

L. 113-79, title II, §§ 2706(a), 2708, 2709(a), 2710(a), Feb. 7, 2014, 128 Stat. 768, 770.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-334, § 2701(1)(A), inserted “, including partnership agreements funded through alternative funding arrangements or grant agreements under section 3871c(d) of this title,” after “partnership agreements”.

Subsec. (a)(2). Pub. L. 115-334, § 2701(1)(B), substituted “program contracts with producers” for “contracts with producers”.

Subsec. (b)(1). Pub. L. 115-334, § 2701(2)(A), substituted “To carry out eligible activities” for “To use covered programs” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-334, § 2701(2)(B), added par. (2) and struck out former par. (2) which read as follows: “To further the conservation, restoration, and sustainable use of soil, water, wildlife, and related natural resources on eligible land on a regional or watershed scale.”

Subsec. (b)(3)(A). Pub. L. 115-334, § 2701(2)(C)(i), inserted “, including through alignment of partnership projects with other national, State, and local agencies and programs addressing similar natural resource or environmental concerns” after “production on eligible land”.

Subsec. (b)(3)(B). Pub. L. 115-334, § 2701(2)(C)(ii), substituted “adoption, installation, and maintenance” for “installation and maintenance”.

Subsec. (b)(4), (5). Pub. L. 115-334, § 2701(2)(D), added pars. (4) and (5).

§ 3871a. Definitions

In this subchapter:

(1) Covered program

The term “covered program” means the following:

(A) The agricultural conservation easement program.

(B) The environmental quality incentives program.

(C) The conservation stewardship program, not including the grassland conservation initiative under section 3839aa-25 of this title.

(D) The healthy forests reserve program established under section 6571 of this title.

(E) The conservation reserve program established under subpart B of part I of subchapter IV.

(F) The programs established by the Secretary to carry out the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), except for any program established by the Secretary to carry out section 14 (16 U.S.C. 1012) of that Act.

(2) Eligible activity

The term “eligible activity” means a practice, activity, agreement, easement, or related conservation measure that is available under the statutory authority for a covered program.

(3) Eligible land

The term “eligible land” means any agricultural or nonindustrial private forest land or associated land on which the Secretary determines an eligible activity would help achieve conservation benefits.

(4) Eligible partner

The term “eligible partner” means any of the following:

(A) An agricultural or silvicultural producer association or other group of producers.

(B) A State or unit of local government.

(C) An Indian tribe.

(D) A farmer cooperative.

(E) A water district, irrigation district, acequia, rural water district or association, or other organization with specific water delivery authority to producers on agricultural land.

(F) A municipal water or wastewater treatment entity.

(G) An institution of higher education.

(H) An organization or entity with an established history of working cooperatively with producers on agricultural land, as determined by the Secretary, to address—

(i) local conservation priorities related to agricultural production, wildlife habitat development, or nonindustrial private forest land management; or

(ii) critical watershed-scale soil erosion, water quality, sediment reduction, or other natural resource issues.

(I) An organization described in section 3865a(3)(B) of this title.

(J) A conservation district.

(5) Partnership agreement

The term “partnership agreement” means the programmatic agreement entered into between the Secretary and an eligible partner, subject to the terms and conditions under section 3871b of this title.

(6) Program

The term “program” means the regional conservation partnership program established by this subchapter.

(7) Program contract

(A) In general

The term “program contract” means the contract between the Secretary and a producer entered into under this subchapter.

(B) Exclusion

The term “program contract” does not include a contract under a covered program.

(Pub. L. 99-198, title XII, § 1271A, as added Pub. L. 113-79, title II, § 2401, Feb. 7, 2014, 128 Stat. 745; amended Pub. L. 115-334, title II, § 2702, Dec. 20, 2018, 132 Stat. 4593.)

REFERENCES IN TEXT

The Watershed Protection and Flood Prevention Act, referred to in par. (1)(F), 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.

AMENDMENTS

2018—Par. (1)(C). Pub. L. 115-334, § 2702(1)(A), inserted “, not including the grassland conservation initiative under section 3839aa-25 of this title” before period at end.

Par. (1)(E), (F). Pub. L. 115-334, § 2702(1)(B), added subpars. (E) and (F).

