

115TH CONGRESS  
1ST SESSION

# H. R. 4420

To amend the Food Security Act of 1985 to address critical conservation conditions under the regional conservation partnership program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mr. SCOTT of Virginia (for himself, Mr. WITTMAN, Mr. SARBANES, Ms. NORTON, Mr. CONNOLLY, Mr. BROWN of Maryland, Mr. HOYER, Mr. RUPPERSBERGER, Mr. MCEACHIN, Mr. CUMMINGS, Ms. BLUNT ROCHESTER, Mr. DELANEY, Mr. RASKIN, and Mrs. COMSTOCK) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Food Security Act of 1985 to address critical conservation conditions under the regional conservation partnership program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay Farm  
5 Bill Enhancements Act of 2017”.

1 **SEC. 2. PURPOSES.**

2 Section 1271(b) of the Food Security Act of 1985  
3 (16 U.S.C. 3871(b)) is amended by adding at the end the  
4 following:

5 “(4) To encourage alignment of partnership  
6 projects with other Federal, State, and local agen-  
7 cies and programs addressing similar natural re-  
8 source concerns in a coordinated manner.”.

9 **SEC. 3. DEFINITIONS.**

10 Section 1271A(1) of the Food Security Act of 1985  
11 (16 U.S.C. 3871a(1)) is amended by adding at the end  
12 the following:

13 “(E) The conservation reserve program es-  
14 tablished under subchapter B of chapter 1 of  
15 subtitle D.

16 “(F) The Watershed Protection and Flood  
17 Prevention Act (16 U.S.C. 1001 et seq.), other  
18 than section 14 of that Act (16 U.S.C. 1012).”.

19 **SEC. 4. REGIONAL CONSERVATION PARTNERSHIPS.**

20 Section 1271B of the Food Security Act of 1985 (16  
21 U.S.C. 3871b) is amended—

22 (1) by striking subsection (b) and inserting the  
23 following:

24 “(b) **MAXIMUM LENGTH.**—

1           “(1) IN GENERAL.—Except as provided in para-  
2 graph (2), the term of a partnership agreement shall  
3 not be longer than 5 years.

4           “(2) EXCEPTIONS.—

5           “(A) CONCURRENT PROGRAM DEAD-  
6 LINE.—Subject to approval by the Secretary,  
7 the term of a partnership agreement may be  
8 longer than 5 years if the longer period is con-  
9 current with a deadline established under a  
10 State or Federal program that relates specifi-  
11 cally to the project.

12           “(B) 1-TIME EXTENSION.—The Secretary  
13 may extend a partnership agreement 1 time for  
14 a period that is not longer than 12 months if  
15 the Secretary determines that the extension is  
16 necessary to meet the objectives of the pro-  
17 gram.”;

18           (2) in subsection (c)(2)—

19           (A) by striking “An eligible” and inserting  
20 the following:

21           “(A) IN GENERAL.—An eligible”; and

22           (B) by adding at the end the following:

23           “(B) FORM.—A contribution of an eligible  
24 partner under this paragraph may be in the  
25 form of—

- 1 “(i) direct funding;  
2 “(ii) in-kind support; or  
3 “(iii) a combination of direct funding  
4 and in-kind support.

5 “(C) TREATMENT.—Any amounts ex-  
6 pended before the effective date of a partner-  
7 ship agreement under this section by an eligible  
8 partner for staff salaries or development of the  
9 partnership agreement shall be considered to be  
10 a part of the contribution of the eligible partner  
11 under this paragraph.”; and

12 (3) in subsection (d), by adding at the end the  
13 following:

14 “(5) FUNDING RENEWALS.—If an eligible part-  
15 ner demonstrates to the satisfaction of the Secretary  
16 that the eligible partner has made progress in ad-  
17 dressing one or more natural resource concerns by  
18 not later than the date that is 1 fiscal year before  
19 the date on which the partnership agreement ex-  
20 pires, the eligible partner may submit to the Sec-  
21 retary an application for a renewal of the partner-  
22 ship agreement, including a renewal of funding,  
23 through an expedited application process—

24 “(A) to continue to implement the partner-  
25 ship agreement;

1           “(B) to expand the scope of the partner-  
2           ship agreement;

3           “(C) to enroll additional eligible producers;  
4           or

5           “(D) to carry out other conservation activi-  
6           ties relating to the project, including monitoring  
7           and reporting on outcomes, as mutually agreed  
8           by the Secretary and the eligible partner.

