

L. 107–171, title II, May 13, 2002, 116 Stat. 275, which was classified as a note under section 2211 of Title 43, Public Lands, prior to being amended generally by Pub. L. 113–79 and editorially reclassified as this section.

Section 207 of the Energy and Water Development Appropriations Act, 2003, referred to in subsec. (d)(3)(B)(ii), is section 207 of Pub. L. 108–7, div. D, title II, Feb. 20, 2003, 117 Stat. 146, which is not classified to the Code.

Section 208 of the Energy and Water Development Appropriations Act, 2006, referred to in subsec. (d)(3)(B)(iii), is section 208 of Pub. L. 109–103, title II, Nov. 19, 2005, 119 Stat. 2268, which is not classified to the Code.

Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010, referred to in subsec. (d)(3)(B)(iv), is section 208 of Pub. L. 111–85, title II, Oct. 28, 2009, 123 Stat. 2858, which is not classified to the Code.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of title XII of Pub. L. 99–198 which comprises this chapter.

Section was formerly set out as a note under section 2211 of Title 43, Public Lands.

AMENDMENTS

2023—Subsec. (f). Pub. L. 117–361 substituted “2025” for “2023”.

2018—Subsec. (e). Pub. L. 115–334, §2821(d)(1), added par. (2), redesignated former par. (2) as (1), and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “There is authorized to be appropriated to the Secretary to carry out subsection (c) \$25,000,000, to remain available until expended.”

Subsec. (f). Pub. L. 115–334, §2821(d)(2), added subsec. (f).

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section directed Secretary of Agriculture, subject to certain other provisions, to transfer \$175,000,000 of the funds of the Commodity Credit Corporation to the Bureau of Reclamation Water and Related Resources Account to provide water to at-risk natural desert terminal lakes.

2011—Subsec. (b). Pub. L. 112–74, §208(a)(1), substituted “For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants” for “In any case in which there are willing sellers” in introductory provisions.

Subsec. (b)(2). Pub. L. 112–74, §208(a)(2), struck out “in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268)” before “; and”.

Subsec. (b)(3). Pub. L. 112–74, §208(a)(3), struck out “in the Walker River Basin” before period at end.

2009—Subsec. (b)(3). Pub. L. 111–85 added par. (3).

2008—Subsec. (a). Pub. L. 110–246, §2807(1), substituted “Transfer” for “In general” in heading and “Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer \$175,000,000” for “Subject to subsection (b), as soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall transfer \$200,000,000” in text and deleted quotation marks before “(1)” and “(2)”.

Subsec. (b). Pub. L. 110–246, §2807(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The funds described in subsection (a) shall not be used to purchase or lease water rights.”

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNDS

Pub. L. 107–206, title I, §103, Aug. 2, 2002, 116 Stat. 823, provided that not later than 14 days after Aug. 2, 2002, the Secretary of Agriculture was to carry out a transfer of funds under former section 2507(a) of Pub. L. 107–171.

SUBCHAPTER V—FUNDING AND ADMINISTRATION

Editorial Notes

CODIFICATION

Subtitle E of title XII of the Food Security Act, comprising this subchapter, was originally enacted by Pub. L. 99–198, title XII, Dec. 23, 1985, 99 Stat. 1514, and amended by Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3359; Pub. L. 102–237, Dec. 13, 1991, 105 Stat. 1818; Pub. L. 102–552, Oct. 28, 1992, 106 Stat. 4102; and Pub. L. 104–66, Dec. 21, 1995, 109 Stat. 707. Subtitle E was shown herein, however, as having been added by Pub. L. 104–127, title III, §341, Apr. 4, 1996, 110 Stat. 1007, without reference to the intervening amendments because of the extensive revision of the subtitle’s provisions by Pub. L. 104–127. Subsequent amendments to subtitle E have enacted or repealed and reenacted sections throughout the subtitle.

§ 3841. Commodity Credit Corporation

(a) Annual funding

For each of fiscal years 2014 through 2031, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the following programs under this chapter (including the provision of technical assistance):

(1) The conservation reserve program under subpart B of part I of subchapter IV, including, to the maximum extent practicable—

(A) \$12,000,000 for the period of fiscal years 2019 through 2023 to provide payments under section 3834(c) of this title; and

(B) \$50,000,000 for the period of fiscal years 2019 through 2023, including not more than \$5,000,000 to provide outreach and technical assistance, to carry out section 3835(f) of this title to facilitate the transfer of land subject to contracts from contract holders to covered farmers or ranchers, as defined in section 3835(f)(1) of this title.

(2) The agricultural conservation easement program under subchapter VII using to the maximum extent practicable—

(A) \$400,000,000 for fiscal year 2014;
(B) \$425,000,000 for fiscal year 2015;
(C) \$450,000,000 for fiscal year 2016;
(D) \$500,000,000 for fiscal year 2017;
(E) \$250,000,000 for fiscal year 2018; and
(F) \$450,000,000 for each of fiscal years 2019 through 2031.

