provisions on evaluation of offers and coordination with organic certification are added. *[Sec. 2103(a)]*	Defines eligible land and eligible producers; land must have been planted to crops 4 of preceding 6 years. Contents of contracts are specified and are for 5 years, with renewal if certain conditions are met. Specifies considerations in evaluating contract offers, producer duties, enhancement terms, and supplemental payments. Adds provisions on terminating and changing contracts. *[Sec. 2341]*	Adopts Senate provision with modifications. Authorizes supplemental payments for producers who adopt a beneficial crop rotation that provide significant conservation benefits and are not limited to a particular crop, cropping system, or region of the country. Allows for on-farm conservation research and demonstration activities and pilot-testing as part of contract offers. Allows for contract modification. *[Sec 2301]*
Sec. 1238C of the FSA, as amended, specifies that duties of the Secretary include making payments early in each fiscal year, the components of payments for each tier, annual payment limits for each tier ($20,000 for tier 1, $35,000 for tier 2, and $45,000 for tier 3), minimum requirements for practices, and requirements for implementing regulations *[16 U.S.C. 3838c]*	Alters duties of the Secretary to include identification of priority resources of concern at the state level (limited to 5 concerns in any geographic area of a state). Limits total payments under a contract to $150,000 (5 years); allows for the environmental needs associated with agriculture to be considered in state allocations; requires USDA to compile data of specified program contract and payment topics. *[Sec. 2103 (a)]*	Alters duties of the Secretary to allow for continuous enrollment (allowing a producer to apply at any time during the year), providing assistance to producers, and maintaining contract and payment information that will support program monitoring and evaluation, and enabling specialty crop producers to participate. Specifies an acreage allocation, limiting payments to $240,000 (6-year). *[Secs. 2391 and 2341]*	Provides that state acreage allocations be based on each state's proportion of eligible acres to the total eligible acres nationwide (available to all producers, not only specific watersheds/geographic regions), allowing for input from USDA. Directs USDA to adopt continuous enrollment, but allows for USDA to determine when to rank applications. Directs USDA to provide technical assistance to specialty crop and organic producers. Directs USDA to encourage producers who are transitioning from land retirement programs to enroll in CSP and other working lands programs. Limits payments to $200,000 in any 5-year period. *[Sec. 2301]*
No comparable provision.	No comparable provision.	Provides for enrollment of up to 79.628 million acres and attempted annual enrollment of 13.273 million acres, nationwide and at a average annual cost of $19 per acre. Provides for small farm participation, and allocates to each state each year the lesser of 20,000 acres or 2.2%	Deletes Senate provision. Enrolls an additional 12.8 million acres annually FY2008-2017. *[Sec. 2301]*

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		of the eligible land. *[Sec. 2341]*	
No comparable provision.	No comparable provision.	Requires regulations to be issued within 180 days of enactment. *[Sec. 2341]*	Deletes Senate provision. Directs USDA to promulgate regulations. *[Sec. 2301]*
Sec. 1241(a)(3) of the FSA, as amended, authorizes mandatory funding for the CSP at $1.954 billion for FY2006-10 and $5.65 billion from FY2006-15. *[16 U.S.C. 3841(a)(3)]*	Prohibits any new contracts under the terms of the 2002 CSP, such that no new CSP contracts may be entered into after October 1, 2007 (although payments may be continued until contracts expire). For contracts signed before 10/1/07, provides a total of $1.5 billion in mandatory funding for FY2007-12, and $1.9 billion for FY2012-17. For contract signed after 10/1/11, provides $0.5 billion for FY2012 and $4.6 billion for FY2012-17. *[Sec. 2401(b)]*	Prohibits any new contracts under the terms of the 2002 CSP, such that no new CSP contracts may be entered into after October 1, 2007 (although payments may be continued until contracts expire). Authorizes $2.3 billion in mandatory funding for contracts entered into before the date of enactment, (available until spent) and an unspecified amount for the new CSP (enrollment in the new program is measured in acres rather than dollars). *[Sec. 2401(a)(3-4)]*	Adopts Senate provision. The Manager's report states that the bill provides for a $1.1 billion increase in budget authority above current baseline (FY2008-2017). Provides such sums as necessary to carry out existing CSP contracts. *[Sec. 2701]*
Environmental Quality Incentives Program			
The 1996 farm bill amended Sec. 1240 of the FSA to authorize EQIP, stating its purpose as promoting production and environmental quality as compatible goals, and optimizing environmental benefits by working in 5 specified areas. *[16 U.S.C. 3839aa]* Defines 6 terms: beginning farmer or rancher, eligible land, land management practice, livestock, practice, and structural practice.	Adds forest management and organic transition to the program purposes. Revises the descriptions of 2 of the 5 purposes to recognize energy conservation and conservation on forest lands. *[Sec. 2105(a)]* Adds forestry, forest management practices, and coordinated implementation to the "land management practice" definition. Adds alpacas and bison to the "livestock" definition. Adds definitions of "integrated pest management" and "socially disadvantaged farmer or rancher." *[Sec. 2105(b)]*	Adds forest management to the statement of program purposes, and recognizes pollinators and fuels management in the amplifying statements. *[Secs. 2351, 2352, and 2354]* Adds aquaculture to the "eligible land" definition; forestry is added to the "land management practice" definition; adds conservation planning practices to "practices;" defines "producer" to include custom feeding businesses and contract growers; and adds firebreaks to "structural practice." *[Sec. 2352]*	Adds forest management to purposes, and adds language regarding forest lands on EQIP program plan and duplication. *[Secs. 2505-2506]* Adopts the Senate provisions with an amendment to modify eligible land. *[Sec. 2502]* Allows for technical assistance to farmers that promote pollinator habitats, and farmers transitioning to organic farming, among activities. *[Sec. 2501]* Further clarifies duties of the Secretary. *[Sec. 2507]*
Sec. 1240B(a-c) of the FSA, as amended, authorizes EQIP through FY2010. Eligible practices are defined. Contracts are 1 to 10 years. *[16 U.S.C. 3839aa-2(a-c)]*	Reauthorizes through FY2012. Expands types of eligible practices to include organic certification using technical services from approved providers, and improved energy efficiency, renewable energy systems. *[Sec. 2105(c)]*	Reauthorizes through FY2012. Expands permitted practices to include conservation planning. Limits contracts to a maximum of 5 years. Removes prohibitions on bidding down. *[Sec. 2353(a-c)]*	Reauthorizes through FY2012. Limits payments to 75% of costs. *[Sec. 2503]* Lowers individual payment limits from $450,000 to $300,000 during any 6-year period , except in cases of special environmental significance (including

