

non-overtime hours, wages, or employment benefits;

(B) result in the use of an individual under the program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

(C) affect existing contracts for services.

### (c) Funding source

#### (1) Conservation technical services

Except as provided in paragraph (2), with respect to subsection (a)(1), the Secretary may carry out the program using funds made available to carry out each program under this chapter.

#### (2) Exclusion

Funds made available to carry out the conservation reserve program may not be used to carry out the program.

#### (3) Research, education, and economics services

With respect to services referred to in subsection (a)(2), the Secretary may carry out the program under the mission area referred to in such subsection to the extent that funds are specifically appropriated to provide such services under such mission area.

### (d) Liability

An individual providing technical, professional, or administrative services, as applicable, under the program is deemed to be an employee of the United States Government for purposes of chapter 171 of title 28 if the individual—

(1) is providing technical, professional, or administrative services, as applicable, pursuant to an agreement entered into under subsection (b); and

(2) is acting within the scope of the agreement.

(Pub. L. 99-198, title XII, §1252, as added Pub. L. 110-234, title II, §2710, May 22, 2008, 122 Stat. 1082, and Pub. L. 110-246, §4(a), title II, §2710, June 18, 2008, 122 Stat. 1664, 1810; amended Pub. L. 113-79, title II, §2504, Feb. 7, 2014, 128 Stat. 752; Pub. L. 115-334, title VII, §7611, Dec. 20, 2018, 132 Stat. 4830.)

### Editorial Notes

#### REFERENCES IN TEXT

The Community Service Senior Opportunities Act, referred to in subsec. (b)(1), is title V of Pub. L. 89-73, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2563, which is classified generally to subchapter IX (§3056 et seq.) of chapter 35 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

This chapter, referred to in subsec. (c)(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.

#### CODIFICATION

Pub. L. 110-234, §2710, and Pub. L. 110-246, §2710, which directed the amendment of subtitle F of title XII of the

Food Security Act of 1985 by inserting this section after section 1251, was executed by inserting this section between subtitles E and G of title XII of that Act to reflect the probable intent of Congress, because subtitle F and section 1251 (16 U.S.C. 2005a) of title XII of the Food Security Act of 1985 were repealed by Pub. L. 104-127, title III, §336(e), Apr. 4, 1996, 110 Stat. 1007.

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.

#### PRIOR PROVISIONS

A prior section 1252 of Pub. L. 99-198, title XII, Dec. 23, 1985, 99 Stat. 1516, amended sections 2004, 2005, 2006, and 2009 of this title, prior to repeal by Pub. L. 104-127, title III, §336(e), Apr. 4, 1996, 110 Stat. 1007.

#### AMENDMENTS

2018—Pub. L. 115-334, §7611(1), struck out “Agriculture conservation” before “experienced” in section catchline.

Subsec. (a). Pub. L. 115-334, §7611(2), substituted “an experienced services program (referred to in this section as the ‘program’)” for “a conservation experienced services program (in this section referred to as the ‘ACES Program’)” and “provide—” for “provide”, inserted par. (1) designation before “technical services in support”, substituted “Secretary, including” for “Secretary. Such technical services may include”, and added par. (2).

Subsec. (b). Pub. L. 115-334, §7611(3), striking “ACES” before “program” wherever appearing.

Subsec. (b)(1). Pub. L. 115-334, §7611(4), substituted “technical, professional, or administrative services, as applicable,” for “technical services”.

Subsec. (c). Pub. L. 115-334, §7611(3), substituted “the program” for “the ACES program” in two places.

Subsec. (c)(1). Pub. L. 115-334, §7611(5)(A), substituted “Conservation technical services” for “In general” in heading, and inserted “with respect to subsection (a)(1),” before “the Secretary” in text.

Subsec. (c)(3). Pub. L. 115-334, §7611(5)(B), added par. (3).

Subsec. (d). Pub. L. 115-334, §7611(4), substituted “technical, professional, or administrative services, as applicable,” for “technical services” in introductory provisions and par. (1).

Pub. L. 115-334, §7611(3), struck out “ACES” before “program” in introductory provisions.

2014—Subsec. (c)(2). Pub. L. 113-79 amended par. (2) generally. Prior to amendment, text read as follows: “Funds made available to carry out the following programs may not be used to carry out the ACES program:

“(A) The conservation reserve program.

“(B) The wetlands reserve program.

“(C) The grassland reserve program.

“(D) The conservation stewardship program.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Enactment 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 a note under section 8701 of Title 7, Agriculture.