(3) The programs under part IV of subchapter IV, using, to the maximum extent practicable—

(A) for the environmental quality incentives program under subpart A of part IV of subchapter IV—

(i) \$1,750,000,000 for fiscal year 2019;
(ii) \$1,750,000,000 for fiscal year 2020;
(iii) \$1,800,000,000 for fiscal year 2021;
(iv) \$1,850,000,000 for fiscal year 2022; and

(v) \$2,025,000,000 for each of fiscal years 2023 through 2031; and

(B) for the conservation stewardship program under subpart B of part IV of subchapter IV—

- (i) \$700,000,000 for fiscal year 2019;
- (ii) \$725,000,000 for fiscal year 2020;
- (iii) \$750,000,000 for fiscal year 2021;
- (iv) \$800,000,000 for fiscal year 2022; and
- (v) \$1,000,000,000 for each of fiscal years 2023 through 2031.

(4) The conservation stewardship program under subpart B of part II of subchapter IV (as in effect on the day before December 20, 2018), using such sums as are necessary to administer contracts entered into before December 20, 2018.

(b) Availability of funds

Amounts made available by subsection (a) for fiscal years 2014 through 2031 shall be used by the Secretary to carry out the programs specified in such subsection and shall remain available until expended.

(c) Technical assistance

(1) Availability

Commodity Credit Corporation funds made available for a fiscal year for each of the programs specified in subsection (a)—

(A) shall be available for the provision of technical assistance for the programs for which funds are made available as necessary to implement the programs effectively;

(B) except for technical assistance for the conservation reserve program under subpart B of part I of subchapter IV, shall be apportioned for the provision of technical assistance in the amount determined by the Secretary, at the sole discretion of the Secretary; and

(C) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.

(2) Priority

(A) In general

In the delivery of technical assistance under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Secretary shall give priority to producers who request technical assistance from the Secretary in order to comply for the first time with the requirements of subchapter II and subchapter III of this chapter as a result of the amendments made by section 2611 of the Agricultural Act of 2014.

(B) Report

Not later than 270 days after February 7, 2014, 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 regarding the extent to which the conservation compliance requirements contained in the amendments made by section 2611 of the Agricultural Act of 2014 apply to and impact specialty crop growers,

including national analysis and surveys to determine the extent of specialty crop acreage that includes highly erodible land and wetlands.

(3) Report

Not later than December 31, 2014, the Secretary shall submit (and update as necessary in subsequent years) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

(A) detailing the amount of technical assistance funds requested and apportioned in each program specified in subsection (a) during the preceding fiscal year; and

(B) any other data relating to this provision that would be helpful to such Committees.

(4) Compliance report

Not later than November 1 of each year, 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 that includes—

(A) a description of the extent to which the requests for highly erodible land conservation and wetland compliance determinations are being addressed in a timely manner;

(B) the total number of requests completed in the previous fiscal year;

(C) the incomplete determinations on record; and

(D) the number of requests that are still outstanding more than 1 year since the date on which the requests were received from the producer.

(d) Relationship to other law

The use of Commodity Credit Corporation funds under subsection (c) to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 714i of title 15.

(e) Regional equity

(1) Equitable distribution

When determining funding allocations each fiscal year, the Secretary shall, after considering available funding and program demand in each State, provide a distribution of funds for conservation programs under subchapter IV (excluding the conservation reserve program under subpart B of part I), subchapter VII, and subchapter VIII to ensure equitable program participation proportional to historical funding allocations and usage by all States.

(2) Minimum percentage

In determining the specific funding allocations under paragraph (1), the Secretary shall—

(A) ensure that during the first quarter of each fiscal year each State has the opportunity to establish that the State can use an aggregate allocation amount of at least 0.6

percent of the funds made available for those conservation programs; and

(B) for each State that can so establish, provide an aggregate amount of at least 0.6 percent of the funds made available for those conservation programs.

(f) Acceptance and use of contributions for public-private partnerships

(1) Establishment of public-private partnership contributions accounts

The Secretary shall establish the necessary accounts and process to accept contributions of private funds for the purposes of addressing the changing climate, sequestering carbon, improving wildlife habitat, protecting sources of drinking water, and addressing other natural resource priorities identified by the Secretary.

(2) Deposit and use of contributions

Contributions of non-Federal funds received for a covered program shall be deposited into the account established under this subsection for the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.

(3) Secretarial authority

(A) In general

The Secretary may accept under this subsection contributions of such funds as the Secretary determines appropriate, taking into consideration—

- (i) the source of the funds to be contributed;
- (ii) the natural resource concerns to be addressed through the use of the funds;
- (iii) the amount of funds to be contributed;
- (iv) whether the activities proposed to be carried out using the funds are consistent with the priorities of the Secretary; and
- (v) any other factors the Secretary determines to be relevant.