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			projects involving methane digesters), allowing USDA to raise the limit to not more than $450,000. *[Sec. 2508]* Directs USDA to develop criteria for evaluating applications to address national, State, and local conservation priorities, allowing for prioritization and grouping of applications based on cost-effectiveness, how address the designated resource concern(s), how best fulfills the purpose of EQIP, and if improves conservation practices or systems. *[Sec. 2504]*
Sec. 1240B(d)(2) of the FSA, as amended, allows limited resource and beginning producers to receive not more than a 90% federal cost share. *[16 U.S.C. 3839aa-2(d)]*	Sets the federal cost share at 90% for socially disadvantaged producers. Provides increased federal cost-share of 90% for using gasifier technology for certain purposes. *[Sec. 2105(d-e)]*	Sets the federal cost share at 90% for socially disadvantaged producers. Allows for advanced payments to purchase materials and contracting. *[Sec. 2353(c)]*	Adopts Senate proposal. *[Sec. 2503*]
Sec. 1240B(e) of the FSA, as amended, provides incentive payments to perform land management practices, with special emphasis given to practices that promote specified goals. *[16 U.S.C. 3839aa-2(e)]*	Expands purposes for incentive payments: (1) receiving technical services from approved third party providers, (2) developing a comprehensive nutrient management plan, and (3) implementing energy efficiency and renewable energy projects. Pollinator habitats will receive special emphasis. *[Sec. 2105(f)]*	Expands purposes receiving special emphasis to include predator species protected under the Endangered Species Act, gray wolves, grizzly bears, and black bears. *[Sec. 2353(c)(3)]*	Adopts House provision. *[Secs. 2503. 2706 and 2708]* Includes special rule that USDA may accord significance to practices promoting residue, nutrient, air quality, pest, and invasive species management; pollinator habitat; and animal carcass management technology. The conference report recognizes as consistent with the purposes of EQIP options to deter predators protected by the Endangered Species Act, and also delisted populations.
Sec. 1240B(g) of the FSA, as amended, requires that 60% of payments go to practices related to livestock production requirement. *[16 U.S.C. 3839aa-2(g)]*	Extends through FY2012 the 60% of payments to livestock production requirement. *[Sec. 2105(g)(2)]*	Similar to the House bill. *[Sec. 2353]*	Extends through FY2012 the 60% of payments to livestock production requirement. *[Sec. 2503]*
No comparable provision.	Requires USDA to reserve at least 5% of program funds for beginning and socially disadvantaged producers for at least 90 days after the program funds	Amends the cost-share rate exception for beginning and socially disadvantaged farmers or ranchers to allow variable payment, not to exceed 90%, and authority to provide	Adopts Senate provision for advance payments for beginning, socially disadvantaged and limited resource farmers or ranchers and deletes Senate

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	have been made available. *[Sec. 2105(g)]*	advance payments up to 30% for the purchase of materials or contracting. *[Sec. 2353]*	provision for guaranteed loan eligibility. Adopts Senate provision with an amendment for cost-share rates and advance payments for beginning, socially disadvantaged, and limited resource farmers or ranchers. *[Sec. 2503]*
No comparable provision.	No comparable provision.	Gives priority to improving water conservation and air quality, under certain conditions. Requires participants to have/expect at least $15,000 in gross sales from farming. *[Sec. 2353(c)(6)]*	Deletes Senate provision.
No comparable provision.	Expands eligibility to market agencies and custom feeders. *[Sec. 2105(h)]*	Expands 'producer' eligibility to include a custom feeding business and a contract grower or finisher. *[Sec. 2352]*	Adopts Senate provision with an amendment to modify eligible land. *[Sec. 2502]*
Sec. 1240C of the FSA, as amended, gives higher priority for participation in EQIP to producers using cost-effective conservation practices and practices that address national conservation priorities. *[16 U.S.C. 3839aa-3]*	Identifies 5 priorities for program applications. Specifies a streamlined evaluation process for operations with substantial and sound environmental management systems involving a limited number of practices. *[Sec. 2105(l)]*	Adds a higher priority for improving conservation practices or systems in place at the time of the contract offer. *[Sec. 2354]*	Adopts House provision with changes to prioritize State, regional, or local resource concerns, and to allow for the grouping of applications of similar agriculture operations. *[Sec. 2502]*
Sec. 1240E of the FSA, as amended, defines the general contents of a producer's EQIP plan, and calls on USDA to avoid duplication with other conservation plans. *[16 U.S.C. 3839aa-5]*	Adds to the planning requirements the need to be consistent with forest plans, and allows as an acceptable plan consideration of an air or water quality permit that meet regulatory requirements as an acceptable plan. *[Sec. 2105(k)]*	Includes forestry language similar to House bill, but also allows a producer organization to act on behalf of its membership in submitting applications or conducting similar activities to facilitate program participation. *[Sec. 2356]* Establishes a Chesapeake Bay Watershed Conservation Program under EQIP to assist producers in applying conservation practices on agricultural/nonindustrial private forestland in the Bay watershed to address natural resource concerns related to agriculture, funded at $165 million for FY2008-12. *[Sec. 2361]*	Adopts House forestry provision *[Sec. 2502]*, but strikes Senate provision on producer organizations.
Sec. 1240F of the FSA, as amended, provides for USDA funding, information, and training to develop and	Lists 3 criteria that must be met before USDA can provide assistance for practices with a primary purpose of	No comparable provision.	Deletes House provision.

