

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