(B) Determination

A determination of whether to accept private funds under this subsection shall be at the sole discretion of the Secretary.

(4) Match of contributed funds

(A) In general

Subject to subparagraph (B), the Secretary may provide matching Federal funds, and determine the level of such match, which shall not exceed 75 percent, for the private funds contributed under this subsection, subject to the availability of funding for the applicable covered program.

(B) Distribution of Federal funding for States

The Secretary may not provide any matching Federal funds pursuant to subparagraph (A) in a manner that would result in a substantial reduction in the historical distribution of Federal funding to any State for any covered program.

(C) Limitation

No funds made available pursuant to Public Law 117-169 may be used to provide

matching Federal funds pursuant to subparagraph (A).

(5) Role of contributing entity

An entity contributing funds under this subsection may—

- (A) designate the covered program for which the contributed funds are intended to be used;
- (B) specify the geographic area in which the contributed funds are intended to be used;
- (C) identify a natural resource concern the contributed funds are intended to be used to address;
- (D) with respect to an activity funded pursuant to this subsection that may result in environmental services benefits to be sold through an environmental services market, subject to the approval of the Secretary, prescribe the terms for ownership of the entity's share of such environmental services benefits resulting from such activity; and
- (E) work with the Secretary to promote the activities funded pursuant to this subsection.

(6) Producer participation

(A) Notification

The Secretary shall establish a process to provide notice to producers—

- (i) of activities that may be carried out, through a covered program, pursuant to this section; and
- (ii) any¹ terms prescribed by the contributing entity under paragraph (5)(D) with respect to such activities.

(B) Retention of environmental services benefits

The Secretary shall not claim or impede any action of a producer with respect to the environmental services benefits they accrue through activities funded pursuant to this subsection.

(7) Consistency with program requirements

(A) In general

Except as provided in subparagraph (B), the Secretary shall ensure that the terms and conditions of activities carried out using funds contributed under this subsection are consistent with the requirements of the applicable covered program.

(B) Adjustments

(i) In general

The Secretary may, if the Secretary determines necessary, adjust a regulatory requirement of a covered program, or related guidance, as it applies to an activity carried out using funds contributed under this subsection—

- (I) to provide a simplified process; or
- (II) to better reflect unique local circumstances and to address a specific priority of the contributing entity.

(ii) Limitation

The Secretary shall not adjust the application of statutory requirements for a cov-

¹ So in original. Probably should be preceded by "of".

ered program, including requirements governing appeals, payment limits, and conservation compliance.

(8) Report

Not later than December 31, 2024, and each year thereafter through December 31, 2031, 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 that contains—

- (A) the name and a description of each entity contributing private funds under this subsection that took an action under paragraph (5), and a description of each such action;
- (B) the name and a description of each entity contributing private funds under this subsection for which the Secretary has provided matching Federal funds, and the level of that match, including the amount of such matching Federal funds; and
- (C) the total amounts of—
 - (i) private funds contributed under this subsection; and
 - (ii) matching Federal funds provided by the Secretary under paragraph (4).

(9) Covered program defined

In this subsection, the term “covered program” means a program carried out by the Secretary under—

- (A) subchapter IV (except for subpart B of such subchapter),² subchapter VII, or subchapter VIII;
- (B) section 2203 of this title;
- (C) title V of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571 et seq.); or
- (D) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.), except for any program established by the Secretary to carry out section 14 of such Act (16 U.S.C. 1012).

(10) Duration of authority

The authority of the Secretary under this subsection shall expire, with respect to each covered program, on the date on which the authority of the covered program expires.

(g) Allocations review and update

(1) Review

Not later than 1 year after December 20, 2018, the Secretary, acting through the Chief of the Natural Resources Conservation Service and the Administrator of the Farm Service Agency, shall conduct a review of conservation programs and authorities under this chapter that utilize annual allocation formulas to determine the sufficiency of the formulas in accounting for relevant data on local natural resource concerns, resource inventories, evaluations and reports, recommendations from State technical committees established under section 3861(a) of this title, State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

² See References in Text note below.

(2) Update

The Secretary shall improve conservation program allocation formulas as necessary to ensure that—

- (A) the formulas adequately reflect the costs of carrying out the conservation programs;
- (B) to the maximum extent practicable, local natural resource concerns are considered a leading factor in determining annual funding allocation to States;
- (C) the process used at the national level to evaluate State budget proposals and to allocate funds is reviewed annually to assess the effect of allocations in addressing identified natural resource priorities and objectives; and
- (D) the allocation of funds to States addresses priority natural resource concerns and objectives.

(h) Assistance to certain farmers or ranchers for conservation access

(1) Assistance

(A) Fiscal years 2009 through 2018

Of the funds made available for each of fiscal years 2009 through 2018 to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

- (i) 5 percent to assist beginning farmers or ranchers; and
- (ii) 5 percent to assist socially disadvantaged farmers or ranchers.

