

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

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.

#### 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. Cooperative conservation partnership initiative

#### (a) Establishment of Initiative

The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the “Initiative”) to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

#### (b) Purposes

The purposes of a partnership entered into under the Initiative shall be—

- (1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;
- (2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;
- (3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or
- (4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

#### (c) Initiative programs

##### (1) Covered programs

Except as provided in paragraph (2), the Initiative applies to all conservation programs under subchapter IV.

#### (2) Excluded programs

The Initiative shall not include the following programs:

- (A) Conservation reserve program.
- (B) Wetlands reserve program.
- (C) Farmland protection program<sup>1</sup>
- (D) Grassland reserve program.

#### (d) Eligible partners

The Secretary may enter into a partnership under the Initiative with one or more of the following:

- (1) States and local governments.
- (2) Indian tribes.
- (3) Producer associations.
- (4) Farmer cooperatives.
- (5) Institutions of higher education.
- (6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

#### (e) Implementation agreements

The Secretary shall carry out the Initiative—

- (1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and
- (2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

#### (f) Applications

##### (1) Required information

An application to enter into a partnership agreement under the Initiative shall include the following:

- (A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.
- (B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.
- (C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.
- (D) A description of the plan for monitoring, evaluating, and reporting on progress made towards achieving the objectives of the agreement.
- (E) Such other information that may be required by the Secretary.

##### (2) Priorities

The Secretary shall give priority to applications for agreements that—

- (A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;
- (B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;
- (C) deliver high percentages of applied conservation to address water quality, water

<sup>1</sup> So in original. Probably should be followed by a period.

conservation, or State, regional, or national conservation initiatives;

(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

(E) meet other factors, as determined by the Secretary.

**(g) Relationship to covered programs**

**(1) Compliance with program rules**

Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

**(2) Adjustment**

The Secretary may adjust the elements of any program specified in subsection (c)(1)—

(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

**(h) Technical and financial assistance**

The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

**(i) Funding**

**(1) Reservation**

Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

**(2) Allocation requirements**

Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

**(3) Unused funding**

Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

**(4) Administrative costs of partners**

Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.

(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.)

**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.

**PRIOR PROVISIONS**

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.

**AMENDMENTS**

2008—Pub. L. 110–246, §2707(b), amended section generally. Prior to amendment, section related to administration of comprehensive conservation enhancement program.

Pub. L. 110–246, §2707(a), redesignated and transferred subsecs. (a), (c), and (d) of this section to subsecs. (c) to (e), respectively, of section 3844 of this title.

2002—Pub. L. 107–171, §2006(d), substituted “Administration of CCEP” for “Administration” in section catchline.

Subsec. (f). Pub. L. 107–171, §2003, added subsec. (f).

**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.

**§ 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.

**(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