

118TH CONGRESS  
1ST SESSION

# S. 2603

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

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining Con-  
5 servation Practice Standards Act of 2023”.

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

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

10 (1) in subsection (a)(1)—

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

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

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

12 (2) in subsection (d)(2)(A)—

13 (A) in clause (i)—

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

17 (ii) by striking “and” at the end;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (2) in paragraph (1)—

23 (A) in subparagraph (A)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           ments, including from projects developed  
2           under section 1240H;

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

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

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

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

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

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

1 tion practice standards under the process estab-  
2 lished under subparagraph (A) that—

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

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

8 “(D) PUBLIC INFORMATION.—Under the  
9 process established under subparagraph (A),  
10 the Secretary shall make publicly available in-  
11 formation describing—

12 “(i) what constitutes—

13 “(I) a conservation practice  
14 standard; and

15 “(II) an interim conservation  
16 practice standard;

17 “(ii) the process by which the public  
18 can submit to the Secretary conservation  
19 practices for consideration as interim con-  
20 servation practice standards, including a  
21 template and written instructions for how  
22 to submit a conservation practice for con-  
23 sideration;

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

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

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

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

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

15 (4) in paragraph (4)—

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

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

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



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

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

6           (C) in subparagraph (B)—

7                 (i) by striking “or revised”; and

8                 (ii) by striking “and” at the end;

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

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

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

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