(B) Fiscal years 2019 through 2031

Of the funds made available for each of fiscal years 2019 through 2031 to carry out the environmental quality incentives program under subpart A of part IV of subchapter IV and the conservation stewardship program under subpart B of part IV of subchapter IV, the Secretary shall use, to the maximum extent practicable—

- (i) 5 percent to assist beginning farmers or ranchers; and
- (ii) 5 percent to assist socially disadvantaged farmers or ranchers.

(2) Repooling of funds

In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the environmental quality incentives program and, in the case of fiscal years 2019 through 2031, under the conservation stewardship program under subpart B of part IV of subchapter IV.

(3) Repooling of acres

In any fiscal year through fiscal year 2018, acres not obligated under paragraph (1)(A) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.

(4) Preference

In providing assistance under paragraph (1), the Secretary shall give preference to a vet-

eran farmer or rancher (as defined in section 2279(e)² of title 7) that qualifies under, as applicable, clause (i) or (ii) of paragraph (1)(A) or clause (i) or (ii) of paragraph (1)(B).

(i) Report on program enrollments and assistance

Not later than December 15 of each of calendar years 2019 through 2023, 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 an annual report containing statistics by State related to enrollments in conservation programs under this chapter, as follows:

(1) The annual and current cumulative activity reflecting active agreement and contract enrollment statistics.

(2) Secretarial exceptions, waivers, and significant payments, including—

(A) payments made under the agricultural conservation easement program for easements valued at \$250,000 or greater;

(B) payments made under the regional conservation partnership program subject to the waiver of adjusted gross income limitations pursuant to section 3871c(c)(3) of this title;

(C) waivers granted by the Secretary under section 1308-3a(b)(3) of title 7;

(D) exceptions and activity associated with section 3839aa-2(h)(2) of this title; and

(E) exceptions provided by the Secretary under section 3865b(b)(2)(B)(ii) of this title.

(j) Conservation standards and requirements

(1) In general

Subject to the requirements of this chapter, the Natural Resources Conservation Service shall serve as the lead agency in developing and establishing technical standards and requirements for conservation programs carried out under this chapter, including—

(A) standards for conservation practices under this chapter;

(B) technical guidelines for implementing conservation practices under this chapter, including the location of the conservation practices; and

(C) standards for conservation plans.

(2) Consistency of farm service agency technical standards and payment rates

The Administrator of the Farm Service Agency shall ensure that—

(A) technical standards of programs administered by the Farm Service Agency are consistent with the technical standards established by the Natural Resources Conservation Service under paragraph (1); and

(B) payment rates, to the extent practicable, are consistent between the Farm Service Agency and the Natural Resources Conservation Service.

(Pub. L. 99-198, title XII, §1241, as added Pub. L. 107-171, title II, §2701, May 13, 2002, 116 Stat. 278; amended Pub. L. 108-7, div. N, title II, §§213, 216(c), Feb. 20, 2003, 117 Stat. 545, 546; Pub. L. 108-11, title II, §2106(a), Apr. 16, 2003, 117 Stat. 590; Pub. L. 108-199, div. H, §101, Jan. 23, 2004, 118 Stat. 434; Pub. L. 108-324, div. B, §101(e), Oct. 13, 2004, 118 Stat. 1235; Pub. L. 108-498, §1(a), Dec. 23,

2004, 118 Stat. 4020; Pub. L. 109-171, title I, §§1202(b), 1203(c), Feb. 8, 2006, 120 Stat. 5, 6; Pub. L. 110-234, title II, §§2701-2705, May 22, 2008, 122 Stat. 1071-1074; Pub. L. 110-246, §4(a), title II, §§2701-2705, June 18, 2008, 122 Stat. 1664, 1799-1802; Pub. L. 112-55, div. A, title VII, §716(d)-(f), Nov. 18, 2011, 125 Stat. 582; Pub. L. 113-76, div. A, title VII, §750(b), Jan. 17, 2014, 128 Stat. 42; Pub. L. 113-79, title II, §§2601-2605, Feb. 7, 2014, 128 Stat. 756-759; Pub. L. 115-123, div. F, §60102(b), Feb. 9, 2018, 132 Stat. 312; Pub. L. 115-334, title II, §2501, title XII, §12306(g), Dec. 20, 2018, 132 Stat. 4576, 4970; Pub. L. 117-169, title II, §21001(c)(5), Aug. 16, 2022, 136 Stat. 2017; Pub. L. 117-328, div. HH, title I, §202, Dec. 29, 2022, 136 Stat. 5982.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c)(2)(A), (g)(1), (i), and (j)(1), was in the original “this title”, meaning title XII of Pub. L. 99-198, which enacted this chapter and former section 2005a of this title and amended sections 590g, 2004, 2005, 2006, and 2009 of this title, sections 4207 and 4209 of Title 7, Agriculture, and provisions set out as a note under section 1981 of Title 7.