### §3851a. Forest Service participation in ACES Program

#### (a) In general

The Secretary, acting through the Chief of the Forest Service, may use funds derived from conservation-related programs executed on National Forest System land to utilize the Agriculture Conservation Experienced Services Program established pursuant to section 3851 of this title to provide technical services for conserva-

tion-related programs and authorities carried out by the Secretary on National Forest System land.

**(b) Termination of effectiveness**

The authority provided to the Secretary to carry out this section terminates effective October 1, 2023.<sup>1</sup>

(Pub. L. 113-79, title VIII, §8302, Feb. 7, 2014, 128 Stat. 923; Pub. L. 115-334, title VIII, §8622, Dec. 20, 2018, 132 Stat. 4853.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Agricultural Act of 2014, and not as part of title XII of Pub. L. 99-198 which comprises this chapter.

**AMENDMENTS**

2018—Pub. L. 115-334 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**Statutory Notes and Related Subsidiaries**

**EXTENSION OF FOREST SERVICE PARTICIPATION IN ACES PROGRAM**

Pub. L. 118-83, div. B, title I, §106, Sept. 26, 2024, 138 Stat. 1535, provided that: “Section 8302(b) of the Agricultural Act of 2014 (16 U.S.C. 3851a(b)) shall be applied by substituting ‘1 day after December 20, 2024’ for ‘October 1, 2023’.”

**DEFINITION OF “SECRETARY”**

“Secretary” as meaning the Secretary of Agriculture, see section 9001 of Title 7, Agriculture.

**SUBCHAPTER VI—STATE TECHNICAL COMMITTEES**

**§ 3861. Establishment of State technical committees**

**(a) Establishment**

The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this chapter.

**(b) Standards**

The Secretary shall review and update as necessary—

- (1) standard operating procedures to standardize the operations of State technical committees; and
- (2) standards to be used by State technical committees in the development of technical guidelines for the implementation of the conservation provisions of this chapter.

**(c) Composition**

Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

- (1) The Natural Resources Conservation Service.
- (2) The Farm Service Agency.

(3) The Forest Service.

(4) The National Institute of Food and Agriculture.

(5) The State fish and wildlife agency.

(6) The State forester or equivalent State official.

(7) The State water resources agency.

(8) The State department of agriculture.

(9) The State association of soil and water conservation districts.

(10) Agricultural producers representing the variety of crops and livestock or poultry raised within the State.

(11) Owners of nonindustrial private forest land.

(12) Nonprofit organizations within the meaning of section 501(c)(3) of title 26 with demonstrable conservation expertise and experience working with agriculture producers in the State.

(13) Agribusiness.

(14) The State Cooperative Extension Service and land grant university in the State.

(Pub. L. 99-198, title XII, §1261, as added Pub. L. 101-624, title XIV, §1446, Nov. 28, 1990, 104 Stat. 3604; amended Pub. L. 104-127, title III, §342(a), Apr. 4, 1996, 110 Stat. 1009; Pub. L. 110-234, title II, §2711, title VII, §7511(c)(38), May 22, 2008, 122 Stat. 1083, 1271; Pub. L. 110-246, §4(a), title II, §2711, title VII, §7511(c)(38), June 18, 2008, 122 Stat. 1664, 1811, 2032; Pub. L. 113-79, title II, §2607, Feb. 7, 2014, 128 Stat. 760; Pub. L. 115-334, title II, §2822, Dec. 20, 2018, 132 Stat. 4603.)

**Editorial Notes**

**REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a) and (b)(2), 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.

**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.

**AMENDMENTS**

2018—Subsec. (b)(2). Pub. L. 115-334, §2822(a), struck out “under section 3862(b) of this title” after “technical guidelines”.

Subsec. (c)(14). Pub. L. 115-334, §2822(b), added par. (14).

2014—Subsec. (b). Pub. L. 113-79, in introductory provisions, substituted “The Secretary shall review and update as necessary” for “Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop”.

2008—Pub. L. 110-246, §2711, which directed the general amendment of section 1261 of the “Farm Security Act of 1985”, was executed by making the amendment to this section, which is section 1261 of the Food Security Act of 1985, to reflect the probable intent of Congress. Prior to amendment, section related to the establishment in each State of a technical committee to assist the Secretary in the technical considerations relating to implementation of conservation provisions under this chapter, composition of each such committee, and development of standards to be used in the development of guidelines under former section 3862(b) of this title.

<sup>1</sup> See Extension of Forest Service Participation in Aces Program note below.