

§ 2706, June 18, 2008, 122 Stat. 1664, 1802; Pub. L. 113-79, title II, § 2713(c), Feb. 7, 2014, 128 Stat. 772; Pub. L. 115-334, title II, §§ 2502, 2821(e), Dec. 20, 2018, 132 Stat. 4579, 4603.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (c), (d), (g)(1), and (h)(3), 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.

The date of the enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsecs. (e)(2) and (f)(3), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

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 L. 110-234 were repealed by section 4(a) of Pub.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 1242 and adding a new section 1242 (this section), was executed by striking section 1242 of subtitle E of title XII of the Food Security Act of 1985 and adding the new section 1242 in lieu thereof, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 3842, Pub. L. 99-198, title XII, § 1242, as added Pub. L. 104-127, title III, § 341, Apr. 4, 1996, 110 Stat. 1008, related to use of other agencies, prior to repeal by Pub. L. 107-171, title II, § 2701, May 13, 2002, 116 Stat. 278. See Codification note above.

Another prior section 3842, Pub. L. 99-198, title XII, § 1242, Dec. 23, 1985, 99 Stat. 1515, related to use of other agencies, prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 2502(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “In this section, the term ‘eligible participant’ means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is otherwise eligible to participate in under this chapter or the agricultural management assistance program under section 1524 of title 7.”

Subsec. (e)(3)(B). Pub. L. 115-334, § 2821(e), substituted “third-party” for “third party”.

Subsec. (e)(4), (5). Pub. L. 115-334, § 2502(b), added pars. (4) and (5).

Subsec. (f)(4). Pub. L. 115-334, § 2821(e), substituted “third-party” for “third party” in subpars. (A) and (B).

Subsec. (h)(1)(A). Pub. L. 115-334, § 2502(c)(1)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: “review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008;”.

Subsec. (h)(1)(D). Pub. L. 115-334, § 2502(c)(1)(B)-(D), added subpar. (D).

Subsec. (h)(2). Pub. L. 115-334, § 2502(c)(2), inserted “State technical committees established under section 3861(a) of this title,” before “crop consultants.”

Subsec. (h)(3), (4). Pub. L. 115-334, § 2502(c)(3), added pars. (3) and (4) and struck out former par. (3). Prior to amendment, text of par. (3) read as follows: “If the Secretary determines under paragraph (1) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.”

2014—Subsec. (i). Pub. L. 113-79 substituted “specialty” for “speciality” in heading.

2008—Pub. L. 110-246, § 2706, amended section generally. Prior to amendment, section related to: in subsec. (a), provision of technical assistance to an eligible producer directly or through an approved third party; and, in subsec. (b), establishment of a system to certify third-party providers, transition provisions for persons that had provided assistance before May 13, 2002, and cooperative agreements or contracts with non-Federal entities.

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. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 3843. Repealed. Pub. L. 113-79, title II, § 2710(a), Feb. 7, 2014, 128 Stat. 770

Section, Pub. L. 99-198, title XII, § 1243, as added Pub. L. 104-127, title III, § 341, Apr. 4, 1996, 110 Stat. 1008; amended Pub. L. 107-171, title II, §§ 2003, 2006(d), May 13, 2002, 116 Stat. 233, 237; Pub. L. 110-234, title II, § 2707, May 22, 2008, 122 Stat. 1077; Pub. L. 110-246, § 4(a), title II, § 2707, June 18, 2008, 122 Stat. 1664, 1805, related to cooperative conservation partnership initiative.

A prior section 3843, Pub. L. 99-198, title XII, § 1243, Dec. 23, 1985, 99 Stat. 1515; Pub. L. 101-624, title XIV, § 1442, Nov. 28, 1990, 104 Stat. 3602, which related to administration of this chapter, was omitted in the general amendment of this subchapter by Pub. L. 104-127.

Statutory Notes and Related Subsidiaries

REPEAL; TRANSITIONAL PROVISIONS

Pub. L. 113-79, title II, § 2710, Feb. 7, 2014, 128 Stat. 770, provided that:

“(a) REPEAL.—Except as provided in subsection (b), section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section [repealing section 3843 of this title] shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1243 of the Food Security Act of 1985 ([former] 16 U.S.C. 3843) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract or agreement.