Part IV of subchapter IV, referred to in subsec. (a)(3), was in the original “chapter 4” or “that chapter”, and was translated as meaning “chapter 4 of subtitle D”, meaning chapter 4 of subtitle D of title XII of Pub. L. 99-198, which is classified generally to part IV (§3839aa et seq.) of subchapter IV of this chapter, to reflect the probable intent of Congress.

Section 2611 of the Agricultural Act of 2014, referred to in subsec. (c)(2), is section 2611 of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 762, which amended sections 3811, 3812, 3812a, and 3821 of this title.

The Soil Conservation and Domestic Allotment Act, referred to in subsec. (c)(2)(A), is act Apr. 27, 1935, ch. 85, 49 Stat. 163, which is classified generally to chapter 3B (§590a et seq.) of this title. For complete classification of this Act to the Code, see section 590q of this title and Tables.

Public Law 117-169, referred to in subsec. (f)(4)(C), is Pub. L. 117-169, Aug. 16, 2022, 136 Stat. 1818, popularly known as the Inflation Reduction Act of 2022. For complete classification of this Act to the Code, see Tables.

Subchapter IV (except for subpart B of such subchapter), referred to in subsec. (f)(9)(A), was in the original “subtitle D (except for subchapter B of such subtitle)”. Subtitle D of title XII of Pub. L. 99-198 contains two chapters with a subchapter B. Subchapter B of chapter 1 of subtitle D is classified to subpart B (§3831 et seq.) of part I of subchapter IV of this chapter, and subchapter B of chapter 4 of subtitle D is classified to subpart B (§3839aa-21 et seq.) of part IV of subchapter IV of this chapter.

The Healthy Forests Restoration Act of 2003, referred to in subsec. (f)(9)(C), is Pub. L. 108-148, Dec. 3, 2003, 117 Stat. 1887. Title V of the Act is classified generally to subchapter V (§6571 et seq.) of chapter 84 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of this title and Tables.

The Watershed Protection and Flood Prevention Act, referred to in subsec. (f)(9)(D), 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.

Section 2279(e) of title 7, referred to in subsec. (h)(4), was redesignated section 2279(a) of Title 7, Agriculture, by Pub. L. 115-334, title XII, §12301(b)(3), Dec. 20, 2018, 132 Stat. 4951.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section 2701 of Pub. L. 107-171, which directed that subtitle E of the Food Security Act of 1985 be amended by striking section 1241 and adding a new section 1241 (this section), was executed by striking section 1241 of subtitle E of title XII of the Food Security Act of 1985 and adding the new section 1241 in lieu thereof, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 3841, Pub. L. 99-198, title XII, §1241, as added Pub. L. 104-127, title III, §341, Apr. 4, 1996, 110 Stat. 1007, related to funding for the Commodity Credit Corporation, prior to repeal by Pub. L. 107-171, title II, §2701, May 13, 2002, 116 Stat. 278. See Codification note above.

Another prior section 3841, Pub. L. 99-198, title XII, §1241, Dec. 23, 1985, 99 Stat. 1514, related to use of Commodity Credit Corporation, prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-169, §21001(c)(5)(A)(i), substituted “2031” for “2023” in introductory provisions.

Subsec. (a)(2)(F). Pub. L. 117-169, §21001(c)(5)(A)(ii), substituted “2031” for “2023”.

Subsec. (a)(3)(A)(v), (B)(v). Pub. L. 117-169, §21001(c)(5)(A)(iii), substituted “each of fiscal years 2023 through 2031” for “fiscal year 2023”.

Subsec. (b). Pub. L. 117-169, §21001(c)(5)(B), substituted “2031” for “2023”.

Subsec. (f). Pub. L. 117-328, §202(1), inserted “for public-private partnerships” after “contributions” in heading.

Subsec. (f)(1). Pub. L. 117-328, §202(2), amended par. (1) generally. Prior to amendment, text read as follows: “Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subchapter IV to accept contributions of non-Federal funds to support the purposes of the program.”

Subsec. (f)(2). Pub. L. 117-328, §202(3), substituted “a covered program shall be deposited into the account” for “a conservation program administered by the Secretary under subchapter IV shall be deposited into the sub-account”.

Subsec. (f)(3) to (10). Pub. L. 117-328, §202(4), added pars. (3) to (10).

Subsec. (h). Pub. L. 117-169, §21001(c)(5)(C)(ii), substituted “2031” for “2023” wherever appearing in text.

Subsec. (h)(1)(B). Pub. L. 117-169, §21001(c)(5)(C)(i), substituted “2031” for “2023” in heading.

2018—Subsec. (a). Pub. L. 115-334, §2501(a)(1), substituted “2023” for “2018 (and fiscal year 2019 in the case of the program specified in paragraph (5))” in introductory provisions.

