

(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).

Subsecs. (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-

ble land through a program contract entered into with the Secretary.

(b) Program contracts

(1) In general

The Secretary shall establish a program contract to be entered into with a producer to conduct eligible activities on eligible land, subject to such terms and conditions as the Secretary may establish.

(2) Application bundles

(A) In general

An eligible partner may submit to the Secretary, on behalf of producers, a bundle of applications for assistance under the program through program contracts to address a substantial portion of the conservation benefits to be achieved by the project, as defined in the partnership agreement.

(B) Priority

The Secretary may give priority to applications described in subparagraph (A).

(c) Payments

(1) In general

Subject to section 3871d of this title, 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 producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

(d) Funding through alternative funding arrangements or grant agreements

(1) In general

A partnership agreement entered into with an eligible partner may be funded through an alternative funding arrangement or grant in accordance with this subsection.

(2) Duties of the Secretary

The Secretary shall—

(A) under a funding agreement under paragraph (1)—

(i) use funding made available to carry out this subchapter to provide funding directly to the eligible partner; and

(ii) provide technical and administrative assistance, as mutually agreed by the parties; and

(B) enter into not more than 15 alternative funding arrangements or grant agreements with 1 or more eligible partners each fiscal year.

(3) Duties of eligible partners

Under a funding agreement under paragraph (1), the eligible partner shall—

(A) carry out eligible activities on eligible land in agreement with producers to achieve conservation benefits on a regional or watershed scale, such as—

(i) infrastructure investments relating to agricultural or nonindustrial private forest production that would—

(I) benefit multiple producers; and

(II) address natural resource concerns such as drought, wildfire, or water quality impairment on the land covered by the project;

(ii) projects addressing natural resources concerns in coordination with producers, including the development and implementation of watershed, habitat, or other area restoration plans;

(iii) projects that use innovative approaches to leveraging the Federal investment in conservation with private financial mechanisms, in conjunction with agricultural production or forest resource management, such as—

(I) the provision of performance-based payments to producers; and

(II) support for an environmental market; or

(iv) other projects for which the Secretary determines that the goals and objectives of the program would be easier to achieve through the funding agreement under paragraph (1); and

(B) submit to the Secretary, in addition to any information that the Secretary requires to prepare the report under section 3871e(b) of this title, an annual report that describes the status of the project, including a description of—

(i) the use of the funds awarded under paragraph (1);

(ii) any subcontracts awarded;

(iii) the producers receiving funding through the funding agreement under paragraph (1);

(iv)(I) the progress made by the project in addressing each natural resource concern defined in the funding agreement under paragraph (1), including in a quantified form to the extent practicable; and

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

(v) any other reporting data the Secretary determines are necessary to ensure compliance with the program rules.

(Pub. L. 99-198, title XII, §1271C, as added Pub. L. 113-79, title II, §2401, Feb. 7, 2014, 128 Stat. 747; amended Pub. L. 115-334, title II, §2704, Dec. 20, 2018, 132 Stat. 4596.)

AMENDMENTS

2018—Subsecs. (a), (b). Pub. L. 115-334, §2704(1), added subsecs. (a) and (b) and struck out former subsecs. (a)

and (b) which authorized the Secretary to enter into contracts with producers to provide financial and technical assistance and set forth provisions relating to terms and conditions, respectively.

Subsec. (c)(1). Pub. L. 115-334, § 2704(2)(A), substituted “Subject to section 3871d of this title, the Secretary may make payments to a producer” for “In accordance with statutory requirements of the covered programs involved, the Secretary may make payments to a producer”.

Subsec. (c)(3). Pub. L. 115-334, § 2704(2)(B), struck out “participating” before “producers”.

Subsec. (d). Pub. L. 115-334, § 2704(3), added subsec. (d).

§ 3871d. Funding

(a) Availability of funds

The Secretary shall use \$300,000,000 of the funds of the Commodity Credit Corporation for each of fiscal years 2019 through 2023 to carry out the program.

(b) Duration of availability

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

(c) Allocation of funding

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

- (1) 50 percent of the funds to projects based on a State or multistate competitive process administered by the Secretary at the local level with the advice of the applicable State technical committees established under subchapter VI; and
- (2) 50 percent of the funds to projects for critical conservation areas designated under section 3871f of this title.

(d) Limitation on administrative expenses

(1) In general

Except as provided in paragraph (2), none of the funds made available for the program, including for a partnership agreement funded through an alternative funding arrangement or grant agreement under section 3871c(d) of this title, may be used to pay for the administrative expenses of eligible partners.

(2) Project development and outreach

Under a partnership agreement that is not funded through an alternative funding arrangement or grant agreement under section 3871c(d) of this title, the Secretary may advance reasonable amounts of funding for not longer than 90 days for technical assistance to eligible partners to conduct project development and outreach activities in a project area, including—

- (A) providing outreach and education to producers for potential participation in the project;
- (B) establishing baseline metrics to support the development of the assessment required under section 3871b(c)(1)(E) of this title; or
- (C) providing technical assistance to producers.

(e) Technical assistance

(1) In general

At the time of project selection, the Secretary shall identify and make publicly avail-

able the amount that the Secretary shall use to provide technical assistance under the terms of the partnership agreement.

(2) Limitation

The Secretary shall limit costs of the Secretary for technical assistance to costs specific and necessary to carry out the objectives of the program.

(3) Third-party providers

The Secretary shall develop and implement strategies to encourage third-party technical service providers to provide technical assistance to eligible partners pursuant to a partnership agreement.

(Pub. L. 99-198, title XII, § 1271D, as added Pub. L. 113-79, title II, § 2401, Feb. 7, 2014, 128 Stat. 749; amended Pub. L. 115-334, title II, § 2705, Dec. 20, 2018, 132 Stat. 4598.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 2705(1), substituted “\$300,000,000” for “\$100,000,000” and “2019 through 2023” for “2014 through 2018”.

Subsec. (c). Pub. L. 115-334, § 2705(2)–(4)(A), redesignated subsec. (d) as (c), struck out “and acres” after “funds” and “and reserved for the program under subsection (c)” after “under subsection (a)” in introductory provisions, and struck out former subsec. (c) which related to reservation of additional funding and acres for each of fiscal years 2014 through 2018.

Subsec. (c)(1). Pub. L. 115-334, § 2705(4)(B), substituted “50 percent of the funds to projects based on a State or multistate competitive process administered by the Secretary at the local level with the advice of the applicable State technical committees” for “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” and inserted “and” at end.

Subsec. (c)(2), (3). Pub. L. 115-334, § 2705(4)(C)–(E), redesignated par. (3) as (2), substituted “50 percent of the funds” for “35 percent of the funds and acres”, and struck out former par. (2) which read as follows: “40 percent of the funds and acres to projects based on a national competitive process to be established by the Secretary; and”.

Subsec. (d). Pub. L. 115-334, § 2705(5), designated existing provisions as par. (1), inserted heading, substituted “Except as provided in paragraph (2), none of the funds made available for the program, including for a partnership agreement funded through an alternative funding arrangement or grant agreement under section 3871c(d) of this title,” for “None of the funds made available or reserved for the program”, and added par. (2).

Pub. L. 115-334, § 2705(3), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 115-334, § 2705(6), added subsec. (e). Former subsec. (e) redesignated (d).

§ 3871e. Administration

(a) Disclosure

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

(b) Reporting

Not later than December 31, 2019, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of