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implement conservation plans. *[16 U.S.C. 3839aa-6]*	water conservation. *[Sec. 2105 (l)]*		
Sec. 1240H of the FSA, as amended by the 2002 farm bill, provides for a competitive grants program within EQIP, on a matching basis, to implement innovative conservation practices; examples listed are using market systems in pollution reduction, and using innovative practices, such as storing carbon in soil; no funding is specified. *[16 U.S.C. 3839aa-8]*	Adds to the Conservation Innovation Grants provisions under EQIP. Adds detail on qualities of eligible projects, establishes a pilot program for conservation planning in the Chesapeake Bay watershed, and adds a new subsection to assist producers who are meeting state and local regulatory air quality requirements. Provides funding from EQIP: $30 million (FY2008) rising to $75 million (FY2012), with specified funds for air quality and for organic and specialty crop producers. *[Sec. 2105(m)]*	Adds to the Conservation Innovation Grants provisions under EQIP. Adds nonindustrial private forest lands to the list of potential recipients of innovative technologies. Adds two items to the list of examples: (1) transfers of innovative technologies to nonindustrial private forest land in production, and (2) assistance for specialty crop production. *[Sec. 2358]*	Adopts House provisions related to forest resource management and air quality. Provides $37.5 million annually (FY2009-2012) to implement air quality plans. *[Sec. 2509]* The conference report states conservation programs should recognize the use of innovative technology such as enhanced efficiency fertilizers.
Sec. 1240I of the FSA, as amended by the 2002 farm bill, creates a Ground and Surface Water Conservation Program (GSWCP) within EQIP for activities that will result in a net savings of ground or surface water; lists 6 types of eligible activities (improve irrigation systems, for example), and provides mandatory funding of $25 million in FY2002, growing to $60 million annually in FY2004-07. *[16 U.S.C. 3839-aa-9]*	Replaces GSWCP with a Regional Water Enhancement Program to address water quality, make eligible governmental entities (including irrigation and water districts) and Indian tribes, and to implement program on a regional scale through cooperative agreements. Expands the list of eligible activities and requires the Secretary to identify priority areas. Lists 5 priority areas, which together may receive no more than 50% of the available funds. Establishes a process for soliciting/selecting proposals and developing implementation agreements. Provides mandatory funds of $60 million annually through FY2012 (limits administrative expenses to no more than 3% of the total). *[Sec. 2106]*	Maintains GSWCP and provides an increase in funding from $60million to $65 million annually. Provides funding for each state that received funding under the program in previous years (simple average of funds provided for FY2002- 2007 or the amount provided in 2007, whichever is greater), except for states over the Ogallala Aquifer, which will receive not less than the greater of $3 million or the average of funds provided for FY2002-2007. Provides at least $20 million for the Eastern Snake Plain Aquifer. *[Sec. 2359]*	Replaces GSWCP with the Agricultural Water Enhancement Program (AWEP) under EQIP. Provides mandatory funding: $73 million annually (FY2009-2010), $74 million (FY2011), and $60 million annually (FY2012 and each year thereafter). Recognizes the purpose as addressing water quality/quantity concerns on agricultural land, with the role of AWEP partners as leveraging federal funds and encouraging producers to address these concerns. The Managers report emphasizes the importance of addressing groundwater management in the Ogallala region, promoting water use efficiency projects, converting irrigated farming operations to a dryland farming; and providing assistance to construct on farm reservoirs/irrigation ponds in drought-stricken areas. Identifies six priority areas: The Eastern Snake Plain Aquifer region, Puget Sound, the Ogallala Aquifer, the Sacramento River watershed, Upper

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			Mississippi River Basin, the Red River of the North Basin, and the Everglades. *[Sec. 2510]* Follows same payment limits as under EQIP. *[Sec. 2508]* Provides for a transition period for the existing GSWCP through September 30, 2008. *[Sec. 2903]*
Sec. 1240I(c)(2) of the FSA, as amended by the 2002 farm bill, provides $50 million to carry out water conservation activities in the Klamath River basin (OR, CA) *[16 U.S.C. 3839aa-9(c)(2)]*	Lists the Klamath River basin as one of the 5 listed priority areas under the Regional Water Enhancement Program. *[Sec. 2106 (b)(2)]*	No comparable provision. (*Note*: The Klamath Basin is listed as 1 of 14 priority areas in the Partnerships and Cooperation Program; see above.)	Deletes House provision.
No comparable provision.	No comparable provision.	Adds program at end of EQIP to assist farmers who are converting to organic production (with contracts of 3-4 years). Payments are limited to $20,000 per year. *[Sec. 2360]*	Adopts Senate provision. Includes organic practices as eligible management systems and limits payment to an aggregate of $80,000 in any 6-year period. *[Secs. 2501 and 2503]*
Sec. 1241(a)(6) of the FSA, as amended, authorizes EQIP funding, rising from $0.4 billion in FY2002 to $1.3 billion in FY2010. *[16 U.S.C. 3841(a)(6)]*	Authorizes EQIP funding: $1.25 billion (FY2008), $1.6 billion (FY2009), $1.7 billion (FY2010), $1.8 billion (FY2011), and $2 billion (FY2012). *[Sec. 2401(d)]*	Authorizes EQIP funding: $1.27 billion annually (FY2008-09), $1.3 billion each (FY2010-FY2012). *[Sec. 2401(a)(7)]*	Provides additional budget authority. Authorizes EQIP funding: $1.2 billion (FY2008); $1.337 billion (FY2009); $1.45 billion (FY2012); $1.588 billion (FY2011); and $1.75 billion (FY2012). *[Sec. 2701]*
Farmland Protection Program			
The 1996 farm bill amended Sec. 1238H of the FSA to authorize the Farmland Protection Program (FPP), defining eligible entity, land, Indian tribes, and programs. *[16 U.S.C. 3838h-l]* The program, as amended, provides for the purchase of conservation easements to protect topsoil by limiting the land's nonagricultural uses subject to a pending offer. The federal cost may not exceed 50% of the value of the easement; the value of a charitable donation by the seller may not exceed 25% of the value of the easement. If	Reauthorizes program, and renames to Farm and Ranchland Protection Program (FRPP). Expands eligible land definition to include historic and archaeological resources. States will be certified (reviewed every 3 years) to participate and receive program funds based on 4 listed requirements. States may spend up to 10% of funds for administrative costs. Lists terms and conditions for agreements with eligible entities (reviewed every 3 years). Provides that USDA may require a contingent right to enforce easement,	Reauthorizes the program. Modifies definition of eligible forest land, and makes eligible other land that is needed for efficient administration of an easement. Changes purpose of program from protecting topsoil to "protecting agricultural use and related conservation values." Adds new requirements for cooperative agreements with participants, cost-sharing, and protection of the federal investment. Allows USDA to enter into cooperative agreements with eligible entities under certain circumstances, and requires the protection of federal investment through an executory	Reauthorizes the program through 2012, but does not rename program. Changes administrative requirements, appraisal methodology, and terms and conditions of cooperative agreements. Adopts terms/conditions for cooperative agreements similar to Senate provision. Clarifies the purpose of the program as protecting land for agricultural use by limiting nonagricultural uses. Adopts Senate provision to modify the definition of eligible land to include forestland and other land that contributes to the econo-mic viability of an operation. Establishes a