“(2) FUNDING.—

“(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1243 of the Food Security Act of 1985 ([former] 16 U.S.C. 3843), any funds made available from the Commodity Credit Corporation to carry out the cooperative conservation partnership initiative under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts and agreements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

“(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary [of Agriculture] may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 [16 U.S.C. 3871 et seq.], as added by section 2401, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

§ 3844. Administrative requirements for conservation programs

(a) Incentives for certain farmers and ranchers and Indian tribes

(1) Incentives authorized

In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

- (A) to foster new farming and ranching opportunities; and
- (B) to enhance long-term environmental goals.

(2) Covered persons

Incentives authorized by paragraph (1) may be provided to the following:

- (A) Beginning farmers or ranchers.
- (B) Socially disadvantaged farmers or ranchers.
- (C) Limited resource farmers or ranchers.
- (D) Indian tribes.
- (E) Veteran farmers or ranchers (as defined in section 2279(e)¹ of title 7).

(b) Privacy of personal information relating to natural resources conservation programs

(1) Information received for technical and financial assistance

(A) In general

In accordance with section 552(b)(3) of title 5, except as provided in subparagraph (C) and paragraph (2), information described in subparagraph (B)—

- (i) shall not be considered to be public information; and
- (ii) shall not be released to any person or Federal, State, local agency or Indian tribe (as defined by the Secretary) outside the Department of Agriculture.

(B) Information

The information referred to in subparagraph (A) is information—

- (i) provided to the Secretary or a contractor of the Secretary (including information provided under subchapter IV) for the purpose of providing technical or financial assistance to an owner, operator, or producer with respect to any natural resources conservation program administered by the Natural Resources Conservation Service or the Farm Service Agency; and
- (ii) that is proprietary (within the meaning of section 552(b)(4) of title 5) to the agricultural operation or land that is a part of an agricultural operation of the owner, operator, or producer.

(C) Exception

Nothing in this section affects the availability of payment information (including payment amounts and the names and addresses of recipients of payments) under section 552 of title 5.

(2) Exceptions

(A) Release and disclosure for enforcement

The Secretary may release or disclose to the Attorney General information covered

by paragraph (1) to the extent necessary to enforce the natural resources conservation programs referred to in paragraph (1)(B)(i).

(B) Disclosure to cooperating persons and agencies

(i) In general

The Secretary may release or disclose information covered by paragraph (1) to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in providing technical and financial assistance described in paragraph (1)(B)(i) or collecting information from data gathering sites.

(ii) Use of information

The person or Federal, State, local, or tribal agency that receives information described in clause (i) may release the information only for the purpose of assisting the Secretary—

- (I) in providing the requested technical or financial assistance; or
- (II) in collecting information from data gathering sites.

(C) Statistical and aggregate information

Information covered by paragraph (1) may be disclosed to the public if the information has been transformed into a statistical or aggregate form without naming any—

- (i) individual owner, operator, or producer; or
- (ii) specific data gathering site.

(D) Consent of owner, operator, or producer

(i) In general

An owner, operator, or producer may consent to the disclosure of information described in paragraph (1).

(ii) Condition of other programs

The participation of the owner, operator, or producer in, and the receipt of any benefit by the owner, operator, or producer under, this chapter or any other program administered by the Secretary may not be conditioned on the owner, operator, or producer providing consent under this paragraph.

(3) Violations; penalties

Section 2276(c) of title 7 shall apply with respect to the release of information collected in any manner or for any purpose prohibited by this subsection.

(4) Data collection, disclosure, and review

Nothing in this subsection—

- (A) affects any procedure for data collection or disclosure through the National Resources Inventory; or
- (B) limits the authority of Congress or the Government Accountability Office to review information collected or disclosed under this subsection.

(c) Plans

The Secretary shall, to the extent practicable, avoid duplication in—

- (1) the conservation plans required for—
 - (A) highly erodible land conservation under subchapter II; and

¹ See References in Text note below.