

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mr. VAN HOLLEN (for himself, Mr. KAINE, Mrs. CAPITO, Mr. CASEY, Mr. MANCHIN, Mr. CARDIN, Mr. WARNER, Mr. CARPER, Mr. COONS, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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 1 or more natural resource concerns by not  
18 later than the date that is 1 fiscal year before the  
19 date on which the partnership agreement expires,  
20 the eligible partner may submit to the Secretary an  
21 application for a renewal of the partnership agree-  
22 ment, including a renewal of funding, through an ex-  
23 pedited 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 1 or more pro-  
11 ducers, if the eligible partner determines  
12 the contracting to be appropriate), on the  
13 condition that the eligible activities directly  
14 or indirectly benefit agricultural producers  
15 (including forestry producers), to address  
16 natural resource concerns on a regional or  
17 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” and inserting the  
12 following: “40 percent of the funds and acres to  
13 projects based on a State or multistate competi-  
14 tive process administered, as applicable, by the  
15 State Conservationist or jointly by the State  
16 Conservationists of each State participating in  
17 the multistate process, with the advice of the  
18 applicable State technical committees”;

19 (B) by striking paragraph (2);

20 (C) by redesignating paragraph (3) as  
21 paragraph (2); and

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

25 (4) in subsection (e)—

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

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

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

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

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

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

19 “(C) establishing baseline metrics to sup-  
20 port the development of the assessment re-  
21 quired under section 1271B(c)(1)(E).”; and

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

23 “(f) TECHNICAL ASSISTANCE.—

24 “(1) IN GENERAL.—At the time of project se-  
25 lection, the Secretary shall identify and make pub-

1           lically available the amount that the Secretary shall  
2           use to provide technical assistance under the terms  
3           of the partnership agreement.

4           “(2) LIMITATION.—The Secretary shall limit  
5           costs of the Secretary for technical assistance to  
6           costs specific and necessary to carry out the objec-  
7           tives of the partnership agreement.

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

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

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

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

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

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

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

1           “(1) CRITICAL CONSERVATION AREA.—The  
2 term ‘critical conservation area’ means a geo-  
3 graphical area that contains a critical conservation  
4 condition that can be addressed through 1 or more  
5 covered programs.

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

8                   “(A) a condition of land that would benefit  
9 from water quality improvement, including  
10 through reducing erosion, promoting sediment  
11 control, and addressing nutrient management  
12 activities affecting large bodies of water of re-  
13 gional, national, or international significance;  
14 and

15                   “(B) a condition of land that would benefit  
16 from water quantity improvement, including im-  
17 provement relating to—

18                           “(i) groundwater, surface water, aquifer,  
19 or other water sources; or

20                           “(ii) water retention and flood preven-  
21 tion.”;

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

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

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

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

7 “(1) IN GENERAL.—In designating a critical  
8 conservation area under this section, the Secretary  
9 shall identify 1 or more critical conservation condi-  
10 tions that the critical conservation area contains, in-  
11 cluding—

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

14 “(B) conservation goals and outcomes suf-  
15 ficient to demonstrate that progress is being  
16 made to address the critical conservation condi-  
17 tions.”;

18 (C) in paragraph (2) (as so redesign-  
19 nated)—

20 (i) by striking subparagraphs (C) and  
21 (D) and inserting the following:

22 “(C) contains a critical conservation condi-  
23 tion; or”; and

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

1 (D) by striking paragraph (3) (as so reded-  
2 igned) and inserting the following:

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

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

8 “(B) withdraw designation of a critical  
9 conservation area only if the Secretary deter-  
10 mines that the area is no longer a critical con-  
11 servation area.”;

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

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

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

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

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

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

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



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

3           “(B) delivering a high percentage of envi-  
4 ronmental benefits to address the conservation  
5 goals and outcomes that shall be achieved for  
6 the Secretary to determine that the land is no  
7 longer a critical conservation area;

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

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

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

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

19           “(e) **REPORTS.**—Not later than December 31, 2018,  
20 and each year thereafter, the Secretary shall submit to  
21 the Committee on Agriculture of the House of Representa-  
22 tives and the Committee on Agriculture, Nutrition, and  
23 Forestry of the Senate a report describing the status of  
24 each critical conservation condition for each critical con-  
25 servation area designated under this section, including—

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

3           “(2) conservation goals and outcomes sufficient  
4           to demonstrate that progress is being made to ad-  
5           dress the critical conservation conditions;

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

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