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multiple applications are comparable, USDA may not use cost alone to determine which ones will be funded.	and requires the use of a conservation plan for highly erodible cropland. Retains a federal contingent right of enforcement or executory limitation in an easement to ensure its enforcement. Provides cost-share assistance for purchasing an easement, but assistance may not exceed 50% of the appraised fair market value of the easement. The fair market value is determined by an appraisal using an industry-approved method. *[Sec. 2110]*	limitation. Limits the amount USDA can share in the costs of purchasing the easement to 50% of the appraised fair market value and establishes minimum amounts entities pay based on the amount of landowner contributions. Requires appraisals based on uniform standards of professional appraisal practice or any other industry-approved standard. *[Sec. 2371]*	certification process similar to the House bill for all eligible entities. To become certified, entities must have the authority and resources to enforce easements, polices in place that are consistent with the purposes of the program, and clear procedures to protect the integrity of the program. Includes a limit on impervious surfaces consistent with agricultural activities, and clarifies agreement terms for certified and non-certified entities. *[Sec. 2401-2402]*
Sec. 1241(a)(4) of the FSA, as amended, authorizes mandatory funding for the FPP at; $50 million in FY2002, $100 million in FY2003, $125 million in FY2004 and FY2005, $100 million in FY2006, and $97 million in FY2007. *[16 U.S.C. 3841(a)(4)]*	Mandatory funding for the renamed Farm and Ranchland Protection Program is authorized at; $125 million in FY2008, $150 million in FY2009, $200 million in FY2010, $240 million in FY2011, and $280 million in FY2012. *[Sec. 2401(c)]*	Mandatory funding for the FPP is authorized at $97 million annually from FY2008 through FY2012. *[Sec. 2401(a)(5)]*	Provides additional budget authority. Authorizes FPP funding: $97 million (FY2008); $121 million (FY2009); $150 million (FY2010); $175 million (FY2011); and $200 million (FY2012). *[Sec. 2701]*
Grassland Reserve Program			
The 2002 farm bill amended Sec. 1238N of the FSA to authorize the Grasslands Reserve Program (GRP), setting maximum enrollment for at 2.0 million acres (all enrolled parcels in at least 40 contiguous acres). Requires 40% of land enrolled in 10-20 year, and 60% in 30 year agreements. *[16 U.S.C. 3838n]*	Sets the GRP enrollment ceiling at an additional 1.34 million acres, with at least 60% of these acres to be enrolled using 30 year rental agreements and easements. *[Sec. 2104(a) and (b)]*	Adds definitions: eligible entity, eligible land, and permanent conservation easement. Eligible entity and authority would allow for USDA to enter cooperative agreements with entities to purchase easements. Provides for GRP enrollment options through a 30 year contract, 30 year easement, and permanent easement. *[Sec. 2381]*	Adopts an acreage enrollment goal of an additional 1.22 million acres by 2012. Includes 10-, 15-, and 20-year rental contracts and permanent easements. Deletes House priority for 60% of acreage in long term contracts; retains current law that 60% of funds would be dedicated to easements, while 40% of funds would be dedicated to short term contracts. Adopts Senate definition of eligible entity, authority, and eligible land (with technical corrections). Adopts a priority for enrollment of CRP land with a modification to clarify that the priority applies upon expiration of the CRP contract. *[Sec. 2403]*
No comparable provision.	Allows USDA to transfer certain land currently in the CRP into the GRP, but	Allows USDA to transfer certain land currently in the CRP to be transferred to a	Adopts House provision regarding the method for determining fair market value

