

that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

**(2) Review and streamlining**

**(A) Review**

The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

**(B) Streamlining**

On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

(iv) information technology is used effectively to minimize data and information input requirements.

**(3) Implementation and notification**

Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.

(Pub. L. 99-198, title XII, §1244, as added Pub. L. 107-171, title II, §2004(a), May 13, 2002, 116 Stat. 235; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-234, title II, §§2707(a), 2708, May 22, 2008, 122 Stat. 1077, 1079; Pub. L. 110-246, §4(a), title II, §§2707(a), 2708, June 18, 2008, 122 Stat. 1664, 1805, 1807.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(2)(D)(ii) and (i)(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.

Subpart C of part I of subchapter IV, referred to in subsec. (f)(4), was in the original “subchapter C of chapter 1”, and was translated as meaning “subchapter C of chapter 1 of subtitle D” to reflect the probable intent of Congress.

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

CODIFICATION

The text of section 3843(a), (c), and (d) of this title, which was transferred to this section and redesignated as subsecs. (c), (d), and (e), respectively, by Pub. L. 110-246, §2707(a), was based on Pub. L. 99-198, title XII, §1243(a), (c), (d), as added Pub. L. 104-127, title III, §341, Apr. 4, 1996, 110 Stat. 1008, 1009.

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.

PRIOR PROVISIONS

A prior section 3844, Pub. L. 99-198, title XII, §1244, Dec. 23, 1985, 99 Stat. 1515, related to issuance of regulations to carry out subchapters I to V of this chapter, prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §2708(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “In carrying out any conservation program administered by the Secretary, the Secretary may provide to beginning farmers and ranchers and Indian tribes (as those terms are defined in section 3838 of this title) and limited resource agricultural producers incentives to participate in the conservation program to—

“(1) foster new farming and ranching opportunities;

and

“(2) enhance environmental stewardship over the long term.”

Subsecs. (c) to (e). Pub. L. 110-246, §2707(a), transferred subsecs. (a), (c), and (d) of section 3843 of this title and redesignated them as subsecs. (c) to (e), respectively, of this section. See Codification note above.

Subsecs. (f) to (i). Pub. L. 110-246, §2708(2), added subsecs. (f) to (i).

2004—Subsec. (b)(4)(B). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

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.

**§ 3845. Environmental services markets**

**(a) Technical guidelines required**

The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

**(b) Establishment**

The Secretary shall establish guidelines under subsection (a) for use in developing the following:

(1) A procedure to measure environmental services benefits.

(2) A protocol to report environmental services benefits.

(3) A registry to collect, record and maintain the benefits measured.

**(c) Verification requirements**

**(1) Verification of reports**

The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

**(2) Role of third parties**

In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

**(d) Use of existing information**

In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

**(e) Consultation**

In carrying out this section, the Secretary shall consult with the following:

- (1) Federal and State government agencies.
- (2) Nongovernmental interests including—
  - (A) farm, ranch, and forestry producers;
  - (B) financial institutions involved in environmental services trading;
  - (C) institutions of higher education with relevant expertise or experience;
  - (D) nongovernmental organizations with relevant expertise or experience; and
  - (E) private sector representatives with relevant expertise or experience.

(3) Other interested persons, as determined by the Secretary.

(Pub. L. 99-198, title XII, §1245, as added Pub. L. 110-234, title II, §2709, May 22, 2008, 122 Stat. 1081, and Pub. L. 110-246, §4(a), title II, §2709, June 18, 2008, 122 Stat. 1664, 1809.)

## REFERENCES IN TEXT

The date of the enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec (d), 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 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## PRIOR PROVISIONS

A prior section 3845, Pub. L. 99-198, title XII, §1245, Dec. 23, 1985, 99 Stat. 1516; Pub. L. 101-624, title XIV, §1443, Nov. 28, 1990, 104 Stat. 3602; Pub. L. 102-552, title V, §516(b)(1), Oct. 28, 1992, 106 Stat. 4137, related to authorization of appropriations, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 3846, Pub. L. 99-198, title XII, §1246, as added Pub. L. 101-624, title XIV, §1444, Nov. 28, 1990, 104 Stat. 3602, directed Secretary to report to Congress on erodible land and wetland conservation program, prior to repeal by Pub. L. 104-66, title I, §1011(a), Dec. 21, 1995, 109 Stat. 709.

A prior section 3847, Pub. L. 99-198, title XII, §1247, as added Pub. L. 101-624, title XIV, §1445, Nov. 28, 1990, 104 Stat. 3603; amended Pub. L. 102-237, title II, §204(8), Dec. 13, 1991, 105 Stat. 1855, which related to assistance for control of spread of weeds and pests, was omitted in the general amendment of this subchapter by Pub. L. 104-127.

## 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.

## SUBCHAPTER V—A—OTHER CONSERVATION PROGRAMS

**§ 3851. Agriculture conservation experienced services program****(a) Establishment and purpose**

The Secretary shall establish a conservation experienced services program (in this section referred to as the “ACES Program”) for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employees of the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and implementation of conservation practices.

**(b) Program agreements****(1) Relation to older American community service employment program**

Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3056 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

**(2) Required determination**

Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would not—

- (A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;
- (B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a lay-off 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) In general**

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

**(2) Exclusions**

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.

**(d) Liability**

An individual providing technical services under the ACES program is deemed to be an em-