9           “(6) REVIEW.—To the extent practicable, after  
10          receipt of an application under this subsection, the  
11          Secretary shall provide to each applicant information  
12          and feedback (including written information and  
13          feedback, as the Secretary determines to be appro-  
14          priate) throughout the annual program application  
15          process for any improvements that could be made to  
16          the application.”.

17 **SEC. 5. FUNDING ARRANGEMENTS THROUGH GRANT**  
18 **AGREEMENTS.**

19          Section 1271C(b) of the Food Security Act of 1985  
20 (16 U.S.C. 3871c(b)) is amended by striking paragraph  
21 (2) and inserting the following:

22           “(2) FUNDING ARRANGEMENTS THROUGH  
23          GRANT AGREEMENTS.—

24           “(A) IN GENERAL.—A partnership agree-  
25          ment may be a grant agreement entered into

1 with an eligible partner in accordance with this  
2 paragraph.

3 “(B) REQUIREMENTS.—Under a grant  
4 agreement under subparagraph (A)—

5 “(i) using amounts made available to  
6 carry out this subtitle, the Secretary shall  
7 provide to the eligible partner a grant;

8 “(ii) the eligible partner shall carry  
9 out eligible activities on eligible land (in-  
10 cluding by contracting with one or more  
11 producers, if the eligible partner deter-  
12 mines the contracting to be appropriate),  
13 on the condition that the eligible activities  
14 directly or indirectly benefit agricultural  
15 producers (including forestry producers),  
16 to address natural resource concerns on a  
17 regional or watershed scale, such as—

18 “(I) infrastructure investments  
19 relating to agricultural or nonindus-  
20 trial private forest production that  
21 would benefit multiple producers, such  
22 as a multiproducer irrigation water  
23 delivery system;

24 “(II) projects addressing water  
25 quality or quantity concerns in coordi-

1 nation with producers, including the  
2 development and implementation of  
3 watershed plans;

4 “(III) projects that use innova-  
5 tive approaches to leveraging the Fed-  
6 eral investment in conservation with  
7 private financial mechanisms, in con-  
8 junction with agricultural production  
9 or forest resource management, such  
10 as—

11 “(aa) the provision of per-  
12 formance-based payments to pro-  
13 ducers; and

14 “(bb) support for an envi-  
15 ronmental market;

16 “(IV) projects that facilitate pilot  
17 testing of new conservation practices,  
18 technologies, or activities;

19 “(V) projects that promote the  
20 long-term viability and sustainability  
21 of agricultural land through innova-  
22 tive agricultural land protection strat-  
23 egies and mechanisms, including  
24 projects that support the transfer of  
25 land to beginning farmers and ranch-

1                   ers, veteran farmers and ranchers, so-  
2                   cially disadvantaged farmers and  
3                   ranchers, and limited resource farm-  
4                   ers and ranchers, as determined by  
5                   the Secretary; and

6                   “(VI) other projects for which  
7                   the Secretary determines that the  
8                   goals and objectives of the program  
9                   would be easier to achieve through the  
10                  grant agreement; and

11                  “(iii) the Secretary may provide tech-  
12                  nical and administrative assistance, as mu-  
13                  tually agreed by the parties.

14                  “(C) NONAPPLICABILITY OF ADJUSTED  
15                  GROSS INCOME LIMITATION.—The adjusted  
16                  gross income limitation described in section  
17                  1001D(b)(1) shall not apply to the receipt by  
18                  an eligible partner of a grant under this para-  
19                  graph.

20                  “(D) LIMITATION.—The Secretary may  
21                  not use more than 30 percent of funding made  
22                  available to carry out the program for grant  
23                  agreements.

1           “(E) REPORTS.—An eligible partner that  
2 enters into a grant agreement under this para-  
3 graph shall submit to the Secretary—

4           “(i) any information that the Sec-  
5 retary requires to prepare the report under  
6 section 1271E(b); and

7           “(ii) an annual report that describes  
8 the status of the project carried out by the  
9 eligible partner, including a description  
10 of—

11           “(I) the use of the grant funds;

12           “(II) any subcontracts awarded  
13 using grant funds;

14           “(III) the producers receiving  
15 funding using the grant funds;

16           “(IV)(aa) the progress made by  
17 the project in addressing any natural  
18 resource concerns, including in a  
19 quantified form; and

20           “(bb) as appropriate, other envi-  
21 ronmental, economic, or social out-  
22 comes of the project; and

23           “(V) any other reporting data the  
24 Secretary determines are necessary to

1 ensure compliance with the program  
2 rules.”.