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	limits the total in any calendar year to no more than 10% of GRP acres enrolled. Requires USDA pay the lowest of four specified ways to calculate fair market value. *[Sec. 2104(c)]*	permanent easement under GRP, but limits the total transferred in any calendar year to 10% of the total funding available for the GRP in that year. *[Sec. 2381]*	with a technical correction. *[Sec. 2403]*
Sec. 1238O of the FSA, as amended, specifies the duties and requirements of landowners in the GRP, terms of easements and agreements, and how applications are to be evaluated. *[16 U.S.C. 3838o]*	No comparable provision.	Specifies landowner duties and USDA considerations in evaluating offers. Specifies how to determine compensation levels and technical assistance. Specifies terms/conditions that apply to GRP contracts/easements, such as permitted and prohibited uses, minimum require-ments for cooperative agreements, and other considerations. *[Sec. 2381]*	Adopts Senate provisions with changes. *[Sec. 2403]*
No comparable provision.	Authorizes a Grasslands Reserve Enhancement Program. *[Sec. 2104 (d)]*	No comparable provision.	Deletes House provision.
Sec. 1238Q(a) of the FSA, as amended, allows USDA to transfer the title of an easement in the GRP to a state or private organization. *[16 U.S.C. 3838q(a)]*	Requires USDA to transfer the title of an easement to a private organizations or a state. *[Sec. 2104 (e)]*	Provides authority for USDA to enter into cooperative agreements with eligible entities for those entities to purchase, own, enforce, and monitor easements. *[Sec. 2381]*	Adopts the Senate amendment provision for cooperative agreements between USDA and eligible entities with a modification to the language specifying that eligible entities shall assume costs of administering and enforcing easements. Adopts a requirement for a contingent right of enforcement. *[Sec. 2403]*
Sec. 1241(a)(5) of the FSA, as amended, limits funding for the GRP to a total of $254 million from FY2003-07. *[16 U.S.C. 3841(a)(5)]*	No comparable provision. (*Note:* Sets acreage enrollment limit in GRP provisions, but no funding limit.)	Total GRP funding limited to $240 million for FY2008-12, with no acreage enrollment limit. *[Sec. 2401(a)(6]*	Deletes Senate provision.
Wildlife Habitat Incentives Program			
The 1996 farm bill amended Sec. 1240N of the FSA to authorize Wildlife Habitat Incentives Program (WHIP), providing cost-sharing to landowners who improve habitat, with up to 15% of the total made available in any years for agreements that are longer than 15 years.	Reauthorizes WHIP through FY2012; allows additional funds to be used to meet regulatory requirements that "reduces the economic scope of the producer's operation;" increases portion of funds for long-term agreements from 15% to 25% of funding.	Reauthorizes WHIP through FY2012; increases portion of funds for long-term agreements from 15% to 25% of funding; requires USDA to give priority to projects that foster the goals of state, regional, and national fish and wildlife conservation plans. *[Sec. 2393]*	Limits program eligibility to focus on lands "for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands." Raises limit on cost-share payments for long-term projects to 25% and limits total payments to $50,000 per year. Allows USDA to provide priority to

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[16 U.S.C. 3839bb-1]	*[Sec. 2112]*		projects that address issues raised by State, regional, and national conservation initiatives. *[Sec. 2602]*
Sec. 1241(a)(7) of the FSA, as amended, authorizes mandatory funding raising from $15 million to $60 million between FY2002-04, and $85 million annually (FY2005-07). *[16 U.S.C. 3841(a)(7)]*	Mandatory funding for WHIP is authorized at $85 million annually through FY2012. *[Sec. 2401(e)]*	Similar to the House bill. *[Sec. 2401(a)(8)]*	Reauthorizes program through FY2012 at current levels. *[Sec. 2701]*
Other Conservation Programs			
The 2002 farm bill amended the FSA to provide grants to implement a Farm Viability Program. Authorizes appropriations "such sums as are necessary" through FY2007. *[16 U.S.C. 3838j]*	Reauthorizes discretionary funding for program through FY2012. *[Sec. 2111]*	Reauthorizes discretionary funding for program through FY2012. *[Sec. 2396]*	Reauthorizes the program through 2012. *[Sec. 2402]*
The 1996 farm bill amended Sec. 1240M(e) of the FSA to authorize the Conservation of Private Grazing Land Program. Authorizes appropriations of $60 million annually through FY2007. *[16 U.S.C, 3839bb(e)]*	Extends authorization of appropriations through FY2012. *[Sec. 2108]*	Extends authorization of appropriations through FY2012. *[Sec. 2392]*	Extends authorization of appropriations through FY2012. *[Sec. 2601]*
The 2002 farm bill amended Sec. 1240O of the FSA to authorize a Grassroots Source Water Protection Program to assist state rural water associations that operate wellhead and groundwater protection programs. Authorizes appropriations of $5 million annually through FY2007. *[16 U.S.C. 3839bb-2]*	Authorizes $20 million annually in discretionary funds (FY2008-12) and one-time funding of $10 million in mandatory funding to remain available until spent. *[Sec. 2107]*	Authorizes $20 million annually in discretionary funding (FY2008-12). *[Sec. 2394]*	Adopts Senate provision. *[Sec. 2603]*
The 2002 farm bill amended Sec. 1240P of the FSA to authorize a Great Lakes Program for Soil Erosion and Sediment Control, and provides $5 million annually through FY2007. *[16 U.S.C. 3839bb-3]*	Extends authorization of appropriations through FY2012. *[Sec. 2109]*	Extends authorization of appropriations through FY2012; specifies program will help implement recommendations of a collaborative restoration strategy, giving priority to certain projects. *[Sec. 2395]*.	Reauthorizes program, and authorizes $5 million annually FY2008-2012. *[Sec. 2604]*

