

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

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Subtitle E of title XII of the Food Security Act, comprising this subchapter, was originally enacted by Pub.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. Subsequently, subtitle E was amended by Pub. L. 107-171 to add new sections 3841, 3842, and 3844 and to repeal former sections 3841 and 3842.

§ 3841. Commodity Credit Corporation**(a) Annual funding**

For each of fiscal years 2014 through 2018, 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) \$10,000,000 for the period of fiscal years 2014 through 2018 to provide payments under section 3834(c) of this title; and

(B) \$33,000,000 for the period of fiscal years 2014 through 2018 to carry out section 3835(f) of this title to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

(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; and
- (E) \$250,000,000 for fiscal year 2018.

(3) 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.

(4) The conservation stewardship program under subpart B of part II of subchapter IV.

(5) 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 fiscal year 2018.

(b) Availability of funds

Amounts made available by subsection (a) for fiscal years 2014 through 2018 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

(1) Authority to establish contribution accounts

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.

(2) Deposit and use of contributions

Contributions of non-Federal funds received for a conservation program administered by the Secretary under subchapter IV shall be deposited into the sub-account established under this subsection for the program and shall be available to the Secretary, without further ap-

propriation and until expended, to carry out the program.

(g) Allocations review and update

(1) Review

Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this chapter that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

(2) Update

The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.

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

(1) Assistance

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—

(A) 5 percent to assist beginning farmers or ranchers; and

(B) 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.

(3) Repooling of acres

In any fiscal year, acres not obligated under paragraph (1) 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 veteran farmer or rancher (as defined in section 2279(e) of title 7) that qualifies under subparagraph (A) or (B) of paragraph (1).

(i) Report on program enrollments and assistance

Beginning in calendar year 2009, and each year thereafter, 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 semi-annual report containing statistics by State related to enrollments in conservation programs under this subchapter, as follows:

(1) Payments made under the agricultural conservation easement program for easements valued at \$250,000 or greater.

(2) Payments made under the environmental quality incentives program for land deter-

mined to have special environmental significance pursuant to section 3839aa-7(b)¹ of this title.

(3) 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.

(4) Waivers granted by the Secretary under section 1308-3a(b)(2)¹ of title 7 in order to protect environmentally sensitive land of special significance.

(5) Payments made under the conservation stewardship program.

(6) Exceptions provided by the Secretary under section 3865b(b)(2)(C) of this title.

(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.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c)(2)(A), and (g)(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.

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.

Section 3839aa-7 of this title, referred to in subsec. (i)(2), was generally amended by Pub. L. 113-79, title II, §2206, Feb. 7, 2014, 128 Stat. 730. As so amended, section 3839aa-7 no longer contains a subsec. (b).

Section 1308-3a of title 7, referred to in subsec. (i)(4), was amended by Pub. L. 113-79, title I, §1605(a)-(e), Feb. 7, 2014, 128 Stat. 707, 708, and, as so amended, provisions which formerly appeared in subsec. (b)(2) of section 1308-3a were struck out.

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

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).

¹ See References in Text note below.

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 7141 of title 15.”

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

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.

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) Definition of eligible participant

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 manage-