Pars. (2), (3). Pub. L. 115-334, § 2702(2), added pars. (2) and (3) and struck out former pars. (2) and (3), which defined “eligible activity” as a conservation activity for specified purposes and types of projects and “eligible land” as specified types of land or associated lands on which agricultural commodities, livestock, or forest-related products are produced.

Par. (4)(E). Pub. L. 115-334, §2702(3)(A), inserted “acequia,” after “irrigation district.”

Par. (4)(I), (J). Pub. L. 115-334, §2702(3)(B), added subpars. (I) and (J).

Par. (5). Pub. L. 115-334, §2702(4), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “The term ‘partnership agreement’ means an agreement entered into under section 3871b of this title between the Secretary and an eligible partner.”

Par. (7). Pub. L. 115-334, §2702(5), added par. (7).

§ 3871b. Regional conservation partnerships

(a) Partnership agreements authorized

The Secretary may enter into a partnership agreement with an eligible partner to implement a project that will assist producers with installing and maintaining an eligible activity on eligible land.

(b) Length

(1) In general

A partnership agreement shall be—

- (A) for a period not to exceed 5 years; or
- (B) for a period that is longer than 5 years, if the longer period is necessary to meet the objectives of the program, as determined by the Secretary.

(2) Renewal

A partnership agreement may be renewed under subsection (e)(5) for a period not to exceed 5 years.

(3) Extension

A partnership agreement, or any renewal of a partnership agreement, may each be extended 1 time for a period not longer than 12 months, as determined by the Secretary.

(c) Duties of partners

(1) In general

Under a partnership agreement, the eligible partner shall—

- (A) define the scope of a project, including—
 - (i) 1 or more conservation benefits that the project shall achieve;
 - (ii) the eligible activities on eligible land to be conducted under the project to achieve conservation benefits;
 - (iii) the implementation timeline for carrying out the project, including any interim milestones;
 - (iv) the local, State, multistate, or other geographic area covered; and
 - (v) the planning, outreach, implementation, and assessment to be conducted;
- (B) conduct outreach and education to producers for potential participation in the project;
- (C) at the request of a producer, act on behalf of a producer participating in the project in applying for assistance under section 3871c of this title;
- (D) leverage financial or technical assistance provided by the Secretary with additional contributions to help achieve the project objectives;
- (E) conduct an assessment of—
 - (i) the progress made by the project in achieving each conservation benefit de-

defined in the partnership agreement, including in a quantified form to the extent practicable; and

(ii) as appropriate, other outcomes of the project; and

(F) at the conclusion of the project, report to the Secretary on its results and funds leveraged.

(2) Contribution

(A) In general

An eligible partner shall provide a significant portion of the overall costs of the scope of the project that is the subject of the agreement entered into under subsection (a), as determined by the Secretary.

(B) Form

A contribution of an eligible partner under this paragraph may be in the form of—

- (i) direct funding;
- (ii) in-kind support; or
- (iii) a combination of direct funding and in-kind support.

(C) Treatment

Any amounts expended during the period beginning on the date on which the Secretary announces the approval of an application under subsection (e) and ending on the day before the effective date of the partnership agreement by an eligible partner for staff salaries or development of the partnership agreement may be considered to be a part of the contribution of the eligible partner under this paragraph.

(d) Duties of Secretary

The Secretary shall—

(1) establish a timeline for carrying out the duties of the Secretary under a partnership agreement, including—

- (A) entering into program contracts with producers;
- (B) providing financial assistance to producers; and
- (C) in the case of a partnership agreement that is funded through an alternative funding arrangement or grant agreement under section 3871c(d) of this title, providing the payments to the eligible partner for carrying out eligible activities;

(2) identify in each State a program coordinator for the State, who shall be responsible for providing assistance to eligible partners under the program;

(3) establish guidance to assist eligible partners with carrying out the assessment required under subsection (c)(1)(E);

(4) provide to each eligible partner that has entered into a partnership agreement that is not funded through an alternative funding arrangement or grant agreement under section 3871c(d) of this title—

(A) a semiannual report describing the status of each pending and obligated contract under the project of the eligible partner; and

(B) an annual report describing how the Secretary used amounts reserved by the Secretary for that year for technical assistance under section 3871d(f)¹ of this title; and

¹ So in original. Probably should be “section 3871d(e)”.