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Sec. 524(b)(1) of the Federal Crop Insurance Act authorizes an Agricultural Management Assistance (AMA) program for listed states that have historic low participation rates in the Federal Crop Insurance Program. *[7 U.S.C. 1524(b)]*	Adds Hawaii and Virginia to the list of eligible states. Allocates 50% of funds to USDA's NRCS; 10% to Agricultural Marketing Service (for organic certification assistance); and 40% to the Risk Management Agency. *[Sec. 2201]*	Reauthorizes the program through FY2012; adds Idaho to the list of eligible states. *[Sec. 2601]*	Adopts House provision with changes to include Hawaii as an eligible State. Provides an additional $25million in mandatory funding (FY2008-2012). *[Sec. 2801]*
Secs. 1528-1537 of the 1981 farm bill (Agriculture and Food Act of 1981, P.L. 108-7) authorizes the Resource Conservation and Development Program (RC&D) to develop and implement a regional plan to address conservation, water/land management, or community development. *[16 U.S.C. 1528-1527]*	Amends RC&D program to provide a designated coordinator to assist each approved area. Eliminates requirement to submit a program evaluation to the House and Senate Agriculture Committees before June 30, 2005. *[Sec. 2202]*	Similar to House provision, clarifying that an area plan must be developed through a locally led process, and that the planning process, and that the planning process must be conducted by a local council. Provides for a coordinator to improve technical assistance to councils, as designated by USDA. *[Sec. 2605]*	Adopts Senate provision. *[Sec. 2805]*
Sec. 14(h) of the Watershed Protection and Flood Prevention Act (P.L. 106-472) authorizes discretionary and mandatory funding for a Small Watershed Rehabilitation Program. *[16 U.S.C. 1012]*	Authorizes $50 million annually in mandatory funding (FY2009-12); extends FY2007 discretionary funding level through FY2012. *[Sec. 2203]*	Authorizes such sums as necessary in discretionary funding annually (FY2008-12). *[Sec. 2604]*	Adopts House provision and provides $100 million in mandatory funding for FY2009 to remain available until expended. *[Sec. 2803]*
The 2002 farm bill amended Sec. 1241(d) of the FSA to authorize a program to promote regional equity, giving each state a total of at least $12 million annually from certain mandatory programs. *[16 U.S.C. 3841d]*	Annual funding for regional equity is raised to at least $15 million *[Sec. 2404]*	Annual funding for regional equity is raised to at least $15 million, and crop insurance payments are added to this calculation. Directs USDA to update state allocation formulas. *[Sec. 2402]*	Adopts Senate provision with changes. *[Sec. 2703]*
The 2002 farm bill amended Sec. 1242 of the FSA to authorize delivery of technical assistance directly or using a third party provider and specifies how providers are to be approved by USDA. Authorizes cooperative agreements with non-federal entities to provide technical assistance. *[16 U.S.C. 3842]*	Expands use of third party providers using contracts. Specifies providers should get at least prevailing market rates, calls for a review/update of all technical assistance specifications, including the needs of specialty crop producers. *[Sec. 2402]*	Expands use of third party providers using contracts. Directs USDA to develop national certification criteria and approve established state standards. Provides funding through each conservation program, specifies minimum and maximum contract terms, among other considerations. Includes similar provisions for specialty crop producers as	Adopts Senate provision with changes regarding the delivery of technical assistance. *[Sec. 2706]*

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		the House bill. *[Sec. 2404]*	
The 2002 farm bill amended Sec. 1244(a) of the FSA to authorize USDA to provide incentives to beginning farmers/ranchers and Indian tribes to participate in conservation programs. *[16 U.S.C. 3844(a)]*	Expands access to program incentives to include socially disadvantaged and limited resource farmers and ranchers. Requires USDA to develop a streamlined application process. *[Sec. 2405]*	Requires USDA to develop a streamlined application process for conservation programs. Provides for Safe Harbor assurances to the landowner under the Endangered Species Act. Allows producers to apply for programs through a producer organization. *[Sec. 2405]*	Adopts House provision with changes to include certain acreage limitations and exemptions, and also a pollinator protection provision. Requires USDA report to Congress on the completion of the requirements not later than 1 year after enactment. *[Sec. 2708]*
The 1990 farm bill amended Sec. 1261 of the FSA to authorize state technical committees (STC), including members and interests to be represented, outlining duties, and specifying that committees are advisory with no implementation or enforcement authority. *[16 U.S.C. 3861-3862]*	Specifies STC have at least 12 producers representing agriculture; removes requirement for persons knowledgeable about conservation; adds new provisions creating subcommittees and lists potential topics; describes responsibilities in more general terms. *[Sec. 2408]*	Adds non-industrial private forest land owners to the list of groups represented on the STC. Requires USDA to develop standard operating procedures to be used by the State technical committee in the development of technical guidelines for the implementation of the conservation provisions of this title. Makes local work groups subcommittees of the State technical committee. *[Sec. 2501]*	Adopts House provision with changes to require USDA to develop standard committee operating procedures, updates the names of participating agencies, and deletes the requirement for establishing specific issue-area subcommittees. Requires that public notice be given for meetings of the State technical committee and adds local working groups as subcommittees. *[Sec. 2711]*
The 1996 farm bill amended Sec. 351 of the FSA to authorize a National Natural Resources Conservation Foundation to raise private funds that will be used to promote conservation. Program has never been implemented. *[16 U.S.C. 5801-5809]*	No comparable provision.	Amends numerous provisions authorizing the Foundation. *[Sec. 2606]*	Deletes Senate provision.
The 2002 farm bill amended Sec. 2507 of the FSA to authorize USDA to transfer $200 million of CCC funds to the Bureau of Reclamation for water to at-risk natural desert terminal lakes. *[43 U.S.C. 2211note]*	No comparable provision.	Amends the desert terminal lakes provision to allow funds to be used to lease water or to purchase land and related interests in the Walker River Basin. *[2607]*	Adopts Senate provision with changes. Provides $175 million in mandatory funding. *[Sec. 2807]*
The 1990 farm bill amended Sec. 1261 of the FSA to authorize state technical committees (STC), including members and interests to be represented, outlining duties, and specifying that	Specifies STC have at least 12 producers representing agriculture. Removes requirement for persons knowledgeable about conservation. Adds new provisions creating subcommittees issue	Adds non-industrial private forest land owners to the list of groups represented on the STC. *[Sec. 2501]*	Adopts House provision with changes to require USDA to develop committee standard operating procedures, and to update the names of participating agencies. Deletes the requirement for

