

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.”

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 conservation-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.

(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.)

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).

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.)

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.

Subsec. (c)(4). Pub. L. 110-246, §7511(c)(38), which directed amendment of par. (4) by substituting “National Institute of Food and Agriculture” for “Extension Service”, could not be executed because “Extension Service” did not appear subsequent to amendment by Pub. L. 110-246, §2711. See above.

1996—Subsec. (c)(9) to (12). Pub. L. 104-127 added pars. (9) to (12).

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

Amendment by section 7511(c)(38) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of Title 7, Agriculture.

§ 3862. Responsibilities

(a) In general

Each State technical committee established under section 3861 of this title shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this chapter.

(b) Public notice and attendance

Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this chapter.

(c) Role

(1) In general

The role of State technical committees is advisory in nature, and such committees shall

have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such committees in administering the programs under this chapter.

(2) Advisory role in establishing program priorities and criteria

Each State technical committee shall advise the Secretary in establishing priorities and criteria for the programs in this chapter, including the review of whether local working groups are addressing those priorities.

(d) FACA requirements

(1) Exemption

Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(2) Local working groups

For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subchapter shall be considered to be a subcommittee of the applicable State technical committee.

(Pub. L. 99-198, title XII, §1262, as added Pub. L. 101-624, title XIV, §1446, Nov. 28, 1990, 104 Stat. 3604; amended Pub. L. 103-354, title II, §246(f)(3), Oct. 13, 1994, 108 Stat. 3225; Pub. L. 104-127, title III, §342(b), Apr. 4, 1996, 110 Stat. 1009; Pub. L. 110-234, title II, §2711, May 22, 2008, 122 Stat. 1084; Pub. L. 110-246, §4(a), title II, §2711, June 18, 2008, 122 Stat. 1664, 1812.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (c), 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 Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

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

2008—Pub. L. 110-246, §2711, which directed the general amendment of section 1262 of the “Farm Security Act of 1985”, was executed by making the amendment to this section, which is section 1262 of the Food Security Act of 1985, to reflect the probable intent of Congress. Prior to amendment, section consisted of subsecs. (a) to (e) which related to general responsibilities of committees established under section 3861 of this title, wetland and wildlife habitat protection guidelines, provision of assistance and recommendations with respect to enumerated technical aspects, authority of committees, and FACA requirements.

1996—Subsec. (a). Pub. L. 104-127, §342(b)(1), inserted at end “Each State technical committee shall provide public notice of, and permit public attendance at meetings considering, issues of concern related to carrying out this chapter.”

Subsec. (b)(1). Pub. L. 104-127, §342(b)(2), inserted at end “Each State technical committee shall establish criteria and guidelines for evaluating petitions by agri-