3 **SEC. 6. FUNDING.**

4 (a) IN GENERAL.—Section 1271D of the Food Secu-  
5 rity Act of 1985 (16 U.S.C. 3871d) is amended—

6 (1) in subsection (a)—

7 (A) by striking “\$100,000,000” and in-  
8 serting “\$300,000,000”; and

9 (B) by striking “for each of fiscal years  
10 2014 through 2018” and inserting “for each  
11 fiscal year”;

12 (2) in subsection (c)—

13 (A) in paragraph (1), by striking “for each  
14 of fiscal years 2014 through 2018” and insert-  
15 ing “for each fiscal year”; and

16 (B) by striking paragraph (2) and insert-  
17 ing the following:

18 “(2) DURATION OF AVAILABILITY.—Any funds  
19 or acres reserved under paragraph (1) shall remain  
20 available for obligation only for the purposes of car-  
21 rying out the program until expended.

22 “(3) DISTRIBUTION OF FUNDS.—To the max-  
23 imum extent practicable, of projects receiving funds  
24 or acres reserved under paragraph (1) from a cov-  
25 ered program, the percentage of projects that shall

1 have purposes similar to the purposes of the applica-  
2 ble covered program from which funds or acres were  
3 reserved shall be approximately equal to the percent-  
4 age of funds or acres reserved from the applicable  
5 covered program.”;

6 (3) in subsection (d)—

7 (A) in paragraph (1), by striking “25 per-  
8 cent of the funds and acres to projects based on  
9 a State competitive process administered by the  
10 State Conservationist, with the advice of the  
11 State technical committee established under  
12 subtitle G;” and inserting the following: “40  
13 percent of the funds and acres to projects based  
14 on a State or multistate competitive process ad-  
15 ministered, as applicable, by the State Con-  
16 servationist or jointly by the State Conserva-  
17 tionists of each State participating in the  
18 multistate process, with the advice of the appli-  
19 cable State technical committees established  
20 under subtitle G; and”;

21 (B) by striking paragraph (2);

22 (C) by redesignating paragraph (3) as  
23 paragraph (2); and

1 (D) in paragraph (2) (as so redesignated),  
2 by striking “35 percent” and inserting “60 per-  
3 cent”;

4 (4) in subsection (e)—

5 (A) by striking “None of the funds” and  
6 inserting the following:

7 “(1) IN GENERAL.—Except as provided in para-  
8 graph (2), none of the funds”; and

9 (B) by adding at the end the following:

10 “(2) PROJECT DEVELOPMENT AND OUT-  
11 REACH.—Under a partnership agreement, the Sec-  
12 retary may advance reasonable amounts of funding  
13 for technical assistance to eligible partners to con-  
14 duct project development and outreach activities in  
15 a project area (including activities conducted before  
16 the effective date of the partnership agreement), in-  
17 cluding—

18 “(A) providing outreach and education to  
19 producers for potential participation in the  
20 project;

21 “(B) the development of a watershed or  
22 habitat plan; and

23 “(C) establishing baseline metrics to sup-  
24 port the development of the assessment re-  
25 quired under section 1271B(c)(1)(E).”;

1 (5) by adding at the end the following:

2 “(f) TECHNICAL ASSISTANCE.—

3 “(1) IN GENERAL.—At the time of project se-  
4 lection, the Secretary shall identify and make pub-  
5 lically available the amount that the Secretary shall  
6 use to provide technical assistance under the terms  
7 of the partnership agreement.

8 “(2) LIMITATION.—The Secretary shall limit  
9 costs of the Secretary for technical assistance to  
10 costs specific and necessary to carry out the objec-  
11 tives of the partnership agreement.

12 “(3) THIRD-PARTY PROVIDERS.—The Secretary  
13 shall develop and implement strategies to encourage  
14 third-party technical service providers to provide  
15 technical assistance to eligible partners pursuant to  
16 a partnership agreement.”.

17 (b) CONFORMING AMENDMENT.—Section 1271F(a)  
18 of the Food Security Act of 1985 (16 U.S.C. 3871f(a))  
19 is amended by striking “1271D(d)(3)” and inserting  
20 “1271D(d)(2)”.

21 **SEC. 7. CRITICAL CONSERVATION AREAS.**

22 Section 1271F of the Food Security Act of 1985 (16  
23 U.S.C. 3871f) is amended—

1           (1) by redesignating subsections (a) (as amend-  
2           ed by section 6(b)), (b), and (c) as subsections (b),  
3           (c), and (d), respectively;

4           (2) by inserting before subsection (b) (as so re-  
5           designated) the following:

6           “(a) DEFINITIONS.—In this section:

7           “(1) CRITICAL CONSERVATION AREA.—The  
8           term ‘critical conservation area’ means a geo-  
9           graphical area that contains a critical conservation  
10          condition that can be addressed through one or more  
11          covered programs.