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committees are advisory with no implementation or enforcement authority. *[16 U.S.C. 3861-3862]*	areas. Describes responsibilities in more general terms. *[Sec. 2408]*		establishing specific issue-area subcommittees. *[Sec. 2711]*
New Conservation Programs			
No comparable provision.	Authorizes a new Chesapeake Bay Program for Nutrient Reduction and Sediment Control to carry out restoration, enhancement, and preservation projects. Identifies four specified watersheds. The non-federal cost share for each project will be at least 35%, but will not exceed $5 million. Sets mandatory funding at $10 million (FY2008), rising to $55 million (FY2012). *[Sec. 2301]*	No comparable provision. (*Note*: The Chesapeake Bay program is authorized as a part of EQIP.)	Adopts House provision with changes. Renames program Chesapeake Bay Watershed Program. Applies to all tributaries, backwaters, and side channels, including watersheds, draining into the Chesapeake Bay, but gives priority to the Susquehanna, Shenandoah, Potomac, and Patuxent Rivers. Provides mandatory funds of $23 million (FY2009); $43 million (FY2010); $72 million (FY2011); and $50 million (FY2012). *[Sec. 2605]*
No comparable provision.	The so-called "Open Fields" provision authorizes state grants through a new Voluntary Public Access and Habitat Incentive Program to encourage land-owners to provide public access for wildlife-dependent recreation. Sets application contents and award priorities. Authorizes discretionary funding of $20 million annually through FY2012. *[Sec. 2303]*	Similar to the House bill, and includes a priority to States where the location of participating lands would be available to the public and provides $20 million per year in mandatory funding annually (FY2008-2012). *[Sec. 2399 and Sec. 2401(a)(9)]*	Adopts Senate provision with an amendment, providing $50 million in mandatory funds for the period FY2009-2012. Includes a 25% reduction for the total grant amount if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents. *[Sec. 2606]*
No comparable provision.	No comparable provision.	Creates a new Conservation Access program, requiring 10% of the funds (or acres in the cases of WRP and CRP) be used to assist beginning and socially disadvantaged farmers and ranchers with annual gross sales of $15,000 or more. *[Sec. 2403]*	Adopts Senate provision with changes. Provides that 5% of CSP acres and 5% of EQIP funds be used to assist beginning farmers or ranchers, and an additional 5% of each to assist socially disadvantaged farmers or ranchers. *[Sec. 2704]*
No comparable provision.	Authorizes a new Muck Soils Conser-vation Program for eligible land, defined by five characteristics. Authorizes	No comparable provision.	Deletes provision.

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	appropriations of $50 million annually through FY2012, with payments between $300-$500 per acre. *[Sec. 2303]*		
No comparable provision. (*Note:* Current law limits CRP payments to $50,000 per year, sets payment limits for each of 3 tiers in the CSP, and limits EQIP payments to $450,000 for all contracts in any 6-year period. *[16 U.S.C. 3834, 3838c, and 3839aa-7]*	Authorizes new payment limits, deleting existing conservation payment limit language. Limits annual payments to $60,000 for any single program; limits total payments to $125,000 under all conservation (except WRP, FRPP, GRP). Defines how payments should be attributed to individuals. *[Sec. 2409]*	No comparable provision.	Deletes provision. Places payment limits within each section of the bill and deletes this section.
No comparable provision.	Requires USDA to submit an annual report on specialty crop producer participation in conservation programs, including how to improve producer program access. *[Sec. 2406]*	No comparable provision.	Deletes provision. The managers report states it has modified the compliance and performance provisions of Section 1244 of FSA to accommodate the intent of the House bill.
No comparable provision.	Authorizes a new provision to develop agriculture and forestry based environmental services to promote market-based conservation. Specifies use of USDA-funded research, contracts, and award grants. Establishes a USDA-led Environmental Services Standards Board of senior federal officials to facilitate the development of credit markets and disseminate performance standards to federal agencies. Authorizes $50 million in discretionary funding, with appropriated amounts to remain available until spent. *[Sec. 2407]*	Authorizes a new provision to develop agriculture and forestry based environmental service markets, giving priority to developing carbon storage. Directs USDA to use a collaborative process with specified government and non-government interests to develop a framework and identifies relevant framework components (quantification, accounting, and verification). Requires three reports to Congress. Authorizes discretionary funding of "such sums as are necessary." *[Sec. 2406]*	Adopts House provision with changes. Directs USDA to work in consultation with other federal and state government agencies, nongovernmental interests and other interested persons, as determined by USDA, to establish technical guide-lines for measuring environmental services and to establish a verification process (allowing for consideration of third party verifiers). Directs USDA to focus initially on carbon markets. Does not authorize funds, expecting USDA to use available resources. *[Sec. 2709]*
No comparable provision.	Adds income from affiliated packing and handling operations to definition of farm income when calculating adjusted gross income limitation to determine eligibility for conservation programs. *[Sec. 2501]*	No comparable provision.	Deletes provision.

Prior Law/Policy (P.L. 107-171) (unless otherwise Indicated)	House Bill (H.R. 2419)	Senate Amendment (H.R. 2419)	Enacted 2008 Farm Bill (P.L. 110-246)
No comparable provision.	Allows USDA to encourage development of voluntary sustainable practices for specialty crops. *[Sec. 2502]*	No comparable provision.	Deletes provision.
No comparable provision.	Requires USDA to develop information on the importance of productive farmland and designate at least one farmland information center to distribute this and related information. Specifies federal matching funds of at least $400,000 (not exceeding 0.5% of the amount provided to implement the FRPP). *[Sec. 2503]*	No comparable provision.	Deletes provision.
No comparable provision.	Requires USDA to contract with a peanut producer for a 4 year crop rotation; authorizes appropriations up to $10 million annually (FY2008-12). *Sec. 2504]*	Similar to House provision, but provided within CSP, directing USDA to provide additional payments to producers who agree to adopt resource-conserving crop rotations to achieve optimal crop rotations. *[Sec. 2341]*	Adopts Senate provision. *[Sec. 2301]*
No comparable provision. (*Note*: See the Conservation Security Program, above, in existing programs.)	See section 2103 on the Conservation Security Program (described above), for some related changes. For example, the House bill defines "priority resources of concern;" however, the House bill does not create a new program.	Authorizes a new Comprehensive Stewardship Incentives Program to coordinate administration of a new Conservation Stewardship Program (see above) and EQIP. Addresses defined resource concerns, meets regulatory demands, encourages conservation, and promotes conservation and production as compatible goals. *[Sec. 2341]*	Deletes Senate provision. Renames CSP the Conservation Stewardship Program. *[Sec. 2301]*
No comparable provision.	No comparable provision.	Authorizes a Discovery Watershed Demonstration Program to reduce loss of nutrients into surface waters in 30 small watersheds in the Upper Mississippi River basin. Authorizes discretionary funds as are necessary. *[Sec. 2397]*	Deletes provision.
No comparable provision.	No comparable provision.	Authorizes an Emergency Landscape Restoration Program to repair landscapes damaged by natural events. Replaces two others emergency conservation and	Deletes provision.

