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

IN THE HOUSE OF REPRESENTATIVES

Mr. Scott of Virginia introduced the following bill; which was referred to the Committee on ___________________

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 Representatives 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 Bill Enhancements Act of 2017”.
2

SEC. 2. PURPOSES.

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

“(4) To encourage alignment of partnership projects with other Federal, State, and local agencies and programs addressing similar natural resource concerns in a coordinated manner.”.

SEC. 3. DEFINITIONS.

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

“(E) The conservation reserve program established under subchapter B of chapter 1 of subtitle D.


SEC. 4. REGIONAL CONSERVATION PARTNERSHIPS.

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

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

“(b) MAXIMUM LENGTH.—
“(1) IN GENERAL.—Except as provided in paragraph (2), the term of a partnership agreement shall not be longer than 5 years.

“(2) EXCEPTIONS.—

“(A) CONCURRENT PROGRAM DEADLINE.—Subject to approval by the Secretary, the term of a partnership agreement may be longer than 5 years if the longer period is concurrent with a deadline established under a State or Federal program that relates specifically to the project.

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

(2) in subsection (c)(2)—

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

“(A) IN GENERAL.—An eligible”; and

(B) by adding at the end the following:

“(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 before the effective date of a partnership agreement under this section by an eligible partner for staff salaries or development of the partnership agreement shall be considered to be a part of the contribution of the eligible partner under this paragraph.”; and
(3) in subsection (d), by adding at the end the following:
“(5) Funding renewals.—If an eligible partner demonstrates to the satisfaction of the Secretary that the eligible partner has made progress in addressing 1 or more natural resource concerns by not later than the date that is 1 fiscal year before the date on which the partnership agreement expires, the eligible partner may submit to the Secretary an application for a renewal of the partnership agreement, including a renewal of funding, through an expedited application process—
“(A) to continue to implement the partnership agreement;
“(B) to expand the scope of the partnership agreement;

“(C) to enroll additional eligible producers;

or

“(D) to carry out other conservation activities relating to the project, including monitoring and reporting on outcomes, as mutually agreed by the Secretary and the eligible partner.

“(6) REVIEW.—To the extent practicable, after receipt of an application under this subsection, the Secretary shall provide to each applicant information and feedback (including written information and feedback, as the Secretary determines to be appropriate) throughout the annual program application process for any improvements that could be made to the application.”.

SEC. 5. FUNDING ARRANGEMENTS THROUGH GRANT AGREEMENTS.

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

“(2) FUNDING ARRANGEMENTS THROUGH GRANT AGREEMENTS.—

“(A) IN GENERAL.—A partnership agreement may be a grant agreement entered into
with an eligible partner in accordance with this paragraph.

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

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

“(ii) the eligible partner shall carry out eligible activities on eligible land (including by contracting with 1 or more producers, if the eligible partner determines the contracting to be appropriate), on the condition that the eligible activities directly or indirectly benefit agricultural producers (including forestry producers), to address natural resource concerns on a regional or watershed scale, such as—

“(I) infrastructure investments relating to agricultural or nonindustrial private forest production that would benefit multiple producers, such as a multiproducer irrigation water delivery system;

“(II) projects addressing water quality or quantity concerns in coordi-
nation with producers, including the
development and implementation of
watershed 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—

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

“(bb) support for an environmental market;

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

“(V) projects that promote the long-term viability and sustainability of agricultural land through innovative agricultural land protection strategies and mechanisms, including projects that support the transfer of land to beginning farmers and ranch-
ers, veteran farmers and ranchers, so-
ocially disadvantaged farmers and
ranchers, and limited resource farm-
ers and ranchers, as determined by
the Secretary; and

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

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

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

“(D) LIMITATION.—The Secretary may
not use more than 30 percent of funding made
available to carry out the program for grant
agreements.
“(E) REPORTS.—An eligible partner that enters into a grant agreement under this para-
graph shall submit to the Secretary—

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

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

“(I) the use of the grant funds;

“(II) any subcontracts awarded using grant funds;

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

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

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

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

SEC. 6. FUNDING.

