

Agriculture Innovation Act

Senators Klobuchar and Thune

Section-By-Section

Section 1. Short Title

This section names the legislation the “Agriculture Innovation Act of 2021”.

Section 2(a). Purpose

This section establishes that the bill will improve conservation outcomes, increase agricultural productivity and resilience, and accelerate development of carbon ecosystem service markets through the collection and analyzation of data on conservation and other production practices to inform how these practices impact farm productivity, profitability, and the implementation of Department of Agriculture programs.

Section 2(b). Definitions

This section defines the term “covered conservation practice” as a practice or enhancement that is designed to protect soil health and/or farm and ranch productivity, or both while maintaining or enhancing crop yields, as determined by the Secretary. This could also include wildlife habitat.

This section also defines the term “Department” as the Department of Agriculture.

It also defines the term “other production practice” as a practice used to produce a crop or livestock, including pest control, nutrient management, manure management, water and irrigation management, seed, feed and nutrition, and crop residue management.

Section 2(c). Data Collection, Review, Analysis, and Technical Assistance

This section requires the Secretary, in coordination with the Chief Data Officer, Chief Economist, and Under Secretary for Research, Education, and Economics, to carry out activities to collect, review, and analyze data and provide technical assistance, including by:

- Identifying data related to conservation and production practices generated or collected by the Department, including from the Farm Service Agency (FSA), Risk Management Agency (RMA), Natural Resources Conservation Service (NRCS), National Agricultural Statistics Service (NASS), Economic Research Service (ERS), Forest Service (USFS), and data maintained as required by the Evidence Act [P.L. 115-435];
- Collecting or acquiring any additional producer data or baseline data from all types and sizes of operations;

- Ensuring that producer data is collected in a compatible format at the field and farm level in a way that places the lowest practicable burden on producers;
- Establishing procedures and incentives for producers to voluntarily elect to be contacted to participate by submitting additional research and data;
- Integrating and linking data identified or collected with other government or nongovernmental data sources;
- Establishing a secure data center that ensures the security, privacy, and integrity of producer data;
- Making data available through the secure data center to academic institutions and researchers that meet user permission requirements for the provision of technical assistance;
- Analyzing the data identified or collected to consider the impacts of conservation and production practices on crop yields, soil health, and working land profitability;
- Using the results of the analyses to improve implementation of Department programs;
- Making said research and analysis generated available to producers, researchers, and other stakeholders through the secure data center;

Section 2(d). Secure Data Center

This section allows the Secretary to enter into agreements with academic institutions, organizations, government agencies, or other experts to provide technical assistance and technology infrastructure to develop a secure data center for the data collected or identified.

In establishing the secure data center, the Secretary is required to use industry-standard security protocols and user permissions to protect the confidentiality of proprietary producer data. This includes prohibiting the sale of any individual or identifiable producer data, requiring any published research to include aggregated data only, and consulting with stakeholders to make periodical modifications to improve data security.

Section 2(e). Producer Tools

This section requires the Secretary to use the data analysis under Section 2(c) to provide technical assistance and general data on the impacts of conservation and other production practices to producers using internet-based and other tools.

Section 2(f). Privacy Protection Laws

This section clarifies that the following privacy protection laws apply to the requirements under the bill:

- Section 1770 of the 1985 Farm Bill (7 U.S.C. 2276): Requires the confidentiality of data collected by ensuring the data is aggregated in a way that does not include identifiable or discernable producer information;
- Section 1619 of the 2008 Farm Bill (7 U.S.C. 8791): Prohibits the Secretary, Department of Agriculture employees, contractors, and cooperators from disclosing information on specific agricultural operations, farming or conservation practices, or the land itself that was provided by producers to participate in Department programs;
- Section 502(c) of the Federal Crop Insurance Act (7 U.S.C. 1502(c)): Prohibits the Secretary, any Department of Agriculture employee, or Approved Insurance Provider (AIP) and its employees from disclosing any information provided by a producer for crop insurance purposes unless it is in aggregated form or with the consent of the producer;
- Section 552a of title 5 (Privacy Act of 1974): Prohibits federal agencies from disclosing any individual records without the written consent of the individual.
- Any other applicable privacy law that protects personally identifiable information of producers.

Section 2(g). Reporting

This section requires the Secretary to submit reports to the Senate and House Agriculture Committees on the analysis conducted with the data, the number and regions of producers that voluntarily submitted data, and a description of any new activities planned for the next fiscal year, including for new research projects and new data collection.

Section 2(h). Funding and Administration

This section requires the Secretary to use the existing funds and authorities of USDA to carry out the legislation.