Prior Law/Policy (P.L. 107-171) (unless otherwise Indicated)	House Bill (H.R. 2419)	Senate Amendment (H.R. 2419)	Enacted 2008 Farm Bill (P.L. 110-246)
		watershed programs. *[Sec. 2398]*	
No comparable provision.	No comparable provision.	Directs USDA to assist producers who apply for programs indirectly through certain organizations, if this will increase participation and program benefits; payment limits apply to each producer, not the organization. *[Sec. 2405]*	Deletes provision. Places payment limits within each section of the bill and deletes this section.
No comparable provision.	No comparable provision.	Authorizes a new Agriculture Conservation Experienced Service Program, such that USDA can enter into agreements with organizations to provide technical assistance using qualified individuals 55 years or older. *[Sec. 2602]*	Adopts Senate provision, but limits individuals employed under this authority to providing only technical assistance (excluding administrative tasks). *[Sec. 2710]*
No comparable provision.	No comparable provision.	Amends the Soil Conservation and Domestic Allotment Act of 1935 by providing definitions and creates new technical assistance provisions. Reauthorizes the Soil and Water Resources Conservation Act of 1977 through 2028; requires a national appraisal of soil, water and related resources to be issued every 10 years. *[Sec. 2603]*	Adopts Senate provision. *[Sec. 2802]*
No comparable provision.	The "sodsaver" provision noncropland (including native grassland and pastureland) planted to an insurable crop ineligible for crop insurance for the first 4 years of planting. *[Sec. 11007]*	Makes native sods planted to an insurable crop (over 5 acres) ineligible for crop insurance and the noninsured crop disaster assistance program. Directs USDA to report within 180 days of enactment, and annually thereafter, on changes in cropland acreage, by county, since 1995. *[Sec. 2608]*	Makes native sods planted to an insurable crop (over 5 acres) ineligible for crop insurance and the noninsured crop disaster assistance program for the first 5 years of planting. May apply to virgin prairie converted to cropland in the Prairie Pothole National Priority Area, if elected by the state. *[Sec. 12020]*
No comparable provision.	No comparable provision.	Requires that no producers in Texas lose program benefits as a result of participating in a study of the Ogallala Aquifer's recharge potential. *[Sec. 2609]*	Adopts Senate provision. *[Sec. 2901]*
No comparable provision.	No comparable provision.	Amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) *[7 U.S.C. 136o(d)]* to require the State Department to	Adopts the Senate provision on payment of expenses. *[Sec. 14209]* Deletes Senate provision making technical corrections to

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		pay expenses incurred by EPA employees associated with certain international activities. *[Sec. 2610]* Amends sec. 33 of FIFRA *[7 U.S.C. 136w-8]* to allow the EPA Administrator to waive a portion of the pesticide registration service fee under certain circumstances. *[Sec. 2612]*	pesticide registration, but includes a container recycling provision. *[Sec. 14109]*
Sec. 202(a) of the Colorado River Salinity Control Act of 1974 authorizes DOI to construct, operate, and maintain the specific salinity control units as the initial stage of the Colorado River Basin salinity control program. *[43 U.S.C. 1592(a)]*	No comparable provision.	Amends the act to create a basin states program implementing specified salinity control activities. Requires DOI to consult with the Colorado River Basin Salinity Control Advisory Council related to assistance in the form of grants, grant commitments, or the advancement of funds to federal or non-federal entities. Requires a planning report to Congress describing the proposed program implementation; stipulates that no funds may be expended until 30 days after the report is submitted. *[Sec. 2611]*	Adopts Senate provision. The Mangers report states this provision to be fiscally neutral both as to appropriations and as to draws on the basin funds. States there are no changes to the cost share ratios already established in the act; the percentage split between the two funds; or the 15% cap requirement on the basin states cost share derived from the Upper Colorado River Basin Fund. *[Sec. 2806]*
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes USDA to accept contributions to support conservation programs to establish a sub-account for each USDA conservation program to accept contributions of non-Federal funds. Provides that contributions of non-Federal funds received for a conservation program be deposited and shall be available to USDA, without further appropriation and until expended. *[Sec. 2702]*
No comparable provision.	No comparable provision.	No comparable provision.	Direct USDA to submit to Congress an annual report regarding enrollments and assistance under conservation programs, including (1) WRP, FPP, and GRP payments valued at $250,000 or greater; (2) EQIP payments for land determined to have special environmental significance; and (3) AWEP payments

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			subject to the waiver of adjusted gross income limitations. Allows for waivers granted by USDA to protect environmentally sensitive land of special significance. *[Sec. 2705]*
No comparable provision.	No comparable provision.	No comparable provision.	Amends the Soil and Water Resources Conservation Act of 1977 to require USDA to conduct two comprehensive appraisals and inventory of soil, water, and related natural resource conservation (completed by year-end 2010 and 2015). Requires a report in early 2012 on the types of improvements to appraisals and programs. *[Sec. 2804]*
No comparable provision.	No comparable provision.	No comparable provision.	Other miscellaneous provisions: —Names the National Plant Materials Center at Beltsville, MD, in honor of Norman A. Berg. *[Sec. 2902]* —Directs USDA, in consultation with the CCC, to promulgate regulations not later than 90 days after the date of enactment, necessary to implement title II. *[Sec. 2904]*

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