(a) In General.—Section 1271D of the Food Security Act of 1985 (16 U.S.C. 3871d) is amended—

(1) in subsection (a)—

(A) by striking “$100,000,000” and inserting “$300,000,000”; and

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

(2) in subsection (c)—

(A) in paragraph (1), by striking “for each of fiscal years 2014 through 2018” and inserting “for each fiscal year”; and

(B) by striking paragraph (2) and inserting the following:

“(2) Duration of Availability.—Any funds or acres reserved under paragraph (1) shall remain available for obligation only for the purposes of carrying out the program until expended.

“(3) Distribution of Funds.—To the maximum extent practicable, of projects receiving funds or acres reserved under paragraph (1) from a covered program, the percentage of projects that shall
have purposes similar to the purposes of the applicable covered program from which funds or acres were reserved shall be approximately equal to the percentage of funds or acres reserved from the applicable covered program.”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “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 established under subtitle G;” and inserting the following: “40 percent of the funds and acres to projects based on a State or multistate competitive process administered, as applicable, by the State Conservationist or jointly by the State Conservationists of each State participating in the multistate process, with the advice of the applicable State technical committees established under subtitle G; and”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and
(D) in paragraph (2) (as so redesignated), by striking “35 percent” and inserting “60 percent”;

(4) in subsection (e)—

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

“(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds”; and

(B) by adding at the end the following:

“(2) PROJECT DEVELOPMENT AND OUTREACH.—Under a partnership agreement, the Secretary may advance reasonable amounts of funding for technical assistance to eligible partners to conduct project development and outreach activities in a project area (including activities conducted before the effective date of the partnership agreement), including—

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

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

“(C) establishing baseline metrics to support the development of the assessment required under section 1271B(c)(1)(E).”; and
(5) by adding at the end the following:

“(f) **TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—At the time of project selection, the Secretary shall identify and make publicly available 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 partnership agreement.

“(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.”.

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

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

Section 1271F of the Food Security Act of 1985 (16 U.S.C. 3871f) is amended—
(1) by redesignating subsections (a) (as amended by section 6(b)), (b), and (c) as subsections (b),
(c), and (d), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITIONS.—In this section:

“(1) CRITICAL CONSERVATION AREA.—The term ‘critical conservation area’ means a geographica-

l area that contains a critical conservation condition that can be addressed through 1 or more

covered programs.

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

“(A) a condition of land that would benefit from water quality improvement, including

through reducing erosion, promoting sediment control, and addressing nutrient management

activities affecting large bodies of water of re-

gional, national, or international significance;

and

“(B) a condition of land that would benefit from water quantity improvement, including im-

provement relating to—

“(i) groundwater, surface water, aqui-

fer, or other water sources; or
“(ii) water retention and flood prevention.”;

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

(4) in subsection (e) (as so redesignated)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

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

“(1) IN GENERAL.—In designating a critical conservation area under this section, the Secretary shall identify 1 or more critical conservation conditions that the critical conservation area contains, including—

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

“(B) conservation goals and outcomes sufficient to demonstrate that progress is being made to address the critical conservation conditions.”;

(C) in paragraph (2) (as so redesignated)—
(i) by striking subparagraphs (C) and (D) and inserting the following:

“(C) contains a critical conservation condition; or”; and

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

(D) by striking paragraph (3) (as so redesignated) and inserting the following:

“(3) REVIEW AND WITHDRAWAL.—The Secretary may—

“(A) review designations of critical conservation areas under this section not more than once every 5 years; and

“(B) withdraw designation of a critical conservation area only if the Secretary determines that the area is no longer a critical conservation area.”;

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

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

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

“(3) PRIORITY.—The Secretary shall give priority to an application under this section that addresses a critical conservation condition by—
“(A) (i) including a diversity of stakeholders in the project;

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

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

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

“(B) delivering a high percentage of environmental benefits to address the conservation goals and outcomes that shall be achieved for the Secretary to determine that the land is no longer a critical conservation area;

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

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

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

(6) by adding at the end the following:
“(e) REPORTS.—Not later than December 31, 2018, and each year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the status of each critical conservation condition for each critical conservation area designated under this section, including—

“(1) the conditions for which each critical conservation area is designated;

“(2) conservation goals and outcomes sufficient to demonstrate that progress is being made to address the critical conservation conditions;

“(3) the partnership agreements selected to address each conservation goal and outcome; and

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