12          “(2) CRITICAL CONSERVATION CONDITION.—  
13          The term ‘critical conservation condition’ means—

14                 “(A) a condition of land that would benefit  
15                 from water quality improvement, including  
16                 through reducing erosion, promoting sediment  
17                 control, and addressing nutrient management  
18                 activities affecting large bodies of water of re-  
19                 gional, national, or international significance;  
20                 and

21                 “(B) a condition of land that would benefit  
22                 from water quantity improvement, including im-  
23                 provement relating to—

24                         “(i) groundwater, surface water, aqwi-  
25                         fer, or other water sources; or

1                   “(ii) water retention and flood preven-  
2                   tion.”;

3                   (3) in subsection (b) (as so redesignated), by  
4                   inserting “that address each critical conservation  
5                   condition for which the critical conservation area is  
6                   designated” before the period at the end;

7                   (4) in subsection (c) (as so redesignated)—

8                   (A) by redesignating paragraphs (1)  
9                   through (3) as paragraphs (2) through (4), re-  
10                  spectively;

11                  (B) by inserting before paragraph (2) (as  
12                  so redesignated) the following:

13                  “(1) IN GENERAL.—In designating a critical  
14                  conservation area under this section, the Secretary  
15                  shall identify one or more critical conservation condi-  
16                  tions that the critical conservation area contains, in-  
17                  cluding—

18                         “(A) the geographical area of land that  
19                         contains the critical conservation condition; and

20                         “(B) conservation goals and outcomes suf-  
21                         ficient to demonstrate that progress is being  
22                         made to address the critical conservation condi-  
23                         tions.”;

24                         (C) in paragraph (2) (as so redesign-  
25                         ated)—

1 (i) by striking subparagraphs (C) and  
2 (D) and inserting the following:

3 “(C) contains a critical conservation condi-  
4 tion; or”; and

5 (ii) by redesignating subparagraph  
6 (E) as subparagraph (D); and

7 (D) by striking paragraph (3) (as so redesi-  
8 gnated) and inserting the following:

9 “(3) REVIEW AND WITHDRAWAL.—The Sec-  
10 retary may—

11 “(A) review designations of critical con-  
12 servation areas under this section not more  
13 than once every 5 years; and

14 “(B) withdraw designation of a critical  
15 conservation area only if the Secretary deter-  
16 mines that the area is no longer a critical con-  
17 servation area.”;

18 (5) in subsection (d) (as so redesignated)—

19 (A) by redesignating paragraph (3) as  
20 paragraph (4);

21 (B) by inserting after paragraph (2) the  
22 following:

23 “(3) PRIORITY.—The Secretary shall give pri-  
24 ority to an application under this section that ad-  
25 dresses a critical conservation condition by—

1           “(A)(i) including a diversity of stake-  
2 holders in the project;

3           “(ii) building new partnerships at the local,  
4 State, and corporate levels;

5           “(iii) leveraging non-Federal financial and  
6 technical resources; and

7           “(iv) coordinating with other local, State,  
8 or national efforts;

9           “(B) delivering a high percentage of envi-  
10 ronmental benefits to address the conservation  
11 goals and outcomes that shall be achieved for  
12 the Secretary to determine that the land is no  
13 longer a critical conservation area;

14           “(C) providing innovative conservation  
15 methods and delivery, including outcome-based  
16 performance measures and methods; or

17           “(D) implementing the project consistent  
18 with multi-State watershed restoration plans.”;  
19 and

20           (C) in paragraph (4) (as so redesignated),  
21 by striking “area described in subsection  
22 (b)(1)(D)” and inserting “condition described  
23 in subsection (a)(2)(B)”;

24           (6) by adding at the end the following:

1       “(e) REPORTS.—Not later than December 31, 2018,  
2 and each year thereafter, the Secretary shall submit to  
3 the Committee on Agriculture of the House of Representa-  
4 tives and the Committee on Agriculture, Nutrition, and  
5 Forestry of the Senate a report describing the status of  
6 each critical conservation condition for each critical con-  
7 servation area designated under this section, including—

8               “(1) the conditions for which each critical con-  
9 servation area is designated;

10              “(2) conservation goals and outcomes sufficient  
11 to demonstrate that progress is being made to ad-  
12 dress the critical conservation conditions;

13              “(3) the partnership agreements selected to ad-  
14 dress each conservation goal and outcome; and

15              “(4) the extent to which each conservation goal  
16 and outcome is being addressed by the partnership  
17 agreements.”.

○