

115TH CONGRESS
1ST SESSION

S. _____

To amend the Food Security Act of 1985 to modify the regional conservation partnership program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. STABENOW (for herself and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Food Security Act of 1985 to modify 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 “Regional Conservation
5 Partnership Program Improvement Act of 2017”.

6 **SEC. 2. ESTABLISHMENT AND PURPOSES.**

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

9 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting “, in-
2 cluding grant agreements under section
3 1271C(d),” after “partnership agreements”;
4 and

5 (B) in paragraph (2), by striking “con-
6 tracts with producers” and inserting “program
7 contracts with eligible producers”; and
8 (2) in subsection (b)—

9 (A) in paragraph (1), in the matter pre-
10 ceeding subparagraph (A), by striking “use cov-
11 ered programs” and inserting “carry out con-
12 servation activities”;

13 (B) by striking paragraph (2) and insert-
14 ing the following:

15 “(2) To further the conservation, protection,
16 restoration, and sustainable use of soil, water (in-
17 cluding sources of drinking water), wildlife, agricul-
18 tural land, and related natural resources on eligible
19 land on a regional or watershed scale.”;

20 (C) in paragraph (3)—

21 (i) in the matter preceding subpara-
22 graph (A), by inserting “eligible” before
23 “producers”; and

1 (ii) in subparagraph (B), by striking
2 “installation” and inserting “adoption, in-
3 stallation,”; and

4 (D) by adding at the end the following:

5 “(4) To encourage the flexible and streamlined
6 delivery of conservation assistance to eligible pro-
7 ducers through partnership agreements.

8 “(5) To encourage alignment of partnership
9 projects with other Federal, State, and local agen-
10 cies and programs addressing similar natural re-
11 source or environmental concerns in a coordinated
12 manner.

13 “(6) To engage eligible producers in conserva-
14 tion projects to achieve greater conservation out-
15 comes and benefits for eligible producers than would
16 otherwise be achieved.

17 “(7) To advance conservation and rural commu-
18 nity development goals simultaneously.”.

19 **SEC. 3. DEFINITIONS.**

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

22 (1) in paragraph (1)—

23 (A) in the matter preceding subparagraph
24 (A), by inserting “a purpose, activity, or agree-
25 ment under any of” after “means”; and

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

2 “(E) The conservation reserve program es-
3 tablished under subchapter B of chapter 1 of
4 subtitle D.

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

8 (2) by striking paragraphs (2) and (3) and in-
9 serting the following:

10 “(2) ELIGIBLE ACTIVITY.—The term ‘eligible
11 activity’ means—

12 “(A) an eligible activity under the statu-
13 tory authority for a covered program; and

14 “(B) any other related activity that an eli-
15 gible partner determines will help achieve con-
16 servation benefits, subject to the approval of the
17 Secretary.

18 “(3) ELIGIBLE LAND.—The term ‘eligible land’
19 means—

20 “(A) eligible land under the statutory au-
21 thority for a covered program; and

22 “(B) any other agricultural or nonindus-
23 trial private forest land or associated land on
24 which the Secretary determines an eligible ac-

1 tivity would help achieve conservation bene-
2 fits.”;

3 (3) in paragraph (4), by adding at the end the
4 following:

5 “(I) An organization described in clause
6 (i), (ii), or (iii) of section 1265A(2)(B).”;

7 (4) by redesignating paragraphs (5) and (6) as
8 paragraphs (6) and (7), respectively;

9 (5) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) ELIGIBLE PRODUCER.—The term ‘eligible
12 producer’ means a person, legal entity, or Indian
13 tribe that is an owner or operator on eligible land.”;
14 and

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

16 “(8) PROGRAM CONTRACT.—The term ‘program
17 contract’ means the contract established by the Sec-
18 retary under section 1271C(b)(1).”.