Pub. L. 115-123, §60102(b)(1)(A), substituted “2018 (and fiscal year 2019 in the case of the program specified in paragraph (5))” for “2018” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 115-334, §2501(a)(2)(A), substituted “\$12,000,000 for the period of fiscal years 2019 through 2023” for “\$10,000,000 for the period of fiscal years 2014 through 2018”.

Subsec. (a)(1)(B). Pub. L. 115-334, §12306(g), substituted “covered farmers or ranchers, as defined in section 3835(f)(1) of this title” for “beginning farmers or ranchers and socially disadvantaged farmers or ranchers”.

Pub. L. 115-334, §2501(a)(2)(B), substituted “\$50,000,000 for the period of fiscal years 2019 through 2023, including not more than \$5,000,000 to provide outreach and technical assistance,” for “\$33,000,000 for the period of fiscal years 2014 through 2018” and “contract holders” for “retired or retiring owners and operators”.

Subsec. (a)(2)(F). Pub. L. 115-334, §2501(a)(3), added subpar. (F).

Subsec. (a)(3). Pub. L. 115-334, §2501(a)(4), added par. (3) and struck out former par. (3) which read as follows:

“The conservation security program under subpart A of part II of subchapter IV, using such sums as are necessary to administer contracts entered into before September 30, 2008.”

Subsec. (a)(4). Pub. L. 115-334, §2501(a)(5), inserted before period at end “(as in effect on the day before December 20, 2018), using such sums as are necessary to administer contracts entered into before December 20, 2018”.

Subsec. (a)(5). Pub. L. 115-334, §2501(a)(6), struck out par. (5) which read as follows: “The environmental quality incentives program under part IV of subchapter IV, using, to the maximum extent practicable—

“(A) \$1,350,000,000 for fiscal year 2014;

“(B) \$1,600,000,000 for fiscal year 2015;

“(C) \$1,650,000,000 for fiscal year 2016;

“(D) \$1,650,000,000 for fiscal year 2017; and

“(E) \$1,750,000,000 for each of fiscal years 2018 through 2019.”

Subsec. (a)(5)(E). Pub. L. 115-123, §60102(b)(1)(B), substituted “each of fiscal years 2018 through 2019” for “fiscal year 2018”.

Subsec. (b). Pub. L. 115-334, §2501(b), substituted “2023” for “2018 (and fiscal year 2019 in the case of the program specified in subsection (a)(5))”.

Pub. L. 115-123, §60102(b)(2), substituted “2018 (and fiscal year 2019 in the case of the program specified in subsection (a)(5))” for “2018”.

Subsec. (g)(1). Pub. L. 115-334, §2501(d)(1), substituted “1 year after December 20, 2018, the Secretary, acting through the Chief of the Natural Resources Conservation Service and the Administrator of the Farm Service Agency, shall” for “January 1, 2012, the Secretary shall” and inserted “annual” after “utilize” and “relevant data on local natural resource concerns, resource inventories, evaluations and reports, recommendations from State technical committees established under section 3861(a) of this title,” after “accounting for”.

Subsec. (g)(2). Pub. L. 115-334, §2501(d)(2), substituted “that—” for “that”, inserted subpar. (A) designation before “the formulas” and substituted semicolon for period at end, and added subpars. (B) to (D).

Subsec. (h)(1). Pub. L. 115-334, §2501(e)(1), designated existing provisions as subpar. (A) and inserted heading, redesignated former subpars. (A) and (B) as cls. (i) and (ii), respectively, of subpar. (A), added subpar. (B), and realigned margins.

Subsec. (h)(2). Pub. L. 115-334, §2501(e)(2), inserted before period at end “and, in the case of fiscal years 2019 through 2023, under the conservation stewardship program under subpart B of part IV of subchapter IV”.

Subsec. (h)(3). Pub. L. 115-334, §2501(e)(3), substituted “year through fiscal year 2018, acres not obligated under paragraph (1)(A)” for “year, acres not obligated under paragraph (1)”.

Subsec. (h)(4). Pub. L. 115-334, §2501(e)(4), substituted “, as applicable, clause (i) or (ii) of paragraph (1)(A) or clause (i) or (ii) of paragraph (1)(B)” for “subparagraph (A) or (B) of paragraph (1)”.

Subsec. (i). Pub. L. 115-334, §2501(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) related to semiannual report on program enrollments and assistance under this subchapter, beginning in calendar year 2009 and each year thereafter.

Subsec. (j). Pub. L. 115-334, §2501(f), added subsec. (j).

2014—Subsec. (a). Pub. L. 113-79, §2601(a), added subsec. (a) and struck out former subsec. (a) which authorized the Secretary to use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out programs under subchapter IV for fiscal years 2002 through 2012 generally, and fiscal years 2014 and 2015 in the case of certain programs.

Pub. L. 113-76, §750(b)(1), substituted “and (7) and each of fiscal years 2014 and 2015 in the case of the program specified in paragraph (6)),” for “(6), and (7)),” in introductory provisions.

