

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)<sup>1</sup> of this title; and

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

(5) ensure that any eligible activity effectively achieves the conservation benefits identified in the partnership agreement under subsection (c)(1)(A)(i).

**(e) Applications**

**(1) Competitive process**

The Secretary shall conduct a simplified competitive process to select applications for partnership agreements and may assess and rank applications with similar conservation purposes as a group.

**(2) Criteria used**

In carrying out the process described in paragraph (1), the Secretary shall make public the criteria used in evaluating applications.

**(3) Contents**

The Secretary shall develop a simplified application that includes a description of—

(A) the scope of the project, as described in subsection (c)(1)(A);

(B) the plan for monitoring, evaluating, and reporting on progress made toward achieving the project's objectives;

(C) the program resources requested for the project and estimated funding needed from the Secretary;

(D) each eligible partner collaborating to achieve project objectives, including their roles, responsibilities, capabilities, and contribution; and

(E) any other elements the Secretary considers necessary to adequately evaluate and competitively select applications for funding under the program.

**(4) Priority to certain applications**

The Secretary may give a higher priority to applications that—

(A) assist producers in meeting or avoiding the need for a natural resource regulatory requirement;

(B) have a high percentage of producers in the area to be covered by the agreement;

(C) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or national efforts;

(D) build new partnerships with local, State, and private entities to include a diversity of stakeholders in the project;

(E) deliver a high percentage of applied conservation—

(i) to achieve conservation benefits; or

(ii) in the case of a project in a critical conservation area under section 3871f of this title, to address the priority resource concern for that critical conservation area;

(F) implement the project consistent with existing watershed, habitat, or other area restoration plans;

(G) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

(H) meet other factors that are important for achieving the purposes of the program, as determined by the Secretary.

**(5) Renewals**

If the Secretary determines that a project that is the subject of a partnership agreement

has met or exceeded the objectives of the project, the Secretary may renew the partnership agreement through an expedited non-competitive process if the 1 or more eligible partners that are parties to the partnership agreement request the renewal in order—

(A) to continue to implement the project under a renewal of the partnership agreement; or

(B) to expand the scope of the project under a renewal of the partnership agreement, as long as the expansion is within the objectives and purposes of the original partnership agreement.

**(f) Nonapplicability of adjusted gross income limitation**

The adjusted gross income limitation described in section 1308-3a(b)(1) of title 7 shall not apply to an eligible partner under the program.

(Pub. L. 99-198, title XII, §1271B, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 746; amended Pub. L. 115-334, title II, §2703, Dec. 20, 2018, 132 Stat. 4594.)

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-334, §2703(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “A partnership agreement shall be for a period not to exceed 5 years, except that the Secretary may extend the agreement one time for up to 12 months when an extension is necessary to meet the objectives of the program.”

Subsec. (c)(1)(A). Pub. L. 115-334, §2703(2)(A)(i), added cls. (i) to (iii), redesignated former cls. (iii) and (iv) as (iv) and (v), respectively, and struck out former cls. (i) and (ii) which read as follows:

“(i) the eligible activities to be implemented;

“(ii) the potential agricultural or nonindustrial private forest land operations affected;”.

Subsec. (c)(1)(D). Pub. L. 115-334, §2703(2)(A)(ii), substituted “contributions” for “funds”.

Subsec. (c)(1)(E). Pub. L. 115-334, §2703(2)(A)(iii), substituted “of—” for “of the project's effects; and” and added cls. (i) and (ii).

Subsec. (c)(2). Pub. L. 115-334, §2703(2)(B), designated existing provisions as subpar. (A), inserted heading, and added subpars. (B) and (C).

Subsec. (d), (e). Pub. L. 115-334, §2703(3), (4), added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (e)(1). Pub. L. 115-334, §2703(5)(A), inserted “simplified” before “competitive process”.

Subsec. (e)(3). Pub. L. 115-334, §2703(5)(B)(i), substituted “Contents” for “Content” in heading and “The Secretary shall develop a simplified application that includes a description of—” for “An application to the Secretary shall include a description of—” in introductory provisions.

Subsec. (e)(3)(C). Pub. L. 115-334, §2703(5)(B)(ii), struck out “, including the covered programs to be used” after “resources requested for the project”.

Subsec. (e)(3)(D). Pub. L. 115-334, §2703(5)(B)(iii), struck out “financial” before “contribution”.

Subsec. (e)(4)(D) to (H). Pub. L. 115-334, §2703(5)(C), added subpars. (D) to (F), redesignated former subpars. (E) and (F) as (G) and (H), respectively, and struck out former subpar. (D) which read as follows: “deliver high percentages of applied conservation to address conservation priorities or regional, State, or national conservation initiatives;”.

Subsec. (e)(5). Pub. L. 115-334, §2703(5)(D), added par. (5).

Subsec. (f). Pub. L. 115-334, §2703(6), added subsec. (f).

**§ 3871c. Assistance to producers**

**(a) In general**

A producer may receive financial or technical assistance to conduct eligible activities on eligi-