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

20 (a) IN GENERAL.—Section 1271B of the Food Secu-
21 rity Act of 1985 (16 U.S.C. 3871b) is amended—

22 (1) in subsection (a), by inserting “eligible” be-
23 fore “producers”;

24 (2) by striking subsection (b) and inserting the
25 following:

1 “(b) MAXIMUM LENGTH.—

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

5 “(2) EXCEPTIONS.—

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

13 “(B) SPECIAL CIRCUMSTANCES.—In the
14 case of special circumstances outside the control
15 of an eligible partner (as determined by the
16 Secretary) that have created a delay in the im-
17 plementation of a project of the eligible partner,
18 the eligible partner may request an extension of
19 the term of the partnership agreement.”;

20 (3) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A)—

23 (I) by redesignating clauses (iii)
24 and (iv) as clauses (iv) and (v), re-
25 spectively; and

1 (II) by striking clauses (i) and
2 (ii) and inserting the following:

3 “(i) 1 or more natural resource con-
4 cerns that the project shall address;

5 “(ii) the eligible activities on eligible
6 land to be conducted under the project to
7 address the natural resource concerns;

8 “(iii) the implementation timeline for
9 carrying out the project, including any in-
10 terim milestones;”;

11 (ii) in subparagraph (B), by inserting
12 “eligible” before “producers”;

13 (iii) in subparagraph (C), by striking
14 “a producer” each place it appears and in-
15 serting “an eligible producer”;

16 (iv) in subparagraph (D), by inserting
17 “or in-kind contributions” after “addi-
18 tional funds”; and

19 (v) in subparagraph (E), by striking
20 “of the project’s effects; and” and insert-
21 ing the following: “of—

22 “(i) the progress made by the project
23 in addressing each natural resource con-
24 cern defined in the partnership agreement,
25 including in a quantified form; and

1 “(ii) as appropriate, other environ-
2 mental, economic, or social outcomes of the
3 project; and”; and

4 (B) in paragraph (2)—

5 (i) by striking “An eligible” and in-
6 serting the following:

7 “(A) IN GENERAL.—An eligible”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(B) FORM.—A contribution of an eligible
11 partner under this paragraph may be in the
12 form of—

13 “(i) direct funding;

14 “(ii) in-kind support; or

15 “(iii) a combination of direct funding
16 and in-kind support.

17 “(C) TREATMENT.—Any amounts ex-
18 pended during the period beginning on the date
19 on which the Secretary announces the approval
20 of an application under subsection (e) and end-
21 ing on the day before the effective date of the
22 partnership agreement by an eligible partner
23 for staff salaries or development of the partner-
24 ship agreement shall be considered to be a part

1 of the contribution of the eligible partner under
2 this paragraph.”;

3 (4) by redesignating subsection (d) as sub-
4 section (e);

5 (5) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) DUTIES OF SECRETARY.—The Secretary shall—

8 “(1) establish a timeline for carrying out the
9 duties of the Secretary under a partnership agree-
10 ment, including—

11 “(A) entering into contracts with eligible
12 producers;

13 “(B) providing financial assistance to eligi-
14 ble producers; and

15 “(C) in the case of a partnership agree-
16 ment that is a grant agreement under section
17 1271C(d), providing the grant amounts to the
18 eligible partner;

19 “(2) establish in each State a program coordi-
20 nator for the State, who shall be responsible solely
21 for providing assistance to eligible partners and eli-
22 gible producers under the program;

23 “(3) establish guidance to assist eligible part-
24 ners with carrying out the assessment required
25 under subsection (c)(1)(E); and

1 “(4) provide to each eligible partner that has
2 entered into a partnership agreement—

3 “(A) a quarterly report describing the sta-
4 tus of each pending and obligated contract
5 under the project of the eligible partner; and

6 “(B) an annual report describing how the
7 Secretary used amounts reserved by the Sec-
8 retary for that year for technical assistance
9 under section 1271D(f).”; and

10 (6) in subsection (e) (as redesignated by para-
11 graph (4))—

12 (A) in paragraph (3)—

13 (i) by striking the paragraph designa-
14 tion and heading and all that follows
15 through “description of—” and inserting
16 the following:

17 “(3) CONTENTS.—The Secretary shall develop
18 a simplified application process that requires each
19 application submitted under this subsection to in-
20 clude a description of—”;

21 (ii) in subparagraph (C), by striking
22 “, including the covered programs to be
23 used”; and

24 (iii) in subparagraph (D), by inserting
25 “or in-kind” after “financial”;

1 (B) in paragraph (4)—

2 (i) in subparagraphs (A) and (B), by
3 inserting “eligible” before “producers”
4 each place it appears;

5 (ii) by redesignating subparagraphs
6 (E) and (F) as subparagraphs (F) and
7 (G), respectively; and

8 (iii) by inserting after subparagraph
9 (D) the following:

10 “(E) develop and implement watershed or
11 habitat plans to address 1 or more natural re-
12 source concerns;”; and

13 (C) by adding at the end the 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 de-
18 fined in the partnership agreement, not earlier than
19 1 year before the date of expiration of the part-
20 nership agreement, the eligible partner may request
21 from the Secretary a renewal of the partnership
22 agreement, including a renewal of funding, through
23 an expedited approval 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 the assess-
7 ment of the project under subsection (c)(1)(E),
8 as mutually agreed by the Secretary and the eli-
9 gible partner.”.