Subsec. (a)(6)(F). Pub. L. 113-76, §750(b)(2), added subpar. (F).

Subsec. (b). Pub. L. 113-79, §2601(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 113-79, § 2602, added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a) of this section—

“(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

“(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) of this section other than the program for which the funds were made available.”

Pub. L. 113-79, § 2601(b)(1), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 113-79, § 2601(b)(3), substituted “subsection (c)” for “subsection (b)”.

Pub. L. 113-79, § 2601(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113-79, § 2603, added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows:

“(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1 of each fiscal year, the Secretary shall give priority for funding under the conservation programs under subchapter IV (excluding the conservation reserve program under subpart B of part I, the wetlands reserve program under subpart C of part I, and the conservation security program under subpart A of part II) to approved applications in any State that has not received, for the fiscal year, an aggregate amount of at least \$15,000,000 for those conservation programs.

“(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.”

Pub. L. 113-79, § 2601(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsecs. (f) to (h). Pub. L. 113-79, § 2601(b)(1), redesignated subsecs. (e) to (g) as (f) to (h), respectively. Former subsec. (h) redesignated (i).

Subsec. (h)(1). Pub. L. 113-79, § 2604(1), substituted “2018” for “2012” in introductory provisions.

Subsec. (h)(4). Pub. L. 113-79, § 2604(2), added par. (4).

Subsec. (i). Pub. L. 113-79, § 2601(b)(1), redesignated subsec. (h) as (i).

Subsec. (i)(1). Pub. L. 113-79, § 2605(1), substituted “agricultural conservation easement program” for “wetlands reserve program”.

Subsec. (i)(2). Pub. L. 113-79, § 2605(2), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: “Payments made under the farmland protection program for easements in which the Federal share is \$250,000 or greater.”

Subsec. (i)(3). Pub. L. 113-79, § 2605(2), (3), redesignated par. (5) as (3), substituted “regional conservation partnership program” for “agricultural water enhancement program” and “3871c(c)(3)” for “3839aa-9(g)”, and struck out former par. (3) which read as follows: “Payments made under the grassland reserve program valued at \$250,000 or greater.”

Subsec. (i)(4). Pub. L. 113-79, § 2605(2), redesignated par. (6) as (4).

Subsec. (i)(5), (6). Pub. L. 113-79, § 2605(4), added pars. (5) and (6).

2011—Subsec. (a). Pub. L. 112-55, § 716(e)(1), substituted “2012 (and fiscal year 2014 in the case of the programs specified in paragraphs (3)(B), (4), (6), and (7))” for “2012” in introductory provisions.

Subsec. (a)(4)(E). Pub. L. 112-55, § 716(e)(2), substituted “each of fiscal years 2012 through 2014” for “fiscal year 2012”.

Subsec. (a)(6)(E). Pub. L. 112-55, § 716(d), substituted “each of fiscal years 2012 through 2014” for “fiscal year 2012”.

Subsec. (a)(7)(D). Pub. L. 112-55, § 716(f), substituted “2014” for “2012”.

2008—Subsec. (a). Pub. L. 110-246, § 2701(a), substituted “2012” for “2007” in introductory provisions.

Subsec. (a)(1). Pub. L. 110-246, § 2701(b), inserted “, including to the maximum extent practicable—” after “part I” and added subpars. (A) and (B).

Subsec. (a)(3). Pub. L. 110-246, § 2701(c), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The conservation security program under subpart A of part II, using not more than—

“(A) \$1,954,000,000 for the period of fiscal years 2006 through 2010; and

“(B) \$5,650,000,000 for the period of fiscal years 2006 through 2015.”

Subsec. (a)(4). Pub. L. 110-246, § 2701(d), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The farmland protection program under subpart B of part II, using, to the maximum extent practicable—

“(A) \$50,000,000 in fiscal year 2002;

“(B) \$100,000,000 in fiscal year 2003;

“(C) \$125,000,000 in each of fiscal years 2004 and 2005;

“(D) \$100,000,000 in fiscal year 2006; and

“(E) \$97,000,000 in fiscal year 2007.”

Subsec. (a)(5). Pub. L. 110-246, § 2701(e), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The grassland reserve program under subpart C of part II, using, to the maximum extent practicable \$254,000,000 for the period of fiscal years 2003 through 2007.”

Subsec. (a)(6). Pub. L. 110-246, § 2701(f), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “The environmental quality incentives program under part IV, using, to the maximum extent practicable—

“(A) \$400,000,000 in fiscal year 2002;

“(B) \$700,000,000 in fiscal year 2003;

“(C) \$1,000,000,000 in fiscal year 2004;

“(D) \$1,200,000,000 in each of fiscal years 2005 and 2006;

“(E) \$1,270,000,000 in each of fiscal years 2007 through 2009; and

“(F) \$1,300,000,000 in fiscal year 2010.”

Subsec. (a)(7)(D). Pub. L. 110-246, § 2701(g), substituted “2012” for “2007”.

