

(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.)

Editorial Notes

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 imple-

ment 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 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

(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.

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

(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.)

Editorial Notes

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 eligible 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—