10 (b) CONFORMING AMENDMENT.—Section 1271E(a)
11 of the Food Security Act of 1985 (16 U.S.C. 3871e(a))
12 is amended by striking “1271B(d)” each place it appears
13 and inserting “1271B(e)”.

14 **SEC. 5. ASSISTANCE TO ELIGIBLE PRODUCERS.**

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

17 (1) in the section heading, by inserting “**ELIGI-**
18 **BLE**” before “**PRODUCERS**”;

19 (2) by striking subsections (a) and (b) and in-
20 serting the following:

21 “(a) IN GENERAL.—An eligible producer may receive
22 financial or technical assistance to conduct eligible activi-
23 ties on eligible land through a program contract entered
24 into with the Secretary.

25 “(b) PROGRAM CONTRACTS.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a program contract to be entered into with an
3 eligible producer to conduct eligible activities on eli-
4 gible land, subject to such terms and conditions as
5 the Secretary may establish.

6 “(2) APPLICATION BUNDLES.—

7 “(A) IN GENERAL.—An eligible partner
8 may submit to the Secretary, on behalf of eligi-
9 ble producers, a bundle of applications for as-
10 sistance under the program through program
11 contracts to address a substantial portion of a
12 natural resource concern defined in the partner-
13 ship agreement.

14 “(B) PRIORITY.—The Secretary shall give
15 priority to applications described in subpara-
16 graph (A).”;

17 (3) in subsection (c)—

18 (A) in paragraph (1), by striking “In ac-
19 cordance with statutory requirements of the
20 covered programs involved, the Secretary may
21 make payments to a producer” and inserting
22 “Subject to section 1271D, the Secretary may
23 make payments to an eligible producer”;

1 (B) in paragraph (2), by inserting “eligi-
2 ble” before “producers” each place it appears;
3 and

4 (C) in paragraph (3), by striking “partici-
5 pating” and inserting “eligible”; and

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

7 “(d) FUNDING ARRANGEMENTS THROUGH GRANT
8 AGREEMENTS.—

9 “(1) IN GENERAL.—A partnership agreement
10 may be a grant agreement entered into with an eligi-
11 ble partner in accordance with this subsection.

12 “(2) REQUIREMENTS.—Under a grant agree-
13 ment under paragraph (1)—

14 “(A) using amounts made available to
15 carry out this subtitle, the Secretary shall pro-
16 vide to the eligible partner a grant;

17 “(B) the eligible partner shall carry out eli-
18 gible activities on eligible land (including by
19 contracting with 1 or more producers, if the eli-
20 gible partner determines the contracting to be
21 appropriate), on the condition that the eligible
22 activities directly or indirectly benefit agricul-
23 tural producers (including forestry producers),
24 to address natural resource concerns on a re-
25 gional or watershed scale, such as—

1 “(i) infrastructure investments relat-
2 ing to agricultural or nonindustrial private
3 forest production that would benefit mul-
4 tiple producers, such as a multiproducer ir-
5 rigation water delivery system;

6 “(ii) projects addressing water quality
7 or quantity concerns in coordination with
8 producers, including the development and
9 implementation of watershed plans;

10 “(iii) projects that use innovative ap-
11 proaches to leveraging the Federal invest-
12 ment in conservation with private financial
13 mechanisms, in conjunction with agricul-
14 tural production or forest resource man-
15 agement, such as—

16 “(I) the provision of perform-
17 ance-based payments to eligible pro-
18 ducers; and

19 “(II) support for an environ-
20 mental market;

21 “(iv) projects that facilitate pilot test-
22 ing of new conservation practices, tech-
23 nologies, or activities;

24 “(v) projects that promote the long-
25 term viability and sustainability of agricul-

1 tural land through innovative agricultural
2 land protection strategies and mechanisms,
3 including projects that support the transfer
4 of land to beginning farmers and ranchers,
5 veteran farmers and ranchers (as deter-
6 mined by the Secretary), socially disadvan-
7 taged farmers and ranchers, and limited
8 resource farmers and ranchers (as deter-
9 mined by the Secretary); and

10 “(vi) other projects for which the Sec-
11 retary determines that the goals and objec-
12 tives of the program would be easier to
13 achieve through the grant agreement; and

14 “(C) the Secretary may provide technical
15 and administrative assistance, as mutually
16 agreed by the parties.