Subsec. (d). Pub. L. 110-246, § 2703(a), designated existing provisions as par. (1), inserted heading, substituted “\$15,000,000” for “\$12,000,000”, and added par. (2).

Subsec. (e). Pub. L. 110-246, § 2702, added subsec. (e).

Subsec. (f). Pub. L. 110-246, § 2703(b), added subsec. (f).

Subsec. (g). Pub. L. 110-246, § 2704, added subsec. (g).

Subsec. (h). Pub. L. 110-246, § 2705, added subsec. (h).

2006—Subsec. (a)(3). Pub. L. 109-171, § 1202(b), substituted a dash for “\$6,037,000,000 for the period of fiscal years 2005 through 2014.” and added subpars. (A) and (B).

Subsec. (a)(6)(E), (F). Pub. L. 109-171, § 1203(c), added subpars. (E) and (F) and struck out former subpar. (E) which read as follows: “\$1,300,000,000 in fiscal year 2007.”

2004—Subsec. (a)(3). Pub. L. 108-324 inserted “, using not more than \$6,037,000,000 for the period of fiscal years 2005 through 2014” before period at end.

Pub. L. 108-199 struck out “, using not more than \$3,773,000,000 for the period of fiscal years 2003 through 2013” before period at end.

Subsec. (b). Pub. L. 108-498 added subsec. (b) and struck out heading and text of former subsec. (b), which related to availability of certain Commodity Credit Corporation funds under subsec. (a) for the provision of technical assistance for conservation and conservation security programs.

2003—Subsec. (a)(3). Pub. L. 108-7, § 216(c), inserted “, using not more than \$3,773,000,000 for the period of fiscal years 2003 through 2013” before period at end.

Subsec. (b). Pub. L. 108-11 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) FEBRUARY 20, 2003, THROUGH SEPTEMBER 30, 2003.—During the period beginning on February 20, 2003, and ending on September 30, 2003, Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) of this section shall be

available for the provision of technical assistance (subject to section 3842 of this title) for the conservation programs specified in subsection (a) of this section.

“(2) **SUBSEQUENT FISCAL YEARS.**—Effective beginning on October 1, 2003, Commodity Credit Corporation funds made available under paragraphs (3) through (7) of subsection (a) of this section shall be available for the provision of technical assistance (subject to section 3842 of this title) for the conservation programs specified in subsection (a) of this section.”

Pub. L. 108–7, § 213(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Nothing in this section affects the limit on expenditures for technical assistance imposed by section 714i of title 15.”

Subsecs. (c), (d). Pub. L. 108–7, § 213(2), added subsec. (c) and redesignated former subsec. (c) as (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–246, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–498, § 1(b), Dec. 23, 2004, 118 Stat. 4020, provided that: “The amendment made by subsection (a) [amending this section] takes effect on October 1, 2004.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–11, title II, § 2106(b), Apr. 16, 2003, 117 Stat. 590, provided that: “The amendment made by subsection (a) [amending this section] takes effect on February 20, 2003.”

§ 3842. Delivery of technical assistance

(a) Definitions

In this section:

(1) Eligible participant

The term “eligible participant” means a producer, landowner, or entity that is participating in, or seeking to participate in, programs in which the producer, landowner, or entity is otherwise eligible to participate under this chapter or the agricultural management assistance program under section 1524(b) of title 7.

(2) Third-party provider

The term “third-party provider” means a commercial entity (including a farmer cooperative, agriculture retailer, or other commercial entity (as defined by the Secretary)), a nonprofit entity, a State or local government (including a conservation district), or a Federal agency, that has expertise in the technical aspect of conservation planning, including nutrient management planning, watershed planning, or environmental engineering.

(b) Purpose of technical assistance

The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

(c) Provision of technical assistance

The Secretary shall provide technical assistance under this chapter to an eligible participant—

(1) directly;

(2) through an agreement with a third-party provider; or

(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

(d) Non-Federal assistance

The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this chapter.

(e) Certification of third-party providers

(1) Purpose

The purpose of the third-party provider program is to increase the availability and range of technical expertise available to eligible participants to plan and implement conservation measures.

(2) Regulations

Not later than 180 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall promulgate such regulations as are necessary to carry out this section.

(3) Expertise

In promulgating such regulations, the Secretary, to the maximum extent practicable, shall—

(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

(B) provide national criteria for the certification of third-party providers; and

(C) approve any unique certification standards established at the State level.

(4) Certification process

The Secretary shall certify a third-party provider through—

(A) a certification process administered by the Secretary, acting through the Chief of the Natural Resources Conservation Service; or

(B) a non-Federal entity approved by the Secretary to perform the certification.

(5) Streamlined certification

The Secretary shall provide a streamlined certification process for a third-party provider that has an appropriate specialty certification, including a sustainability certification.

(f) Administration

(1) Funding

Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 3841 of this title