

- (ii) the agency or authority certifies that the limitations established under this section on agreements with individual producers will not be exceeded; and
- (iii) all participating producers meet applicable payment eligibility provisions.

**(B) Conditions**

As a condition of receiving funding under subparagraph (A), the multistate water resource agency or authority shall agree—

- (i) to submit an annual independent audit to the Secretary that describes the use of funds under this paragraph;
- (ii) to provide any data necessary for the Secretary to issue a report on the use of funds under this paragraph; and
- (iii) not to use any of the funds provided pursuant to subparagraph (A) for administration or to provide for administrative costs through contracts with another entity.

**(C) Limitation**

The Secretary may enter into not more than 20 alternative funding arrangements under this paragraph.

**(c) Payments**

**(1) In general**

In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer in an amount determined by the Secretary to be necessary to achieve the purposes of the program.

**(2) Payments to certain producers**

The Secretary may provide payments for a period of 5 years—

- (A) to producers participating in a project that addresses water quantity concerns and in an amount sufficient to encourage conversion from irrigated to dryland farming; and
- (B) to producers participating in a project that addresses water quality concerns and in an amount sufficient to encourage adoption of conservation practices and systems that improve nutrient management.

**(3) Waiver authority**

To assist in the implementation of the program, the Secretary may waive the applicability of the limitation in section 1308-3a(b)(2) of title 7 for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

(Pub. L. 99-198, title XII, §1271C, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 747.)

**§ 3871d. Funding**

**(a) Availability of funds**

The Secretary shall use \$100,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2014 through 2018 to carry out the program.

**(b) Duration of availability**

Funds made available under subsection (a) shall remain available until expended.

**(c) Additional funding and acres**

**(1) In general**

In addition to the funds made available under subsection (a), the Secretary shall reserve 7 percent of the funds and acres made available for a covered program for each of fiscal years 2014 through 2018 in order to ensure additional resources are available to carry out this program.

**(2) Unused funds and acres**

Any funds or acres reserved under paragraph (1) for a fiscal year from a covered program that are not committed under this program by April 1 of that fiscal year shall be returned for use under the covered program.

**(d) Allocation of funding**

Of the funds and acres made available for the program under subsection (a) and reserved for the program under subsection (c), the Secretary shall allocate—

- (1) 25 percent of the funds and acres to projects based on a State competitive process administered by the State Conservationist, with the advice of the State technical committee established under subchapter VI;
- (2) 40 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and
- (3) 35 percent of the funds and acres to projects for critical conservation areas designated under section 3871f of this title.

**(e) Limitation on administrative expenses**

None of the funds made available or reserved for the program may be used to pay for the administrative expenses of eligible partners.

(Pub. L. 99-198, title XII, §1271D, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 749.)

**§ 3871e. Administration**

**(a) Disclosure**

In addition to the criteria used in evaluating applications as described in section 3871b(d)(2) of this title, the Secretary shall make publicly available information on projects selected through the competitive process described in section 3871b(d)(1) of this title.

**(b) Reporting**

Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status of projects funded under the program, including—

- (1) the number and types of eligible partners and producers participating in the partnership agreements selected;
- (2) the number of producers receiving assistance;
- (3) total funding committed to projects, including from Federal and non-Federal resources; and
- (4) a description of how the funds under section 3871c(b)(2) of this title are being administered, including—

- (A) any oversight mechanisms that the Secretary has implemented;

(B) the process through which the Secretary is resolving appeals by program participants; and

(C) the means by which the Secretary is tracking adherence to any applicable provisions for payment eligibility.

(Pub. L. 99-198, title XII, §1271E, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 749.)

### § 3871f. Critical conservation areas

#### (a) In general

In administering funds under section 3871d(d)(3) of this title, the Secretary shall select applications for partnership agreements and producer contracts within critical conservation areas designated under this section.

#### (b) Critical conservation area designations

##### (1) Priority

In designating critical conservation areas under this section, the Secretary shall give priority to geographical areas based on the degree to which the geographical area—

(A) includes multiple States with significant agricultural production;

(B) is covered by an existing regional, State, binational, or multistate agreement or plan that has established objectives, goals, and work plans and is adopted by a Federal, State, or regional authority;

(C) would benefit from water quality improvement, including through reducing erosion, promoting sediment control, and addressing nutrient management activities affecting large bodies of water of regional, national, or international significance;

(D) would benefit from water quantity improvement, including improvement relating to—

(i) groundwater, surface water, aquifer, or other water sources; or

(ii) a need to promote water retention and flood prevention; or

(E) contains producers that need assistance in meeting or avoiding the need for a natural resource regulatory requirement that could have a negative impact on the economic scope of the agricultural operations within the area.

##### (2) Expiration

Critical conservation area designations under this section shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw designation from an area if the Secretary finds the area no longer meets the conditions described in paragraph (1).

##### (3) Limitation

The Secretary may not designate more than 8 geographical areas as critical conservation areas under this section.

#### (c) Administration

##### (1) In general

Except as provided in paragraph (2), the Secretary shall administer any partnership agreement or producer contract under this section in a manner that is consistent with the terms of the program.

#### (2) Relationship to existing activity

The Secretary shall, to the maximum extent practicable, ensure that eligible activities carried out in critical conservation areas designated under this section complement and are consistent with other Federal and State programs and water quality and quantity strategies.

#### (3) Additional authority

For a critical conservation area described in subsection (b)(1)(D), the Secretary may use authorities under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), other than section 14 of such Act (16 U.S.C. 1012), to carry out projects for the purposes of this section.

(Pub. L. 99-198, title XII, §1271F, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 750.)

#### REFERENCES IN TEXT

The Watershed Protection and Flood Prevention Act, referred to in subsec. (c)(3), is act Aug. 4, 1954, ch. 656, 68 Stat. 666, which is classified principally to chapter 18 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

## CHAPTER 59—WETLANDS RESOURCES

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### SUBCHAPTER I—GENERAL PROVISIONS

#### § 3901. Findings and statement of purpose

##### (a) Findings

The Congress finds that—

(1) wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water supply and quality, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all our citizens of the Nation;

(2) wetlands provide habitat essential for the breeding, spawning, nesting, migration, wintering and ultimate survival of a major portion of the migratory and resident fish and wildlife of the Nation; including migratory