17 “(3) NONAPPLICABILITY OF ADJUSTED GROSS
18 INCOME LIMITATION.—The adjusted gross income
19 limitation described in section 1001D(b)(1) shall not
20 apply to the receipt by an eligible partner of a grant
21 under this subsection.

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

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

4 “(A) any information that the Secretary
5 requires to prepare the report under section
6 1271E(b); and

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

10 “(i) the use of the grant funds;

11 “(ii) any subcontracts awarded using
12 grant funds;

13 “(iii) the eligible producers receiving
14 funding using the grant funds;

15 “(iv)(I) the progress made by the
16 project in addressing each natural resource
17 concern defined in the grant agreement, in-
18 cluding in a quantified form; and

19 “(II) as appropriate, other environ-
20 mental, economic, or social outcomes of the
21 project; and

22 “(v) any other reporting data the Sec-
23 retary determines are necessary to ensure
24 compliance with the program rules.”.

1 (b) CONFORMING AMENDMENT.—Section
2 1271E(b)(4) of the Food Security Act of 1985 (16 U.S.C.
3 3871e(b)(4)) is amended in the matter preceding subpara-
4 graph (A) by striking “1271C(b)(2)” and inserting
5 “1271C(d)”.

6 **SEC. 6. FUNDING.**

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

9 (1) in subsection (a), by striking “for each of
10 fiscal years 2014 through 2018” and inserting “for
11 each fiscal year”;

12 (2) in subsection (c), by striking paragraphs (1)
13 and (2) and inserting the following:

14 “(1) IN GENERAL.—To ensure that additional
15 resources are available to carry out the program, in
16 addition to the funds made available under sub-
17 section (a), for each fiscal year the Secretary shall
18 reserve 20 percent of the funds and acres made
19 available for the following programs:

20 “(A) The conservation stewardship pro-
21 gram established under subchapter B of chapter
22 2 of subtitle D.

23 “(B) The environmental quality incentives
24 program established under chapter 4 of subtitle
25 D.

1 “(C) The agricultural conservation ease-
2 ment program established under subtitle H.

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

7 “(3) DISTRIBUTION OF FUNDS.—To the max-
8 imum extent practicable, of projects receiving funds
9 or acres reserved under paragraph (1) from a pro-
10 gram described in subparagraph (A), (B), or (C) of
11 that paragraph, the percentage of projects that shall
12 have purposes similar to the purposes of the applica-
13 ble program from which funds or acres were re-
14 served shall be approximately equal to the percent-
15 age of funds or acres reserved from the applicable
16 program.”;

17 (3) in subsection (d)—

18 (A) in paragraph (1), by striking “25 per-
19 cent of the funds and acres to projects based on
20 a State competitive process administered by the
21 State Conservationist, with the advice of the
22 State technical committee” and inserting the
23 following: “40 percent of the funds and acres to
24 projects based on a State or multistate competi-
25 tive process administered, as applicable, by the

1 State Conservationist or jointly by the State
2 Conservationists of each State participating in
3 the multistate process, with the advice of the
4 applicable State technical committees”;

5 (B) by striking paragraph (2);

6 (C) by redesignating paragraph (3) as
7 paragraph (2); and

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

11 (4) in subsection (e)—

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

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

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

17 “(2) PROJECT DEVELOPMENT AND OUT-
18 REACH.—Under a partnership agreement, the Sec-
19 retary may advance reasonable amounts of funding
20 for technical assistance to eligible partners to con-
21 duct project development and outreach activities in
22 a project area (including activities conducted during
23 the period beginning on the date on which the Sec-
24 retary announces the approval of an application
25 under section 1271B(e) and ending on the day be-

1 fore the effective date of the partnership agreement),
2 including—

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

6 “(B) developing a watershed or habitat
7 plan;

8 “(C) establishing baseline metrics to sup-
9 port the development of the assessment re-
10 quired under section 1271B(c)(1)(E); or

11 “(D) providing technical assistance to eligi-
12 ble producers.”; and

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

14 “(f) TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—At the time of project se-
16 lection, the Secretary shall identify and make pub-
17 lically available the amount that the Secretary shall
18 use to provide technical assistance under the terms
19 of the partnership agreement.

