

SECTION 1619 OF THE FARM BILL

The Impact on NRCS & Partners

SECTION 1619 OF THE FARM BILL

- ❑ Prohibits disclosure of information given to USDA by a producer or landowner in order to participate in a USDA program
- ❑ Includes geospatial information

Authorized Disclosures

- ❑ May release the information to a person or federal, state, local, or tribal agency working in cooperation with any USDA program when:
 - providing technical or financial assistance; or
 - When responding to a disease or pest threat as authorized by the Secretary

Exceptions Allowing Disclosure:

- ☐ Payment information (including names and addresses of recipients of payments)
- ☐ Information that has been transformed into statistical or aggregate form
- ☐ Producer/landowner consent

Participation is NOT Conditioned on Consent

- ❑ We cannot require producers or landowners to sign a consent or release form in order to participate in our programs



KEY IMPACTS ON NRCS

Wetland Information

- ❑ All types of wetland maps (inventory, official, and certified) are now protected information and cannot be given out without consent
- ❑ General Manual has not been updated, but Section 1619 trumps our GM.

Producer Consent to Release

- ❑ There is no specific form that a producer must sign to authorize release of his or her information.
- ❑ Signed and dated written statement indicating what specific information can be released to whom and for how long



KEY IMPACTS ON PARTNERS

USDA Partners

- ❑ Information can be shared with USDA employees without obtaining consent
- ❑ They are bound by Section 1619 as well

Non-USDA Partners

- ❑ MOUs can be developed that cover the sharing of information with non-USDA partners in compliance with Section 1619.
- ❑ Partner must cooperate on a USDA program to provide technical or financial assistance
- ❑ MOUs cannot be for general regulatory or enforcement purposes.

Non-USDA Partners

- Until covered by an MOU, a non-USDA Partner working on the cooperative USDA program to give technical/financial assistance can have access to producer information by signing Attachment C – Certification of NRCS Conservation Cooperator

Non-USDA Partners

- Currently working on MOUS:
 - US Fish and Wildlife Service
 - US Army Corps of Engineers
 - Pheasants Forever
 - SDACD
 - SD Historic Preservation Office (SHPO)

Attachment C Database

- ❑ We will be working on a database on the shared drive or Sharepoint listing those people who have signed Attachment C
- ❑ This will allow people to cross county/office boundaries

Conservation Districts

- All CD Board members and employees with access to producer information must sign Attachment C until such time that the Cooperative Working Agreement with each District is updated covering Section 1619.

RC&D

- ❑ All non-federal RC&D employees and Council members with access to producer information must sign Attachment C until such time that the Cooperative Agreement with each Council is updated covering Section 1619.

TSP

- ❑ All TSP employees with access to producer information must sign Attachment C.
- ❑ Statewide list of TSPs who have signed will be maintained on the TSP website. More information to come from Jay Cobb.

ANY QUESTIONS???