20 “(2) LIMITATION.—The Secretary shall limit
21 costs of the Secretary for technical assistance to
22 costs specific and necessary to carry out the objec-
23 tives of the partnership agreement.

24 “(3) THIRD-PARTY PROVIDERS.—The Secretary
25 shall develop and implement strategies to encourage

1 third-party technical service providers to provide
2 technical assistance to eligible partners pursuant to
3 a partnership agreement.”.

4 (b) CONFORMING AMENDMENT.—Section 1271F(a)
5 of the Food Security Act of 1985 (16 U.S.C. 3871f(a))
6 is amended by striking “1271D(d)(3)” and inserting
7 “1271D(d)(2)”.

8 **SEC. 7. ADMINISTRATION.**

9 Section 1271E of the Food Security Act of 1985 (16
10 U.S.C. 3871e) (as amended by section 5(b)) is amended—

11 (1) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “December 31, 2014” and inserting
14 “December 31, 2018”;

15 (B) in paragraphs (1) and (2), by inserting
16 “eligible” before “producers” each place it ap-
17 pears;

18 (C) by redesignating paragraphs (1)
19 through (4) as paragraphs (2) through (5), re-
20 spectively; and

21 (D) by inserting before paragraph (2) (as
22 so redesignated) the following:

23 “(1) a summary of—

1 “(A) the progress made towards address-
2 ing the 1 or more natural resource concerns de-
3 fined for the projects; and

4 “(B) any other related environmental, so-
5 cial, or economic outcomes of the projects;”;
6 and

7 (2) by adding at the end the following:

8 “(c) COMPLIANCE WITH CERTAIN REQUIRE-
9 MENTS.—The Secretary may not provide assistance under
10 the program to an eligible producer unless the eligible pro-
11 ducer agrees, during the program year for which the as-
12 sistance is provided—

13 “(1) to comply with applicable conservation re-
14 quirements under subtitle B; and

15 “(2) to comply with applicable wetland protec-
16 tion requirements under subtitle C.

17 “(d) MAINTAINING BENEFITS.—

18 “(1) CONSERVATION.—For any conservation
19 practice standard developed or modified by an eligi-
20 ble partner, the Secretary shall ensure that the new
21 or modified conservation practice standard—

22 “(A) is based on the best available science;

23 “(B) is implemented after consultation
24 with the State conservationist (or a designee) to

1 assess the anticipated effectiveness of the new
2 or modified conservation practice; and

3 “(C) produces conservation benefits.

4 “(2) ELIGIBLE ACTIVITIES.—The Secretary
5 shall ensure that any eligible activity maintains con-
6 servation benefits in accordance with purposes of the
7 covered program.

8 “(3) HISTORICALLY UNDERSERVED PRO-
9 DUCERS.—To the maximum extent practicable, in
10 carrying out the program, the Secretary shall work
11 with eligible partners to maintain eligible benefits
12 available through the covered programs for histori-
13 cally underserved eligible producers, as determined
14 by the Secretary.

15 “(e) REGULATIONS.—The Secretary shall issue regu-
16 lations to carry out the program.”.

17 **SEC. 8. CRITICAL CONSERVATION AREAS.**

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

20 (1) in subsection (a), by striking “producer”
21 and inserting “program”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(E), by inserting “eli-
24 gible” before “producers”; and

1 (B) in paragraph (2), by striking the para-
2 graph designation and heading and all that fol-
3 lows through “an area if” and inserting the fol-
4 lowing:

5 “(2) REVIEW AND WITHDRAWAL.—The Sec-
6 retary may—

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

10 “(B) withdraw designation of a critical
11 conservation area only if”;

12 (3) by redesignating subsection (c) as sub-
13 section (d);

14 (4) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) OUTREACH TO ELIGIBLE PARTNERS AND ELIGI-
17 BLE PRODUCERS.—The Secretary shall provide outreach
18 and education to eligible partners and eligible producers
19 in critical conservation areas designated under this section
20 to encourage the development of projects that address the
21 highest-priority natural resource concerns in the highest-
22 priority watersheds or regions within those critical con-
23 servation areas, as determined by the Secretary.”; and

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

- 1 (A) in paragraph (1), by striking “pro-
- 2 ducer” and inserting “program”; and
- 3 (B) by striking paragraph (3).